

City of Lake Elmo
3800 Laverne Avenue North

September 16, 2008

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ DeLapp ___ Johnson ___ 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. September 2, 2008
- 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.
- 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.)
 - 2. Approve payment of claims
 - 3. Adopt Ordinance 08-009 amending the 2008 fee schedule to include new fees for signs as required by the new sign ordinance.
 - 4. Approve a settlement subject to conditions to Joan and Steve Ziertman for claims against the City
 - 5. Consider a request to allow construction of a new home to be located further from the road right-of-way than an existing barn by 40 feet and detached garage by 117 feet on the 9.94 acre parcel at 11311 50th Street North.,
Resolution no. 2008-044
 - 6. Accept donations for the Fall Festival

J. REGULAR AGENDA:

7. Consider an application for a 25 foot yard setback variance to allow the construction of a detached garage five feet from the front property line where 30 feet is required at 11002 Upper 33rd Street North;
Resolution no. 2008-046
8. Consider an application for Conditional Use permit to establish a Beauty Salon/Day Spa at 8925 Highway 5; Resolution no. 2008-047
9. MnDOT will provide an informational update on the TH 5 and Jamaca Avenue/Stillwater Boulevard roundabout and the TH 5 improvements from Manning Avenue to 55th Street
10. Consider a request for an extension of the submission of the 2030 Comprehensive Plan update to the Metropolitan Council; Resolution no. 2008-045

K. REPORTS AND ANNOUNCEMENTS:

Mayor and Council members
Administrator

8. UPCOMING DATES OF NOTE:

- September 18 – Village AUAR Advisory Panel, 7 PM
- October 2 – Village AUAR Advisory Panel, 7 PM
- November 4 – General Election
- November 5 – City Council Meeting
- November 11 – No City Council workshop
- December 1 – Hearing on budget
- December 2 – Cancel City Council meeting (tentative)
- December 9 – Adopt budget at City Council workshop

M. Adjourn

City of Lake Elmo
City Council Minutes

September 2, 2008

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

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

Also present: City Administrator Hoyt, Planning Director Klatt, City Engineer Griffin, City Attorney Filla, Finance Director Bouthilet, KDV auditor Joe Rigdon and City Clerk Lumby.

APPROVAL OF AGENDA:

MOTION: Council Member Johnson moved to approve the September 2, 2008 agenda as presented. Council Member Smith seconded the motion. The motion passed unanimously.

ORDER OF BUSINESS;

GROUND RULES:

APPROVE MINUTES:

The minutes of August 19, 2008 were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Susan Dunn, 11018 Upper 33rd St., inquired again if the City would discuss its debt reduction schedule and when and who would update the City's comprehensive plan. She felt she did not get these questions answered from the prior council meeting.

CONSENT AGENDA:

MOTION: Council Member DeLapp moved to approve the consent agenda as presented. Council Member Johnson seconded the motion. The motion passed unanimously.

- Approval of disbursements in the amount of \$70,643.86.

PUBLIC HEARING:

Hold public hearing and consider two grading permit applications from the Valley Branch Watershed District to repair eroding ravines and to prevent sediment from washing into Goose Lake and Goetschel Pond, Resolution No. 2008-041, Resolution No. 2008-042

Jeff Weiss, Valley Branch Watershed District, presented the two grading permit requests submitted by the Valley Branch Watershed District to repair eroding ravines and to prevent sediment from washing into Goose Lake and Goetschel Pond. The projects will take place at the private property of 9200 10th Street North and the second site is located on five private properties in the Fields of St. Croix subdivision. The VBWD is seeking temporary project easements on all private properties to obtain access to do the work.

Mayor Johnston called the public hearing to order at 7:25 p.m.

Susan Dunn, 11018 Upper 33rd Street, supported the City Council working with the Valley Branch Watershed District and to approve the two grading permits.

Mayor Johnston closed the public hearing at 7:26 p.m.

MOTION: Council Member Johnson moved to approve Resolution No. 2008-041 and 2008-042 approving grading permits submitted by the Valley Branch Watershed District to restore ravines and to prevent sediment from washing into Goose Lake and Goetschel Pond. Council Member Park seconded the motion. The motion passed unanimously.

REGULAR AGENDA:

Donation from Rasmussen College

Jason Rudnick, Rasmussen College, presented a donation of \$157.00 made in the name of the Lake Elmo Fire Department to Second Harvest in recognition of the department's valuable contributions to the Teddy Bear Drive on July 26, 2008.

Accept donation of Polaris vehicle and authorize use of capital funds and/or donations for ancillary equipment

Fire Chief Greg Malmquist asked the City Council to accept the donation of the Polaris fire rescue unit that was applied for through a grant application and awarded to the City because it provides a public safety benefit for off road fire suppression, rescue operations and patient transport from remote locations and to authorize the purchase of equipment for the vehicle at a cost of \$13,750 from the City's 2008 capital improvement plan and from funds raised outside of the CIP, if possible. This request was recommended by the Maintenance Advisory Commission.

MOTION: Council Member DeLapp moved to accept the donation of a Polaris Fire Rescue Unit valued at \$12,500 and apply for grants to fund some or all of the ancillary equipment; and, if grants and donations do not cover the \$13,750 (maximum) equipment costs, authorize the administrator to approve the use of capital funds according to the following amounts and priority: 1) the remaining balance in the laptop (estimated \$700), 2) turnout gear budget savings (est. \$4,500) and 3) from savings in station 1 and station 2 remodeling projects (est. \$8,550). Council Member Johnson seconded the motion. The motion passed unanimously.

Consider adoption of a preliminary 2009 property tax levy of \$2,332,130

City Administrator, Susan Hoyt explained the City Council is being asked to approve a preliminary property tax levy. Joe Rigdon, Finance Consultant, summarized the property tax levy of \$2,332,130 to fund a proposed 2009 general fund operating budget of \$2,892,060. The preliminary property tax levy adopted by the City Council represents that maximum levy permitted. The final tax levy and budget are scheduled for a public hearing on December 1, 2008, 7 PM and adoption of the final levy and budget are planned for December 9, 2008. Administrator Hoyt explained that the capital improvement plan and the enterprise funds would be budgeted in the coming months of October and November and this would be the time that a report on the status of the City's debt funds would be addressed.

MOTION: Council Member Johnson moved to approve Resolution No. 2008-043 adopting a preliminary 2009 tax levy of \$2,708,203. Council Member Park seconded the motion. Mayor Johnston and Council Members Johnson, Smith and Park voted for the motion and Council Member DeLapp voted against the motion.

Direct the Planning Commission to discuss structures for domesticated animals and pets

Council Member Smith asked the City Council to direct the planning commission to consider changing the code as it pertains to such structures for the maximum square footage allowed before the City is asked to enforce many potential violations.

Council Member Park agreed with Smith that the Planning Commission should be directed to review this item and recommend if the Council should look at changing the code.

Council Member Johnson didn't see requests for variances for this kind of thing coming forward from multiple directions and, therefore, found no reason to move ahead with revisiting the city code related to one individual's non compliance issue.

Mayor Johnston shared Johnson's concern especially when City staff said they saw no significant problems with the ordinance as written.

Planning Commission Chair Todd Ptacek said the Council should be responsive to the citizens, but it is important to avoid asking the planning commission to consider items when they arise due to one property owner when commissioners are volunteers and are very conscientious in their consideration of any code amendments.

MOTION: Council Member Smith moved to refer considering changing the code as it pertains to structures for domesticated animals and pets to the planning commission. Council Member Park seconded the motion. Council Members Smith and Park voted for the motion and Mayor Johnston and Council Members Johnson and DeLapp voted against the motion. The motion failed.

The Mayor adjourned the meeting at 8:15 p.m.

DRAFT

City Council
Date: 09/16/2008
CONSENT
Item: 2

ITEM: Approve disbursements in the amount of \$110,329.19
SUBMITTED BY: Tom Bouthilet, Finance Director

<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
32987 – 32990	\$ 3,880.00	Fall Festival Expenditures
479	\$ 8,983.65	Payroll Taxes to IRS
480	\$ 1,346.41	Payroll Taxes to Mn Dept. of Revenue
DD1811-DD1837	\$ 21,513.92	Payroll Dated 9/11/2008 (Direct Deposit)
33136-33150	\$ 3,310.58	Payroll Dated 9/11/2008 (Payroll)
33151-33192	\$54,263.66	Accounts Payable Dated 09/16/2008
33193 – 33196	<u>\$17,030.97</u>	Payroll Dated 9/11/2008 (Benefits)

Total: \$ 110,329.19

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the amount of \$ 110,329.19

<u>Check Number</u>	<u>Check Date</u>	<u>Fund Name</u>	<u>Account Name</u>	<u>Vendor Name</u>	<u>Amount</u>
33151	09/16/2008	General Fund	Contract Services	Animal Control Services	821.34
				Check Total:	821.34
33152	09/16/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	19.43
33152	09/16/2008	General Fund	Uniforms	Aramark	36.49
33152	09/16/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	67.37
33152	09/16/2008	General Fund	Uniforms	Aramark	35.06
				Check Total:	158.35
33153	09/16/2008	General Fund	Software Support	Atomic-Colo, LLC	5,400.00
33153	09/16/2008	General Fund	Hardware Support	Atomic-Colo, LLC	181.03
				Check Total:	5,581.03
33154	09/16/2008	General Fund	Newsletter/Website	AVENET, LLC	636.00
				Check Total:	636.00
33155	09/16/2008	General Fund	Equipment Parts	Batteries Plus Woodbury	169.34
				Check Total:	169.34
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	61.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	122.52
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	61.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	61.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	81.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	61.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	61.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	61.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	81.26
33156	09/16/2008	General Fund	Rentals - Buildings	Biff's Inc.	61.26
				Check Total:	713.86
33157	09/16/2008	General Fund	Small Tools & Minor Equipment	Century Power Equipment	198.68
				Check Total:	198.68
33158	09/16/2008	General Fund	Telephone	CP Telecom	82.83
33158	09/16/2008	General Fund	Telephone	CP Telecom	438.69
33158	09/16/2008	General Fund	Telephone	CP Telecom	449.26
				Check Total:	970.78
33159	09/16/2008	General Fund	Equipment Parts	Fastenal	5.04
33159	09/16/2008	General Fund	Sign Repair Materials	Fastenal	31.95
				Check Total:	36.99
33160	09/16/2008	General Fund	Miscellaneous	Hagbergs Country Market	21.45
33160	09/16/2008	General Fund	Miscellaneous	Hagbergs Country Market	36.48
				Check Total:	57.93
33161	09/16/2008	General Fund	Repairs/Maint Imp Not Bldgs	HSBC Business Solutions	30.54
33161	09/16/2008	Water	Small Tools & Minor Equipment	HSBC Business Solutions	9.90
				Check Total:	40.44
33162	09/16/2008	General Fund	Equipment Parts	Interstate All Battery Ctr	79.68

<u>Check Number</u>	<u>Check Date</u>	<u>Fund Name</u>	<u>Account Name</u>	<u>Vendor Name</u>		<u>Amount</u>
33163	09/16/2008	General Fund	Legal Services	Jardine, Logan & O'Brien	Check Total:	79.68
						739.00
33164	09/16/2008	General Fund	Small Tools & Equipment	Jefferson Fire & Safety	Check Total:	739.00
						77.45
33165	09/16/2008	General Fund	Assessing Services	Kern DeWenter Viere	Check Total:	77.45
						6,563.50
33166	09/16/2008	General Fund	Equipment	Knox Company	Check Total:	6,563.50
33166	09/16/2008	General Fund	Use Tax Payable	Knox Company		2,868.05
						-175.05
33167	09/16/2008	General Fund	Shop Materials	Lake Elmo Oil, Inc.	Check Total:	2,693.00
						1,911.25
33168	09/16/2008	General Fund	Dues & Subscriptions	League of MN Cities	Check Total:	1,911.25
						6,610.00
33169	09/16/2008	General Fund	FICA Tax Withholding	Greg Malmquist	Check Total:	6,610.00
						8,712.15
33170	09/16/2008	General Fund	Refuse	Maroney's Sanitation, Inc	Check Total:	8,712.15
33170	09/16/2008	General Fund	Refuse	Maroney's Sanitation, Inc		103.09
33170	09/16/2008	General Fund	Refuse	Maroney's Sanitation, Inc		45.37
33170	09/16/2008	General Fund	Refuse	Maroney's Sanitation, Inc		197.77
						103.09
33171	09/16/2008	Water	Small Tools & Minor Equipment	Marv's Professional Tools	Check Total:	449.32
33171	09/16/2008	Water	Small Tools & Minor Equipment	Marv's Professional Tools		46.40
						37.07
33172	09/16/2008	Water	Water Utility	MDH	Check Total:	83.47
						1,405.00
33173	09/16/2008	General Fund	Sign Repair Materials	Menards - Oakdale	Check Total:	1,405.00
33173	09/16/2008	General Fund	Landscaping Materials	Menards - Oakdale		9.98
33173	09/16/2008	City Facilities	Buildings and Structures	Menards - Oakdale		31.00
33173	09/16/2008	General Fund	Sign Repair Materials	Menards - Oakdale		24.81
						32.33
33174	09/16/2008	Sewer	Sewer Utility - Met Council	Metropolitan Council	Check Total:	98.12
						1,081.72
33175	09/16/2008	Fall Festival	Contract Services	Midway Party Rental	Check Total:	1,081.72
						414.19
33176	09/16/2008	General Fund	Contract Services	Miller Excavating, Inc.	Check Total:	414.19
33176	09/16/2008	General Fund	Landscaping Materials	Miller Excavating, Inc.		990.00
						71.14
33177	09/16/2008	General Fund	Telephone	Nextel Communications	Check Total:	1,061.14
33177	09/16/2008	General Fund	Telephone	Nextel Communications		121.35
33177	09/16/2008	General Fund	Telephone	Nextel Communications		188.65
						64.06

<u>Check Number</u>	<u>Check Date</u>	<u>Fund Name</u>	<u>Account Name</u>	<u>Vendor Name</u>	<u>Amount</u>
33177	09/16/2008	General Fund	Telephone	Nextel Communications	90.93
33177	09/16/2008	General Fund	Telephone	Nextel Communications	133.56
				Check Total:	598.55
33178	09/16/2008	Manning Ave/Hwy 36	Improvements Other Than Bldgs	Northern Water Works Supply	369.89
				Check Total:	369.89
33179	09/16/2008	General Fund	Contract Services	Gopher State One-Call One Call Concepts,	248.00
				Check Total:	248.00
33180	09/16/2008	General Fund	Sign Repair Materials	Parts Associates Inc.	114.42
				Check Total:	114.42
33181	09/16/2008	General Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	1,692.00
33181	09/16/2008	Development Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	47.00
				Check Total:	1,739.00
33182	09/16/2008	General Fund	Repairs/Maint Contractual Bldg	Plunkett's Pest Control	79.88
				Check Total:	79.88
33183	09/16/2008	General Fund	Repairs/Maint Contractual Eqpt	Pomp's Tire Service, Inc.	933.00
				Check Total:	933.00
33184	09/16/2008	General Fund	Cable Operation Expense	Steven Press	7.36
33184	09/16/2008	General Fund	Cable Operation Expense	Steven Press	58.88
33184	09/16/2008	General Fund	Cable Operation Expense	Steven Press	58.88
				Check Total:	125.12
33185	09/16/2008	Fall Festival	Miscellaneous	Printing Plus	338.28
33185	09/16/2008	General Fund	Use Tax Payable	Printing Plus	-20.65
				Check Total:	317.63
33186	09/16/2008	General Fund	Miscellaneous	RiverTown Newspaper Group	20.65
33186	09/16/2008	General Fund	Miscellaneous	RiverTown Newspaper Group	14.75
33186	09/16/2008	General Fund	Legal Publishing	RiverTown Newspaper Group	32.45
				Check Total:	67.85
33187	09/16/2008	General Fund	Printed Forms	Rogers Printing Services	99.05
				Check Total:	99.05
33188	09/16/2008	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	240.00
33188	09/16/2008	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	240.00
				Check Total:	480.00
33189	09/16/2008	General Fund	Telephone	USA Mobility Wireless, Inc.	21.39
				Check Total:	21.39
33190	09/16/2008	General Fund	Telephone	Verizon Wireless	123.71
				Check Total:	123.71
33191	09/16/2008	Fall Festival	Contract Services	VISA	100.00
33191	09/16/2008	General Fund	Conferences & Training	VISA	250.00
				Check Total:	350.00
33192	09/16/2008	Sewer	Electric Utility	Xcel Energy	67.25
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	140.97

<u>Check Number</u>	<u>Check Date</u>	<u>Fund Name</u>	<u>Account Name</u>	<u>Vendor Name</u>	<u>Amount</u>
33192	09/16/2008	General Fund	Street Lighting	Xcel Energy	30.18
33192	09/16/2008	General Fund	Street Lighting	Xcel Energy	53.25
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	184.16
33192	09/16/2008	General Fund	Street Lighting	Xcel Energy	26.00
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	501.92
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	12.46
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	39.16
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	33.07
33192	09/16/2008	Water	Electric Utility	Xcel Energy	3,298.58
33192	09/16/2008	General Fund	Street Lighting	Xcel Energy	37.83
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	125.62
33192	09/16/2008	Sewer	Electric Utility	Xcel Energy	15.19
33192	09/16/2008	General Fund	Street Lighting	Xcel Energy	28.14
33192	09/16/2008	Sewer	Electric Utility	Xcel Energy	14.83
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	294.09
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	66.02
33192	09/16/2008	General Fund	Street Lighting	Xcel Energy	1,739.32
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	46.38
33192	09/16/2008	General Fund	Electric Utility	Xcel Energy	447.16
33192	09/16/2008	Water	Electric Utility	Xcel Energy	21.00
33192	09/16/2008	General Fund	Street Lighting	Xcel Energy	9.86
Check Total:					7,232.44
Report Total:					54,263.66

ITEM: Adopting Ordinance 08-009 amending the 2008 fee schedule to include new fees for signs as required by the new sign ordinance

SUBMITTED BY: Tom Bouthilet, Finance Director

REVIEWED BY: Susan Hoyt, Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to amend the fee schedule to include fees for signs, which is a result of the recently adopted modified sign ordinance. The new fee schedule consists of three individual sign categories and is based on the labor and overhead expenses to issue the corresponding permits.

