

City of Lake Elmo
3800 Laverne Avenue North

February 17, 2009

*****VILLAGE AUAR 5:30 P.M. – 7:00 P.M.*****
7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE;
- C. ATTENDANCE: ___ Johnston ___ DeLapp ___ Emmons ___ Park ___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES:
 - 1. Consider approval of February 3, 2009 minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
 - 2. Michelle Carlson, Lake Elmo Jaycees – Presentation of check from charitable gambling
- I. CONSENT AGENDA: (Items are placed on the consent agenda by city staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
 - 3. Approve payment of disbursements and payroll
 - 4. I-94 Corridor Joint Powers Agreement
 - 5. Proposal by Urban Land Institute for City's Participation in Community Research Project

J. REGULAR AGENDA:

6. Conditional job offer to Brittnie Cunnien, Jason Sinclair, Tom Steinman and Andrea Friedrich
7. Extend a Deadline for the Removal of Vehicles from 5699 Keats Avenue
8. Planning Commission Work Plan
9. 2009-2013 Street Capital Improvement Program (CIP): Authorization to proceed on the 2009 street improvement feasibility report
10. Selection process for city attorney
11. Set date to consider formal publication of final Village AUAR

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and City Council
- Administrator
- Planning Director - Update on consultant for wireless telecommunication ordinance

L. Adjourn

Lake Elmo City Council Meeting

WELCOME

If you wish to address the city council, please fill in the form and give it to the city clerk or the city administrator.

You may address the city council for up to 3 minutes.
The mayor will call upon you when it is time for you to speak during the time designated for public comments on each agenda item.

Name Ann Buchholz

Address 2301 Legion Ave

What item # and topic questions

(If your topic is not a numbered on the agenda, it will be heard at the beginning of the meeting under public comments and inquiries).

City of Lake Elmo
City Council Minutes

February 3, 2009

Mayor Johnston called the meeting to order at 7:00 p.m.

Present: Mayor Johnston and Council Members DeLapp, Emmons, Park and Smith

Also Present: Planning Director Klatt, City Attorney Filla, City Engineer Griffin,
Planning Director Klatt, Finance Director Bouthilet, City Administrator Dawson and City
Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member Smith moved to approve the February 3, 2009 City Council agenda as presented. Council Member Park moved to second the agenda. The motion passed unanimously.

ORDER OF BUSINESS:

GROUND RULES:

APPROVED MINUTES:

The January 20, 2009 minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Heather Noyes, Lake Elmo Jaycees, introduced herself as the 2009 President and gave an update on its success in 2008.

CONSENT AGENDA:

MOTION: Council Member Park moved to approve the Consent Agenda as presented. Council Member Smith second the motion. The motion passed unanimously.

- Approve payment of disbursements and payroll in the amount of \$106,907.57
- Approve agreement with Molly Krakowski to serve as the Income Determination Consultant for the CDBG Gas Line Replacement Project
- Accept donations for the Fire Department's Polaris Ranger

REGULAR AGENDA:

Consider request from the St. Croix Valley Community Foundation

The City Council was asked to fund an art survey done in the greater St. Croix Valley communities. The purpose of this study is to explore the viability of creating or sharing space to meet the need of cultural organization in the region and satisfy the growing needs of the cultural community.

MOTION: Council Member Park moved to approve the request for funding (\$1,844 based on a per capita formula) by the St. Croix Valley Foundation. Council Member Emmons second the motion. The motion passed 4-1 (Council member DeLapp voting against the motion).

Appoint commissioners to existing vacancies on the planning and park commissions

The City Council was asked to make appointments to the Planning Commission and to the Parks Commission.

Current Commissioners Mark Deziel (term expired 12/31/08) and Jennifer Pelletier (term expires 1/31/09) have not reapplied for another term. Commissioner Ben Roth (term expires 12/31/11) has resigned resulting in the vacancy of three Full-Voting Member positions.

Commissioner Bob Helwig applied for a 1-year term (new Term expires 12/31/09) and Julie Fliflet applied for a 3-year term as Full Voting Members.

The following candidates were interviewed. Joan Ziertman, Larry Green, Todd Williams, Steve Britz, Tom Bidon and Saleh Van Erem.

Planning Commission:

MOTION: Council Member DeLapp moved to appoint Julie Fliflet and Bob Helwig and move the First Alternate Todd Ptacek and Second Alternate Mike Pearson to Full-voting members for 3-year terms on the Planning Commission. Council Member Emmons second the motion.

MOTION: Council Member Smith moved to amend the motion to reappoint Julie Fliflet to a 3-year term and move the First (Ptacek) and Second (Pearson) Alternates to Full-Voting members for 3-year terms on the Planning Commission. Council Member Park second the motion. The motion passed 3-2 (Council Members DeLapp and Emmons voting against the motion).

MOTION: Council Member DeLapp moved to reappoint Julie Fliflet to a 3-year term and move First Alternate Todd Ptacek to finish Ben Roth's term and Second Alternate Mike Pearson to Full-Voting Members for 3-year terms on the Planning Commission. Council Member Emmons second the motion. The motion passed unanimously.

MOTION: Council Member Park moved to consider Bob Helwig with the pool of the six candidates. Council Member Smith second the motion. The motion passed 3-2 (Council Members DeLapp and Emmons voting against the motion).

MOTION: Council Member DeLapp moved to amend the motion to consider Bob Helwig separately rather than in the candidate pool. Council Member Emmons second the motion. The motion failed 2-3 (Mayor Johnston and Council Members Park and Smith voting against the motion).

Council Member DeLapp suggested voting by a show of hands instead of voting by paper ballots so the public can immediately see the vote.

MOTION: Mayor Johnston moved to follow the past practice of the established voting procedure using paper ballots. Council Member Park second the motion. The motion passed 4-1 (Council Member DeLapp voting against the motion).

The Council voted by paper ballot and the following were appointed to the Planning Commission: Saleh Van Erem appointed as a Full-Voting Member for a 3-year term, Joan Ziertman as a Full-Voting Member for a 1-year term (finishing off Bob Helwig's term), Tom Bidon as First Alternate and Steve Britz as Second Alternate.

Park Commission:

MOTION: Council Member Smith moved to reappoint Rolf Larson to a 3-yr term as a Full-Voting Member on the Park Commission. Council Member Park second the motion. The motion passed unanimously.

Final action related to a wireless telecommunications tower permit for 9057 Lake Jane Trail N.

Planning Director Kyle Klatt reported the City Council was being asked to take final action on the proposed wireless communications tower permit submitted by FMHC Corporation and the property owners Dan and Jean Olinger to install a new communications tower at 9057 Lake Jane Road North.

A letter from FMHC was received clarifying T-Mobile's position concerning its willingness to revise the final design and height of the tower. The applicant refused to allow the City additional time for making a decision on the application.

Based on the Council authorization on January 28, 2009, the City engaged the services of The Center for Municipal Solutions to perform a review of the application and the City's

draft findings. CMS provided its report to the City on Monday afternoon (February 2nd) that in its opinion the need for this facility, the height and the location had not been justified as required in the City's ordinances to minimize adverse visual effects of towers, antennae or accessory equipment. The report and draft resolutions were made available to the Council at the meeting.

Pat Conlin, FMHC representative, sent an email refuting CMS claims stating the information provided from Richard Comi, CMS, did not reflect the amount of information or specifics that have been provided to City staff and the Council through the application review period.

Mark Holm, T-Mobile, 8000 W. 78th St., Edina, stated the 110-foot tower compromise proposal is as low as it can go to cover the entire Lake Jane area. A 90-foot tower would not work. T-Mobile could design the tower for additional canisters to hold additional carriers.

Joe Kiesling, 9359 Jane Road N., said he was in favor of the tower because the cell phone coverage is terrible. He pointed out there are other cell phone towers along Hwy 36 from Hilton Trail to Lake Elmo Avenue that are not noticeable now because they have been there for a while.

Justin Bloyer, 8881 Jane Road N., spoke in favor of the tower.

Tom Mechelke, 9090 Jane Road N., agreed with the CMS recommendation.

Chris Cunningham, 9385 Lake Jane Trail, said she live in a dead zone and has to run to the end of her driveway to pickup a call. She asked the Council to approve the application.

Jim Blackford, 9765 45th Street N., stated the City is not against cell phone towers, but the City needs them in the right places with the right designs so they don't impair views in the City.

Council Members DeLapp, Emmons and Smith agreed that the visual aesthetics of a 125-foot tower was a high priority. They wanted to understand what the true needs are and wanted documentaton of those needs.

Mayor Johnston stated he thought the City has taken the aesthetic argument to an illogical extreme and had talked to residents who believed that the modified design is perfectly acceptable. The modified design was a 110-foot monopole design that T-Mobile was willing to construct as a compromise. He had a problem with the City taking a business arrangement away from a resident.

Mayor Johnston voiced his objections to the hiring of the consulting firm, CMS.

Council Member Park said no matter why T-Mobile chose the Olinger property, the T-Mobile application conformed to the City's ordinance.

MOTION: Council Member Park moved to exempt T-Mobile from the wireless telecommunication tower moratorium. Council Member Smith second the motion. The motion failed 2-(3 Council Members DeLapp, Emmons and Smith voting against the motion).

Planning Director Klatt stated the City would still be willing to work with T-Mobile on a wireless tower application. The City currently has a one-year moratorium in place on such applications, but could have the ordinance revised by this summer.

MOTION: Council Member Smith moved to adopt Resolution No. 2009-05, A resolution denying application from T-Mobile for a 125-foot monopole wireless telecommunication tower on property located at 9057 Lake Jane Trail (Olinger Property) with an addition on Page 4, L. acknowledging FMHC submitting a memo in response to the Comi Report (FMHC Responsive Memo). Council Member DeLapp second the motion. The motion passed 3-2(Mayor Johnston and Council Member Park voting against the motion).

The meeting was adjourned at 10:37 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

City Council
Date: 02/17/2009
CONSENT
Item: ~~2~~3

ITEM: Approve disbursements in the amount of \$133,637.39

SUBMITTED BY: Tom Bouthilet, Finance Director

<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 8,111.20	Payroll Taxes to IRS 02/12/09
ACH	\$ 1,165.17	Payroll Taxes to Mn Dept. of Revenue 02/12/09
DD2043-DD2075	\$ 20,876.49	Payroll Dated 02/12/2009 (Direct Deposit)
33835-33845	\$ 19,776.67	Payroll Dated 02/12/2009 (Payroll & Benefits)
33846-33910	\$ 83,707.86	Accounts Payable Dated 02/17/2009

Total: \$ 133,637.39

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the amount of \$ 133,637.39

Accounts Payable

Checks for Approval

User: julie

Printed: 02/12/2009 - 1:05 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33853	02/17/2009	Park Dedication	Other Park Ded Prof Services	Design Forum Inc	2,500.00
33866	02/17/2009	Sewer	Sewer Utility - Met Council	Metropolitan Council	1,068.66
33849	02/17/2009	General Fund	Software Support	City of Roseville	1,722.33
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	1,272.70
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	659.39
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	724.50
33882	02/17/2009	General Fund	Office Supplies	Sam's Club	170.82
33882	02/17/2009	General Fund	Office Supplies	Sam's Club	25.28
33882	02/17/2009	General Fund	Office Supplies	Sam's Club	9.08
33893	02/17/2009	General Fund	Software Support	VISA	114.95
33889	02/17/2009	General Fund	Repairs/Maint Eqpt	Tempest Technology	30.53
33881	02/17/2009	General Fund	Office Supplies	S&T Office Products, Inc.	399.01
33881	02/17/2009	General Fund	Office Supplies	S&T Office Products, Inc.	8.48
33880	02/17/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	340.80
33880	02/17/2009	General Fund	Repairs/Maint Bldg	Diane Rud	255.60
33880	02/17/2009	General Fund	Use Tax Payable	Diane Rud	-36.40
33887	02/17/2009	General Fund	Miscellaneous	Dana & Sheila Smith	205.49
33875	02/17/2009	General Fund	Miscellaneous	Gary Peterson	284.11
33860	02/17/2009	General Fund	Miscellaneous	Michael Krings	420.00
33850	02/17/2009	General Fund	Miscellaneous	Roger Columbo	56.05
33884	02/17/2009	General Fund	Miscellaneous	Kelly Schmidt	328.79
33886	02/17/2009	General Fund	Miscellaneous	Tom Skalbeck	457.14
33868	02/17/2009	General Fund	Miscellaneous	Michael & Julie Nelson	534.28
33876	02/17/2009	General Fund	Miscellaneous	Richard Posel	470.90
33848	02/17/2009	General Fund	Miscellaneous	Father John Burns Carmelite Monestary	332.50
33896	02/17/2009	General Fund	Miscellaneous	Linda & Glen Williamson	184.94
33857	02/17/2009	General Fund	Miscellaneous	Dean & Janet Hill	472.50
33888	02/17/2009	General Fund	Miscellaneous	St Croix Valley Comm Fndtion	1,844.00
33877	02/17/2009	General Fund	Cable Operation Expense	Steven Press	58.58
33877	02/17/2009	General Fund	Use Tax Payable	Steven Press	-3.58
33894	02/17/2009	General Fund	Miscellaneous	Washington Conservation Dist.	300.00
33851	02/17/2009	General Fund	Miscellaneous	Compensation Consultants, Ltd	40.00
33909	02/17/2009	General Fund	Office Supplies	Petty Cash	91.67

