

FILE

Mayor:
Dean Johnston
Council members:
Rita Conlin
Steve DeLapp
Liz Johnson
Anne Smith

Lake Elmo City Council

Tuesday, May 2, 2006

3800 Laverne Avenue No.
Lake Elmo, MN 55042
777-5510 777-9615 (fax)

Please read:

Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

If you are aware of information that has not been discussed, please fill out a "Request to Appear Before the City Council" form; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated. Items may be continued to a future meeting if additional time is needed before a decision can be made.

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes:

April 18, 2006

3. PUBLIC INQUIRIES/INFORMATIONAL:

- A. PUBLIC INFORMATIONAL:**
- B. Public Inquiries**

Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.

4. CONSENT AGENDA

- A. Resolution No. 2006-039: Approving Claims**
- B. Resolution No. 2006-040: Approving Claim**
- C. Partial Payment: Water System Interconnect Phase IV, Ellingson Drainage: Resolution No. 2006-044**
- D. Partial Payment, Elevated Water Storage Tank No. 2, CBI Tank Construction: Resolution No. 2006-045**

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

5. FINANCE:

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

- A. Public Works:**
- (1) Vacuum Excavator**

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|---|--|
| <p>B. Parks Dept:</p> <p>(1) Tablyn and Lions Park Tennis Courts</p> <p>(2) VFW Electrical Service</p> <p>(3) Swing Set Tablyn Park</p> <p>C. Fire Department Update</p> | |
| <p>8. <u>CITY ENGINEER'S REPORT:</u></p> <p>A. Trail Construction Update - verbal</p> | Tom Prew |
| <p>9. <u>PLANNING, LAND USE & ZONING:</u></p> <p>A. Variance for 8009 Hill Trail, Jason Tacheny: Resolution No. 2006-041</p> <p>B. Permission for Temporary Office Trailer - Lake Elmo Pines</p> <p>C. Zoning Ordinance Text Amendment:PF District Performance Standards - Ordinance No. 97-168</p> <p>D. Rockpoint Church – Section 520 Site Plan: Resolution No. 2006-042, Resolution No. 2006-043</p> <p>E. Outdoor Social Events; Ordinance No. 97-167</p> <p>F. Fences as Screening & Security:Ordinance No. 97-169</p> <p>G. Review of Rural Residential Setbacks</p> <p>H. Restaurant Drive-Up Facilities in the GB Zone</p> <p>I. Metro Transit Park & Ride</p> | C. Dillerud |
| <p>10. <u>CITY ATTORNEY'S REPORT:</u></p> | |
| <p>11. <u>CITY ADMINISTRATOR'S REPORT:</u></p> <p>A. Village Master Plan - verbal</p> | M. Rafferty |
| <p>12. <u>CITY COUNCIL REPORTS:</u></p> <p>A. Mayor Johnston</p> <p>B. Council Member Conlin</p> <p>C. Council Member DeLapp</p> <p>D. Council Member Johnson</p> <p>E. Council Member Smith</p> | |
| <p>Environmental Meeting on City's Surface Water Pollution Prevention Plan, May 17</p> | BOARD OF REVIEW:May 3, 4-6 p.m. |
| | CLEAN UP DAY:June 3, 2006, 8 a.m. to Noon, Washington County Fairgrounds |

**CITY OF LAKE ELMO
CITY COUNCIL MEETING
APRIL 18, 2006**

1. AGENDA
2. MINUTES: March 21, 2006, City Council, April 4, 2006, City Council, January 10, 2006 and February 14, 2006 Council Workshop Minutes
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. PUBLIC INQUIRIES:
 - (1) John McPherson – Chair of West Lakeland Township (added)
 - B. PUBLIC INFORMATIONAL:
 - (1) Lake Elmo Jaycees–Charitable Gambling License:
Resolution 2006-033
4. CONSENT AGENDA:
 - A. Resolution No. 2006-034: Approving Claims
 - B. Monthly Operating Report
5. FINANCE:
 - A. Animal Control Contract
 - B. Payment to Robert Engstrom Company (added)
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Building Dept.: Jim McNamara
8. CITY ENGINEER'S REPORT:
 - A. Public Hearing: Tablyn Park Neighborhood Street Construction Project:
Resolution No. 2006-035
 - B. Approve Plans and Authorize ad for bid for Tablyn Park/Lake Elmo Heights Watermain Project: Resolution 2006-036
9. PLANNING, LAND USE & ZONING:
 - A. Final Plat and Development Agreement – Discover Crossing:
Resolution 2006-037
 - (1) Letter of Credit Reduction for Discover Crossing (added)
 - B. OP Development Stage Plan/Preliminary Plat and CUP – Hidden Meadows:
Resolution 2006-028
 - C. Zoning Ordinance Text Amendment – Outdoor Social Events: Refer to Planning Commission
 - D. Update on Met Council (added)
10. CITY ATTORNEY'S REPORT:
 - A. Opinion on Drive-Up Facilities
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:

Council adjourned at 10:50 pm

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council Chambers. COUNCIL MEMBERS PRESENT: Conlin, DeLapp, Johnson, and Smith, STAFF PRESENT: Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, City Engineer Prew, Attorney Filla, Recording Secretary Freeman.

Pledge of Allegiance

1. **AGENDA:**

Additions: John McPherson, Chair of West Lakeland Township (3A); Letter of Credit Reduction for Discover Crossing 9A (1); Payment to Robert Engstrom Company (5B); Update of Met Council (9D). M/S/P Johnson/Conlin – approved as amended. (Motion passed 5-0)

2. **MINUTES:**

M/S/P Johnson/Smith - approved March 21, 2006, Council minutes as amended with changes from DeLapp. (Motion passed 3-2: Johnson/Johnston)

M/S/P Johnson/Johnston – approved April 4, 2006, Council minutes as amended (Motion passed 4-1: DeLapp)

M/S/P Johnson/Conlin – approved January 10, 2006, Council Workshop minutes. (Motion passed 4-0:1 DeLapp Abstained-out-of-town)

M/S/P Johnson/Smith – approved February 14, 2006, Council Workshop minutes as amended by Conlin. (Motion passed 5-0)

3. **PUBLIC INFORMATIONAL:**

A. **Public Inquiries:**

John McPherson, Chair of West Lakeland Township, requested the City's support in ensuring the safety of the ground water under the proposed the Fly Ash site in their township. Traffic and pollution are concerns. Xcel is working with the PCA, which has no guidelines to follow. Six mayors and two townships have offered support.

Resident Mark Busta, 8810 27th St. Ct. N., (Tablyn Park area) proposed a 96' cul-de-sac be landscaped for a 42' diameter landscaped in the middle with a 27' wide street. He said it would possibly reduce City snowplowing and removal, and beautify the neighborhood. Three driveways already exist but the neighbors would be willing to maintain the landscaping; possibly have a decorative light installed. Since water is coming in, have a pipe added with neighbors maintaining the cul-de-sac. Mr. Busta asked if concrete curbs could also be installed in the newer section, as streets are wider.

Resident Susan Dunn wanted to remind residents about the April 19, 2006, Open House at Lake Elmo Elementary regarding the Village Master Plan. Dramatic changes are proposed and residents should attend.

B. Resolution 2006-033, Charitable Gambling License to Lake Elmo Jaycees

The Lake Elmo Jaycees requested renewal of its lawful Gambling License. The Jaycees operate its lawful gambling at the Twin Point Tavern located at 11199 Stillwater Boulevard.

M/S/P Smith/Conlin – to adopt Resolution 2006-033, a Resolution granting permission to the Lake Elmo Jaycees to conduct Charitable Gambling at the Twin Point Tavern.
(Motion passed 5-0)

4. CONSENT AGENDA:

A. Resolution No. 2006-034: Approving Claims

M/S/P Johnson/Conlin– to adopt Resolution No. 2006-034 approving Claim Numbers 320, 321, DD695 through DD714, 28949 through 28973, which were used for staff payroll dated April 13, 2006; claims 28974 through 29022, in the total amount of \$108,482.29. (Motion passed 5-0)

B. Monthly Operating Report:

M/S/P Johnson/Conlin – to accept the March 2006 Monthly Operating Report.
(Motion passed 5-0)

5. FINANCE:

A. Animal Control Contract:

Finance Director Bouthilet provided an Animal Control Services Proposal Comparison Schedule, summarizing the three bids received and the rates quoted. Two bids provided “service call” and “on-call” quotes.

Administrator Rafferty reviewed the results with Finance Director Bouthilet for on demand vs. patrol services. Ms. Pelnar had not changed her rates from 2005. Rick Ruzicka, ACSI, talked to the Council about proactive service and enforcement of licensing ordinances.

Discussion around cats and the need to look at our ordinances.

M/S/P Conlin/Smith – to award the Animal Control Contract to ACSI for the remainder of 2006. Council directed Staff to discuss the cat control ordinance at the May 9, 2006, Council Workshop. (Motion passed 5-0)

B. Payment to Robert Engstrom Company

Council Member DeLapp requested that Robert Engstrom Companies provide the City a list of expenses to date, plus any additional charges. Discussion centered around contract and if charges had been submitted to date. Administrator Rafferty has met with the developer and discussed the work scope and costs. Proposals for ongoing work and justifications of changes have been discussed.

M/S/F Smith/DeLapp – to direct Staff to meet with the team hired and discuss current contract. (Motion Failed 2-3: Conlin, Johnston, Johnson)

6. **NEW BUSINESS:**

None

7. **MAINTENANCE/PARK/FIRE/BUILDING:**

A. Update on Building Dept.: Jim McNamara

Building Official McNamara updated Staff that Washington County Park Reserve had been issued a permit for a new Picnic Shelter and Restroom area. The Building Dept. continues to remove illegal signs. He stated, again, that portable basketball hoops are illegally being placed in the street, which is illegal and very dangerous to children.

B. Fire Dept. Updates: Chief Malmquist

None

8. **CITY ENGINEER'S REPORT:**

A. Resolution 2006-035: Resolution Ordering Improvement and Preparation of Plans for the 2006 Street Repairs – Tablyn Park Neighborhood.

City Engineer Prew summarized the Feasibility Report for the 2006 Street Repairs – Tablyn Park Neighborhood. He would like to proceed as follows: May 12-open bids; May 16-award bid; July 2006-start work; August 2006-complete.

Mayor Johnston opened the Public Hearing at 8:35 p.m.

Daniel Novak, 8520 Ironwood Trail N., had concerns about the cost; road width; assessment repayment; water and road construction; corner lots; bituminous vs. cement curb and height; underground electricity.

City Engineer Prew responded that cost would be divided equally between the 63 build-able lots with assessment costs of Rd zoning with an assessment cost \$1309. Road widths will remain the same. Water and road resurfacing will be done simultaneous. Owners of corner lots will decide where to place the curb, but cannot change the water flow. Bids will be for bituminous curbing only, but can be changed to include concrete. Prew will contact Xcel Energy about the possibility and cost of installing underground electricity. Another Public Hearing would be required if underground electricity were to be installed.

Administrator Rafferty suggested petitioning the neighborhood supporting this action.

Mark Busta thought the assessment amount was fair.

Mayor Johnson closed the Public Hearing Closed at 8:48 p.m.

M/S/P Johnson/Smith - to amend Resolution 2006-035, a Resolution Ordering Improvement and Preparation of Plans for the Tablyn Park Neighborhood, and to include an alternate bid for two landscaped islands. (Motion passed 5-0)

M/S/P Johnson/Conlin – to direct staff to inquire in regards to costs of burying electrical utilities. (Motion passes 5-0)

B. Resolution 2006-036: Approve Plans and Authorize Advertisement for Bids – Tablyn Park / Lake Elmo Heights Watermain Project

In his letter dated April 13, 2006, the City Engineer reported that Plans and Specifications are complete on the Tablyn Park/Lake Elmo Heights Watermain Project. This project will provide water for over 200 residences in an area of the City that has many contaminated wells with PFOA and PFOS. Following water service installation, each residential well will be sealed.

M/S/P Johnson/Conlin – to adopt Resolution 2006-036, approving Plans and Authorizing the Advertisement for Bids for Tablyn Park/Lake Elmo Heights Watermain Project. (Motion passed 5-0)

9. PLANNING, LAND USE & ZONING:

A. Final Plat & Development Agreement – Discover Crossing:

Resolution 2006-037.

The City Planner recommended approval of Final Plat and Development Agreement. He noted there are several outlots, three of which are going to be converted into lots after approved City-wide zoning changes responsive to the new Comprehensive Plan.

M/S/P Conlin/Johnson - to adopt Resolution 2006-037 approving the Final Plat, OP Final Plat and Development Agreement for Discover Crossing, with the change in condition No. 1: Compliance with the recommendation of the City Forester as determined by the City Planner. (Motion passed 5-0)

A (1). Discover Crossing Letter of Credit Reduction:

City Planner recommended the Letter of Credit for Discover Crossing be reduced from \$1,811,325.00 to \$1,006,075.00, as recommended by the City Engineer.

M/S/P Johnson/DeLapp – to approve the Escrow reduction for Discover Crossing from \$1,811,325.00 to \$1,006,075.00. (Motion passed 5-0)

B. OP Development Stage Plan / Preliminary Plat and CUP - Hidden Meadows: Resolution 2006-038

The City Planner presented the 68-acre OP portion of Hidden Meadows. He reported that the Planning Commission Staff Report and Public Hearing brought out several concerns about several infrastructure design issues and the screening plan along the east property line. He noted that the property abuts land that is eligible to be developed as an OP; therefore, the 200' buffer can be reduced to 100' if the developer proposes a landscape replacement buffer on a year-round basis. The Planning Commission recommends the developer's proposed landscape plan as sufficient to meet the intent of the OP ordinance.

Ms. Joan Ziertman questioned the setback requirements for the proposed trail, and noted that the drainfield proposed is 50' from their property line. The Ziertmans expressed

concerns about the health, safety and welfare if the septic system were to fail. They are requesting more than a 60' setback.

City Planner Dillerud and City Attorney Filla stated that trails are not structures and, therefore, may be located within the OP buffer area. The City Planner also suggested that the trail could easily be moved, and he thought the developer would agree to that.

Ms. Ziertman said she would like to know how the size of the proposed septic treatment wetland compared to the Fields I development. The City Engineer said that he will provide that information to them. Paul Danielson, the Developer's engineer, confirmed that the alternate/backup drainfield site is north of the church and is a constructed wetland.

Ms. Ziertman stated that she would like to see screening provided to their property line, buffering them the project. City Planner Dillerud stated the Final Landscape Plan would be submitted later along with the Final Plat.

Ms. Ziertman asked why the trail couldn't be put on the second drainfield site and to the east site line, within the 15'-20' watermain easement granted to the City by the developer. Mr. Danielson agreed that language could be adding a trail right to the watermain easement

M/S/P Johnson/Conlin - to adopt Resolution 2006-038, approving the OP Development Stage Plan/OP Conditional Use Permit and Preliminary Plat for Hidden Meadows of Lake Elmo per plans staff dated April 13, 2006, with the addition of the following:

- 1) Compliance with the recommendations/requirements of the City Engineer;
- 2) Compliance with the recommendations/requirements of the Valley Branch Watershed District as found to be appropriate by the City Engineer;
- 3) Trail setback to the Ziertman property be increased and screening be considered in the Landscape Plan;
- 4) Confirm drainfield setback is to be 100' feet from property line;
- 5) Provide size and delineation of the alternate drainfield;
- 6) Secondary drainfield have the appropriate easement for trail use;
- 7) A trail easement be added to the proposed watermain easement.

(Motion passed 5-0)

C. Zoning Ordinance Text Amendment – Outdoor Social Events:

Several Council Members questioned the need to reduce the maximum person count and the need for additional required conditions regarding traffic, parking, hours, and liquor. City Planner Dillerud recommended referring the proposed ordinance back to the Planning Commission to further consider those matters. He noted that some of those concerns were best addressed case-by-case with a formal CUP application, and that this was a City-wide ordinance under consideration, not a specific applications by a property owner.

Resident Carol Palmquist stated that she wanted to clarify the number of people and vehicles that would be allowed. She said her staff would control loud music, security and safety; and that two hundred people or less would be attending events on her property.

M/S/P Johnson/Conlin – to refer the draft Outdoor Social Events in the AG District back to the Planning Commission with direction to consider and make recommendations regarding the issues raised at the April 11 Council Workshop, and to include the bullet for traffic impact analysis. (Motion passed 5-0)

D. Update on Met Council Meeting

Council Member DeLapp stated that he would like to have a parallel plan regarding addressing the authority of the Met Council to mandate local plans; an approved process to bring the matter to the Legislature, and the Lake Elmo Council be part of it. He said he wants to see the City get back where we were previously with the Comprehensive Plan. He noted that he would be willing to pursue these matters alone if the City Council is not interested in participating.

Council Member Conlin asked him what is being asked, and to submit a proposal.

Council Member DeLapp left the table at 10:28 p.m.

M/S/P Johnston/Johnson - to table to the next Council meeting with a written proposal to discuss. (Motion passed 4-0: DeLapp Absent)

10. CITY ATTORNEY'S REPORT:

Attorney Filla provided a legal opinion to Council regarding Drive-In, Drive-Up and Drive-Through Facilities. He said that his recommendation is for the City Council to determine what the concerns are relating to the fast food industry prior to amending current or adopting new regulations.

Business owner Ed Gorman addressed the City Council regarding his need and arguments for zoning ordinance authority to add a drive-up window at his restaurant facility – including menu board and intercom.

M/S/P Johnson/Smith – to bring the Planning Commission's recommendation regarding the proposed zoning ordinance amendment for drive-up windows at restaurants back to the next Council meeting. (Motion passed 4-0: DeLapp Absent)

11. CITY ADMINISTRATOR'S REPORT:

None.

12. CITY COUNCIL REPORTS:

Mayor Johnston informed the Council that Washington County Library is sponsoring a 9-week reading program. Reminder that the Board of Review will be held on Wednesday, May 3rd, 4-6 pm in the Council Chambers; Clean Up Day is Saturday, June 3rd, 8-noon; the Old Village Presentation Open House is Wednesday, April 19, 6:30-8:30 pm at Lake Elmo Elementary School.

Council Member Conlin commented on the condition of the tennis courts and that repair was designated in the CIP for July.

Council Members commented in regard to Council Member DeLapp's behavior of leaving in the midst of a Council Meeting. Attorney Filla said unless a Rule of Conduct is adopted, there is no course of action.

Council Member Johnson congratulated the Lake Elmo Jaycees on a wonderful and successful Cadillac Dinner Monday night.

Council Meeting ended at 10:50 p.m.

Respectfully submitted by Carole Freeman, Recording Secretary

Resolution No. 2006-033: Charitable Gambling License

Resolution No. 2006-034: Claims

Resolution No. 2006-035: Tablyn Park Neighborhood Street Construction Project

Resolution No. 2006-036: Authorize ad for bid for Tablyn Park/Lake Elmo Heights Watermain Project

Resolution No. 2006-037: Final Plat & Development Agreement-Discover Crossing

Resolution No. 2006-038: OP Development Stage Plan/Preliminary Plat & CUP-Hidden Meadows

DRAFT

LAKE ELMO CITY COUNCIL WORKSHOP MINUTES

APRIL 18, 2006

Mayor Johnston called the Council meeting to order at 10:53 p.m. in the Council Chambers. COUNCIL PRESENT: Conlin, DeLapp, Johnson, and Smith. STAFF PRESENT: Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, Attorney Filla.

1. AGENDA:

To discuss a workshop with the Met Council Representatives.

A Workshop was held to discuss a meeting with the Met Council Representatives.

M/S/P Johnston/Johnson – to bring it to the next Council Workshop, and delay further discussion for 60 days. (Motion passed 4-0-1: DeLapp)

Council Workshop closed at 11:08 pm

DRAFT

LAKE ELMO CITY COUNCIL MINUTES

APRIL 4, 2006

1. AGENDA
2. MINUTES: March 21, 2006
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. PUBLIC INFORMATIONAL
 - (1) Water Ski Show-Joe Kiesling
 - (2) Arbor Day Proclamation
 - B. Public Inquiries
4. CONSENT AGENDA:
5. FINANCE:
6. NEW BUSINESS:
 - A. Request from West Lakeland for financial support to ensure the protection of ground water.
7. MAINTENANCE/PARK/FIRE/BUILDING:
8. CITY ENGINEER'S REPORT:
 - A. Update on Chris Riley Construction-verbal
9. PLANNING, LAND USE & ZONING:
 - A. Septic Drain Field Setback Variance – 7949 Hill Trail (Scharrer)
 - B. Reconsideration – Variances – Haire (8160 Hill Trail)
 - C. CDBG Project Update – Cimarron Gas Line Replacement
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Carriage Station Park Improvements – verbal
 - B. April 19th Presentation of Village Area Master Plan, Lake Elmo Elementary School-verbal
12. CITY COUNCIL REPORTS:
13. CLOSED SESSION to discuss the performance review for the City Administrator

Mayor Johnston called the meeting to order at 7:00 p.m. in the City Council Chambers.
PRESENT: Conlin, Smith, Johnston, DeLapp, City Engineer Prew, City Attorney Filla,
Finance Director Tom Bouthilet and City Administrator Rafferty. ABSENT: Johnson.

1. AGENDA

8. Resolution presented, 12E. City Council Reports: Emergency Sirens, Status of Sunfish Park, 9D. Letter to editor from Council member DeLapp.
M/S/P Smith/ Conlin - to approve the April 4, 2006 City Council agenda, as amended.
(Motion passed 4-0)

2. MINUTES: March 21, 2006

The Council had discussion on minute structure.
M/S/P Smith/DeLapp - to table the March 21, 2006 City Council Minutes. (Motion passed 3-1:Conlin asked Council to send corrections to staff prior to meeting).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. **PUBLIC INFORMATIONAL**

(1) **Water Ski Show-Joe Kiesling**

Joe Kiesling, Tri-Lakes Assoc., is requesting Council approval of a Water Surface Use permit for the Annual Water Ski Show on Lake Jane, August 12, 2006. Mr. Kiesling is request a waiver from surface water rules for the day of this event and a "No Parking" permit to park from Jamaca Avenue to Jane Road North.

M/S/P Conlin/DeLapp - to approve the permit request of Joe Kiesling, on behalf of the Tri-Lakes Association, to hold a Water Ski Show on Lake Jane, August 12, 2005, based on the submittal of the appropriate information and on past favorable requests. (Motion passed 4-0).

(2) **Arbor Day Proclamation**

MAYOR JOHNSTON PROCLAIMED APRIL 28, 2006 TO BE ARBOR DAY AND THE MONTH OF MAY, 2006 TO BE ARBOR MONTH IN THE CITY

M/S/P DeLapp/Conlin - to approve the Arbor Day Proclamation and ask staff to come back with options for what the City can do. (Motion passed 4-0.)

B. **Public Inquiries**

Geoff Laramy, 9404 Lake Jane Trail N., submitted a petition for installation of a stop sign at the intersection of Lake Jane Trail and Jane Road North.

M/S/P DeLapp/Smith - to refer this petition to the City Engineer and request placement of the moveable speed sign in the interim to that area. (Motion passed 4-0.)

Mr. Laramy noted a violation of the code by his neighbor in having more than three dogs at his residence. The Animal Control Officer has checked with the owners and was told the dogs are just visiting. He said if that is the case then they are visiting 24/7.

4. **CONSENT AGENDA:**

A. **Resolution No. 2006-031:Approving Claims**

M/S/P DeLapp/Smith -to adopt Resolution No. 2006-031 Approving Claim Numbers 317, 318, DD682 through DD694, 28901 through28907, which were used for Staff Payroll dated March 30, 2006; claims 319, 28908 through 28948, in the total amount of \$493,366.20. (Motion passed 4-0).

5. **FINANCE:**

6. NEW BUSINESS:

A. Request from West Lakeland for financial support to ensure the protection of ground water as it relates to a proposed fly ash dump to be developed.

The City received a letter from John McPherson, Chair, Board of Supervisors for West Lakeland Township, regarding the XCEL Fly Ash Repository in the St. Croix Valley. Mr. McPherson is asking for the financial support of Lake Elmo in an initial amount of \$1,500 to be added to a "fly ash fund" that can be used in various ways.

M/S/P Johnston/Smith – to direct the staff to send a letter expressing Council support, but before the City makes a financial donation, they would invite Mr. McPherson to a meeting where he would provide an action plan, budget and the desired result. (Motion passed 3-1: Conlin stated she was prepared to authorize the financial support tonight based on her experience with fighting the Lake Elmo Park Dump siting; the amount requested is a pittance and these types of campaigns evolve over time making it difficult to provide advance plans and outcomes.)

7. MAINTENANCE/PARK/FIRE/BUILDING:

8. CITY ENGINEER'S REPORT:

A. Update on Chris Riley Construction-verbal

Attorney John Miller provided a Resolution authorizing the City to execute a Takeover Agreement between the City of Lake Elmo, Travelers Insurance and Riley Brothers Construction for both Phase I and Phase III of the City's Water System Interconnect Project. Travelers Insurance has determined that Brothers Construction is financially able to complete a project as is their insuring agency. All previously penalties assessed for phase 1 have been incorporated in the agreement.

M/S/P DeLapp/Johnston – to adopt Resolution No. 2006-032 regarding the construction of certain items related to the City's Water Interconnect Project Phase I and Phase II. (Motion passed 4-0).

9. PLANNING, LAND USE & ZONING:

A. Septic Drain Field Setback Variance – 7949 Hill Trail (Scharrer)

At its March 21st meeting the City Council directed staff to prepare a Resolution of Denial for this variance application. A draft of a Denial Resolution including Find based on the City Council discussion of the application at the March 21 meeting, was provided for Council review.

M/S/P Johnston/Conlin - to adopt Resolution No. 2006-028, A Resolution Denying the application of Jeff and Robin Scharrer, 7949 Hill Trail North, to locate a septic drain field 15 feet from a structure where Section 700 of the City Code requires a 20 foot drain field setback from structures. (Motion passed 3-1: Smith said there was discussion at the March 6th meeting on mound system versus in ground systems and she didn't know much about them, and has concerns on mounds system, based on reasons stated by the City Planner that a mound system has more of a propensity to freeze up and there is an esthetic reason particularly if it is in the front yard.)

B. Reconsideration – Variances – Haire (8160 Hill Trail)

At its March 21, 2006 meeting the City Council directed that this matter be placed on the April 4, 2006 City Council agenda for reconsideration. On March 6, the Council adopted a resolution denying the variances (lot area and OHW setback). Due to the change of meeting night, a Monday rather than Tuesday, the applicants were not in attendance at the Council meeting. The applicants requested, and the Council approved, to open the matter for reconsideration. The burden is on the applicant to show a hardship.

Kevin and Gena Haire provided the Council a letter, dated March 29, 2006, to correct false information in the City Planner's report from the March 21st Council meeting. A power point presentation was made by Todd Ganz, Merit Custom Homes, of pictures of homes built along Hill Trail North to show the size of the proposed house is not out of scale or character for the neighborhood and noted that other houses have been granted variances without concern for bedrooms.

M/S/P DeLapp/Smith – to uphold the previous Council action in adopting Resolution No. 2006-024, A Resolution Denying Zoning Variances for Kevin and Gena Haire at 8160 Hill Trail North. (Motion passed 3-1: Conlin stated the applicant stated their case well and showed that the house is not out of scale for the neighborhood and place reasonable findings could be placed that the septic system could stay sized for 3 bedrooms.)

C. CDBG Project Update – Cimarron Gas Line Replacement

The Planner reported that the city's CDBG consultant identified a good number of Cimarron units were qualified for grant assistance; a Request for Proposals was prepared and sent to 15 plumbing firms. There were no written proposals returned. Additionally, that city staff has been advised that the County CDBG that HUD rules have been modified which and a new Davis Bacon Wage determination had to occur before further vendor solicitation would proceed. Staff also reported that there has been no indication from the County CDBG staff that there is any issue with timing of grant funds expenditures.

D. Letter from Steve DeLapp:

Council member DeLapp provided a copy of a letter he wrote to the Editor to rebut what Peter Bell, Chairman of the Metropolitan Council, had said about an article by Pioneer Press Assistant Editor Mark Yost.

The consensus of the council was they did not want to take official action on this letter because this belongs as a personal response from Steve DeLapp.

10. CITY ATTORNEY'S REPORT:

11. CITY ADMINISTRATOR'S REPORT:

A. Carriage Station Park Improvements – verbal

The City Administrator reported the City is in the final stages of drafting the agreement in terms of the legal description of the property itself. TKDA drew a generalized plan for park improvement pieces which was shared with neighborhood reps and are in process of advising what type of improvements and equipment would fit in the area and a recommendation will be sent to the Parks Commission.

There was some discussion on possible miscommunication on the allocation of monies to upgrade the play structure versus taking money out of this allocation for the trail around the park.

B. April 19th Presentation of Village Area Master Plan, Lake Elmo Elementary School-verbal

There will be a meeting on the Village Area Master Plan on Wednesday, April 19th, at the Lake Elmo Elementary School. The formal presentation will begin at 6:30 p.m. with informal questions/answers at 7:30 p.m.

12. CITY COUNCIL REPORTS:

Mayor Johnston reported that RCFA is celebrating their fourth anniversary at the Lake Elmo site, Saturday, May 6th.

M/S/P Conlin/Smith – to approve the Mayor sending out invitations to the surrounding communities and the Met Council Chair and that the City makes a donation of \$200 for refreshments for this event. (Motion passed 4-0).

John Schultz, Lake Elmo Inn, is the first recipient of the Restaurateur of the Year and is featured in the April issue of Stillwater Living.

Council member DeLapp reported he visited section 42 housing in Oakdale, ages 59 and up, 90 flats, at \$800/month for a one bedroom. This information should be gathered for the Old Village.

Council member Smith asked for an update on emergency sirens. The City Administrator said they are working with two vendors to determine if we have to go out for bid, right size for each location, and how to finance the sirens.

Council member Smith asked for an update on the Land Trust in Sunfish Park. The City Administrator reported the Parks Commission is working on this as a part of the review of all the parks in order to protect the parks.

Council member Smith asked if the setbacks in Rural Residential Zoning can match the setbacks in the Residential Estates Zoning. The Council sent this item to the April 11th workshop.

The Council adjourn the meeting at 9:55 p.m. and convened the CLOSED SESSION to discuss the performance review for the City Administrator

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2006-028 Denial of Septic Drain Field Setback Variance, 7949 Hill Trail, Scharrer

Resolution No. 2006-031 Approve Claims

Resolution No. 2006-032 City's Water Interconnect Project Phase I and Phase II

**CITY OF LAKE ELMO
CITY COUNCIL MEETING
MARCH 21, 2006**

1. AGENDA
2. MINUTES: March 6, 2006
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. PUBLIC INQUIRIES:
 - B. PUBLIC INFORMATIONAL:
 - (1) Ginny Holder-Ramsey/Washington Cable Commission Representative
4. CONSENT AGENDA:
 - A. Resolution No. 2006-026: Approving Claims
 - B. Minutes and Structure
 - C. Monthly Operating Report
5. FINANCE:
 - A. Annual Audit
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Building Dept.: Jim McNamara
 - B. New Recruits: Matt Mazzara and Kristine Johnson to be placed on probation.
Rick Myran to be moved from probation to firefighter status.
8. CITY ENGINEER'S REPORT:
 - A. Water System Interconnect Phase IV: Award contract to Ellingson Drainage
Resolution No. 2006-027
 - B. Receive Feasibility Report for 2006 Overlay - Tablyn Park Neighborhood:
Resolution 2006-029
9. PLANNING, LAND USE & ZONING:
 - A. Request for Reconsideration: Haire Variance (8160 Hill Trail)
 - B. Septic Systems Setback Variance and Request of Waiver of Fees: 7949 Hill
Trail (Scharrer) Resolution 2006-028 – NOT ADOPTED
 - C. Zoning Ordinance / City Code Amendments: Home Occupations
 - D. Zoning Text Amendment – CUP in AB Zone for Outdoor Social Events:
Ordinance No. 97-167 – NOT ADOPTED
 - E. Amend GB Zoning District Text Restaurant Drive-Up Facilities: Ordinance
No. 97-168 – NOT ADOPTED
 - F. Village Area Master Plan Recommendation – Next Step
 - G. Zoning Ordinance
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Update on RFP for Animal Control - verbal
12. CITY COUNCIL REPORTS:

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council Chambers. COUNCIL MEMBERS PRESENT: Conlin, DeLapp, Johnson, and Smith, STAFF PRESENT: Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, City Engineer Prew, Attorney Miller, Recording Secretary Freeman.

Pledge of Allegiance

1. AGENDA:

The City Administrator asked to add 8C-Chris Riley Utilities, Inc. performance; change 4B Minutes and Structure to 6A; Fire Chief asked to move Fire Dept. Updates 7B to 3A. M/S/P Johnson/Conlin - to approve the Agenda as amended. (Motion passed 5-0)

2. MINUTES:

M/S/P Johnson/Conlin – to approve the Minutes of March 6, 2006, as amended. (Motion passed 4-0-1: Conlin Abstained-did not attend meeting)

3. PUBLIC INFORMATIONAL:

A. Public Inquiries:

Resident Jim McLeod, 11580 30th Street, who is building a home and accessory building, questioned the City standard for copper water pipe for service leads versus high density plastic pipe. City Planner Dillerud indicated he would investigate whether City standards could be changed to allow modern high density plastic pipes for residential water service leads.

Mr. McLeod also questioned the standard for exterior lighting that precludes carriage style lighting.

M/S/P Johnson/Conlin - to direct the Planning Commission to evaluate high-glare motion detector lights. (Motion passed 3-2: DeLapp and Smith would like to wait until the Old Village design study is completed.)

B. Ginny Holder – Ramsey / Washington Cable Commission Rep.

Ginny Holder indicated that the Cable Commission gave the City \$29,000 plus to help provide a new cable system. A \$50,000 Grant is available for the new City Hall cabling, with \$35,000 available immediately. The new Public Works building will have Inet capability.

4. CONSENT AGENDA:

A. Resolution No. 2006-026: Approving Claims

M/S/P Smith/Johnson – to adopt Resolution No. 2006-026 approving Claim Numbers 315, 316, DD664 through DD681, 28819 through 28850, which were used for staff payroll dated March 16, 2006; claims 28851 through 28900, in the total amount of \$272,067.69. (Motion passed 5-0)

B. Minutes and Structure: (moved to New Business 6A)

City Clerk Lumby presented research about minute structure for the City Council and Commissions from the LMC and the City Attorney.

M/S/P Johnson/Conlin - to approve the amended Minutes and Structure documentation process as presented to record all City Council and Commission meetings.
(Motion passed 4-1: DeLapp-wants history behind rationale on split decisions from Commissions in addition to comprehensive Findings of Fact.)

C. Monthly Operating Report:

M/S/P Johnson/Conlin- to accept the February 2006 Monthly Operating Report.
(Motion passed 5-0)

5. FINANCE:

A. Annual Audit:

Steve McDonald from Abdo, Eick & Meyers presented the audit, which was in compliance with accounting records.

M/S/P Conlin/Johnson- to accept the 2005 Annual Financial Report by Abdo, Eick & Meyers. (Motion 5-0)

6. NEW BUSINESS:

See Consent Agenda 4B

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Building Dept.: Jim McNamara

The Building Official reported on the operation of the car wash at the Marathon gas station located at Hwy. 5 and Manning Avenue. Reclamation-type recycling system car wash using four – 500 gallons, filtered and back into use. Meyer Sanitation pumps quarterly with filters cleaned/emptied

Building Official McNamara recognized Karl Horning receiving Full Certification as a Building Official. State of MN currently utilizes 2000 ICC and they are updated every 3 years. Revisions of ICC 2003 were never completed by State of MN. ICC 2006 will be the next edition adopted by the State in early 2007.

B. Fire Dept. Updates: Chief Malmquist–Moved to Public Informational Section

Fire Chief Malmquist recommended new recruits Matt Mazzara and Kristine Johnson be placed on probation.

M/S/P – Johnson/Smith, to place Matt Mazzara and Kristine Johnson on probation with the Lake Elmo Fire Dept. (Motion passed 5-0)

Fire Chief Malmquist recommended that Rick Myran be moved from probation to firefighter status.

M/S/P – Johnson/DeLapp, to place Rick Myran to Firefighter status. (Motion passed 5-0)

Update on Firefighter Grant – Fifteen departments in Washington County will participate in the new 800 MHz Program at a shared cost of \$1,500,000, but the Federal Assistance

to Firefighter Grant Program will pay a maximum of \$1,000,000. User's fee is \$300/year. The Fire Dept. will be celebrating 50 years in 2007, and a Committee is being formed to plan a 50th Year celebration. Help and suggestions from the general public are welcome.

8. CITY ENGINEER'S REPORT:

A. Resolution 2006-027: Award Bid for Phase IV of the Water System Interconnect Project

In his letter dated March 10, 2006, the City Engineer reported that seven bids were opened on March 10, 2006, for this project. The City Engineer recommended awarding the contract to Ellingson Drainage for their bid of \$412,758.68.

M/S/P DeLapp/Johnson-- to adopt Resolution 2006-027, a Resolution awarding the bid for the Phase IV of the Water Interconnect Project to Ellingson Drainage on the amount of \$412,758.68. (Motion passed 5-0)

B. Resolution 2006-029: Accept Feasibility Report for 2006 Overlay – Tablyn Park Neighborhood

The City Engineer presented the Council the Feasibility Report for 2006 Overlay – Tablyn Park Neighborhood Project.

M/S/P Johnson/DeLapp - to adopt Resolution 2006-029, a Resolution Receiving the Feasibility Report and calling a Public Hearing on April 18, 2006, on Street Repairs for Tablyn Park Neighborhood. (Motion passed 5-0)

C. Resolution 2006-030: Chris Riley Utilities, Inc.

City Engineer Prew was notified by letter Chris Riley Utilities, Inc. will not be completing Water System Interconnection Phase I and III Contracts. Recommendation is to terminate the contract "for cause." Bond Holder Travelers Casualty and Surety Company were notified by Riley Utilities, Inc. for non-performance.

M/S/P Johnson/DeLapp – to adopt Resolution 2006-030, authorizing and directing City Staff to initiate or continue action with respect to the City's claim on the performance bonds. (Motion passed 5-0)

9. PLANNING, LAND USE & ZONING:

A. Request regarding the application for the Haire Variance – 8160 Hill Trail.

The City Planner reported that these variances to the OHW setback and minimum lot were denied by the Council at the March 6, 2006, Council meeting. Due to the change of the meeting night, the applicants were not in attendance. The Council agreed to allow the applicants the opportunity to be reconsidered based on new information and written statements at the next Council meeting.

M/S/P - Johnston/Johnson – to reconsider the Haire Variance, 8160 Hill Trail, at the April 4, 2006, Council meeting. (Motion passed 4-0-1: Conlin Abstained-did not attend the March 6, 2006, meeting)

B. Variance for Septic System Setback for 7949 Hill Trail (Scharrer).

City Planner Dillerud said the existing septic system at 7949 Hill Trail is no longer functioning. They are requesting a variance to Septic 700 septic / design standards to permit a replacement drain field within 15 feet of the existing house where a 20 foot setback is otherwise required.

M/S/P Johnston/Conlin – to direct Staff to come back with a Motion for denial of Resolution No. 2006-028, because applicant can construct a mound style drain field without need for set back variance. Staff asked Council to waive the variance application fee. (Motion passed 5-0)

C. Zoning Ordinance / City Code Amendments – Home Occupations

The City Planner reported that over the past two years there have been numerous meetings with the City Council and Planning Commission, and numerous drafts prepared addressing the regulation of Home Occupations. He presented a draft set of City Code amendments that had been created and recommended by the Planning Commission, and on which the required Public Hearing had been conducted.

The Council received a handout of the City of Oak Park Heights Home Occupations ordinance. There was discussion about perpetual licenses, and storage-related businesses. Council members were not supportive of an overly complex set of regulations.

M/S/P DeLapp/Johnson – to move Home Occupations to the next Council Workshop meeting on April 11, 2006. (Motion passed 5-0)

D. Ordinance 97-167: Zoning Text Amendment – CUP in AG Zone for Outdoor Social Events

The City Planner reported that the Planning Commission conducted a Public Hearing regarding a proposal to amend the Zoning ordinance to permit “Outdoor Social Events” on properties within the AG zoning district. The Commission recommends another Conditional Use to the AG District for Outdoor Social Events with nine required conditions.

Concerns were expressed on the noise, parking, lighting and safety.

M/S/P – Johnson/Conlin – to table to the next Council Workshop, April 11, 2006. (Motion passed 4-0-1: DeLapp-he was unable able to provide comment)

E. Ordinance 97-168: Amend GB Zoning District Text Restaurant Drive-Up Facilities

The City Planner reported that the Planning Commission has conducted a Public Hearing and recommends amendment to the General Business District list of “Permitted Uses” to include drive-up service windows at cafes and restaurants, as otherwise regulated by the City Code. He noted that the Commission’s recommendation specifically excludes both menu boards and intercom systems associated with the drive-up window.

Business owner Ed Gorman was in attendance and stated that customers are changing and he would like to see a menu board approved.

M/S/P DeLapp/Johnson – the City Attorney will redraft ordinance to preclude fast-food for the April 11, 2006, Council Workshop, and reconsideration to the April 18, 2006, City Council meeting when all members will be in attendance. (Motion passed 5-0)

F. Village Area Master Plan Recommendations – Next Step

The City Planner reported that the City Council and Planning Commission were presented the recommendations of the Village Area design team/master planners at a Workshop March 14, 2006.

M/S/P Johnson/DeLapp – to direct City Planner and Village Area Master Planner to proceed to introduce the Village Area Master Plan to the public with a dual presentation-poster board presentation, and a formal presentation. (Motion passed 5-0)

G. Direction to Staff / Planning Commission for New Zoning Ordinance

The City Planner reported that the Planning Commission has previously reviewed “Performance Zoning” as an alternative to “Euclidian” zoning, and made substantial progress with its consultant toward drafting a new Performance Zoning Ordinance for Lake Elmo. He noted that the City must have a completed Zoning Ordinance Map and Text corresponding with the 2030 Comprehensive Plan within 9 months of the Comprehensive Plan being approved by the METC; approximately February, 2007.

A concern about Performance Zoning is that it is very “staff dependent,” and that only a few people understood it because of its complexity, and another presentation for a better understanding of the options available.

M/S/P DeLapp/Johnson – to direct Staff to have a presentation on Performance Zoning by Lane Kendig. The Planning Commission should be invited. (Motion passed 5-0)

10. CITY ATTORNEY’S REPORT:

None

11. CITY ADMINISTRATOR’S REPORT:

A. Update on RFP for Animal Control – verbal

Administrator Rafferty requested City Council to extend the current Animal Control Officer’s Contract through April 30, 2006.