- PERMANENT SIGN \$175 plus surcharge to state of 50cents
- TEMPORARY SIGN \$ 70 plus surcharge to state of 50 cents
- TEMPORARY SIGN RENEWAL \$ 20 plus surcharge to state of 50 cents
-

Calculations for fees being charged

Permanent Sign

- Planner Site 0.5 Hrs
 - Processing 0.5 Hrs
 - Plan Review 1.0 Hrs
 - Preparation 0.5 Hrs
- Total 2.5 Hrs @ \$50.00/hour = \$125.00

- Overhead at 37% (electricity, gas, copying) $\$125.00 \times 1.37\% = \171.25 or \$175.00

Temporary

- Plan Review 0.5 Hrs
 - Preparation 0.5 Hrs
- Total 1.0 Hrs @ \$50.00 = \$ 50.00

- Overhead at 37% = $\$50.00 \times 1.37\% = \$ 68.50$ or \$70.00

Temporary Sign Renewal

- Review 0.15 Hrs
 - Processing 0.10 Hrs
- Total .25 Hrs @ \$50.00/hr = \$12.50
- Overhead at 37% $\$12.50 \times 1.37\% = \17.13 or \$20.00

ATTACH: ORDINANCE 2008-09 - Amending the fee schedule

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO.08-009
AN ORDINANCE SETTING MUNICIPAL FEES FOR CALENDAR YEAR 2008

The Lake Elmo City Council hereby adopts the following fee schedule for calendar year 2008 and directs that it be added to the Lake Elmo Municipal Code.

PERMANENT SIGN	\$175 plus surcharge to state of 50 cents
TEMPORARY SIGN	\$ 70 plus surcharge to state of 50 cents
TEMPORARY SIGN RENEWAL	\$ 20 plus surcharge to state of 50 cents

ADOPTION DATE: Passed by the Lake Elmo City Council on the 16th day of September, 2008.

CITY OF LAKE ELMO

By: _____
Dean Johnston
Its: Mayor

ATTEST

Susan Hoyt
City Administrator

EFFECTIVE DATE: This Ordinance shall be effective the ____ day of _____.

PUBLICATION DATE: Published on the ____ day of _____, 2008.

City Council
Date: 9.16.08
CONSENT
Item 4
Motion

ITEM: Approve a settlement subject to conditions to Joan and Steve Ziertman for claims against the City of Lake Elmo

REQUESTED BY: Jim Golembeck, Attorney representing the City of Lake Elmo

REVIEWED BY: Jerry Filla, City Attorney

SUMMARY AND ACTION REQUESTED: The city council is being asked to approve a settlement payment of \$12,500 subject to conditions to Steve and Joan Ziertman of 5761 Keats Avenue for claims against the city.

City Council
Date: 09/16/08
CONSENT
Item: 6

ITEM: Accept Donations for Fall Festival
SUBMITTED BY: Tom Bouthilet, Finance Director
REVIEWED BY: Susan Hoyt, Administrator

SUMMARY AND ACTION REQUESTED: The City Council is being asked to formally accept cash & donated items for the Fall Festival in the total amount/value of \$ 6220.02. Last fall, in celebration of a half century of community service, the Lake Elmo Fire Department organized a 50th Anniversary Celebration. The event stimulated interest in a broader annual community event. The Lake Elmo Fall Festival committee was formed and planning began in May of 2008. The Fall Festival committee determined that additional funding would be necessary to support many of the free activities. As a result, the committee decided to solicit both cash and items for a silent auction. Through the efforts of Council Member Smith and the assistance of the Fire Department, Six Thousand and Two Hundred Twenty Dollars in cash and donated items were collected.

The first annual Fall Festival was held on September 5 & 6. Due to the many donations and the efforts of volunteers, the first annual Fall Festival was tremendous success.

RECOMMENDATION: Motion to accept cash and donated item in the total amount/value of \$6220.02

Introduction/Report	Tom Bouthilet, Finance Director
Questions from council to staff	Mayor facilitates
Questions/comments from the public to the City Council (a maximum of three minutes per question/statement)	Mayor facilitates
Discussion	Mayor and Councilmembers
Direction	City Council

ATTACHMENT: Lake Elmo Fall Festival Donation Roster

**City of Lake Elmo
Fall Festival
Donation Roster**

Company	Description
Stillwater Auto Clinic	3 Oil Changes
Time For Me	Children's Basket
Referred Carpet Care	200 sq ft carpet cleaning
Joan Ziertman	Fall Deco Display
Ziengo Agency	Cash towards the purchase of Pig (1/2)
Leslies Carpet	2-\$200.00 Discount
Hair Affair	Gift Set
Lake Elmo Pharmacy	Basket
St. Croix Sensory	Food Basket
Belle Amie	Massage / Facial
State Farm Insurance	CASH
Lake Elmo Barber	Hair Cut
U.S. Restoration & Remodeling	CASH
Lake Elmo Dental	Professional Strength Teeth Whitening System
Wildwood Lodge	Romance Package-One Night Stay in a Whirlpool Suite
Wildwood Lodge	2-Night Stay includes Breakfast Vouchers
Oakdale Village Sports Clips	one year free haircuts
Hairatage	2-Baskets 40.00 Each
Lawson Marshall Mcdonald Galowitz & Wolle	CASH
Valley Ridge Dental	CASH
City & County Credit Union	CASH
Cost Cutter	Two Free Haircuts
Gorman's	4-25.00 Gift Cert.
Olive Garden-Oakdale	2-30.00+ 2 kids eat free package
Silestone	Gift Cert. for Vanity 1300.00- 500.00 Off any Counter Top.
Rassemun	Golf Club - 2 Carts - 4 Players at Oak Marsh
Bufflo Wings	50 wings packet with sauce kit
Hilton Garden Inn	One Standard Night Room
Village Hair Car	Family Hair Combo
Fine Line	1 Framed Painting
Dr. Dennis Grabowski Dentist	CASH
Jardine, Logan & O'Brien	4 Gopher Tickets @ 30.00
Two Rivers Community Land	CASH
High Point Surgery Center	CASH Silent Auction
Lake Elmo Inn	2 \$75.00 Gift Cert
ExitCare LLC	CASH
East Metro LLC	CASH
Xcel Energy	Portable Grill
Lake Elmo Fire Dept.	Beach Pack-Cooler, towels & beer
Lamberts	2 Carharts Jackets - 50.00 Each
Lake Elmo Bank	CASH
Herberger's	Gift Basket Set
Retail Construction	CASH
National Reprographics	CASH
Country Air	Two Thirty Minutes Session in heated driving range
Country Air	Two Medium Buckets & 2 9 hole rounds on wedge course

Total Cash & Value \$6,220.02

ITEM: Consider a request to allow construction of a new home to be located further from the road right-of-way than an existing barn by 40 feet and detached garage by 117 feet on the 9.94 acre parcel at 11311 50th Street North.

REQUESTED BY: Mary O'Brien, Property Owners

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Susan Hoyt, City Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The city council is being asked to consider approving a resolution to allow the construction of a primary structure to be located 573.5 feet from the road right-of-way at 11311 50th Street North. This location, while it meets the setback requirements of the RR zoning district, would place the new home at a location further from the road right of way than the existing accessory buildings.

The zoning ordinance only allows a detached accessory building to be located closer to a front lot line than a principal building upon approval by the City Council. In this case, the property owner will be tearing down an existing home that is in a conforming location and rebuilding a new home in a new location behind the existing accessory buildings on the property. This action does not require planning commission consideration nor does it require notifying adjacent property owners.

The existing barn is 533 feet from the road right-of-way and the existing detached garage is 456 feet. The proposed new home would be 573.5 feet. The existing home is currently located closer to the road right-of-way than the detached accessory buildings.

The applicant's submittal to allow the new home to be built further back on the lot than the existing accessory buildings would not be out of character for the neighboring properties nor would it impact traffic. Staff finds that this request is permissible under the code and that the location of the new home would not negatively impact neighboring properties as it is in a rural area with large lots. This is not a request for a variance, so the applicant does not need to demonstrate a hardship.

RECOMMENDATION

Based on our analysis of the request, staff is recommending approval of Resolution 2008-044 to allow the construction of a new home 573.5 feet from the right-of-way at 11311 50th Street North.

APPLICABLE SECTIONS OF CODE

- Section 154.092, Subd.1
"No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R1 districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or cluster developments."

ATTACHMENTS:

1. Resolution 2008 - 044
2. Area map showing the location of the subject property
3. Site Plan
4. Aerial image of site.

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2008-044

A RESOLUTION APPROVING THE PLACEMENT OF A NEW HOME FURTHER
FROM THE ROAD RIGHT-OF-WAY THAN THE EXISTING ACCESSORY
BUILDINGS AT 11311 50TH STREET NORTH

WHEREAS, pursuant to Section 154.092 Subd. I of the Lake Elmo Municipal Code, Mary O'Brien, the property owner, has requested approval to place a new home further from the road right-of-way than an existing barn by 40 feet and detached garage by 117 feet at 11311 50th Street North, in accordance with plans received by staff August 29, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo hereby grants permission for construction of a new home 573.5 feet from the road right-of-way, further from the two existing accessory buildings on the property at 11311 50th Street North.

ADOPTED, by the Lake Elmo City Council on the 16th day of September, 2008.

Dean Johnston, Mayor

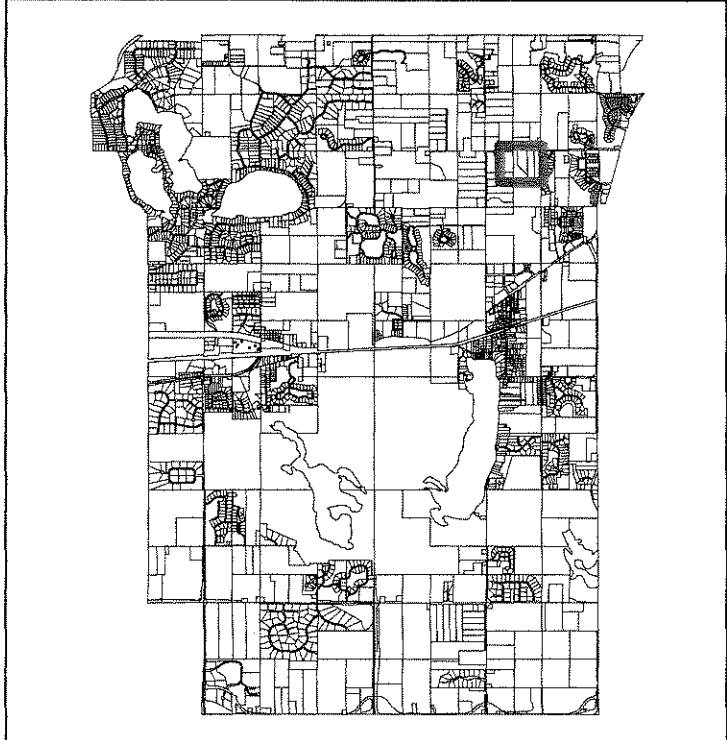
ATTEST:

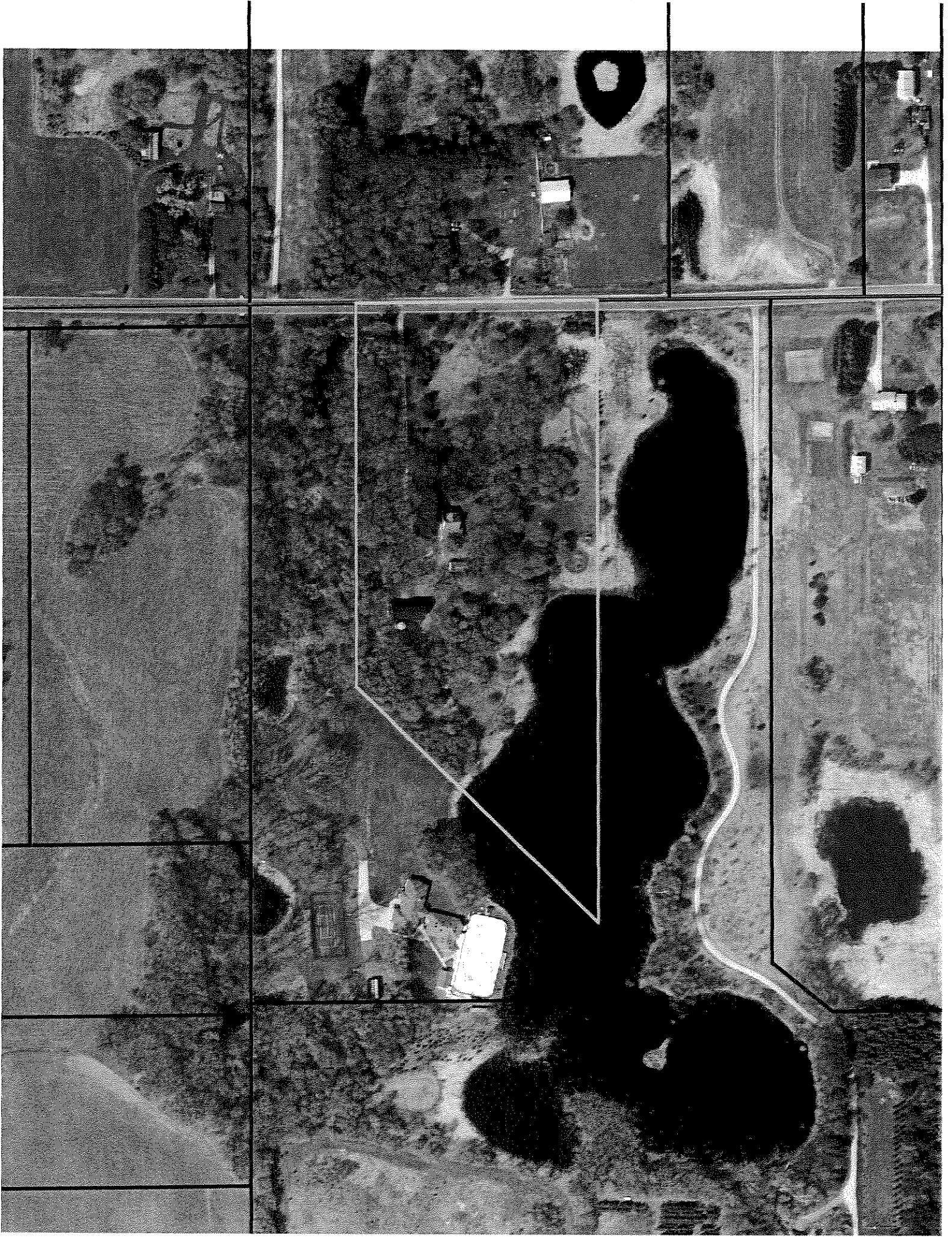
Susan Hoyt, City Administrator



50th Street N

11311 50th Street North





City Council
Date: 9/16/08
Regular
Resolution No. 2008 - 046
Item: 7

ITEM: Consider an application for a 25 foot front yard setback variance to allow the construction of a detached garage five feet from the front property line where 30 feet is required at 11002 Upper 33rd Street North.

REQUESTED BY: Jill Martin, Applicant

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Planning Commission
Susan Hoyt, City Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider a request from resident Jill Martin to allow construction of a one car, detached garage on her property at 11002 Upper 33rd Street North to serve the existing residential home. The proposed garage would be located five feet from the front property line where thirty feet is required and would therefore need a twenty-five foot variance. The small residential lot (0.14 acres) currently does not have any covered parking and a conforming location does not exist for a detached garage. The addition of a garage to the property is a reasonable request as accessory to the existing residential home.