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33909	02/17/2009	General Fund	Conferences & Training	Petty Cash	45.00
33909	02/17/2009	General Fund	Repairs/Maint Bldg	Petty Cash	31.57
33909	02/17/2009	General Fund	Miscellaneous	Petty Cash	15.27
33909	02/17/2009	General Fund	Office Supplies	Petty Cash	15.46
33872	02/17/2009	General Fund	Small Tools & Minor Equipment	Northern Tool & Equipment Co.	175.60
33895	02/17/2009	Water	Repairs/Maint Imp Not Bldgs	Water Conservation Services In	223.20
33862	02/17/2009	General Fund	Conferences & Training	League of MN Cities	285.00
33856	02/17/2009	Water	Chemicals	Hawkins, Inc.	894.02
33867	02/17/2009	Water	Repairs/Maint Imp Not Bldgs	Miller Excavating, Inc.	4,254.22
33867	02/17/2009	General Fund	Sand/Salt	Miller Excavating, Inc.	345.81
33878	02/17/2009	General Fund	Public Notices	RiverTown Newspaper Group Corp	32.45
33878	02/17/2009	General Fund	Public Notices	RiverTown Newspaper Group Corp	41.30
33863	02/17/2009	General Fund	Repairs/Maint Contractual Eqpt	Loffler Companies, Inc.	95.30
33863	02/17/2009	General Fund	Use Tax Payable	Loffler Companies, Inc.	-5.82
33879	02/17/2009	General Fund	Printed Forms	Rogers Printing Services, Corp	5.00
33879	02/17/2009	Water	Printed Forms	Rogers Printing Services, Corp	984.39
33864	02/17/2009	Capital Aquisitions	Buildings and Structures	Menards - Oakdale	85.64
33898	02/17/2009	General Fund	Repairs/Maint Bldg	Yocum Oil Company, Inc.	319.50
33898	02/17/2009	General Fund	Repairs/Maint Bldg	Yocum Oil Company, Inc.	159.75
33864	02/17/2009	General Fund	Small Tools & Equipment	Menards - Oakdale	34.51
33864	02/17/2009	Capital Aquisitions	Buildings and Structures	Menards - Oakdale	-15.63
33864	02/17/2009	General Fund	Repairs/Maint Bldg	Menards - Oakdale	127.83
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	28.25
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	43.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	56.25
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	18.50
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	70.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	19.50
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	16.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	23.51
33865	02/17/2009	General Fund	Equipment Parts	Metro Fire	390.00
33855	02/17/2009	General Fund	Repairs/Maint Eqpt	Emergency Apparatus Maint. INC	1,072.17
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	36.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	25.60
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	7.79
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	58.50
33908	02/17/2009	General Fund	PERA Withholding	PERA	10.00
33910	02/17/2009	Capital Aquisitions	Office Equipment & Furnishings	Tierney Bros.	2,421.43
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	591.01
33897	02/17/2009	Sewer	Electric Utility	Xcel Energy	64.04
33897	02/17/2009	General Fund	Street Lighting	Xcel Energy	28.23
33897	02/17/2009	General Fund	Street Lighting	Xcel Energy	31.21
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	1,052.06
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	2,472.14
33897	02/17/2009	General Fund	Street Lighting	Xcel Energy	26.18

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	9.17
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	450.42
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	9.20
33897	02/17/2009	Water	Electric Utility	Xcel Energy	302.86
33897	02/17/2009	General Fund	Street Lighting	Xcel Energy	39.73
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	286.21
33897	02/17/2009	Sewer	Electric Utility	Xcel Energy	17.42
33897	02/17/2009	Sewer	Electric Utility	Xcel Energy	2.37
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	905.87
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	370.64
33897	02/17/2009	General Fund	Street Lighting	Xcel Energy	112.04
33897	02/17/2009	General Fund	Street Lighting	Xcel Energy	26.46
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	46.47
33897	02/17/2009	General Fund	Electric Utility	Xcel Energy	5,941.72
33897	02/17/2009	Water	Electric Utility	Xcel Energy	221.08
33897	02/17/2009	General Fund	Street Lighting	Xcel Energy	10.25
33890	02/17/2009	Water	Utility System Maintenance	Twin City Water Clinic, Inc.	65.00
33858	02/17/2009	General Fund	Repairs/Maint Eqpt	HSBC Business Solutions	96.06
33904	02/17/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	28.68
33904	02/17/2009	General Fund	Uniforms	Aramark, Inc.	34.36
33846	02/17/2009	General Fund	Uniforms	Aramark, Inc.	34.36
33846	02/17/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	37.23
33846	02/17/2009	General Fund	Uniforms	Aramark, Inc.	34.36
33846	02/17/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	74.13
33846	02/17/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	24.23
33846	02/17/2009	General Fund	Uniforms	Aramark, Inc.	36.14
33907	02/17/2009	General Fund	Contract Services	McCombs Frank Roos Assoc Inc.	3,811.20
33852	02/17/2009	General Fund	Telephone	CP Telecom, Corp	526.88
33852	02/17/2009	General Fund	Telephone	CP Telecom, Corp	442.68
33871	02/17/2009	General Fund	Sand/Salt	North American Salt Company	5,592.97
33871	02/17/2009	General Fund	Use Tax Payable	North American Salt Company	-341.36
33871	02/17/2009	General Fund	Sand/Salt	North American Salt Company	10,154.98
33871	02/17/2009	General Fund	Use Tax Payable	North American Salt Company	-619.79
33869	02/17/2009	General Fund	Legal Publishing	Lillie Suburban Newspapers Inc.	25.88
33869	02/17/2009	General Fund	Legal Publishing	Lillie Suburban Newspapers Inc.	22.50
33870	02/17/2009	General Fund	Telephone	Nextel Communications	107.03
33870	02/17/2009	General Fund	Telephone	Nextel Communications	162.14
33870	02/17/2009	General Fund	Telephone	Nextel Communications	29.19
33870	02/17/2009	General Fund	Telephone	Nextel Communications	105.74
33870	02/17/2009	General Fund	Telephone	Nextel Communications	84.42
33905	02/17/2009	General Fund	Repairs/Maint Eqpt	Emergency Automotive Technology Inc.	480.75
33883	02/17/2009	General Fund	Repairs/Maint Bldg	Schlomka	223.20
33847	02/17/2009	General Fund	Uniforms	Aspen Mills, Inc.	30.95
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	44.60
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	18.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	16.40
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	29.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	113.40
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	21.50
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	25.85
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	28.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	28.00
33859	02/17/2009	General Fund	Contract Services	Kern DeWenter Viere Ltd	2,063.25
33874	02/17/2009	General Fund	Contract Services	Gopher State One-Call One Call Concept	134.80
33891	02/17/2009	General Fund	Miscellaneous Revenue	United States Treasury	10,541.52
33854	02/17/2009	General Fund	Equipment Parts	Ditch Witch of Mn, Inc.	60.81
33892	02/17/2009	General Fund	Telephone	USA Mobility Wireless, Inc.	39.87
33873	02/17/2009	Water	Water Meters & Supplies	Northern Water Works Supply IN	893.84
33906	02/17/2009	General Fund	Miscellaneous	Karen Richtman	7,500.00
33885	02/17/2009	General Fund	Miscellaneous	Schwaab, Inc.	38.86
Total for this Date:					83,707.86
Report Total:					83,707.86

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	16.40
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	29.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	113.40
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	21.50
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	25.85
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	28.00
33861	02/17/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	28.00
33859	02/17/2009	General Fund	Contract Services	Kern DeWenter Viere Ltd	2,063.25
33874	02/17/2009	General Fund	Contract Services	Gopher State One-Call One Call Concept	134.80
33891	02/17/2009	General Fund	Miscellaneous Revenue	United States Treasury	10,541.52
33854	02/17/2009	General Fund	Equipment Parts	Ditch Witch of Mn, Inc.	60.81
33892	02/17/2009	General Fund	Telephone	USA Mobility Wireless, Inc.	39.87
33873	02/17/2009	Water	Water Meters & Supplies	Northern Water Works Supply IN	893.84
33906	02/17/2009	General Fund	Miscellaneous	Karen Richtman	7,500.00
33885	02/17/2009	General Fund	Miscellaneous	Schwaab, Inc.	38.86
Total for this Date:					83,707.86
Report Total:					83,707.86

City Council
Date: February 17, 2009
Consent Agenda
Item: 5
Motion

ITEM: Proposal by Urban Land Institute for City's Participation
In Community Research Project

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED:

This item was on the agenda for the Council's January 20, 2009, meeting, but was not addressed as the Council adjourned the meeting before taking it up. The Urban Land Institute (ULI) had indicated that it needed an indication by a few days after that meeting if the City would be interested in participating. Given the timeliness needed of the City, Mayor Johnston contacted the ULI and indicated that the City would be interested in participating. As the ULI staff is eager to begin work on this project, it is appropriate for the Council to affirm the City's participation.

BACKGROUND: Please review the attached report, which was the material in the Council's January 20 agenda packet.

RECOMMENDATION: It is recommended that the City Council affirm its interest in participating in the ULI study.

SUGGESTED MOTION FOR CONSIDERATION

Move to affirm the City's participation in the Urban Land Institute's study regarding the development of common understandings regarding development.

ATTACHMENTS:

Agenda report for January 20, 2009, meeting
--Staff memorandum
--ULI's letter/proposal to the City (December 17, 2008)

City Council
Date: January 20, 2009
REGULAR
Item: 10.
Motion

ITEM: Proposal by Urban Land Institute for City's Participation in Community Research Project

SUBMITTED BY: Craig W. Dawson, Interim City Administrator



SUMMARY AND ACTION REQUESTED:

The Urban Land Institute, in conjunction with the Family Housing Fund and the Citizens League, has invited the City of Lake Elmo to participate in a project for "creating a protocol for citizens to reach a common understanding of the costs and benefits of development". Three cities will be selected to participate, and each will have discussion groups of 10 to 12 residents. The City's obligations are fairly limited, as identified in the invitation to participate (attached). The City Council should decide whether to Lake Elmo should participate in the project.

BACKGROUND: The proposal (attached) is fairly short and self-explanatory. The ULI and its partners have received funding from the Lincoln Land Institute. The goal of the project is to develop "a practice that, over time, will create a culture around problem-solving for the common good and enlightened self-interest: 1) enabling cities to move forward in meeting changing needs; and 2) with less acrimony and cost." Three selected cities will participate, and the ULI report will identify common themes and findings. A recent development project in each city will be the basis for discussion for each group. Results from individual cities will be shared privately with those cities. The model is similar to one used by the Citizens League in its recent study about property taxes.

RECOMMENDATION: It is recommended that the City Council state that it is interested in participating in the ULI study.

SUGGESTED MOTION FOR CONSIDERATION

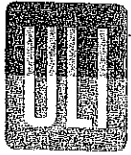
Move to approve the City's participation in the Urban Land Institute's study regarding the development of common understandings of development.

ATTACHMENTS:

Urban Land Institute's Letter/Proposal to the City (December 17, 2008)

ORDER OF BUSINESS:

- Introduction
- Report by staff
- Questions from City Council members to staff
- Questions/comments from the public to the City Council
- Action on motion



Urban Land Institute

Minnesota

Executive Committee

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 Colleen Carey, Assistant Chair & Treasurer
 Sarah Harris, Immediate Past Chair
 Merrie Sjogren, YLG Chair
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Caren Dewar, Executive Director
 Pat Arnst, District Council Coordinator

Regional Council of Mayors

James Hovland, Edina, Co-chair
 Elizabeth Kautz, Burnsville, Co-chair
 Susan Banovetz, Vadnais Heights
 John Bergeson, Lino Lakes
 Chris Coleman, Saint Paul
 Holly Dahl, Lakeville
 William Droste, Rosemount
 Tom Furlong, Chanhassen
 Randy Gilbert, Long Lake
 Debbie Goettel, Richfield
 Mary Hamann-Roland, Apple Valley
 Bill Hargis, Woodbury
 Stan Harpstead, Arden Hills
 Jack Haugen, Prior Lake
 Mary Hershberger Thun, Victoria
 Jeff Jacobs, Saint Louis Park
 Dean Johnston, Lake Elmo
 Craig Klausling, Roseville
 Steve Lampl, Brooklyn Park
 Steve Larson, New Brighton
 Peter Lindstrom, Falcon Heights
 Mike Maguire, Eagan
 Sandy Martin, Shoreview
 Rob Marty, Mounds View
 Nick Ruehl, Excelsior
 Tom Ryan, Blaine
 R. T. Rybak, Minneapolis
 Mark Steffenson, Maple Grove
 John Sweeney, Maple Plain
 Gene Winstead, Bloomington
 Phil Young, Eden Prairie

December 17, 2008

Mr. Craig Dawson
 City Administrator
 City of Lake Elmo
 3800 Laverne Avenue N
 Lake Elmo, MN 55042

Dear Mr. Dawson:

The Urban Land Institute, the Family Housing Fund and the Citizens League invite the City of Lake Elmo to participate in a project of national importance: **Creating a protocol for citizens to reach a common understanding of the costs and benefits of development.**

As the economy and demographics change, cities must change too, but the need for change can be difficult for many to accept. Development projects or plans that are proposed with the intent of serving a greater municipal and/or regional good can be controversial and often are opposed by residents. As a result, cities struggle through bitter and divisive decision-making processes.