M/S/P – DeLapp/Smith – to extend the Animal Control Officer’s Contract through April 30, 2006. (Motion passed 5-0)

12. CITY COUNCIL REPORTS:

None

Council Meeting ended at 10:50 p.m.

Respectfully submitted by Carole Freeman, Recording Secretary

Resolution No. 2006-026: Claims

Resolution No. 2006-027: Water Systems Interconnect Phase IV

Resolution No. 2006-029: 2006 Overlay Feasibility Report -Tablyn Park Neighborhood

Resolution No. 2006-030: Chris Riley Utilities, Inc. Contract Termination

the City did not get as advertised and it seemed to her Engstrom sat back and waited when they were supposed to be drivers. The City Administrator responded we were aggressive to get it done by November, and we have received great service from Engstrom.

St. Croix Regional Family Center - Mayor reported the Early Childhood Ed project of the center wants to go ahead and will be approaching the school board. He said Lake Elmo is the perfect location for the family center.

The City Administrator said it is noted on the Old Village plan where the family center is going to be as well as the city hall. Council member DeLapp said there is a conflict of interest because the mayor is on the Board. The Mayor responded he is on the committee that is working on the organizational interest and there is no financial gain for him.

Zoning Variance - A zoning variance request needs 3 votes to pass and the Mayor and City Planner will not be in attendance at the February 21st meeting. The Planner will advise the applicant that his variance request will be on the March 6th meeting.

Adjourn 8:35

4. Animal Control RFP

The Administrator provided a draft Animal Control RFP and a budget sheet. He said a number of cities the same size of Lake Elmo are looking at vendor services and some have CSO's. He said he has met with three applicants, Kathi Pelnar, Mike Smith, and Animal Control Services out of White Bear Lake.

In regard to the wording in the RFP...shall respond "as soon as practicable", Council member Conlin asked why can't we insert if the situation is threatening, safety issue, we expect response be in such (?) time.

Mayor Johnston had a concern that people weren't calling in because there was no response. It should state our average response isso people understand we are responding.

Council member Johnson said if it is an emergency due to safety reasons, the resident should call 911 and not the ACO.

The Administrator stated he was comfortable with the language in the Animal Control RFP.

Mayor Johnston left the meeting at 8:10 p.m. to attend the Fire Dept. Relief Assoc. meeting.

5. Report on Old Village Plan Presentation

The City Administrator reported on Friday, February 17th, we will try to get these two plans married and then there will be a presentation to the Council. We are looking at the March 6th council meeting for Bob Engstrom to give a presentation and council will give direction. The Administrator said this council will then send this plan to the Planning Commission for a Comp Plan amendment or it can go to a workshop. Council member DeLapp said the City needs to have an open house.

Council member Conlin said she is disappointed that we did not get this plan in a timely manner. It seems we have had to force a deadline because of the Met Council. Council member Johnson agreed with the lack of updates and communication. Council member Smith said she stayed in touch with Marty and Chuck and they moved forward as quickly as possible. There has been so much thrown on our plates. Council member Johnson asked about the contract we have with them and who has the authority to change the contract...certain dollar amount in a certain timeframe. The Administrator said there is no change in the dollars.

Council member DeLapp said he told everyone we would have a presentation in November and asked if there has been contact with Engstrom and staff. The Administrator said there has been contact and the owners retained their own planner the same time we did. Council member Conlin said we all went into this understanding there were many parties involved and Engstrom thought he could put it all together. She felt

neighborhood parks be used for playfield type activities he advised the Council that most of the organized and city-wide activities at community play fields cannot be accommodated at most neighborhood parks without negative impacts on the neighborhood. There may be some neighborhood parks of a size and location that might host those activities without negatively impacting the neighborhood, but that strategy is not good park planning.

Council member DeLapp pointed out there are 175 acres of 3M property in Lake Elmo and if developed park dedication would be available from that site.

Margaret Carlson said she was surprised 3M would give land for a specific use and suggested we should go back and look at this. She said she would be surprised that Oakdale would not place lights there. She said if there is a Task Force to review this playfield proposal she suggests having an independent body on the task force.

Bob Helwig said he supported Council members Smith's suggestion to use the open space in front of Sunfish Park as Sunfish is a public park.

Council member Conlin stated there is broad criteria for selecting location for parks in our Comp Plan that have to be looked at and to keep in mind the trails system and how the trails would work for kids to ride bikes or walk to the playfields.

A resident said traffic on Stillwater Blvd. would have to have some traffic control and that Raleigh creek cannot hold anymore runoff. He asked what about the land next to the public works building that 3M owns. It would be cheaper maintenance if playfields were next to the public works building.

Gary Carlson, Tablyn Park resident, stated Oakdale is contentious and no matter what happens there will be lights there if Oakdale wants lights. He said when Marty talked to Oakdale it was just an idea and he agrees with Council member Conlin we need to decide if the City wants a park in that location.

Scott Deutsch, Lake Elmo Heights, said we are looking at it and some trees will be blocking the lights. They call it a park which we think of as picnic, etc, but Oakdale is really talking about a sport complex.

5. Manning/Highway 36 Intersection Improvement

The City Planner said a matter has come up on how to deal with the intersection of Manning Avenue and TH36. He said that he and the City Engineer were called down to meet with Washington County, MnDOT and was told MnDOT would like us to build a 3 or 4 lane intersection. The City Engineer recommended that a feasibility report would be preformed to determine the intersection configuration and cost and financing.

This item will be brought to the Feb 21st Council meeting.

Joan Ziertman asked what type of park we are going to have and agreed that the City was putting the cart before the horse. She said the City should decide if we want a park there. She voiced her concern on the amount of money paid for a park for Oakdale residents and maybe we should think about where we would want parks for our residents. These items should be discussed before we enter into an agreement.

Bob Helwig, Planning Commission Chair, stated that this proposal is the tail wagging the dog. The City does need ball fields, but let us get the right land. He suggested looking in the Old Village Area plan to place 4-5 new fields. He noted that the site proposed is sizable, and would support many houses toward the mandated 2030 population of 24,000.

Council member Smith said there would be 12 houses on the 26 acres of the proposed site.

Council member Conlin said she observed that 3M owns the land in Oakdale, and they could give land to Oakdale for the playfield instead of Lake Elmo land. She said that the Oakdale Athletic Association is a powerful force and will dictate what they want in a joint playfield, including lighted fields. She said she views this to be primarily an Oakdale park for its ballfields.

Terry Arrons asked why this Lake Elmo land was being donated when 3M has so much other land in Oakdale. He asked why the City can't update the existing parks we have now.

Mayor Johnston said you better decide what you need, define it and work it down; and that it would be an error to rush to judgment on the proposal without the benefit of a Lake Elmo needs analysis. He said the City should restart the process regarding the playfield proposal.

Council member Johnson said she doesn't quarrel with the high need for fields, but feels the City should do a need assessment, and then decide where we are going to place multi-use fields. She observed that if the City can't meet our playfield needs now, what we are going to do when we are 24,000 population.

The Administrator said that this needs to go back to the parks commission to determine the need for playfields, and where would they be.

Council member Smith pointed out the Parks Dept. talked about a possible skating rink/winter activity in the Sunfish Park area and asked what about the 20 acres in front of Sunfish Park to use as temporary fields.

Planner Dillerud said he has provided the Parks Commission a needs assessment done by Oakdale that could act as a process guide for the Lake Elmo Park Plan update. He noted that you don't do an updated park plan before you do a land use plan. Now that the 2030 land use plan is all but completed, the Parks Commission is on their way with the Park Plan update—including community playfields. In response suggestion that the

This is an opportunity for new community playfields in the near term with minimal investment. Todd Bruchu said he would volunteer to serve on the task force. Steven Amasky stated he lives in Parkview Estates and is active in the Oakdale Athletic Association and that there is a dire need for baseball fields. He said most of the developments surrounding Parkview Estates go to #622 schools and are in OAA. There are no borders for OAA. He said T-ball kids can play on grass fields and hat the gravel infield in Stonegate was too small. He thought this was a fantastic opportunity for Lake Elmo and thought any concerns could be addressed.

Council member DeLapp stated the City of Oakdale has chosen to have parks in Lake Elmo and not in Oakdale because he thinks the City wants to develop. Park dedication is required and Oakdale has chosen park land in Lake Elmo.

Larry Moody, who lives adjacent to this parcel, understands there are needs for fields, but this is not the right site for playfields because this is a rolling hills parcel. He said the 26 acres may come free from 3M, but the earthmoving needed on the site will cost tremendously. He asked if Tablyn Park could be expanded. He said his own personal desire is not to have light pollution because then he cannot use his telescope at night. He said daily there are deer, a red fox family, and eagles and hawks use the trees to catch rodents and don't want to loose this. He believes 3M thinks this is less than ideal developable land.

Rolf Larson, parks commissioner, stated there would be terracing issues, lighting can be designed and turned off early. This can be done true to the city's ordinance to take advantage of this opportunity. He added that if this parcel becomes a community park, care must be taken to protect the stream and grove of oaks along the south side of the parcel.

Pat O'Malley said the trees are going to have to grow to shield the lights. He asked who is gong to govern. He said he has a daughter that played fast pitch and lights were not needed. He said the adult ball situation in Oakdale will be brought to Lake Elmo if we have lights. He added that it is Oakdale's problem there are no parks...they should have not built so many houses.

The City Administrator said there is no design feature to place lights in this field. He added we would always have equal say. Council member Smith said it does say a youth athletic complex in this draft agreement.

Don Gustafson, who lives one block from Tablyn Park, said CSAH13 is like a race track with all the shopping malls. By adding ball fields, it's going to be a mess. He thought the City should talk about the creek with DNR.

APPROVED MINUTES: April 18, 2006
LAKE ELMO CITY COUNCIL WORKSHOP MINUTES

FEBRUARY 14, 2006

Mayor Johnston called the workshop to order at 6:00 p.m. in the Council Chambers.
PRESENT: Conlin (arrived 6:04 p.m.), Smith (arrived 6:03 p.m.), Johnson, DeLapp,
City Engineer Prew, City Planner Dillerud, Finance Director Tom Bouthilet and City
Administrator Rafferty.

1. AGENDA

Postponed Revisions to Fee Schedule and Insurance Premiums; Changed the order of the agenda.

M/S/P DeLapp/Conlin – to approve the February 14, 2006 Council Workshop agenda, as amended. (Motion passed 5-0)

2. MINUTES: January 10, 2006 - Postponed
Council member Johnson did not receive her mailed agenda/minutes.

3. Oakdale/Lake Elmo Community Playfield – Task Force Agreement

The City Administrator reported on the history of the 3M donation of 26 acres located in Lake Elmo, how he read in the newspaper that there would be an Oakdale/Lake Elmo community playfield on land donated by 3M. He said he met with Oakdale representatives and talked about their thoughts for this playfield. He pointed out there would be zoning actions required from Lake Elmo. An agreement was drafted that would bring together City representatives to sit down to discuss items, with no strings attached, to get to the final decision. The Lake Elmo City council asked for more discussion at this workshop. The Planning Commission and Parks Commission both looked at this proposal and asked to go ahead and explore the options.

Council member Conlin asked is this where we want a park. She said we have a needs assessment for planning a park with early public participation and forums to make sure the public wants it. This is a 26 acre parcel and we would only have 50 percent use. There are no public facilities nearby. She said we should consider pedestrian and vehicular traffic. She felt this is doing it backwards. Lake Elmo should decide if we want a park there and then decide if we want to share it with Oakdale.

Todd Bruchu, Park Commissioner, stated with the current population we don't need more fields is inaccurate. He said he is active on Lake Elmo Baseball and loves the ball fields, but we are cramped. Lake Elmo Baseball is branching out of Lake Elmo into surrounding playfields. There were 213 kids signed up, three are not from Lake Elmo, and this will make 18 teams. He said a lit field can support 6 teams and an unlit field would support 4 teams. Youth baseball starts at age 10 thru 15 and then there are 16-18 yr.old teams. He has coached 9 years and has made nice improvements to the city fields.

APPROVED MINUTES: 4-18-06
LAKE ELMO CITY COUNCIL WORKSHOP MINUTES
JANUARY 10, 2006

PRESENT: Mayor Johnston, Council members: Conlin, Smith, Johnson, Administrator Rafferty, City Planner Dillerud and Finance Director Tom Bouthilet, Mike Bouthilet and Fire Chief Mamlquist and Captain Pepin ABSENT: Council Member DeLapp

1. AGENDA

2. MINUTES: None

3. Interviews for Planning and Park Commission:

6:00 Nicole Park
6:10 Laurie McGinnis
6:20 Bob Helwig
6:30 David Steele (Parks)
6:50 Kathy Sedro

Appointments for the Planning Commission and Parks Commission will be made at the January 17th Council Meeting.

4. Hiring of Fire Chief, Engineer, Assistant Planner and Code Enforcement – reasonableness vs. absolutism

Administrator Rafferty provided a summary of planned positions of the Fire Chief, Assistant City Planner, City Engineer, and Code Enforcement Officer, anticipated hire date and budgeted salary.

Fire Chief:

Administrator Rafferty explained that in order to provide a well managed fire department through a full time addition, five areas were sited for the Chief as needed for 2006 and into the future. In addition, a new job description was developed for the Chief's position, officer positions, and fire fighter. The Finance Director supported this position, pointed out savings to the City and provided a metro salary comparison for the Fire Chief position. Council member Smith indicated this permanent position is premature and fiscally irresponsible at this time.

The Fire Chief said he would be more available for day-time response when asked by Council member Johnson if this full time position would help with the problem of daytime responders. Captain Pepin added that the Chief is also a "trainer" and this would allow the Department to have daytime drills with the Chief as a trainer. This item will be added to the January 17th Council agenda.

Administrator Rafferty noted that he would be asking a council member to work with him on future policy changes for the Fire Department employee handbook.

Assistant City Planner:

The City Administrator reported the City should get an assistant planner on board before the development season starts so the City needs to move forward. Also, the existing City Planner has indicated he may retire within 4 years. This item will be added to the January 17th Council agenda.

City Engineer:

The City Administrator reported this would be an entry level engineer that will grow into this office. With the anticipated growth, this person would do some inspections and minor design when needed. This position will also be used to set up the engineering office at the Public Works Building, moving all documentation on site and work closely with the Public Works Department. This position will be funded by redirecting fees and workload to the new engineer. Anticipated hiring date is late April or early May. This item will be added to the January 17th Council agenda.

Code Enforcement Officer

The City Administrator said a council workshop, possibly in March, is necessary dedicated strictly for code enforcement in order to classify as "quality of life issues" so that a description can be developed. He said the Washington County Sheriff indicated he would train a community service officer. Council member Smith stated in order for the City to enforce their codes, this position will be needed in the future. This item will not move forward to the January 17th Council agenda.

5. Oakdale/Lake Elmo Community Playfield

The City Administrator reported he, Chuck Dillerud, Tom Bouthilet, Tom Prew, met with Oakdale representatives to discuss the 3M donation of 28 acres, by Ideal Avenue and Stillwater Boulevard for park development. There will be a joint ownership of land between Oakdale and Lake Elmo and develop a Joint Powers Board. There would be cost sharing arrangements of a 50/50 split (design, construction, and maintenance). They are talking lights for the ball fields and would limit the playfield to only kids.

The City Planner stated the issue arose as why do we need a community playfield on the west side of the community and didn't we think about having a community play field in the Old Village. The Planner said he did an investigation of cities with 24,000 population of needs for playfields. He said Oakdale has one community playfield with a population of 26,000 and that is not enough. He said we would reserve the site in the Old Village, but not build it, and concentrate developing at the 3M site.

The City Administrator said he thought it was well worth contemplating. The City Planner said the opportunity is now, and there would be a 50/50 cost split. Council member Johnson voiced her concern on financing and what would this mean to staffing. The Finance Director responded this park development would be paid through park

dedication fees. The Mayor said he was not sure if it is a good fit for half of the facility at 100 percent of the cost. He said he know the need is going to be there. Council member Conlin noted that the City of Oakdale is already there at 26,000 population, and their need is there now for use of fields. It will take Lake Elmo 25 years to get to 25,000 population.

6. Manning/Highway 36 Intersection Improvement

The City Planner reported staff and the City Engineer are working with the state and county on this intersection improvement. The City Engineer recommended some signal adjustment and now the County wants inbound lanes and more. The Planner asked what sort of equities the City wanted to pay for. He didn't think the City should have to pay the cost, but that the cost should be assessed through a 429 improvement project. The City has not assessed for an intersection improvement before.

7. Austad Drain field Plans

The City Engineer provided a utility plan for inground septic systems for the three individual lots involved – Pierre, 5665 Hytrail Avenue; Austad, 5701 Hytrail Avenue and Hurt, 5751 Hytrail Avenue. Mr. Austad presented a petition from the homeowners involved looking for the City's support in an effort to resolve the issues at their properties. Mr. Austad said he talked to surrounding neighbors informing them as to what is being proposed. The City has allowed them to perk test an area on City property behind their homes.

Mr. Austad said he counted about 15 trees that would have to go. The City Forester will look at the area and at the soils to determine what type of trees could be planted for screening.

The City Engineer said there would be a pumping station which would have a manhole at grade. The City Engineer said he would prefer not to have the manhole in the back and will look at other areas. He said that the construction of the system privately and then turned over to the City has not been discussed. Usual monthly fees contributed and cost of installation will be paid for by the residents. There would be a wide enough path with a firm base and grass for someone three times a week to check on the system.

The City Engineer explained the design has a backup. The portion of the sliding hill does not have enough room to meet our requirements for two drainfields. Mr. Austad said the three house system, drainfield, tree removal would cost about \$75,000.

The Council noted they were behind solving this problem in an unobtrusive manner as much as possible.

A specific proposal will be presented at the January 17th Council meeting.

8. Bergmann Easement

The City Engineer said he is working with the Bergmann's on easements.

9. Public Works – Gen Set (generator)

The new Public Works Facility will be used as an emergency center. Our Public Works Supervisor has worked with the City of North St. Paul because they bought several Gen Sets for one of their buildings that were too small. Mike Bouthilet said North St. Paul offered it to us for half the price, \$10,000. There is no warranty for this standby generator. He said the self-contained unit automatically comes on if we lose power at garage. He said they had planned for this and put money in CIP for \$7,000 in two years. The Public Works corrected that amount to \$15,000 after the meeting.

10. Animal Control

11. Minutes and Structure

12. Volunteer/Employee Appreciation Dinner

The Council will check their calendars and call the Clerk with possible dates....March 3rd was discussed as a possible date.

Workshop was adjourned at 8:50 p.m.

4A

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

**RESOLUTION NO. 2006-039
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 322, 323, DD715 through DD727, 29023 through 29033, were used for Staff Payroll dated April 27th, 2006; claims 324, 29034 through 29063, in the total amount of \$357,380.72 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 2nd day of May, 2006.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 04/28/2006 - 11:42 AM



| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|-------------------------|--------------------------|--------|--------------|--------------------|-----------------|
| Vendor: REVENUE | MN Department of Revenue | | | | |
| Sales Tax 04/06 | Use Tax 04/2006 | 93.00 | 05/02/2006 | 101-410-1320-44300 | ACH Enabled: No |
| Sales Tax 04/06 | Sales Tax 04/2006 | 5.00 | 05/02/2006 | 601-494-9400-44300 | |
| | Check Total: | 98.00 | | | |
| Total for Check Run: | | 98.00 | | | |
| Total Number of Checks: | | 1 | | | |

Accounts Payable Computer Check Proof List

User: administrator
Printed: 04/28/2006 - 11:45 AM

SPRINGBROOK SOFTWARE

| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|------------------------------------|--|--------------------------|--------------------------|---|-----------------|
| Vendor: ARAM 629-5963407 | Aramark Mats, Linen - City Hall Check Total: | 65.94 65.94 | 05/02/2006 | Check Sequence: 1 101-410-1940-44010 | ACH Enabled: No |
| Vendor: BESTFLAN 373868 | Best and Flanagan, LLP Planning - TIF Check Total: | 1,640.00 1,640.00 | 05/02/2006 | Check Sequence: 2 101-410-1910-43040 | ACH Enabled: No |
| Vendor: BIFFS W286879 | Biff's Inc. Rental - Portable - Sunfish Lake Park Check Total: | 74.26 74.26 | 05/02/2006 | Check Sequence: 3 101-450-5200-44120 | ACH Enabled: No |
| Vendor: CARQUEST 31007 32909 | Car Quest Auto Parts Oil Filters, Wipers, Bulbs - Public Works Primers, Undercoat - Public Works Check Total: | 34.97 72.26 107.23 | 05/02/2006 05/02/2006 | Check Sequence: 4 101-430-3100-42210 101-430-3100-42150 | ACH Enabled: No |
| Vendor: DIVCON Proj. 10-0266 | Diversified Contracting Spec. New Public Works Bldg Check Total: | 234,503.89 234,503.89 | 05/02/2006 | Check Sequence: 5 410-480-8000-45200 | ACH Enabled: No |
| Vendor: DORSEY 1315170 | DORSEY & WHITNEY LLP Fiscal Fee - Series 2006A G.O. Check Total: | 3,500.00 3,500.00 | 05/02/2006 | Check Sequence: 6 314-480-8000-46200 | ACH Enabled: No |
| Vendor: FOUR 23-042256 | Four Seasons Service Supplies - City Hall | 55.25 | 05/02/2006 | Check Sequence: 7 101-410-1940-44300 | ACH Enabled: No |

| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|--|--|--------------------------------------|--|--|-----------------|
| | Check Total: | 55.25 | | | |
| Vendor:FXL May 2006 | FXL, Inc. Assessing Services - May 2006 Check Total: | 2,000.00 2,000.00 | 05/02/2006 | Check Sequence: 8 101-410-1550-43100 | ACH Enabled: No |
| Vendor:HEALTHSV 124 | Health Counseling Services CPR Training - Pepin Check Total: | 145.00 145.00 | 05/02/2006 | Check Sequence: 9 101-420-2220-44370 | ACH Enabled: No |
| Vendor:LEAGMN 1-000025573 1-000025573 1-000025616 | League of MN Cities LMC Annual Conf. Reg. - Chuck Dillerud LMC Annual Conf. Reg. - Anne Smith LMC Annual Conf. Reg. - Liz Johnson Check Total: | 320.00 320.00 320.00 960.00 | 05/02/2006 05/02/2006 05/02/2006 | Check Sequence: 10 101-410-1910-44370 101-410-1110-44370 101-410-1110-44370 | ACH Enabled: No |
| Vendor:MAMA 1476 | Metropolitan Area Manager Association Administrator Meeting Check Total: | 18.00 18.00 | 05/02/2006 | Check Sequence: 11 101-410-1320-44370 | ACH Enabled: No |
| Vendor:MENARDSO 74013 75134 76493 | Menards - Oakdale Concrete Mix for Signs Repair Fence Repair Bars - Parks Batteries Check Total: | 54.10 9.78 24.53 88.41 | 05/02/2006 05/02/2006 05/02/2006 | Check Sequence: 12 101-430-3100-42260 101-450-5200-44030 101-430-3100-42210 | ACH Enabled: No |
| Vendor:MENARDST 41490 41666 | Menards - Stillwater Screws - Fire Dept Washer Fluid - Fire Dept Check Total: | 1.64 4.91 6.55 | 05/02/2006 05/02/2006 | Check Sequence: 13 101-420-2220-42230 101-420-2220-42210 | ACH Enabled: No |
| Vendor:MID-MN W INV0600490 | MID-MINNESOTA WIRE & MFG Hose, Hose shelves - Fire Dept Check Total: | 2,232.24 2,232.24 | 05/02/2006 | Check Sequence: 14 101-420-2220-45800 | ACH Enabled: No |
| Vendor:MNDOHEDU James Sachs | MDH Certification Fee - Jim Sachs | 23.00 | 05/02/2006 | Check Sequence: 15 601-494-9400-44370 | ACH Enabled: No |

| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|----------------------------|--|---|--|--|---------------------------------------|
| | Check Total: | 23.00 | | | |
| Vendor:MTI 516833-00 | MTI Distributing Oil/Fuel/Air Filters - Parks Check Total: | 102.72 102.72 | 05/02/2006 | 101-450-5200-42210 | ACH Enabled: No Check Sequence: 16 |
| Vendor:NATREPRO 38335 | National Reprographics, LLC Color Maps - OV Master Plan Check Total: | 58.15 58.15 | 05/02/2006 | 101-410-1910-42000 | ACH Enabled: No Check Sequence: 17 |
| Vendor:NEXTEL | Nextel Communications Cellular Service - Admin Cellular Service - Fire Dept Cellular Service - Bldg Dept Cellular Service - Public Works Cellular Service - Parks Check Total: | 75.16 112.28 32.48 48.72 16.24 284.88 | 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 | 101-410-1940-43210 101-420-2220-43210 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210 | ACH Enabled: No Check Sequence: 18 |
| Vendor:PETERSO | Peterson Fram & Bergman Administration Criminal Pros Water Sys - Legal Tablin Park/LE Heights Developers - Legal Civil Litigation Auto Forfeiture Check Total: | 1,160.50 3,682.65 3,235.50 66.00 381.50 280.75 243.00 9,049.90 | 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 | 101-410-1610-43040 101-410-1610-43045 601-494-9400-44300 202-494-9400-43040 803-490-9070-43040 101-410-1610-43040 101-410-1610-43045 | ACH Enabled: No Check Sequence: 19 |
| Vendor:PETTYCI | Petty Cash Migs, DVD Duplicate Keys Check Total: | 140.02 8.06 148.08 | 05/02/2006 05/02/2006 | 101-410-1320-44300 101-410-1940-44010 | ACH Enabled: No Check Sequence: 20 |
| Vendor:PLANTH 808-06 | PLANT HEALTH ASSOCIATES, INC Tree Program - Feb-Mar 2006 Check Total: | 776.25 776.25 | 05/02/2006 | 101-450-5200-44030 | ACH Enabled: No Check Sequence: 21 |
| Vendor:PRESS 04/18/2006 | StevenPress Cablecast - Council Mtg | 69.50 | 05/02/2006 | 101-410-1320-43620 | ACH Enabled: No Check Sequence: 22 |

| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|---|--|---|--|--|-----------------|
| 04/24/2006 | Cablecast - Planning Mtg Check Total: | 55.60 125.10 | 05/02/2006 | 101-410-1910-43620 | |
| Vendor:RUD 04/17-04/26 04/17-04/26 | DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total: | 240.00 240.00 480.00 | 05/02/2006 05/02/2006 05/02/2006 | Check Sequence: 23 101-410-1940-44010 101-420-2220-44010 | ACH Enabled: No |
| Vendor:S&T 01KU2533 01KU2533 01KU4110 | S&T Office Products, Inc. Dividers Flags Printer Toner Check Total: | 23.03 9.94 119.26 152.23 | 05/02/2006 05/02/2006 05/02/2006 05/02/2006 | Check Sequence: 24 101-410-1320-42000 101-410-1520-42000 101-420-2220-42000 | ACH Enabled: No |
| Vendor:SPRINT 0526076028-3 | Sprint DataLink - Fire Dept. Check Total: | 51.18 51.18 | 05/02/2006 | Check Sequence: 25 101-420-2220-43210 | ACH Enabled: No |
| Vendor:TASCH 38540 | T. A. Schifsky & Sons Asphalt Mix Check Total: | 180.06 180.06 | 05/02/2006 | Check Sequence: 26 101-430-3100-42240 | ACH Enabled: No |
| Vendor:TESSMAN S065205-IN | Tessman Company Gravel Check Total: | 181.37 181.37 | 05/02/2006 | Check Sequence: 27 101-430-3100-42240 | ACH Enabled: No |
| Vendor:TKDA 000200601646 000200601647 000200601649 000200601649 000200601662 000200601663 000200601664 000200601665 000200601666 000200601669 000200601669 000200601669 | TKDA, Inc. Water Sys Interconnection Water Storage Tank Whist. Vly, DG, Farms, Disc. Xing Comp Plan New Public Works GIS Mapping - Surface Water Tablyn Pk/LE Hgts Watermain Civil Defense Sirens Northern Watermain Extension Grading/Ut. Permits, Mtgs, OV Workshop MSA Reporting & Meetings SW Drainage, NPDES Permitting Water Meters, SCADA System | 3,243.20 7,436.64 810.95 527.33 4,741.08 700.98 12,121.39 223.69 2,491.00 7,443.73 1,758.74 346.69 9,025.80 | 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 05/02/2006 | Check Sequence: 28 601-494-9400-43030 601-494-9400-43030 803-490-9070-43030 101-410-1910-43020 410-480-8000-43030 603-496-9500-43030 202-494-9400-43030 101-410-1930-43030 601-494-9400-43030 101-410-1930-43030 402-480-8000-43030 603-496-9500-43030 601-494-9400-43030 | ACH Enabled: No |

| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|-----------------------------|--|------------|--------------|--|-----------------|
| 000200601669 | Street Maint. - Seal Coat Project | 167.78 | 05/02/2006 | 409-480-8000-43030 | |
| 000200601669 | Carriage Station Park | 1,185.53 | 05/02/2006 | 404-480-8000-43030 | |
| 000200601670 | Manning Ave Construction | 2,155.85 | 05/02/2006 | 409-480-8000-43030 | |
| | Check Total: | 54,380.38 | | | |
| Vendor:ULI 482052 | Urban Land Institute MN District Mtg - DJ | 30.00 | 05/02/2006 | Check Sequence: 29 101-410-1110-44370 | ACH Enabled: No |
| | Check Total: | 30.00 | | | |
| Vendor:XCEL 51-4572945-7 | Xcel Energy Street Lights | 25.69 | 05/02/2006 | Check Sequence: 30 101-430-3160-43810 | ACH Enabled: No |
| | Check Total: | 25.69 | | | |
| | Total for Check Run: | 311,445.76 | | | |
| | Total Number of Checks: | 30 | | | |

CITY OF LAKE ELMO

2006 BILLING SUMMARY

| MONTH | 11135 Administration | 11140 Criminal Pros | 11145 Public Imp. Proj | 11150 Community Dev | 11155 Civil Litigation | 11161 Auto Forfeiture | TOTAL |
|---------------|---------------------------------|--------------------------------|-----------------------------------|--------------------------------|-----------------------------------|----------------------------------|--------------------|
| Jan | \$2,381.27 | \$3,516.24 | | \$363.00 | \$1,821.52 | \$135.00 | \$8,217.03 |
| Feb | \$1,364.70 | \$4,574.62 | \$572.96 | \$616.00 | \$1,997.00 | \$5.00 | \$9,130.28 |
| March | \$1,160.50 | \$3,682.65 | \$3,301.50 | \$381.50 | \$280.75 | \$243.00 | \$9,049.90 |
| April | | | | | | | \$0.00 |
| May | | | | | | | \$0.00 |
| June | | | | | | | \$0.00 |
| July | | | | | | | \$0.00 |
| Aug | | | | | | | \$0.00 |
| Sept | | | | | | | \$0.00 |
| Oct | | | | | | | \$0.00 |
| Nov | | | | | | | \$0.00 |
| Dec | | | | | | | \$0.00 |
| Totals | \$4,906.47 | \$11,773.51 | \$3,874.46 | \$1,360.50 | \$4,099.27 | \$383.00 | \$26,397.21 |

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

ACCOUNT NO.

Page: 1
03/31/2006
11135M

| | FERS | EXPENSES | ADVANCES | BALANCE |
|-----------------------------|----------|----------|----------|-------------------|
| 11135-920001 Administration | 1,160.50 | 0.00 | 0.00 | <u>\$1,160.50</u> |

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ACCOUNT NO.

Page: 1
03/31/2006
11140M

| | FEE'S | EXPENSES | ADVANCES | BALANCE |
|---|----------|----------|----------|------------|
| 11140-030001 Misc Prosecutions | 3,372.50 | 25.15 | 0.00 | \$3,397.65 |
| 11140-040184 Thole, Wayne theft | 82.50 | 0.00 | 0.00 | \$82.50 |
| 11140-050255 Gonzalez, Leonardo DAS, no insurance | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-050270 Gonzalez, Leonardo 4th degree DUI, DAS | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060001 Matson, Suzanne Mary 3rd degree DUI, 3rd degree DUI .08 or more | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060007 Lopez, Alonso G. P. no Minnesota DL | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060018 Thao, Yang DAS | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060030 Parlin, Anthony expired registration, no proof of insurance | 5.00 | 0.00 | 0.00 | \$5.00 |

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CITY OF LAKE ELMO

ACCOUNT NO.

Page: 2
03/31/2006
11140M

| | FEES | EXPENSES | ADVANCES | BALANCE |
|--|-------|----------|----------|---------|
| 11140-060034 Pearson, Jessica domestic assault | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060035 Arndt, James Dylan DAR, no proof of insurance | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060038 Holloway, Gary DAR, no insurance | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060042 Ohs, Phillip Clayton 3rd degree DUI | 10.00 | 0.00 | 0.00 | \$10.00 |
| 11140-060045 Wemeier, Jared small amount of marijuana in motor vehicle possess drug para | 5.00 | 0.00 | 0.00 | \$5.00 |
| 11140-060049 Stein, Robert Dean speed, no proof of insurance | 10.00 | 0.00 | 0.00 | \$10.00 |
| 11140-060055 Olson, Michael John test refusal, 2nd degree DUI | 10.00 | 0.00 | 0.00 | \$10.00 |
| 11140-060056 Griebler, James | 40.00 | 0.00 | 0.00 | \$40.00 |
| 11140-060061 Blanchard, Crystal Lynn GM-no insurance | 10.00 | 0.00 | 0.00 | \$10.00 |

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CITY OF LAKE ELMO

Page: 3
03/31/2006
11140M

ACCOUNT NO.

| | FEES | EXPENSES | ADVANCES | BALANCE |
|--|-----------------|--------------|-------------|-------------------|
| 11140-060062 Johnson, Sherri Lee 3rd degree DUI | 10.00 | 0.00 | 0.00 | \$10.00 |
| 11140-060067 Tomek, Kimberly speed 68/55 | 10.00 | 0.00 | 0.00 | \$10.00 |
| 11140-060070 Dean, Timothy DAR | 52.50 | 0.00 | 0.00 | \$52.50 |
| | <u>3,657.50</u> | <u>25.15</u> | <u>0.00</u> | <u>\$3,682.65</u> |

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

ACCOUNT NO.

Page: 1
03/31/2006
11145M

| | FEEES | EXPENSES | ADVANCES | BALANCE |
|--|-----------------|-------------|-------------|-------------------|
| 11145-040003 WATER SYSTEMS CONNECTION | | | | |
| | 3,235.50 | 0.00 | 0.00 | \$3,235.50 |
| 11145-060001 TABYLN PARK-LE HEIGHTS WATER CONNECTION | | | | |
| | 66.00 | 0.00 | 0.00 | \$66.00 |
| | <u>3,301.50</u> | <u>0.00</u> | <u>0.00</u> | <u>\$3,301.50</u> |

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CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

ACCOUNT NO.

Page: 1
03/31/2006
11150M

| | FEEES | EXPENSES | ADVANCES | BALANCE |
|--|---------------|-------------|--------------|-----------------|
| 11150-050007 LAKE ELMO DEVELOPMENT CORPORATION - OP | 203.50 | 0.00 | 0.00 | \$203.50 |
| 11150-050009 PLAT, REZONING AND COMP PLAN - PARK MEADOWS | 55.00 | 0.00 | 0.00 | \$55.00 |
| 11150-060003 HIDDEN MEADOWS - PRELIMINARY PLAT | 44.00 | 0.00 | 0.00 | \$44.00 |
| 11150-990006 Carriage Homes Development | 33.00 | 0.00 | 46.00 | \$79.00 |
| | <u>335.50</u> | <u>0.00</u> | <u>46.00</u> | <u>\$381.50</u> |

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

ACCOUNT NO.

Page: 1
03/31/2006
11155M

| | FEEES | EXPENSES | ADVANCES | BALANCE |
|---|---------------|-------------|-------------|-----------------|
| 11155-040002 ZIERTMAN/SESSING PROPERTY | 135.00 | 0.00 | 0.00 | \$135.00 |
| 11155-060002 J.P. BUSH HOMES V. CITY OF LAKE ELMO | 142.00 | 3.75 | 0.00 | \$145.75 |
| | <u>277.00</u> | <u>3.75</u> | <u>0.00</u> | <u>\$280.75</u> |

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CITY OF LAKE ELMO
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LAKE ELMO MN 55042

ACCOUNT NO.

Page: 1
03/31/2006
11161M

| | FEES | EXPENSES | ADVANCES | BALANCE |
|--|---------------|-------------|-------------|-----------------|
| 11161-050003 Kleinvachter, Robert Michael vehicle forfeiture | 44.00 | 0.00 | 0.00 | \$44.00 |
| 11161-060001 McAninich, Andrea vehicle forfeiture | 81.00 | 0.00 | 0.00 | \$81.00 |
| 11161-060002 Stevens, Michael Lewis 2002 Kia-vehicle forfeiture | 108.00 | 0.00 | 0.00 | \$108.00 |
| 11161-060003 Olson, Michael John vehicle forfeiture | 10.00 | 0.00 | 0.00 | \$10.00 |
| | <u>243.00</u> | <u>0.00</u> | <u>0.00</u> | <u>\$243.00</u> |

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

4B

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

**RESOLUTION NO. 2006-040
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Number 29064, in the total amount of \$270.00 is hereby approved.

ADOPTED, by the Lake Elmo City Council on the 2nd day of May, 2006.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 04/28/2006 - 11:56 AM



| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|-----------------------------|--|------------------|--------------|--------------------|-----------------|
| Vendor: Johnson Unit #12 | Johnson Construction Storage Rental - Fire Dept - Apr. - June Check Total: | 270.00 270.00 | 05/02/2006 | 101-420-2220-44120 | ACH Enabled: No |
| Total for Check Run: | | 270.00 | | | |
| Total Number of Checks: | | 1 | | | |

40

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

April 27, 2006

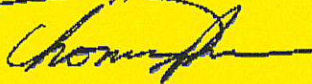
Ellingson Drainage
56113 State Highway 56
P.O. Box 68
West Concord, Minnesota 55985-0068

Re: Water System Interconnect - Phase IV
City of Lake Elmo, Minnesota
TKDA Project No. 13186.000

Dear Sir or Madam:

Enclosed please find three copies of Partial Payment Certificate No. 1 in the amount of \$187,011.87 for the above-referenced project. Please sign all three copies where indicated and return all three copies to this office for further processing. An executed copy will be returned to you when payment is made.

Sincerely,



Thomas D. Prew, P.E.
Project Manager

TDP:pjr
Enclosures

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

**RESOLUTION 2006 – 044
RESOLUTION APPROVING PARTIAL PAYMENT NO. 1
TO ELLINGSON DRAINAGE
FOR WATER SYSTEM INTERCONNECT – PHASE IV**

BE IT RESOLVED, that the Lake Elmo City Council approves Partial Payment No. 1 to Ellingson Drainage, in the amount of \$187,011.87 for work improvements to the Water System Interconnect Project – Phase IV, verified by the City Engineer in his memo dated April 27, 2006.

ADOPTED, by the Lake Elmo Council the 2nd of May, 2006.

Dean A. Johnston, Mayor

ATTEST:


Martin J. Rafferty
City Administrator



RECEIVED
APR 27 2006

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

Proj. No. 13186.000 Cert. No. 1 St. Paul, MN, April 27, 2006
 To City of Lake Elmo, Minnesota Owner
 This Certifies that Ellingson Drainage, Contractor
 For Water System Interconnect - Phase IV
 Is entitled to One Hundred Eighty-Seven Thousand Eleven Dollars and 87/100 (\$ 187,011.87)
 being: 1st estimate for partial payment on contract with you dated March 21, 2006
 Received payment in full of above Certificate. **TKDA**
Ellingson Drainage, 20

 Thomas D. Prew, P.E.

RECAPITULATION OF ACCOUNT

| | CONTRACT PLUS EXTRAS | PAYMENTS | CREDITS |
|--|----------------------|---------------|---------|
| Contract price plus extras | \$ 412,758.68 | | |
| All previous payments | | \$ - | |
| All previous credits | | | |
| Extra No. | | | |
| " " | | | |
| " " | | | |
| " " | | | |
| Credit No. | | | \$ - |
| " " | | | |
| " " | | | |
| " " | | | |
| AMOUNT OF THIS CERTIFICATE | | \$ 187,011.87 | |
| Totals | \$ 412,758.68 | \$ 187,011.87 | \$ - |
| Credit Balance | | \$ - | |
| There will remain unpaid on contract after payment of this Certificate | | \$ 225,746.81 | |
| | \$ 412,758.68 | \$ 412,758.68 | \$ - |

TKDA
Engineers-Architects-Planners

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 1 Period Ending April 21, 2006 Page 1 of 1 Proj. No. 13186.000
 Contractor Ellingson Drainage Original Contract Amount \$412,758.68
 Project Water System Interconnect - Phase IV
 Location City of Lake Elmo, Minnesota


| | | | |
|--|----|-----------|--------------------------|
| Total Contract Work Completed | | \$ | <u>196,854.60</u> |
| Total Approved Credits | | \$ | <u>0.00</u> |
| Total Approved Extra Work Completed | \$ | | <u>0.00</u> |
| Approved Extra Orders Amount Completed | | \$ | <u>0.00</u> |
| Total Amount Earned This Estimate | | \$ | <u>196,854.60</u> |

| | | | |
|--------------------------|----|-----------------|------------------------|
| Less Approved Credits | \$ | <u>0.00</u> | |
| Less <u>5</u> % Retained | \$ | <u>9,842.73</u> | |
| Less Previous Payments | \$ | <u>0.00</u> | |
| Total Deductions | | \$ | <u>9,842.73</u> |

| | | | |
|--------------------------|--|----|-------------------|
| Amount Due This Estimate | | \$ | <u>187,011.87</u> |
|--------------------------|--|----|-------------------|

Contractor Ellingson Drainage

Date _____

Engineer 
Thomas D. Prew, P.E.