The addition of the proposed garage and driveway could exceed the maximum impervious surface allowed on the site, which is 25 percent of the lot size. Therefore, staff is recommending as a condition of approval that a portion of the existing hardcover be removed as necessary to retain compliance with this requirement while maintaining the required three off-street parking spaces required by code.

ADDITIONAL INFORMATION:

- City staff received responses of support from two neighbors for the application.

PLANNING COMMISSION REPORT

- The Planning Commission conducted a public hearing as part of its review and did not receive any public testimony regarding the proposed variance.
- The Planning Commission recommended approval of the variance by a vote of 5 to 1. The Commissioner that voted against the variance expressed concern over the future implications if Upper 33rd Street were to ever be expanded and extended.

RECOMMENDATION:

Staff is recommending approval of the variance as it meets the variance criteria with the following findings:

- 1) The addition of a single car garage on the property is a reasonable request as accessory to the existing home.

- 2) The size and shape of the property as well as the location of the existing home, septic system, and setback requirements prevent a conforming location for a detached garage on the lot.
- 3) The property was platted in its current configuration in 1848, pre-dating the existing city code requirements.

And with the following conditions:

- 1) Prior to the city issuing a building permit, a portion of the existing hardcover must be removed to retain the property's conformance with the impervious surface requirement of twenty-five percent of the lot.
- 2) Three off-street parking spaces must be accommodated on the lot.

MOTION FOR CONSIDERATION:

Move to approve the requested 25 foot variance from the required 30 foot front yard setback for a detached garage at 11002 Upper 33rd Street based on the findings provided by staff and with the conditions identified in the staff report.

ORDER OF BUSINESS:

- Introduction Susan Hoyt, City Administrator
- Report by staff Kyle Klatt, Planning Director
- Questions from the Council Mayor & Council Members
- Questions/Comments from the applicant Mayor facilitates
- Questions/Comments from the public Mayor facilitates
- Call for a Motion
(required for further discussion; does not
imply approval of the motion Mayor facilitates
- Discussion Mayor facilitates
- Action on motion Council

ATTACHMENTS:

1. Resolution 2008-046
2. Area map showing the location of the subject property
3. Detailed staff report on the request
4. Site Plan
5. Aerial image of site.

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2008-046

A RESOLUTION APPROVING A 25 FOOT VARIANCE TO THE REQUIRED 30 FOOT
FRONT YARD SETBACK TO ALLOW CONSTRUCTION OF A DETACHED GARAGE AT
11002 UPPER 33RD STREET NORTH

WHEREAS, Jill Martin has made application to the City of Lake Elmo for a 25 foot variance from the required 30 foot front yard setback to construct a detached garage at 11002 Upper 33rd Street North, Lake Elmo, Minnesota.

WHEREAS, the Lake Elmo Planning Commission considered the variance request and held a public hearing at its September 8, 2008, meeting and recommended that the variance be granted based on the following Findings:

1. The addition of a single car garage on the property is a reasonable request as accessory to the existing home.
2. The size and shape of the property as well as the location of the existing home, septic system, and setback requirements prevent a conforming location for a detached garage on the lot.
3. The property was platted in its current configuration in 1848, pre-dating the existing city code requirements.

WHEREAS, the Lake Elmo City Council has reviewed the 25 foot front yard variance request by Jill Martin, 11002 Upper 33rd Street North at the September 16, 2008 meeting.

BE IT FURTHER RESOLVED, that the approval of the requested variance shall include the following conditions:

1. Prior to the city issuing a building permit, a portion of the existing hardcover must be removed to retain the property's conformance with the impervious surface requirement of twenty-five percent of the lot.
2. Three off-street parking spaces must be accommodated on the lot.

ADOPTED by the Lake Elmo City Council on September 16, 2008.

Dean A. Johnston, Mayor

ATTEST:

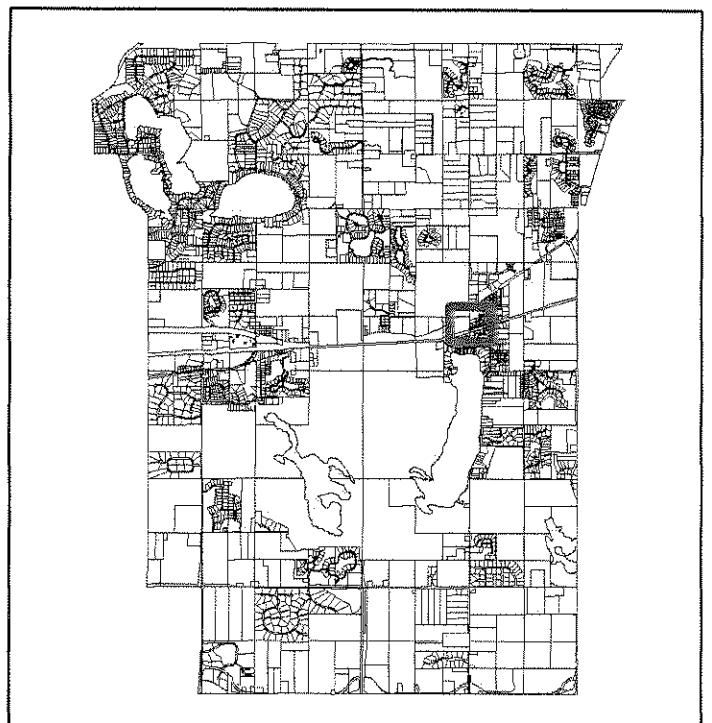
Susan Hoyt, City Administrator



Upper 33rd Street N

Railroad

11002 Upper 33rd Street N



City of Lake Elmo Planning Department
Variance Review

To: **City Council**

From: Kyle Klatt, Planning Director
 Kelli Matzek, City Planner

Meeting Date: **9/16/08**

Applicant: **Jill Martin**

Owner: Jill Martin

Location: **11002 Upper 33rd St N**

Zoning: R1 – Single Family Residential

Introductory Information

Request Jill Martin, 11002 Upper 33rd Street north, is requesting that the City consider a 25 foot variance from the required 30 foot front yard setback to allow the construction of a detached garage on the property. The proposed single car garage would be located five feet from the front property line.

<i>Site Data:</i>	<i>Property Identification No.</i>	<i>Area</i>	<i>Use</i>
	13-029-21-32-0054	6,137 square feet (0.14 Acres)	Residential Dwelling

The applicant’s property is zoned R-1 Single Family Residential. There is an existing single family home located in the center of the property. The septic tanks are located in the rear yard of the lot.

Applicable Codes:

Section 154.041 R-1 One-Family Residential Zoning District

Subd. C. Minimum District Requirements

The R-1 Zoning District has a building setback of 30 feet from the front property line, 10 feet from the side (interior) property lines, and 40 feet from the rear property line.

The maximum impervious surface coverage is 25 percent of the property.

Section 154.092 Accessory Buildings and Structures

(I) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 Districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or duster [sic] developments.

**Applicable
Code
Definitions:**

ACCESSORY BUILDING. A subordinate building, or a portion of the main building, which is located on the same lot as the main building and the purpose of which is clearly incidental to that of the principal building.

ACCESSORY STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING SETBACK LINE. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water mark or line, behind which buildings or structures must be placed.

BUILDING SETBACK. The minimum horizontal distance between 1 building and the lot line.

BUILDING. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or movable property of any kind. When any portion of a building is completely separated from every other part of a building by area separation, each portion of the building shall be deemed as a separate building.

CARPORT. An automobile shelter having 1 or more sides open.

DWELLING UNIT. A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used, or intended for use exclusively as living quarters for one (1) family.

GARAGE, PRIVATE. A detached 1 story accessory building or portion of the principal building, including a carport, which is used primarily for the storage of passenger vehicles, trailers, or farm trucks.

HARDSHIP. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists; that the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and that these unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

LOT, INTERIOR. A lot other than a corner lot, including through lots.

LOT LINE, FRONT. The boundary of a lot which abuts a public street. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

LOT LINE, REAR. The boundary of a lot which is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT LINE. A lot line is the property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the lot line.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by the description for the purpose of sale, lease or separation.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground level.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, signs, and other similar items.

USE, ACCESSORY. A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to the principal use.

VARIANCE. A modification of a specific permitted development standard required to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship as defined in Section 300.06, Subd. 3. Economic considerations along shall not constitute a hardship. [sic]

Variance Review

Variance Request:	The applicant is requesting that the City consider a 25 foot variance from the required 30 foot front yard setback to allow the construction of a detached garage on the property.
Variance Criteria:	<p>By code, a variance can only be granted where the city finds the request can successfully address the following three criteria:</p> <ol style="list-style-type: none"><i>1. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;</i> <p>The applicant is proposing to add a single-car detached garage on the property. The 0.14 acre lot currently does not have an enclosed garage space, but instead has a driveway located along the east property line. The property's size and shape prohibits the addition of a detached garage in a conforming location anywhere on the lot.</p> <p>While a more-conforming location is available for a garage on the site, the location would place the garage closer to the existing home. There is a six foot required separation between the home and the garage for safety reasons. Attaching a garage to the west side of the house may present structural challenges.</p> <p>The request to build a single car garage on the property is a reasonable request. Therefore, staff finds this condition is met.</p> <ol style="list-style-type: none"><i>2. The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district;</i> <p>As mentioned previously, the size and shape of the property, the location of the existing home, and the applicable setbacks do not allow the building of a detached garage in a conforming location anywhere on the property.</p> <p>The property is 0.14 acres in size – one of just a handful of properties under 0.15 acres in size with a single family detached home on the property in the city.</p> <p>The property has been in existence in its current form since 1848. Therefore, staff finds this condition is met.</p> <ol style="list-style-type: none"><i>3. The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.</i> <p>The property has been in existence in its current form since 1848. At that time, this area was unincorporated. Since then, Oakdale Township became the city of Lake Elmo and the city's land use regulations have undergone a number of revisions.</p>

	Therefore, the land owner did not cause this property to be in it's current form. Therefore, staff finds this condition is met.
Variance Conclusions:	Based on the analysis of the review criteria in City Code, staff would recommend approval of the front yard variance to allow construction of a detached garage five feet from the front property line.
Resident Concerns:	Staff is not aware of any resident concerns regarding the requested variance. Staff received a letter of support from the adjacent neighbor and a phone call of support from an additional neighbor.

Review Comments:

Planning Issues:	<p>The site plan identifies the proposed garage to be located five feet from the front property line and seventeen feet from the edge of Upper 33rd Street, a dead-end city road.</p> <p>The city code requires three off-street parking spaces for each residential property. This code is currently being met through the existing driveway located on the property. However, with the proposed garage and new driveway, the property will likely be over the maximum impervious surface allowed on the lot which is 25 percent. Therefore, staff will request that a condition of approval be the removal of a portion of the existing hardcover to maintain the site's conformance with that regulation.</p> <p>Two off-street parking spaces (in addition to the proposed one-car garage) will also need to be maintained on the site.</p>
Fire Department Comments:	The fire department has not expressed any significant concern with the proposed garage location and it's proximity to a nearby fire hydrant.
Engineer Comments:	The City Engineer has not expressed any significant concerns with the proposed garage.
VBWD Comments:	The Valley Branch Watershed District did not have any concerns with the application as the project would be disturbing less than one acre or 6,000 cubic feet of dirt.

Conclusion:

The applicant is seeking approval of a 25 foot variance from the required 30 foot front yard setback for a one-car, detached garage.

**Commission
Options
Presented:**

The Planning Commission was presented with the following options:

- A) Recommend approval of the requested variance as it will not adversely impact adjacent neighbor's views or water runoff and that a conforming location for a detached garage on the property does not exist.
- B) Recommend denial of the requested variance based on the findings identified by the commission.

The deadline for a Council decision on this item is November 8, 2008.

Staff Rec:

Staff recommended approval of the variance request based on the following:

- 1) The addition of a single car garage on the property is a reasonable request as accessory to the existing home.
- 2) The size and shape of the property as well as the location of the existing home, septic system, and setback requirements prevent a conforming location for a detached garage on the lot.
- 3) The property was platted in its current configuration in 1848, pre-dating the existing city code requirements.

Provided the following conditions are met

- 1) Prior to the city issuing a building permit, a portion of the existing hardcover must be removed to retain the property's conformance with the impervious surface requirement of twenty-five percent of the lot.
- 2) Three off-street parking spaces must be accommodated on the lot.

**Approval
Motion
Template:**

To approve the request, you may use the following motion as a guide:

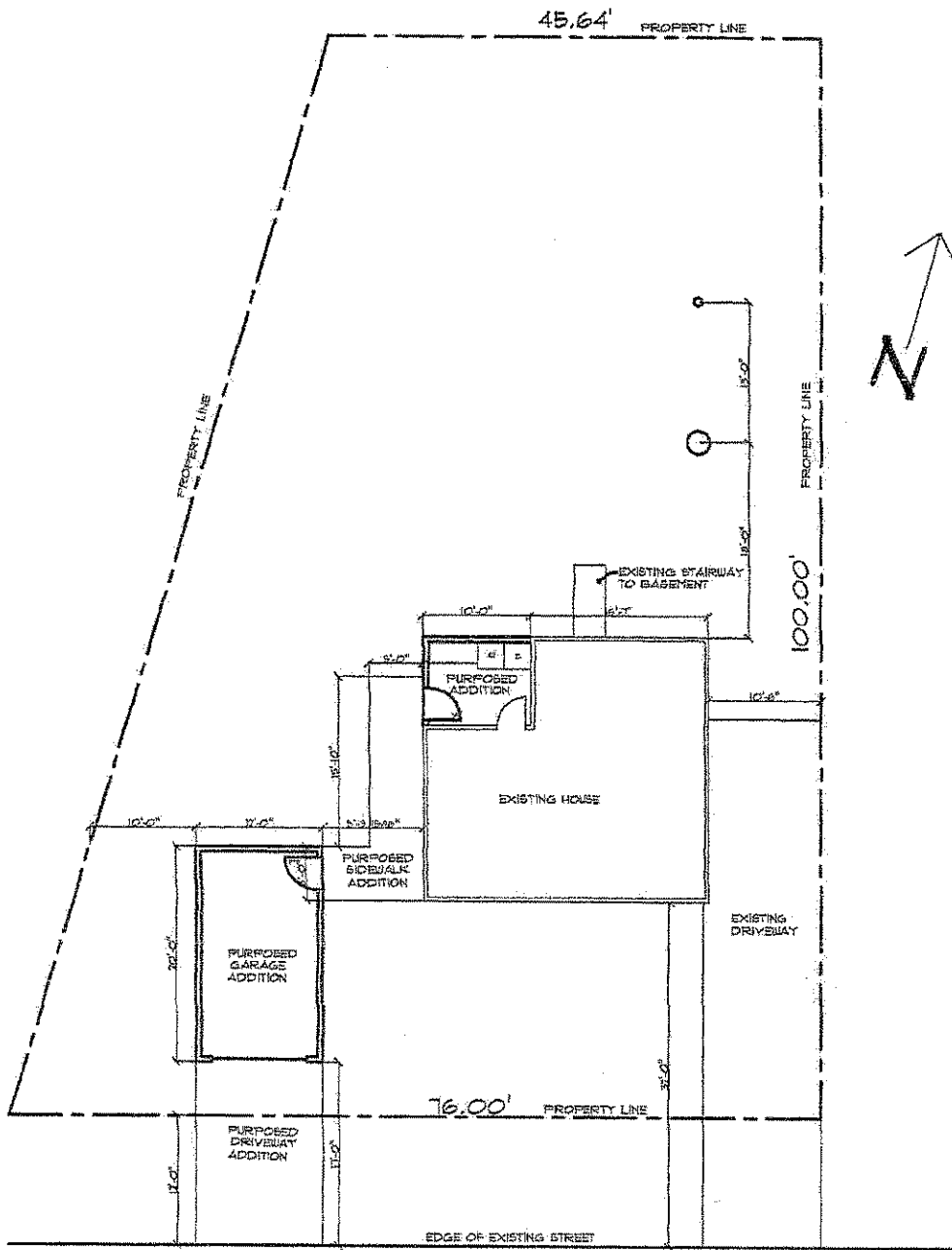
I move to approve the requested 25 foot variance from the required 30 foot front yard setback for a detached garage at 11002 Upper 33rd Street based on the findings provided by staff and with the conditions identified in the staff report.
...(use staff's findings provided above or cite your own)

**Denial
Motion
Template:**

To deny the request, you may use the following motion as a guide:

I move to deny the requested variance at 11002 Upper 33rd Street based on the following findings...*(please site reasons for the recommendation)*

cc: Jill Martin, 11002 Upper 33rd Street North



UPPER 33RD. STREET N.