Our three organizations have teamed up with the goal of developing a practice that, over time, will create a culture around problem-solving for the common good and enlightened self-interest: 1) enabling cities to move forward in meeting changing needs; and 2) with less acrimony and cost. The importance of this project has been recognized by the Lincoln Land Institute, which has selected it for funding. The results of this project will therefore be published and shared nationally. The project proposal is attached (please

note that it is written using the funders' language and terms).

As noted in the proposal, discussion groups of ten to twelve residents will be convened in three cities of varying size, degree of development, and political values. Residents will be selected for their knowledge of a recently completed controversial development. An actual, recent development project will be used as the basis of discussion for three reasons: 1) so that residents have an experiential base from which to share their views (which yields far more useful information than a theoretical discussion); 2) because evidence will exist for exploring the actual versus perceived costs and benefits; 3) to eliminate any motives that may derive from influencing the outcome of a current development decision. The lessons from each group will be compared to identify common themes and findings. Lessons from individual cities will be shared privately with those cities.

We hope that your city will participate. Participating cities will be expected to:

1. Recruit participants by telephone (the Citizens league will assist and prepare all materials) and arrange for a suitable location for meetings.
2. Participate in pre-meeting survey (anonymously).
3. Provide information as requested about the development and/or citizen involvement process.
4. City staff may choose to attend the citizen meetings, but will participate only if specific questions arise.
5. Participate in a debriefing with all three cities to discuss lessons and next steps.

Just one note: The Citizens League conducted a similar project on property taxes. In the process, a notable, sometimes quite remarkable, improvement in citizens' attitudes toward county government occurred. The Citizens League believes that respectful meaningful processes are fundamental to improving trust in government.

We believe your time will be very well spent. If you would like to participate, please contact Caren Dewar at 612.759.1016 or caren.dewar@ull.org. If you have questions, please contact Stacy Becker at 651.646.5288.

Thanks for your consideration. We hope to get going right after the holidays.

Sincerely,


Caren Dewar

Cc: Sean Kershaw, Executive Director, Citizens League
Elizabeth Ryan, Family Housing Fund
Stacy Becker, Project Director

LINCOLN INSTITUTE OF LAND POLICY

TOWARD A CITIZENS' LEXICON AND PROTOCOL FOR UNDERSTANDING DEVELOPMENT COSTS AND BENEFITS

Economic and community development decisions are among the most contentious of those made by local public officials. Costs and benefits fall unevenly. Equally important for decision-making, the *perceived* distribution of costs and benefits varies considerably— from City Hall, to immediate neighbors, to regional interests, developers, end users and advocates. The lack of a commonly understood set of costs and benefits often results in divisive and protracted battles as perceived interests clash. Moving to a "race to the top" strategy from a "race to the bottom" strategy may be intended to change the quality and nature of investments, but if improved decision-making processes do not accompany it, the strategy may not succeed.

Development and redevelopment decisions are wrapped in the esoteric rules of diverse fields such as finance, transportation, housing, education, and land use planning. As such, the complex rationale behind any given set of development decisions is nearly impossible for the average citizen to understand. What citizens do understand is that their investment in their homes (which in many ways is the full expression of their values and aspirations— their self-identity, status, property rights, community, their biggest financial asset) could be impacted. Local officials often cite "residents" as a key barrier to development decisions; their solution is to "educate" residents. The typical development process includes neither a shared understanding of costs and benefits nor a protocol through which they can be explored. The processes themselves may give rise to NIMBYism.

This research project will produce findings that can be used to develop a citizens' lexicon of costs and benefits as well as a protocol for exploring them. The methodology for developing the lexicon and protocol will build on one tested by the Citizens League in its highly successful Property Tax Facts project. (See www.propertytaxfacts.mn.)

Local officials in Minnesota have struggled for years to explain the complicated property tax system to citizens. In a survey (with a 96% response rate), the Citizens League discovered that citizens overwhelmingly want to better understand the benefits of their taxes—the costs were clear but the benefits were not. Instead of assuming what taxpayers should know, the project asked participants what they wanted to know.

Turning the question "inside out" yielded important information about how to communicate a very complicated subject matter. Evaluations showed that participants learned a great deal. Moreover, attitudes changed, in some cases from hostility toward their county government to support. Based on the participants' input, a web-based information tool for school referenda was created. It was well received and well used (5,000 hits in one week; 85% of respondents said they learned some or a lot, and 54% said it influenced their vote). A more extensive web tool, for use by cities, counties and school districts, is now being developed.

This proposed research project will employ a similar methodology to answer the following questions:

- To what degree are residents' actions and views driven by self-interest? Lack of information? Different sources of information? Distrust of the process or "official" information? Broader neighborhood concerns?
- Which interests do residents identify in development projects, and what are those interests? Whose interests do they believe are the strongest and/or most impacted? Whose interests do they believe should have the greatest importance in decision-making? Whose interests are best served? Where do these interests overlap? Conflict? What factors do residents most identify with on a broader community scale—where do the self and common interests most intersect?
- What information or process would better lead to outcomes identified with the common good?

To obtain this information, discussion groups of ten to twelve residents will be convened in three cities of varying size, degree of development, and political values. Residents will be selected for their knowledge of a recently completed controversial development. An actual, recent development project will be used as the basis of discussion for three reasons: 1) so that residents have an experiential base from which to share their views (which yields far more useful information than a theoretical discussion); 2) because evidence will exist for exploring the actual versus perceived costs and benefits; 3) to eliminate any motives that may derive from influencing the outcome of a current development decision. The lessons from each group will be compared to identify common themes and findings that can form the basis for a lexicon of costs and benefits and a protocol for building a shared understanding of them with residents.

The Citizens League will conduct the project, in partnership with the individual cities, the Regional Council of Mayors formed under the Twin Cities' District Council of the Urban Land Institute, and the Family Housing Fund. The Citizens League provides an asset critical to the success of this project: credibility. It is a nonpartisan organization with no vested interest in the outcome other than improving citizen involvement processes.

The Twin Cities makes an excellent testing ground for this project. As one of the few regions with tax-base sharing and strong metropolitan governance, it has long been viewed as a region that has been able to act on a common basis. Yet it is a highly fragmented region of more than 200 cities (in the seven-county metropolitan area alone, with scores more in the broader thirteen-county MSA). At a recent Citizen League's regional policy conference, leaders from across the region expressed their top priority as building a new more proactive citizenship grounded in a regional identity.

Race to the top strategies will inevitably require some degree of regional cooperation. It is hard to imagine that the greatest net benefit would be produced by executing these strategies solely within the confines of hundreds of individual cities. In the absence of regionally understood benefits of acting in common, important investments such as those envisioned in a race to the top are less likely to be made.

ITEM: Conditional job offer to Brittnie Cunnien, Jason Sinclair, Tom Steinman and Andrea Friedrich.

SUBMITTED BY: Greg Malmquist, Fire Chief

REVIEWED BY: Craig Dawson, City Administrator
Tom Bouthilet, HR/Finance Director

SUMMARY AND ACTION REQUESTED: The city council is being asked to offer conditional job offers to Brittnie Cunnien, Jason Sinclair, Tom Steinman and Andrea Friedrich for firefighters in the department contingent on their passing physicals. They have met the requirements to this point (background check, attended three meetings, ability test and interview process). Upon successful completion of the physical they shall be placed on probation status with the fire department.

This brings the number of probationary firefighters to 7; there are currently 23 firefighters (3 of which are probationary) on the department. This will bring us to 27 (7 of which are on Probation). We are allowed 32. Compensation is \$7.04/call for probationary firefighters.

RECOMMENDATION :

Chief Malmquist recommends approval of the conditional job offers.

SUGGESTED MOTION FOR CONSIDERATION

Motion to make conditional job offer to Brittnie Cunnien, Jason Sinclair, Tom Steinman and Andrea Friedrich pending the outcome of their department physical and each will be placed on probationary status with the fire department if his physical is passed.

ORDER OF BUSINESS:

- Introduction Craig Dawson, City Administrator
- Report and introductions Greg Malmquist, Fire Chief
- Questions to presenter Mayor and Councilmembers
- Questions/comments from the Public, if any (up to 3 minutes) Mayor facilitates
- Call for a motion Mayor and Councilmembers
- Discussion Mayor and Councilmembers
- Action City Council

ITEM: **Extend a Deadline for the Removal of Vehicles from 5699 Keats Avenue**

REQUESTED BY: Rod Sessing, Appellant

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Craig Dawson, City Administrator

SUMMARY AND ACTION REQUESTED:

On November 18, 2008, the Board of Appeals heard testimony and considered facts surrounding a series of nonconformities on the property at 5699 Keats Avenue. After deliberation, the Board approved five motions to require abatement of all identified non-conformities. Two nonconformities—the parking of trailers and removal of inoperable vehicles—were to be addressed by 12/18/08. The remainder of the issues were to be addressed by June 30, 2009.

As of the deadline, the parking of trailers in front of the garage had ceased. However, deep snow and the relatively inaccessible location of the inoperable vehicles make their removal extremely difficult during the winter months. In recognition of this difficulty, the property owner emailed the City Attorney on 12/15/08 and stated that the vehicles would be removed, but the work couldn't be completed until May 15th, 2009 due to snow conditions and subsequent spring thaw. Due to miscommunication between the two parties, the appellant's request has not been brought forward for consideration by the Council until this time.

RECOMMENDATION:

Staff finds this request to be reasonable, and we are recommending that Council provide the requested extension.

ORIGINAL MOTION: Council Member Johnson made a motion that the three (3) vehicles being openly stored at 5699 Keats Avenue which are unlicensed and/or inoperable are in violation of City Code Sections 150.001, 150.003, 154.095(b) and 96.03, Subd. 11(a); and that all three vehicles should be removed from the property or be brought into conformance with code by 12/18/08 (30-days). Council Member Park seconded the motion. Mayor Johnston and Council Members Johnson, Park and Smith voted in favor of the motion and Council Member DeLapp voted against.

Approval of this appeal would officially amend the above motion to extend the deadline for conformance regarding the vehicles to May 15, 2009. If Council denies the appeal, the City could begin to prosecute this matter through the court system.

Please note that staff is already set to conduct spring inspections to monitor progress on the mitigation of other outdoor storage issues. This change, if approved, will not result in additional staff time expenditures.

Ben Gozola City of Lake Elmo,

2-10-09

As I emailed Jerry Filla last year stating that I was unable to remove or move the two vehicles last fall due to early snow in December, I also stated that I would have them removed, moved and screened or stored inside by approx. May 15th 2009. I will be able to have this done by May 15th 2009

I would also like you to please send me the screening code for Rural Residential property so that I can screen what is needed to be screened for some of the deadlines the end of June. Thanks Rod Sessing

City Council
Date: Feb. 17, 2009
Consent
Item: 4
Motion

ITEM: I-94 Corridor Joint Powers Agreement

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: The City Council reviewed the draft joint powers agreement (JPA) for this proposed commission at its February 10, 2009, work session. The regional railroad authorities of Washington County and Ramsey County have asked for any comments on the draft JPA and an indication of the City's intent to participate in the Commission by February 13 (or as close to that date as possible). In its discussion, the Council believed it was in the City's interest to participate, and did not have further comments on the proposed terms in the draft JPA.

The Council should take formal action to state its plan to participate in the Commission.

BACKGROUND: The background for this item is summarized in the one-page staff memorandum for the February 10 work session (attached).

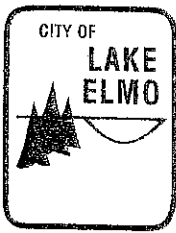
RECOMMENDATION: Staff recommends that the Council relate its intent to participate in the I-94 Corridor Commission to the Washington County Regional Railroad Authority.