Date April 27, 2006

ESTIMATE NO. 1

PERIOD ENDING: April 21, 2006

WATER SYSTEM INTERCONNECT - PHASE IV
 CITY OF LAKE ELMO, MINNESOTA
 TKDA PROJECT NO. 13186.000

| ITEM NO. | DESCRIPTION | UNIT | CONTRACT QUANTITY | QUANTITY TO DATE | UNIT PRICE | AMOUNT TO DATE |
|----------|---|------|-------------------|------------------|--------------|----------------|
| 1 | MOBILIZATION | LS | 1 | 0.5 | \$ 17,458.20 | \$ 8,729.10 |
| 2 | TRAFFIC CONTROL | LS | 1 | 0.5 | \$ 3,100.00 | \$ 1,550.00 |
| 3 | JACK/AUGER 30" STEEL CASING | LF | 175 | - | \$ 414.00 | \$ - |
| 4 | CONNECT TO EXISTING 8" WATERMAIN | EA | 1 | - | \$ 1,190.00 | \$ - |
| 5 | 16" MJDIP, CL.52 WATERMAIN IN CASING PIPE | LF | 350 | - | \$ 72.50 | \$ - |
| 6 | DIR. DRILL 16" HDPE SDR 17 | LF | 4586 | 3,648.0 | \$ 50.50 | \$ 184,274.50 |
| 7 | 6" DIP, CL.52 WATERMAIN | LF | 82 | - | \$ 34.00 | \$ - |
| 8 | 16" BUTTERFLY VALVE & BOX | EA | 4 | - | \$ 3,415.00 | \$ - |
| 9 | WET TAP 16" BUTTERFLY VALVE | EA | 1 | - | \$ 9,035.18 | \$ - |
| 10 | 6" GATE VALVE & BOX | EA | 4 | - | \$ 830.00 | \$ - |
| 11 | HYDRANT | EA | 4 | - | \$ 3,470.00 | \$ - |
| 12 | DIP WATERMAIN FITTINGS | LB | 2,372 | - | \$ 3.50 | \$ - |
| 13 | SILT FENCE | LF | 658 | - | \$ 3.10 | \$ - |
| 14 | TOPSOIL | CY | 165 | 118.0 | \$ 19.50 | \$ 2,301.00 |
| 15 | SEED & WOOD FIBER BLANKET | SY | 1500 | - | \$ 3.40 | \$ - |
| 16 | WATERMAIN MARKING SIGNS | EA | 5 | - | \$ 50.00 | \$ - |
| SUBTOTAL | | | | | | \$ 196,854.60 |

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TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

April 26, 2006

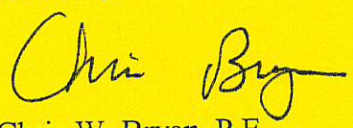
Mr. Thomas Prew
City Engineer
3800 Laverne Avenue
Lake Elmo, Minnesota 55042

Re: Elevated Water Storage Tank No. 2
City of Lake Elmo, Minnesota
TKDA Project No. 13253.000

Dear Mr. Prew:

Enclosed are three (3) copies of Partial Payment Estimate and Certificate No. 4 in the amount of \$152,000.00. These are sent to you for City approval and payment to the Contractor. When payment is made, please have the Contractor sign all copies and return the blue copy to TKDA. The pink copy is for the Contractor and the white copy is for City records.

Sincerely,



Chris W. Bryan, P.E.
Project Manager

CWB:mlc
Enclosures

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

**RESOLUTION 2006 – 045
RESOLUTION APPROVING PARTIAL PAYMENT NO. 4
TO CB & I CONSTRUCTORS, INC.
FOR ELEVATED WATER STORAGE TANK NO. 2**

BE IT RESOLVED, that the Lake Elmo City Council approves Partial Payment No. 4 to CB & I Constructors, Inc., in the amount of \$152,000.00 for work improvements to the Elevated Water Storage Tank No. 2, verified by the City Engineer in his memo dated April 26, 2006.

ADOPTED, by the Lake Elmo Council the 2nd of May, 2006.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty
City Administrator

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

Project No. 13253.000 Cert. No. 4 St. Paul, MN, April 26, 2006

To City of Lake Elmo, Minnesota Owner

This Certifies that CB&I Constructors, Inc, Contractor

For Elevated Water Storage Tank No. 2

Is entitled to One Hundred Fifty Two Thousand Dollars and 00/100 ----- (\$ 152,000.00)


being 4th estimate for partial payment on contract with you dated October 18, 2005

Received payment in full of above Certificate.

TKDA

CB&I Constructors, Inc.

, 2006


Chris W. Bryan, P.E.

RECAPITULATION OF ACCOUNT

| | CONTRACT | PAYMENTS | |
|--|--------------|-------------------|--|
| Contract price plus extras | 1,169,000.00 | | |
| Total Contract Work Completed | | 372,250.00 | |
| Extra No. | | | |
| " " | | | |
| " " | | | |
| Credit No. | | | |
| " " | | | |
| " " | | | |
| Stored Materials | | | |
| Total Amount Earned This Estimate | | 372,250.00 | |
| Less <u>5</u> % Retained in Escrow Account | | (18,612.50) | |
| Escrow Deposits and Interest by Contractor | | | |
| Less Previous Payments | | (201,637.50) | |
| Total Deductions | | (220,250.00) | |
| AMOUNT OF THIS CERTIFICATE | | 152,000.00 | |
| Totals | 1,169,000.00 | 353,637.50 | |
| There will remain unpaid on contract after payment of this Certificate | | 815,362.50 | |
| | 1,169,000.00 | 1,169,000.00 | |



CB&I Constructors, Inc.

INVOICE

Correspondence Address

9550 Hickman Road
Clive, IA 50325-5316

| | | | | | | | |
|--|----------------------|------------------------------------|-------------------------------|--|----------------------------------|------------------------------|--------------------------------|
| PROJECT MANAGER DAB | BILLER JMN | CONTRACT NUMBER 37150791 | CUSTOMER NO 1249422 | PAY APPLICATION 4 | INVOICE DATE 4/21/2006 | DUE DATE 5/21/2006 | INVOICE NO 150791-04 |
| CUSTOMER REFERENCE NUMBERS and/or PURCHASE NUMBERS Project #13253.000 | | | | JOB LOCATION Lake Elmo, MN | | | PAYMENT TERMS NET 30 |
| MAIL TO TKDA 1500 Piper Jaffray Plaza 444 Cedar Street St. Paul, MN. 55101 Attn: Chris Bryan | | | | SOLD TO City of Lake Elmo 3800 Laverne Ave. North Lake Elmo, MN. 55042 | | | |

750 MG CET / 114' TCL

Original Contract Price

\$1,169,000.00

Total Contract Price

\$0.00

\$1,169,000.00

DESCRIPTION

PRICE

% COMPLETE

AMOUNT DUE

| | | | |
|--|-----------------------|------|-------------------|
| Engineering / Foundation Drawings to Approval, Bonds / Insurance | \$48,750.00 | 100% | 48,750.00 |
| Tank & Shaft Drwngs to Approval/Bldg. Permit | \$43,500.00 | 100% | 43,500.00 |
| Tank Material Delivery | \$160,000.00 | 75% | 120,000.00 |
| Tank Foundation / Piping | \$160,000.00 | 100% | 160,000.00 |
| Derrick / Access Tube Fabrication & Erection | \$40,000.00 | 0% | 0.00 |
| Concrete Shaft | \$205,000.00 | 0% | 0.00 |
| Ring Beam Fabrication & Erection / Flat Slab | \$105,000.00 | 0% | 0.00 |
| Tank Fabrication | \$85,000.00 | 0% | 0.00 |
| Tank Erection / Structural 2nd Floor Erection | \$180,730.00 | 0% | 0.00 |
| Tank Painting | \$72,000.00 | 0% | 0.00 |
| Tank Disinfection | \$1,000.00 | 0% | 0.00 |
| Electrical / Telemetry / Heater | \$45,020.00 | 0% | 0.00 |
| Pour 1st & 2nd Floors / Control Bldg. | \$19,000.00 | 0% | 0.00 |
| Final Site Restoration / Access Road | \$4,000.00 | 0% | 0.00 |
| | \$1,169,000.00 | | 372,250.00 |

Progress Completed To Date

\$372,250.00

Less: Retention 5%

\$18,612.50

Total Amount Billed To Date

\$353,637.50

Less: Amount Previously Invoiced

\$201,637.50

CURRENT AMOUNT DUE

\$152,000.00

Payments - Regular Mail

CB&I Constructors, Inc.
PO Box 406381
Atlanta, GA 30384-6381

Carrier Delivery and/or Overnight Mail

Bank of America Lockbox Services
CB&I Constructors Inc. -Lockbox 406381
6000 Feldwood Road
College Park, GA 30349

Wire Transfer Information

Bank of America
ABA: 111000012 (ACH only)
026009593 (Wires only)
Account Number: 3756272668
Account Name:
CB&I Constructors, Inc.

DIRECT QUESTIONS REGARDING:

INVOICE BILLING:
INVOICE PAYMENT:

Joanne Nealon, A/R Administrator, Ph. 515-254-9505 email: jnealon@CBI.com
Gayla Zenz, Credit Manager, Ph. 515-254-9502 email: gzenz@CBI.com

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF TWO PAGES

TO: City of Lake Elmo
 (OWNER) 3800 Laverne Ave. North
 Lake Elmo, MN. 55042

PROJECT: Project #13253.000
 CB&I NO. 37150791

FROM (CONTRACTOR):
 CB&I Constructors, Inc.
 Clive, IA 50325

VIA (ENGINEER):
 TKDA
 1500 Piper Jaffray Plaza
 444 Cedar Street

CONTRACT FOR: 750 MG CET / 114' TCL

APPLICATION NO: 4

PERIOD TO: 4/20/2006

ENGINEER'S PROJECT NO: 13253.000

CONTRACT DATE: 10/24/05

Distribution to:
 OWNER
 ENGINEER
 CONTRACTOR

CONTRACTOR'S APPLICATION FOR PAYMENT

| CHANGE ORDER SUMMARY | | ADDITIONS | DEDUCTIONS |
|--|---------------|-----------|------------|
| Change Orders approved in previous months by Owner | | | |
| TOTAL | | | |
| Approved this Month | | | |
| Number | Date Approved | | |
| TOTALS | | | |
| Net change by Change Orders | | | |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief that the Work covered by this Application for Payment has been completed in accordance with Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

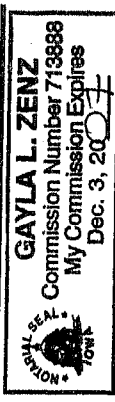
CONTRACTOR: CB&I Constructors, Inc.

By: Jane Nealon Date: April 21, 2006
 A/R Administrator

- Application is made for Payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.
1. ORIGINAL CONTRACT SUM
 2. Net change by Change Orders
 3. CONTRACT SUM TO DATE (Line 1+/- 2)
 4. TOTAL COMPLETED & STORED TO DATE (Col G on G703)
 5. RETAINAGE:
 - a. 5% of Completed Work (Col D + E on G703) \$18,612.50
 - b. ___% of Stored Material Col F on G703

| | |
|---|--------------|
| 6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) | \$18,612.50 |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) | \$353,637.50 |
| 8. CURRENT PAYMENT DUE | \$201,637.50 |
| 9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6) | \$152,000.00 |
| | \$815,362.50 |

State of: IOWA County of: POLK
 Subscribed and sworn to before me this 21st day of April, 2006.
 Notary Public Jayla L. Zenz
 My Commission expires: 12/31/2007



ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

(Attach explanation if amount certified differs from the amount applied for.)

By: _____ Date: _____
 ENGINEER: _____
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing

Contractor's signed Certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: 4

APPLICATION DATE: 4/21/2006

PERIOD TO: 4/20/2006

CBI CONTRACT NO.: 37150791

| A ITEM NO. | B DESCRIPTION OF WORK | C SCHEDULED VALUE | D WORK COMPLETED | | E WORK COMPLETED THIS PERIOD | F MATERIALS PRESENTLY STORED (NOT IN D O R E) | G TOTAL COMPLETED AND STORED TO DATE (D + E + F) | H BALANCE TO FINISH (C - G) | I RETAINAGE 5% |
|------------------|--|-------------------------|--|------------|------------------------------------|--|---|--------------------------------------|----------------------|
| | | | FROM PREVIOUS APPLICATION (D + E) | | | | | | |
| 1 | Engineering / Foundation Drawings to Approval, Bonds / Insurance | 48,750.00 | 48,750.00 | 0.00 | 0.00 | | 48,750.00 | 0.00 | 2,437.50 |
| 2 | Tank & Shaft Drawings to Approval/Bldg. Permit | 43,500.00 | 43,500.00 | 0.00 | 0.00 | | 43,500.00 | 0.00 | 2,175.00 |
| 3 | Tank Material Delivery | 160,000.00 | 0.00 | 120,000.00 | 0.00 | | 120,000.00 | 40,000.00 | 6,000.00 |
| 4 | Tank Foundation / Piping | 160,000.00 | 120,000.00 | 40,000.00 | 0.00 | | 160,000.00 | 0.00 | 8,000.00 |
| 5 | Derrick / Access Tube Fabrication & Erection | 40,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 40,000.00 | 0.00 |
| 6 | Concrete Shaft | 205,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 205,000.00 | 0.00 |
| 7 | Ring Beam Fabrication & Erection / Flat Slab | 105,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 105,000.00 | 0.00 |
| 8 | Tank Fabrication | 85,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 85,000.00 | 0.00 |
| 9 | Tank Erection / Structural 2nd Floor Erection | 180,730.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 180,730.00 | 0.00 |
| 10 | Tank Painting | 72,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 72,000.00 | 0.00 |
| 11 | Tank Disinfection | 1,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 1,000.00 | 0.00 |
| 12 | Electrical / Telemetry / Heater | 45,020.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 45,020.00 | 0.00 |
| 13 | Pour 1st & 2nd Floors / Control Bldg. | 19,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 19,000.00 | 0.00 |
| 14 | Final Site Restoration / Access Road | 4,000.00 | 0.00 | 0.00 | 0.00 | | 0.00 | 4,000.00 | 0.00 |
| | | 1,169,000.00 | 212,250.00 | 160,000.00 | 0.00 | | 372,250.00 | 796,750.00 | 18,612.50 |

AIA DOCUMENT G703 - APPLICATION AND CERTIFICATE FOR PAYMENT - MAY 1983 - AIA*-1983
THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006

G703-1983



CB&I Constructors, Inc.

9550 HICKMAN ROAD
CLIVE, IOWA 50325-5316

PARTIAL WAIVER OF LIEN

To: **City of Lake Elmo**
3800 Laverne Ave. North
Lake Elmo, MN. 55042

CB&I Contract Number: 37150791

We, having been engaged by you to perform work in the construction of

750 MG CET / 114' TCL

at job location site: **Lake Elmo, MN**

in accordance with the SIGNED AGREEMENT DATED **October 24, 2005**
certify that we have fully paid for all work, labor, material, and equipment furnished to
date by us, or by our subcontractors, or material men. In consideration of the payment
to us of **\$152,000.00** for the following invoice(s).

| <u>Date</u> | <u>Invoice Number</u> | <u>Amount</u> |
|-------------|-----------------------|---------------|
| Apr-21-06 | 150791-04 | \$152,000.00 |

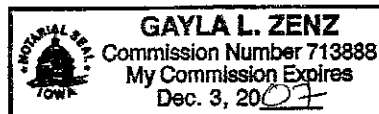
We hereby release to the extent of payment for said invoice(s) any and all lien, or right of lien, on account of labor and/or material furnished in the performance of our work. This partial waiver of lien is limited to the work included in said invoice(s), and this waiver does not extend to any labor and/or material furnished by us on prior or subsequent invoice(s).

Executed this 21st day of April, 2006.

By: *Joanne Nealon*
Joanne Nealon A/R Administrator
CB&I Constructors, Inc.

Subscribed and sworn to before me this 21st day of April, 2006.

By: *Gayle L. Zenz*



| | | |
|--|---|----------------------|
| Lake Elmo City Council May 2nd, 2006 | Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING | NO. 7A(1) |
|--|---|----------------------|

Agenda Item: Vacuum Excavator

Background Information for May 2nd, 2006
The Public Works is requesting to purchase of a vacuum excavator. This unit would be used for:

- Implementing our plan to clean out storm drains and catch basins.
- Opening plugged and frozen culverts.
- Vacuuming and cleaning out gate valve and curb stop boxes
- Repairing and straightening bent or damaged curb stops
- Exposing buried utilities during Public Works installations, construction or repairs.
- Vacuuming out mud and water during water main repairs.
- Lift station cleaning
- Emergency pumping.

This equipment would greatly facilitate work and tasks currently being performed, in addition to work that is years behind in maintenance. Primarily the catch basin and culvert work. Over the years the City has required assistance from Oakdale and N. St. Paul on an emergency basis to access gate valves and lift station service. Six times emergency calls last year alone. We also had to use fire equipment on an emergency basis several times for plugged culverts and drains.

The public works did rent an identical unit last year that was used to clean the gate valves required to re-route our water from well 2 to the Oakdale service area. The remainder of the rental period was used to clean plugged catch basins. Catch basins alone, we would expect to take several years to clean city wide. The new water mains, developments and future growth of the City, further support the need and timing of this purchase.

The Maintenance Advisory Commission reviewed and supported the purchase. The water and storm water enterprise CIP funds were designated for this 2006 purchase. Three quotes were solicited. Ditch Witch of Minnesota was low quote at \$37,669.05. (incl. tax)

| | |
|--|---|
| <u>Action items:</u> To purchase the vacuum excavator from Ditch Witch of MN for \$37,669.05 | <u>Person responsible:</u> M. Bouthilet |
| <u>Attachments:</u> MAC minutes, specifications and photo. | <u>Time Allocated:</u> |

MAC MINUTES

Mike presented the information on the Vacuum Trailer he would like to get. He said he rented one last year for a week at a cost of \$1,500 for use in cleaning catch basins, culverts, ect. Dick G asked what other things it could be use for. Mike said one problem they have is with the water gate valve boxes, they fill with dirt and are hard to clean out so they can be accessed. Using a bucket loader takes much time and is very slow. The vac would remove both the water and mud quickly allowing them to more quickly get to the valve for repairs. With the onboard water supply it can act as a water jet to loosen any hardened soil making it easy to remove. It can even go down through solid soil to get down to the shut offs. Chuck asked about the 500 gal capacity if it were large enough and Mike indicated it would be.

Mike reviewed the full specifications he received and the options. Bud T asked what he expected the usage would be? Mike said right now he could use it 4-5 weeks and as the city grows with more streets, catch basins and water hookup it could become a full time job. Chuck asked what the life of this should be? Mike stated it would be set at 10years. It was agreed this would be a good investment for us especially with a cost of approx \$1,500/wk rental and the amount of use it could see. Over the 10 year period it could actually save us money. This is in the CIP and there is money set aside for it.

A Motion was made by Dick G and seconded by Bud T to recommend the purchase of a Trailer mounted FX30 Ditch Witch Excavation System from Ditch Witch of Minnesota Inc at a cost of \$ 31,185.00 plus \$ 3,622 for Options plus tax.

The motion passed.

VACUUM EXCAVATORS



 **Ditch Witch**[®]
GROUNDBREAKING

| | | |
|--|---|----------------------|
| Lake Elmo City Council May 2nd, 2006 | Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING | NO. 7B(1) |
|--|---|----------------------|

Agenda Item: Lions and Tablyn Tennis Court Surfacing

Background Information for May 2nd, 2006

The Tennis courts at Lions Park and Tablyn park both need maintenance and repairs.
 Lions Park courts requires crack filling, bird baths filled, an acrylic asphalt leveling course and two color coats.
 Tablyn Park courts requires a paving fabric, **2" asphalt overlay**, acrylic asphalt leveling course and two color coats.

Price quotes were obtained with Tennis West having the low quotes for both Parks. Tennis West has a strong reputation and has bid all our previous re-surfacing, but was under bid each time. There is a costs saving involved for this project because they are doing Tartan Park courts during the same time frame.
 Both projects are in the 2006 Parks CIP. The price for Tablyn is \$28,910, Lions \$7,920.00

There is one more company submitting a quote that will be evaluated before the before the Council meeting. The Public Works Superintendent will have an update and recommendation at the City Council meeting.

| | |
|-----------------------------|---|
| <u>Action items:</u> | <u>Person responsible:</u> M. Bouthilet |
| <u>Attachments:</u> | <u>Time Allocated:</u> |

| | | |
|--|---|----------------------|
| Lake Elmo City Council May 2nd, 2006 | Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING | NO. 7B(2) |
|--|---|----------------------|

Agenda Item: Electrical service at VFW Park

Background Information for May 2nd, 2006

The Lake Elmo Baseball Association presented a request to the Parks Commission for 120V electrical service, lighting and outlet to the dugout and storage building at VFW Park. This requires a transformer and service line trenched from the current field lighting panel.

The Parks Commission reviewed the request, budgeted the CIP, and at their April 17th meeting recommended for approval of the installation.

Quotes were obtained with Webster Electrical Construction coming in at low quote of \$2,980.00

| | |
|-----------------------------|---|
| <u>Action items:</u> | <u>Person responsible:</u> M. Bouthilet |
| <u>Attachments:</u> | <u>Time Allocated:</u> |

| | | |
|--|---|----------------------|
| <p>Lake Elmo City Council May 2nd, 2006</p> | <p>Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING</p> | <p>NO. 7B(3)</p> |
| <p><u>Agenda Item:</u> Swing set at Tablyn Park</p> | | |
| <p><u>Background Information for May 2nd, 2006</u></p> <p>The Parks Commission has recommended the purchase and installation of a new swing set at Tablyn Park. The 17 year old wood play structure and swing set was removed. The Parks Commission budgeted the 2006 CIP for a new swing set. The Play structure has already been replaced with a modular system.</p> <p>Price quotes were obtained with Miracle Recreation coming in with a low quote of \$1,159.64.</p> | | |
| <p><u>Action items:</u></p> | <p><u>Person responsible:</u> M. Bouthilet</p> | |
| <p><u>Attachments:</u></p> | <p><u>Time Allocated:</u></p> | |

8A.



CITY OF LAKE ELMO

CARRIAGE STATION PARK

CORNER OF STILLWATER BLVD. AND MARQUESS ST.
LAKE ELMO, MN 55042

CONSTRUCTION DOCUMENTS

| NO. | DATE | ISSUE RECORD |
|-----|------|--------------|
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HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, AND CONTRACT DOCUMENTS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: THOMAS D. ERBE DATE: 04/25/06
 WORD NUMBER: 19021 DATE: 04/25/06
 SHEET NO. 19021



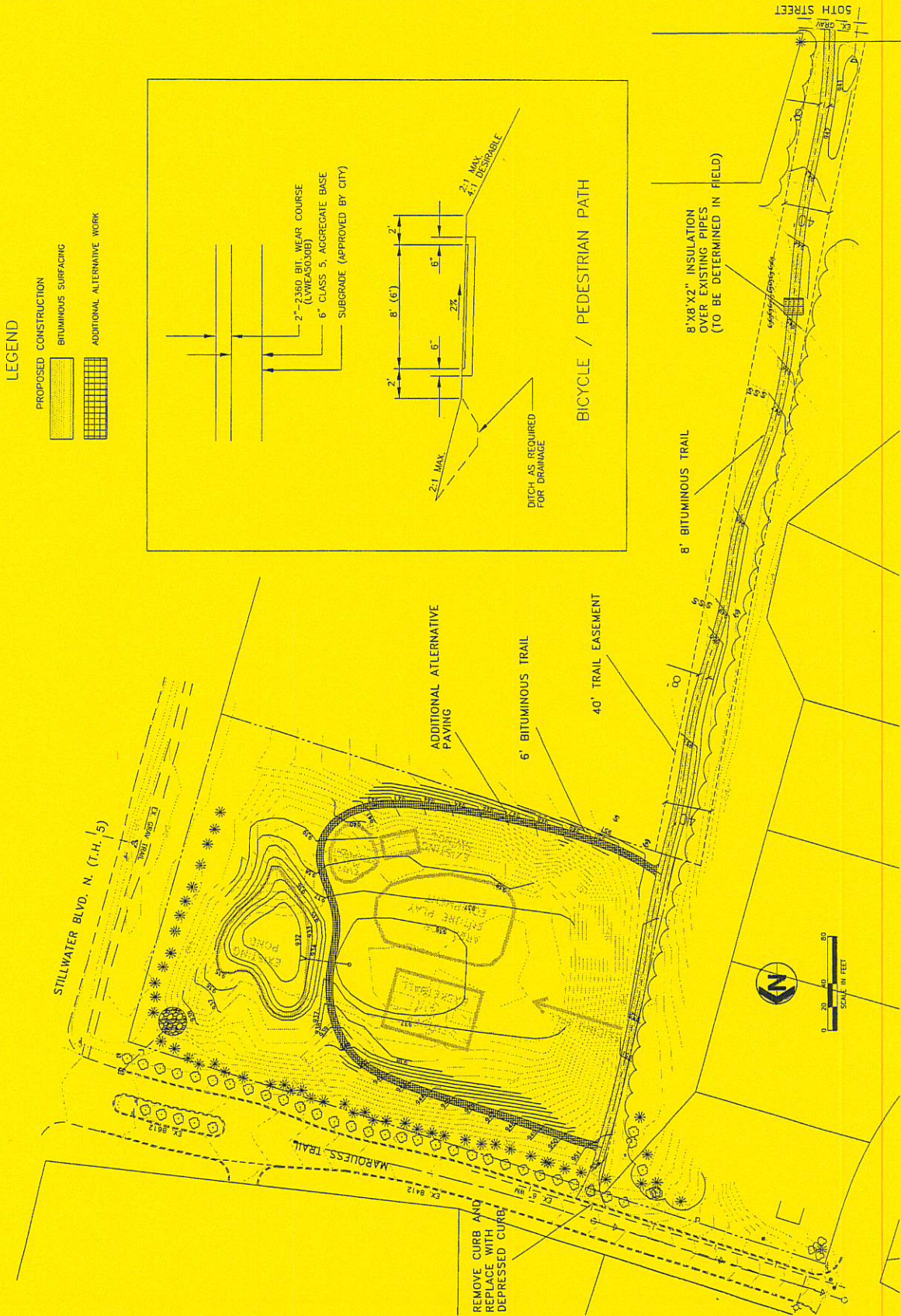
TKDA
 ENGINEERS - ARCHITECTS - PLANNERS
 5500 UNIVERSITY AVENUE SUITE 200, BURNSVILLE, MN 55337
 PHONE: (612) 893-8655 FAX: (612) 893-8654
 WWW: WWW.TKDA.COM

| | | | |
|-------|-----|------|-----|
| DATE: | NO: | REV: | BY: |
| | | | |

BITUMINOUS TRAIL & DETAILS

T1

13593.000





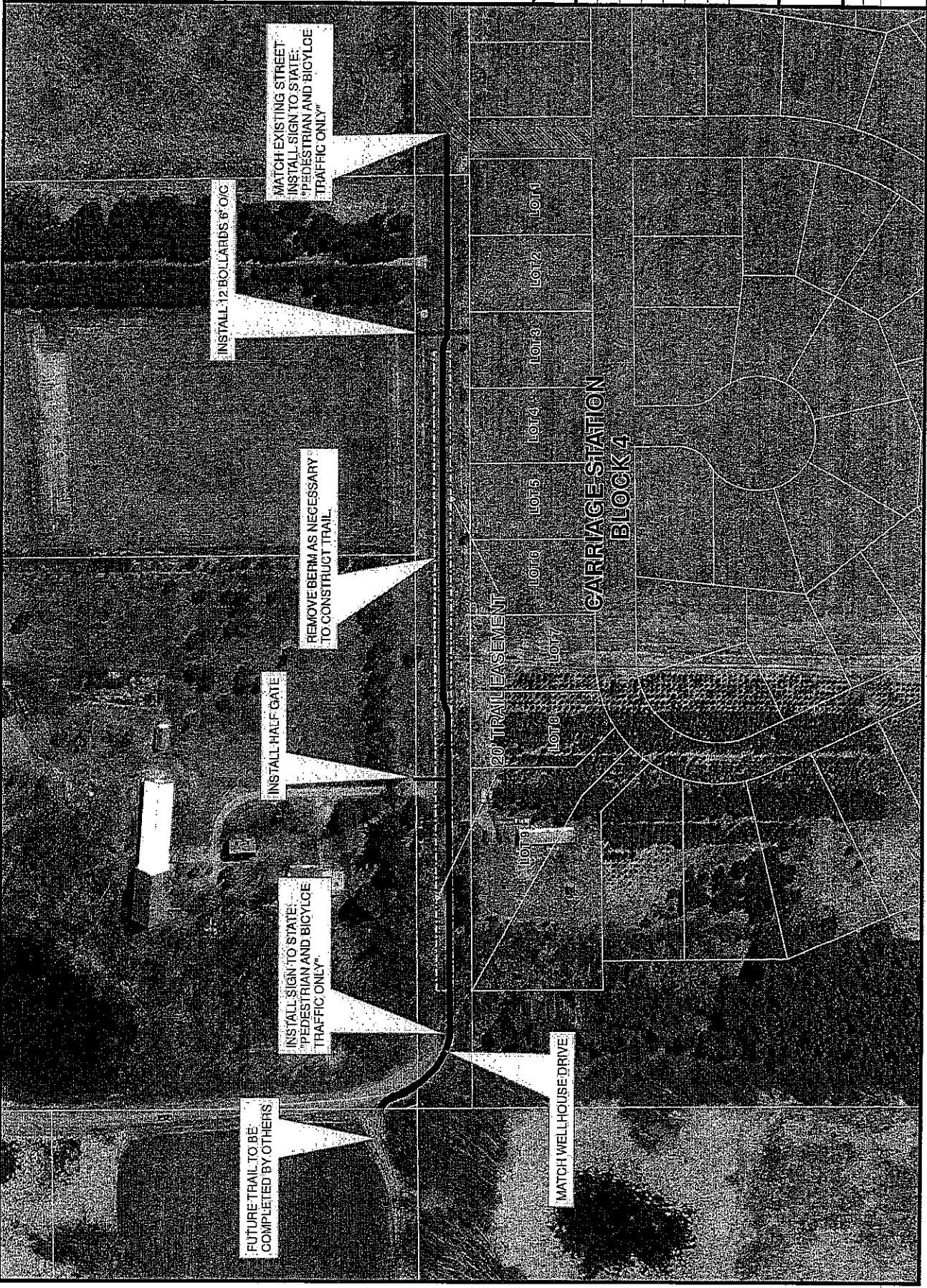
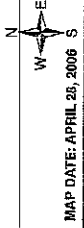
CITY OF LAKE ELMO

55TH STREET TRAIL

- Legend
- 55TH STREET TRAIL
 - TRAIL
 - EXISTING ROAD
 - TRAIL EASEMENT (20')
 - LAKE ELMO PARCELS

SIGNATURE _____ DATE _____
 PRINTED NAME: _____
 U.S. NO. _____

TKDA
 ENGINEERS-ARCHITECTS-PLANNERS



FUTURE TRAIL TO BE COMPLETED BY OTHERS

INSTALL SIGN TO STATE: "PEDESTRIAN AND BICYCLE TRAFFIC ONLY"

INSTALL HALF GATE

REMOVE BERM AS NECESSARY TO CONSTRUCT TRAIL

INSTALL 12 BOLLARDS 6\"/>

MATCH EXISTING STREET. INSTALL SIGN TO STATE: "PEDESTRIAN AND BICYCLE TRAFFIC ONLY"

MATCH WELLHOUSE DRIVE

20' TRAIL EASEMENT

CARRIAGE STATION BLOCK 4

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

| | | |
|---|--|----------------------|
| <p>Lake Elmo City Council May 2, 2006</p> | <p>Agenda Section: Planning, Land Use and Zoning</p> | <p><u>No.</u> 9A</p> |
| <p><u>Agenda Item:</u> Zoning Variances - 8009 Hill Trail (Tacheny)</p> | | |
| <p><u>Background Information for May 2, 2006:</u></p> <p>At its meeting April 24, 2006 the Planning Commission conducted a Public Hearing and adopted a recommendation for approval of this application to remodel and enlarge an existing home on a substandard lot (by area). Two variances are requested and recommended for approval: home enlargement on substandard lot (by area); and, street setback to Hill Trail. The lot area is 17,000+ square feet where 39,204 square feet is required for a legally non-conforming lot (which this is); and, the proposed street setback in 27.5 feet where 30 feet is required.</p> <p>Findings in support of these variances relate to the proposed scale of the house and need for legal bedrooms, and the street setback of the existing structure being the same as proposed for the addition (27.5 feet). An important condition of approval recommended by the Commission (and staff) is that the applicant redesign and reconstructs the septic system to match the system size required for the bedroom count that will result from the house expansion – from a 2 bedroom capacity to a 3 or 4 bedroom capacity. No permit for the house expansion should be issued until a concurrent permit for the septic expansion is issued. No Certificate of Occupancy should issued until the enlarged septic is completed and functioning as designed.</p> | | |
| <p><u>Action items:</u></p> <p>Motion to adopt Resolution #2006 -041 approving variances at 8009 Hill Trail based on the recommendation and findings of the Planning Commission and plans staff dated April 19, 2006, and subject to a condition related to septic system improvements.</p> | <p><u>Person responsible:</u></p> <p>City Planner</p> | |
| <p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Resolution 2006 -041 Approving Variances 2. Draft Planning Commission Minutes of April 24, 2006 3. Planning Staff Report 4. Applicant's Documentation | <p><u>Time Allocated:</u></p> | |

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

RESOLUTION NO. 2006-041

**A RESOLUTION APPROVING A VARIANCE TO FRONT SETBACK AND
MINIMUM LOT SIZE REQUIREMENTS FOR 8009 HILL TRAIL NORTH
CITY OF LAKE ELMO**

WHEREAS, the applicants, Jason and Shannon Tacheny, have submitted an application for a variance to front setback and minimum lot size requirements for an addition to an existing home at 8009 Hill Trail North that encroaches 2.5 feet into the front setback, legally described as follows:

Lots 300 thru 309, inclusive, LANE'S DEMONTREVILLE COUNTRY CLUB ADDITION, Washington County, Minnesota.

WHEREAS, at its April 24, 2006 meeting, the Planning Commission reviewed and unanimously recommended approval of this variance per plans presented by staff, as the same on file with the City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve the variance to minimum lot size requirements and front setback based upon the recommendation of the Planning Commission and the following Findings:

1. The property cannot be put to reasonable use because the home was designed and constructed 60 years ago, well before public health and safety standards existed; application of those standards today limits the existing home to one bedroom, and this neither in character with the balance neighborhood, nor is it a reasonable use of the property.
2. The variance requested results from circumstances unique to properties where principal structures were constructed to adoption of City Zoning and Shoreland Regulations, and the circumstances of the variance were not created by the applicant in that context.
3. Granting of the variance will not change the essential character of the neighborhood.

And conditional upon the approval of a new septic design prior to the issuance of a Building Permit.

ADOPTED, by the Lake Elmo City Council on the 2nd day of May, 2006.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

PUBLIC HEARING: Variance-8009 Hill Trail

The Planner presented the variance application for front yard setback and minimum lot size. The applicant proposes an addition to an existing home of three or four bedrooms with a second story. The existing home encroaches 2.5 feet into the front setback. City records reveal the septic system was installed through the 201 Program in 1985 and it is sized by volume for a two bedroom home. Impervious surface coverage standards are met, even with the addition.

The Planner said the lot size variance request is comparable to other requests the city has heard from within this neighborhood. He said it is a neighborhood of very small non-conforming lots as compared to current zoning standards, and the proposed addition expands the non-conformity for this property. He said City records indicate the house was constructed in 1945 with several remodels and upgrades but no enlargement. The Planner explained that over the passage of time, standards have been adopted for what constitutes a legal bedroom and one of the two bedrooms originally constructed is not legal. The Planner said the introduction of the City's Shoreland Ordinance and Zoning Code created the property's non-conformities.

The Planner said he recommends approval subject to an approved septic system redesign before the building permit is issued to match the number of legal bedrooms this home will have.

Jason Tacheny, Applicant

Mr. Tacheny said the house currently has one bedroom and three children and that is a hardship for the entire family. The Zoning changed after the house was built. One bedroom is not to Code due to inadequate egress along with a circuit box in that room. He said he has a certified septic design prepared that is sized for four bedrooms. He noted that the addition encroaches only 2.5 feet into the front lot setback.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:15 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:16 P.M.

M/S/P, Armstrong/Fliflet to recommend approval of variances for front set back and lot size minimums for the construction of an addition to the home at 8009 Hill Trail based on three Findings:

1. The property cannot be put to reasonable use because the home was designed and constructed 60 years ago, well before public health and safety standards existed; application of those standards today limits the existing home to one bedroom, and this neither in character with the balance neighborhood, nor is it a reasonable use of the property.
2. The variance requested results from circumstances unique to properties where principal structures were constructed to adoption of City Zoning and Shoreland

Variances: 8009 Hill Trail

Regulations, and the circumstances of the variance were not created by the applicant in that context.

3. Granting of the variance will not change the essential character of the neighborhood.

And conditional upon the approval of a new septic design prior to the issuance of a Building Permit. Vote: 9:0.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: April 19, 2006 for the Meeting of April 24, 2006

Applicant: Jason & Shannon Tacheny

Location: 8009 Hill Trail

Requested Action: Zoning Variances - Lot Area and Street Setback

Land Use Plan Guiding: SRD

Existing Zoning: R-1 (Shoreland Overlay)

Site History and Existing Conditions:

Washington County Assessor records indicate that this home was constructed in 1945 and today contains a total of 1,148 square feet of living area. There have been numerous building permits issued for replacements, remodels, porch and new detached garage since City records have been kept on this address. A single user 201 septic system was installed on the site in the mid-1980's along with several other sites in the Tri-Lakes and Old Village areas.

County records reveal the site area to be 17,629 square feet.

Discussion and Analysis:

The applicants propose construction of a 2 story addition to the east end of house of approximately 1100 square feet which we understand will be utilized for a family room (ground level and 3 additional bedrooms (second story). The applicant states that the existing house floor plan only includes one legal bedroom. The applicant's plan for the addition is not compliant with R-1 or Shoreland standards as follows:

1. The site area is substantially non-conforming with the "pre-existing parcel" area standard of both R-1 and Shoreland – 39,204 square feet required, and 17, 629 square feet existing.
2. The addition would be located 27.5 feet from the street property line on Hill Trail. R-1 standards require a minimum 30 foot street set back.

The applicants have suggested that the "hardship" here relates to the size of their family and the lack of sufficient bedrooms to properly house a family of that size. While that does not constitute a hardship alone (except a self-imposed hardship), a single family detached home with only a single legal bedroom (which likely was 2 legal bedrooms under 1945 codes – if any applied) could be considered a hardship for any property owner.

The street setback proposed (27.5 feet where 30 feet is required) exactly matches the existing setback of the 1945 house footprint. No additional encroachment to Hill Trail will result. As is often the case with properties in the Hill Trail neighborhood, site area is seriously below current R-1 and Shoreland standards – even by applying the "pre-existing" parcel clause of the Zoning Ordinance. Seldom is there a reasonable option available to increase the parcel area – as is the case here. Where this has been the case in recent variance applications (most of which have been

riparian to one lake or another) the City has generally looked to a Finding of whether the house addition, or new house, would be in keeping with the area of the site and other homes in the immediate neighborhood as to scale – a reasonable use. A second factor that must be considered is the impervious coverage of the site that will result from the home addition or new home. Within the Shoreland overlay this is limited to 15% or 6,000 square feet – whichever is greater.

The septic system design capacity should be a factor as well where an increase in the bedroom count is proposed – as it the case here. From City records it appears that the 201 system serving this residence was designed for 2 bedrooms. Should these variances be approved, the system must be enlarged to a 3 or 4 bedroom capacity.

Findings and Recommendations:

Based on the foregoing staff suggests that the following mandatory Findings are appropriate:

1. The property can not be put to reasonable use without the granting of the variance requested. The subject residence was designed/constructed 60 years ago – well before public health/safety standards existed. Application of those standards today limits the existing residence a 1 bedroom, which is neither in character with the balance of the neighborhood nor is a reasonable use of the property.
2. The variance requested does result from circumstances unique to properties where principal structures were constructed prior to adoption of City Zoning and Shoreland Regulations; and, the circumstances of the variance were not solely created by the applicant in that context.
3. Granting of the variance will not change the essential character of the neighborhood.

The foregoing Findings support a recommendation for approval of the variances requested.

Planning Commission Actions Requested

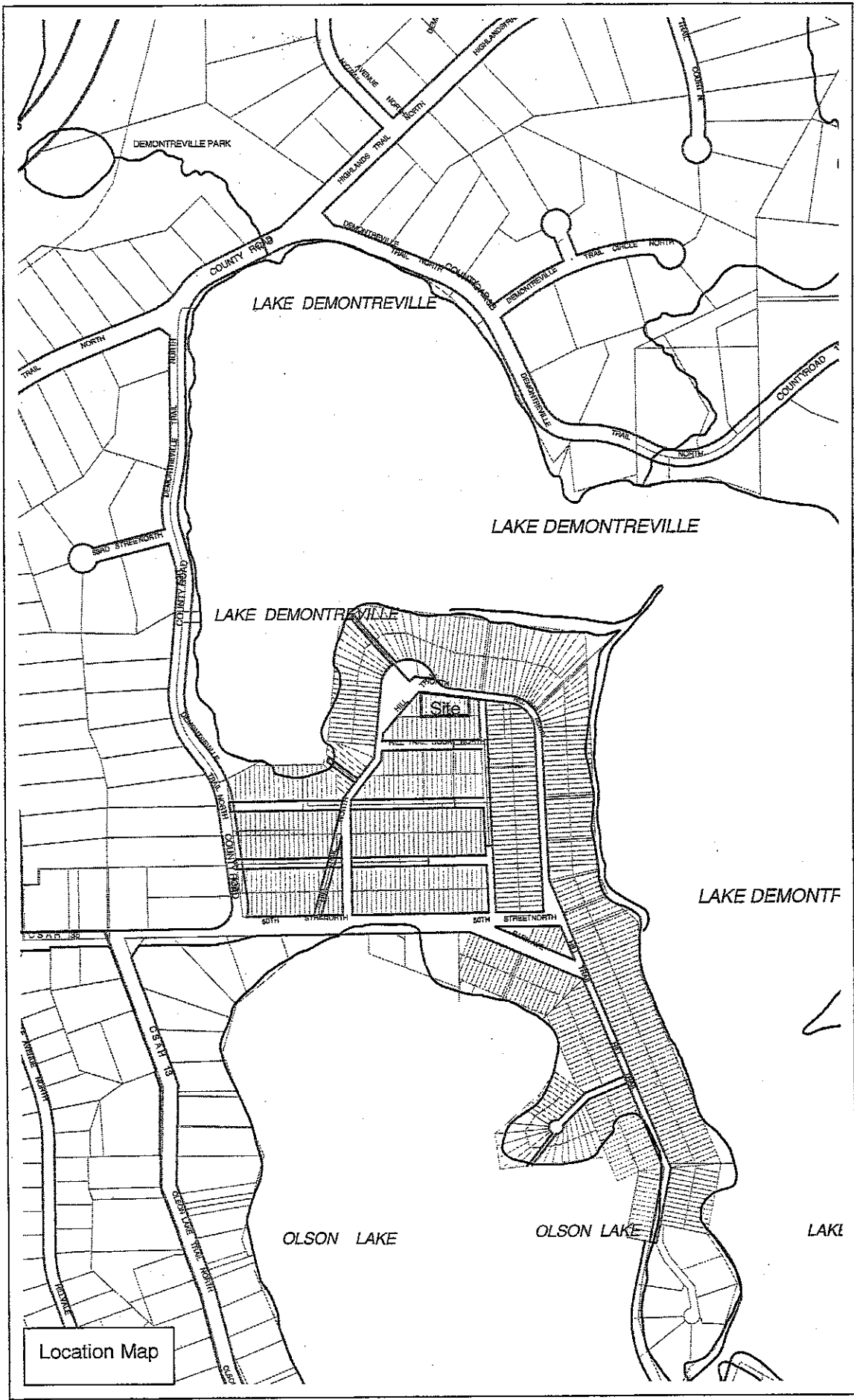
Motion to recommend approval of variances for lot area and street setback at 8009 Hill Trail based on Findings of the Planning Staff Report of April 19, 2006, and plans staff dated April 19, 2006 subject to a condition that the septic system be upgraded to a 3 or 4 bedroom capacity concurrently with the house addition.