NOTES:
CONTRACTOR / OWNER TO VERIFY ALL DIMENSIONS
AND MATERIAL ON PLANS.

PURPOSED ADDITION FOR:

JILL MARTIN
11002 UPPER 33RD ST. N.
LAKE ELMO, MN 55042

SCALE: 1/16" = 1'-0"

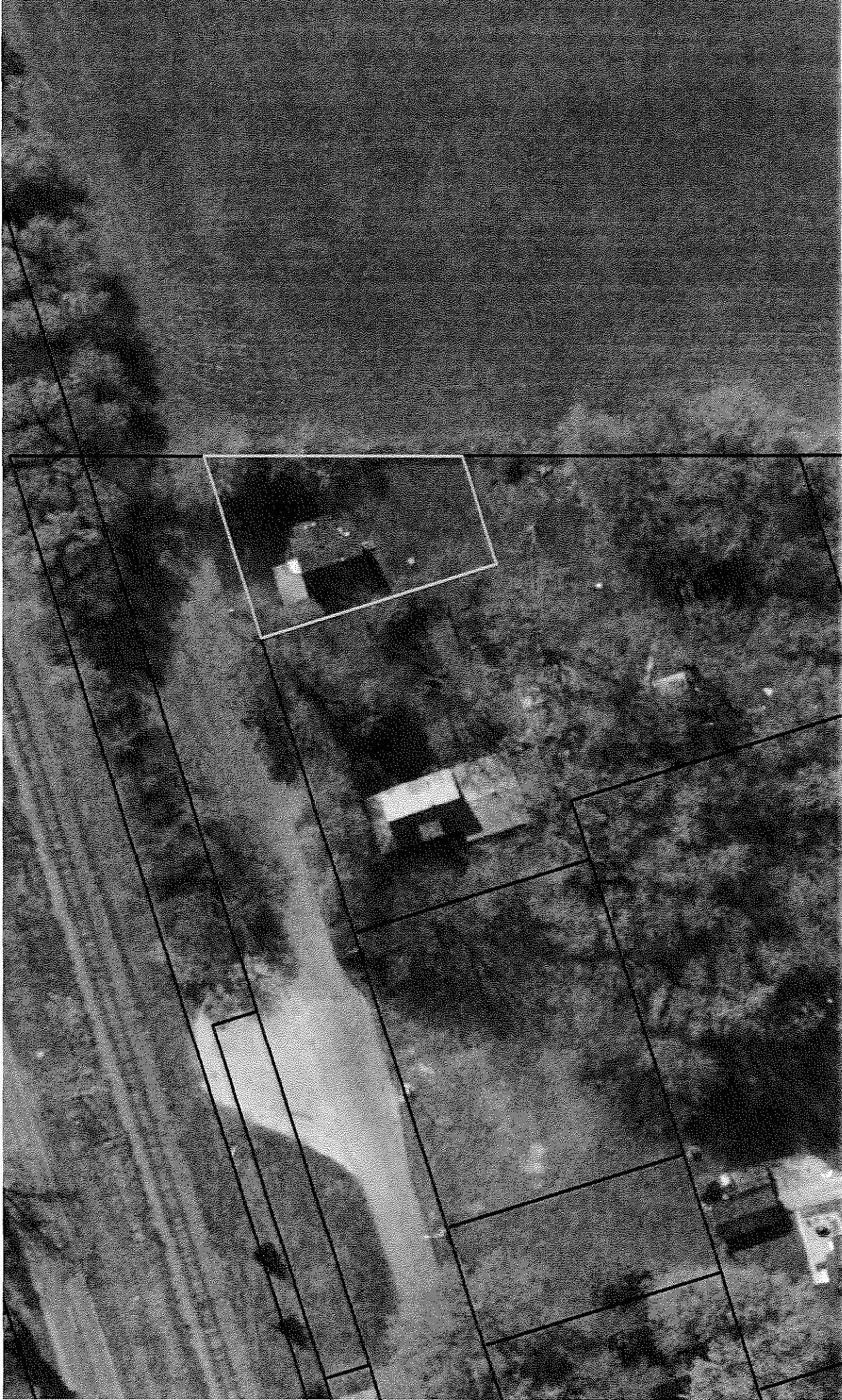
PROJECT NO.

DRAWN BY:

SHEET:

DATE

REV.



City Council
Date: 9/16/08
Regular
Resolution No. 2008- 47
Item: 8

ITEM: Consider an application for a Conditional Use Permit to establish a Beauty Salon/Day Spa at 8925 Highway 5.

REQUESTED BY: FLF Properties, Applicant

SUBMITTED BY: Kyle Klatt, Director of Planning



REVIEWED BY: Planning Commission
Susan Hoyt, City Administrator
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The Lake Elmo City Council is being asked to consider a request from FLF Properties to establish a day spa at 8925 Highway 5, which is located within the Prairie Ridge Office Park complex at the intersection of Highway 5 and Stillwater Boulevard North. The use would occupy 1,540 square feet of the 2,500 square foot building at this address and would make use of the current parking that has been provided for the office park. The remaining area of the building is vacant as is the adjacent building. Other uses in the park are offices and low-impact services businesses.

The proposed site is located in a LB – Limited Business District, a district that is intended for low impact uses in areas without sanitary sewer service. Beauty Salons and Day Spas are permitted as a conditional use, and based on the attached analysis, the proposed use does meet the C.U.P. standards in the code. If the City Council finds that a Conditional Use meets all the requirements, it is required to grant approval for the proposed use. Approval is therefore recommended.

ADDITIONAL INFORMATION:

- The applicant has provided architectural plans for the proposed use and a description of the services presently offered by the business at its present location. This information supports the designation of the use as a "Day Spa" and the findings documented in the attached report.

PLANNING COMMISSION REPORT

- The Planning Commission conducted a public hearing as part of its review and did not receive any public testimony regarding the proposed Conditional Use.
- The Commission recommended approval of the Conditional Use by a vote of 5 to 1. The dissenting vote expressed concern over the present condition of the business park and specifically the presence of weeds and noxious vegetation on the property.

RECOMMENDATION:

Approval is recommended because the request meets the requirements for approving a Conditional Use Permit and has been recommended for approval by the Planning Commission.

MOTION FOR CONSIDERATION:

I move we approve the requested conditional use permit for a day spa at 8925 Highway 5 based on the findings provided by staff.

ORDER OF BUSINESS:

- IntroductionSusan Hoyt, City Administrator
- Report by staff..... Kyle Klatt, Planning Director
- Questions from the Council Mayor & Council Members
- Questions/Comments from the applicant.....Mayor facilitates
- Questions/Comments from the public.....Mayor facilitates
- Call for a Motion
(required for further discussion; does not
imply approval of the motion Mayor facilitates
- Discussion Mayor facilitates
- Action on motion Council

ATTACHMENTS:

1. Resolution No. 2008-47
2. Area map showing the location of the subject property
3. Detailed staff report on the request
4. Prairie Ridge Office Park site plan and plat
5. Architectural diagrams for building and proposed use
6. List of services provided by Belle Amie Spa
7. Aerial image of site.

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2008-47

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A BEAUTY
SALON AND DAY SPA AT 8925 HIGHWAY 5*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, FLF Properties, 8921 Highway 5, (“Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit to establish a Beauty Salon and Day Spa at 8925 Highway 5; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.018, Subd. (D); and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on September 8, 2008; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation as part of a memorandum to the City Council from Planning Director Kyle Klatt for its September 16, 2008 meeting; and

WHEREAS, the City Council considered said matter at its September 8, 2008 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.018.
- 2) That all the submission requirements of said Section 154.018 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit amendment is to allow the establishment of a Beauty Salon and Day Spa in a LB – Limited Business Zoning District.
- 4) That the proposed use will be located on property legally described as Lot 13, Block 1, Common Interest Document No. 249, Prairie Ridge Office Park, Washington County, Minnesota. Commonly known as 8925 Highway 5.

- 5) That the proposed Conditional Use would not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands.
- 6) That the proposed Conditional Use would not affect traffic or parking conditions.
- 7) That the proposed Conditional Use would have little or no effect on utility or school capacities.
- 8) That the proposed Conditional Use would have no effect on property values of surrounding lands.
- 9) That the proposed Conditional Use would be consistent with the Comprehensive Plan.

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicant's application for a Conditional Use Permit is approved.

Passed and duly adopted this 16th day of September, 2008 by the City Council of the City of Lake Elmo, Minnesota.

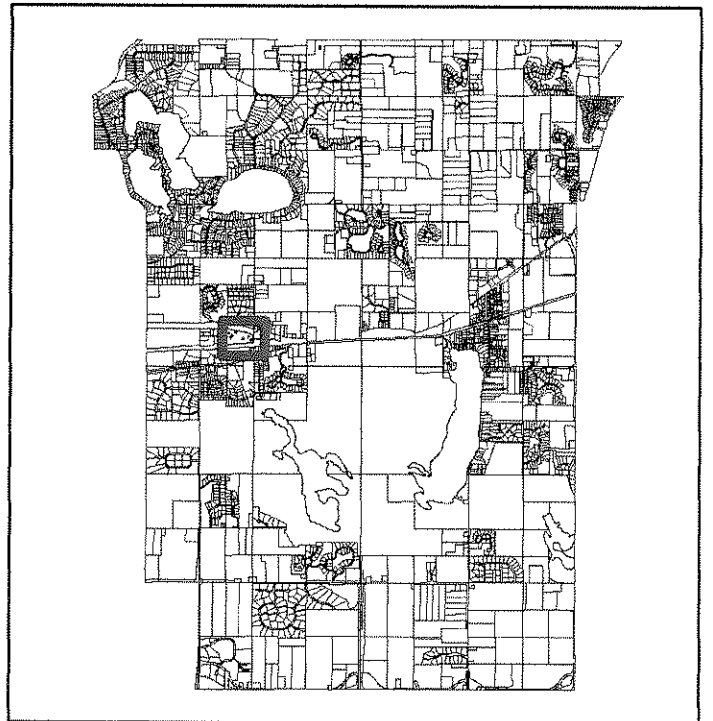
Dean A. Johnston, Mayor

ATTEST:

Susan Hoyt, City Administrator



8925 Highway 5



City of Lake Elmo Planning Department
Conditional Use Permit Request

To: **City Council**
From: Kyle Klatt, Planning Director
Kelli Matzek, City Planner
Meeting Date: **9-16-08**
Applicant: **FLF Properties and Belle Amie Spa**
Owner: FLF Properties
Location: **8925 Highway 5**
Zoning: Limited Business (LB)

Introductory Information

<i>Requested Conditional Use Permit:</i>	The applicant is seeking to allow a day spa establishment to be located at 8925 Highway 5. The business would be located within an existing building that is part of the Prairie Ridge Office Park on the western portion of this site.
<i>Property Information:</i>	<p>The Prairie Ridge Office Park is currently zoned Limited Business, where beauty salons are listed as a conditional use and day spas are an accessory use to a beauty salon. The subdivision for the office park was approved in early 2004, and subsequently, all of the buildings planned have been constructed. The site was approved as a planned unit development; however, there are no specific requirements on file pertaining to the future uses within the overall office park, which is regulated by the current LB zoning designation.</p> <p>Access into the office park is provided via a private road that connects between the westbound lane of State Highway 5 and Stillwater Boulevard North (County Rd. 6). Parking has been provided in accordance with the previous PUD review, therefore, no additional stalls are provided for the proposed day spa. The proposed use is consistent with the overall businesses that are presently located within the park and the LB Zoning of the property.</p>
<i>Applicable Codes:</i>	<p>Section 154.018 Administration.</p> <p><u>Subd 4. Conditional Use Permits.</u> Outlines the general requirements for all conditionally permitted uses in Lake Elmo.</p> <p>Section 11.02 Definitions</p> <p>BEAUTY SALON. Any commercial establishment, residence, or other</p>

establishment, place, or event wherein cosmetology, including hair care, nail care, and skin care, is offered or practiced on a regular basis for compensation.

DAY SPA. A safe, clean commercial establishment, which employs professional licensed therapists whose services include massage and body or facial treatments. Treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Services may also include Hydrotherapy and steam and sauna facilities, nutrition and weight management. No services or facilities may be offered or constructed that would include customer over night stay.

Section 154.057 LB – Limited Business District

Contains the standards and uses permitted in the LB District with the following purpose statement: “The purpose of the Limited Business District is to establish a comprehensive planned framework for development where municipal sanitary sewer does not exist. The city has determined that it is in the best interest of the city and the region to responsibly manage growth in this district. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse impacts from traffic congestion, noise, odor, glare, and similar problems.”

Findings & General Site Overview

Site Data:	<p><i>Overall Business Park Size: 16.98 Acres</i></p> <p><i>Size of Lot 13: 3,263 square feet</i></p> <p><i>Buildings: Seven (7) building with a total of approximately 35,000 square feet of area</i></p> <p><i>Existing Use: Office/Limited Services/Vacant</i></p> <p><i>Existing Zoning: LB – Limited Business</i></p> <p><i>Property Identification Number (PID): 16-029-21-41-0025</i></p>
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Application Review:

Existing Conditions:	<p>None of the conditions that were attached to the approval of the PUD for Prairie Ridge Office park are applicable to the future tenants within the office park buildings. The site has been developed in accordance with the approved plans, including the provision of any required parking for the future tenants, the installation of storm water management improvements, and other site work. The City does still have an active developer’s agreement in place for the Office Park development, and a few outstanding close-out items need to be completed before all of the improvements can be accepted by the City.</p>
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CUP Review:	<p>The plans that have been submitted by the applicant include an overall site plan for the</p>
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business park, a building schematic diagram, the Prairie Ridge Office Park Plat, and plans for the portion of the building at 8925 Highway 5 that will be used for the day spa. The application materials also include a listing of the current services offered by the business from its present location along Lake Elmo Avenue. Based on the information submitted, it appears that the proposed use is consistent with the activities defined by the City Code for a Day Spa.

The City's process for the review of a Conditional Use specifies that before a C.U.P. may be issued, the City must consider certain findings as they pertain to the proposed use. For these types of applications, the burden is on the City to show why the use should not be permitted due to impacts that cannot be controlled by reasonable conditions.

Impacts the City must review are as follows:

1. *Effects on the health, safety, morals, convenience, or general welfare of surrounding lands.*
2. *Traffic & Parking conditions.*
3. *Effects on utility and school capacities.*
4. *Effect on property values of surrounding lands.*
5. *Effect of the proposed use on the Comprehensive Plan.*

**Conditional
Use Permit
Criteria:**

1. *Effects on the health, safety, morals, convenience, or general welfare of surrounding lands.*

The proposed Day Spa is compatible with the other uses within the Prairie Ridge Office Park, which include offices and low-impact service businesses. There have been no comments received to date that indicate any concern from neighboring property owners regarding the proposed use. Given the limited types of businesses that can be conducted in the LB District, the proposed Day Spa will not create any anticipated impacts that would be detrimental to the health, safety, morals, convenience, or general welfare of surrounding lands.

Therefore, staff finds this criteria is met.

2. *Traffic & Parking conditions.*

The City reviewed potential traffic issues as part of the PUD review for the Office Park, and determined the appropriate number of parking stalls for the entire site at this time as well. The parking needs for the Day Spa are consistent with the expected demand for parking throughout the project area.

Staff finds this criteria is met.

3. *Effects on utility and school capacities.*

A day spa use will have minimal impacts on the existing utilities at the site. The use of the utilities would be consistent with the expectations for the overall planned development area. The utilities are previously been installed on the site and would not

be greatly impacted by this use.

The number of school age children would not be impacted by this use. There would be no impact on the school capacities, **therefore staff finds this criteria is met.**

4. Effect on property values of surrounding lands.

Given the small-scale service and the primary function of the business as a salon, the surrounding land values would not be depreciated due to this use. **Therefore, staff would find this criteria is met.**

5. Effect of the proposed use on the Comprehensive Plan.

The Prairie Ridge Office Park area is guided for limited business uses in the Comprehensive Plan and as noted above, the proposed use is listed as a Conditional Use in this district. The addition of a day spa to the business park is consistent with the future land use plan for the area.

Staff finds this criteria is met.

***Conditional
Use Permit
Conclusions:***

Based on the above analysis of the review criteria in City Code, staff is recommending **approval** of the conditional use permit request to allow a day spa at 8925 Highway 5 based on the following:

1. The use would not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands.
2. It would not affect traffic or parking conditions given the use has existed on the site for over one year and staff is not aware of any complaints.
3. The use would have no effect on utility or school capacities.
4. The proposed use would have no effect on property values of surrounding lands.
5. The use would be consistent with the Comprehensive Plan.

***Resident
Concerns:***

Staff is not aware of any concerns surrounding the requested conditional use permit. The other property owners within Prairie Ridge Office Park were provided with notice of the public hearing in accordance with City Code.

***Additional
Information:***

Neither the watershed district nor the DNR provided comment in opposition to the proposed conditional use permit.