SUGGESTED MOTION FOR CONSIDERATION

Move that the City Council state its intent to participate in the I-94 Corridor Commission, and to be a party to the joint powers agreement to establish the Commission.

ATTACHMENTS:

Staff memorandum for February 10 work session
Draft of I-94 Corridor Commission joint powers agreement (JPA)



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

MEMORANDUM

TO: City Council
FROM: Craig W. Dawson, Interim City Administrator
DATE: February 5, 2009
SUBJECT: I-94 Corridor Joint Powers Agreement (Work Session Item #4)

Background: Efforts by numerous parties, primarily with the lead taken by Washington and Ramsey counties, resulted in the designation of I-94 as a transitway corridor in the Metropolitan Council's 2030 Transportation Policy Plan. The specific form of transit – light rail transit (LRT), busway, bus rapid transit (BRT), or commuter rail – is not identified in the plan, but rather all of these forms of transit and others will be considered.

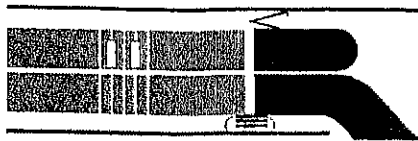
Purpose: To get started on the planning process, the Washington County Regional Railroad Authority and the Ramsey County Regional Railroad Authority have drafted a joint powers agreement (JPA) to create the I-94 Corridor Commission. The Commission would be the forum for “collaborative planning of multi-modal transportation improvements along the Corridor and for the related land use and development impacts.” Those invited to be parties to the JPA are the regional railroad authorities, the eight cities, and the one township along the Corridor from the Union Depot in Saint Paul to the Saint Croix River.

In speaking with Washington County staff, the Commission will be formed of the regional railroad authorities and of those municipalities that wish to join. It is not necessary for all of the municipalities along the corridor to become members in order for the Commission to be established.

Highlights of the JPA : The JPA is straightforward and the obligations of the municipalities are relatively few. There will be two types of members: Financial Parties (the two regional railroad authorities), and Non-financial Parties (all of the member cities/township). The financial parties shall each have two votes, and each non-financial party shall have one vote on the Joint Powers Board. The non-financial parties would have no financial obligations unless the JPA is amended, and any amendment needs unanimous approval by the parties (both financial and non-financial). As drafted, all actions of the Commission's Board requiring the expenditure of funds would need a simple majority of the members and the unanimous vote of the financial members. Essentially, the only obligation of any municipality is to invest the time to participate in the Commission's activities.

Discussion by Council: The regional railroad authorities have asked for comments on the draft JPA and an indication of the city's intent to participate by February 13. Given the late date we received this communication, the first date that the City Council can take any formal action is February 17. This item will be placed on the agenda for the Council's February 17 meeting.





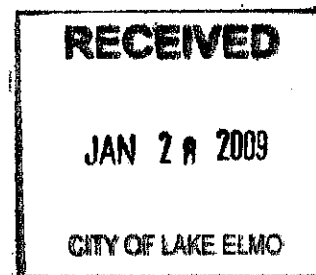
RAMSEY COUNTY REGIONAL RAILROAD AUTHORITY

Washington
County



January 22, 2009

Mayor Dean Johnston
City of Lake Elmo
3800 Laverne Avenue N.
Lake Elmo, MN 55042



I-94 Corridor Joint Powers Agreement

Dear Mayor Johnston:

On January 14, 2009, the Metropolitan Council adopted its 2030 Transportation Policy Plan. This plan identifies the need to have a more balanced transportation system that includes the completion of multiple transitway corridors. One of the corridors identified for future analysis is the I-94 Corridor. This Corridor is identified as a possible light rail, bus rapid transit, or commuter rail corridor to be determined pending the completion of an Alternatives Analysis for the Corridor. The Regional Railroad Authorities of Ramsey and Washington County have anticipated the adoption of this plan and have met to discuss ways to advance transportation improvements in the I-94 Corridor from the Union Depot in downtown St. Paul east through Washington County. With the endorsement of their Boards, a draft joint powers agreement (JPA) was developed to formalize the I-94 Corridor Commission. A copy of the draft agreement is being distributed to each eligible party for their review. Following the receipt of comments on the draft JPA, a meeting will be organized to finalize the JPA. Following this meeting, all eligible parties will be requested to adopt the JPA.

As a Regional Railroad Authority, city, or township along the I-94 Corridor we request that you review and comment on this Draft Joint Powers Agreement (JPA). Establishment of a JPA is one of the initial steps necessary to position the I-94 Corridor for the receipt of federal and state funds. As drafted, this JPA will provide its members with the opportunity to join together and speak with one voice on issues concerning Corridor advocacy and analysis. Additionally, this JPA will be a significant step forward in allowing an Alternatives Analysis to be completed on the I-94 Corridor.

The timely organization of the I-94 Corridor Commission, created by the establishment of this JPA, is of added significance given the upcoming legislative session and the drafting of the next federal six-year transportation bill. Because of these opportunities to advance the Corridor, we ask that you provide an indication on whether or not your Regional Railroad Authority, City, or Township is interested in becoming a party to the JPA along with any comments you have on the agreement by February 13, 2009. Please provide this information to Michael Rogers of the Ramsey County Regional Railroad Authority, or Ted Schoenecker of Washington County. Their contact information is included at the end of this letter.

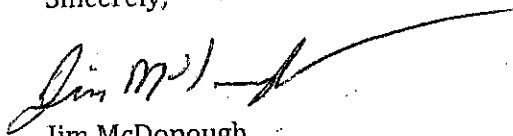
Ramsey County Regional Rail Authority
6560 Ramsey County Government Center West
50 West Kellogg Boulevard • St. Paul, MN 55102
(651) 266-2760 • FAX (651) 266-2761

Washington County Regional Railroad Authority
11660 Myeron Road North
Stillwater, MN 55082
(651) 430-4300 • FAX (651) 430-4350

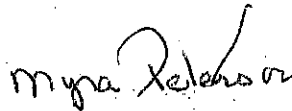
Following the receipt of comments, a meeting will be organized to bring together all those interested in adopting the Joint Powers Agreement (JPA). At this meeting the JPA will be finalized along with its funding formula so it can be distributed for approval. To aid eligible parties in their timely review of this Joint Powers Agreement, staff from the Ramsey and Washington County Regional Railroad Authorities will be available to assist you. We look forward to continuing to work with you to advance transit and transportation options along the I-94 Corridor.

If you have any questions, or would like the assistance of either of our staff please contact Michael Rogers, Senior Transportation Planner Ramsey County Regional Railroad Authority at 651-266-2773, michael.rogers@co.ramsey.mn.us, or Ted Schoenecker, Washington County Transportation Manager at 651-430-4319, ted.schoenecker@co.washington.mn.us.

Sincerely,



Jim McDonough
Chair, Ramsey County RRA



Myra Peterson
Chair, Washington County RRA

Enc.

- c: Craig Dawson, Lake Elmo City Administrator
Julie Kleinschmidt, Ramsey County Administrator
Jim Schug, Washington County Administrator
Tim Mayasich, Director, Ramsey County RRA
Don Theisen, Director Washington County Public Works/County Engineer
Mike Rogers, Senior Transportation Planner, RCRRRA
Ted Schoenecker, Transportation Manager, Washington County

**JOINT POWERS AGREEMENT
ESTABLISHING THE
INTERSTATE 94 CORRIDOR COMMISSION**

THIS AGREEMENT, is entered into by and between the undersigned Regional Railroad Authorities, Cities, and Townships all being governmental units of the State of Minnesota, pursuant to the authority contained the Minn. Statutes §§471.59 and 398A.

WITNESSETH

WHEREAS, the Interstate 94 Corridor is defined as the transitway corridor originating at the Union Depot in downtown St. Paul and traveling east through Washington County with connections to other multi-modal transportation options; and.

WHEREAS, the Interstate 94 Corridor has significant transportation safety, and land use issues; and

WHEREAS, there are opportunities for a variety of multi-modal transportation improvements to the Interstate 94 Corridor, including light rail transit, bus rapid transit, commuter rail, multi-use trails, and Intelligent Transportation Systems (ITS); and

WHEREAS, the parties wish to collaboratively plan for multi-modal transportation improvements to the Interstate 94 Corridor and for the related land use and development impacts; and

WHEREAS, the Interstate 94 Corridor Commission intends to work collaboratively with the Minnesota Department of Transportation and the Metropolitan Council for the planning and development of light rail transit, bus rapid transit, commuter rail, multi-use trails, and Intelligent Transportation Systems (ITS) in the Interstate 94 Corridor.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the parties hereto agree to as follows:

ARTICLE 1.

DEFINITIONS

Unless context otherwise requires, the terms defined in this section shall have the meanings stated herein:

Agreement means this Joint Powers Agreement as it now exists and as it may hereafter be amended.

Commission (I-94 Corridor Commission) shall mean the Joint Powers body established herein.

Party shall mean any Regional Railroad Authority, City or Township identified in Article 6 of this Agreement as eligible to participate in this Agreement and which approve and executes this Agreement.

Financial Party shall mean any financially contributing Regional Railroad Authority

Interstate 94 (I-94) Corridor shall be defined as the Interstate 94 transportation corridor originating at the Union Depot in downtown St. Paul and traveling east through Washington County.

Member shall mean an individual appointed to the Commission as provided in Article 4 of this Agreement.

ARTICLE 2.

PURPOSE

The purpose of this Agreement is to form a joint powers board under the provision of Minnesota Statutes Section 471.59 and 398.A to enable the parties to cooperatively analyze the feasibility, environmental impacts, engineering, and construction of multi-modal transportation improvements in the I-94 Corridor including light rail transit, bus rapid transit, commuter rail, multi-use trails, and Intelligent Transportation Systems (ITS) along with the associated land use and development impacts. These activities may include but not be limited to the acquisition and management of federal, state, and local funding in conjunction with the Minnesota Department of Transportation and the Metropolitan Council, and may perform any responsibilities delegated by the Commissioner of Transportation or Metropolitan Council Chair subject to the conditions that sufficient funds are received.

The Parties will communicate and coordinate the Commission's activities as necessary with private corporations, state agencies, counties, municipalities, the Federal Transit Administration, other regulatory, planning, and funding agencies, and other stakeholders for advancement of the Commission's purposes.

The method of accomplishing the purpose of this Agreement is the establishment of a Joint Powers Board to provide a mechanism whereby the Parties jointly address the need for enhanced rail transportation along the Corridor.

ARTICLE 3.

TERM

This Agreement shall be effective (the Effective Date) and the joint powers board established herein may commence exercising the powers and authorized in this Agreement on the day that the Agreement has been approved by resolution and duly executed by the Ramsey County Regional Railroad Authority and the Washington County Regional Railroad Authority by action of its governing board. This Agreement shall remain in full force and effect until terminated by the parties pursuant to Article 10 of the Agreement

ARTICLE 4.

JOINT POWERS BOARD

- A. There is hereby created a Joint Powers Board as a public entity, to be known as the I-94 Corridor Commission. The Commission shall be an entity separate from its member Parties and shall not be deemed an agent or partner of the member Parties and the member Parties shall not be liable for the actions of the Commission. The Commission shall have full authority to exercise all powers stated herein.
- B. The Commission shall consist of one Member and one alternate appointed by a Party for an initial term commencing with the execution of this Agreement until January 15, 2010. Each Member or alternate must be a member of the governing body, commission, or council which appoints him or her, and must remain so during his or her term.

- C. Thereafter, each Member and alternate shall be appointed for one-year terms, beginning January 15, by resolution of the governing body, commission, or council. In the event that any Member or alternate shall not have been appointed by January 15 in any year, the incumbent Member shall serve until a successor has been appointed. Removal of any Member or alternate during the term for which the Member has been appointed may be done at any time, but shall be done only by resolution of the appointing governing body, commission, or council.

ARTICLE 5.

VOTING

Board voting shall be allocated so that each Financial Party receives two (2) votes and each Party that is not a Financial Party receives one (1) vote.

- A. In the event that the appointed Member is not present at the meeting, their alternate may cast all of their Party's allocated votes.
- B. All actions of the Board require the following:
- a. A simple majority vote of the Board
 - b. A simple majority vote of the Financial Members present
- C. All actions of the Board involving the expenditure of funds require the following in addition to those items listed in Article 5.B:
- a. A unanimous vote of the Financial Members

A simple majority is defined as more than fifty percent (50%) of the Party members present at a meeting.

ARTICLE 6.