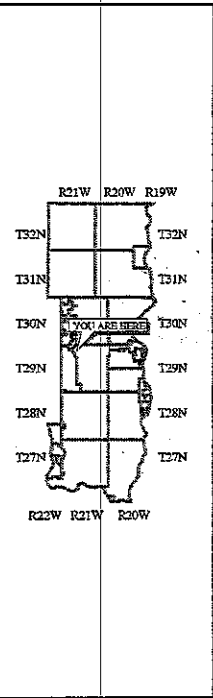
Charles E. Dillerud, City Planner

Attachments:

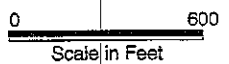
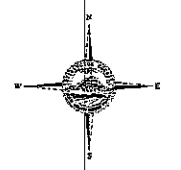
1. Location Map
2. Applicant's Documentation



Location Map



Vicinity Map



This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office.
Phone (851) 430-8875

Parcel data based on AS400 information

City of Lake Elmo
Planning Department
3800 Laverne Ave. N
Lake Elmo, MN 55042

Jason and Shannon Tacheny
8009 Hill Trail North
Lake Elmo, MN 55042

Re: Development Application Form

Property Location (address and complete (long) legal description):

8009 Hill Trail North
Lake Elmo, MN 55042
Lots 300-309
Lanes Demontreville Country Club
Property Id Number: 0502921440036
Property ID#: 0502921440036

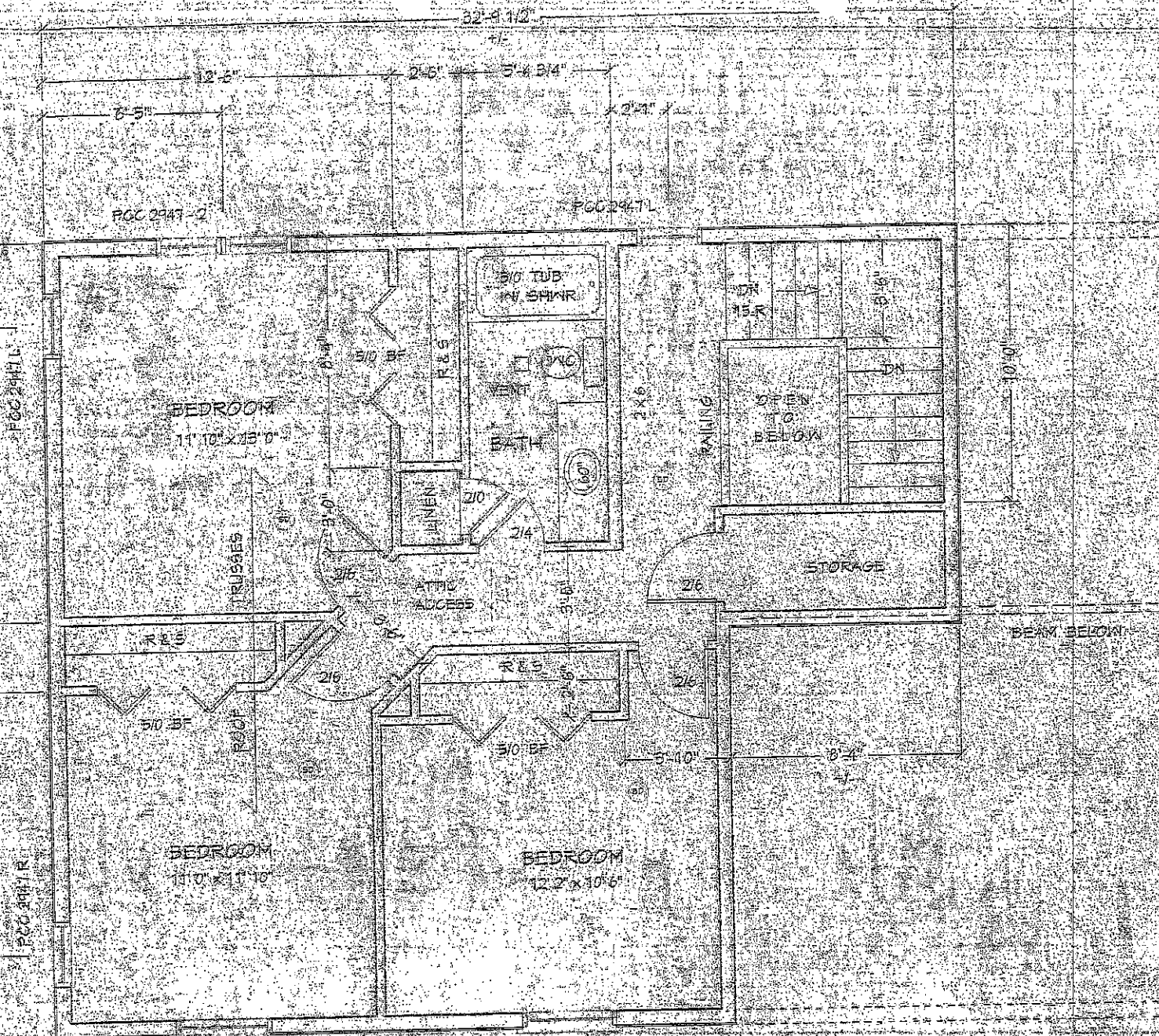
Detailed Reason for Request:

Existing front of structure is 27 ½" feet +or-5" from lot line .
We would like to put an addition on our home so that we can have more bedrooms.

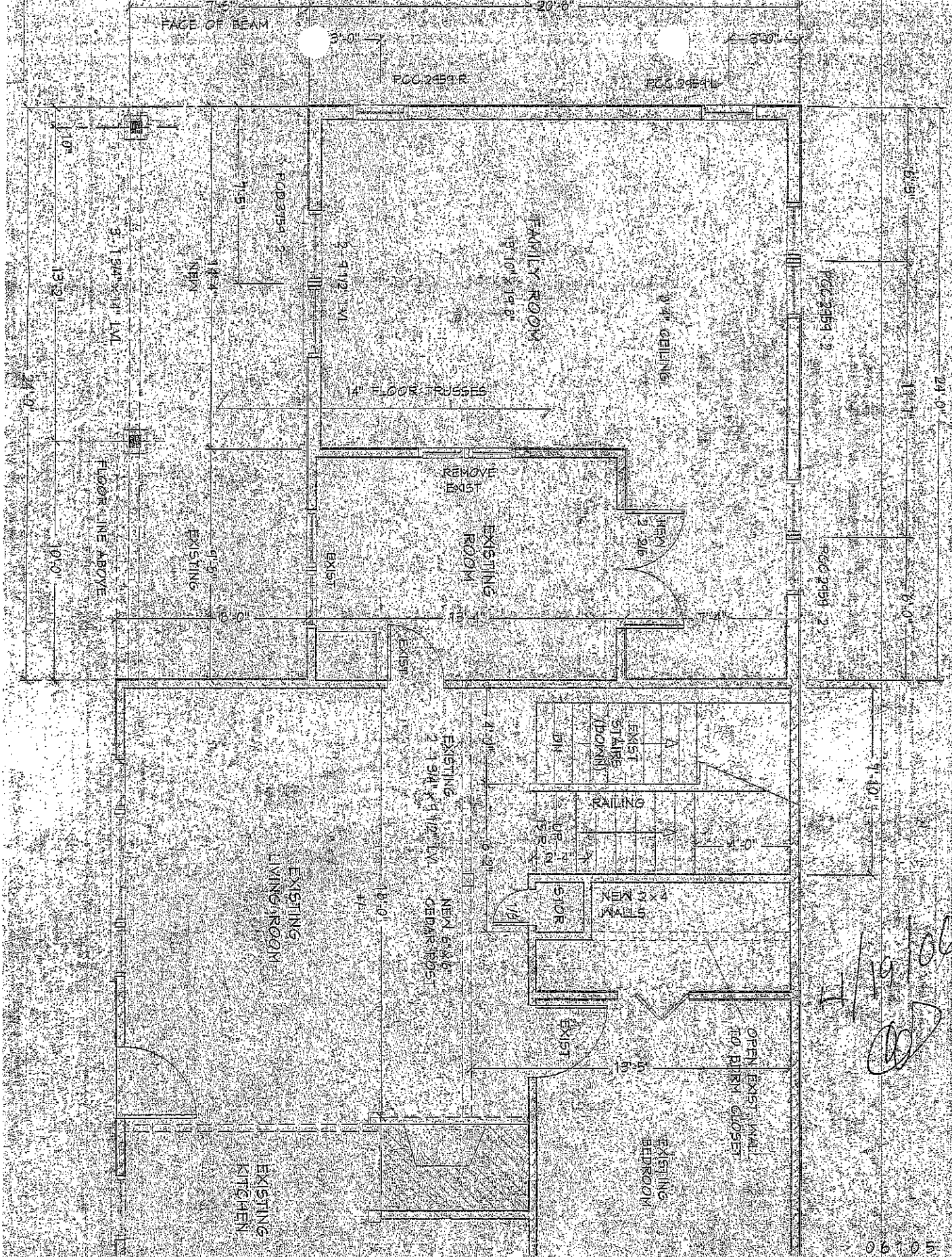
Variance Request:

Our house currently has only 1 bedroom; we have three children that don't have rooms of their own. This is a hardship for us, not only having no room to put our children, but not enough space in our house to accommodate for a family of five. The zoning was changed after the house was built; we only have one bedroom that is up to code. Contemporary standards are 3 - 4 bedrooms, the second bedroom isn't even a bedroom or considered a bedroom, there is a circuit breaker box in the room, and the windows aren't large enough for egress. Also we understand, Septic upgrades May be Required, Should this Variance be approved.

JMT



4/19/06
COE



7/19/06

06105

| DATE |
|----------|
| 10/24/05 |
| 11/04/05 |
| 11/25/05 |

SANDBOE DRAFTING & DESIGN

1674 DELL STREET
 WHITE BEAR LAKE, MN

651-770-5369
 55110

19/06
[Signature]



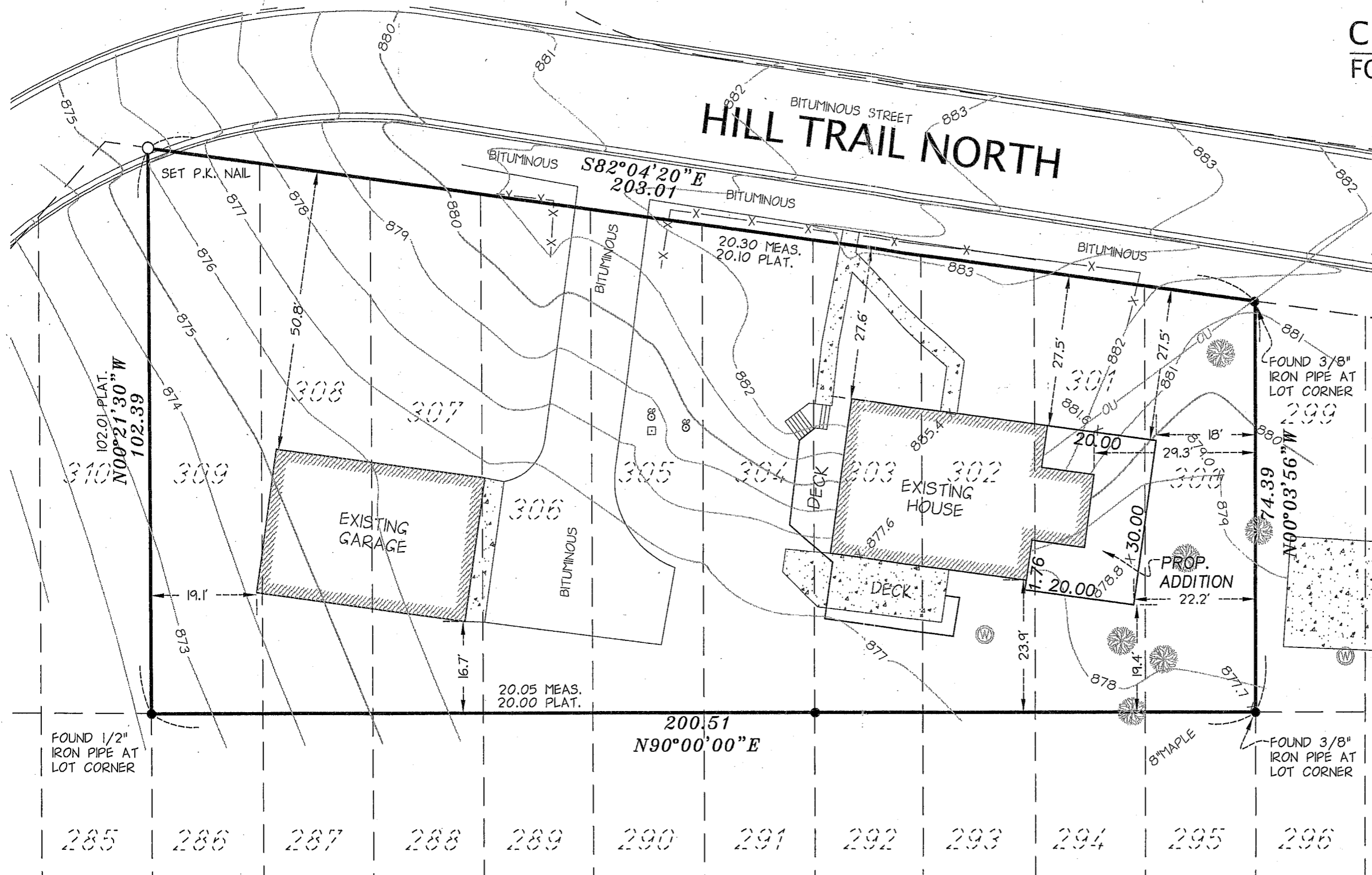
CERTIFICATE OF SURVEY

FOR: JASON TACHENY

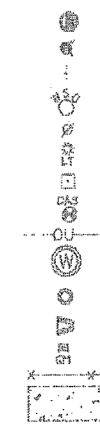
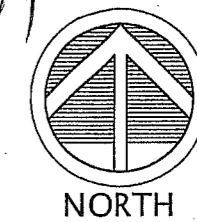
651-983-7087

PROJECT LOCATION:

8009 HILL TRAIL NORTH
LAKE ELMO, MINNESOTA



4/19/04



- CATCH BASIN
 - HYDRANT
 - SIGN
 - WATER VALVE
 - UTILITY POLE
 - LIGHT POLE
 - TELE/ELEC BOX
 - GAS VALVE
 - OVERHEAD WIRES
 - WELL
 - MANHOLE
 - CULVERT
 - GAS METER
 - FENCE
 - CONCRETE
- DENOTES FOUND
○ DENOTES SET 1/2" IRON PIPE MARKED RLS 25718

AREA SUMMARY:

TOTAL AREA = 6,632 SQ. FT.

CERTIFICATION:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

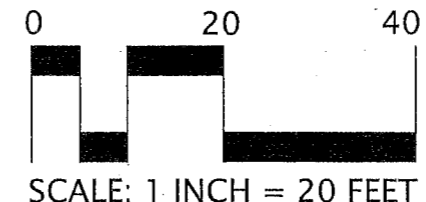
DANIEL L. THURMES
License. No. 25718
Date 7-5-05

NOTES:

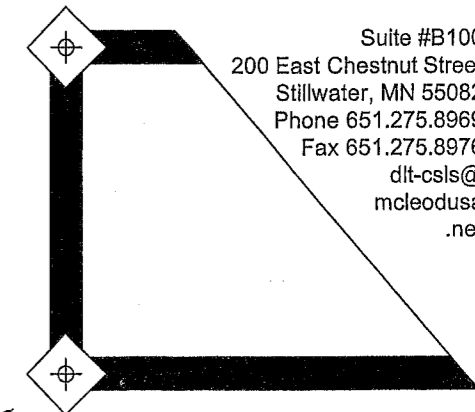
UNDERGROUND UTILITIES NOT LOCATED OR SHOWN. EASEMENTS, IF ANY, MAY EXIST. THERE WAS NO EFFORT MADE TO RESEARCH RECORDED OR UNRECORDED EASEMENTS. BEARINGS SHOWN ARE ASSUMED. CONTOURS SHOWN ARE FROM WASHINGTON COUNTY ORTHO PHOTO DATE APRIL, 2000.

EXISTING LEGAL DESCRIPTION

(as provided by the owner)
Lots 300 thru 309, inclusive, LANE'S DEMONTREVILLE COUNTRY CLUB ADDITION, Washington County, Minnesota.



1950
2158
650



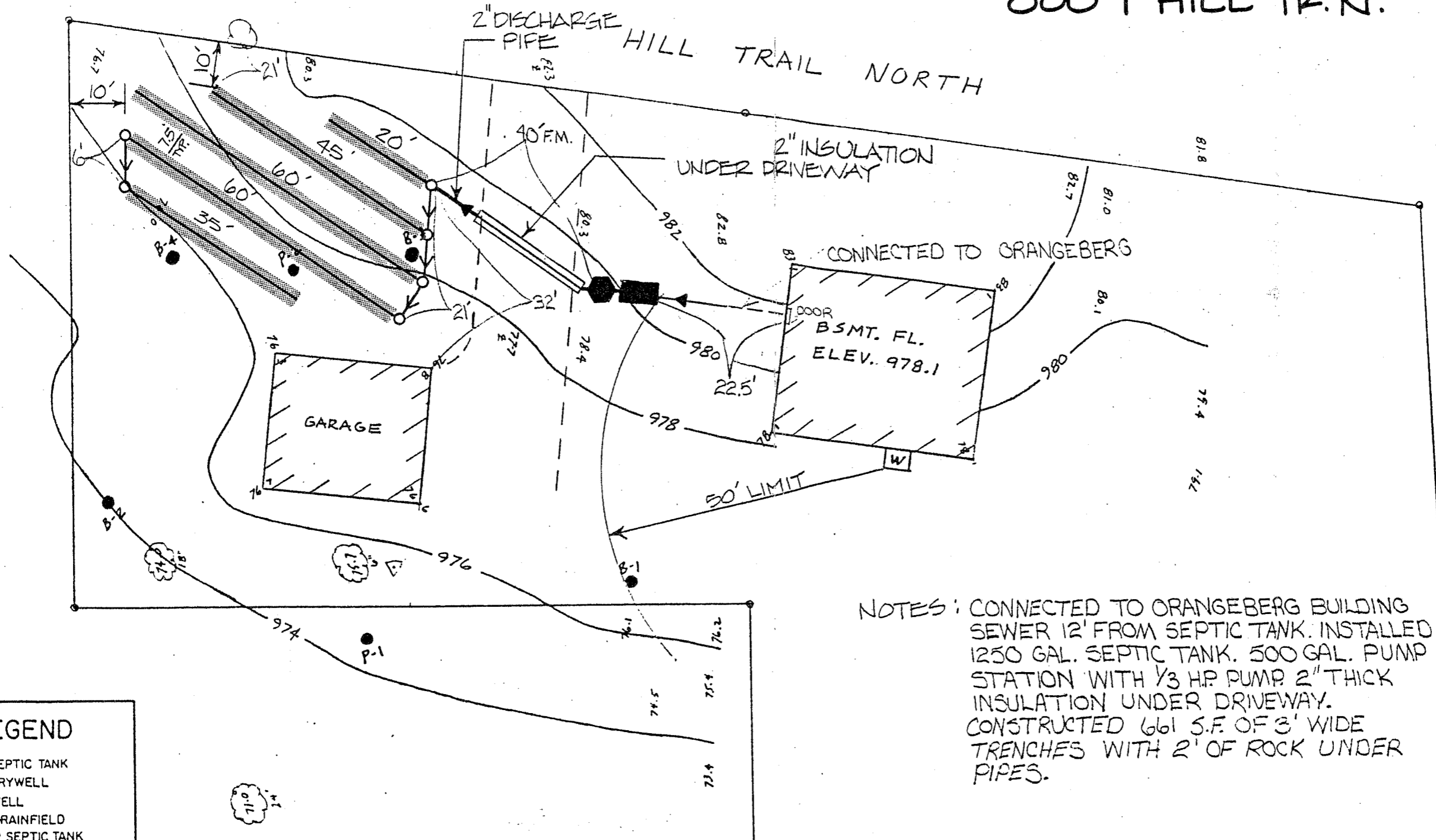
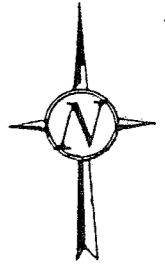
CORNERSTONE
LAND SURVEYING, INC

Suite #B100
200 East Chestnut Street
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dlr-csls@
mcleodusa
.net

7277

8009 HILL TR. N.

1"=20'



NOTES: CONNECTED TO ORANGE BERG BUILDING SEWER 12' FROM SEPTIC TANK. INSTALLED 1250 GAL. SEPTIC TANK. 500 GAL. PUMP STATION WITH 1/3 H.P. PUMP 2" THICK INSULATION UNDER DRIVEWAY. CONSTRUCTED 661 S.F. OF 3' WIDE TRENCHES WITH 2' OF ROCK UNDER PIPES.

LEGEND

- - EX. SEPTIC TANK
- - EX. DRYWELL
- ⊙ - EX. WELL
- ▨ - EX. DRAINFIELD
- - PROP SEPTIC TANK
- - PROP PUMP STATION
- ▨ - PROP DRAINFIELD
- - PROP DISTRIB./DROP BOX
- - PROP 2" DISCHARGE PIPE
- - PERCOLATION TEST OR SOIL BORING LOCATION
- ⊕ - PROP MOUND SYSTEM

DATE FIELDWORK BY DATE FIELDWORK BY DATE FIELDWORK BY DATE FIELDWORK BY

| NO. | DATE | BY | DESCRIPTION |
|-----|------|----|-------------|
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DESIGNED DRAWN LDB DLW
 CHECKED LOB
 I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA
 DATE 10-21-21 REG NO 121201

TKDA
 TOLTZ, KING, DUVAL, ANDERSON AND ASSOCIATES INCORPORATED
 ENGINEERS ARCHITECTS PLANNERS
 SAINT PAUL, MINNESOTA

Wastewater Facilities Improvements
 Lake Elmo, Minnesota
 EPA Project No. C 271411

COMMISSION NO
7277
 SHEET NO. 38 OF 107 SHEETS
 8064

Kimberly Anez

To: Jim Mcnamara
Subject: FW: 8009 Hill Trail

-----Original Message-----

From: Thomas D. Prew [mailto:prew.td@tkda.com]
Sent: Wednesday, March 22, 2006 12:34 PM
To: Kimberly Anez
Cc: Jim Mcnamara
Subject: RE: 8009 Hill Trail

Kim

The septic was designed for 3 bedrooms in 1988. Additional bedrooms and other fixtures will require expanding the drainfield and possibly the septic tank. Jim should review this.

Soil shows high mottling.

Tom

From: Kimberly Anez [mailto:kim.anez@lakeelmo.org]
Sent: Wednesday, March 22, 2006 12:15 PM
To: Thomas D. Prew
Subject: 8009 Hill Trail

Hi, Tom!

We have another remodel request on Hill Trail at 8009. This time, the guy wants to add three bedrooms and "convert" an "existing bedroom" to a den area. He says the electric panel closet and the size of the window to outside means it cannot be counted as a bedroom, however, the county assessor web site says there are two bedrooms. In either case, he wants to add three bedrooms. His address file shows part of the 201 system. Number 7277, sheet 38 of 107 sheets, commission number 8064, signed by Larry Bohrer. Notes say:

Connected to Orangeberg Building Sewerl 12 feet from septic tank. Installed 1250 gal. septic tank. 500 gal. pump station with 1/3 h.p. pum. 2 inch thick insulation under driveway. Constructed 661 s.f. of 3 feet wide trenches with 2 feet of rock under pipes.

Can he add on any bedrooms? Would we consider him as adding three or only two bedrooms (assuming what he is telling me about Code being true)?

Pumping records show pretty good maintenance, pumping every two to three years.

Whether he needs a variance or not, we still need to know he has the capacity to add this many (how many?) bedrooms, right?

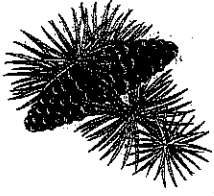
:) Kim

Kimberly Anez
City of Lake Elmo

kim.anez@lakeelmo.org

See letter from 1986. Size of 762 sq would be 3 bedrooms - 661 sq. K&A

| | | |
|--|--|-----------------------------|
| <p>Lake Elmo City Council May 2, 2006</p> | <p>Agenda Section: Planning, Land Use and Zoning</p> | <p><u>No.</u> 9B</p> |
| <p><u>Agenda Item:</u> Permission for Temporary Office Trailer – Lake Elmo Pines</p> | | |
| <p><u>Background Information for May 2 , 2006:</u></p> <p>We have attached a letter recently received from the new operator of the golf practice facility on Keats Avenue formerly known as Mulligan Masters. There have been ownership/control issues with this facility over the past two years – resulting in the closing of the facility in 2005 after the former operators had made extensive improvements to the site. One condition of the original Site Plan approval for this facility was that the then owners/operators be permitted to bring in a temporary office during the first year of facility operations – one year. The Site Plan depicts a permanent office facility/club house that would have been constructed in 2004 – had the ownership issues not cropped up.</p> <p>While the current operators have made no commitments regarding the permanent club house (no can they under what appears to be a relatively short term operating arrangement) it is reasonable to assume that success of the facility under the new operators should lead to such a commitment (and construction) in the future. Staff recommends the Council approve a temporary office/clubhouse at Lake Elmo Pines – to be removed (and permission suspended) by November 15, 2006. This should give the new operators an opportunity to rebuild the business without a large front end capital commitment. No future extensions are implied.</p> | | |
| <p><u>Action items:</u> Motion to approve amending the Mulligan Masters Section 520 Site Plan approval to permit a temporary office/clubhouse facility similar to that previously approved to be removed by November 15, 2006.</p> | <p><u>Person responsible:</u> City Planner</p> | |
| <p><u>Attachments:</u> 1. Lake Elmo Pines Letter 2. Previously approved Mulligan Masters Site Plan</p> | <p><u>Time Allocated:</u></p> | |



Lake Elmo Pines
Golf Course & Practice Facility

April 14, 2006

Chuck Dillerud
City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mr. Dillerud:

RE: A Temporary Structure (Trailer) at the previous Mulligan Masters Golf Facility

My husband and I, John Means, will be leasing the facility from the Board of Investors for Mulligan Masters. We have renamed the facility, Lake Elmo Pines Golf Course & Practice Facility to better reflect where it is and what we are trying to accomplish for the area.

Rich Hiner removed the previous trailer last fall when it was closed by the board. It is not possible to properly run the facility without some type of enclosed structure. Therefore, we are asking to set a temporary structure, trailer, just like the previous. We will have it removed by November 15, 2006 if not sooner, depending on the fall weather.

We are not requesting to build a structure at this point in time because of the fact that we are only leasing.

We are asking for the approval of the temporary structure to be extended from the previous agreement between the facility and the City of Lake Elmo.

Thank you very much for your consideration.

Mindy

Mindy Means

Attachment



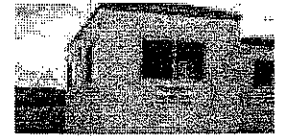
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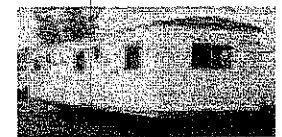
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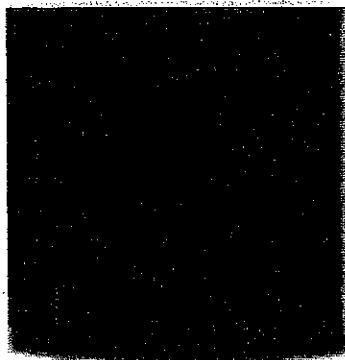
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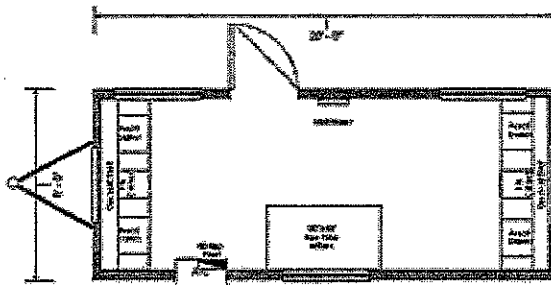


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- Paneled walls
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- 3,000 watt electric wall heater
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Exterior:

- Aluminum siding and trim
- Outrigger frame
- Drip rail

Electric:

- 60 amp breaker panel - 220v single phase
- Fluorescent ceiling lights

Furniture:

- Built-in desk with file cabinets
- 36"x60" plan table w/base cabinet
- Overhead shelves

Windows/Doors:

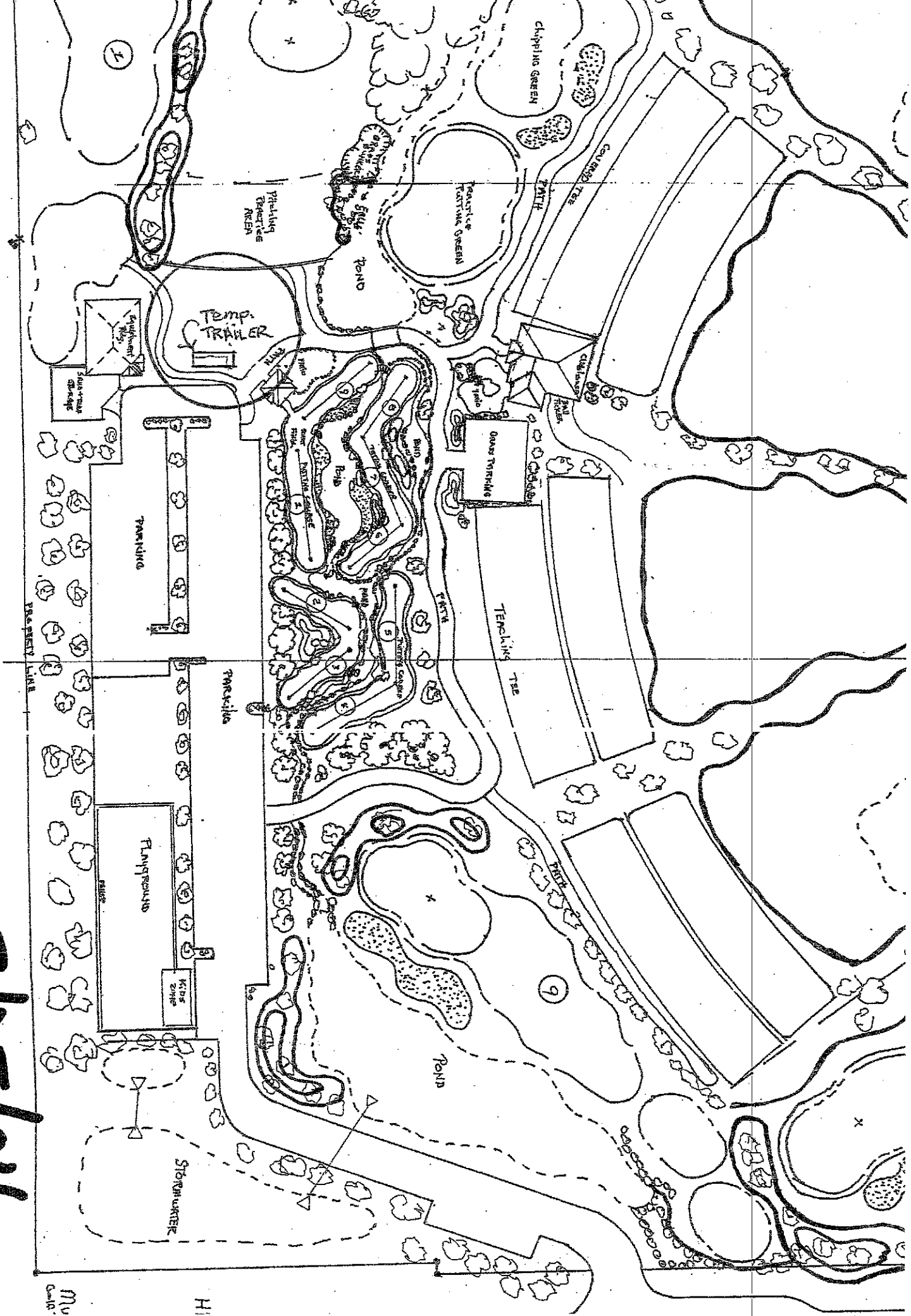
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3/25/04
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|--|---|-----------------------------|
| <p>Lake Elmo City Council May 2, 2006</p> | <p>Agenda Section: Planning, Land Use and Zoning</p> | <p><u>No.</u> 9C</p> |
| <p><u>Agenda Item:</u> Zoning Ordinance Text Amendment – PF District Performance Standards</p> | | |
| <p><u>Background Information for May 2, 2006:</u></p> <p>During staff review of the Rockpoint Church Site Plan it became apparent that an intended (by staff and the Planning Commission, at least) ordinance amendment in 2002 did not take place. After lengthy discussion at both the Commission and Council the City amended the exterior performance standards for all commercial zones. Since the structures that would likely be found in the PF zoning district would be of the same general scale/character as those of the commercial districts, it was clearly the intent in 2002 that those same performance standards be applied to the PF district as well – which did not happen, it appears.</p> <p>At its meeting April 24, 2006 the Planning Commission conducted a Noticed Public Hearing to consider correcting that oversight by amending the PF district to repeal the “old” standards, and adding the same new performance standards as found in all of the commercial zoning districts as a result of the 2002 amendments. Following the Hearing (no Public testimony) the Commission unanimously adopted a recommendation to amend the PF district text to substitute the new performance standards for those now appearing.</p> | | |
| <p><u>Action items:</u> Motion to adopt Ordinance #97 – 168 Amending the Performance Standards of the PF Zoning District.</p> | <p><u>Person responsible:</u> City Planner</p> | |
| <p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Ordinance #97 - 168 Amending PF District Text 2. Draft Planning Commission Minutes of April 24, 2006 | <p><u>Time Allocated:</u></p> | |

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

Summary of Performance Standards in the Public Facilities Zoning District
Section 300.07 Subd. 4.M.6

On May 2, 2006, the Lake Elmo City Council adopted 97-170 and by 4 affirmative votes, approved the publication of a summary of the ordinance.

A complete copy of Ordinance 97-170 is on file in the office of the City Administrator and can be viewed by the public during business hours.

Section 1. Amendment: Section 300.07, Subd, 4.M.6. and its subdivisions are hereby summarized as follows:

4. Performance Standards
 - a. Purpose and Intent
 - b. Architectural and Site Plan Submittals
 - c. Applicability – Structure Additions and Renovation
 - d. Performance Standards – Primary Exterior Surfacing
 - e. Performance Standard – Exterior Surfacing Accents
 - f. Performance Standard – Accessory Structures
 - g. Performance Standard- HVAC Units and Exterior Appurtenances
 - h. Performance standard – Visible Roofing Materials
 - i. Applicability – New Construction

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

ADOPTED by the Lake Elmo City Council on the 2nd day of May, 2006.

Published in the Lake Elmo Leader on the _____ day of _____ 2006.

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-168

AN ORDINANCE AMENDING THE LAKE ELMO MUNICIPAL CODE
SECTION 300.07, SUBD. 4.M.6. AND ITS SUBDIVISIONS RELATING TO
ARCHITECTURAL PERFORMANCE STANDARDS IN THE
PUBLIC FACILITIES ZONING DISTRICT

Section 1. Amendment: Section 300.07, Subd. 4.M. 6. and its subdivisions are hereby amended to read as follows:

4. Performance Standards.

a. Purpose and Intent

It is the purpose and intent of the City, by the adoption of the performance standards of this subdivision, to ensure commercial buildings constructed within the City are of a high quality of exterior appearance, consistent with the terms of Non-Residential Development Policy #5 of the 2000-2010 Lake Elmo Comprehensive Plan. It is the Finding of the City that a limited selection of primary exterior surfacing materials meets this standard of quality.

It is the further Finding of the City that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a Finding by the City as to the relative quality and rural character of those respective accent materials.

b. Architectural and Site Plan Submittals

New building proposals shall include architectural and site plans prepared by registered architect and shall show the following as a minimum:

- i. Elevations of all sides of the buildings,
- ii Type and color of exterior building materials,
- iii Typical general floor plans,
- iv Dimensions of all structures,
- v Location of trash containers, heating, cooling and ventilation equipment and systems,

c. Applicability – Structure Additions and Renovation

Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing any portion of an existing structure shall be exempt from the standards of this subdivision where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.

Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standard of this subdivision.

d. Performance Standards – Primary Exterior Surfacing

The Primary Exterior Surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or veneer brick or stone shall not qualify as complying with this performance standard.

Primary Exterior Surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this subdivision. Windows and glass doors shall be considered a primary surface, but the sum area of such glass shall be deducted from the wall area for purposes of the 70% Primary/30% Accent formulas of this section. Doors of any type or material, except glass, shall not be considered a primary exterior surface.

Each wall of the structure shall be calculated separately; and, individually comply with the 70/30 formula.

e. Performance Standard – Exterior Surfacing Accents

Not more than 30% of the exterior wall surfacing, as defined by paragraph D above may be of the following listed Accent Materials, but no single Accent Material, except natural wood, may comprise more than 20% of the total of all Accent Materials; and no combustible materials shall be used:

- i. Wood Siding
- ii. Cement Fiber Board
- iii. Standing Seam Metal
- iv. Architectural Metal
- v. Stucco
- vi. Poured in Place Concrete (Excluding “tilt-up” panels)
- vii. Architect Metal Panels or Sheets
- viii. Porcelain or Ceramic Tile

f. Performance Standards – Accessory Structures

All accessory structures shall comply with the Exterior Surfacing requirements specified by this subdivision.

g. Performance Standard – HVAC Units and Exterior Appurtenances

All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure.

h. Performance Standard – Visible Roofing Materials

Any roofing materials that are visible from ground level shall be standing seam metal fire-treated cedar shakes, ceramic tile, clay tile, concrete or slate.

i. Applicability – New Construction

The standards of this subdivision shall be applicable to all structures and buildings constructed in the City, on and after the effective date of this subdivision. The performance standards of this subdivision shall not be in any manner minimized by subsequent Planned Unit Development Plans or Agreement.

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

ADOPTED by the Lake Elmo City Council on the 2nd day of May, 2006

**Excerpt DRAFT Planning Commission Meeting Minutes
Architectural Performance Standards-PF Zoning District**

1

PUBLIC HEARING: Architectural Performance Standards-PF Zoning District

The Planner prepared a draft of the performance standards identical to what is found in other zoning districts.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:51 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:52 P.M.

M/S/P, Ptacek/Pelletier, to add Architectural Performance Standards in the PF Zoning District because the Planning Commission intended it to be included in the Code when originally brought forth for other zoning districts. Vote: 8:1, Nay-Deziel: Opposed original architectural standards.

| | | |
|---|--|----------------------|
| <p>Lake Elmo City Council May 2, 2006</p> | <p>Agenda Section: Planning, Land Use and Zoning</p> | <p><u>No.</u> 9D</p> |
| <p>Agenda Item: Rockpoint Church – Section 520 Site Plan and Zoning Variance</p> | | |
| <p><u>Background Information for May 2, 2006:</u></p> <p>At its meeting April 24, 2006 the Planning Commission conducted a Public Hearing regarding a variance for the height of sidewall for this proposed church structure of 50,000+ square feet on a 20 acre site. The Commission had previously (April 10, 2006) first considered the Section 520 site plan for the facility, and had tabled the application pending proper Notice regarding the variance matters that had been noted in the Planning Staff Report of March 23. Of the four variance issues raised by staff, the applicant modified the site plan to mitigate one; one was determined not to be a variance following review by the City Attorney of Code provisions, and a third <u>may</u> have been resolved by Council action earlier on this agenda (exterior performance standards in the PF zone). That leaves the sidewall height variance which the Commission recommends for approval, together with the Section 520 Site Plan.</p> <p>No building permit can be issued for this project until a Final Plat has been recorded.</p> | | |
| <p><u>Action items:</u></p> <p>Motion to adopt Resolution #2006 – 042 Approving a variance for sidewall height for Rockpoint Church based on the Findings and recommendation of the Planning Commission per plans staff dated April 20, 2006.</p> <p>Motion to adopt Resolution #2006 – 043 Approving a Site Plan for Rockpoint Church per plans staff dated April 20, 2006.</p> | <p><u>Person responsible:</u></p> <p>City Planner</p> | |
| <p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Resolution #2006 – 042 Approving Variance 2. Resolution #2006 – 043 Approving Site Plan 3. Draft Planning Commission Minutes of April 24, 2006 4. Planning Staff reports 5. Applicant’s Documentation and Graphics | <p><u>Time Allocated:</u></p> | |

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

RESOLUTION NO. 2006-042

**A RESOLUTION APPROVING A VARIANCE TO
HEIGHT OF SIDE WALLS FOR ROCKPOINT CHURCH
CITY of LAKE ELMO**

WHEREAS, the applicants, Lakewood Evangelical Church and Patrick Kinney, have submitted an application for a variance to allow side walls of the new Rockpoint Church to be a maximum of 49 feet in height; **AND**

WHEREAS, at its April 24, 2006 meeting, the Planning Commission reviewed and unanimously recommended approval of this variance per plans presented by staff, as the same on file with the City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve the variance to side wall height based upon the recommendation of the Planning Commission and the following Findings:

Rockpoint Church to allow side walls of the structure to extend to a maximum of 49 feet based on the following Findings:

1. The property cannot be put to reasonable use without the granting of the variance requested. The proposed side wall height variance applies to only a portion of the building and relates to utilizing the site contours as they appear naturally and minimizing the impervious coverage of the site by creating floor area vertically rather than horizontally.
2. The variance requested results from circumstances unique to this Place of Worship use and the physical characteristics of the site.
3. Granting the variance will not change the essential character of the neighborhood.
4. In addition, the need for the variance arises due to the walk-out nature of the lot, that the intent of the Ordinance probably was not to preclude such a structure, and the neighboring homes this church might affect will be moving in after the church is being built so they will be aware of it before they move in.

ADOPTED, by the Lake Elmo City Council on the 2nd day of May, 2006.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

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

RESOLUTION NO. 2006-043

**A RESOLUTION APPROVING A
SITE PLAN FOR ROCKPOINT CHURCH**

WHEREAS, at its April 24, 2006 meeting, the Lake Elmo Planning Commission reviewed and unanimously recommended approval of a Site Plan for Rockpoint Church,
AND

WHEREAS, at its May 2, 2006 meeting, the Lake Elmo City Council reviewed the Site Plan for Rockpoint Church.

NOW, THEREFORE BE IT RESOLVED, that the Lake Elmo City Council approves the Site Plan for Rockpoint Church in accordance with plans staff dated April 24, 2006.

ADOPTED BY THE LAKE ELMO CITY COUNCIL on the 2nd day of May, 2006.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

**Excerpt DRAFT Lake Elmo Planning Commission Meeting
Minutes of April 24, 2006
Rockpoint Church**

PUBLIC HEARING: Variance-Rockpoint Church

The Planner said there are two items for the church tonight. The variance is for four things one is for the parking area and the applicant has relocated it to meet setbacks so the variance for that is now unnecessary, second is height of sidewall, third is height of the steeple, and fourth is exterior surface materials. The Planner spoke with the City Attorney regarding steeple height, the original provision for height in our Code was designed for an unoccupied area. Later adoption of the PF Ordinance modified the provision that pre-dated it, so the City Attorney said the applicant does not need a variance for the steeple. Performance Architectural Standards were adopted in many Zoning Districts and accidentally left out of the PF Zone. That hearing to modify Performance Standards in the PF Zone will be heard later tonight. That leaves the variance for sidewall height. The applicant's architect provided drawings to show another roof line and to remove the lower level windows. The Planner said this is a unique site and a mansard roof does not appear very church-like. He said that artificially closing the walk-out lower level seems to be unreasonable. The Planner said that a hardship for reasonable use can be made here so staff recommends approval.

Richard Stuhlman, BWBR Architects

Mr. Stuhlman presented a 3-D model of the church as originally designed. He said the largest portion of the building faces the trees. He also presented a site plan to show the church orientation on the site. He said it is several hundred feet from the church to the easterly property line. There are trees to the east on the property line but some on neighboring property. Mr. Stuhlman said in trying to force a solution to dispense with need for the variance, the building appearance does not really change very much for passersby and neighbors.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:35 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:36 P.M.

M/S/P, Fliflet/Pelletier to recommend approval of a variance for Rockpoint Church to allow side walls of the structure to extend to a maximum of 49 feet based on the following Findings:

1. The property cannot be put to reasonable use without the granting of the variance requested. The proposed sidewall height variance applies to only a portion of the building and relates to utilizing the site contours as they appear naturally and minimizing the impervious coverage of the site by creating floor area vertically rather than horizontally.
2. The variance requested results from circumstances unique to this Place of Worship use and the physical characteristics of the site.
3. Granting the variance will not change the essential character of the neighborhood.

**Excerpt DRAFT Lake Elmo Planning Commission Meeting
Minutes of April 24, 2006
Rockpoint Church**

4. In addition, the need for the variance arises due to the walk-out nature of the lot, that the intent of the Ordinance probably was not to preclude such a structure, and the neighboring homes this church might affect will be moving in after the church is being built so they will be aware of it before they move in.

Vote: 9:0.

Commissioner Ptacek suggested review of the Code for walkout buildings.

Site Plan: Rockpoint Church

M/S/P, Deziel/Schneider to take from the Table the Site Plan for Rockpoint Church and recommend approval based upon staff review. Vote: 9:0.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: April , 2006 for the Meeting of April 24, 2006

Applicant: Lakewood Evangelical Free Church

Location: Southeast Quadrant of Keats Avenue and State Highway 36

Requested Action: Zoning Variance – Sidewall Height

Land Use Plan Guiding: PF

Existing Zoning: PF

Site History and Existing Conditions:

On April 28, 2005 the City Council approved several concurrent applications related to the 20 acre site for which this Site Plan is here presented. Regarding this site, the City approved a Preliminary Plat creating the site and the public road that would serve the site; a Comprehensive Plan Amendment changing the classification of the site from RAD to PF, a rezoning of the site from RR to PF; and a Conditional Use Permit for a church facility on the 20 acre site. No Section 520 Site Plan was approved at that time, however. An OP Concept Plan was also approved for the balance of the overall 108 acres owned by the applicant by a separate action.

Subsequent to the 2005 approvals Valley Branch Watershed District issued a grading permit for the north portion of the 108 acres site (including the subject 20 acres and public street). The City Engineer also reviewed and approved the installation of water main in the public street. That installation was inspected during construction by City consultants, and includes trunk water main needed by the City for system looping purposes. The City Engineer is now preparing plans and specifications to extend City water main from the Sanctuary neighborhood to the Discover Crossing neighborhoods and then to this site during 2006.

The Planning Commission first considered a site plan for the 50,000+ square foot Rockpoint Church facility on April 10, 2006. That application was tabled pending proper variance hearing Notice when it was discovered by staff that there were four implied variances from PF or other zoning standards – exterior materials, sidewall height, steeple height, and parking setback.

Discussion and Analysis:

Since the April 10 Planning Commission meeting two of the four variances noted have ceased to be required and/or requested. The applicant has submitted revised site plan eliminating the parking setback issue; and, the staff has conferred with the City Attorney and secured his opinion regarding the internal Zoning Ordinance standards conflict related to the steeple height. The fourth variance – exterior materials – is also addressed by another Hearing on the April 24 Planning Commission agenda that, if adopted, would amend the PF district standards to incorporate the same architectural performance standards as were adopted for the commercial zones in 2002.

The City Attorney has advised that the apparent conflict between the general height limitation found in Section 300.12 of the ordinance (likely a 1980 vintage standard), and those that were

adopted specifically for the PF district in 2000 should be viewed in terms of both intent and timing. It was clearly the City's intent in the 2000 PF standards to address places of worship (and their special architectural needs related to symbolism). Since those special standards also clearly post date the general standard of 300.12 it is the PF standard that is applicable. No variance is required for the steeple/cross proposed by the Rockpoint site plan.

Staff has previously advised the Commission that the 2002 application of the amended architectural performance standards should have been extended to the PF zone as well as the commercial zones – and we thought it had been when during earlier advice the applicants. The Rockpoint site plan is responsive to those 2002 standards. If the Code amendment to extend those standards to PF is recommended by the Planning Commission on April 24 and adopted by the City Council on May 2, no variance or modification of exterior surfacing will be required on the Rockpoint site plan.

Assuming the foregoing, the only remaining variance is that for sidewall height. The PF standard for sidewall height is 35 feet. The Rockpoint site plan proposes a widely varying sidewall height (depending on where and which side of the building is measured). There are locations where the sidewall height ranges up to 49 feet. By a March 29, 2006 letter from the Rockpoint architects (BWBR) the applicant has presented its case for hardship based primarily on the physical characteristics of the site.

Findings and Recommendations:

The Commission should be aware that staff had previously advised the applicant's consultants/architects that there would be a height compliance issue with the plan they had brought to a pre-application meeting with staff.

The applicant argues (by the March 29, 2006 letter) that the efficient site utilization dictates the "extra" finished level of the building, and that dictates the sidewall height proposed. Clearly, the actual site chosen (from an initial 108 acres of "choices") would suggest the "walkout" design proposed. Clear also is the applicant's argument that, by adding the extra level to the building, impervious coverage of the site is reduced from what it would be should the building's "program" be built without the extra level. The single question that results appears to be whether that argument constitutes a hardship in terms of the reasonable use of the property. Given this is a unique structure to Lake Elmo by any measure, and the overall characteristics of the site and its relationship to surrounding lands, staff suggests that the sidewall height proposed does constitute a reasonable use of the property, and the following findings are suggested:

1. The property can not be put to reasonable use without the granting of the variance requested. The proposed sidewall height variance applies to only a portion of the building and relates to both utilizing the site contours as they appear naturally and minimizing the impervious coverage of the site by creating floor area vertically rather than horizontally.
2. The variance requested does result from circumstances unique to this Place of Worship use and the physical characteristics of the site.
3. Granting of the variance will not change the essential character of the neighborhood.

These Findings and recommendation assume that the amendment to the PF performance standards will be recommended by the Planning Commission and adopted by the City Council thereby removing the variance action for exterior surfacing.

Planning Commission Actions Requested:

Motion to recommend approval of a variance for the Rockpoint Church to allow sidewalls of the structure to extend to a maximum of 49 feet based on the Findings of the Planning Staff Report of April 20, 2006, and per plans staff dated April 20, 2006.



Charles E. Dillerud, City Planner

Attachments:

1. Applicant's Documentation and Graphics



March 29, 2006

RECEIVED
APR 05 2006

04/24/06
KAR

Mr. Chuck Dillarud
Planning Department
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, Minnesota 55042

Re: Variance Request Rockpoint Church
Lake Elmo, Minnesota
BWBR Commission No.: 2005.091.00

Architecture • Interior Design

Dear Chuck and Members of the Planning Commission:

As a result of the Commission's action to table the final site plan submittal at last night's meeting (March 27, 2006), I am writing to request variances for the items noted in the Lake Elmo Planning Commission Staff Report dated "March 23, 2006, for the meeting of March 27, 2006".

In regard to the "Discussion and Analysis" section, we have the following comments:

- Item No. 1: No comment.
- Item No. 2: Submittal documents and construction drawings will be modified to correct parking setback.
- Item No. 3: No comment.
- Item No. 4: It is our understanding that it is the Planning Commission's intent to amend the PF Zoning requirements to match exterior materials performance standards of the commercial zoning district, which would allow approximately 20% of the exterior surface, proposed to be pre-finished architectural grade metal. In the interest of time and uncertainty as to when this amendment would be considered, we hereby request that a variance be accepted and approved to allow the exterior walls of the proposed church building be clad and trimmed with approximately 20% architectural metal. The project scope and scale is very much of a commercial nature, and in keeping with those types of material usage. The hardship is only that it was only an oversight by the City that the PF ordinance was not amended along with the business/commercial zone ordinance when that was modified.
- Item No. 5: The structural side wall on the southeast exterior wall of the church exceeds 35' in height. The wall in question has a sloping roof edge varying from 40' to 49' above grade (see elevation 1C/513, Partial Exterior Elevation). We hereby request a variance to allow this condition to exceed the 35' maximum in this location considering the following reasons:

Lawson Commons

380 St. Peter Street, Suite 600

Saint Paul, MN 55102-1996

651.222.3701

fax 651.222.8961

www.bwbr.com

- The site surrounding the church and neighborhood is made up of rolling hills, a mature, heavily forested area to the south of the building. The east property line is over 600' – two football fields, from the building's east wall. All other walls of the building are under the 35' height maximum, again the exception being the east/southeast wall of the Sanctuary.
- To be sensitive to the site, the church chose to place program space under the Sanctuary to minimize the footprint of the building. The position of the church on the side of a hill, gave us the opportunity to open both floors of the church on the south and east sides to the views and day-lighting, allowing a walkout condition from the lower level and windows into the classrooms below the Sanctuary on the upper floor. This planning and design is favorable to the general use of the lower level spaces.
- The views of this southeast wall from the neighboring, proposed housing development, the adjacent eastern property owner, and the general public is very limited from view due to the nature woods and the distances (see sheets C-1 and 200.2CR).
- If forced to comply with the 35' height restriction, one solution would be to maintain the higher grades and retaining walls around to the east/southeast against the building, artificially covering the lower wall and the opportunity for views and day-lighting into the lower level. Another solution would be to construct a mansard-type false roof appendage to the southeast wall that would drop the effective sidewall to 35' above grade. Clearly these two options are poorer solutions to the design of the building.
- The hardship of this variance request, to allow the building side wall in this one area of the building to exceed 35', is in fitting the building to the site in good design practice to accommodate classroom space with day-lighting and views. We ask for your consideration and approval of this request.
- Item No. 6: In response, and in clarification of the "District Requirements in PF Zoning District", ordinance regarding "Unoccupied Structure Above the Highest Point of the Roof", our interpretation is as follows:
 - The building height is governed by the "Principal Structure Height – Maximum – with Structure", and is established as 50 feet...
 - In the next category down, unoccupied structure above the highest roof is established at 25'. Our building's highest roof point (Sanctuary) is 49'-4" above grade, suggesting that the highest point of the cross be established at 74'-4" above grade.

The masonry "pier" structure, to which the cross is attached, is also unoccupied and the established height is 60'-0" above grade on the drawings.

- In your response letter of March 23, 2006, you indicate that there is a conflict between sections of your ordinance. Our design is based on the District Requirements noted above.
- So as not to delay the review and approval of this submittal, we will request a variance to overcome the conflict and establish the cross height maximum as 75' above grade and the supporting masonry pier height maximums at 60' above grade.
- Item No. 7: Exterior site lighting manufacturer cut sheet is attached for the fixture in question. This fixture head allows a 20' height pole on a 3' high concrete base with a 90 degree cut off angle.

Item No. 8: No comment.

Please call with questions in any of this regard. We hope for a speedy and successful outcome. We are positive the built outcome will be a great addition to the neighborhood and the Lake Elmo Community. Thank you for your cooperation.

Respectfully,

If you have any questions, or require additional information, please call me at 651/290-1997.

Sincerely,

BWBR ARCHITECTS, INC.

Tom Dornack
Project Manager

Attachment

c: Chuck Palmer, Building Committee Chair, Lakewood Evangelical Free Church
Paul Danielson, Project Manager, Kimley Horn
Peter G. Smith, Principal-In-Charge, BWBR Architects

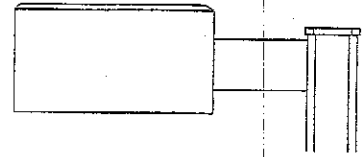
/ce

Notes:

Job:
Type:

FORM 10 SQUARE

EH/H/HT ARM MOUNT



GENERAL DESCRIPTION: The Gardco arm mounted Square Form 10 products are sharp cutoff luminaires for high intensity discharge lamps up to 1000 watts. The EH units are manufactured from mitered extruded aluminum and finished in an Architectural Class 1 anodizing. The H and HT style luminaires are dieformed aluminum with a thermoset polyester finish. Both products can accept one of eight (8) interchangeable and rotatable precision segmented optical systems.

ORDERING

| PREFIX | CONFIGURATION | DISTRIBUTION | WATTAGE | VOLTAGE | FINISH | OPTIONS |
|--------|---------------|--------------|---------|---------|--------|---------|
| | | | | | | |

Enter the order code into the appropriate box above. Note: Gardco reserves the right to refuse a configuration. Not all combinations and configurations are valid. Refer to notes below for exclusions and limitations. For questions or concerns, please consult the factory.

PREFIX

| | |
|------|--------------------------------------|
| EH14 | 14" Square Extruded Luminaire |
| EH19 | 19" Square Extruded Luminaire |
| H14 | 14" Square Fabricated Luminaire |
| H19 | 19" Square Fabricated Luminaire |
| HT19 | 19" Tall Square Fabricated Luminaire |
| H26 | 18" Square Fabricated Luminaire |

CONFIGURATION

| | | | |
|------|----------------------|-------|----------------|
| 1 | Single Assembly | 3@120 | Triple at 120° |
| 2 | Twin Assembly | 4 | Quad Assembly |
| 2@90 | Twin Assembly at 90° | | |
| 3 | Triple at 90° | | |

DISTRIBUTION

Horizontal Lamp

| | |
|----|------------------------|
| 1 | Type I |
| 3 | Type III |
| 4X | Type IV (19"/19" only) |
| FM | Type IV |
| Q | Type V |

Type 4X optics supplied with sag glass lens standard.

Vertical Lamp

VS Type V

14" and 19" supplied with acrylic sag lens. 26" supplied with sag glass lens. Medium base, 200w max on 14" units.

FC3V* Full Cutoff Type III
FCVS* Full Cutoff Type V

*19" 320PSMH only. Supplied w/MS320/BU/ED28/LLG/PS lamp

WATTAGE

| 14" | 19" | 19" | 26" | |
|------------------------|-----------------------|---------------------------|------------------------|--|
| 100MH ¹ | 250MH | 1000MH ^{2,3,4,5} | 1000MH | 1. Medium base lamp |
| 150MH ¹ | 400MH | | | 2. Available with vertical lamp optics only. |
| 175MH | | 750PSMH ¹¹ | 750PSMH ¹¹ | 3. Operates 55V lamp. |
| 200MH | 250PSMH ¹¹ | 1000PSMH ^{11,12} | 1000PSMH ¹¹ | 4. M138 or M153 |
| 250MH ¹ | 320PSMH ¹¹ | | | 5. Uses BT37 lamps only. |
| | 350PSMH | 750HPS | 750HPS | 6. M132 or M154 |
| 175PSMH ^{2,3} | 400PSMH ⁷ | 450PSMH ⁸ | 1000HPS | 7. M135 or M155 |
| 100HPS | 450PSMH ⁸ | | | 8. M137 or M152 |
| 150HPS ⁹ | 250HPS | | | 9. Available with Horizontal optics only. |
| | 400HPS | | | 10. Available with 4X and VS optics only. |
| | | | | 11. M148 only. Horizontal optics require MS750/PS/BU/HCR/BT37 lamp |
| | | | | 12. For 1000w HT19 w/4X optics, see warning below: |

For 1000 Metal Halide, use:

| Brand | Product Code | Catalog Number |
|---------|--------------|---------------------|
| Venture | 53702 | MS1000W/HOR/BT37/3K |
| G.E. | 18205 | MVR1000/U/BT37 |
| Venture | 15332 | MH1000W/U/BT37 |

For 1000 Pulse Start, use:

| Brand | Product Code | Catalog Number |
|---------|--------------|--------------------|
| G.E. | 10389 | MVR1000/U/BT37/PA |
| Venture | 49111 | MS1000W/HOR/T25/PS |

WARNING: Use of other lamps voids warranty

VOLTAGE

| | | | |
|-----|-----|-----|--|
| 120 | 240 | 347 | QUAD |
| 208 | 277 | 480 | 120/208/240/277, Factory tied to 277V. |

MH Metal Halide
PSMH Pulse Start Metal Halide
HPS High Pressure Sodium

FINISH

EH and H26

| | |
|-----|---|
| BLA | Black Anodized |
| BRA | Bronze Anodized |
| NA | Natural Aluminum Anodized |
| OC | Optional Color Paint Specify RAL designation as shown in Color Selection Guide. ex: OC-RAL7024 |
| SC | Special Color Paint Specify. Must supply color chip. |

H/HT Style

| | |
|-----|---|
| BRP | Bronze Paint |
| BLP | Black Paint |
| OC | Optional Color Paint Specify RAL designation as shown in Color Selection Guide. ex: OC-RAL7024 |
| SC | Special Color Paint Specify. Must supply color chip. |

OPTIONS

| | | | |
|------|---|------|--|
| F | Fusing In Head | CD | Clear Drop Diffuser EH Style only |
| LF | In-Line/In-Pole Fusing | MF | Mast Arm Fitter |
| PC | Photocontrol and Receptacle N/A with 480V. | MU | 10° Uptilt Bracket |
| PCR | Photocontrol Receptacle only | UB | Quick Disconnect for Ballast Tray |
| POLY | Polycarbonate Sag Lens In lieu of flat glass. N/A with 4X optics. 450w maximum. | AP | Adjustable Knuckle - Pole Mount Only available with 1 way and 2 @ 180° mounting |
| HS | Internal Houseside Shield Supplied standard with FM optics. | AT | Adjustable Knuckle - Tenon Mount Fits 2 3/8" tenon. N/A with 14" units |
| QS | Quartz Standby | PTF2 | Pole Top Fitter - 2 3/8" Dia. Tenon |
| SG | Sag Glass Lens In lieu of flat glass Supplied standard with 4X optics and 26" VS | PTF3 | Pole Top Fitter - 3-3 1/2" Dia. Tenon |
| | | PTF4 | Pole Top Fitter - 3 1/2-4" Dia. Tenon |

Gardco Lighting reserves the right to change materials or modify the design of its product without notification as part of the company's continuing product improvement program. The 4X optical system is protected by U.S. patent number 5690422.

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A Genlyte Company

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2661 Alvarado Street
San Leandro, CA 94577

800/227-0758
510/357-6900 in California
Fax: 510/357-3088
www.site-lighting.com



GARDCO
LIGHTING

79115-43/1104

4/24/03
KAA

FORM 10 SQUARE

EH/H/HT ARM MOUNT

SPECIFICATIONS

GENERAL: Each Gardco Square Form Ten arm mount is a sharp cutoff luminaire for high intensity discharge lamps. Units are designed with half-cube proportions. Internal components are totally enclosed, rain-tight, dust-tight and corrosion resistant. No venting of optical system or electrical components is required or permitted. Luminaires are completely assembled with no disassembly required for installation. Lamping requires no lifting or hinging of the luminaire housing, disturbing wiring or exposing uninsulated live parts.

HOUSING: Extruded housings (EH style) are offered in 14" and 19" sizes and are composed of precisely mitered anodized aluminum extrusions. Fabricated (H style) units are available in 14", 19", T19" and 26" sizes and are one piece, multi-formed aluminum with an integral reinforcing spline and a single concealed joint. All units feature a press formed aluminum top which is welded to the housing sides. Pressure injected silicone provides a continuous weathertight seal at all miters and points of material transition.

ARM: Extruded aluminum arm is prewired and secured to fixture by contractor. Assembly is suitable for mounting to pole without requiring access to luminaire.

LENS: Mitered, extruded anodized aluminum door frame retains the optically clear, heat and impact resistant tempered flat glass in a sealed manner using hollow section, high compliance, memory retentive extruded silicone rubber. Luminaires with Type 4X optics and 26" VS units feature a sag glass lens and VS unit employs sag acrylic lens. Concealed stainless steel latch and hinge permit easy toolless access to the luminaire.

OPTICAL SYSTEMS: The segmented Form Ten optical system is homogeneous sheet aluminum, electrochemically brightened, anodized and sealed. The segmented reflectors are set in faceted arc tube image duplicator patterns to achieve IES Types I (1), III (3), IV (FM), and V (Q - horizontal lamp and VS - vertical lamp) distributions. The mogul lampholder is glazed porcelain with a nickel plated screw shell with lamp grip - all securely attached to the reflector assembly. 100MH units have medium base lampholder. All Metal Halide units in the 19" and 26" housings have lamp stabilizers ensuring precise arc tube positioning.

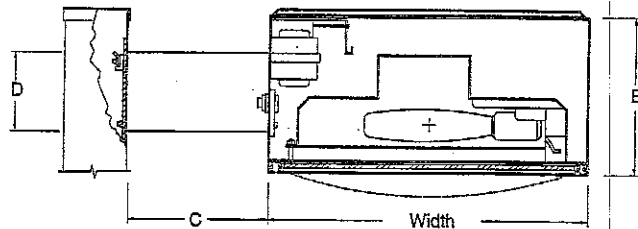
ELECTRICAL: Each high power factor ballast is the separate component type, capable of providing reliable lamp starting down to -20° F. The ballast is mounted on a unitized tray and secured within the luminaire, above the reflector system. Component-to-component wiring within the luminaire will carry no more than 80% of rated current and is listed by UL for use at 600 VAC at 150°C or higher. Plug disconnects are listed by UL for use at 600 VAC, 15A or higher.

FINISH: Extruded housings (EH style) are standard with natural, bronze, or black Aluminum Association Architectural Class I anodized finish. Special color polyester finishes are available.

Formed housings (H style) are standard with a chromatic acid pretreatment and an epoxy undercoat. The finish coat is a thermosetting polyester baked at 450° F to achieve an H-2H hardness measure. 26" H style units are also offered with optional Architectural Class I anodized finish.

LABELS: All fixtures bear UL or CUL (where applicable) Wet Location labels.

DIMENSIONS



| Size | Width | B | C | | D |
|------|----------|----------|----------|----------|----------|
| | | | 1-2 way | 3-4 way | |
| 14 | 14" | 7" | 2" | 6" | 5" |
| | 35.56 cm | 17.78 cm | 5.08 cm | 15.24 cm | 12.70 cm |
| 19 | 19" | 10" | 2" | 9" | 5" |
| | 48.26 cm | 25.40 cm | 5.08 cm | 22.86 cm | 12.70 cm |
| T19 | 19" | 12" | 2" | 9" | 5" |
| | 48.26 cm | 30.48 cm | 5.08 cm | 22.86 cm | 12.70 cm |
| 26 | 26" | 12" | 12" | 12" | 8" |
| | 66.04 cm | 30.48 cm | 30.48 cm | 30.48 cm | 20.32 cm |

| Size | EPA's (ft ²) | | | Approximate Weight (lbs) | | |
|------|--------------------------|------|-----|--------------------------|------|------|
| | Single | Twin | 3/4 | Single | Twin | Quad |
| 14 | 1.1 | 2.3 | 2.9 | 30 | 60 | 120 |
| 19 | 2.1 | 4.0 | 5.5 | 55 | 110 | 220 |
| T19 | 2.2 | 4.3 | 6.4 | 65 | 130 | 260 |
| 26 | 3.5 | 7.0 | 8.9 | 95 | 190 | 380 |

10/4/24/06
KAA

Gardco Lighting reserves the right to change materials or modify the design of its product without notification as part of the company's continuing product improvement program. The 4X optical system is protected by U.S. patent number 5690422.

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A Genlyte Company

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2661 Alvarado Street
San Leandro, CA 94577

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510/357-6900 in California
Fax: 510/357-3088
www.sitelighting.com



79115-43/1104



Laverton Cummings
380 So. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701

Contract:

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

Name:

Date: 2-10-2006 Reg. No. 22095

Issued For:

| Date | By |
|----------|---------------------|
| 02/20/05 | OWNER REVIEW |
| 10/14/05 | PD. PRICING |
| 01/23/06 | REVIEW SET |
| 02/10/06 | CD. BID ISSUE |
| 3-2-06 | SITE PLAN SUBMITTAL |

Date: 02/10/06 Drawn: CP/AM/MRB

Comm. No. 2005.091.00 Checked: KF

Sheet Title: EXTERIOR ELEVATIONS

as proposed for variance

Sheet No.:

512

side wall surface area ranges from 5'-0" to 15'-0" over ordinance.

roof peak

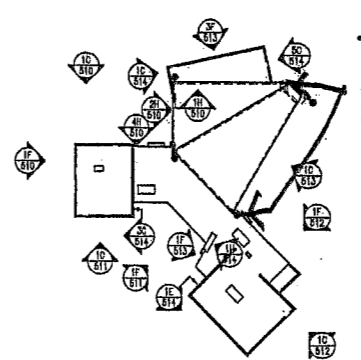
grade hgt

roof peak

lower grade

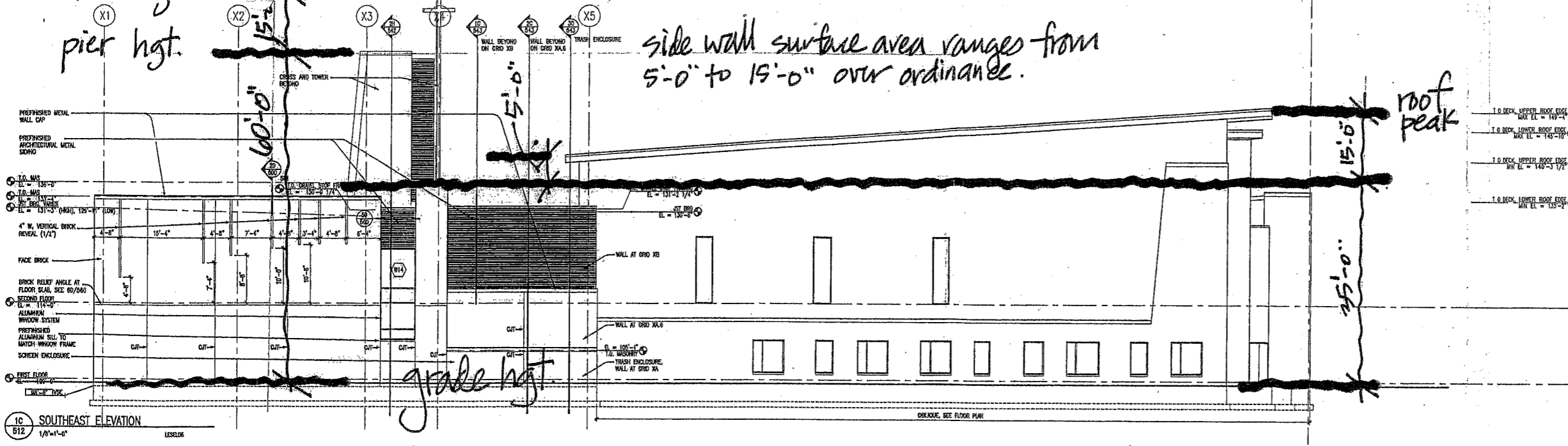
grade rises to front door

EXTERIOR ELEVATION KEYPLAN

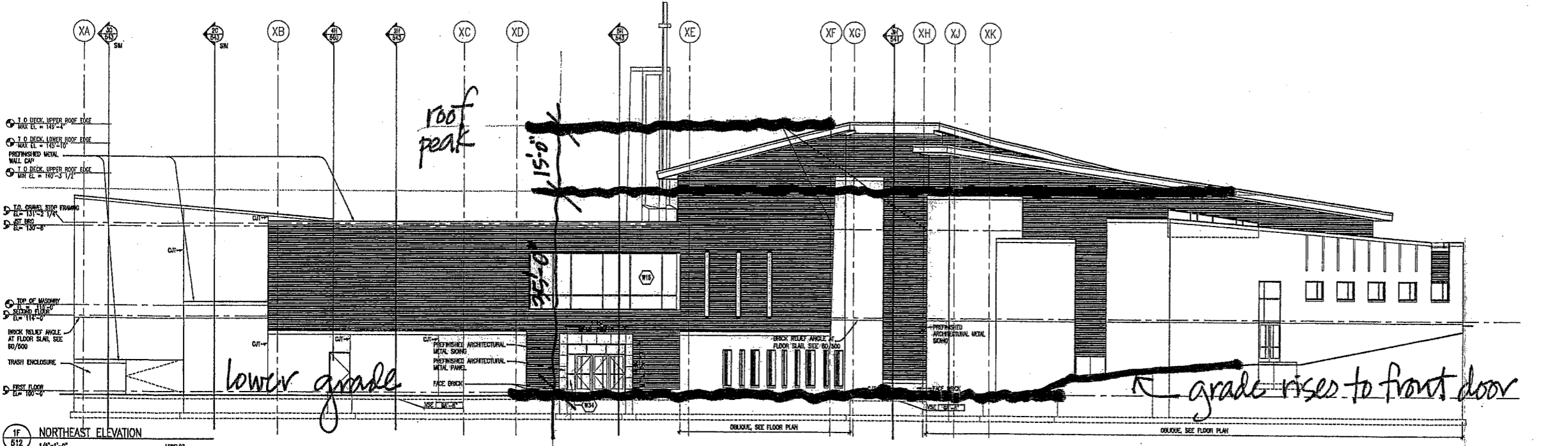


this is only side affected

04/24/06
KAF



1C SOUTHEAST ELEVATION
512 1/8"=1'-0"



1F NORTHEAST ELEVATION
512 1/8"=1'-0"

Scale: 1/8" = 1'-0"



Lawson Commons
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701

Consultants

I hereby certify that the plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

Date: 2-10-2005 Reg. No. 20095

Issued For:

| Rev | Date |
|---------------------|----------|
| OWNER REVIEW | 08/30/05 |
| DD PROGN | 10/14/05 |
| REVIEW SET | 01/23/06 |
| CD PRO ISSUE | 02/10/06 |
| SITE PLAN SUBMITTAL | 3-2-06 |

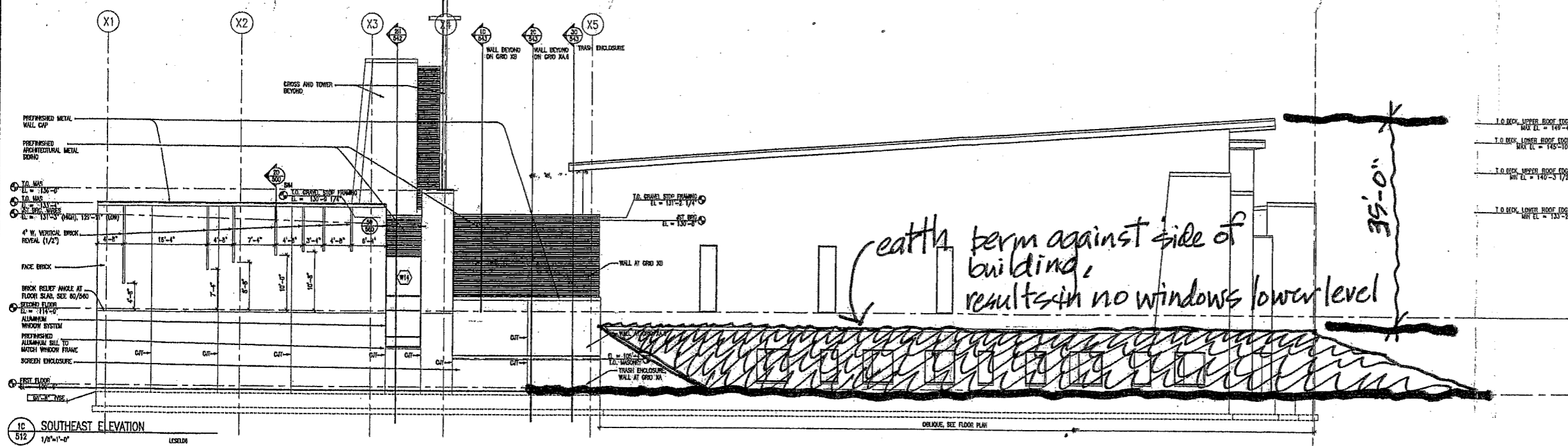
| Date | Drawn |
|-------------|------------|
| 02/10/06 | CP/ALW/NRB |
| Drawn No. | Checked |
| 2005.091.00 | KF |

EXTERIOR ELEVATIONS

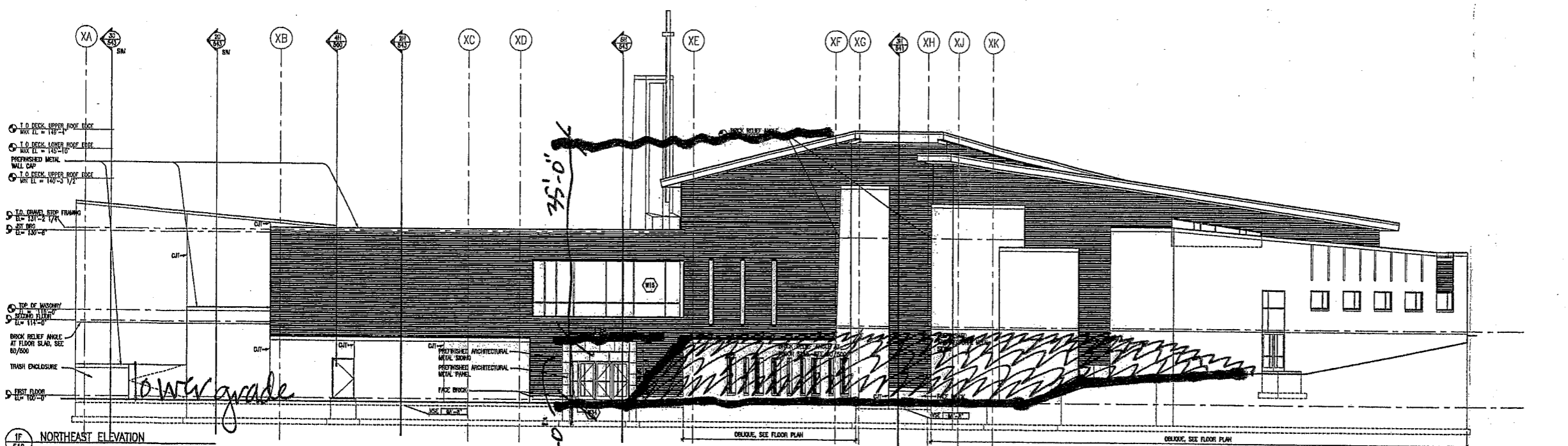
earth term option

Sheet No.

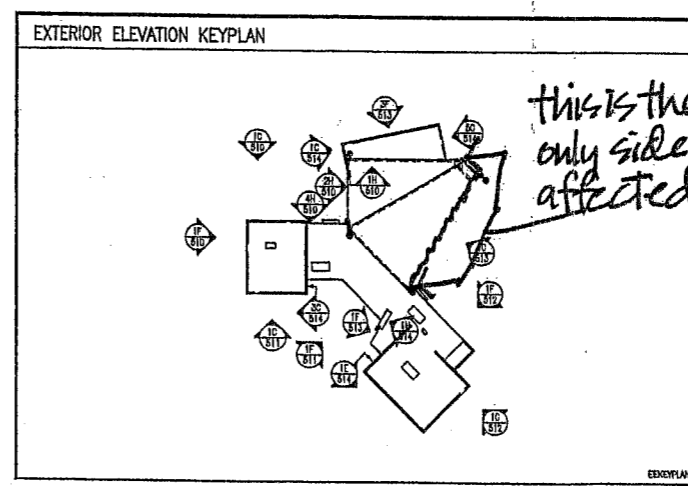
512



1C
512
SOUTHEAST ELEVATION
1/8"=1'-0"



1F
512
NORTHEAST ELEVATION
1/8"=1'-0"



*04/24/06
KAA*

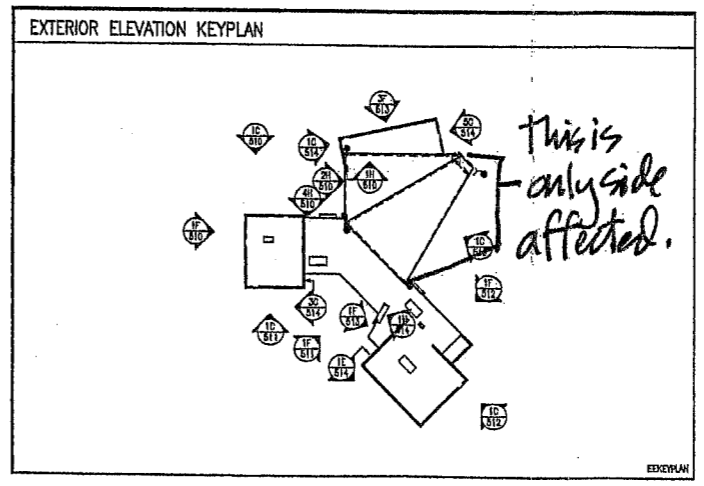
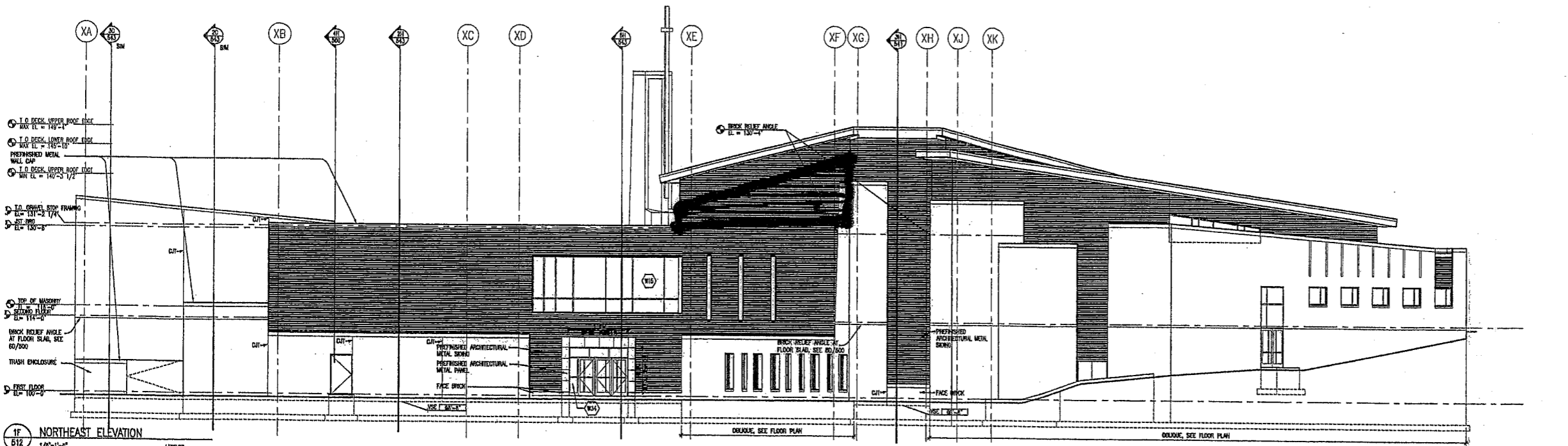
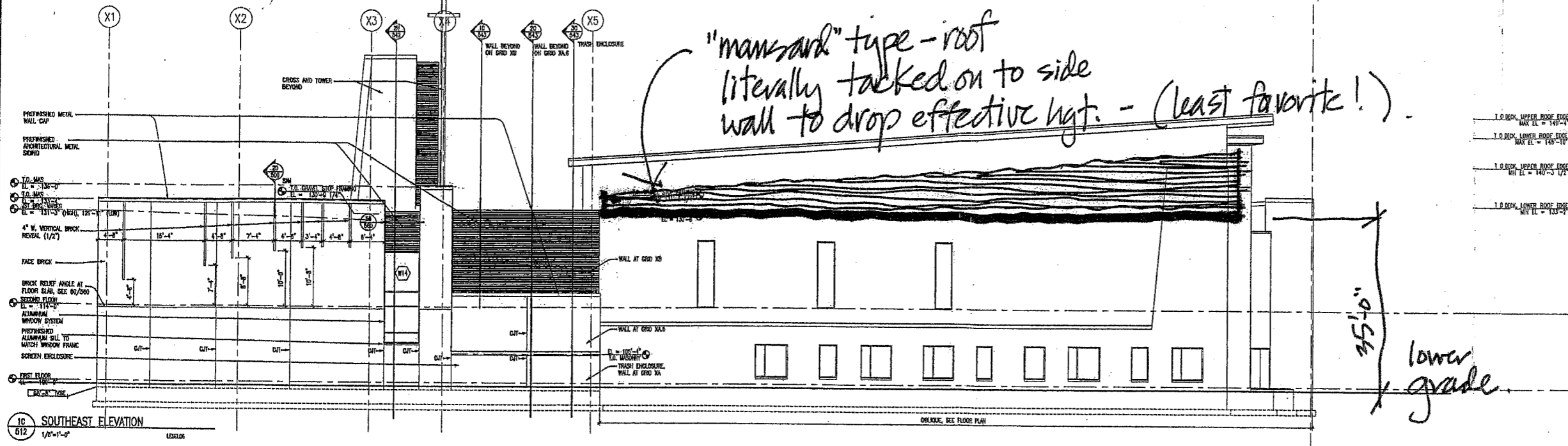


Lawson Commons
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701

Consultant

"mansard" type - roof
literally tacked on to side
wall to drop effective hgt. - (least favorite!)

45'-0"
lower grade



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

Date: 2-10-2006 Proj. No. 200605

| Item | Date |
|---------------------|----------|
| OWNER REVIEW | 06/20/05 |
| BD PROLOG | 10/14/05 |
| REVIEW SET | 01/23/06 |
| CD - BD ISSUE | 02/10/06 |
| SITE PLAN SUBMITTAL | 2-2-06 |

Date: 02/10/06 Drawn: CP/ALW/MRD
Comm. No. 2005.091.00 Checked: KF

Sheet Title: EXTERIOR ELEVATIONS

"mansard" roof option.

Sheet No. 512

04/24/06
KAA

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: March 23, 2006 for the Meeting of March 27, 2006

Applicant: Lakewood Evangelical Free Church

Location: Southeast Quadrant of Keats Avenue and State Highway 36

Requested Action: Section 520 Site Plan

Land Use Plan Guiding: PF

Existing Zoning: PF

Site History and Existing Conditions:

On April 28, 2005 the City Council approved several concurrent applications related to the 20 acre site for which this Site Plan is here presented. Regarding this site, the City approved a Preliminary Plat creating the site and the public road that would serve the site; a Comprehensive Plan Amendment changing the classification of the site from RAD to PF, a rezoning of the site from RR to PF; and a Conditional Use Permit for a church facility on the 20 acre site. No Section 520 Site Plan was approved at that time, however. An OP Concept Plan was also approved for the balance of the overall 108 acres owned by the applicant by a separate action. The Preliminary Plat responsive to that Concept Plan appears elsewhere on this agenda. No Final Plat or Development Agreement has been approved for any of the overall 108 acre site.

Subsequent to the 2005 approvals Valley Branch Watershed District issued a grading permit for the north portion of the 108 acres site (including the subject 20 acres and public street). The City Engineer also reviewed and approved the installation of water main in the public street. That installation was inspected during construction by City consultants, and includes trunk water main needed by the City for system looping purposes. The City Engineer is now preparing plans and specifications to extend City water main from the Sanctuary neighborhood to the Discover Crossing neighborhoods and then to this site during 2006.

Discussion and Analysis:

This Staff Report addresses only the compliance with PF standards for "Places of Worship" and other applicable City Codes for the Section 520 Site Plan submitted for the 200 acre parcel. Staff findings regarding compliance are as follows:

1. All PF zoning structure set backs appear to be complied with.
2. While there are no parking set back standards specific to the PF zone, Section 300.13, Subdivision 6 specifies that there shall be no off-street parking within 20 feet of a public street right-of-way. The applicant proposes 15 off-street parking spaces closer than 20 feet from the public street right-of-way at the northwest corner of the parking lot. A site redesign or variance will be necessary.
3. Sufficient parking lot interior landscape islands are provided.
4. The exterior materials performance standards for the PF zoning district were not amended in 2002 as were those of the commercial zoning districts. A copy of those PF standards is

*Repeated
Submission
April 24, 2006
for Planning
Commission
Meeting*

attached. We note that the only allowable exterior surfacing materials in the PF zone are "brick, stone, and glass". This site plan submission depicts approximately 20% of the exterior surface proposed to be "pre-finished architectural metal". Either a plan revision or a variance would be required. All sloped roofing is proposed to be "standing seam metal" which is permitted by PF performance standards.

5. PF standards provide for a maximum building height of 50 feet., but no structure side wall exceeding 35 feet in height. With measurement of building height on a pitched roof taken from the mid point of the pitch slope it appears that the roof height of the structure complies with the 50 foot standard. However, it also appears that that structure side walls exceed the 35 foot maximum height at several locations – in some places nearly 50 feet. Either a redesign or a variance would be required.
6. Section 300.12 of the Zoning Ordinance specifies that no building shall exceed 35 feet in height, including "...church spires...". It would appear that the PF standards as to building height may supersede that standard (one more internal conflict of the Zoning Ordinance), but inclusion of church spires in that limitation would seem to imply that if the PF height standard is 50 feet, church spires must be included in the maximum height calculation. Either the church spire needs to be reduced in height or a variance applied for.
7. The exterior lighting plan appears to potentially comply with Section 1350 standards for nonresidential sites. The levels of illumination forecasted are within the limits specified by the ordinance (except with 20 feet of the light source – now permissible). We do not find "cut sheets" of the light fixtures specified (by model number only) so we can not ascertain the degree of cut-off angle for those fixtures. That fixture information will be required to enable a determination as to whether a 20 foot or 30 foot fixture height must be used. The site plan specifies a 23 foot fixture height (including the 3 foot base – which must be included).
8. The site landscape plan is extensive and should comply with the Section 520 standards for value as a percentage of project costs.

The only outside reviews requested for this site plan have been to the City Engineer and Valley Branch. Both have recently responded and their review comments are attached. Staff does not detect any major issues raised by those reviews, but recommends the usual conditions of approval to include compliance with Engineer and Watershed recommendations.

Findings and Recommendations:

The Commission should be aware that staff had previously advised the applicant's consultants that there would be a height compliance issue with the plan they had brought to a pre-application meeting with staff. The project architects (BWBR) have submitted a letter dated March 1, 2006 addressing the building height issue. It appears that the architects are arguing that height should be measured only from the "primary entrance" building elevation. I see no such reference in the City Code definition of building height. Staff was not at the time of that pre-application meeting aware that the PF zone was excluded (but should not have been) from the amended Performance Standards adopted for all commercial zones in 2002.

Based on the foregoing staff review it appears that this site plan proposes at least three design features that are non-compliant with City Code standards. If it is the applicant's intention to continue to pursue those non-compliant design features (height, exterior surfacing materials and parking set back) it will be necessary to publish Legal Notice and conduct a hearing on the resulting variance applications. That Hearing can not take place until at least the April 10 Planning Commission meeting.

The modifications required to the site plan (structure) that would be required should the applicant decide to redesign for Code compliance (or should applied-for variances be denied) are significant. We do not recommend this site plan review processing move beyond the Planning Commission until the non-compliance issues are resolved in some manner.

Planning Commission Actions Requested:

Staff recommends the Rock Point Church Section 520 Site Plan be tabled pending either redesign of the project for City Code compliance or consideration of an application for variances to those Code standards. The completed application date is March 5, 2006 . For compliance with the State 60 day w\review requirement the last meeting at which the Commission can consider this matter is April 24, and the last meeting at which the City Council can act is May 2, 2006.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. City Engineer's Memo
3. Valley Branch Review
4. Applicant's Documentation and Graphics

Chuck Dillerud

From: Thomas D. Prew [prew.td@tkda.com]
Sent: Thursday, March 23, 2006 3:42 PM
To: Chuck Dillerud
Cc: Kimberly Anez
Subject: Rock Point Church

Rockpoint Church Site Plan Review

Septic

1. The project requires a State Permit. They have submitted this plan for review to the MPCA. The final permit will not be done for a few months.
2. The developer will build the entire septic system at one time. The church is not scheduled to open until April 2007.
3. A monitoring plan, mitigation plan and operating plan and emergency response plan is required for City Approval.
4. Sewage could back-up into the church basement should the lift station lose power. A Emergency response plan is necessary.

Drinking Water.

1. The City is currently designing a watermain to provide water to this subdivision. Water should be available this summer.
2. The Fire Chief should review hydrant placement around the building.
3. The watermain through the residential portion of the subdivision will need to be completed in order for this building to have water service.
4. Watermain within the site will be private. However the City will need to witness all testing of it.

Drainage

1. A VBWD permit is required.
2. Developer shall submit a copy of their NPDES permit and SWPP.
3. Final acceptance of the project by the City cannot occur until all disturbed have turf established and no erosion is present.

Streets

1. A temporary turn-around is required on the end of the street unless the residential portion of the project is completed this summer.
2. Catch basin castings shown on the plan are correct, however those that have been delivered in the field are not.
3. Construction of the public street should be part of a Developer's Agreement.

Tom

Thomas D. Prew, P.E.
Senior Registered Engineer
Municipal Services Division
phone: 651/292-4463
fax: 651/292-0083
e-mail: prew.td@tkda.com

TKDA
1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, Minnesota 55101-2140
www.tkda.com

March 22, 2006



Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Hidden Meadows (Deer Glen) and Rockpoint Church (Lakewood Evangelical Free Church)

Dear Mr. Dillerud:

Thank you for submitting the materials regarding the proposed Hidden Meadows (formerly known as Deer Glen) and the Rockpoint Church (formerly known as Lakewood Evangelical Free Church). The Rockpoint Church information is for the wastewater treatment system. The Valley Branch Watershed District does not regulate nor have standards for wastewater treatment systems, so my comments within this letter are regarding the Hidden Meadows materials.

The Valley Branch Watershed District Managers approved a permit for the Deer Glen subdivision and the Lakewood Evangelical Free Church on November 11, 2004. Construction of the church began last fall. The plans that you provided appear consistent with the plans that were approved by the Valley Branch Watershed District for the church, but not for the subdivision. Therefore, a new Valley Branch Watershed District Permit will be required.

The current plans show substantial grade changes, additional residential lots, and longer, realigned roads. These changes will add more impervious surfaces than that of the previous plans and could affect the hydrology to the wetlands and the flood levels of the low areas. The developer will need to provide the necessary stormwater management features to handle the additional runoff produced from the additional impervious surfaces, show that wetlands will not be negatively impacted, and ensure that the proposed homes will be protected from flooding.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the Valley Branch Watershed District

c: Lincoln Fetcher, VBWD President
Paul Danielson, Kimley-Horn and Associates, Inc.



LINCOLN FETCHER DAVID BUCHECK DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org
LAKE ELMO, MINNESOTA 55042-0538



Kimley-Horn
and Associates, Inc.

RECEIVED
MAR 05 2006

March 3, 2006

Mr. Chuck Dillerud
City of Lake Elmo
Planning Department
3800 Laverne Avenue North
Lake Elmo, MN 55042

■
Suite 345N
2550 University Avenue West
St. Paul, Minnesota
55114

Re: Rockpoint Church (formerly known as Lakewood Evangelical Free Church)
Final Site Plan Submittal

Dear Mr. Dillerud:

On behalf of the Lakewood Evangelical Free Church (LEFC), Kimley-Horn and Associates, Inc. (KHA) is submitting a Final Site Plan for your review and approval. As you are aware, LEFC received several approvals (with several conditions) for their 108 acres of property within the City of Lake Elmo. The property is "L-shaped" bounded by Trunk Highway (TH) 36 on the north, Keats Avenue on the west, and rural residential (but largely undeveloped) on the east and south. A portion of the west property abuts rural residential developed lots.

The approved OP Development/Concept Plan shows the entire 108.62 acres and was divided into the same three parcels as previously shown. Parcel A is the 20 acre parcel that was reguidd and rezoned along with a conditional use permit (CUP) to public facility (PF). The LEFC building would be constructed on this parcel. Parcel B is a 69.37 acre parcel that we are requesting a CUP for an OP development within the current RR zoning. Parcel C is an 18.97 acre parcel that we are requesting be maintained at the current RR zoning.

LEFC has decided that as part of the move to Lake Elmo the church will be renamed to Rockpoint Church. In addition, shortly the developer of the OP residential development will be submitting a preliminary plat. The name of the development will be Hidden Meadows of Lake Elmo. Therefore, it was determined that the final plat for Rockpoint Church should be called Hidden Meadows of Lake Elmo. We do not intend to use the previous name of "Deer Glen".

Other Issues

Wastewater System

The previous submittals have indicated that Parcel A and B will be served by a community wastewater system. North American Wetland Engineering, P.A. (NAWE) has reviewed their previous work and has made minor changes to the layout to confirm that the development proposed by Parcels A and B can be adequately accommodated in the



are identified as "constructed wetlands treatment area". We have included the final plans for the wastewater treatment and disposal plans for your approval.

Water System

It is our understanding that the City will extend public water to the site from the east. Our design includes the construction of the trunk water main through the site.

Storm Sewer

Storm sewer for the site has previously approved and permitted by the Valley Branch Watershed District (VBWD) with several conditions. The church area and roadway does not need to be modified at this time. A revised submittal will be made to VBWD as part of the OP preliminary plat process.

Final Plat

LEFC will be submitting the final plat in the next week or so. It is our intention to have the final plat ready to go to City Council at the same time the final site plan is ready for City Council approval.

Submittal Information

The following information is enclosed as part of this submittal package:

- Final Site Plan drawings (4 copies of full-size plans and one reduced 11x17 copy) of the following drawings:
 - Existing Conditions and Removals Plan (sheet 200.CD)
 - Grading, Drainage, and Erosion Control Plans (Sheets 200.1CG and 200.2CG)
 - Roadway, Watermain Plan and Profile (Sheet 200.1.CR)
 - Church Driveway Plan and Profile (Sheet 200.2CR)
 - Site Plan (Sheet 200.1CS)
 - Site Plan Spot Elevations (Sheet 200.2CS)
 - Utility Plan (Sheet 200.CU)
 - Paving Plan (Sheet 200.CP)
 - Civil Details (Sheet 210-212)
 - Landscape Plan (Sheets L1.1 through L1.4)
 - Site Lighting Plan (Sheet 900.0T)
 - Site Photometric Plan
 - Building Elevations (Sheets 510-514)
 - Wastewater Treatment System Plans (11x17 only)
 - Development Application Form including clarification of code issues
 - Check for \$1,150



Kimley-Horn
and Associates, Inc.

Mr. Chuck Dillerud
March 3, 2006
Page 3 of 3

Thank you for the opportunity to submit this plan for your review and we look forward to working with you, other City staff, and elected officials. If you have any questions or need additional information, please contact me at 651-643-0407.

Very truly yours,

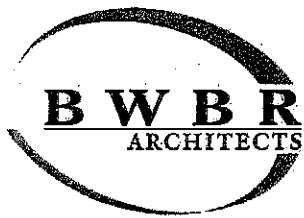
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Paul B. Danielson".

Paul B. Danielson, P.E.
Project Manager

C: Chuck Palmer, LEFC
Grant Nelson, LEFC
Tom Dornack, BWBR Architects
Gary Ehret, Kimley-Horn and Associates
File No. 160502006.2.001

March 1, 2006



Mr. Chuck Dillarud
Planning Department
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, Minnesota 55042

Re: **Rockpoint Church**
Lake Elmo, Minnesota
BWBR Commission No.: 2005.091.00

Dear Chuck:

There are two concerns you raised in our January 17, 2006, meeting. We offer these clarifications regarding building height and exterior building materials as they relate to ordinance compliance in Chapter 3, Subd. 4., minimum District Requirements.

1. With regard to building height:
The primary entrance floor elevation, on the north elevation that faces Highway 36, is noted as floor elevation 114'-0". The secondary entrance floor elevation, the south elevation that faces the woods, is noted as elevation 100'-0". The principal structure height, the Sanctuary roof, is sloped from elevation 140'-3-1/2" up to elevation 149'-4". The top of the Cross Tower, an unoccupied structure, is noted as elevation 158'-0", 8'-8" above the highest roof elevation of the Sanctuary, and 24'-8" above the lower roof elevation of the Fellowship Room roof of 133'-4" – the portion of the building which the Cross Tower is most adjacent.
2. With regard to building materials:
The primary exterior building wall materials are brick and glass, about 80% of all wall material. The other 20% of exterior building wall material is architectural metal wall paneling, either flat or ribbed. These types of architectural grade metal panel are used commonly on corporate, public, and institutional facilities. BWBR can provide samples upon request.

If you have any questions, or require additional information, please call Richard Stuerman at 651/290-1894, or Tom Dornack at 651/290-1997.

Sincerely,

BWBR ARCHITECTS, INC.

A handwritten signature in black ink that reads 'Tom Dornack'.

Tom Dornack
Project Manager

c: Chuck Palmer, Building Committee Chair, Lakewood Evangelical Free Church
Peter G. Smith, Principal-In-Charge, BWBR Architects

/ce

Lawson Commons
380 St. Peter Street, Suite 600

Saint Paul, MN 55102-1996

651.222.3701

fax 651.222.8961

www.bwbr.com

G:\0509100\Admin\Letter\2006-03-01 Dillarud.doc

LEGAL DESCRIPTION

The Northwest $\frac{1}{4}$ of Section 2, Township 29, Range 21, excepting therefrom the following described parcels:

1. The Westerly 660 feet of the Southerly 825 feet of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$.
2. The South 1,125 feet of the West 1,100 feet of the Northwest $\frac{1}{4}$, except the West 660 feet of the South 825 feet, except the South 400 feet of the West 1,100 feet.
3. The North 425 feet of the South 1,550 feet of the West 1,100 feet of the Northwest $\frac{1}{4}$.
4. The South 400 feet of the East 440 feet of the West 1,100 feet of the Northwest $\frac{1}{4}$.

All in Washington County, MN.

| | | |
|---|--|----------------------|
| Lake Elmo City Council May 2, 2006 | Agenda Section: Planning, Land Use and Zoning | <u>No.</u> 9E |
|---|--|----------------------|

Agenda Item: Zoning Text Amendment – Outdoor Social Events

Background Information for May 2, 2006:

On April 18 the City Council referred this matter back to the Planning Commission to consider and make recommendations regarding several issues/concerns raised by Council Members during the April 18 Council discussion of the proposed ordinance amendment. The Commission again considered the matter at its April 24 meeting – based on the recollections of the staff regarding the Council’s stated concerns (draft April 18 Council minutes were not available on April 24. The Commission discussed the Council’s concerns (and additional concerns as well) at length and adopted 3 additional recommendations for mandatory CUP conditions:

- Limiting the hours for any event to 10:00 AM to 10:00 PM.
- Prohibiting charging an admission fee for any outdoor social event
- Prohibiting any artificial lighting

The Commission also discussed the concerns of the Council regarding the scale of the events – as measured by total number of persons permitted by acre and in maximum. A Motion to reduce the maximum from 500 persons to 250 persons failed (3:6), and Motion to maintain the previously recommended 500 person maximum was adopted (7-2). Issues of traffic and parking were also discussed. The Commission concluded that such matters were both site and event specific, and would be best addressed with the individual CUP conditions.

The draft ordinance presented April 18 is again attached – as amended to include the additional conditions recommended by the Commission on April 24.

| | |
|--|--|
| <p><u>Action items:</u> 167 Motion to adopt Ordinance #97 – regarding Outdoor Social Events as Conditional Uses in the AG zoning district.</p> | <p><u>Person responsible:</u> City Planner</p> |
| <p><u>Attachments:</u> 1. Draft Ordinance #97 – 167 2. Draft Planning Commission Minutes of April 24, 2006 3. Planning Staff Memos to the Planning Commission (2)</p> | <p><u>Time Allocated:</u></p> |

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-167

AN ORDINANCE ADDING SECTION 300.07 SUBDIVISION 4.A.2.(h) RELATING
TO CONDITIONAL USES IN THE GENERAL BUSINESS ZONING DISTRICT

Section 1. Amendment: Section 300.07, Subdivision 4.A.2(h) of the Lake Elmo Municipal Code is hereby amended to read as follows:

h. Commercial Outdoor Social Events, subject to the following required conditions:

- i. A site tax parcel area not less than a nominal 10 acres.
- ii. No existing permanent or newly constructed structures may be used.
- iii. Events limited to twice weekly during the months of May to October.
- iv. Attendance at events shall be limited to 20 persons per site to a maximum of 500 persons.
- v. Compliance with City Code Ambient Noise standards.
- vi. All parking shall be off-street, and shall be set back and/or adequately screened from adjoining properties.
- vii. Limiting the hours for any event to 10:00 a.m. to 10:00 p.m. No event shall continue later than 10:00 p.m.
- viii. On-site portable sanitation adequately sized for the events.
- viii. Prohibiting charging an admission fee for any outdoor social event.
Prohibiting any artificial lighting

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 21st day of 2006.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Published in the

Lake Elmo Leader

MEMO

(April 20, 2006 for the Meeting of April 24, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerid

Subject: Outdoor Social Events in the AG Zone

The City Council considered the Commission's recommendation regarding the subject at its April 18, 2006 Regular Meeting. The Council decided to table the matter and refer it back to the Planning Commission for further work. While as of April 20 we do not have the draft City Council Minutes from April 18 yet, my notes indicate that the two major issues the Council desires the Commission to further review and address in the ordinance were traffic forecasting/control and the maximum scale of the events (now 500 persons - if the site is large enough. The Council addressed other concerns that would best be addressed case-by-case with the individual Conditional Use Permit conditions.

We will have the draft Council Minutes from April 18 available at the April 24 Planning Commission meeting.

MEMO

(March 9, 2006 for the Meeting of March 13, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Zoning Ordinance Text Amendment – Commercial Outdoor Social Events

As directed by the Commission on February 27, 2006, staff has published an Official Notice of a Public Hearing to consider amendment to the Zoning Ordinance text to allow issuance of a Conditional Use Permit in the AG zoning district for commercial outdoor social events as requested by a Lake Elmo property owner. We have attached a HEARING DRAFT of how such an amendment could appear – using the content suggestions of Commissioner Armstrong from the February 27, 2006 Commission Minutes (and a couple of additional restrictions).

Please note that this addition to the list of AG Conditional Uses is structured differently than the other CUP uses on the list with “Required Conditions”. This is preferred zoning practice to provide the Public and applicants advance notice of minimal CUP conditions that are expected. That does not, however, preclude the staff from recommending and the Commission and/or City Council from including additional conditions found to be necessary to preserve the Public health, safety and general welfare – or, denying a CUP on the basis that those same concerns can not be reasonably assured. An applicant simply meeting those required conditions does not mean automatic CUP approval, nor if the CUP is approved, additional conditions.

Following the public Hearing Commission action is requested to either recommend a disposition (approve or not) of the proposed amendment to the City Council, or, refer the proposed amendment back to the staff for further work.

March 9, 2006

Draft ZO Amendment – Commercial Outdoor Social Events

Amend Section 300.07 Subdivision 4A2 (Conditional Uses) by adding:

- h. Commercial Outdoor Social Events, subject to the following required conditions:
 - i. A site tax parcel area not less than 10 acres.
 - ii. No existing permanent or newly constructed structures may be used.
 - iii. Events limited to twice weekly during the months of May to October.
 - iv. Attendance at events shall be limited to 20 persons per site to a maximum of 500 persons.
 - v. Compliance with City Code Ambient Noise standards.
 - vi. All parking shall be off-street, and shall be set back and/or adequately screened from adjoining properties.
 - vii. No event shall continue later than 10:00 PM.
 - viii. On-site portable sanitation adequately sized for the events.

**Public Hearing: Consider Code Amendment ~
Outdoor Social Events in AG Zoning District**

The Planner said the draft Code amendment is generic for all AG properties. The City of Stillwater said they have a CUP or SUP for musical events only. The Planners said he took Commissioner Armstrong's factors into consideration and drafted for Municipal Code 300.07, 4.A.2. to add another Conditional Use to those already there. He said that is a more contemporary way to draft an ordinance.

The Planner distributed a letter from Carol Palmquist received on March 1, 2006.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:05 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:06 P.M.

M/S/F, Deziel/Roth To limit No. 4 for Outdoor Social Events to ten guests per acre.

VOTE: 1:7 Failed. (Yea-Deziel)

M/S/P, Ptacek/Roth to limit Number 4 in the standards for Outdoor Social Events that attendance at events should be no more than 20 persons per acre, with a maximum of 500 persons, including event staff.

VOTE: 8:0.

M/S/P, Roth/Fliflet to limit sound to comply with the City Noise Ordinance.

The Planner read from the noise ordinance and said no sound above certain measurable thresholds should be discernible beyond the property line.

VOTE: 7:1 Ptacek-The intention was for no amplified sound.

M/S/P, Fliflet/Deziel to remove Number 6 from the standards for Outdoor Social Events because there is no reason to limit the hours. 7:1 Nay~Schneider-Can picture this being a hassle.

M/S/P, Ptacek/Fliflet to move forward with the text amendment for Outdoor Social Events subject to Conditions 1-9, eliminating Number six and to include the other amendments already made. VOTE: 8:0

Lake Elmo
City Council
April 18, 2006

Agenda Section: Planning, Land Use and Zoning

No. 9C

Agenda Item: Zoning Ordinance Text Amendment – Outdoor Social Events

Background Information for April 18, 2006:

At the Council Workshop April 11 it was decided to place this proposal back on the April 18 City Council Agenda for referral back to the Planning Commission for additional work. The Council Members asked the Commission to consider adding additional required CUP conditions to the ordinance, including:

- Outdoor lighting controls
- Site e\security during events
- Better definition of screening and parking requirements
- Noise control
- Issues of sale/consumption of liquor

The Workshop also questioned the maximum allowable event scale (measured in attendees and staff) in the present ordinance. While 20 persons per site acre was not necessarily found to be excessive, the 500 person maximum appeared to be.

Action items:

Motion to refer the draft Outdoor Social Events in the AG District back to the Planning Commission with direction to consider and make recommendations regarding the issues raised at the April 11 Council Workshop.

Person responsible:

City Planner

Attachments:

Time Allocated:

| | | |
|--|--|-----------------------------|
| <p>Lake Elmo City Council May 2, 2006</p> | <p>Agenda Section: Planning, Land Use and Zoning</p> | <p><u>No.</u> 9F</p> |
| <p><u>Agenda Item:</u> Zoning Text Amendment – Fence Standards</p> | | |
| <p><u>Background Information for May 2, 2006:</u></p> <p>At a recent City Council Workshop the Planning Commission was asked to review the new fence standards regarding screen fencing on residential properties that abut commercial properties. The current standards would not permit the residential property owner to construct fencing sufficient to screen the residential yard from the commercial buildings/parking/use. While the zoning ordinance does require commercial properties to screen from adjacent residential properties, many situations appear in the City that either pre-exist that requirement or may not be sufficient to fully address the use conflict.</p> <p>The Planning Commission conducted a Public Hearing on April 24 to consider amendment to the screening provisions of the new fence regulations that, with a few added words, would permit residential property owners abutting commercial uses to themselves construct fencing that would be effective screening. That amendment would allow 72 inch screen fencing to the property line where residential property abuts commercial property. As written, where a residential lot backs up to commercial – generally the case – all three yards <u>behind</u> the home could utilize the property line screen fencing.</p> <p>Following the Hearing the Planning Commission adopted a recommendation to amend the fence regulations as described.</p> | | |
| <p><u>Action items:</u></p> <p>Motion to adopt Ordinance #97 – 169 amending the Zoning Ordinance fence standards o permit screen fencing of residential yard where residential properties abut commercial uses.</p> | <p><u>Person responsible:</u></p> <p>City Planner</p> | |
| <p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Ordinance #97 – 169 Amending Fence Standards of the Zoning Ordinance 2. Draft Planning Commission Minutes of April 24, 2006 | <p><u>Time Allocated:</u></p> | |

CITY OF LAKE ELMO
WASHINGTON, MINNESOTA

ORDINANCE NO. 97- 169

AN ORDINANCE AMENDING SECTION 302.06, Subp. 1. "FENCES AS
SCREENING AND SECURITY AS REQUIRED BY THIS CODE"
OF THE LAKE ELMO MUNICIPAL CODE

Section 1. Amendment: Fences as Screening and Security as Required by This Code, to
wit:

1. Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located, except where residential zoned lots share a common property line with commercial uses or commercial zoning districts.

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED, by the Lake Elmo City Council on the ____ day of _____,
2006.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

Published in the Lake Elmo *Leader* on the ____ day of _____, 2006.

Excerpt DRAFT Planning Commission Meeting Minutes
April 24, 2006
Fences as Screening and Security

1

PUBLIC HEARING: Fences as Screening and Security

The Planner said this review is being requested for areas of the City where commercial property adjoins residential or agricultural property. In one area of the City, he said that staff thought evergreen trees would be sufficient for screening but they have proved to be inadequate. In those cases, it has been suggested to allow a solid fence six feet in height. If a commercial property owner or developer does not screen its own lot, the residential property should be allowed to fence. Draft language was prepared adding one part of one sentence and that will allow fencing at rear or side lot lines.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:47 P.M.

Nobody spoke.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:48 P.M.

M/S/P, Armstrong/Schneider, to recommend approval of additional language of Code with an amendment changing residential uses to residential zoned lot. The affected sentence will read, "Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located, **except where residential zoned lots share a common property line with commercial uses or commercial zoning districts.**"

Vote: 8:1 Nay-Ptacek: Does not like changing Code for a particular neighborhood.

| | | |
|---|--|----------------------|
| Lake Elmo City Council May 2, 2006 | Agenda Section: Planning, Land Use and Zoning | <u>No.</u> 9G |
|---|--|----------------------|

Agenda Item: RR District Setbacks

Background Information for May 2 , 2006:

During a recent City Council Workshop the Planning Commission was requested to review the existing setback provisions in the RR and RE districts. It was observed at the workshop that RE setbacks were significantly larger (and adopted much later by the City) even though the development density of RE was significantly larger as well – more dense. On that premise, it was suggested that the RR setbacks might logically be as large as those of RE.

On April 24 staff presented the Commission with the RR/RE setback concerns, including a chart depicting the current differences. Following substantial discussion of the matter the Commission adopted a recommendation to the Council to not amend the setbacks in RR. The reasons given by commissioners for this recommendation included the fact that no new RR parcels will likely be created in the City; current RR property owners both acquired their properties knowing what the RR setbacks were at the time, and have relied on those standards for years (thereby the City creating numerous non-conformities with any changes at this point); and, that the RE standards (including the setbacks) were specifically created by the City to allow smaller parcel sizes that would still retain a rural character by greater prescribed structure spacing – a “trade-off” of large setbacks for smaller (than 10 acres) lots.

| | |
|--|---|
| <p><u>Action items:</u> No action required unless further Council direction on the subject is intended.</p> | <p><u>Person responsible:</u> City Planner</p> |
|--|---|

| | |
|--|--------------------------------------|
| <p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Planning Commission Minutes of April 24, 2006 2. Planning Staff Memo | <p><u>Time Allocated:</u></p> |
|--|--------------------------------------|

Excerpt DRAFT of Lake Elmo Planning Commission Meeting Minutes

April 24, 2006

Review of Setbacks in RR Zoning District

1

Review of Setbacks in RR Zoning District

The Planner has brought forth a comparison between setbacks in two zoning districts: one is RR with low density and the other is RE with higher density, yet the setbacks in RE are greater than they are in RR. The Planner said the RR standards were written long before the RE standards. The Planner said the City Council would like the Commission to consider amending setbacks wherever they make sense.

M/S/P, Armstrong/Deziel to recommend letting sleeping dogs lie and to make no change to RR setbacks because there will be no new RR parcels in Lake Elmo, existing owners knew what they were getting when they bought RR parcels, and RE setbacks were created to keep houses apart in a higher density neighborhood of homes. Vote: 8:1 Schneider-We should address it.

MEMO

(April 20, 2006 for the Meeting of April 24, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Setbacks in the RR Zoning District

At its April 11, 2006 Workshop the City Council was asked to consider amending the RR district standards to substitute setback standards equivalent to those now found in the RE district. Council members observed both that the RE standards are more current than the RR standards and that it seemed logical that the 10 acre parcels of RR should have setback standards at least as great as those of the 2.5 acre parcels of the RE zone. A comparison of the current standards follows:

| <u>Standard</u> | <u>RR</u> | <u>RE</u> |
|-------------------------|-----------|-----------|
| Lot Width | 300 feet | 150 feet |
| Front (Street) Setback | 30 feet | 100 feet |
| Side Setback | 10 feet | 50 feet |
| Rear Setback | 40 feet | 100 feet |
| Arterial Street Setback | 50 feet | 150 feet |

In both cases the setbacks for accessory structures are the same as for principal structures.

Staff requests the Commission's direction regarding proceeding with any amendments to RR district standards; and, if so, which standards should be considered for amendment. A Notice of Hearing will be required. This will not be able to be heard by the Commission until the meeting of May15, if so directed.

| | | |
|---|---|----------------------|
| <p>Lake Elmo City Council May 2, 2006</p> | <p>Agenda Section: Planning, Land Use and Zoning</p> | <p><u>No.</u> 9H</p> |
| <p><u>Agenda Item:</u> Restaurant Drive-up Facilities in the GB Zone</p> | | |
| <p><u>Background Information for May 2, 2006:</u></p> <p>On April 18 the Council heard the City Attorney's opinion and discussed the Planning Commission recommended GB text amendments in this regard – permit drive-up windows but prohibit menu boards and intercom ordering systems. The draft of the minutes of that discussion appear elsewhere in this agenda packet.</p> <p>The Council then directed this matter be placed on the May 2 agenda for further consideration and action. The April 18 agenda materials and the attorney's opinion are attached. The draft ordinance reflects the Commission's recommendation.</p> | | |
| <p><u>Action items:</u> Motion to adopt Ordinance #97 – 170 amending the GB zoning district standards to permit drive-up windows at restaurant facilities</p> | <p><u>Person responsible:</u> City Planner</p> | |
| <p><u>Attachments:</u> 1. Draft Ordinance #97-170 Amending GB District Standards 2. April 18, 2006 Agenda Materials</p> | <p><u>Time Allocated:</u></p> | |

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-170

AN ORDINANCE AMENDING SECTION 300.07 SUBDIVISION 3.H.1.a (TABLE)
ADDING A PERMITTED USE AND STRUCTURE
IN THE GENERAL BUSINESS ZONING DISTRICT

Section 1. Amendment: Section 300.07, Subdivision 4.H.1. a. (Table) of the Lake Elmo Municipal Code is hereby amended to read as follows:

Cafes and Restaurants
(Limited to full table service operations)

Cafes and Restaurants – Drive-up Window
(Menu boards and intercom systems prohibited)
(Adequate vehicle stacking must be provided)

Section 2. Effective Date: The ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 2nd day of May, 2006.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Published in the _____ Lake Elmo Leader

Warren E. Peterson
Jerome P. Filla
Daniel Witt Fram
Glenn A. Bergman
John Michael Miller
Michael T. Oberle
Steven H. Bruns*
Paul W. Fahning*
Andrew P. Muller
Amy K. L. Schmidt



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April 17, 2006

RECEIVED
APR 18 2006

Mr. Martin Rafferty
City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

RE: Drive-In, Drive-Up and Drive-Through Facilities
Our File No.: 11135.92-1

Dear Marty:

The City has the authority to regulate drive-up facilities (MS 462.357) and, in fact, has done so (Lake Elmo Code 300.13 Subd. 13). The City's current regulations may be a carry over from the 1960's but, if read in total, can reasonably be applied to all businesses which have drive-up facilities. The City could apply its current regulations or could repeal or amend those regulations.

The City's regulations are presumed to be constitutional. The presumption is not conclusive and can be rebutted by a showing that the City's regulations do not satisfy the following constitutional standards:

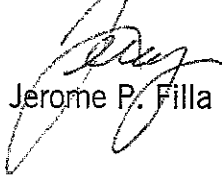
1. Vagueness. Does a person of common intelligence have to guess as to the meaning or application of the regulation? Is the regulation subject to several interpretations? If so, the regulation may be unconstitutionally vague.
2. Reasonableness. Is the regulation reasonable in its terms and conditions? A reviewing court will look at the stated purpose and intent of the regulation as well as its application to particular facts in judging the reasonableness of the regulation. Normally a reviewing court will defer to the judgment of the City Council on this particular matter.
3. Equal Protection. Does the regulation impose restrictions on one class of persons engaged in a particular business which are not imposed on others engaged in the same business under similar circumstances? This may be the most difficult standard to satisfy if the City decides to impose some regulations, directly or indirectly, on some but not all of the food establishments in a general business zone.

April 17, 2006

Page 2

The City Council should first decide what its purpose and intent is when adopting drive-up facility regulations. What particular public safety or nuisance or concerns are generated by this type of business? Do the City's concerns relating to a drive-up business depend upon what is occurring on the interior of the business establishment or do the City's concerns relate to traffic safety, traffic stacking, noise, lights, trash and/or the proximity of the exterior activity to a residential neighborhood? Are these concerns unique to the food business or are they the same for all drive-up businesses? I cannot answer these questions for the City because the answers are legislative in nature, but I would recommend that they be discussed before amending current regulations or adopting new regulations.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerome P. Filla", is written over the typed name.

Jerome P. Filla

JPF:jtc

F:\users\Janice\Daily Dictation (17-06).wpd

Agenda Item: Amend GB Zoning District Text Restaurant Drive-Up Facilities

Background Information for March 21, 2006:

On March 13, 2006 the Planning Commission conducted a Public Hearing to consider an amendment to the GB zoning district to permit drive-up service windows in restaurants/cafes. This proposed zoning text amendment was proposed by staff following denial of a building permit to Gorman's restaurant for construction of such a facility based on lack of specific Zoning Ordinance use authority. The Commission discussed the amendment at multiple meetings with the primary issue being whether or not such a drive-up facility should be permitted to include a remote menu board and intercom ordering equipment. The conclusion of the Commission was that the menu board/intercom features would not be in the public interest and should be prohibited.

Another concern of the Commission was whether the drive-up feature would open the door for typical fast food restaurants. The Commission concluded that the very specific definition of "Restaurant" found in Section 150 of the City Code essentially precludes fast food restaurants. The prohibition of menu boards/intercoms appears to further limit the probability that a typical fast food restaurant could be accommodated by the Zoning Ordinance.

The attached draft ordinance adds Drive-up windows for restaurants as an additional Permitted Use in the GB zoning district subject to the menu board/intercom prohibition – as recommended by the Commission.

Action items:

Motion to adopt Ordinance #97¹⁶⁸ – amending the text of Section 300 of the City Code (Zoning Ordinance) to add drive-up windows as a Permitted Use for restaurants in the GB zoning district.

Person responsible:


City Planner

Attachments:

- ¹⁶⁸
1. Draft Ordinance #97 – Amending the Zoning Ordinance Text
 2. Draft Planning Commission Minutes of March 13, 2006
 3. Approved Planning Commission Minutes of January 23 and February 13, 2006
 4. Gorman Documentation

Time Allocated:

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-168

AN ORDINANCE AMENDING SECTION 300.07 SUBDIVISION 3.H.1.a. (Table)
ADDING A PERMITTED USE AND STRUCTURE
IN THE GENERAL BUSINESS ZONING DISTRICT

Section 1. Amendment: Section 300.07, Subdivision 3.H.1.a. (Table) of the Lake Elmo Municipal Code is hereby amended to read as follows:

Cafes and Restaurants
(Limited to full table service operations)

Cafes and Restaurants – Drive-up Window
(Menu boards and intercom systems prohibited)
(Adequate vehicle stacking must be provided)

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 21st day of March, 2006.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Published in the

Lake Elmo Leader

General Business

| | |
|---|---|
| Accounting | |
| Advertising | (Sign fabrication not a permitted use) |
| Alterations | |
| Apparel Cleaning pick-up Stations | |
| Apparel Repair and Alterations | |
| Architectural | |
| Art Gallery | |
| Auditing | |
| Bakeries | (with production of bakery goods limited to retail sales) |
| Barber Services | |
| Beauty Shops | |
| Bookkeeping | |
| Business and Management Consultant Offices | |
| Business Associations | |
| Cafes and Restaurants | (Limited to full table service operations) |
| Cafes and Restaurants – Drive-up Window | (Menu Boards and intercom systems prohibited) (Adequate vehicle stacking must be provided) |
| Charitable | |
| Chiropractic | |
| Civic, Social and Fraternal Association Offices and Halls | |
| Collection and Adjustment Services | |
| Credit Reporting (Consumer and Mercantile) | |
| Dental | |
| Detective and Protective Agencies | |
| Duplication | |
| Educational | |
| Employment Agencies | |
| Engineering | |
| Finance | |
| Galleries | |
| Governmental Offices | |
| Insurance | |
| Investment | |
| Labor Unions | |
| Legal | |
| Libraries | |
| Mailing | |
| Medical | |

VOTE: 1:7 Failed.

M/S/P, Ptacek/Roth to limit No. 4 in the standards that attendance at events should be no more than 20 persons per acre, limited to a ten acre minimum, with a maximum of 500 persons, including event staff.

VOTE: 8:0.

Commissioner Fliflet a wedding of 500 will need microphones

M/S/P, Roth/Fliflet to limit sound to comply with the City Noise Ordinance.

The Planner said no sound should be discernible beyond the property line. He read from the noise ordinance.

Commissioner Van Zandt said if you can't measure it and don't know the decibel level but nobody is complaining, what difference does it make?

VOTE: 7:1 Ptacek-The intention was for no amplified sound.

M/S/P, Fliflet/Deziel to remove Number 6 because there is no reason to limit the hours. 7:1 Nay--Schneider-Can picture this being a hassle.

M/S/P, Ptacek/Fliflet to move forward with the text amendment subject to Conditions 1-9, eliminating number six and to include the other amendments already made. VOTE: 8:0.

**Public Hearing: Consider Code Amendment~
Drive-up Service Window Adjacent to a Restaurant in the GB Zoning District**

The Planner provided three separate text amendments. The first could make it a conditional use permit, second would be a permitted use, and third would be an accessory use which is not much different from a permitted use.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:25 P.M.

Ed Gorman

Mr. Gorman said he would like to be clear of the differences between restaurants and cafes. Some of those differences are: utensils and plates that are washed, table service versus counter service, menus versus menu board, in fast food there are no tips, in restaurants you tip the server. His requested outdoor menu board would be a marketing tool with less than 10% of his food items on the board. He solicited support from 100's of customers, many of them local, and from fellow businesses on Main Street on a petition. He presented the petition where the signers supported the drive-up service window with intercom and menu board. There is a health and safety issue with the window ordering option. Mr. Gorman said that Minnesota food code says that all openings to the outside be closed as much as possible to keep out insects, etc. Flies are an issue in summer. Without the intercom system and menu board, he cannot envision doing this completely and safely for his customers. Lake Elmo Bank has five speakers. The City could add the provisions for a limited menu board limited to ice creams and coffees.

Commissioner Deziel asked when does the sit down become secondary to the drive-up window? If you sell the restaurant, that future owner may have a different idea.

Mr. Gorman said a CUP could make the difference. This window does not make it fast food. He

will still be classified as a table service restaurant.

Commissioner Ptacek said take out customers are telephoning now. This window is increasing the convenience ten-fold but the commission does not want to leave an opening for a fast food restaurant.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:35 P.M.

Commissioner Roth asked how to prevent a larger company from coming into town establishing a temporary table restaurant.

Commissioner Van Zandt said if you read a franchise agreement, you don't change the model or you don't get the franchise. Those are very controlled elements. He would like a successful drive-through model in the cities. He cannot think of one that represents our fears.

The Planner read the Code definition of a restaurant with quantitative measures for tables, customers, square footage, servers, etc.

Chairman Helwig asked about a phone instead of an intercom.

M/S/P, Ptacek/Schneider to move forward with the definition of drive-up window for cafes and restaurants in the GB zone with adequate stacking of automobiles and an intercom and menu board prohibited. VOTE: 6:2 ~ Van Zandt and Roth-Feels that maybe there was more that could be done to make this a possibility.

City Council Update

The Planner said that on March 6, the Council adopted to update the 1990 Park Plan through the hiring of a consultant in order to expedite the work. The zoning variance for Haire for a large home on DeMontreville and Olson Lakes, they denied 4:0. The applicant did not get to make a presentation. They have asked for reconsideration at the next Council meeting.

The Administrator said the Planning Commission is invited to participate for the Old Village Master Plan being presented tomorrow at the Council Workshop.

Adjourned at 8:52 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

Mr. Moore said he is not opposed to the applicant subdividing the property, but objects to size of lots on a concept plan he received, and feels the applicant could do a better job on the layout without impacting wetlands and the drainage ditch. He said there is an eroded ditch leading into a culvert that goes under County Road 6, and a holding pond should be placed there for sediment control where the water goes under Stillwater Boulevard, and trees should be preserved. They are old trees. Some have wind damage but there is not much oak wilt in that area. He walked the site last week. The layout could be improved for aesthetics and erosion control due to runoff of the water. That water drains into Lake Elmo Park Reserve. His lot is just south of Raleigh Creek and this parcel.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:24 P.M.

Commissioner Armstrong said that SRD Guiding in the Comprehensive Plan was basically used for existing neighborhoods back in the 1980's with the attitude that they are great neighborhoods but we cannot duplicate them due to septic systems and other problems. The City developed a method for devising SRD Guidings based on five criteria that had to be met before parcels could be rezoned. Perhaps this parcel could go to RED but SRD is absolutely inappropriate for this site.

Commissioner Deziel said the water pollution does seem to be a change in condition. He asked the Planner's opinion.

The Planner said the water will be taken care of in less than one year and does not constitute a change in conditions that would support a Comp Plan amendment. He also noted that a variance for minimum plat are would be required to go to RE Zoning.

M/S/P, Ptacek/Armstrong to recommend denial of the application to amend the Comprehensive Plan and rezone this parcel 8740 Stillwater Boulevard to SRD and R-1 based on the findings suggested by City Staff.

Commissioner Deziel said he does not see an error to the Comprehensive Plan. RED guiding might get some sympathy with the Planning Commission. The density of R-1 doesn't comply with neighboring densities.

PASSED: 9:0.

The Chairman recessed the meeting at 8:31 p.m. and reconvened at 8:39 p.m.

Amend Uses in GB Zone to Allow a Drive-up Window

The Planner said he wants to be sure the Commission approves what text changes have been made for permitted and conditional use. He will publish immediately following this meeting when a final draft of the Code is determined.

Commissioner Armstrong said his concern is that a drive-up window should be tied into an existing sit down restaurant so a coffee shack would not be allowed in the future. "Attached only to a sit down restaurant."

In that case the Planner said he would define restaurants differently.

Commissioner Pelletier asked if someone can do a carside to go or a walk-up window without it

being added to the Code.

The Planner said a walk-up window would probably be okay.

Commissioner Deziel said limited full table service operation is already in there. The Planner would add it to the definition of restaurants in another part of the Code.

Commissioner Van Zandt said he lived five blocks off Grand Avenue for 22 years. There was an empty lot there. The City would not allow a restaurant applicant to go in there and instead allowed a drug store there that resulted in putting a smaller drug store out of business. If we don't allow some businesses here to thrive and remain competitive, we will lose our significant businesses. We should look for compromises.

Commissioner Armstrong said we are helping our businesses by disallowing menu boards and intercoms. We want to exclude fast food while allowing a business like Gorman's to continue. We always have to look at the big picture. If there are other ways to distinguish fast food, he would like to hear about them.

M/S/P, Ptacek/Schneider direct staff to publish a revised definition of restaurants in order to allow drive-up service adjacent to full service table restaurant as a conditional use in the General Business Zone as the Planner drafted.

Commissioner Ptacek said the CUP gives us opportunity to review space for traffic stacking.

Commissioner Fliflet said she does not see the need for allowing menu board and intercom when other restaurants are doing great carside to go business. She sees no need to change the Code to allow it. She also agrees with Commissioners Armstrong and Ptacek as to protecting our existing restaurants.

Commissioner Park said she sees how a drive-up window could work. She often gets carside to go.

Ed Gorman

Mr. Gorman said he has owned Gorman's Restaurant for 26 years. He does not sell liquor. He has enough room to stack traffic. The proposed addition is only 200 square feet and 100 square feet of it is for adding more ice cream flavors. There are only three restaurants in the GB zone in Lake Elmo. He has been doing this work for forty years and the industry is changing. The window without the intercom is less convenient for customers.

Commissioner Deziel asked how we exclude fast food if we approve what Mr. Gorman requests.

Mr. Gorman said the Health Department classifies his business as Table Business. Traffic flow would be fine on his site, and it would be a natural fit.

Commissioner Ptacek pointed out that it takes no longer if someone talks at the window or uses an intercom. Commissioner Fliflet said people walked up to the window at the old Dairy Queens.

PASSED: 7:2 Nay – Fliflet and Pelletier-Because the restaurant owner we talked to had inferred his disinterest in anything other than a message board and intercom. We voted against those so

she sees no need to add verbiage relating to a drive up window since there is no need and no applicant.

Home Occupations

The Planner explained the history of the review of Home Occupations. He asked the Commission to review a handout while he rewords some of the table with the City Attorney to eliminate subjective phrasing such as "adequate parking on-site" and "adverse effect on adjacent properties."

City Council Update

The planner reported that as of one week ago, Metropolitan Council considers our Comprehensive Plan to be "complete". The Met Council now has sixty days to complete its detailed review of the City's Plan.

Commissioner Schneider asked when the nine months begins regarding an amended zoning ordinance and map to match the Plan.

The Planner said the nine months will begin as soon as the Met Council Board has concurred in the City's Comp Plan. That could still be a couple months out. He suggested that the Commission will soon have to pick up the Zoning Code and have a performance-based and form-based zoning refresher. It would be expensive to bring the zoning ordinance consultant Lane Kendig back again. Staff will look to see if we have tapes of the previous workshops with Kendig.

Commissioner Armstrong noted that congratulations were in order to Commissioner Fliflet for helping us meet our population goals!

The meeting adjourned at 9:12 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary

probably fit in with the natural setting in the AG Zone but we have to address these other factors. We have CUP s in the AG zone such as greenhouses, kennels, and stables. We would want conditions established in advance for wedding receptions so everyone knows what to expect.

M/S/P, Armstrong/Ptacek to direct staff to come back with a draft ordinance in the next few weeks.

The Planner said he will investigate how this use is regulated in Stillwater. He agreed with Commissioner Armstrong about it needing to be a Conditional Use.

VOTE: 9:0.

Drive-up/Drive-through Facilities for Table Service Restaurants in the GB Zone

The Planner introduced the request for a minor site plan modification for a drive-up window at Gorman's Restaurant. The City Code says restaurants with table service are all that are permitted in the GB Zone. Council agreed that clause was designed to preclude fast food restaurants in the City. The Council sustained the administrative decision to deny Mr. Gorman's request but directed that the Planning Commission review the Code to determine if it could be modified to allow a drive-up window without violating the original ordinance intent. The Planner believes it can. Oakdale's ordinance distinguishes fast food from classic restaurants. Order boards differentiate them partly because of lights and attendant noise.

Commissioner Van Zandt said Applebee's and Chili's car side to go is a successful model because you would not want to order food and then wait for it. The order must be placed in advance. He said this presents convenience for young parents and elderly people. He thinks there is a need for it in the City as long as it is controlled.

The Planner said Oak Park Heights addresses bank drive-up facilities very well. They must have room for stacking of automobiles on-site. There is room at Gorman's but there would not be room at the Lake Elmo Inn or Twin Points.

Mr. Gorman said he wants a limited menu board of coffees and ice cream cones. He would face it to the south with a 70 db squawk box. Commissioner Armstrong said that makes it more difficult for the Planning Commission to accommodate the request.

Commissioner Armstrong said an intercom and menu board would prohibit it. Commissioner Pelletier is against any kind of intercom, menu board, or drive-up window. She suggested car side to go. Chairman Helwig agreed. Commissioner Lyzenga asked about a walk-up window instead.

A Straw Poll was conducted to see which commissioners would be in favor of a menu board/intercom system. 0: menu board/intercom system. Another Straw Poll was conducted for car side to go versus a drive-up window. 5: drive up window without menu or intercom. 9: car side to go. A Straw Poll was taken to determine if the Planning Commission would like to take up this matter. All 9 commissioners agreed.

M/S/P, Ptacek/Deziel to direct staff to draft an ordinance allowing window service without a menu board and without an intercom system allowing this type of use of a restaurant in the GB Zone. VOTE: 7:2 Nay - Lyzenga/Pelletier, Lyzenga expressed concern about getting cars to the window in an orderly fashion. Pelletier is worried about a negative precedent. PASSED.

The Planner said the City Council wants to see this back in February so he will try to draft something to bring back soon.

Proposed Joint Community Playfield with Oakdale

The Planner said the City Council has requested a recommendation for a joint playfield with Oakdale in Lake Elmo at northeast corner of Ideal and Stillwater Boulevard.

The Administrator explained the history of the donation request from 3M for a park for the City of Oakdale. 3M offered them land in Lake Elmo. After discussions and meetings, it has matured to a possibility of joint ownership of the land and in terms of capitalization, maintenance, and government and field scheduling. Staff held out for joint governance and joint input on design. Eventually our population will be close to theirs but meanwhile we are only 30% of their size. So there might have to be consideration of proportionate terms in the meantime until we grow.

The City Council asked if this is something we want to attempt, and do we want to take the next step to create a development agreement. The Parks Commission unanimously recommended doing that.

The Planner explained the City's need for ballfields today and into the future. He said the Park Plan is 15 years old. Oakdale is about where we will be at 2030 for population. They have a significant community playfield but it is not enough for their needs. An Old Village community playfield would still be needed in the future. He said it makes sense from a Planning standpoint.

Commissioner Deziel asked about new zoning with RAD2 on the parcel north of Highway 5. He said it would be the nearest Lake Elmo development to this. Commissioner Ptacek agreed with Commissioner Deziel and the Planner. He also said there are not enough dates and times and fields available in Lake Elmo and Oakdale.

Commissioner Armstrong would want this park for ages 18 and under and daylight facilities only, no lights on this field. He said it is probably better to create a park here near the railroad without displacing homes and REC units, and it would be a good partnership with Oakdale for the future.

The Planner clarified the proposal is for youth only.

Chairman Helwig used to be on the Parks Commission in Oakdale and he said the Oakdale Athletic Association and the Parks Commission there are two distinct entities. The Athletic Association does all the scheduling and they will get lights if they want them.

Commissioner Schneider said the City is sacrificing 26 acres for no houses and no taxes. We should get more than 50% use of this park.

The Administrator said the Cities are insured by the League of MN Cities so liability is not a problem.

M/S/P, Ptacek/Deziel to recommend taking the next step to continue the discussions. VOTE: 9:0.

DEC 30 2005

Gormans Restaurant
11011 Stillwater Blvd.
Lake Elmo Mn. 55042

December 30, 2005

Mr. Charles Dillerud
City of Lake Elmo

This letter was hand delivered to the city of Lake Elmo office on Friday December 30, 2005

Dear Charles,

I have received your response dated December 27, 2005 and I respectfully disagree with your conclusion. Adding a drive up window to our existing restaurant will not make ours a fast food restaurant. You will note in the letter that I gave you from the Washington county health department, that they, along with their approval of our plans for the addition of a drive up area, the classification of our restaurant will not change. Our "Food Establishment" classification is for restaurants whose main mode of operation is table service. These establishments may provide drive up or take out service, but this is not their main mode of operation. The "Fast Food" definition is "a food establishment in which the patron orders and receives the food at a counter or provides its food via delivery or take out only." Surely all of the existing Lake Elmo restaurants including Gormans are violating the zoning ordinance just by preparing our meals for take out. I have also delivered our meals to various locations possibly another violation. Please do not misunderstand---I don't want any fast food restaurants to locate in Lake Elmo either. Adding the approximate 230 square feet addition to our existing restaurant to accommodate a portion of my existing business, will not make me a fast food restaurant. Gormans would become a convenient full service restaurant with accessible take out food pick up ability. It seems to me that the city could create a "GB-FF" zone that only fast foods could locate in. Currently no land is zoned that way making it clear that those businesses could not locate in the city of Lake Elmo. As far as the city setting a precedent I rather doubt that the other four restaurants in Lake Elmo would be adding a drive up window to their facilities. If so on a case by case basis the city could look at the possibility. Some would probably have to eliminate a portion of their existing parking spaces and in doing so they would possibly not meet the cities parking requirements. We are not going to loose any parking spots. Just because our restaurant would have a drive up doesn't mean a fast food could "buy me out" and operate there. Gormans has a GB zone and they would need a GB-FF zone. Good luck to them in re-zoning the parcel. In Lake Elmo there are currently two full service banks operating with drive up available. To me they are still full service banks. According to the Lake Elmo Municipal Code sect. 200.01, subdivision #1, I have the opportunity to appear before the board of adjustment to be heard. Please inform me of the earliest opportunity for this to happen. The relief that I am requesting is that the board would allow us to proceed with our proposed expansion to accommodate our customers



Dear Anne,

RECEIVED
JAN 26 2006

Sunday paper had yet another article about our Community.

This time, the zoning law concerning Gorman's restaurant.

I think Lake Elmo has a good ordinance, for a good reason. I feel a permit that allows a drive through (drive up) window should be denied.

Gorman's, is attractively remodeled, with lots of good parking. With some planning, a drive up entrance could be designed, with good lighting and conveniently located for efficient service to their customers.

As an aside,

that we should add a few steps to our everyday lives, for our health? This includes our children too.

If delicious, well prepared food is offered, people will take the extra few steps.

Sale Eemo Inn does a brick business, and also offers take out, Would they want a drive through too? What about those burgers at Twin Peaks and the deli sandwiches at Hegberg. This is not to mention the open spaces on Highway 5, just waiting to be developed for our convenience. We have lots of potential.

Please, work with all
businesses, use imagination,
common sense and vision.

Keep a good city ordinance.

Sincerely,

Susan Allura

cc: Council members

Mayor

Planning Commission

December 27, 2005

Ed Gorman
Gorman's Restaurant
11011 Stillwater Blvd.
Lake Elmo, MN 55042

Dear Ed:

By Certified Return Receipt Mail

RE: Restaurant Drive-Up

Building Official Jim McNamara has requested my determination regarding whether the addition of a drive-up facility at your establishment would be in compliance with Lake Elmo Zoning Ordinance standards. My findings in this regard are as follows:

1. Your restaurant at 11011 Stillwater Blvd. is located in the General Business (GB) Zoning District.
2. "Cafes and Restaurants" is a Permitted Use in the GB District, but specifically limited by the Zoning Ordinance to "...full table service operations".

It is my determination that the "full table service" clause in the Zoning Ordinance is specifically intended to prohibit drive-up facilities at cafes and restaurants. Mr. McNamara can not issue a permit for the drive-up facility modifications, and I have directed him to return any plans for such a facility that you have submitted to the City.

Section 200.01, Subdivision 11 of the Lake Elmo City Code provides an appeal procedure from any determination made by an administrative officer of the City. The City Council hears the appeal as the Board of adjustments and Appeals. I have enclosed a copy of the City Code Appeal section to which I refer. Please note that you must advise of the City in writing of your appeal within 5 days of this administrative determination notice.

Sincerely yours,
City of Lake Elmo

Charles E. Dillerud
City Planner

CC: Martin Rafferty, City Administrator
Jim McNamara, Building Official

Sharon Lumby

Subject: FW: Gorman's Appeal

From: Sharon Lumby

Sent: Monday, January 09, 2006 10:18 AM

To: Chuck Dillerud

Subject: Gorman's Appeal

John Schiltz, LE Inn, called to say he has no problem with Gorman's Restaurant adding on a drive thru to his restaurant. He said he looks at it as making it more convenient for his customers and does not consider Gorman's Restaurant as a "Fast Food" business. This drive thru would not change the rural character of the neighborhood. John pointed out other businesses...Applebee's, Famous Daves, etc. all have take out areas.

Sharon

1/9/2006

H. GB - General Business

1. Permitted Uses and Structures

a. The Following Service/Office uses:

| General Business | |
|---|---|
| Accounting | |
| Advertising | (Sign fabrication not a permitted use) |
| Alterations | |
| Apparel Cleaning pick-up Stations | |
| Apparel Repair and Alterations | |
| Architectural | |
| Art Gallery | |
| Auricular | |
| Bakery | (with production of bakery goods limited to retail sales) |
| Barber Services | |
| Beauty Shops | |
| Bookkeeping | |
| Business and Management Consultant Offices | |
| Business Associations | |
| Cafes and Restaurants | (Limited to full-table service operations) |
| Childcare | |
| Chiropractic | |
| Civic, Social and Fraternal Association Offices and Halls | |
| Collection and Removal Services | |
| Credit Reporting (Consumer and Mercantile) | |
| Dental | |
| Detective and Protective Agencies | |
| Duplication | |
| Educational | |
| Employment Agencies | |
| Engineering | |
| Finance | |
| Galleries | |
| Governmental Offices | |
| Insurance | |
| Investment | |
| Labor Unions | |
| Legal | |
| Libraries | |
| Marine | |
| Medical | |

| | | |
|--|--|----------------------|
| <p>Lake Elmo City Council May 2, 2006</p> | <p>Agenda Section: Planning, Land Use and Zoning</p> | <p><u>No.</u> 9I</p> |
| <p><u>Agenda Item:</u> Metro Transit Park & Ride</p> | | |
| <p><u>Background Information for May 2, 2006:</u></p> <p>At the April 11 Council Workshop Administrator Rafferty presented a letter from the recently appointed manager of Metro Transit which solicited the support of the City for a Metro Transit project to construct a permanent Park & Ride facility in Lake Elmo. Metro Transit offered three potential sites for the Park & Ride (I-94 and Keats, or Lake Elmo, or Manning), and suggested that any of those 3 sites could co-locate a City water tower. The Workshop consensus was to refer the Metro Transit proposal for Planning Commission review and recommendation.</p> <p>The Planning Commission reviewed and discussed the Park & Ride proposal at its April 24 meeting. Staff reported to the Commission that the City Engineer advises that only the Keats Avenue site would “probably” work for a water tower co-locate. The Commission adopted a Motion both recommending that the City continue to work with Metro Transit on a Park & Ride in Lake Elmo; and, that the Keats Avenue site is the preferred option.</p> | | |
| <p><u>Action items:</u> Motion providing direction to staff regarding the proposal of Metro Transit to build a Park & Ride facility along I-94 in Lake Elmo.</p> | <p><u>Person responsible:</u> City Planner</p> | |
| <p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Metro Transit Letter and Map Attachment 2. Draft Planning Commission Minutes of April 24 3. Planning Staff Memo | <p><u>Time Allocated:</u></p> | |

Excerpt DRAFT Planning Commission Meeting Minutes

April 24, 2006

Metro Transit Park and Ride

1

Metro Transit Park and Ride

The Planner said the Metropolitan Council would like to place a park and ride on a site where the City could also co-locate a water tower in the area of the City south of 10th street. The map submitted by Metro Transit indicates sites at interchanges off of I-94. Metro Transit proposes the Lake Elmo side of the highway for incoming traffic to downtown Minneapolis from the eastern suburbs. They are looking for a permanent facility to replace the temporary facility now at Guardian Angels Church. Federal funds would be used to construct the facility for about 500 cars. The Planner said that the City Council at their last Workshop, asked for a recommendation from the Planning Commission whether to support park and ride and if so, which of these three sites would be preferable. The City Engineer recommends the Keats location as most suitable topographically for a water tower. Guiding for Keats and Lake Elmo is Limited Business and Business Park at Manning Avenue. Commercial RECs lost will be 40 employees per acre.

The Administrator said this will be an express bus route with direct service to Cimarron. Metro Transit has its own security.

M/S/P, Park/Van Zandt to recommend the site at Keats and I-94 for a Park and Ride because it is the best site for a water tower. Vote: 6:3, Nay: Helwig, Schneider, Ptacek- Not enough information. Schneider- We do not have enough information, and we should not be pinning it down to a location.



Metropolitan Council

Building communities that work

*SE letters
for letter
Business*

*PR 4/11/06
3.2*

RECEIVED
MAR 27 2006

March 20, 2006

Martin Rafferty, City Administrator
City of Lake Elmo
3800 Laverne Ave North
Lake Elmo, MN 55042

Dear Mr. Rafferty,

As you may know, Nacho Diaz recently retired as the Metropolitan Council's Director of Metropolitan Transportation Services. I would like to introduce myself as the new Director. I am a registered professional engineer with a civil engineering, construction management and transportation background. My transportation experience includes both roads and transit in the private and public sectors.

I would like to talk with you about the potential permanent park-and-ride in the I-94 East corridor. My understanding is that there has been some previous discussion between City of Lake Elmo and Metropolitan Council staff regarding a park-and-ride including possible sites. I also understand that the City of Lake Elmo is interested in constructing a water tower on a potential park-and-ride site and would like to learn more about that concept.

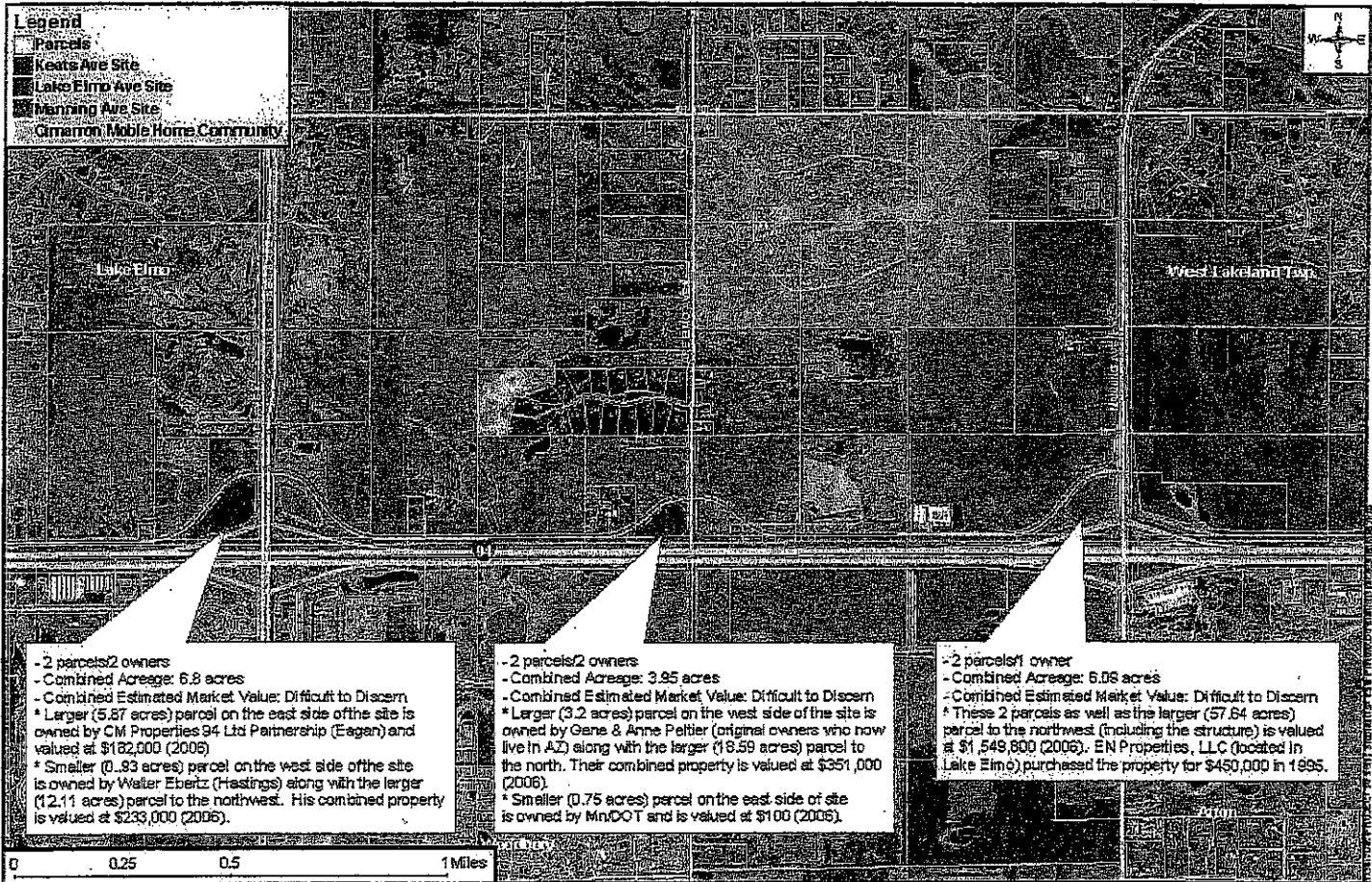
A meeting would also offer the opportunity for me to share with you some possible enhanced bus service concepts in conjunction with start-up of operations at a new park-and-ride – specifically service for Lake Elmo's Cimarron neighborhood.

I hope you agree that the potential joint use of a water tower and park-and-ride facility plus enhanced bus service could be a starting place for us to discuss our needs and possible solutions. Please give me a call at (651) 602-1754 to arrange a meeting. I look forward to hearing from you.

Sincerely,

Arlene McCarthy
Director, Metropolitan Transportation Services

cc: Tom Weaver, Regional Administrator



Potential Site Locations

I-94 East Corridor Park-and-Ride Facility Capacity Expansion



DRAFT
For Discussion Purposes Only

Figure

March 27, 2006 (Revised)

MEMO

(April 20, 2006 for the Meeting of April 24, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Metro Transit Park/Ride – I-94

The new Director of Transportation Services at the Metropolitan Council has approached the City Administrator regarding a potential permanent park/ride facility in Lake Elmo to replace the temporary facility now operated by Metro Transit at Guardian Angels Church. The City Council briefly reviewed the Director's letter and attached map at its April 11 Workshop, and referred the matter to the Planning Commission for advice and recommendations. I believe the City Council is requesting the Planning Commission's comments as to:

1. Should the City support a Park/Ride facility in Lake Elmo – regardless of location; and, if so,
2. Which of the three locations suggested by Metro Transit would be preferred for such a facility.

Ms. McCarthy has not, by her March 20 letter, provided specifics regarding the proposed facility. Most of what City staff knows of the proposal is based on information provided the City in 2004 related to a Metro Transit federal grant proposal to construct such a facility, as follows:

1. The facility would have a 500 car capacity.
2. The facility is designed to serve a dedicated bus route from Lake Elmo to Minneapolis – now operating out of Guardian Angels.
3. The buses utilizing this facility will be of special design utilizing alternative fuel to diesel.
4. The original federal grant application specified \$4 million to construct the facility, and another \$4 million to purchase the special buses.

Ms. McCarthy has indicated in her letter that enhanced transit service to the Cimarron neighborhood from this new facility could be a significant advantage to Lake Elmo residents. She also suggests that a Metro Transit Park/Ride site in Lake Elmo could also be utilized as a water tower site by the City. There is no question that a water tower site will be required south of 10th Street and remotely located from the Eagle Point Well #3. We requested advice from the City Engineer as to which of the 3 sites Ms. McCarthy has suggested would be suitable (from a topographic perspective) as a City water tower site.



Lawson Commons
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701



Kimley-Horn
and Associates, Inc.
2250 UNIVERSITY AVE. WEST, SUITE 345H
ST. PAUL, MINNESOTA 55114
TEL. NO. (651) 445-4197
FAX. NO. (651) 445-8114

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

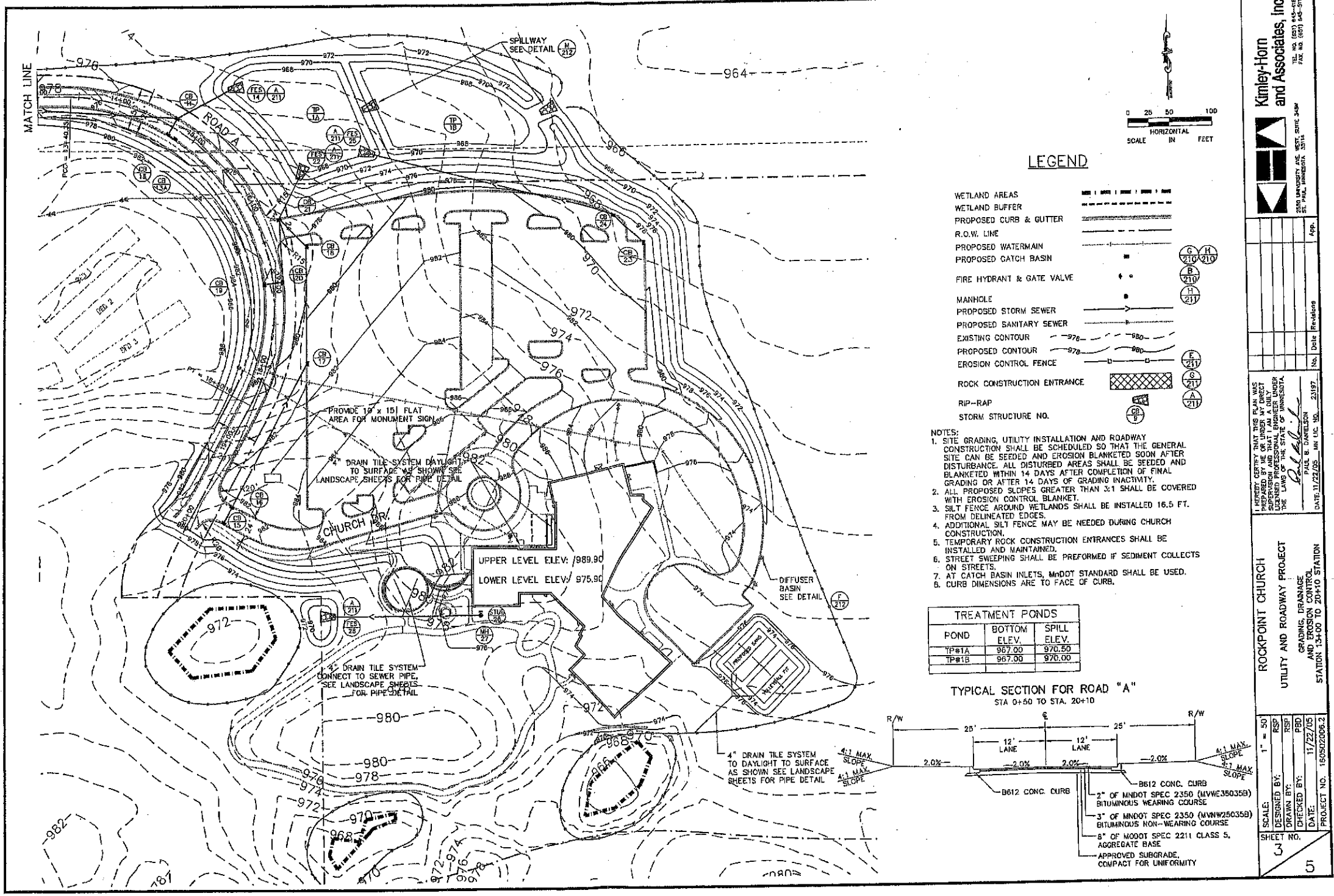
Name: Paul J. ...
Date: 02/10/05 Reg. No. 23187

| Item | Date |
|--------|----------|
| RD SET | 10/14/05 |
| SA SET | 1/20/06 |
| FINAL | 02/10/06 |

| Date | Drawn |
|---------------|---------|
| Nov. 15, 2005 | RSP |
| Checked | Checked |
| PBD | PBD |

Sheet Title
GRADING, DRAINAGE
AND EROSION CONTROL

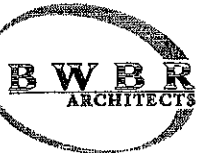
Sheet No.
200.2CG



NOTE:
22"x34" SHEET SIZE REQUIRED FOR
PROPOSED IMPROVEMENTS WITHIN
PUBLIC RIGHT OF WAY.

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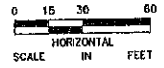
G:\RockPoint\PLAN SHEETS\NUMBER\200-2CG.dwg March 02, 2006 - 8:38am



Layover Commons
300 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701



Kimley-Horn
and Associates, Inc.
2550 UNIVERSITY AVE. WEST, SUITE 3100
ST. PAUL, MINNESOTA, 55144
TEL. NO. (651) 845-4157
FAX. NO. (651) 845-5116



LEGEND

| | |
|----------------------|--|
| WETLAND AREAS | |
| WETLAND BUFFER | |
| WOODLANDS | |
| PARCEL LINE | |
| PROPERTY LINE | |
| EASEMENT LINE | |
| CURB & GUTTER (B612) | |
| TIP GUTTER OUT | |
| CURB CUT SECTION | |

| QTY. | SIGN NO. | SIZE | DESCRIPTION |
|------|----------|-----------|-------------------------|
| 2 | R1-1 | 24" x 24" | STOP |
| 9 | R7-BA | 12" x 18" | ACCESSIBLE PARKING |
| 5 | R7-BB | 6" x 12" | VAN ACCESSIBLE |
| 1 | SPECIAL | 24" x 30" | MOTORCYCLE PARKING ONLY |

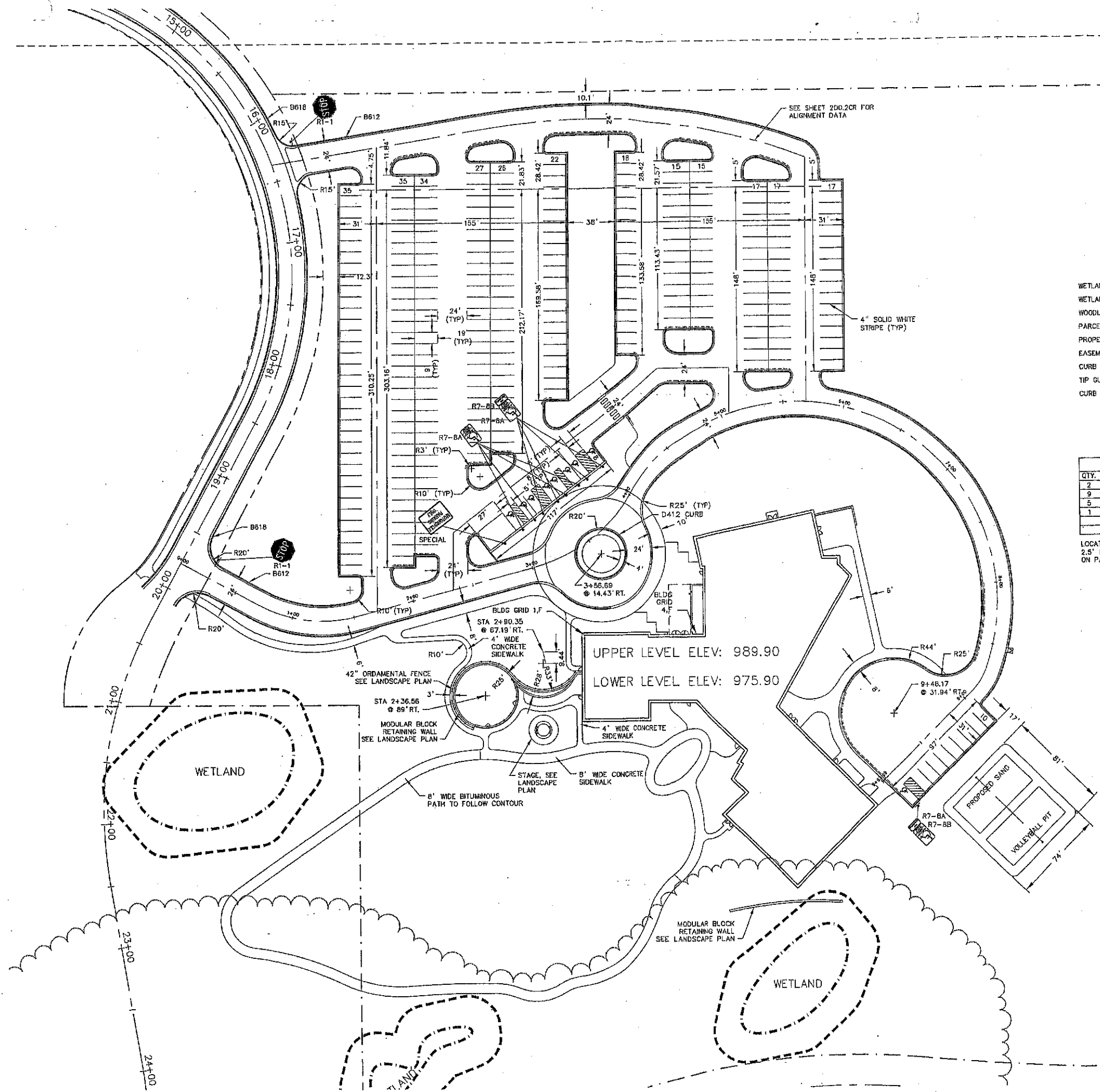
LOCATE ACCESSIBLE PARKING SIGNS:
2.5' BEHIND CURB AND CENTERED
ON PARKING STALL, SEE DETAIL.



| GRID | NORTHING | EASTING |
|------|-----------|-----------|
| 1,F | 204555.41 | 483592.91 |
| 4,F | 204555.41 | 483683.83 |

SEE ARCHITECTURAL PLAN
FOR BUILDING GRID LAYOUT

PARKING STALL TABULATION
279 PARKING STALLS
9 ADA ACCESSIBLE STALLS

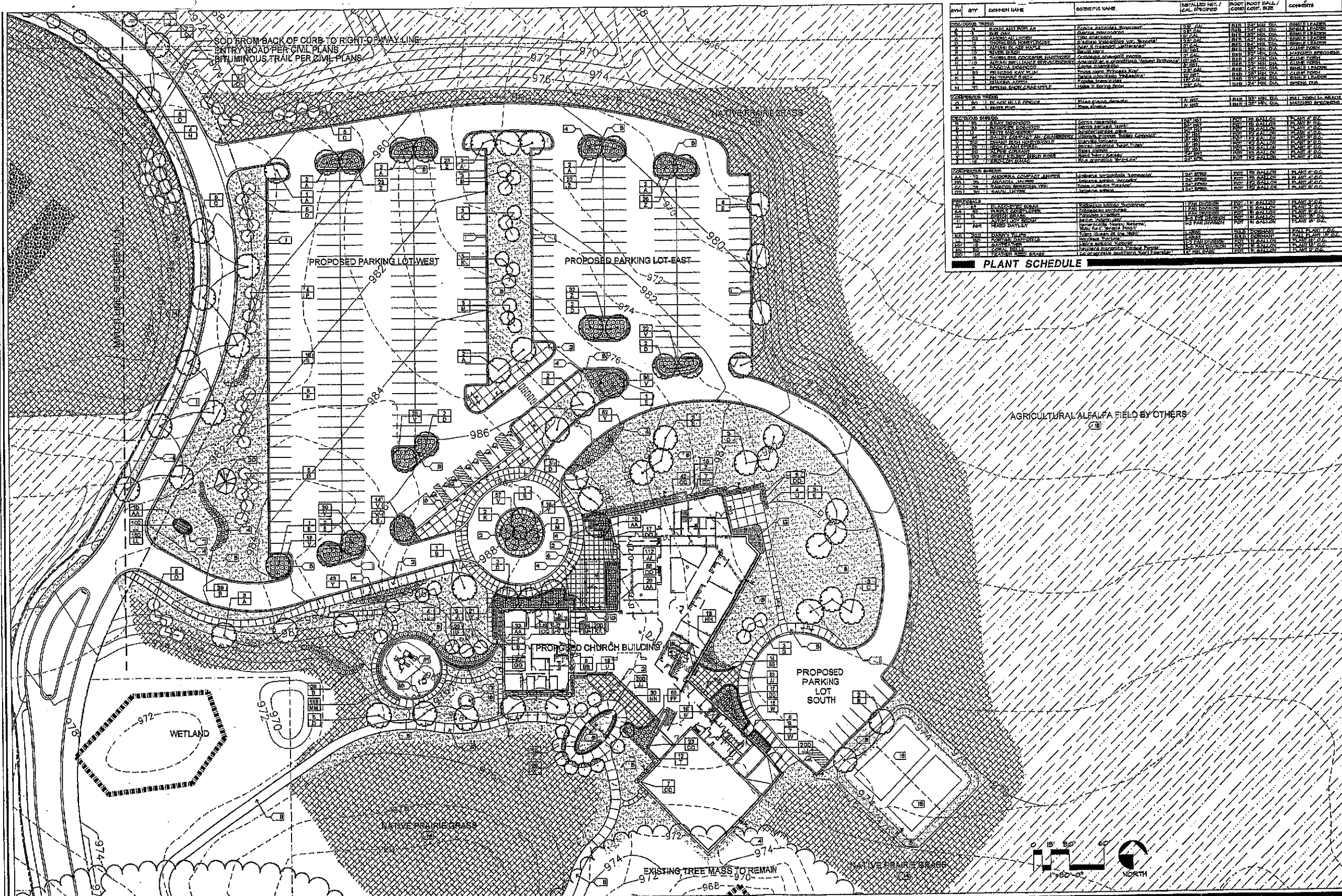


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Date: NOV. 15, 2005
Drawn: RSP
Comm. No.:
Checked: PBD

SHEET TITLE
SITE PLAN

SHEET NO.
200.1CS



| NO. | QTY | COMMON NAME | SCIENTIFIC NAME | INSTALLED HGT. / CAL. APPROX. | ROOT BALL / CONT. SIZE | COMMENTS |
|-------------------------|-----|-----------------|----------------------|-------------------------------|------------------------|-------------|
| DECIDUOUS TREES | | | | | | |
| 1 | 1 | WHITE BARK PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 2 | 1 | RED PINNACLE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 3 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 4 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 5 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 6 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 7 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 8 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 9 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 10 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 11 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 12 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 13 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 14 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 15 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 16 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 17 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 18 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 19 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 20 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| CONIFER TREES | | | | | | |
| 21 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 22 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| DECIDUOUS SHRUBS | | | | | | |
| 23 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 24 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 25 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 26 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 27 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
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| 30 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| CONIFER SHRUBS | | | | | | |
| 31 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| 32 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| PERENNIALS | | | | | | |
| 33 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
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| 40 | 1 | RED PINE | <i>Pinus strobus</i> | 12'-14' | 18" DBH | MINI LEADER |
| PLANT SCHEDULE | | | | | | |

Rockpoint
CHURCH

Lake Elmo Campus
Lake Elmo, Minnesota

B W B R
ARCHITECTS

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360 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.225.5701

Consultant:
Landscape Architect:
Damon Farber Associates
222 Nicollet Mall
Minneapolis, Minnesota 55402
phone 612.332.7522
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Damon Farber Associates
Landscape Architects

Damon Farber Associates
222 Nicollet Mall
Minneapolis, Minnesota 55402
phone 612.332.7522
fax 612.332.0036
www.damonfarber.com

I hereby certify that the plans, specifications or report are prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the state of Minnesota.

Date: 2/1/06 App No. 12630

Record For:

| Date | From |
|---------|------|
| 2/1/06 | BH |
| 2/28/06 | DF |

Sheet No.

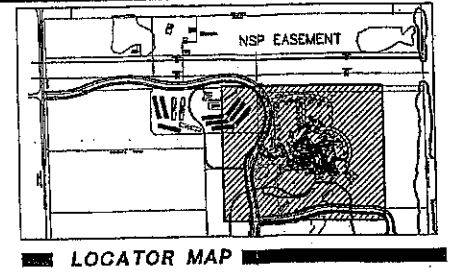
| Date | From |
|---------|------|
| 2/1/06 | BH |
| 2/28/06 | DF |

CHURCH SITE
LANDSCAPE PLAN
CITY SUBMITTAL

Sheet No.

L12

- CHURCH SITE LANDSCAPE PLAN**
- 1 CURB AND GUTTER SHOWN FOR REFERENCE. SEE CIVIL PLANS FOR LAYOUT & DETAILING.
 - 2 CONCRETE SIDEWALK PER CIVIL DETAILS. HAND-TOOK JOINTS AS SHOWN.
 - 3 6"Ø DIAMETER LimestONE MILCH HAND PLACED. FILL SURFACE VOIDS WITH 8"ØØ DIAMETER CRUSHED LimestONE MILCH. SEE DETAIL L11.B
 - 4 1/8"ØØ BLACK IRONSON STEEL EDGER, TYP. SEE SPECIFICATIONS.
 - 5 TURN SOD PER SPECIFICATIONS.
 - 6 STEEL TRAFFIC BOLLARD, SEE DETAIL SHEET L1.A, TYP. (B), PLACE 8"ØØ ON-CENTER.
 - 7 MONUMENT SIGN PER ARCHITECTURAL PLANS. MAINTAIN 8'Ø CLEAR SIGHT TRIANGLE. POWER FEED PER ELECTRICAL PLANS. CONFORM TO CITY OF LAKE ELMO SIGNAGE REGULATIONS.
 - 8 TRAFFIC SIGNS PER CIVIL PLANS.
 - 9 LANDSCAPE FORMS 6" METAL EDGER PER DETAIL SHEET L1.B.
 - 10 LANDSCAPE FORMS METAL CIGARETTE ASH URN PER DETAIL SHEET L1.B.
 - 11 BITUMINOUS TRAIL OVER CONTRACTOR PREPARED SUB-GRADE. SEE CIVIL PLANS, DETAILS AND SPECIFICATIONS. SEED DISTURBED AREAS WITH NATIVE PRAIRIE SEED MIX PER SPECIFICATIONS.
 - 12 4" DEPTH 8"ØØ CRUSHED LimestONE MILCH OVER FEED BARRIER.
 - 13 PROPOSED SAND VOLLEYBALL COURTS PER DETAIL SHEET L1.A. REFER TO CIVIL PLANS FOR GRADING AND SURFACE DRAINAGE TYPING.
 - 14 PROPOSED MEDIUM HEIGHT NATIVE PRAIRIE GRASSES. REFER TO SPECIFICATIONS.
 - 15 PROPOSED AGRICULTURAL ALFALFA OVER BALANCE OF EXISTING CROPLANDS. FIELD PREP, SEEDING AND HARVESTING, MAINTENANCE PER AGREEMENT BETWEEN CHURCH AND LEASEE.
 - 16 STAGE PLATFORM CONSTRUCTED OF MODULAR BLOCK AND UNIT PAVERS. SEE DETAIL SHEET L1.B AND SPECIFICATIONS.
 - 17 MODULAR BLOCK RETAINING WALL. SEE CIVIL PLANS FOR WALL ELEVATIONS. CERTIFIED ENGINEERED WALL MANUFACTURER, ANCHOR MIDLAND® SERIES. SEE SPECIFICATIONS.
 - 18 42" ORNAMENTAL METAL FENCE TYPICAL. SEE DETAIL SHEET L1.B AND SPECIFICATIONS.
 - 19 PLAYWORLD SYSTEMS PLAY EQUIPMENT IN SAND TOT LOT AREA. WITH CONCRETE CURB CONTAINMENT EDGE. SEE DETAIL SHEET L1.A AND SPECIFICATIONS.
 - 20 FUTURE ROCK MONUMENT. QUARRY BLASTED DRUMMER TRAP BOLLARD OR SIMILAR.
- PLAN NOTE TAGS**

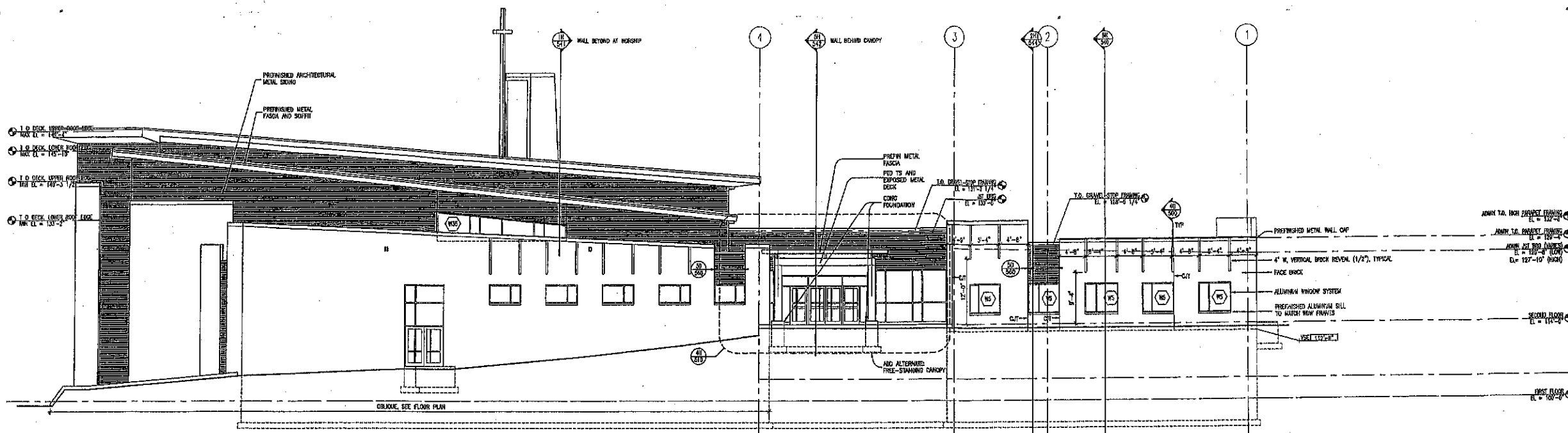


LOCATOR MAP

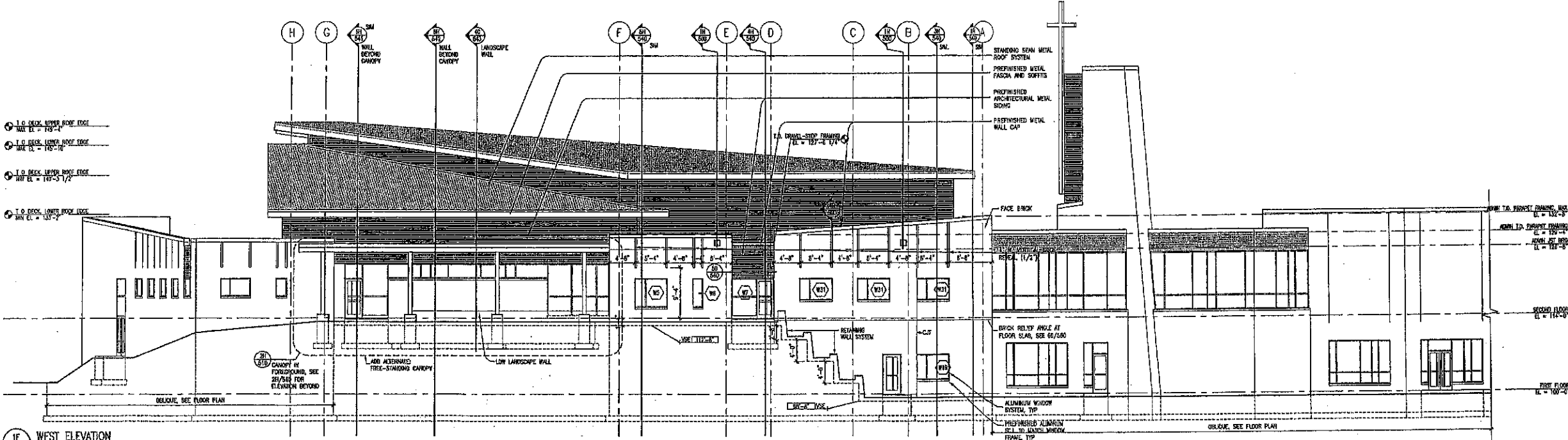


Layperson Consultant
 380 St. Peter Street, Suite 600
 Saint Paul, MN 55102-1996
 651.222.3701

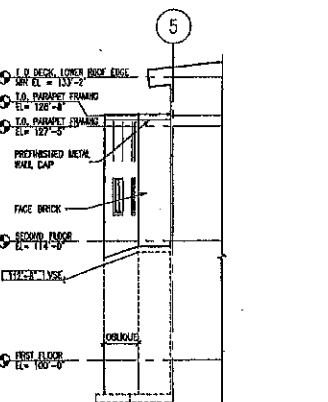
Consultants



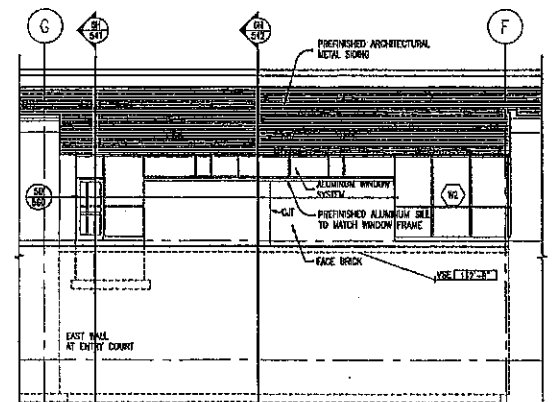
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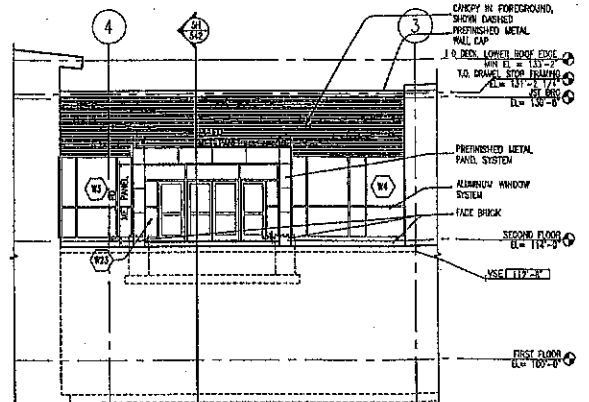
1F WEST ELEVATION
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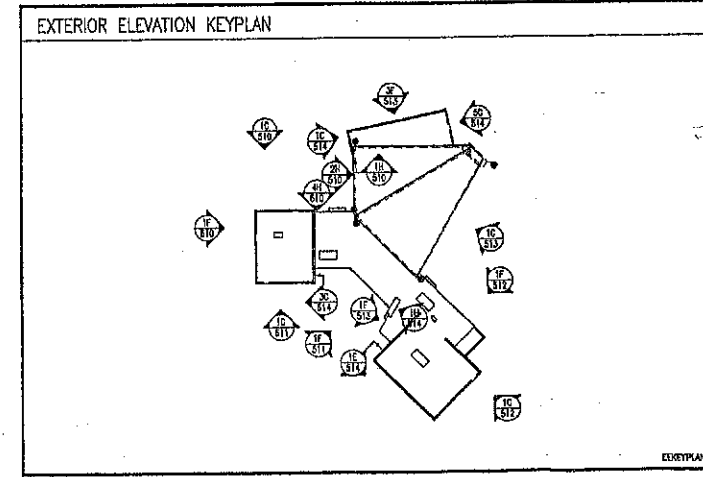
1H PARTIAL EXTERIOR ELEVATION
 510 1/8"=1'-0"



2H PARTIAL EXTERIOR ELEVATION
 510 1/8"=1'-0"



4H PARTIAL EXTERIOR ELEVATION
 510 1/8"=1'-0"



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

Date: 2-10-2005
 Peter D. Smith
 Reg. No. 20025

| Record For | |
|---------------------|----------|
| OWNER REVIEW | 08/30/05 |
| ED. PRICING | 10/14/05 |
| REVIEW SET | 01/23/06 |
| CD. BID ISSUE | 02/10/06 |
| SITE PLAN SUBMITTAL | 3-2-06 |

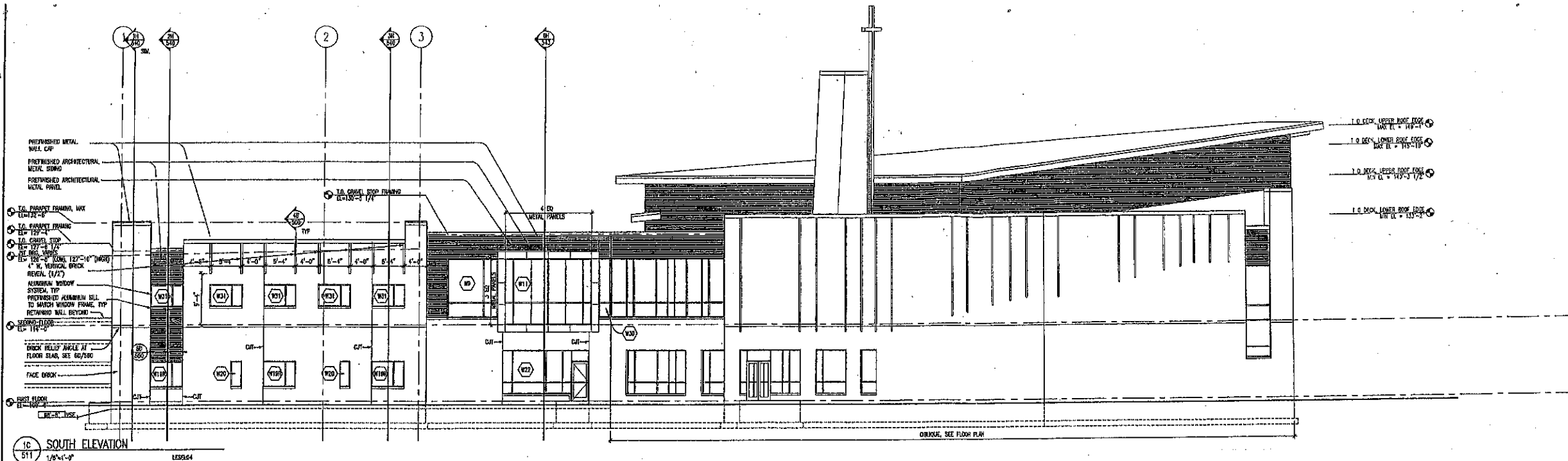
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|---------------------|----------|
| 02/10/06 | CP/AM/MB |
| Comm. No. | Checked |
| 2005.091.00 | KF |
| Sheet Title | |
| EXTERIOR ELEVATIONS | |

Sheet No.
510

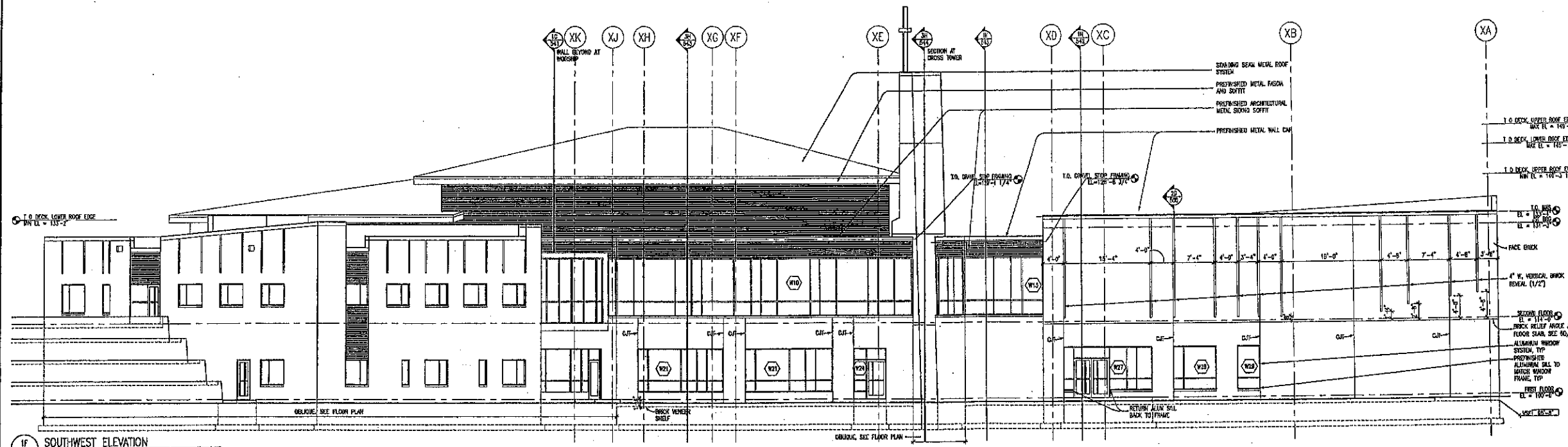


Lavonia Corroone
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.5701

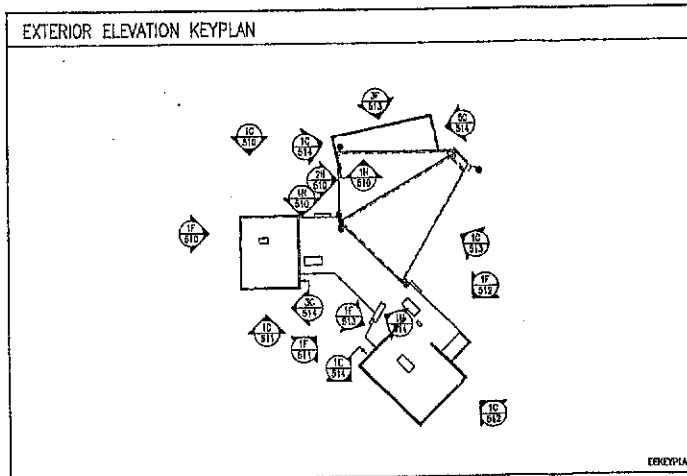
Consultants



1C SOUTH ELEVATION
1/8"=1'-0"
153964



1F SOUTHWEST ELEVATION
1/8"=1'-0"
153916



I hereby certify that the data specifications in regard to project are prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Minnesota.

Name: *Robert J. Jett* Printer: G. Smith
Date: 7-10-2005 Reg. No. 20055

Issued For:

| Item | Date |
|---------------------|----------|
| OWNER REVIEW | 02/30/05 |
| RE PRICING | 10/14/05 |
| REVIEW SET | 01/23/06 |
| CD, RD ISSUE | 02/10/06 |
| SITE PLAN SUBMITTAL | 3-2-06 |

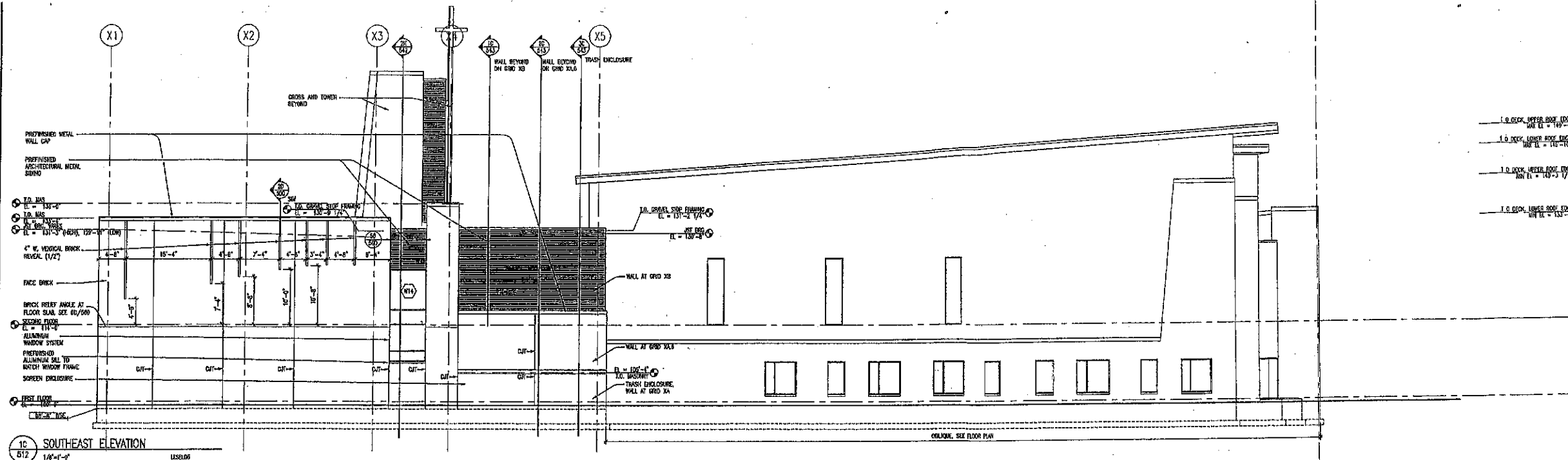
| Date | Drawn |
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| 02/10/06 | CF/ALW/NRE |
| 2005.091.00 | Checked |
| | KF |

Sheet No. **EXTERIOR ELEVATIONS**

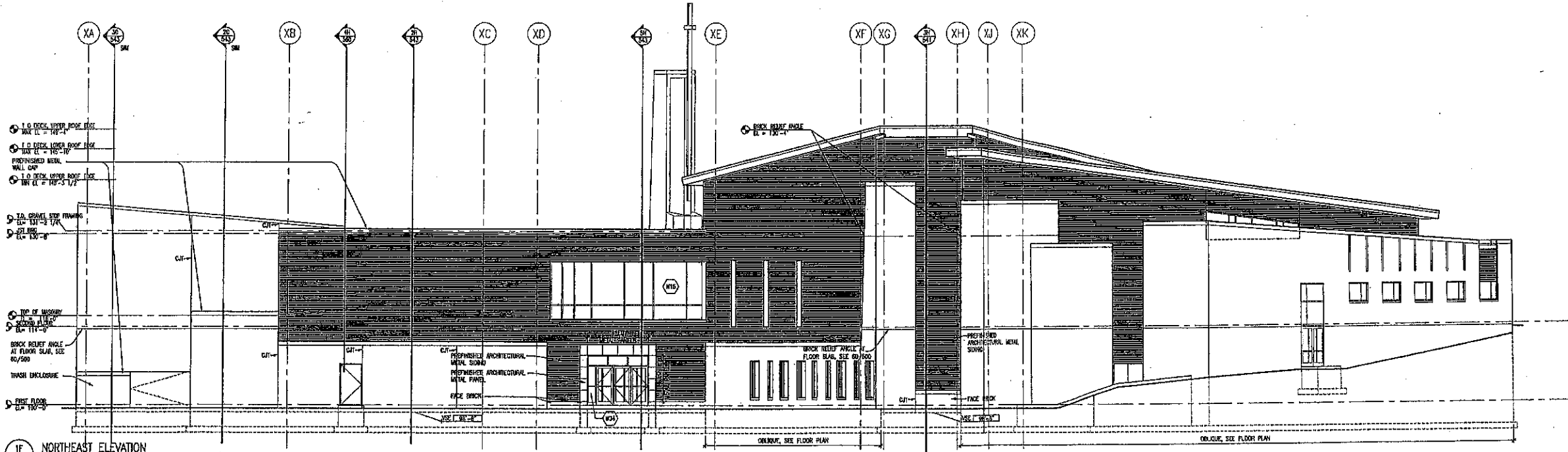
511



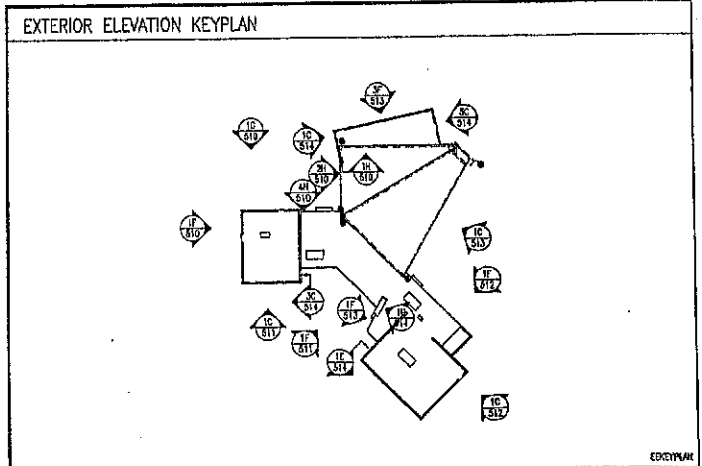
Larson Construction
380 St. Peter Street, Suite 600
Saint Paul, MN 55102-1996
651.222.3701
Crescenta



1C
512
SOUTHEAST ELEVATION
1/8"=1'-0"



1F
512
NORTHEAST ELEVATION
1/8"=1'-0"



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Date: 2-10-2006
Peter G. Swarth
Exp. No. 20093

| Item | Date |
|---------------------|----------|
| OWNER REVIEW | 08/30/05 |
| DD PRICING | 10/14/05 |
| REVIEW SET | 01/23/06 |
| CD BID ISSUE | 02/10/06 |
| SITE PLAN SUBMITTAL | 3-2-06 |

| Date | Drawn |
|----------|------------|
| 02/10/06 | CP/ALN/MRB |

| Comm. No. | Checked |
|-------------|---------|
| 2005.091.00 | KF |

Sheet Title
EXTERIOR ELEVATIONS

Sheet No.
512
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Lawson Curzon
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Saint Paul, MN 55102-1996
651.222.5701

Contractor

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

Date: 2-10-2005
Peter G. Smith
Exp. No. 20055

| Issued For | Date |
|---------------------|----------|
| OWNER REVIEW | 02/20/05 |
| DO PRICING | 10/14/05 |
| REVIEW SET | 01/23/06 |
| CD BID ISSUE | 02/10/06 |
| SITE PLAN SUBMITTAL | 2-2-06 |

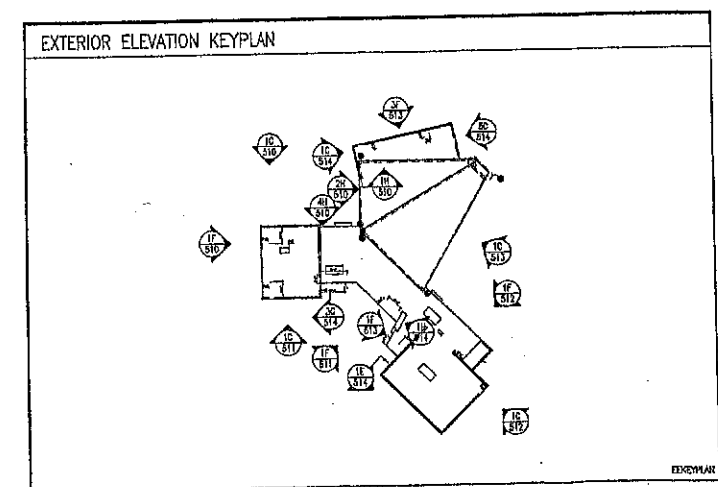
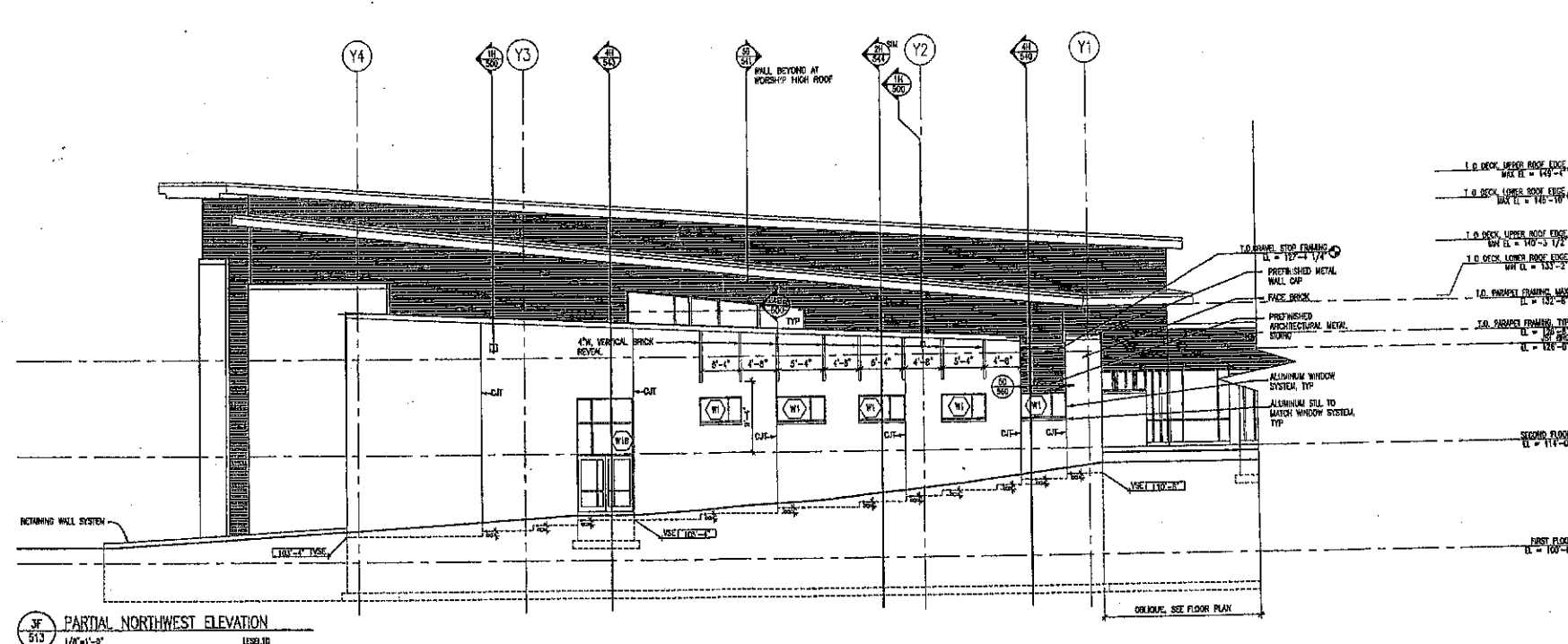
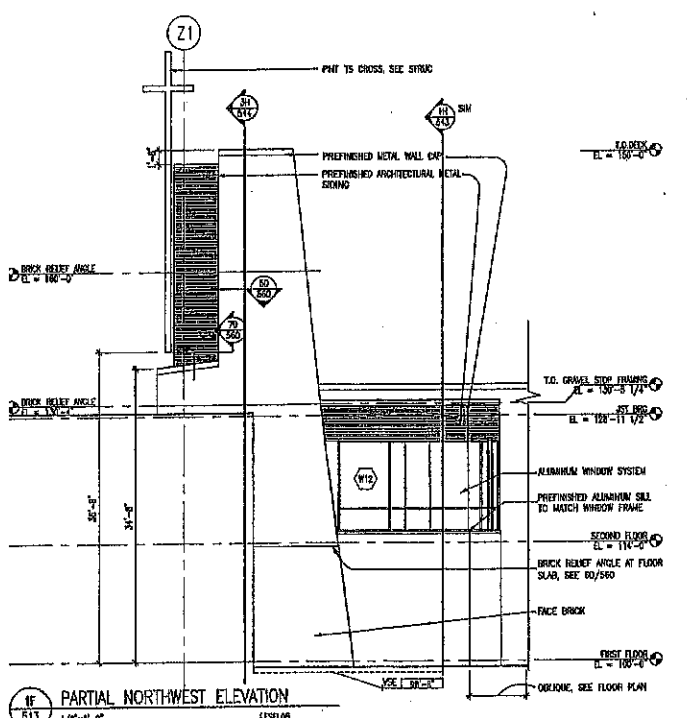
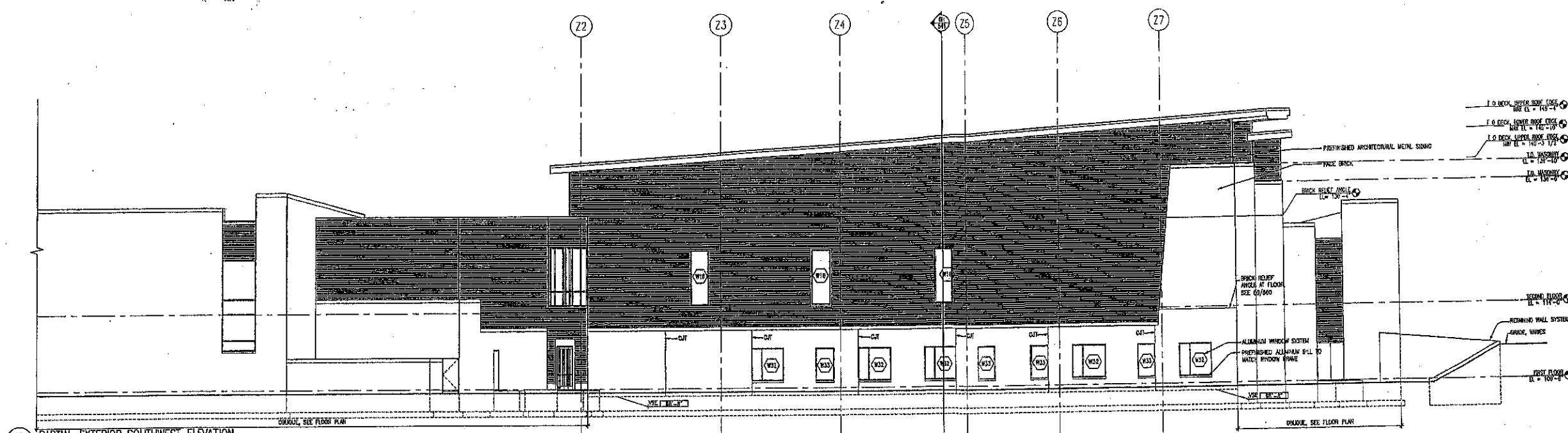
| Date | Drawn |
|-------------|------------|
| 02/10/05 | CP/BLR/MRS |
| Drawn No. | Checked |
| 2005.091.00 | KF |
| Sheet Title | |

EXTERIOR ELEVATIONS

Sheet No.

513

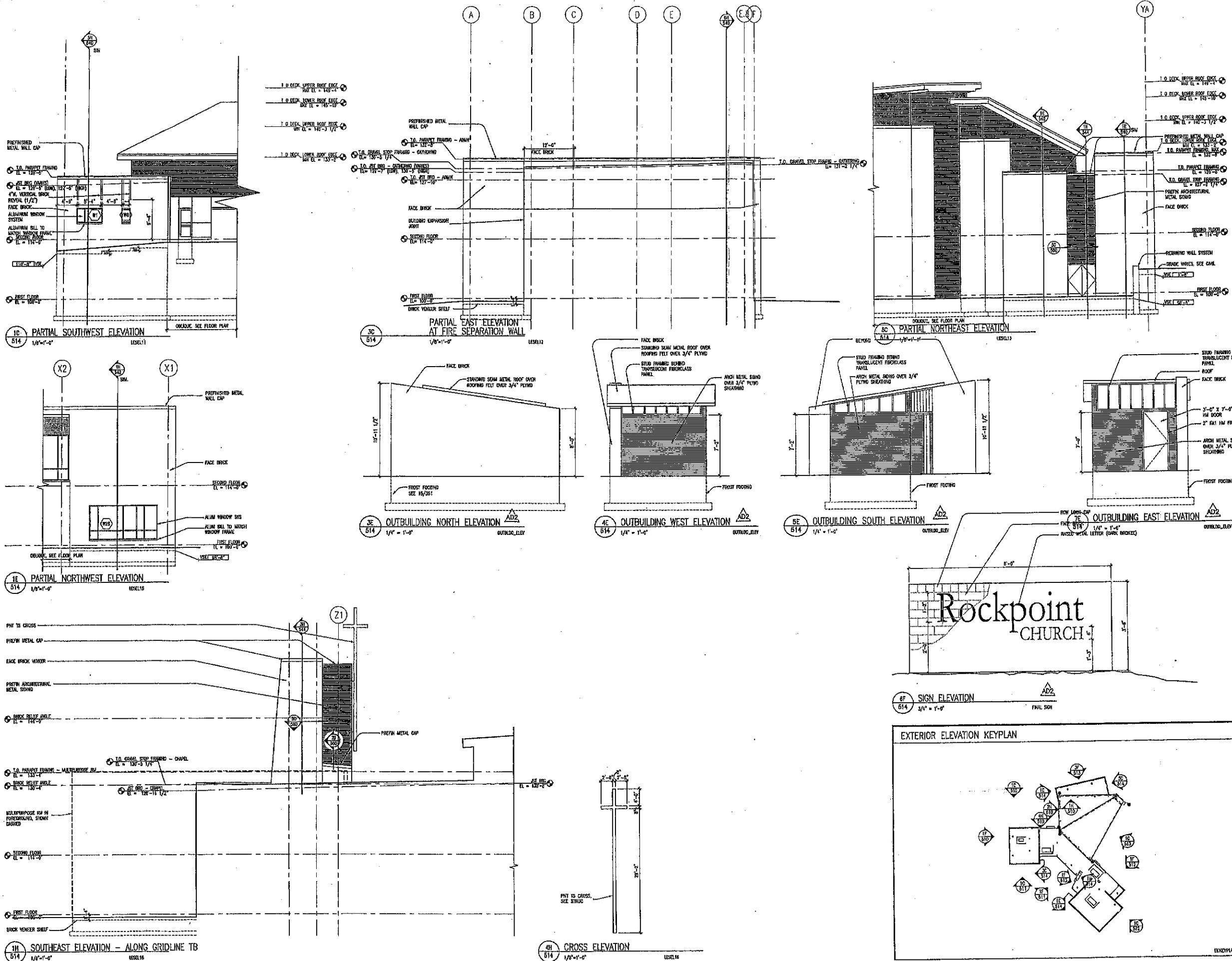
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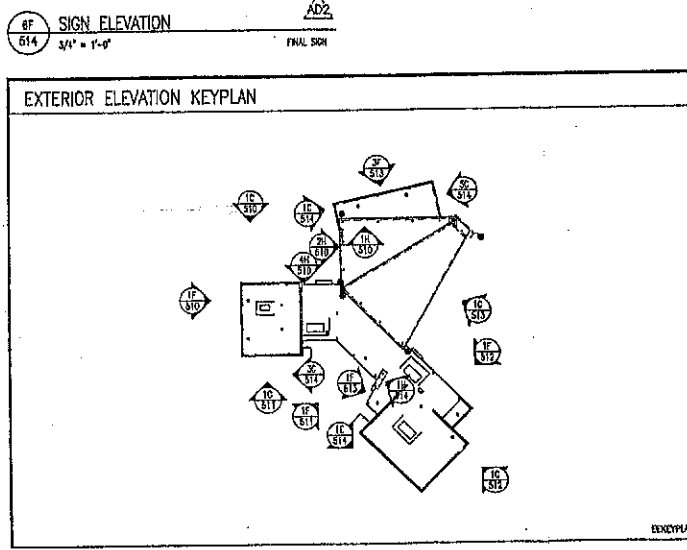
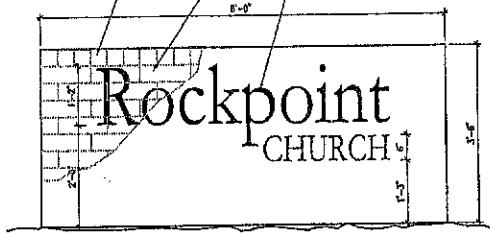
Lawson Cottingham
 380 St. Peter Street, Suite 600
 Saint Paul, MN 55102-1996
 651.222.3701
 Consultant



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of Minnesota.

Date 2-10-2006
 Peter G. Struth
 Reg. No. 20995

| Rev | Date |
|--------------|----------|
| OWNER REVIEW | 09/30/05 |
| DR. PERCHING | 10/14/05 |
| REVIEW SET | 01/23/06 |
| CD RD ISSUE | 02/10/06 |



| Date | Drawn |
|-------------|-----------|
| 02/10/06 | CP/AN/ARB |
| 02/10/06 | Checked |
| 2005.091.00 | KF |

Sheet 10a
EXTERIOR ELEVATIONS

Sheet No. **514**