Conclusion:

The applicants are seeking approval of the following conditional use permit application:

To allow a day spa at 8925 Highway 5.

Commission Report: The Planning Commission reviewed the proposed Conditional Use Permit at its September 8, 2008 meeting and recommended approval of the request with a vote of 5 ayes and 1 nay. The dissenting vote expressed concern that the business park site was not being well-maintained due to the presence of weeds and un-mowed vegetation on the site.

Staff Rec: **Staff recommended approval** of the conditional use permit request to allow a day spa at 8925 Highway 5 based on the following:

1. The use would not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands.
2. It would not affect traffic or parking conditions given the use has existed on the site for one year and no complaints were received.
3. The use would have little or no effect on utility or school capacities.
4. The proposed use would have no effect on property values of surrounding lands.
5. The use would be consistent with the Comprehensive Plan.

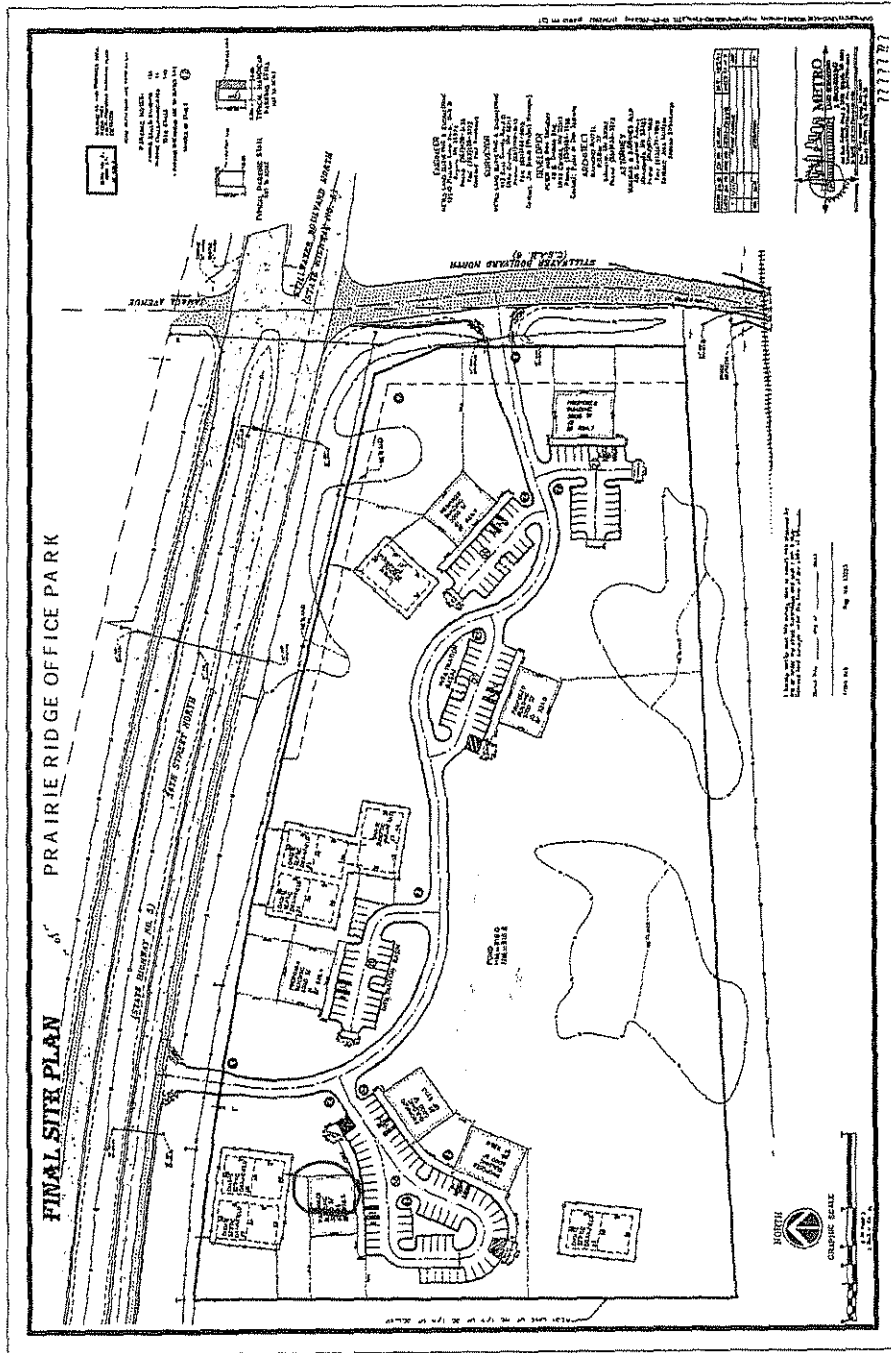
Denial Motion To deny the request, you may use the following motion as a guide:

Template: **I move to deny the requested conditional use permit for a day spa at 8925 Highway 5 based on the following findings...***(please site reasons for the recommendation)*

Approval Motion To approve the request, you may use the following motion as a guide:

Template: **I move to approve the requested conditional use permit for a day spa at 8925 Highway 5 based on the following findings...***(use staff's findings provided above or cite your own)*

cc: FLF Properties, 8921 Highway 5



X 2 signs



Y 1 sign



Z 7 signs



Prairie Ridge Office Park, located at 34th Street (HWY 5) @ Jamaca (Stillwater Blvd) in Lake Elmo

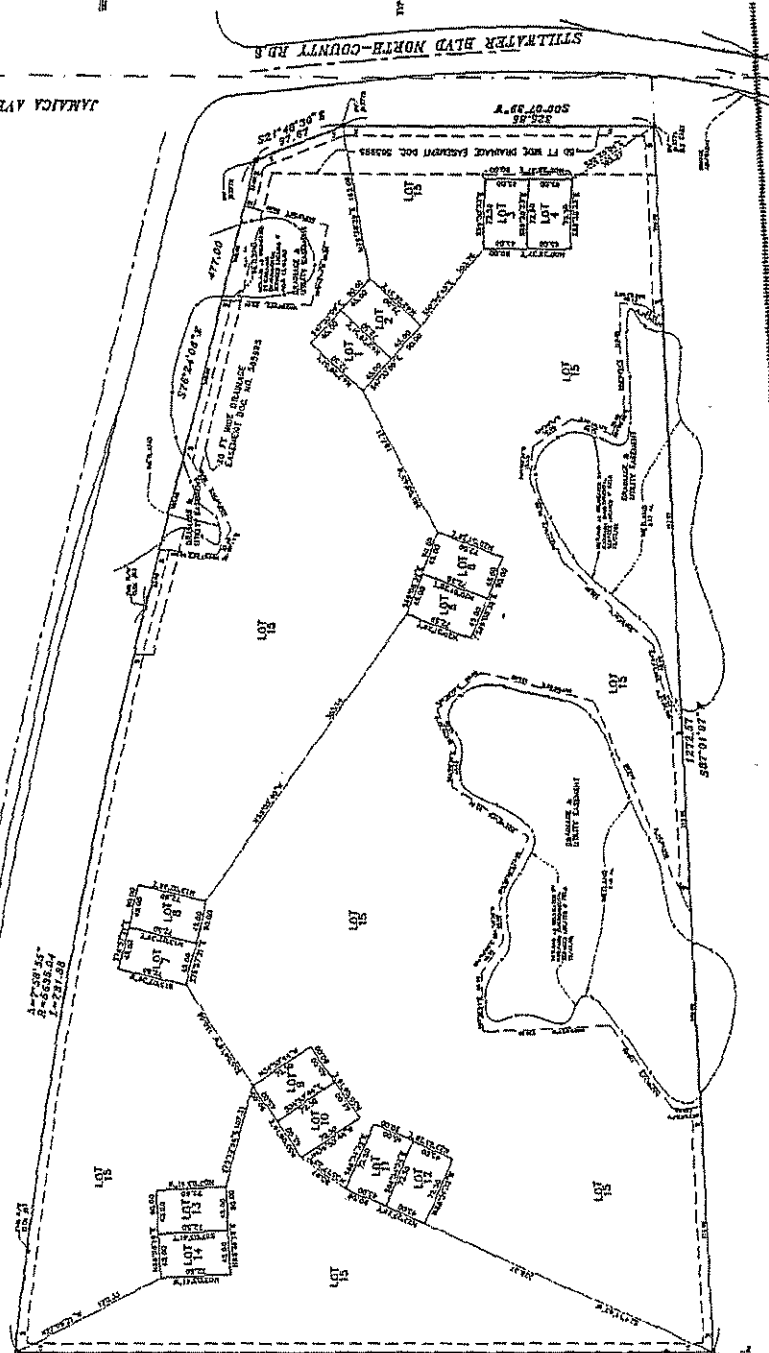
PRELIMINARY PLAT

of PRAIRIE RIDGE OFFICE PARK

STATE HTY. NO. 5

JANUICA AVENUE

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N09°08'39"E
755.47'

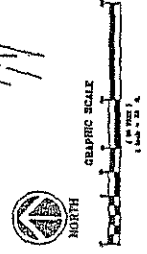


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ENGINEER
 METRO ENGINEERING & ARCHITECTURE
 1000 N. LAKE ST.
 CHICAGO, ILL. 60610
 TEL: 312-329-1000
 FAX: 312-329-1001
 PROJECT: PRAIRIE RIDGE OFFICE PARK
 SHEET NO. 1001 OF 1001
 DATE: 10/15/03

SUPERVISOR
 JAMES J. HARRIS
 1000 N. LAKE ST.
 CHICAGO, ILL. 60610
 TEL: 312-329-1000
 FAX: 312-329-1001
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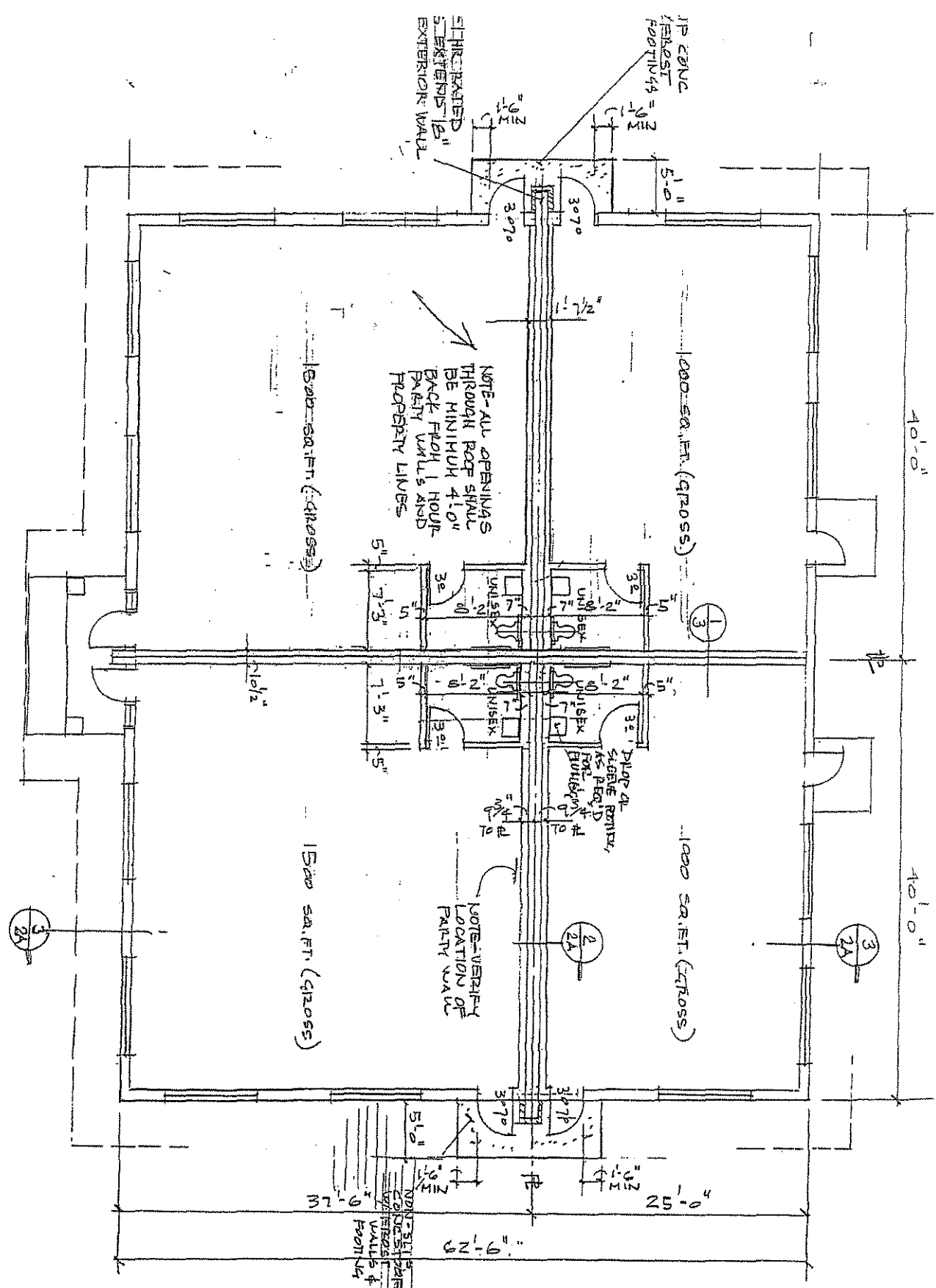


CHICAGO AND NORTHWESTERN RAILROAD

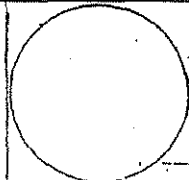
GENERAL PLANNING, DESIGN AND PRELIMINARY PLAT
 FOR THE PRAIRIE RIDGE OFFICE PARK
 THE PLAT IS SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO
 AND THE STATE OF ILLINOIS.
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 AND THE STATE OF ILLINOIS.
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 AND THE STATE OF ILLINOIS.

APPROVED AND FORWARDED:
 JAMES J. HARRIS
 SUPERVISOR
 METRO ENGINEERING & ARCHITECTURE
 10/15/03

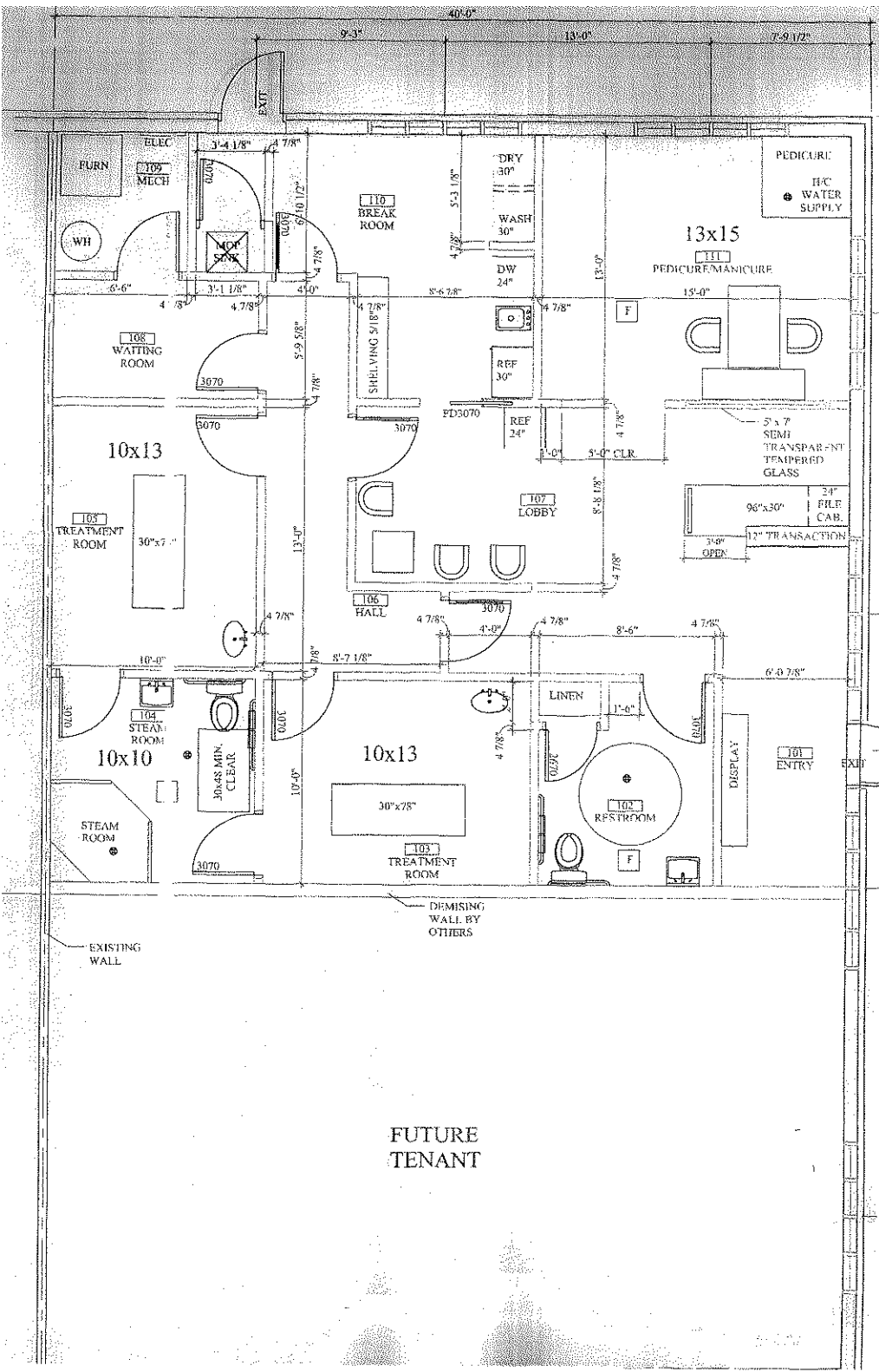
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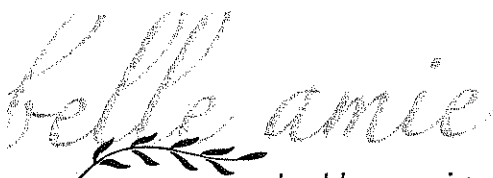
ARTE RIDGE OFFICE PARK
 NE HIGHWAY NO. 5
 FARMINGTON, MINNESOTA



ALTERNATE - FL
 SCALE: AS NOTED
 JUNE 6, 2005



FUTURE
TENANT



belle amie spa

nails

Manicure \$27.00

belle amie spa manicure
manicure plus hand and
arm exfoliation & massage 35.00

belle amie spa pedicure
pedicure plus foot and lower leg
exfoliation & massage 60.00

Polish changes
all polish changes include clipping,
filing and polish application
Hands 20.00
Feet 25.00

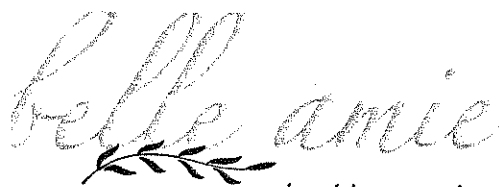
Gel nails
Classic 45.00 and up
French 50.00 and up
initial gel overlay
Classic 55.00
French 60.00

Nail repair 5.00 and up
Nail art 5.00 and up

We proudly use Spakitua[®] gels, and equipment that are
vegan and free of toluene, formaldehyde, and 10BP.