MEMBERSHIP

The government units that are eligible for participation in this Commission upon adoption of this agreement by resolution and duly executed by their respective governmental units on or before December 31, 2009 include:

- A. Financial Parties
- a. Ramsey County Regional Railroad Authority
 - b. Washington County Regional Railroad Authority
- B. Non-financial Parties
- a. City of St. Paul
 - b. City of Maplewood
 - c. City of Landfall
 - d. City of Oakdale
 - e. City of Woodbury
 - f. City of Lake Elmo
 - g. City of Afton
 - h. City of Lakeland
 - i. Town of West Lakeland

- C. An entity identified in this Article 6 which does not elect to become a Party by December 31, 2009, may become a Party only by amendment to this Agreement pursuant to Article 11 hereof.
- D. Additional Parties may become members of the Commission by amendment to the Agreement pursuant to Article 11 hereof.
- E. Following the initial term, Commission membership terms shall commence on January 15 of a calendar year and end on January 14 of the next succeeding year, or until a successor is appointed.

ARTICLE 7.

POWERS OF COMMISSION

The Commission has such authority as is necessary and proper to make all decisions to carry out its purpose as described in Article 2. Such powers shall be subject to the provisions of Minn. Stat. § 471.59 and 398.A and will include, but not be limited to, any or all of the following powers to the extent provided by law or not otherwise limited by this Agreement.

- A. Adopt an annual budget, together with a statement of the sources of funding and an estimate of the amounts required of each Financial Party.
- B. Enter into transactions, including contracts or leases, required in furtherance of this Agreement and statutory mandate, and enforce such transactions to the extent available in equity or at law. The contracting and purchasing requirements of one party designated by the Commission shall apply hereto. The Commission may approve any contract relating to this Agreement up to the amount approved in the annual budget, and may authorize the Chair of the Commission to execute those contracts.
- C. The Commission shall have the power to adopt such by-laws and any amendments that it may deem necessary or desirable for the conduct of its business. Such by-laws shall be consistent with this Agreement and any applicable laws or regulations. The by-laws may provide for the appointment of ex officio, non-voting members to the Board by the Commission. The by-laws shall be effective only if approved by unanimous vote of all Financial Parties.
- D. Apply for and accept gifts, grants, loans of money, other property, or assistance on behalf of the contracting parties from the United States government, the State of Minnesota, or any person, corporation, partnership, association, or agency public or private for any of its purposes. Including any grant which may be available, enter into any agreement in connection therewith, and hold, use and dispose of such money, other property, and assistance in accordance with the terms of the gifts, grants, or loans relating thereto.

- E. Acquire and hold such real and personal property as may be required to accomplish the purposes of this Agreement and, upon termination of this Agreement, make distribution of such property as is provided for in this Agreement.
- F. Employ agents and employees, and to fix the compensation and all other terms and conditions of employment thereof.
- G. Incur debts, liabilities, or obligations which do not constitute a debt of any of the Parties. The Joint Powers Board does not have authority to incur debts, liabilities, or obligations which constitute a debt of any of the Parties.
- H. Enter into agreements and non-binding memoranda of understanding between the Commission and the United States government, the State of Minnesota, or any person, corporation, partnership, association, or agency, public or private in accordance with applicable law.
- I. Sue and be sued in its own name.

All powers granted herein shall be exercised by the Commission in accordance with the legal requirements applicable to the regional railroad authorities.

ARTICLE 8. OFFICERS, EMPLOYEES, AND SERVICES

A. Chair and Vice-Chair

The Commission shall elect a Chair and Vice-Chair from its membership at its first regular meeting each year. The Chair and Vice-Chair shall be elected by the Commission from its membership for a term of one (1) year. The Chair shall preside at all meetings of the Commission, may establish such subcommittees as may be needed from time to time and shall perform other duties and functions as may be determined by the Commission. The Vice-Chair shall assume the duties of the Chair during the absence of the Chair and perform such other duties as may be determined by the Commission. If both the Chair and Vice-Chair are absent, the Commission may elect a temporary Chair to conduct its business, provided a quorum is present.

B. Executive Committee

The Commission shall establish an Executive Committee of the Commission consisting of the representative of each Financial Member. The Executive Committee shall develop and make recommendations to the Commission regarding the ongoing responsibilities of the Commission, and shall have such other duties as set forth in the Commission's by-laws.

C. Staff

Any Party may provide staff support to the Commission subject to the approval of the Commission.

D. Vacancies

If an appointment of any Commission member or alternate is vacated before the end of his or her term, the vacancy shall be filled by appointment by the appropriate Party. Vacancies shall be filled within thirty (30) days of their occurrence. A vacancy shall be deemed to have occurred when any of the conditions specified in Minn. Stat. § 351.02 exist.

E. Meetings

The Commission shall meet at regular intervals at such times and places as the Commission shall establish in its by-laws. Special meetings may be held on reasonable notice by the Chair or any two members upon terms and conditions as the Commission may determine and that conform to the Minnesota Open Meeting Law, Minn. Stat. § 13D.

F. Committees

The Commission may establish standing committees of the Commission by providing for such committees by resolution. The Chair may establish ad hoc committees of the Commission.

ARTICLE 9.

FUNDING

It is understood by the Parties that the activities and duties of the Commission are to be funded primarily by grant monies from the United States Government, the State of Minnesota or any other association or agency. Nevertheless, the Financial Parties agree to contribute funding, if necessary, for the feasibility, environmental impacts, engineering, and construction of a multi-modal transportation improvement in the I-94 Corridor including light rail transit, bus rapid transit, commuter rail, multi-use trails, and Intelligent Transportation Systems (ITS) along with the associated land use and development impacts, and administrative expenses of the Commission (to the extent not covered by grant funds). The Contributing Financial Parties will establish an initial budget and allocate as follows any necessary initial contributions:

- 50% Ramsey County Regional Railroad Authority
- 50% Washington County Regional Railroad Authority

Each Contributing Financial Party shall pay its appropriate initial contribution to the regional railroad authority acting as fiscal agent of the Commission within sixty (60) days of the Commission approving a budget.

A. Annual Budget

For the calendar year next following the calendar year in which the Effective Date occurs and all subsequent years, the Commission shall establish and approve a budget. Each Financial Member shall be assessed for its proportionate share of the budget according to the schedule established above. The Commission shall establish its first budget within sixty (60) days of the commencement of the Commission.

B. Financial Members' Budget Approval

Adoption of the budget shall require unanimous approval of the Financial Parties.

C. Contribution Date

Except for any initial contribution required by this Agreement, assessments made under the provisions of this article shall be paid by each Financial Party by January 15 of each year. The initial contribution shall be made within sixty (60) days of the adoption of the budget pursuant to Article 7(A) hereof.

D. Budgeting, Accounting, Fiscal Agent, and Other Services

The Commission may contract with any Party to provide contract management, legal review, and budgeting and accounting services necessary or convenient for the Commission and otherwise act as the Commission's fiscal agent. Such services shall include, but not be limited to, management of all funds, including contributions and grant monies, payment for contracted services, and relevant bookkeeping and record keeping. The contracting and purchasing requirements of the Party so selected shall apply to transactions of the Commissions. Such Party shall identify the staff person to work as liaison with the Commission.

E. Accountability for Funds

All funds shall be accounted for according to generally acceptable accounting principles. A report on all receipts and disbursements shall be forwarded to the Commission on an annual basis. The Parties have the authority to request reports pertaining to any and all budgeting and accounting services. All interest earned from established Commission funds shall be credited back to that same fund.

ARTICLE 10.

WITHDRAWAL AND TERMINATION

A. Withdrawal

Any Party may withdraw from this Agreement upon 90-days prior written notice evidenced by resolution of the Party's governing body to the Commission. In the event of withdrawal by any Party, this Agreement shall remain in full force and effect as to all remaining Parties.

B. Effect of Withdrawal, Disposition of Property, Funds, and Obligations

A Party withdrawing from this Agreement shall, prior to such withdrawal, pay the full amount of any unpaid assessments to the Commission as defined in Article 9. A Party withdrawing from this Agreement shall not receive a distribution of property or funds until such time as this Agreement is terminated by all Parties pursuant to this Article 10. Such disposition of property shall be in accordance with the provisions of Section D of this Article 10.

Any Party withdrawing shall be liable for any assessment in the year in which the withdrawal becomes final only for the period in such year that the Party remains a party. The Party's assessment shall not exceed the sum of one-twelfth (1/12th) the full assessment multiplied by the number of months or fractions thereof in the year during which the party remains a party.

C. Termination

This Agreement shall terminate upon the occurrence of any one of the following events:

- a. When necessitated by operation of law or as a result of a decision by a court of competent jurisdiction; or
- b. When all of the Financial Parties agree, by resolution adopted by the respective governing bodies, to terminate this Agreement and all obligations of the Commission shall have been paid or otherwise defeased in full.

D. Disposition of Property and Funds

At such time as this Agreement is terminated, any property interest remaining in the Commission, following discharge of all obligations owed by the Commission shall be disposed of and the proceeds of the property shall be returned to the Parties in proportion to their contribution.

E. Effect of Withdrawal of Financial Party on Budget

In the event a Financial Party withdraws, the unpaid assessment allocable to such member in the year of withdrawal and subsequent years shall be reallocated to the remaining Financial Party.

ARTICLE 11.

MISCELLANEOUS

A. Amendments

This Agreement may be amended by unanimous agreement of the Parties as evidenced by resolutions adopted by the respective governing bodies.

B. Records, Accounts, and Reports

The Commission shall establish and maintain such funds and accounts as may be required by good accounting practices. The books and records of the Commission shall be subject to the provisions of Minn. Stat. Ch. 13, the Minnesota Government Data Practices Act, and Minn. Stat. § 16C.05, subd. 5. The Commission, within one hundred twenty (120) days after the close of each fiscal year, which shall be January 1 to December 31, shall give a complete written report of all financial activities for such fiscal year to the Parties.

C. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

D. Severability

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of the Agreement is for any reason held to be contrary to law, or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions of this Agreement.

E. Entire Agreement

This Agreement constitutes the entire agreement between the Parties and supersedes all prior written or oral agreements relating to the Commission.

F. Alternative Dispute Resolution

In the event of a dispute arising under this Agreement, the Parties and the Commission agree to attempt to resolve their dispute by following the process described below:

- a. A Party shall provide written notice to the Commission describing perceived conflict, positions, and underlying reasons.
- b. The Commission shall provide written response to notice within seven (7) days of receipt of notice.
- c. The Parties shall meet within 14 days of receipt of response with a neutral facilitator. The neutral facilitator will be a representative from the Minnesota Office of Dispute Resolution. Costs of such facilitator shall be shared equally by all parties to the dispute.
- d. At the first meeting, the neutral facilitator will assist the Parties in identifying the appropriate Parties and participants in the dispute resolution process, their concerns, a meeting agenda and design for any subsequent meetings. The Parties shall agree on a process for resolving the problem that would involve additional negotiations, mediation, or arbitration.
- e. In developing the process, the parties will be guided by the following principles:
 - i. the Parties will attempt in good faith to reach a negotiated settlement;
 - ii. the Parties agree that there must be fair representation of the parties directly involved in the dispute;
 - iii. the Parties will use legal proceedings as a last resort; and
 - iv. in the event the Parties are unable to resolve the dispute, each Party retains all rights, remedies, or defenses it had prior to entering the process.
- f. The parties will report to the Commission within 60-days of their first meeting on the resolution of the dispute or a recommendation to commence legal proceedings.