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3515 Lake Elmo Ave. N., Upper Suite | Lake Elmo, MN | 55042
hours: Tue: 11-5 | Wed: 11-8 | Fri: 10-5 | Sat: by appt.



belle amie spa

facials

All facials include the finest natural marine and botanical ingredients combined with the latest technology. We will customize your facial to your specific skin type.

belle amie 60 min. . . \$70.00
Freeze-dried collagen . . . 75 min. . . 85.00
Oxy-Vital 75 min. . . 100.00
Vitamin C 75 min. . . 100.00
Sea and "C" 75 min. . . 125.00
Plantomer (algae) 75 min. . . 85.00
Rosacea 60 min. . . 85.00
Lightening 75 min. . . 100.00
Myoxy-Cavit 75 min. . . 125.00
Acne or problematic 60 min. . . 70.00
Essential 45 min. . . 60.00

gel peels

All gel peel treatments are customized to your skin type.

Peel 45 min. . . . 85.00 - 100.00

add-on facial treatments

Booster treatment 15.00
Eye-renewal treatment 20.00
Eye stress relief 15.00
Caviar hand or foot 25.00
Lymphatic massage 35.00
Stress-relieving foot treatment 20.00

more

belle amie

belle amie spa

chair massage

Tension-releasing massage for people on the go. Also a great introduction to massage.

- 15 min \$20.00
- 20 min 25.00

body massage

Soothes sore muscles while relaxing the whole body. Each massage is customized to meet individual needs.

- 30 min 45.00
- 60 min 75.00
- 90 min 100.00

stone massage

Ease tension and relieve stress with this soothing massage combined with deep heat therapy.

- 75 min 105.00
- With deep tissue 130.00

Customize your massage by adding aromatherapy

.....

Message price includes tax.

belle amie

belle amie spa

waxing

- Eyebrow shaping \$17.00
- Lip 12.00
- Chin 12.00
- Underarms 20.00
- Arms 30.00
- Bikini 25.00
- Lower legs 30.00
- Full leg 55.00
- Full leg/bikini 75.00
- Back 45.00

tinting

- Brows 20.00
- Eyelashes 20.00

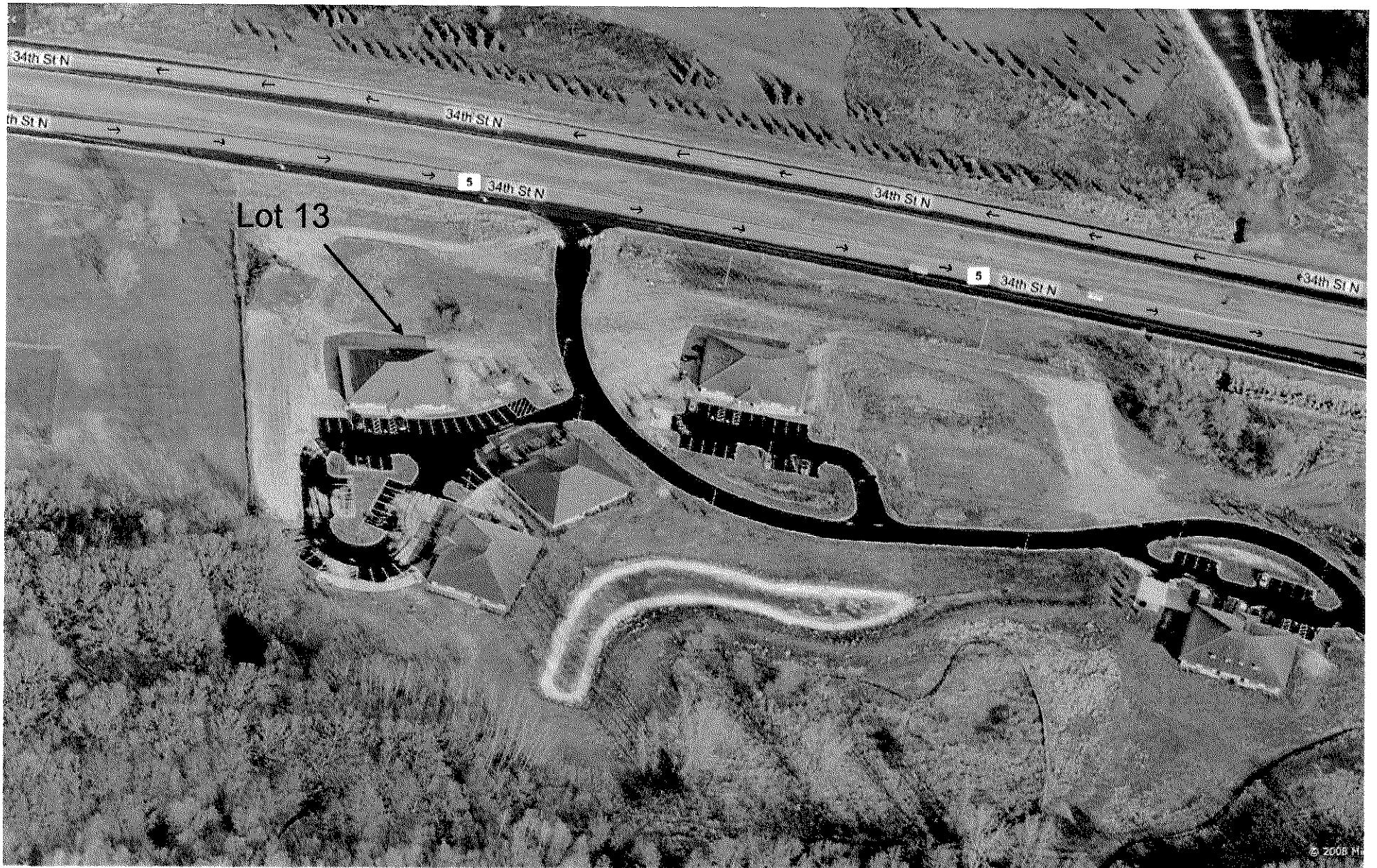
makeup

- Application 30.00
- Bridal
includes complimentary lipstick 50.00

651-748-3777

3515 Lake Elmo Ave. N., Upper Suite | Lake Elmo, MN | 55042
 hours: Tue: 11-5 | Wed: 11-8 | Fri: 10-5 | Sat: by appt.

Aerial View of Site: 8972 Highway 5



City Council
Date: September 16, 2008
REGULAR
Item: 9
INFORMATION

ITEM: MnDOT will provide an informational update on the TH 5 and Jamaca Avenue/Stillwater Boulevard Roundabout and the TH 5 Improvements from Manning Avenue to 55th Street

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Ryan Stempksi, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is being asked to receive an informational update from Paul Kachelmyer, MnDOT Project Manager, regarding the Trunk Highway 5 and Jamaca Avenue/Stillwater Boulevard Roundabout scheduled for 2010 construction. This project consists of the construction of a roundabout on Trunk Highway 5. A portion of Stillwater Boulevard to the south will be reconstructed and a portion of Jamaca Avenue to the north will be reconstructed to accommodate the roundabout. The total project cost is \$1,400,000. Please refer to the attached MnDOT description of this project.

Adam Josephson, MnDOT East Area Engineer, will also be providing an informational update on the proposed Trunk Highway 5 Improvements from Manning Avenue to 55th Street. The roadway will be reconstructed and a continuous center lane for left turns will be added. The estimated project cost is \$2,500,000 and the schedule is not yet finalized. Please refer to the attached MnDOT description of this project.

No further action from the council is requested at this time.

ADDITIONAL INFORMATION:

Trunk Highway 5 and Jamaca Avenue/Stillwater Boulevard Roundabout:

Municipal Consent is not required for this project, however the project will require the city, county and MnDOT to enter into a cooperative agreement for cost sharing and maintenance. MnDOT anticipates a total cost of \$1,400,000 for this project and has identified through the state cost participation policy that the city's portion of the project is estimated at \$230,000. This estimate is based on complete reconstruction of all pavement areas shaded on the plan for the north intersection leg of Jamaca Avenue that resides within city owned right-of-way. This estimate will be refined through the final design phase of the project and will reflect the actual scope of work included in the final plans. Because Jamaca Avenue is a Municipal State Aid designated street, the city may elect to use city state aid funds for this project. The existing width of Jamaca Avenue is 40 feet and it was last paved in 1992, crack sealed in 1996, and sealcoated in 1999.

The MnDOT plan being presented tonight is a preliminary design. MnDOT has requested formal review comments from the City Engineer by September 30, 2008. Design items and issues that will be addressed in the City Engineer's review include; reducing the median and taper length along Jamaca Avenue, lane and shoulder widths, maintenance and location of the required approach lighting, landscaping replacement and improvement location and type, offsets of the required trail-crossing details and connectivity, property impact mitigation, acquiring a VBWD permit, and a request for a public involvement and communications plan. Review comments will focus on minimizing the city cost share and resident impacts while providing a functional and safe intersection.

Trunk Highway 5 Improvements (Manning Avenue to 55th Street):

MnDOT is proposing to add left and right turn lanes as safety improvements to Highway 5 from Manning Avenue to 55th Street. These improvements are to be fully funded by MnDOT. Municipal Consent is not required for this project. The City Engineer will coordinate public communication, construction scheduling, and maintaining access during the project with MnDOT. The project will be contained within MnDOT right-of-way and there are no proposed modifications to city streets.

ORDER OF BUSINESS:

- Introduction Jack Griffin, City Engineer
- Report by staff or other presenter Adam Josephson, MnDOT East Area Engineer
Paul Kachelmyer, MnDOT Project Manager
- Questions from city council members to the presenter Mayor and council members
- Questions/comments from the public to the city council Mayor facilitates
(a maximum of three minutes per question/statement)

ATTACHMENTS:

1. MnDOT TH 5 and Jamaca Avenue/Stillwater Boulevard Roundabout Project Description
2. MnDOT TH 5 Reconstruction from Manning Avenue to 55th Street Project Description

Highway 5 – Reconstruction [State Project #8214-142]

Location: Hwy 5 - Manning (CSAH 15) to 55th Street (1.2 miles)

Contract Letting date: November 2012 – construction in 2013
(Note: Potential Letting date: February 2009 – construction in 2009)

Estimated Project cost: \$2.5M

Project Description: Add left and right turn lanes at the following intersections; 44th (County Fair grounds), Linden/McDonald, 50th, and Marquess/53rd by reconstructing the roadway and adding a continuous center lane for left-turns. Extra width is provided on both sides of Hwy 5. There is no additional right-of-way needed and no access changes proposed.

Project Background: A Hwy 5 Community Task Force met in 2003 to discuss ways of improving safety along Hwy 5, following fatal crash in December 2002 at 50th Street. Reduced speeds, bypass lanes, signing, signal changes were discussed and implemented, also discussed was need and concepts for a long-term solution which was to provide turn-lanes at each intersection.

Construction Staging: Hwy 5 will need to be closed and traffic detoured during the project. It will take approximately three months to rebuild roadway and make improvements.

Proposed Detours and Access:

- Posted Detour Route – Lake Elmo Ave (CSAH17) and Hwy 36.
- Provide additional signing to encourage traffic to use I-694 and Hwy 36.
- Local Access – we will try to maintain cross Hwy 5 city street connections to facilitate local access.
- Driveway access along Hwy 5 will need to be maintained.

Construction Conflict Dates in 2009

- Last Day of School June 10th
- Washington County Fair July 30th - August 3rd
- First Day of School September 8th
- Other?

Next Steps:

- Resolve Project Funding – Oct 2009
- TH5 Task Force Meeting – Fall 2009
- Public Open House Meeting – Late 2009

Contact: Adam Josephson
Mn/DOT East Area Engineer
651/234-7719
adam.josephson@dot.state.mn.us

State Project 8214-145

TH 5 at Stillwater Road/Jamaca, in Lake Elmo. Reconstruct Intersection to be a Roundabout.

By Paul Kachelmyer P.E.
Mn/DOT Project Manager
651-234-7640

September 2008

The Problem: Severe right angle crashes have resulted in an average of approximately five people per year being injured at this intersection.

Proposed Project: Construction of a roundabout is expected to reduce the serious crashes by approximately 90%.

Schedule: Construction in late spring and early summer of 2010. Approximately 4 months to complete.

Estimated Cost:

Total Cost:	\$1,400,000
Mn/DOT:	\$880,000
City:	\$230,000
County:	\$290,000

Detour during Construction: The intersection will be closed during construction, with the main highway traffic detoured to TH 36 and I-694.

Right of Way: A small amount of property will need to be purchased from the three property owners on the northeast, northwest and southwest corners of the intersection. The layout drawing of the proposed roundabout shows the anticipated construction limits.

Traffic Volumes: Approximately 15,100 vehicles go through this intersection each day. Traffic count records show a 0% change in traffic volume on TH 5 in the last 10 years, a 0% change in traffic volume on Stillwater Road in the past 6 years, and a 20% decline in traffic volume on Jamaca Avenue in the past 10 years.

Frequently asked questions:

What are “Modern Roundabouts” ? How do they differ from other circular intersections ?

Intersections in a circular shape have existed in the United States for over 100 years, and are common in many eastern cities. There are many different types of those intersections, and many of them have traffic flow problems and accident problems.

“Modern Roundabouts” have only been built in the United States in the past 15 years.

Their main characteristics are that:

1. They tend to be fairly small in size.
2. All traffic in them drives in one direction, to the right.
3. Traffic typically drives through them at speeds below 25 mph.
4. Yield signs exist at all of the entries to the circle. Traffic in the circle has the “right of way”.

Accidents at Roundabouts:

Accidents that do occur at roundabouts, rarely produce serious injuries. This is because they usually occur at slow speeds, and involve vehicles going in the same direction, or nearly the same direction.

Why a roundabout for this intersection, why not a signal light?

Different possible alternatives were evaluated for this intersection. It was determined that a roundabout will result in a far greater reduction in serious crashes than a signal light, and that it will result in far less delays to drivers than a signal light.

Is it safe to have a roundabout at the intersection of high speed highways ? TH 5 is posted for 55mph, Stillwater Road 50 mph, and Jamaca Avenue 50 mph.

Experience has found that roundabouts at the intersections of high speed highways can be extremely safe (see information on the roundabout on Minnesota Trunk Highway 13 near New Prague). A number of features are designed into the roundabout, and the roadways approaching it, to compel drivers to slow down as they approach it.

Is a roundabout going to be confusing to drivers ? Well designed modern roundabouts should be very simple for drivers to understand and drive. Low accident rates at many existing roundabouts are an indication of the lack of confusion for drivers at them.

Can large trucks, farm equipment, or house movers go through roundabouts ? This roundabout is designed to accommodate the largest trucks which all Minnesota State Highways are designed to allow. Farm equipment and house movers can also easily travel through them.

What kind of delay in traffic flow is expected for drivers coming to the roundabout ?

A yield sign will exist at all of the entrances. With existing traffic volumes at this intersection, it is anticipated that approximately 75% of the traffic approaching the roundabout will not have to stop at the yield signs. The average amount of time that vehicles that do have to stop, will have to wait, will typically be less than 10 seconds.

If traffic volumes increase, will the roundabout still function ?

The existing design should enable traffic volumes of nearly twice as high as currently exists, to use the roundabout with less average time delay than would be expected at a signalized intersection. If traffic volumes increase beyond that amount, the roundabout can be modified relatively easily to have an additional lane, which will greatly increase its traffic flow capacity.

Other Issues:

Night time lighting:

Overhead lighting will be placed on the approaches to the roundabout, and right at the entrances to it.

Pedestrians/Bicyclists:

No sidewalks or pathways currently lead up to the existing intersection. However, shoulders do exist on the existing roads which could accommodate pedestrians or bicyclists. Sidewalks will be built in the immediate vicinity of the roundabout to accommodate any pedestrians or bicyclists who may be using the shoulders of the existing roadways.

Landscaping:

No special landscaping will be added to the roundabout with the exception of lilac bushes being planted in the center area of the roundabout. The bushes have the functional purpose of increasing the visibility of the roundabout, to drivers approaching it.

Specifics of this Design:

TH 5 at this intersection, and to the west, is currently a 4 lane divided expressway. Approximately 1,000 feet east of the intersection, it merges to be a two lane highway. Because the roundabout has only one lane of circulating traffic, the existing four lane road allowed for the construction of right turn bypass lanes in the northwest and southeast quadrants of the intersection. These right turn bypass lanes will reduce the number of vehicles needing to stop for the roundabout.

Recent Tragic Accident:

On May 2, 2008 a tragic accident occurred approximately $\frac{1}{4}$ of a mile east of the intersection. During a heavy downpour, a westbound driver crossed over the centerline of the two lane highway, and collided head on with an eastbound vehicle. Both drivers were killed. The specifics of this accident are mentioned here just to clarify that the configuration of the existing intersection was not associated with the accident.

Maintenance:

A minimal amount of maintenance will be required for the intersection. This includes snow plowing, and maintenance of signs and lights. A maintenance agreement will need to be developed between the State, City and County, stipulating who will be responsible for what. This is similar to agreements involving signalized intersections.

COLLISION DIAGRAM

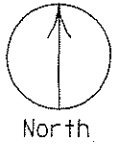
Minnesota Department of Transportation

Location: TH 5 @ STILLWATER BLVD (CSAH 6)/JAMACA N RP 196+00.015

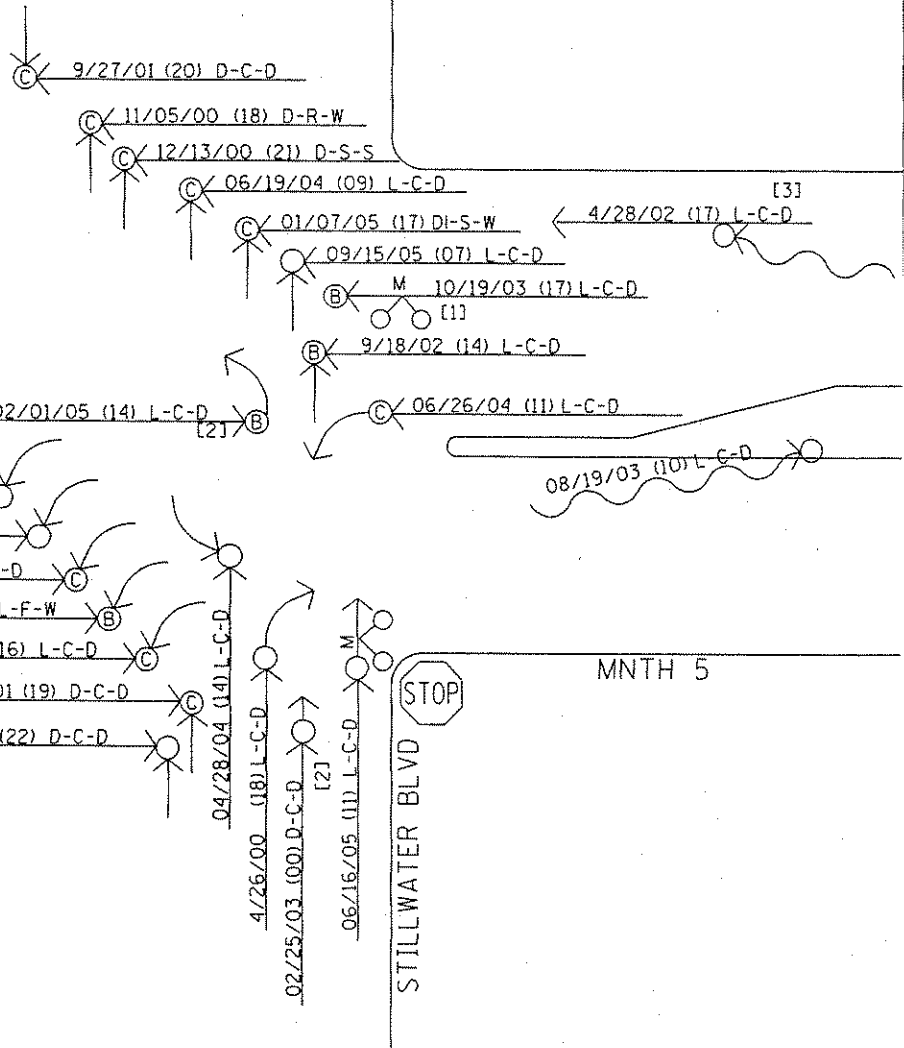
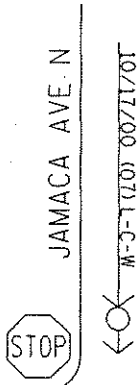
Time Period: 01/01/00 - 12/31/05 Date: 04/05/07

Prepared By: MJR

No. of Crashes	
Fatal =	0
A Injury =	0
B Injury =	4
C Injury =	11
Injury Total =	15
Property Damage =	11
Total Crashes =	26



MNTH 5



KEY

- Motor Vehicle Out of Control
- Motor Vehicle Backing Up
- Motor Vehicle Rollover
- Motor Vehicle Sideswipe
- Fixed Object
- Fatal Crash
- A Injury Crash
- B Injury Crash
- C Injury Crash
- Property Damage Crash
- Pedestrian
- B Bicycle
- M Motorcycle
- Parked Vehicle
- Rear End Property Damage
- Right Angle B Injury

NOTES

[1] MC WENT DOWN AVOIDING LEFT-TURN VEHICLE
 [2] DWI RELATED
 [3] I. VI Towing V2. Tow strap broke, V3 struck V2.

Light:	Weather:	Surface:
L= Daylight (1)	C= Clear or Cloudy (1 or 2)	D= Dry (1)
DN= Dawn (2)	R= Rain (3)	W= Wet (2)
Du= Dusk (3)	S= Snow or Sleet (4 or 5)	S= Snow or Ice (3 or 4)
DI= Dark, Lighted (4)	F= Fog, Smog, Smoke (6)	M= Muddy (5)
Do= Dark, Lights Off (5)	B= Blowing Sand/Dust (7)	Db= Debris (6)
D= Dark, Unlighted (6)	W= Severe Crosswinds (8)	O= Oily (7)
X= Unknown (99)	X= Other or Unknown (99)	X= Other or Unknown (99)

(X) = Number of Vehicles in Crash (X) Other Vehicle (X) Injury Type (X) [Date]-[Time (hrs)]-[Light-Weather-Surface]

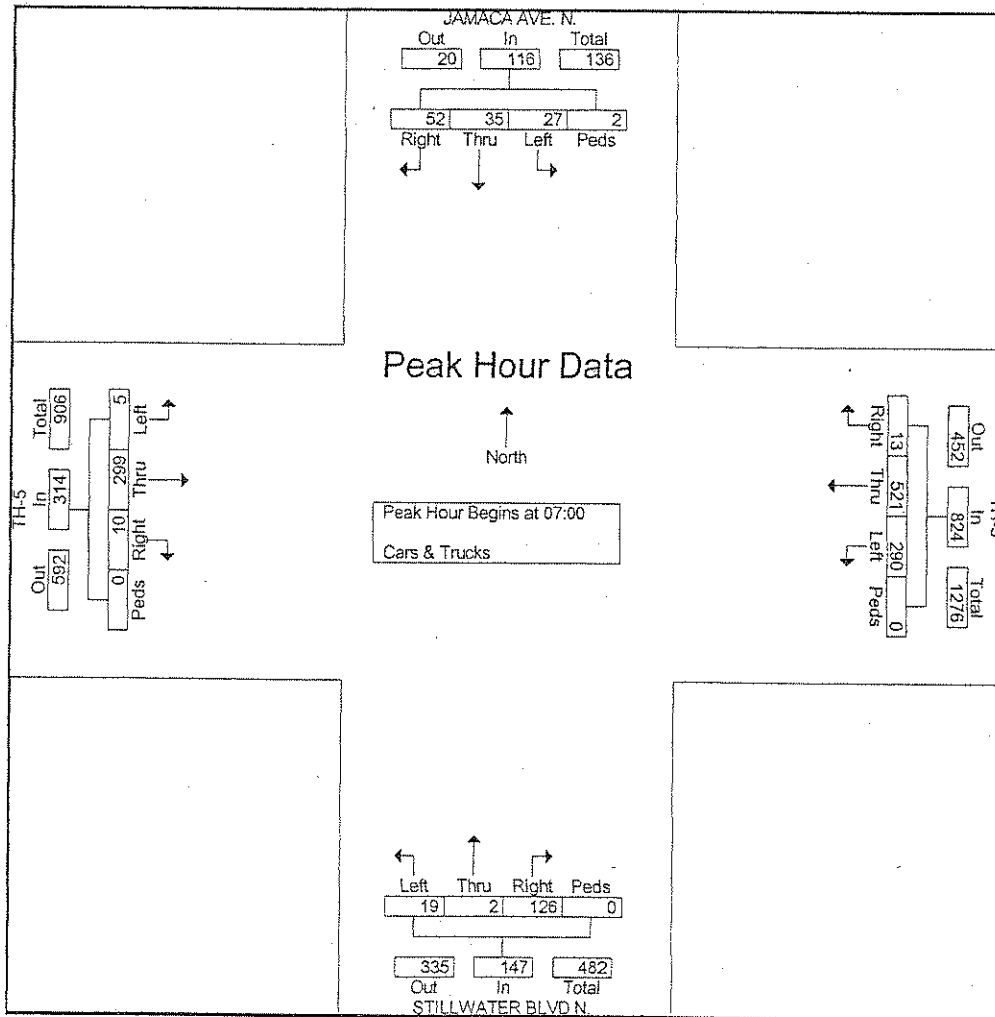


MINNESOTA DEPT OF TRANSPORTATION
TRAFFIC DATA COLLECTION - METRO

TH-5 AT JAMACA AVE/STILLWATER BLVD
REF.PT.: 196.015
JAMAR # 631 RE
TURN MOVEMENT COUNT

File Name : TH-5 AT JAMACA AVE 2007
Site Code : 00000000
Start Date : 5/2/2007
Page No : 2

Start Time	JAMACA AVE. N. Southbound					TH-5 Westbound					STILLWATER BLVD N. Northbound					TH-5 Eastbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour Analysis From 06:00 to 08:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:00																					
07:00	7	13	23	1	44	57	139	2	0	198	3	0	15	0	18	0	56	0	0	56	316
07:15	10	5	9	1	25	78	120	5	0	203	3	1	30	0	34	1	73	3	0	77	339
07:30	6	7	14	0	27	68	124	4	0	196	6	0	40	0	46	2	85	3	0	90	359
07:45	4	10	6	0	20	87	138	2	0	227	7	1	41	0	49	2	85	4	0	91	387
Total Volume	27	35	52	2	116	290	521	13	0	824	19	2	126	0	147	5	299	10	0	314	1401
% App. Total																					
PHF	.675	.673	.565	.500	.659	.833	.937	.650	.000	.907	.679	.500	.768	.000	.750	.625	.879	.625	.000	.863	.905



Morning Rush Hour

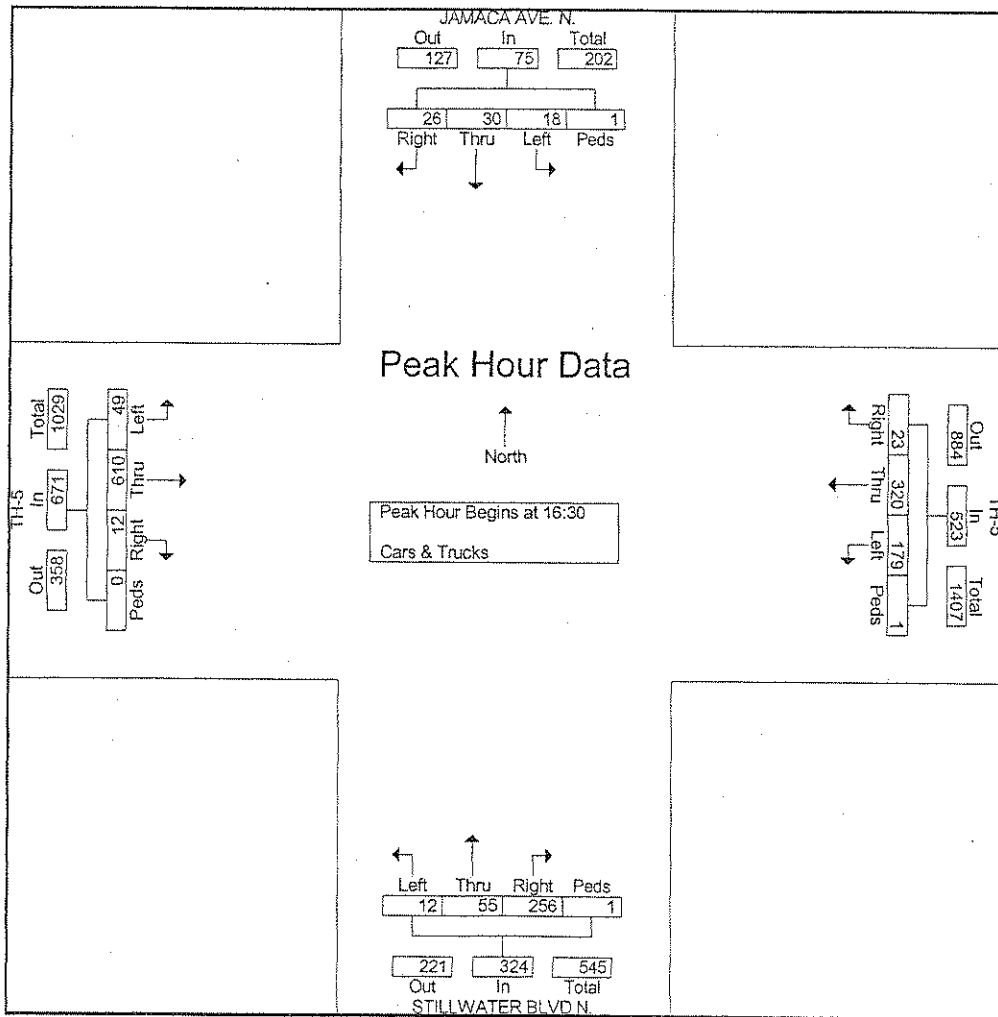


MINNESOTA DEPT OF TRANSPORTATION
TRAFFIC DATA COLLECTION - METRO

TH-5 AT JAMACA AVE/STILLWATER BLVD
REF.PT.: 196.015
JAMAR # 631 RE
TURN MOVEMENT COUNT

File Name : TH-5 AT JAMACA AVE 2007
Site Code : 00000000
Start Date : 5/2/2007
Page No : 3

Start Time	JAMACA AVE. N. Southbound					TH-5 Westbound					STILLWATER BLVD N. Northbound					TH-5 Eastbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour Analysis From 15:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:30																					
16:30	6	8	4	0	18	34	78	5	0	117	2	10	61	0	73	12	151	2	0	165	373
16:45	4	8	4	0	16	47	76	6	1	130	3	15	53	1	72	13	176	6	0	195	413
17:00	6	6	8	0	20	51	88	4	0	143	6	13	68	0	87	12	132	1	0	145	395
17:15	2	8	10	1	21	47	78	8	0	133	1	17	74	0	92	12	151	3	0	166	412
Total Volume	18	30	26	1	75	179	320	23	1	523	12	55	256	1	324	49	610	12	0	671	1593
% App. Total																					
PHF	.750	.938	.650	.250	.893	.877	.909	.719	.250	.914	.500	.809	.865	.250	.880	.942	.866	.500	.000	.860	.964



Evening Rush Hour

ROUNDAABOUT

State Highway 13 and County Road 2 – Scott County, Minnesota



Problem:

State Highway 13 is a 55 mph highway and County Road 2 is a 55 mph road that intersected in a rural environment with 2-way stop control. Annual daily volumes are approximately 5,000 for State Highway 13 and 2,000 for County Road 2. In a 5-year period before the intersection was reconstructed, there were 2 fatalities and approximately 50 people injured at the site. At this site in that 5-year period (2000-2004) there were 26 injury type crashes, 9 property damage crashes, and 2 crashes involving fatalities.