G. Minnesota Laws Govern





The Laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the Parties and their performance. The appropriate venue and jurisdiction for any litigation will be those courts located within the County of Ramsey, State of Minnesota. Litigation, however, in the federal courts involving the Parties will be in the appropriate federal court within the State of Minnesota. If any provision of this

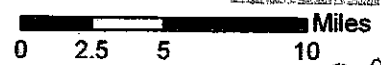
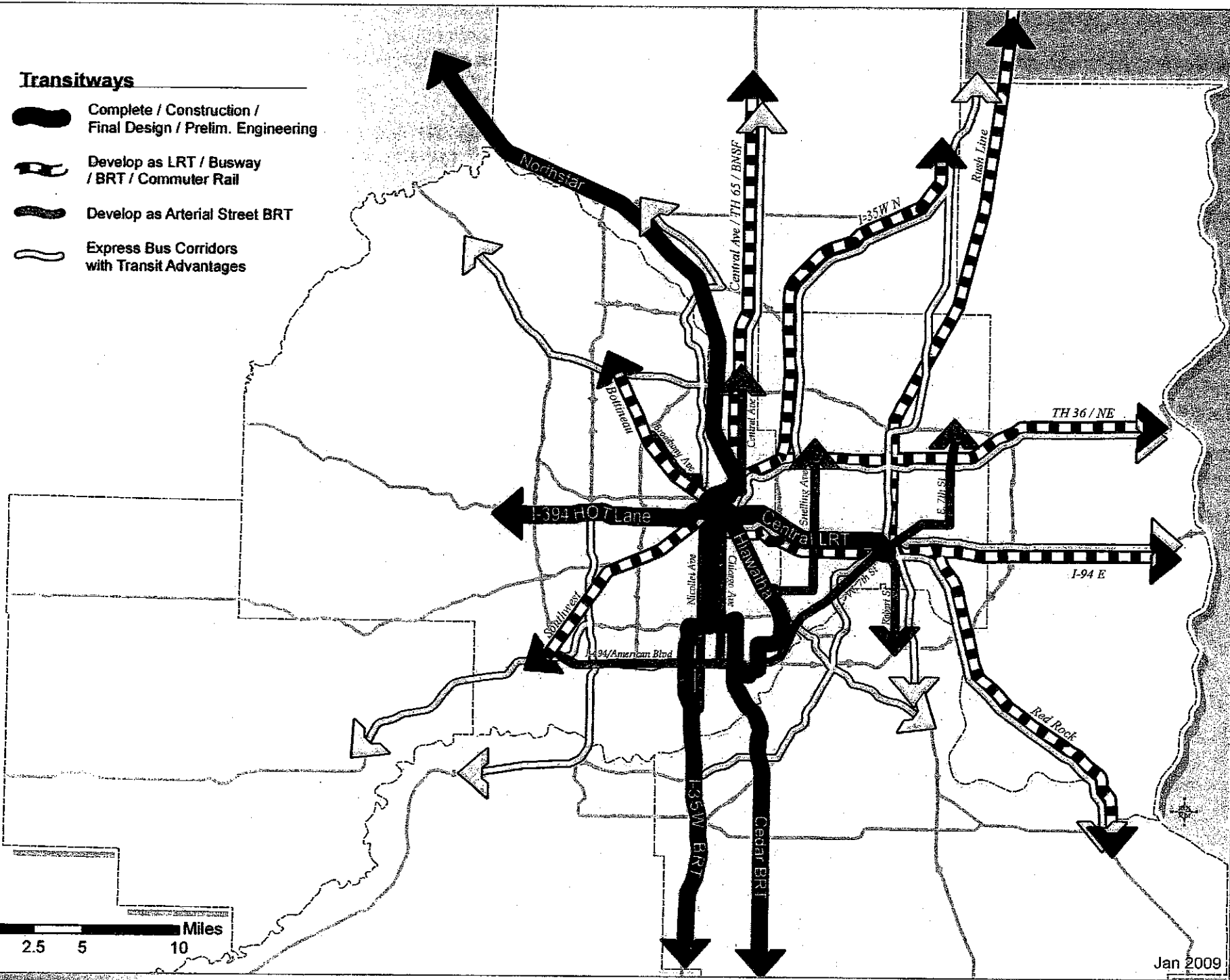
agreement is invalid, illegal, or unenforceable the remaining provisions will not be affected.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands on the date written below.

DRAFT

Transitways

-  Complete / Construction / Final Design / Prelim. Engineering
-  Develop as LRT / Busway / BRT / Commuter Rail
-  Develop as Arterial Street BRT
-  Express Bus Corridors with Transit Advantages



Jan 2009

Summary of Transitway Recommendations

Complete, In Construction, Final Design or Preliminary Engineering

Six transitway corridors, Hiawatha LRT, I-35W BRT, Cedar Avenue BRT, I-394 HOT Lane, Northstar Commuter Rail and Central LRT are complete, in construction, final design or preliminary engineering.

Develop as LRT/Busway/BRT/Commuter Rail

Eight corridors, Southwest, Bottineau, I-35W North, Central Ave/TH65/BNSF, Rush Line, TH36/NE, I-94 East, and Red Rock corridors should continue in development and are recommended as potential transitways by 2030.

Planning and development studies, conducted and funded in cooperation with county regional railroad authorities and Mn/DOT, will determine the specific alignment, mode and schedule for each corridor.

The cost estimates in this plan allow for the following transitways to be implemented:

Three corridors will be built as LRT or dedicated busways, one to be completed by 2020, one begun before 2020 and completed soon after, and a third completed by 2030;

Four BRT corridors will be built on highway alignments, two will be built by 2020 and two additional BRT corridors on highway alignment will be built by 2030; and

One additional commuter rail corridor will be built by 2030.

Based upon current data, no commuter rail line other than the Northstar corridor appears to generate enough ridership to justify this kind of large capital investment. However, this assumption should be reexamined in 2010, using actual Northstar ridership data to evaluate the accuracy of current ridership projections and to modify the ridership model, if warranted. In addition, progress in potential high speed or passenger rail connections to Chicago and Duluth could significantly reduce the capital cost of the Red Rock and Bethel-Cambridge commuter rail lines and, coupled with possible higher ridership projections, improve their cost/effectiveness. Because other commuter rail corridors may become

viable in the future, based upon the analysis described above, this plan assumes implementation of a second commuter rail line in its cost estimates between 2020 and 2030.

Corridor Status:

Southwest: Alternatives Analysis completed and Draft EIS for three LRT options underway

Bottineau Boulevard: Alternatives Analysis underway

Rush Line: Alternatives Analysis underway

I-35W N, Central Ave/TH65/BNSF, TH36/NE and I-94 East: Preferred mode and alignment to be determined through alternatives analyses over the next three years

Red Rock: Alternatives Analysis completed recommending a phased approach with commuter rail implemented if high speed rail is developed in the corridor.

Develop as Arterial Street BRT Corridors

Nine arterial corridors are recommended as potential BRT facilities. In some of those corridors, BRT implementation could be a precursor to future rail improvements. This plan's cost estimates assume that six corridors are to be implemented by 2020 and three additional corridors by 2030:

Central Avenue	Nicollet Avenue	Robert Street
Snelling Avenue/ Ford Pkwy	Chicago Avenue	West 7th Street
West Broadway	East 7th Street	American Boulevard

Express Bus Corridors with Transit Advantages

Various corridors

Intermodal Hubs

The implementation of a network of transitways converging on the two downtowns will require the development of intermodal facilities where passengers can make connections between lines. This plan identifies the St. Paul Union Depot and the Minneapolis Intermodal Station as those two intermodal hubs.

ITEM: Planning Commission 2009 Work Plan
REQUESTED BY: Planning Department
SUBMITTED BY: Kyle Klatt, Director of Planning *kk*
REVIEWED BY: Craig Dawson, Interim City Administrator
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review and accept the Planning Commission's annual workplan that the Commission has prepared for 2009. The Council is asked to review the plan and comment on it so that the Planning Commission and Council are communicating about priorities at the start of the year. The primary intent of the work plan is to help prioritize the projects the Planning Commission will be reviewing in the next several months, and to also help keep the Commission informed about the internal planning related activities and projects that will be undertaken by the staff over the coming year. This is a working document that provides guidance to the Commission yet has the flexibility to respond to priorities as they emerge. It will also help the Commission gauge its progress at achieving some of its goals for the year.

The plan has been drafted in a format similar to the one used during the previous year.

RECOMMENDATION:

The recommendation is to review and adopt the Planning Commission 2009 workplan.

SUGGESTED MOTION FOR CONSIDERATION

Move to accept the 2009 Planning Commission Workplan.

ORDER OF BUSINESS:

- Introduction..... Craig Dawson, Interim City Administrator
- Report..... Kyle Klatt, Planning Director
- Questions to the presenterMayor and Councilmembers
- Questions from the public.....Mayor facilitates
- Call for a motion for discussionMayor and Councilmembers
- DiscussionMayor and Councilmembers
- Action.....City Council

ATTACHMENTS: (2009 Work Plan)

2009 Planning Commission Work Plan - DRAFT

Prepared by the Lake Elmo Planning Department – 1/12/09; Revised 2/12/09

Status: C – Complete
 IP – In Progress
 Date: Completion Goals (with Monthly Range)
 Admin: Staff Projects/Initiatives
 PL: Priority Level (from 1 to 5 with 1 being the highest priority)

Project and Description	Date (Months)	PL	Status
<u>ZONING INITIATIVES</u>			
Wireless Telecommunications Ordinance			
• Select consultant to provide technical assistance with ordinance revisions	0-3	1	IP
• Revise ordinance based on objectives and work plan adopted by the City Council	3-6	1	
• Rescind tower construction moratorium	6-9	2	
Zoning Map Updates			
• Review of past zoning approvals, incorporate all approved map amendments	3-6	2	
• Prepare new version of official Zoning Map using most recent County GIS data	3-6	2	
• Update Zoning Map to improve consistency with the Comprehensive Plan and Future Land Use Map	9-12	3	
• Establish proper zoning designation for recently annexed Buberl property	9-12	4	
Conditional Use Permit Ordinance			
• Update current regulations to establish specific criteria for different conditionally permitted uses	6-9	3	
• Establish tracking system for all existing conditional uses	3-6	3	IP
Sign Ordinance Revisions			
• Major update to sign code, incorporating previous agricultural and temporary sign updates	0-3	2	IP
Zoning Amendments			
• Review Outdoor Lighting Ordinance to establish appropriate levels of lighting for various uses	6-9	3	
• Final Council action concerning requirements for accessory buildings and setbacks	0-3	2	

Engineering Standards Manual			
• Finalize development manual describing the City's engineering standards for private and public projects	0-3	2	IP
Home Occupation Ordinance			
• Research status and effectiveness of current ordinance	6-9	3	
• Draft updated ordinance to address appropriate home occupation standards for different areas in the community.	9-12	4	
Permit Tracking			
• Establish system for tracking interim uses	9-12	5	
• Establish system for tracking non-conforming uses	9-12	5	
Zoning Ordinance Review			
• Prepare outline of previous work and major areas of agreement	0-3	2	
• Incorporate updates where appropriate as part of Village Area and South 10 th Street zoning changes	6-15	3	
• Incorporate formatting, organization, and smaller amendments into future zoning ordinance updates	6-15	3	

PLANNING INITIATIVES

Village Area Planning			
• Village Area AUAR			
○ Complete review of Preliminary AUAR	0-3	1	IP
○ Draft and adopt Final AUAR	0-3	1	
• Conduct work session with City Council to discuss future planning within Village Area	3-6	1	
• Prepare amendment to Comprehensive Plan based on selected development scenario from AUAR	6-12	1	
• Adopt amendments to the Zoning Ordinance responsive to the AUAR mitigation plan and Comprehensive Plan	12+	1	
South 10th Street Area			
• Review Comprehensive Plan and holding zones for South 10 th Street Area for consistency with Village Area updates	9-12+	2	
Comprehensive Plan Updates			
• Monitor individual projects for compliance with the Comprehensive Plan	0-12	3	
• Incorporate major system elements into plan, including water, surface water and transportation	5/29/09	1	IP
Capital Improvement Plan			
• Planning Commission review of Capital Improvement Plan for consistency with the Comprehensive Plan	0-3	2	

Storm Water Management

- | | | | |
|---|-----|---|----|
| • Integrate a Surface Water Management Plan as part of the Comprehensive Plan consistent with State Statutes and the local watershed district plans | 3-6 | 1 | IP |
| • Develop an surface water ordinance consistent with the adopted plan | 6-9 | 2 | IP |
| • Bring Lake Elmo into compliance with NPDES requirements and MS4 status | 6-9 | 2 | IP |

ADMINISTRATIVE INITIATIVES

Building Division (Admin)

- | | | | |
|--|-----|---|----|
| • Finalize job description for Building Official; seek applicants to fill vacant position. | 3-6 | 2 | IP |
| • Review internal permit approval process | 6-9 | 3 | |

Permit Tracking Software

- | | | | |
|---|-----|---|----|
| • Select and implement tracking and reporting software for planning application, building permits, and code enforcement activity. | 0-3 | 2 | IP |
|---|-----|---|----|

Development Review Process (Admin)

- | | | | |
|---|-----|---|----|
| • Document system for review and processing of development applications | 6-9 | 3 | IP |
|---|-----|---|----|

Code Enforcement (Admin)

- | | | | |
|--|------|---|----|
| • Improve consistency and reporting for code violations and follow-up activities | 6-12 | 3 | IP |
| • Conduct workshop with the City Council to discuss code enforcement policy | 0-3 | 1 | |

Agency Support (Admin)

- | | | | |
|---|------|---|--|
| • Adopt final flood insurance rate maps from FEMA, update Flood Protection Ordinance | 9-12 | 2 | |
| • Review Census Bureau mapping updates, respond to other requests in advance of 2010 census | 6-9 | 2 | |

CDBG Cimarron Gas Line Project

- | | | | |
|---|-----|---|----|
| • Assist project consultant with administration and implementation of grant project | 3-6 | 3 | IP |
|---|-----|---|----|

MnDOT Highway Landscaping Grant

- | | | | |
|---|-----|---|----|
| • Provide staff assistance with Highway 5 landscaping project | 6-9 | 3 | IP |
|---|-----|---|----|

City Council
Date: Feb. 17, 2009
REGULAR
Item: 9
Motion

ITEM: 2009-2013 Street Capital Improvement Program (CIP);
Authorization To Proceed on the 2009 Street Improvements Feasibility
Report

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Ryan Stempski, Assistant City Engineer
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council has reviewed the proposed 2009-2013 Street Capital Improvement Program (CIP), beginning at its January 20 meeting and again at its February 10 work session. At its work session, Council indicated concurrence with the projects scheduled for 2009, and that it agreed that the engineering feasibility study should be commenced so that valuable time is not lost for this construction season. Council and staff reviewed financing alternatives, and there will be discussions at near-future meeting(s) of the Council regarding special assessment practices.

At this point, the Council should approve the 2009-2013 Street CIP, thus giving the scope of projects to be authorized in the 2009 Street Improvements feasibility report that will be prepared by TKDA. The feasibility report can not be finalized until the Council indicates the method of financing, including whether and to what extent special assessments may be used. Authorizing a feasibility report is a required part of the statutory process for capital improvements, and must be completed before the City Council can take action to order an improvement.

As an alternative, if the Council chose to pursue capital improvement bond financing (with less than 20 percent of revenues from special assessments), State law requires that the projects identified must be in the City's CIP. Approval of the proposed 2009-20013 Street CIP would satisfy that requirement.

As a CIP is a physical and financial planning document, it can be amended at any time.

BACKGROUND: The City Council has received reports from TKDA and Ehlers and Associates, Inc., relating to need, projected costs, and financing options. TKDA has estimated the cost to prepare the feasibility report for the 2009 street projects to be \$9,800.

RECOMMENDATION: Staff recommends that the Council approve the 2009-2013 Street Capital Improvement Program, and authorize TKDA to prepare the feasibility report for the 2009 street improvements in the estimated amount of \$9,800.

SUGGESTED MOTION FOR CONSIDERATION:

Move to approve the 2009-2013 Street Capital Improvement Program, and authorize TKDA to prepare the feasibility report for the 2009 street improvements in the estimated amount of \$9,800.

ATTACHMENTS:

- Memo from Jack Griffin, City Engineer, for January 20 Council meeting
- Proposed 2009-2013 Street Capital Improvement Program (including map)
- Calendar of Improvement Project Process for 2009

ORDER OF BUSINESS:

- Introduction Craig Dawson, Interim City Admr
- Report by staff or other presenter Jack Griffin, City Engineer
- Questions from City Council members to the presenter facilitated by Mayor
- Questions/comments from the public to the city council facilitated by Mayor
- Action on motion

City Council
Date: January 20, 2009
REGULAR
Item: 9.
Motion

ITEM: Review Financing Options for the Street Capital Improvement Program (CIP) and Authorization to Proceed on the 2009 Street Improvements Feasibility Report

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Craig Dawson, Interim City Administrator
Ryan Stempski, Assistant City Engineer
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The city council is being asked to receive options for financing the Street Capital Improvement Program. The council may then be asked to authorize TKDA to proceed with the 2009 Street Improvements Feasibility Report.

The City Engineer will introduce the 5-year street CIP and detail the street improvement process. A breakdown of the local street program and the Municipal State Aid System (MSAS) will be provided.

Ehlers and Associates, Inc. will provide financing options to fund the street program. This will include revenue sources and projected city tax impacts.

Due to the schedule for the 2009 Street Improvements, staff will be recommending proceeding with the feasibility report if the program is to begin in the 2009 construction season.

BACKGROUND:

The Street Capital Improvement Plan historically performed timely improvements to the city's street network. This program included street reconstruction, reclaiming, overlays, sealcoating, and crack sealing. The last project was completed in 2006. Streets that have been identified for improvements have been delayed for 2 years. We recommend that the program be resumed in 2009 and continued in the future to cost-effectively maintain the street network.

RECOMMENDATION:

Initially, staff is looking for direction from council to re-establish the Street Capital Improvement Program.

If directed to proceed, our financial consultant recommends a financing option with a special assessment interest rate that is 2% higher than the related debt interest rate, project costs to be 25% funded by special assessments, and a debt service with 15 year terms.

Furthermore, if the program is to begin in 2009, we recommend that the City Council authorize TKDA to complete the 2009 Street Improvements Feasibility Report.

SUGGESTED MOTION FOR CONSIDERATION

Move to adopt a Street Capital Improvement Plan financing option as recommended by Ehlers and Associates, Inc.

Move to authorize TKDA to complete the 2009 Street Improvements Feasibility Report in the estimated amount of \$9,800.

ATTACHMENTS:

1. 5-Year Street Capital Improvement Plan Map

ORDER OF BUSINESS:

- Introduction Craig Dawson, Interim City Administrator
- Report by staff or other presenter Jack Griffin, City Engineer
Jon North, Ehlers & Associates
Mayor and council members
- Questions from city council members to the presenter Mayor facilitates
- Questions/comments from the public to the city council
(a maximum of three minutes per question/statement) Mayor facilitates
- Action on motion City Council

**2009-2013 STREET CAPITAL IMPROVEMENT PLAN
CITY OF LAKE ELMO, MINNESOTA**

* TOTAL PROJECT COSTS BASED ON \$17.50 PER SQUARE YARD
COST ASSUMES RECLAIM WITH BITUMINOUS C&B REPLACEMENT
INCLUDES 10% CONTINGENCY
INCLUDES 25% LEGAL FISCAL, AND ENGINEERING

** TOTAL PROJECT COSTS FOR STREET SEGMENTS IN ITALICS - BASED ON AN INDEPENDENT ESTIMATE

PROJECT YEAR 2009					
Street Segment	From/To	Last Major Paving Work	OCI Index	Pavement Area (Square Yards)	Estimated Total Project Costs (2008)
21 STREET N	MANNINAG AVE TO CUL-DE-SAC	1985	48.65	2,697.87	\$ 48,000
3RD STREET PL N	LAKE ELMO AVE (CSAH 17) TO CUL-DE-SAC	1990	49.10	6,492.10	\$ 114,000
LEGION AVE N	30TH ST N TO SOUTH END	1998	60.90	3,478.21	\$ 61,000
LEGION LN CIR N	LEGION LANE TO CUL-DE-SAC	1978	46.75	1,473.70	\$ 26,000
LEGION LN CT N	LEGION LANE TO CUL-DE-SAC	1997	47.55	1,183.53	\$ 21,000
LEGION LN N	LEGION LANE COURT TO LEGION AVE	1997	40.31	2,976.67	\$ 53,000
LEGION LN N	LEGION LANE COURT TO LEGION LANE CIRCLE	1997	45.67	520.10	\$ 10,000
LEGION LN N	LEGION AVE N TO LISBON AVE N	1997	47.55	1,928.79	\$ 34,000
LEGION LN N	LISBON AVE TO LEGION LANE CIRCLE	1997	62.16	4,076.67	\$ 72,000
LISBON AVE N	LEGION LANE TO CUL-DE-SAC	1997	48.31	2,286.80	\$ 41,000
CITY STREETS RECLAIM SUB-TOTAL					\$ 480,000
2009 CRACKSEAL & SEALCOAT					\$ 125,000
2009 TOTAL ESTIMATED CIP PROJECT COSTS					\$ 605,000

PROJECT YEAR 2010					
Street Segment	From/To	Last Major Paving Work	OCI Index	Pavement Area (Square Yards)	Estimated Total Project Costs (2008)
<i>28TH STREET N (RECONSTRUCT)</i>	<i>WEST END TO JAMLEY TO EAST END</i>	-	<i>GRAVEL</i>	<i>4,128.44</i>	<i>\$ 140,000</i>
57TH ST N	55TH ST TO JULEP WAY	1992	78.13	4,469.06	\$ 79,000
53RD ST N	EAST SIDE OF FOXFIRE ADDITION TO KEATS AVE N	1999	60.84	10,893.13	\$ 141,000
ISLE AVE N	JAMACA AVE N TO SOUTH END	1988	49.89	6,137.66	\$ 108,000
JANE RD N	JAMACA AVE N TO WEST END	1980	38.69	2,490.53	\$ 44,000
CITY STREETS RECLAIM AND RECONSTRUCT SUB-TOTAL					\$ 512,000
2010 CRACKSEAL & SEALCOAT					\$ 125,000
<i>JAMACA AVENUE - ROUNDABOUT (MSAS)</i>	<i>JAMACA CT TO TH 5</i>	1992	68.62	<i>MSAS TOTAL</i>	<i>\$ 230,000</i>
2010 TOTAL ESTIMATED CIP PROJECT COSTS					\$ 867,000

**2009-2013 STREET CAPITAL IMPROVEMENT PLAN
CITY OF LAKE ELMO, MINNESOTA**

* TOTAL PROJECT COSTS BASED ON \$17.50 PER SQUARE YARD
COST ASSUMES RECLAIM WITH BITUMINOUS C&B REPLACEMENT
INCLUDES 10% CONTINGENCY
INCLUDES 25% LEGAL FISCAL, AND ENGINEERING

** TOTAL PROJECT COSTS FOR STREET SEGMENTS IN ITALICS - BASED ON AN INDEPENDENT ESTIMATE

PROJECT YEAR 2011					
Street Segment	From/To	Last Major Paving Work	OCI Index	Pavement Area (Square Yards)	Estimated Total Project Costs (2008)
<i>KIRKWOOD AVENUE (RECONSTRUCT)</i>	<i>50TH STREET TO NORTH END</i>	-	GRAVEL	5,697.33	\$ 240,000
LAVERNE AVE N	11TH ST N TO 12TH ST N	1987	64.05	1,973.33	\$ 35,000
LAVERNE AVE N	CSAH 10 (10TH ST N) TO 11TH ST N	1987	64.05	1,173.33	\$ 21,000
LAYTON AVE N	CSAH 10 (10TH ST N) TO 12TH ST N	1984	51.9	3,445.94	\$ 61,000
LEEWARD AVE N	CSAH 10 (10TH ST N) TO 12TH ST N	1984	52.82	3,768.51	\$ 66,000
11TH ST N	LAVERNE AVE WEST TO CUL-DE-SAC	1987	55.61	1,834.15	\$ 33,000
12TH ST N	LAYTON AVE TO LEEWARD AVE	1987	52.31	1,073.46	\$ 19,000
12TH ST N	LAVERNE AVE TO LAYTON AVE N	1987	62.95	3,199.10	\$ 56,000
12TH ST N	WEST CUL-DE-SAC TO LAVERNE AVE	1987	64.22	1,978.35	\$ 35,000
10TH STREET CT N	CSAH 10 (10TH ST) TO CUL-DE-SAC	1985	69.53	2,652.52	\$ 47,000
CITY STREETS RECLAIM SUB-TOTAL					\$ 613,000
2011 CRACKSEAL & SEALCOAT					\$ 125,000
<i>KEATS AVENUE (MSAS)</i>	<i>47TH ST TO TH 36</i>	1983	62.12	<i>MSAS TOTAL</i>	\$ 375,000
2011 TOTAL ESTIMATED CIP PROJECT COSTS					\$ 1,113,000

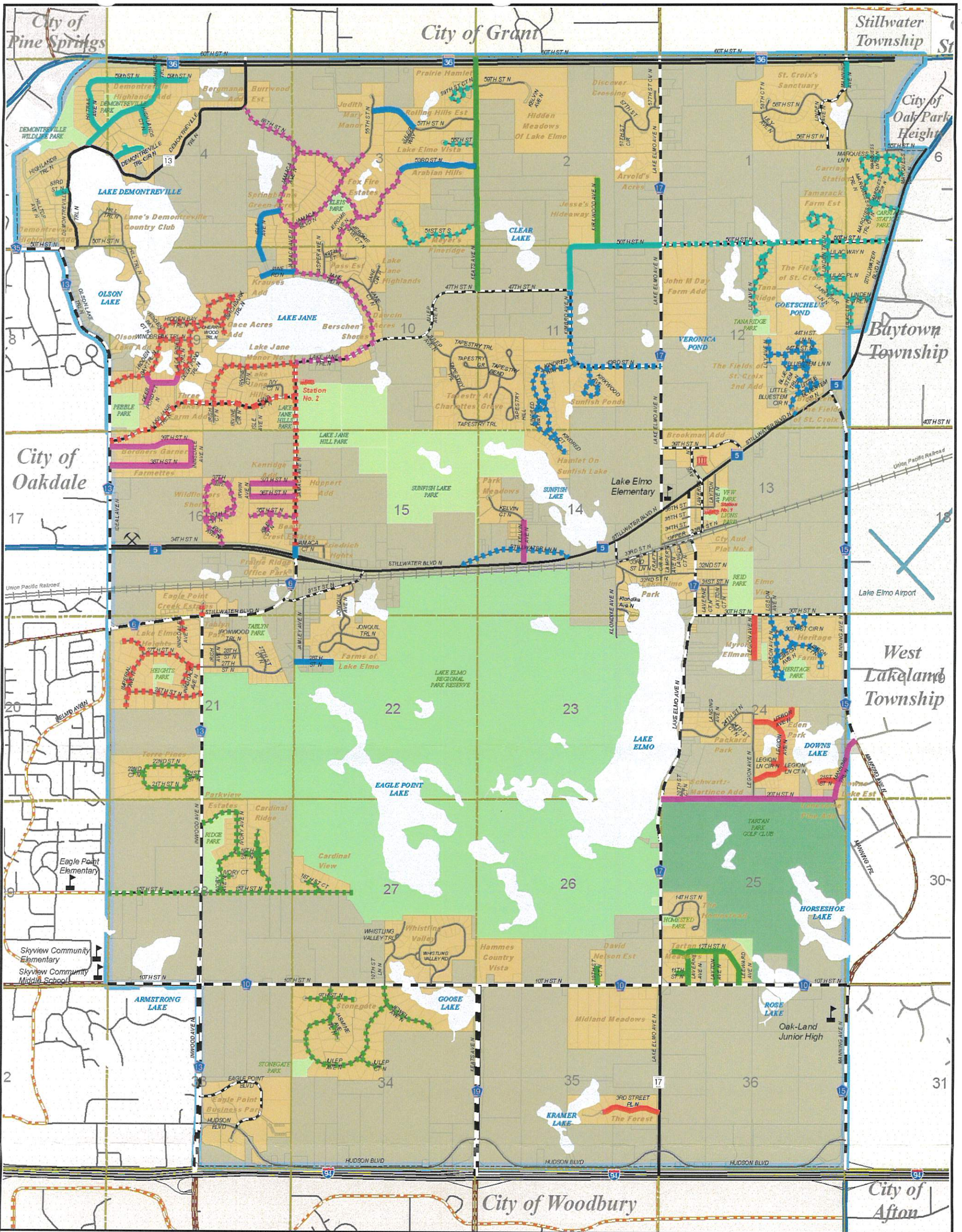
PROJECT YEAR 2012					
Street Segment	From/To	Last Major Paving Work	OCI Index	Pavement Area (Square Yards)	Estimated Total Project Costs (2008)
<i>MANNING AVENUE (RECONSTRUCT)</i>	<i>TH 36 TO LINDEN AVENUE</i>		51.90	3,648.83	\$ 75,000
53RD ST N	DEMONTREVILLE TRAIL N TO CUL-DE-SAC	1999	49.1	1,944.07	\$ 35,000
HYTRAIL AVE N	HIGHLANDS TRAIL N TO 59TH ST N	1999	71.09	5,101.96	\$ 90,000
59TH ST N	HIGHLANDS TRAIL N TO HYTRAIL AVE	1980	47.67	7,121.81	\$ 125,000
59TH ST N	HIGHLANDS TRAIL N TO EAST END CUL-DE-SAC	1980	71.25	3,544.72	\$ 63,000
HIGHLANDS TRL N	DEMONTREVILLE TRAIL N TO HYTRAIL N	1993	82.33	1,941.29	\$ 34,000
HIGHLANDS TRL N	HIGHLANDS COURT N TO HYTRAIL N	1993	67.72	4,708.23	\$ 83,000
HIGHLANDS TRL N	59TH ST N TO HIGHLANDS COURT N	1993	68.98	3,540.42	\$ 62,000
HIGHLANDS TRL N	MN TH 36 TO 59TH ST N	1993	53.94	1,639.40	\$ 29,000
HIGHLANDS CT N	HIGHLANDS TRAIL N TO CUL-DE-SAC	1993	73.44	3,399.90	\$ 60,000
DEMONTREVILLE TRAIL CIR N	DEMONTREVILLE TRAIL PLACE TO CUL-DE-SAC	1989	63.02	1,935.02	\$ 34,000
DEMONTREVILLE TRAIL CIR N	DEMONTREVILLE TO DEMONTREVILLE TRAIL PLACE	1989	83.79	1,078.57	\$ 19,000
DEMONTREVILLE TRAIL PL N	DEMONTREVILLE TRAIL CT TO CUL-DE-SAC	1989	74.4	1,232.73	\$ 22,000
CITY STREETS RECLAIM SUB-TOTAL					\$ 731,000
2012 CRACKSEAL & SEALCOAT					\$ 125,000
<i>50TH/KIMBRO AVENUE (MSAS)</i>	<i>47TH ST TO CSAH 17</i>		GRAVEL	<i>MSAS TOTAL</i>	\$ 915,000
2012 TOTAL ESTIMATED CIP PROJECT COSTS					\$ 1,771,000

**2009-2013 STREET CAPITAL IMPROVEMENT PLAN
CITY OF LAKE ELMO, MINNESOTA**

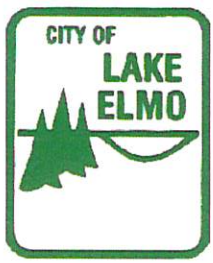
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INCLUDES 10% CONTINGENCY
INCLUDES 25% LEGAL FISCAL, AND ENGINEERING

** TOTAL PROJECT COSTS FOR STREET SEGMENTS IN ITALICS - BASED ON AN INDEPENDENT ESTIMATE

PROJECT YEAR 2013					
Street Segment	From/To	Last Major Paving Work	OCI Index	Pavement Area (Square Yards)	Estimated Total Project Costs (2008)
KELVIN AVE N	NEW SUBDIVISION ROAD TO STILLWATER LANE	1980	50.2	2,129.68	\$ 38,000
KELVIN AVE N	MN TH 5 (STILLWATER BLVD) TO STILLWATER LANE N	1980	59.11	931.49	\$ 17,000
37TH ST N	JAMACA AVE TO IRWIN AVE	1988	70.52	3,171.39	\$ 56,000
38TH ST N	JAMACA AVE TO IRWIN AVE	1988	60.1	3,170.75	\$ 56,000
38TH ST N	CSAH 13 (IDEAL AVE) TO INNSDALE AVE N	1989	67.44	5,203.71	\$ 92,000
39TH ST N	CSAH 13 (IDEAL AVE) TO INNSDALE AVE N	1989	73.67	5,255.95	\$ 92,000
INNSDALE AVE N	39TH ST TO 38TH ST N	1984	58.16	1,266.92	\$ 23,000
DEER POND TRL N	HIDDEN BAY TRAIL TO DEER POND COURT	1993	58.72	752.97	\$ 14,000
DEER POND TRL N	DEER POND COURT TO JACK PINE TRAIL	1993	71.26	2,024.69	\$ 36,000
DEER POND CT N	DEER POND TRAIL TO SOUTH END	1993	72.01	2,173.92	\$ 39,000
CITY STREETS RECLAIM SUB-TOTAL					\$ 463,000
2013 CRACKSEAL & SEALCOAT					\$ 125,000
<i>20TH ST/MANNING TRL (MSAS)</i>	<i>CSAH 17 TO MANNING AVENUE</i>	<i>1989</i>	<i>67.31</i>	<i>MSAS TOTAL</i>	<i>\$ 520,000</i>
2013 TOTAL ESTIMATED CIP PROJECT COSTS					\$ 1,108,000



5-YEAR STREET CAPITAL IMPROVEMENT PLAN



IMPROVEMENT YEAR

- 2009
- 2010
- 2011
- 2012
- 2013

SEALCOAT YEAR

- 2009
- 2010
- 2011
- 2012
- 2013



City Hall
3800 Laverne Avenue N
651.777.5510
www.lakeelmo.org



Public Works Building
3445 Mead Ave N
651.233.5414



Fire Stations
Station No. 1
3516 Laverne Ave II
651.776.5006
Station No. 2
4259 Janica Ave II
651.779.8882



Schools



Parcels



Subdivisions



City Parks



Golf Course



Lakes



0 0.15 0.3 0.6 Miles

Map Date: January 2009
Created By

TKDA
ENGINEERS • ARCHITECTS • PLANNERS

**CITY OF LAKE ELMO
2009 STREET IMPROVEMENTS
TKDA PROJECT NO.
PROPOSED PROJECT SCHEDULE**

February 17, 2009	Council orders TKDA to prepare a Feasibility Report for project area.
March 17, 2009	Presentation of Feasibility Reports for project area. Council passes resolution receiving Report and calling for Hearing on Improvements to be held on April 7.
March, 2009	Resident workshop meetings held to review preliminary Report findings.
April 7, 2009	Public Improvement Hearings for project area. Council passes resolution ordering Improvement and preparation of Plans.
June 2, 2009	Presentation of Plans and Specifications to the City Council for all project areas. Council approves Plans and Specifications and orders Advertisement for Bids.
June 5, 2009	Placement of Advertisement for Bids – Oakdale - Lake Elmo Review. Publication date of June 10 and June 17.
June 8, 2009	Placement of Advertisement for Bids - Construction Bulletin. Publication date of June 16 and June 23.
July 6, 2009	Receive Contractor bids/review and award recommendation. Prepare preliminary assessment roll.
July 7, 2009	City Council accepts bids and awards Contract.
July 10, 2009	Process and send out Contract Documents.
July 27, 2009	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed.
July 30, 2009	Conduct Pre-construction Meeting.
August 3, 2009	Contractor begins work.
June, 2010	Final Completion
Sept./Oct., 2010	Final assessment hearing.

City Council
Date: Feb. 17, 2009
REGULAR
Item: 10.
Motion

ITEM: Selection Process for City Attorney

SUBMITTED BY: Craig W. Dawson, Interim City Administrator



SUMMARY AND ACTION REQUESTED: The City has issued a Request for Proposals (RFP) for City Attorney (civil) legal services. The RFPs were sent to approximately 10 firms, and another five or so requested the RFP. Responses were due at the end of the business day of Friday, February 13. As of this writing (3:00 p.m. Thursday, February 12), three firms have submitted proposals; undoubtedly, several others will come in by the deadline.

The proposed schedule for the selection process allots time through March 6 to review proposals and identify firms to interview during the week of March 9. Adhering to this schedule makes it possible to appoint the City Attorney on March 17. The whole Council will participate in the interviews of the firms selected.

As I have asked councilmembers for their ideas on the process for selecting the firms to invite to interview, the general theme was to wait-and-see in terms of how many proposals were submitted. If the number were relatively few, it may be appropriate to invite all of the proposers to interview. If the number were relatively large, then a different process could be identified. This might include some type of ranking of proposals individually by councilmembers, with some number of top-scoring firms to be invited to interview; perhaps two councilmembers working with the city administrator to identify the firms to interview; or something else that may be deemed appropriate.

This item will require discussion and some decision about how to proceed. Additional information as it may be available or developed will be provided to the Council at the Council meeting.

ORDER OF BUSINESS:

- Introduction & report by staff Craig Dawson
- Questions from City Council members to the presenter facilitated by Mayor
- Questions/comments from the public to the City Council facilitated by Mayor
- Action on motion

City Council
Date: 2/17/09
Regular
Item: 11

ITEM: Set Date to Consider Formal Publication of Final Village AUAR
REQUESTED BY: Planning Department
SUBMITTED BY: Kyle Klatt, Planning Director *kk*
REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is being asked to set a date to consider authorizing publication of the Lake Elmo Village Area Final AUAR. This action follows the earlier workshop presentation and discussion concerning the comments received after publication of the Draft AUAR document. The complete version of the Final AUAR was provided to Council members on a CD-ROM with the other workshop materials.

Under the time requirements spelled out under State Statutes, the Council could adopt the final AUAR as early as its April 7th, 2009 meeting if the document is distributed in early March.

RECOMMENDATION

Staff recommends that the City Council consider formal distribution of the Final AUAR in accordance with the State's Environmental Rules at its March 3, 2009 meeting.

ATTACHMENTS:

1. See AUAR Workshop Materials

City Council
Date: 2/17/09
Regular
Item: _____

ITEM: Wireless Communications Tower Ordinance Update

SUBMITTED BY: Kyle Klatt, Planning Director *KK*

REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED:

Staff has received a large number of inquiries and questions from consultants regarding the City's wireless communications tower ordinance moratorium and associated ordinance update project, and has identified a few additional potential firms because of these conversations. The Planning Department has also made contact with most of the firms on the previous consultant list and would like to continue further investigation of the new firms that have been identified. To date, staff's initial conversations with the various consulting firms have helped provide focus for the assistance being sought. At this point additional time is needed to complete the review of potential consultants and to finalize the outline of specific services being requested.

The Planning Department is otherwise on schedule to conduct an initial discussion regarding a new tower ordinance with the Planning Commission in early March and to hold a public open house at the end of March. The goal at this time is to have a consultant on board after the March 3rd Council Meeting and prior to the open house.

RECOMMENDATION:

No action is necessary at this time. Staff will be providing future updates to the Council as needed.