Project Description:

A traffic signal was considered for safety at this location, but it would have meant added delay for the mainline traffic by causing them to stop for cross street traffic. The solution for this intersection was to construct a roundabout, allowing free flow traffic from all legs. Safety increased at this location by reducing conflict points and eliminating right angle crashes, which was the root cause of the problem.

Results:

The roundabout was opened to traffic in September 2005. The roundabout operations were observed during a rush hour period accommodating approximately 700 vehicles, with about 90% of the approaching traffic not having to yield before entering the roundabout.

*Since the roundabout opened there have been 4 reported crashes. Two injury crashes involved motorcycles; one driver that apparently was traveling at too high of an entry speed for the roundabout and the other driver tipped his motorcycle as a result of not seeing vehicle ahead of him had yielded at the roundabout entrance. One injury crash involved a vehicle not yielding to the oncoming traffic. The property damage crash was a rear end type.

ITEM: Consider a request for an extension of the submission of the 2030
Comprehensive Plan update to the Metropolitan Council

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: *Planning Commission*
Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to authorize a request to the Metropolitan Council for an extension of the city of Lake Elmo's update to its comprehensive plan to December 2010 to complete the still remaining required plan elements. Currently, according to state statute, updates are due by December 31, 2008. The statute allows for the Metropolitan Council to allow cities to request for an extension to the comprehensive plan deadline. The Metropolitan Council has granted cities the opportunity to request extensions. Because the city is requesting an extension beyond May 29, 2009, a city council resolution is required to be considered by the Metropolitan Council Board. The staff recommends proceeding with this resolution. The planning commission reviewed this request to get its input and to inform the planning commission about the work ahead.

The city of Lake Elmo's current Comprehensive Land Use Plan was finalized in 2006. The Metropolitan Council is not anticipating that the city will re-work the entire 2030 plan. As of this writing the Metropolitan Council understands that the city has been proceeding with implementing the Village portion of the Comprehensive Plan and that this has absorbed significant time since the comprehensive plan was approved in 2006. This work has been a priority to meet the terms of the MOU and the adopted comprehensive plan for sewer development.

The anticipated submittal date of December 2010 for the three required comprehensive plan elements - water, surface water and transportation - is believed to provide the city with time to accomplish all of the required plans including a public input part of the process, which in the transportation element will be substantial. If the city proceeds with a change in the future land use of the Village based upon the Village Master plan, this is also included in the timeline.

According to the extension rules, it is the staff's understanding that the city is encouraged to submit all the plan elements together through the review process. The city cannot request a plan amendment to the 2030 Comprehensive Plan, other than those identified in the resolution, until the required plan elements are completed and submitted unless these additional amendments are submitted at the same time as the plan elements required for the update. In developing the timeline for this process of updating the 2030 comprehensive plan, the transportation plan is the only plan element that may not be ready for adoption prior to an amendment to the Village future land use map based on a scenario related to the Village Master plan being completed and ready to go to the Metropolitan Council.

BACKGROUND

In December 2007 the city council received a tentative schedule for moving ahead with the plan updates for water, surface water and transportation that anticipated finishing the city's work in mid-summer 2009, with the six month comment period following. However, this schedule was put on hold for several reasons. These included:

- 1) The work going into the Village planning, sewer infrastructure study and I-94 to 30th Street project dominated the city council, city engineer and staff time and would not allow for a comprehensive analysis of the required plans (water, surface water, transportation) including the public information sharing and opportunity for input that these studies will require.
- 2) The start of a new planning director in late December 2007, who will be an integral part of updating the comprehensive plan elements.
- 3) It was found that the funding sources for the water, surface water and transportation funds were not adequate to cover these costs and it would be necessary to complete the city's financial reconciliation to meet government accounting standards and at the auditor's recommendation; this was completed in June, 2008. Proceeding with these studies with negative fund balances and no immediate revenue sources would be fiscally imprudent.
 - a) the negative fund balance in the surface water fund and the lack of incoming revenue being collected that would be required to cover the surface water plan costs;
 - b) the -\$565,000 in the infrastructure fund did not provide any funds for the transportation study and needed to be taken care of before proceeding with a transportation plan;
- 4) The absence of information on the PFC health based values stopped the City from proceeding with the water plan until this was released by MDH in May of this year
- 5) Critical information for the transportation plan was not available and would be available in the future:
 - a) traffic analysis associated with the Village plans and potential development scenarios being done as part of the AUAR was not underway (the development scenarios had not been selected)
 - b) the Washington County study on Highway 36/17 was getting underway and will provide useful information for the city's local transportation plan when it is completed.

PLAN ELEMENTS AND TIMING –

The proposed timeline and plan elements (Attachment 1)

The proposed timeline anticipates completing these plans over a series of months by staggering them so they come at the appropriate time in the city's planning cycle and so the process can be managed and allow for public information and input along the way. Every effort will be made to complete more efficiently than the timeline suggests. However, it is a good practice to be conservative in estimating timelines rather than underestimating the timeline and fail to meet the terms of the request to the Metropolitan Council. It is also important to keep these as close to reality from a public information and staff work plan perspective.

(The Metropolitan Council wants these submitted together after the six month review by neighboring cities and the county.)

PROPOSED TIMELINE FOR PLAN ELEMENTS

Element * * Required	Status	Estimated Start Date	Estimated Completion date
*Water	Underway now that PFC data available	2005	March 2009
*Surface water	City Council needs to request RFP from TKDA	January 2009	October 2009
*Transportation	RFQ being prepared; Waiting for Village AUAR and H. 36/17 (Lake Elmo Avenue) study information	March 2009 (possibly earlier)	March 2010
Village masterplan development scenario, if different from comp plan future land use plan that has been adopted	Development scenario AUAR final draft being presented to AUAR advisory panel; Highway 36/17 study options being explained to Design Review Committee members before public open house in November	April 2009	November 2009

In sum, the plan elements include:

- 1) a local water plan (required by statute) in process
- 2) a local surface water plan (required by statute) will incorporate the three watershed district plans, the surface water information in the AUAR, the storm water plan for the Village done by TKDA and other required plan elements
- 3) a local transportation plan (needed to incorporate other transit/transportation improvements in to our local transportation framework that are within the region as well as to do some local planning for roads and transit that the city independently wanted to undertake to prepare for the future and be able to respond to county, state, adjacent city proposals; will include Washington County transportation plan information that is being updated now; the Highway 36/17 (Lake Elmo Avenue) study , the traffic studies from the Village AUAR, the Safe Routes to School information as well as look carefully at the city's local street connections and needs.)
- 4) When the city selects a preferred development scenario for the Village, if that development scenario varies from the future land use of the Village in the current comprehensive plan, the city will need to amend the future land use to reflect the preferred development scenario. (At this time, the city does not plan to select a preferred development scenario until after the completion of the AUAR (environmental review) and a financial analysis of some or all of the scenarios evaluated in the AUAR is completed sometime next year.)

REASONS FOR DELAY IN COMPLETING PLAN UPDATE

The Metropolitan Council is asking for reasons for the delay in submitting an application. These are included in the resolution.

- 1) One of the primary reasons for the delay in these elements was the time and thought that went into creating the current 2030 comprehensive plan and getting Metropolitan Council approval of it. This plan encompasses most of the required information for this update, as well as the work that is going into implementing the first phase of sewer development. In addition, the city, under the leadership of the planning commission, brought the two areas in the city planned for future sewer growth into conformance with the zoning code through holding districts.

- 2) The comprehensive plan required the city to proceed with sewer development with the Village as the highest priority for this work according to both the MOU requirements and the 2030 Comprehensive Plan. This effort requires land use planning, environmental, financial and engineering studies to gather information that will allow the city to make the associated decisions to accomplish these required goals. This work has been a priority since the adoption of the 2030 plan in 2006
- 3) A major environmental review process (AUAR) involving the Village is underway at this time. The outcome of this analysis will provide important information related to water, surface water and transportation needs for the city to incorporate into its future plan elements.
- 4) The city undertook a water plan in 2005, but put the plan on hold until the outcome of the PFC contamination work on health based values that was done by the Minnesota Department of Health and released in the spring of 2008. The city is now working on the water plan.
- 5) The city was functioning without a planning director from December, 2006 through December, 2007. Once hired, the new planning director requires getting acquainted with the community and land use actions and history;
- 6) It was important to determine the true status of the city's financial resources before proceeding with major studies in surface water and transportation without confidence that the city had the resources to pay for this work since fund balances at year end were in the negative for these funds. Between January 2008 and June 2008 upon the advice of the city auditor, the city worked with a financial consultant to bring the city's financial records into conformance with best practices in local government.
- 7) The city is committed to an open public process including opportunities for public input throughout these studies. This requires coordinating the activities so that there is time for input on all of the systems in a meaningful way.

IN SUMMARY:

- o All plans are proposed for completion by March 2010
- o No amendments to the comprehensive plan can be made by the city until the update is completed (in other words until the water, surface water and transportation plans are submitted)
- o Review by neighboring cities and Washington County (April, 2010 – October, 2010) A review period for neighboring jurisdictions of six months is required. These jurisdictions often comment prior to the end of the six months.
- o Public hearing, adoption and submission (November, 2010 – December, 2010) The city must hold a public hearing, adopt and submit the comprehensive plan update.
- o Penalty. The penalty for not updating the comprehensive plan within nine months after the Metropolitan Council makes a decision and orders the plan update in conformance to the systems statement the Metropolitan Council may pursue civil action against the city. (Statute 473.175 Subd. 3)

SUGGESTED MOTION FOR CONSIDERATION

Move to approve resolution 2008-45 requesting an extension for a Comprehensive plan update from the Metropolitan Council until December 2010.

ATTACHMENTS:

- 1 Proposed timeline for plan elements
- 2 Draft Resolution requesting an extension 2008-045

**City of Lake Elmo
Proposed Timeline for Completion of Comprehensive Plan Elements**

The steps for completing these plan elements may be modified as necessary and the dates for the steps under each plan element will be completed as they become available.

Plan Element	Estimated Start Date	Estimated Completion Date
Water Plan (Required)	Underway	March 2009
Gather data on water quality and sources; incorporate new PFC data		
Meet with neighboring cities about opportunities for shared water delivery		
Develop and implement a communication plan involving MDH and PCA where and when appropriate		
Evaluate water quantity and water quality		
Develop capital improvement plan with priority needs to serve current and future needs – timing and funding		
Approach funding agencies/organizations/3M		
Adopt water plan		
Water Resources Plan (surface water) (Required)	January 2009	October 2009
Receive and accept proposal from city engineering firm		
Develop communication plan/public process plan		
Gather data from Brown Creek, South Washington, Valley Branch watersheds and integrate Village storm sewer plan and AUAR information		
Evaluate water quality and quantity information		
Address water quality requirements and initiatives		
Incorporate floodplain, lake and recreation information		
Prioritize stormwater management ponding and infrastructure		
Address water quality in lakes		
Ensure compliance with NPDES Phase II MS4 permit		
Assure compliance with watershed and other relevant plans		
Develop policies governing public and private management of surfacewater		
Develop improvement capital improvement plan		
Review and revise fees for surfacewater utility		
Adopt surface water management plan		

**City of Lake Elmo
Proposed Timeline for Completion of Comprehensive Plan Elements**

The steps for completing these plan elements may be modified as necessary and the dates for the steps under each plan element will be completed as they become available.

Plan Element	Estimated Start Date	Estimated Completion Date
Transportation Plan (Required)	March 2009	March 2010
Send out RFQ		
Select Consultant		
Provide communication/public input plan (significant part of timeline)		
Gather data from Washington County, Transportation Plan, MnDOT studies, other		
Incorporate AUAR data and gather other local data on trip generation, traffic and roadway volumes and capacity-deficiency		
Address future road systems, connectivity		
Address transit options		
Address		
Develop priorities and funding for transportation CIP		
Adopt transportation plan		
Village Future land Use Comprehensive Plan Amendment		
<i>(if new development scenario selected different than comp plan)</i>		
Complete AUAR	April 2008	January 2009
Complete Financial review of options	February 2009	March 2009
Select development scenario	March 2009	April 2009
Comprehensive plan amendment to capture new development scenario	April 2009	November 2009
Hire a consultant to assist the planning commission/planning director to lead the process		
Develop and implement a communication plan with all stakeholders		
Proceed with process/review		
Include AUAR mitigation plan where appropriate		
Adopt comprehensive plan amendment		
Proceed with zoning code changes to reflect Comprehensive plan amendment and subdivision regulations		
Airport zoning will become part of Village official controls		

**City of Lake Elmo
Proposed Timeline for Completion of Comprehensive Plan Elements**

The steps for completing these plan elements may be modified as necessary and the dates for the steps under each plan element will be completed as they become available.

<i>Review, adoption and submission with other elements if timing is right</i>	Estimated Start Date	Estimated Completion Date
Review, adoption and submission timeline For required plan elements:		
• Release for comment to neighboring cities/county <small>(assumes 6 months)</small>	April 2010	October 2010*
• Public hearing on the plan amendment		November 2010
• Adopt plan amendment		November 2010
• Submit to Metropolitan Council		December 2010

* This 6 month review period is often shorter than required.

CITY OF LAKE ELMO
RESOLUTION NO. 2008-45

**RESOLUTION REQUESTING ADDITIONAL TIME
WITHIN WHICH TO COMPLETE COMPREHENSIVE PLAN
“DECENNIAL” REVIEW OBLIGATIONS**

WHEREAS, Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their “decennial” reviews by December 31, 2008; and

WHEREAS, Minnesota Statutes section 473.864 authorizes the Metropolitan Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete the “decennial” review and amendments; and

WHEREAS, any extensions granted by the Metropolitan Council must include a timetable and plan for completing the review and amendment; and

WHEREAS, the City will not be able to complete its “decennial” review by December 31, 2008, for the following reasons:

WHEREAS, the City Council finds it is appropriate to request from the Metropolitan Council an extension so the City can have additional time to complete and submit to the Metropolitan Council for review an updated comprehensive plan and amend its fiscal devices and official controls.

- 1) One of the primary reasons for the delay in these elements was the time and thought that went into creating the current 2030 comprehensive plan and getting Metropolitan Council approval of it. This plan encompasses most of the required information for this update, as well as the work that is going into implementing the first phase of sewer development. In addition, the city, under the leadership of the planning commission, brought the two areas in the city planned for future sewer growth into conformance with the zoning code through holding districts.
- 2) The comprehensive required the city to proceed with sewer development with the Village as the highest priority for this work according to both the MOU requirements and the 2030 Comprehensive Plan. This effort requires land use planning, environmental, financial and engineering studies to gather information that will allow the city to make the associated decisions to accomplish these required goals. This work has been a priority since the adoption of the 2030 plan in 2006
- 3) A major environmental review process (AUAR) involving the Village is underway at this time. The outcome of this analysis will provide important information related to water, surface water and transportation needs for the city to incorporate into its future plan elements.
- 4) The city undertook a water plan in 2005, but put the plan on hold until the outcome of the PFC contamination work on health based values that was done by the Minnesota Department of Health and released in the spring of 2008. The city is now working on the water plan.

- 5) The city was functioning without a planning director from December, 2006 through December, 2007. Once hired, the new planning director requires getting acquainted with the community and land use actions and history;
- 6) It was important to determine the true status of the city's financial resources before proceeding with major studies in surface water and transportation without confidence that the city had the resources to pay for this work since fund balances at year end were in the negative for these funds. Between January 2008 and June 2008 upon the advice of the city auditor, the city worked with a financial consultant to bring the city's financial records into conformance with best practices in local government.
- 7) The city is committed to an open public process including opportunities for public input throughout these studies. This requires coordinating the activities so that there is time for input on all of the systems in a meaningful way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAKE ELMO, MINNESOTA, AS FOLLOWS:

1. The Planning Director is directed to submit to the Metropolitan Council no later than November 1, 2008, an application requesting an extension to December 2010.
2. The Planning Director must include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by December 2010 and (b) the review and amendment of the City's fiscal devices and official controls.

For:

Against: