

FILE

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

# Lake Elmo City Council

## TUESDAY, September 19, 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:**

September 5, 2006

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

**A. PUBLIC INQUIRIES:**

**4. CONSENT AGENDA:**

**A. (1) Resolution No. 2006-096: Approving Claims**

**(2) Resolution No. 2006-097: Approving Claim**

**B. Monthly Operating Report**

**C. Written Report on Building: Jim McNamara**

**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.

**5. FINANCE:**

Tom Bouthilet

**6. NEW BUSINESS:**

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

**A. Fire Dept. - Chief Malmquist**

**(1) Place Mark Yost as a Probationary Member**

**(2) Fire Department #2, Day Room Improvement Clarification**

<p><b>8. CITY ENGINEER'S REPORT:</b></p> <p>A. Accept Feasibility Report on 28<sup>th</sup> Street; Resolution No. 2006-098</p> <p>B. Update on Krueger Property (verbal)</p> <p>C. Ordinance No. 97-179 Relating to Towing of Illegally Parked Vehicles and Trailers</p> <p>D. Approve Plans and Specs for Plumbing Work – Tablyn Park; Resolution No. 2006-098 (verbal)</p>	
<p><b>9. PLANNING, LAND USE &amp; ZONING:</b></p> <p>A. Apostolic Bible Church Site – Comprehensive Plan Amendment and Rezoning, Resolution No. 2006-093, Ordinance No. 97-178</p> <p>B. Meeting with Oak Park Heights City Council – Buberl/Nass/Bidon Annexation</p> <p>C. Metro Transit Park and Ride Proposal</p>	<p>C. Dillerud</p>
<p><b>10. CITY ATTORNEY'S REPORT:</b></p> <p>A. North Water Main Extension Easements (verbal)</p>	
<p><b>11. CITY ADMINISTRATOR'S REPORT:</b></p>	
<p><b>12. CITY COUNCIL BUSINESS AND REPORTS:</b></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>October 2, 6:30, Special Planning Commission on Zoning</p>	

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

### **Pledge of Allegiance**

#### **1. AGENDA:**

Additions: 7A (3) Park Use Preliminary Information; 9F METC meeting update, Changes: Moved 8C to Closed Session, moved 10A to Closed Session; Moved 7B (1) and 7B (2) to 3A (3).

M/S/P Conlin/DeLapp – to approve the September 5, 2006, City Council Agenda as amended. (Motion passed 4-0)

#### **2. MINUTES:**

M/S/P Smith/Conlin – to approve the August 15, 2006, City Council minutes as amended. (Motion passed 4-0)

#### **3. PUBLIC INFORMATIONAL/PUBLIC INQUIRIES:**

##### **A. Public Informational:**

##### **(1) CIC Presentation on Senior Housing:**

Brenda Anderson, from the Community Improvement Commission (CIC), presented the results from the Senior Housing Survey. Approximately one hundred surveys were received, with 86% believing that a need exists for senior housing. The CIC recommends that further study, feedback and direction from the City Council are necessary to identify appropriate senior housing suitable for the City of Lake Elmo.

Council Members questioned the “definition of affordable housing,” and the probable cost of any senior oriented units/houses in the Old Village Area. It was determined that it would be best to have the Old Village Plan completed, and have any senior housing builders expressing interest work with the Engstrom group.

##### **(2) Lake Elmo Bank 95<sup>th</sup> Anniversary: Resolution 2006-094:**

The Mayor and City Council congratulated the owners and employees of the Lake Elmo Bank on their 95<sup>th</sup> Anniversary in the East Metro Area. They have been, and continue to be, an outstanding corporate citizen of Lake Elmo. There will be a Community Celebration on Friday, with Acting Mayor Smith presenting the City’s congratulations.

M/S/P Smith/Conlin – to approve Resolution No. 2006-094, congratulating Lake Elmo Bank on its 95<sup>th</sup> Anniversary. (Motion passed 4-0)

**B. Public Inquiries:**

Julie Bunn, 2986 Lake Elmo Avenue, introduced herself and announced her candidacy for State Representative 56A.

Deb Krueger, 4452 Lake Elmo Avenue, requested that action be taken regarding the 43<sup>rd</sup> Street water main construction, stating that the City needs to adopt a code or policy for completion of any City project in a timely manner. She stated that this was her third request for the repair of the ditch on their property. She requested that this repair be delayed until Spring 2007 since the plant growth in the ditch now precludes an accurate assessment of the repairs required. She also reported that a load of gravel was required for their driveway and a survey marker needed replacement. She demanded that those actions be completed by the end of September.

City Engineer Prew stated that the contractor needs to inspect the property and have the survey stakes correctly placed.

M/S/P DeLapp/Smith – to direct Staff to make every reasonable effort to comply with Ms. Krueger's request for gravel and survey stake by the end of September 2006. (Motion passed 4-0)

M/S/P DeLapp/Conlin – to complete the ditch work by the Fall of 2006 or Spring 2007, being careful to avoid the months of November and December 2006 to avoid conflict with the Krueger's holiday tree sales. (Motion passed 4-0)

**4. CONSENT AGENDA:**

**A. Resolution No. 2006-087: Approving Claims**

M/S/P Smith/Johnston – to approve Resolution No. 2006-087, approving Claim Numbers 343, 344, DD848 through DD870, 29560 through 28587, were used for Staff Payroll dated August 17, 2006; Claim Numbers 345, 346, DD871 through DD874, 29588 through 29598, were used for Staff Payroll dated August 31, 2006, Claims 347, 29599 through 29563, in the total amount of \$991,968.60 are hereby approved. (Motion passed 4-0)

**B. Escrow Reduction #3: Discover Crossing**

M/S/P Smith/Johnston – to authorize an Escrow Reduction #3 for Discover Crossing, reducing the escrow amount required to \$153,750.00. (Motion passed 4-0)

**C. Escrow Reduction: Farms of Lake Elmo**

M/S/P Smith/Johnston – to authorize an Escrow Reduction for Farms of Lake Elmo, reducing the escrow amount required to \$133,750.00. (Motion passed 4-0)

**D. Escrow Reduction #2: Sanctuary**

M/S/P Smith/Johnston – to authorize an Escrow Reduction for Sanctuary, reducing the escrow amount required to \$1,038,750.00. (Motion passed 4-0)



E. Pay Estimate for 2006 Crack Seal: L & M Services  
M/S/P Smith/Johnston – to authorize Final Payment to L & M Services, in the amount of \$27,300.00, for the 2006 Crack Seal Project. (Motion passed 4-0)

F. Pay Estimate for 2006 Seal Coat: Allied Blacktop Company  
M/S/P Smith/Johnston – to authorize Final Payment to Allied Blacktop Company, in the amount of \$110,057.49, for the 2006 Sealcoat Project. (Motion passed 4-0)

G. Pay Estimate for Water Tower: CB & I Constructors  
Council discussed if it was wise to pay CB & I Constructors due to the outstanding issues about documentation on the water tower construction issues.

The City Attorney and Staff stated they are still clarifying the wording of the water tower guarantee document that the City has negotiated including the concerns addressed by the City Council. City Engineer Prew would report back to Council at a subsequent Council meeting.

M/S/P Smith/Johnston – to authorize payment of Certificate No. 6, to CB & I Constructors, in the amount of \$366,537.07, for the Elevated Water Storage Tank No. 2. (Motion passed 4-0)

H. Pay Estimate for Tablyn Park/Lake Elmo Heights  
Council members discussed what a reasonable timeline was for the residents to expect the work to be completed, and whether payment should be made as the work was behind schedule. City Engineer Prew explained that he expected the middle of October for the work to be completed. A timeline schedule would be mailed to all residents this week.

M/S/P Johnston/DeLapp – to authorize the Partial Payment of Certificate No.2, to Park Construction Company, in the amount of \$537,058.69. (Motion passed 4-0)

I. Resolution No. 2006-090: Ordering Assessment Hearing for Water System Interconnect Phase IV

M/S/P Smith/Johnston – to authorize the City to accept the proposed assessment of the cost of the Water System Interconnect Phase IV Project. (Motion passed 4-0)

J. Resolution No. 2006-091: Awarding Bid for 2006 MSA Resurfacing  
M/S/P Smith/Johnston – to award bid to Tower Asphalt, Inc., in the amount of \$236,501.45, for the 2006 MSA Resurfacing. (Motion passed 4-0)

## 5. FINANCE:

A. Resolution No. 2006-088: Budget Presentation: Adoption of Proposed Tax Levy and Proposed 2007 Budget

The Finance Director presented the 2007 Proposed Budget to the Council, stating that it has been reviewed with the Dept. Heads and City Administrator. The proposed Levy Certification must be approved by September 15, 2006. The Levy can always be lowered. The final budget must be certified to the County by December 29, 2006.

M/S/P Johnston/Conlin – to adopt Resolution No. 2006-088, for the Proposed 2006 Tax Levy, collectible in 2007 and the 2007 Proposed Budget. (Motion passed 3-1: DeLapp does not believe we can justify a 25% City tax revenue increase over 2 years)

B. Resolution No. 2006-089: Set Truth in Taxation Hearing Dates  
M/S/P DeLapp/Smith – to adopt Resolution No. 2006-089, setting the Truth in Taxation Public Hearing Dates for the 2006 Tax Levy and the 2007 Budget. (Motion passed 4-0)

6. NEW BUSINESS: None

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Parks Dept.:

(1) Carriage Station Basketball Court:

Public Works Superintendent reported that three quotes were received for the building/resurfacing of the new basketball court at Carriage Station. He reported that there are CIP funds set aside for this project and recommends awarding the bid to T.A. Schifsky, Inc.

M/S/P Smith/DeLapp – to award the bid to T.A. Schifsky, Inc., in the amount of \$12,500.00 per quote dated August 23, 2006, for a new Carriage Station basketball court at the enlarged size, per the recommendation of the Public Works Supervisor. (Motion passed 4-0)

(2) Announce Public Works Open House:

City Administrator Rafferty announced that an Open House will be held for the new Public Works Building on Saturday, September 16, 2006, from 9:00 am to Noon. Ribbon cutting will be at 9:30 a.m. The Public is welcome and invited to attend.

B. Fire Dept. Update:

(1) Recognize Explorers:

Chief Malmquist recognized Lake Elmo Volunteer Explorers Fire Post 9351 for their successes at the Eighth Annual Governor's Fire Safety Day. Explorers Sarah Gilder, Noah Malmquist, Jack Winkels, Tom Gagnon, Jessica Elliott, Ben Salus and Adam Heinle participated in the event.

(2) Recognize Two Engineer Certified Firefighters:

Training Officers - District Chief Brad Winkels and Captain Mike Tremain introduced Brian Johnson and Richie Springborn. They are the first Lake Elmo Firefighters to have successfully completed the Fire Engineer training in Lake Elmo.

(3) Fire Station No. 2 Upgrades:

The Fire Chief informed Council that bids were received for upgrades to Fire Station #2, approaching it as a two-part project. The first stage will be the degreasing and painting of the walls. Also, the floors would be cleaned, striped and sealed.

The second stage will be the construction of a "day room" in the center stall, improvement of storage space and upgrading the existing office space. The Firefighters have agreed to provide the labor for this project to minimize the costs. There will be expenses for materials, HVAC and some electrical work.

Mayor Johnston questioned the need for the second stage improvements. City Administrator Rafferty advised that this building will be usable for another 8-10 years, which warrants at least these minimal improvements to function as a fire station over that time period. Council Member DeLapp said he supported the upgrades, and he appreciated the time and effort the Firefighters were going to provide to completing the improvements.

M/S/P DeLapp/Johnston – to award the bid to Volk Contracting in the amount of \$8,250.00 for the painting and floor upgrade at Fire Station No. 2. (Motion passed 4-0)

Following the motion and vote, the Fire Chief asked for clarification if that included authority for the Fire Department to buy the materials necessary to build the dayroom. It was suggested that it was included in the motion.

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

##### A. Water Tower Paint Color (verbal):

City Engineer Prew requested confirmation from Council regarding the color of the new water tower, bowl, and the lettering. He recommended the bowl color be off-white, to match the pedestal, with maroon lettering to match the Public Works building.

Council discussed the various color options. Suggestions included trying to blend the tank into the landscape, the possibility of no lettering on the tower, and asking the community to propose what words/logos (if any) should be on the tank.

M/S/P Smith/Johnston – to paint the water tower base and bowl off-white, with burgundy lettering, per the City Engineer's recommendation.  
(Motion passed 3-1. DeLapp, too plain)

##### B. 28<sup>th</sup> Street Petition for Street Improvement (verbal):

The City received a petition, dated August 24, 2006, signed by the residents on 28<sup>th</sup> Street, requesting the street be upgraded from gravel to blacktop.

Resident Robert Schumacher, 9155 28<sup>th</sup> Street, spoke in favor of the upgrade as the streets are being dug up for the water main project.

Resident Jim Petersen, 2751 Jamley Avenue North, agreed that the upgrade should be done now. Delaying the road upgrade would not be cost effective.

Resident Jim Palecek, 2798 Jamley Avenue North, spoke against the road upgrade. He does not want to be assessed for it just because part of his property abuts 28<sup>th</sup> Street.

City Engineer Prew requested direction from Council regarding the upgrading of 28<sup>th</sup> Street, south of the end of Jamley Avenue.

M/S/P Conlin/Smith – to direct the City Engineer to prepare a Feasibility Report, and to include the cost of a City standard street and with an alternative of an 18' wide road with a 6" gravel base, and bring back to the September 19, 2006, Council meeting.  
(Motion passed 4-0)

C. Northern Water Main Extension Easement Update (Handout at Meeting):  
Moved to Closed Session

D. Tablyn Park/Lake Elmo Heights Water System Update (verbal):  
City Engineer Prew stated that two-thirds of the water main was in place. He reported that approximately 25 property owners have not as yet responded to letters regarding connection to their homes, and that extra crews had arrived to assist with this project as work is slightly behind schedule. The City Engineer provided a handout indicating the timeline being followed by TKDA and the Contractor, with a copy of the timeline and letter to be mailed to the residents this week.

Resident George Heller, 8644 27<sup>th</sup> Street North, requesting clarification of the decision regarding whether open trenching or directional drilling is used for the service lines from the main to the home. The City Engineer explained that individual site circumstances determined the type of service line installation used – such as service line length, in place landscaping and existing trees.

## 9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2006-092: Zoning Variance; Richard and Eileen Bergman:  
The City Planner reported that the Planning Commission recommended approval of a zoning variance to allow a second accessory structure on an RR zoned parcel. Here a barn structure is on an adjoining tax parcel, but was a part of the original homestead parcel. The applicant requests a variance to permit the barn to be detached from the adjacent parcel and added to the homestead parcel where an accessory structure is already in place. A major condition would be legally combining the additional 1.33 acres including the barn to the property with the homesteaded property.

Council Member DeLapp observed that if both parcels are owned by the same party, and one is non-conforming by area (as is the homestead parcel), the Code requires the parcels be combined and divided such that both are conforming in area – 10 acres in this case. He said he believes that Richard and Eileen Bergman own both parcels so a condition of the variance should be that the homestead parcel be enlarged to at least 10 acres.

The City Planner advised that while this is true, it has been his understanding that the homestead parcel was conveyed to a Bergman son.

Richard Bergman advised the Council that the homestead parcel was to be his son's, and that his son could not afford to purchase a full 10 acres – only the 1.33 acres needed to place the barn on the homestead parcel.

M/S/P Johnston/DeLapp – to adopt Resolution No. 2006-092, approving a zoning variance to locate two accessory buildings on a RR zoned parcel. (Motion passed 4-0)

B. Apostolic Church Site: Resolution No. 2006-093: Comp Plan Amendment: Ordinance No. 97-178: Rezoning

M/S/P Johnston/DeLapp – to table this item until the September 19, 2006, Council meeting when a full City Council will be in attendance. (Motion passed 4-0)

C. Status of Village Plan (verbal):

The City Planner reported that the Village Area Planning Team was under way with Phase 2 work following a lengthy contract preparation experience. He noted that meetings had already been held with the Allied Property Owners and City Staff, and that additional meetings are scheduled over the next several weeks with MPCA (treated TCE water discharge), MnDOT/Washington County (Highway 5 modifications) and the Allied Property Owners (clarification of the "Incentive Fund" components and, thereafter, specific unit count determination.) He also advised that the City Engineer has been requested to provide updated data regarding surface water (from that produced for the Thorbeck Plan), and to begin preliminary design of the sanitary sewer system.

D. Metropolitan Airport Commission – Lake Elmo Airport 2025 Plan:

The City Administrator, City Planner, Assistant Planner, and representatives from Baytown Township and West Lakeland Township attended at meeting with MAC staff and its consultants to discuss the Lake Elmo Airport Long Term (2025) Comprehensive Plan Update now underway.

MAC presented three draft alternative airport development concepts for inclusion of the 2025 updated plan, and has requested comments from the City on the draft alternative airport development options. He noted that the local government representatives at the meeting agreed that a fourth alternative be "no further development at the airport."

M/S/P Johnston/DeLapp – to direct Staff to send a letter to MAC stating Lake Elmo City Council support of the fourth alternative – that be no further development at the Lake Elmo Airport (runways or hangers).

E. Xcel Fly Ash Landfill Siting:

The City Planner stated that Xcel is preparing a voluntary Environmental Impact Statement for a fly ash fill in West Lakeland Township. The first step in that process is the preparation of a Scoping Environmental Assessment Workshop (SEAW).

Mayor Johnston stated that as a result of the ground water contamination issues in Lake Elmo, which could also result from the fly ash fill, it is recommended that the City support any efforts with West Lakeland Township to defeat the Xcel efforts to place the

land fill in their township, as they are in a leadership position.

Council Member DeLapp questioned what zoning authority the County and the Township have respectively regarding a use like this. The City Planner reported that West Lakeland Township has the authority but the County has the authority to regulate land fills but Xcel's strategy is to process their fly ash project permitting as a mine reclamation CUP amendment through the County (which has authority regarding the mining CUP covering the proposed site) instead to avoid dealing with a township that is clearly opposed to the project. The County would have to amend its mining regulations to include a fly ash landfill as a permissible mine reclamation strategy. He stated that the SEAW pretty clearly spell out that Xcel strategy, in apparent belief that the County Board would support what the township would not.

The City Planner stated that Staff is requesting direction regarding if the City desires to comment to MPCA/ECO regarding the SEAW

City Council directed the City Planner to pursue a response to the SEAW and present alternatives or beneficial use of fly ash.

F. METC Update:

Council Member DeLapp requested clarification regarding the delay in meeting with the METC. He noted that the Council had agreed two months ago to set up a meeting once some issue had been resolved. He couldn't recall the issue. Council Member DeLapp said he has heard nothing about a meeting since then.

Mayor Johnston stated that the City would meet with METC only when a constructive agenda was developed. The City is still working on the zoning issues, and it is not yet ready.

Council Member DeLapp reminded Council that a vote was taken two months ago, that the City would meet with METC. It has not yet occurred and he asked what the delay was for.

Council Member Conlin reminded Council Member DeLapp that the City voted to meet with the METC, but would not go into the meeting without a set agenda. She also remembered that Mr. Georgecas would be setting the meeting.

M/S/P Johnston/Smith – to place the MET meeting on the September 13, 2006, Council Workshop and discuss the Agenda for the meeting. (Motion passed 4-0)

10. CITY ATTORNEY'S REPORT:

A. Ziertman/Sessing Update: (verbal)

Moved to Closed Session

11. CITY ADMINISTRATOR'S REPORT:

A. City Administrator Rafferty: None



**12. CITY COUNCIL REPORTS:**

A. Mayor Johnston reported that he attended the Rasmussen Business College Groundbreaking, and presented the ceremonial shovel to the City Administrator for use at the Public Works building.

Mayor Johnston also requested clarification of the Lights Out Policy regarding the VFW Field and policy of providing a port-a-potty at Carriage Station Park. He also provided an update from his AMM meeting regarding METC penalties imposed on Lake Elmo with the extension of the Comprehensive Plan submission.

Reminder that filing dates are open until September 12, 2006, at 5:00 p.m.

B. Council Member Conlin: None

C. Council Member DeLapp: The comments from the members of the AMM committee regarding the METC penalties to Lake Elmo gave him hope that other cities may finally be realizing how difficult METC can be on cities that do not abide by METC dictates.

D. Council Member Smith: None

**REMINDERS:**

September 12, 2006: Primary Election – Polls Open 7 AM – 8 PM

September 13, 2006: City Council Workshop – 6 PM - 8:30 PM

September 14, 2006: Community Open House on Groundwater Contamination – OakLand Junior High School

September 16, 2006: Open House at New Public Works – 9 AM – Noon

Meeting ended at 11:50 pm

**CLOSED SESSION: Northern Water Main Extension Update**

Resolution No. 2006-087: Approved Claims

Resolution No. 2006-088: Proposed Tax 2006 Tax Levy, Collectible in 2007 and Proposed 2007 Budget

Resolution No. 2006-089: Approved Setting the Truth In Taxation Public Hearing Dates for 2006 Tax Levy

Resolution No. 2006-090: Ordered Assessment Hearing for Water System Interconnect Phase IV Project

Resolution No. 2006-091: Awarded Bid for 2006 MSA Resurfacing to Tower Asphalt, Inc.

Resolution No. 2006-092: Approved Zoning Variance for Richard & Eileen Bergman located at 11459 60<sup>th</sup> Street North

Resolution No. 2006-094: Congratulating Lake Elmo Bank for its 95<sup>th</sup> Anniversary

Resolution No. 2006-095: Approved Partial Payment No. 2 to Park Construction Company for Tablyn Park/Lake Elmo Heights Water Main

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
AUGUST 15, 2006

1. AGENDA
2. MINUTES: August 2, 2006
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
  - B. PUBLIC INFORMATIONAL:
4. CONSENT AGENDA:
  - A. Resolution No. 2006-079: Approving Claims
  - B. Monthly Operating Budget
  - C. Resolution No. 2006-080: Partial Payment No. 5, Water Interconnect Project Phase III, Riley Brothers Construction
  - D. Resolution No. 2006-081: Partial Payment No. 1, Tablyn Park /Lake Elmo Heights Water Main, Park Construction
  - E. Resolution No. 2006-082: Award Bid for 2006 Overlays
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Building Dept. Update: Jim McNamara
  - B. Fire Dept. Update: Chief Malmquist
    - (1) Place new members on probation: Paul Jorgensen, Noah Malmquist, and Brad Asplund
8. CITY ENGINEER'S REPORT:
  - A. Island Cul-de-Sacs in Tablyn Park: verbal update
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2006-083: Variance for Septic Drainfield: 8320 Hidden Bay Trail, Swanson
  - B. Resolution No. 2006-084: CUP/Site Plan for Veterinary Clinic in GB Zone, 11051 Stillwater Blvd.-Dr. John Baillie and Gary T. Harty
  - C. Resolution No. 2006-085: Final Plat of Eagle Point Business Park 6<sup>th</sup> Addition; Resolution No. 2006-086: Shoreland Variance and Section 520 Site Plan for C & C North American
  - D. Apostolic Bible Church Site – (tabled) Comprehensive Plan Amendment & Rezoning
  - E. Zoning Ordinance Interpretation – Non-Conforming AG Accessory Building
  - F. Ordinance No. 97-176: Lateral Water Main Connection; Ordinance No. 97-177: Lateral Water Main Connection Charges for Phases I and II
10. CITY ATTORNEY'S REPORT: None
11. CITY ADMINISTRATOR'S REPORT:
  - A. Tank Industry Consultants, Inc. and Water Tower – update
  - B. Old Village Plans – update
12. CITY COUNCIL BUSINESS AND REPORTS:

Closed Session: Lake Elmo vs. Sessing

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: City Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, Building Official McNamara (left at 7:45 pm), Fire Chief Malmquist, (left at 7:30 p.m.) TKDA Engineer Stempski, City Attorney Filla, and Recording Secretary Freeman.

### **Pledge of Allegiance**

#### **1. AGENDA:**

Additions: 11A. Tank Industries and Water Tower – verbal update; 11B Old Village Plans – verbal update; move 7B to 3B (Fire Dept. Update)

M/S/P Johnson/Smith – to approve the August 15, 2006, City Council Agenda as amended. (Motion passed 5-0)

#### **2. MINUTES:**

M/S/P Johnson/Smith – to approve the August 2, 2006, City Council minutes as amended. (Motion passed 3-0-2 Abstained Johnson and Colin-did not attend meeting)

#### **3. PUBLIC INQUIRIES/INFORMATIONAL:**

A. Public Informational: None

B. Public Inquiries:

David Frosch, 2935 Jonquil Trail, said he is a new Lake Elmo resident who is building houses in The Farms of Lake Elmo, and is requesting clarification of the Sign Ordinance regarding off-site real estate signs. He reported that he had been issued a permit for several Temporary off-site signs in the past, but was recently advised by City Staff that they would no longer issue any permits for off-site signage based on closer review of the Sign Ordinance. He said that he has seen many off-site real estate signs throughout the City. The Council directed Staff to review Mr. Frosch's concerns and report on off-site signage to the September 13, 2006, Council Workshop.

Nicole Park, 404 Lake Elmo Avenue, introduced herself and announced she would be running for City Council. Her goals for the City are to make Lake Elmo more of a destination, and to help establish a Family Center.

Susan Dunn, 11018 Upper 33<sup>rd</sup> Street, reminded the audience about the Budget meeting; the Water Contamination Meeting at OakLand Junior High School on September 14, 2006, at 6:00 p.m. Ms. Dunn also stated an update is needed on the new water tower being out-of-round and long-term stability, and requested information regarding the painting of the older water tower.

#### **4. CONSENT AGENDA:**

A. Resolution No. 2006-079:

M/S/P Smith/Johnson – to adopt Resolution No. 2006-079 approving Claim Number 341, 342, DD385 through DD847, 29494 through 29504, were used for Staff Payroll dated

August 3, 2006; 29505 through 29559, in the total amount of \$917,087.81 are hereby approved. (Motion passed 5-0)

**B. Monthly Operating Report:**

Mayor Johnston requested clarification of the Fiscal Disparities line item in the Report and the 2006 Comprehensive Plan Old Village design costs line item in the Report. Finance Director Bouthilet said Fiscal Disparities are a Metro commercial tax capacity redistribution law, where 40% of commercial tax capacity (and, therefore, ad valorem tax revenue) is, by legislatively mandated formula, moved into a Metro "Pool" from all cities and townships in the seven County Metro Area, and redistributed from the pool to these cities and townships, based on a formula designed to share commercial tax revenue relative to their overall tax capacity and population capacity. Lake Elmo gains a little annual revenue from the Fiscal Disparities Pool annually, which is reflected in the line item noted by Mayor Johnston.

Finance Director Bouthilet advised that the Village Area Planner expenditures need to be recoded out of the Planning Department budget and into the Village Area Planning Fund.

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

**C. Resolution No. 2006-080: Partial Payment No. 5, Water Interconnect Project Phase III, Riley Brothers Construction:**

M/S/P Smith/Johnson– to adopt Resolution No. 2006-080, authorizing Partial Payment No. 5, Water Interconnect Project Phase III, to Riley Brothers Construction, in the amount of \$178, 642.75. (Motion passed 5-0)

**D. Resolution No. 2006-081: Partial Payment No. 1, Tablyn Park/Lake Elmo Heights Water Main, Park Construction:**

M/S/P Smith/Johnson – to adopt Resolution No. 2006-81, authorizing Partial Payment No. 1, Tablyn Park/Lake Elmo Heights Water Main, to Park Construction, in the amount of \$627,532.95. (Motion passed 5-0)

**E. Resolution No. 2006-082: Award Bid for 2006 Overlays:**

M/S/P Smith/Johnson – to adopt Resolution No. 2006-082, awarding bid to Valley Paving, Inc., in the amount of \$208,318.00. (Motion passed 5-0)

5. **FINANCE:** None

6. **NEW BUSINESS:** None

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

**A. Building Dept. Update: Jim McNamara**

Building Official McNamara reported that new residential starts have been much less than anticipated. He reminded the audience that heating systems should be checked and repaired prior to winter. Wood burning fireplaces and chimneys should also be inspected and cleaned if necessary.

**B. Fire Dept. Update: Chief Malmquist**

Fire Chief Malmquist informed Council that the Dept. visited three neighborhoods on National Night Out. He also thanked everyone for supporting the Pancake Breakfast during Huff'n'Puff days. He added that new members are always welcome and needed.

Fire Chief Malmquist introduced the three newest members: Paul Jorgensen, Noah Malmquist and Brad Asplund, and requested they be placed on probation.

M/S/P Smith/DeLapp – to approve Paul Jorgenson, Noah Malmquist and Brad Asplund as probationary members of the Lake Elmo Fire Dept. (Motion passed 5-0)

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

**A. Island Cul-de-Sacs in Tablyn Park**

TKDA Engineer Stempski informed Council that a survey was conducted with the residents on 27<sup>th</sup> Street North (three) and 27<sup>th</sup> Street Court North (two), requesting their input regarding landscaped center island cul-de-sacs. The three questions per the resident survey were: 1) Are they in favor of a landscaped center island cul-de-sac? 2) Would they help plant and maintain? 3) What is their opinion on the City posting the cul-de-sacs "No Parking"? The three residents on 27<sup>th</sup> Street Court North were in favor and would help plant and maintain the island cul-de-sac. One resident was in favor, one opposed the parking restriction, and one suggested posting "No Parking" on one side only. One lot on the 27<sup>th</sup> Street North cul-de-sac is currently vacant, and the owner of the second lot was not in favor of the landscaped center island.

Council and Staff discussed various options of low maintenance vegetation, the paving of curb and gutter, and the alternative of a rain garden application, with curb and gutter around the island.

M/S/P Conlin/DeLapp – to direct Staff to prepare plans for the cul-de-sac at 27<sup>th</sup> Street North, and work with the three residents on curb and vegetation design. (Motion passed 5-0)

**9. PLANNING, LAND USE & ZONING:**

**A. Resolution No. 2006-083: Variance for Septic Drainfield: 8320 Hidden Bay Trail, Swanson:**

The City Planner reported that the Planning Commission recommended approval of the variance from drain field setback standards. The applicant seeks variances from drain field setback standards to the property line (3 feet where 10 feet is required) and an existing detached garage (3 feet where 20 feet is required). The variances relate to the applicants' failing septic systems needing a new drainfield in proximity of the existing drainfield. No reasonable alternative location was available for the new drainfield.

M/S/P Johnston/Johnson – to adopt Resolution No. 2006-083, approving the septic system setback variance at 8320 Hidden Bay Trail. (Motion passed 5-0)

B. Resolution No. 2006-084: CUP/Site Plan for Veterinary Clinic in GB Zone, 11051 Stillwater Blvd.-Dr. John Baillie and Gary T. Harty:

The City Planner reported that at the August 14, 2006, Planning Commission meeting, the applicant proposed relocation of the veterinary clinic from its present Lake Elmo Avenue location to the former Harty Insurance building on Stillwater Blvd. Applications for a Conditional Use Permit to locate the veterinary clinic in the GB zone and a Site Plan to modify the parking arrangement on the site have been presented to the City. A previously approved Site Plan (2005) to enlarge and remodel this site has been abandoned earlier by those applicants. The City Planner reported that the Planning Commission recommends approval of the proposed resolution of the Conditional Use Permit and Site Plan subject to several conditions.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-084, granting a Conditional Use Permit for Veterinary Services and the Section 520 Site Plan for site modifications to Dr. John Baillie and Gary Harty at 11051 Stillwater Blvd. based on Findings and recommendation of the Planning Staff Report and plans Staff dated August 9, 2006, and with the nine Conditions in the Resolution. (Motion passed 5-0)

C. Resolution No. 2006-085: Final Plat of Eagle Point Business Park; Resolution No. 2006-086: Shoreland Variance and Section 520 Site Plan for C & C North America:

The City Planner reported that the Planning Commission unanimously recommended approval of a Section 520 Site Plan and Shoreland variance for construction of a 25,000 square foot office/showroom building on a 2.04 acre parcel of the Eagle Point Business Park. The approval recommendation included eight design-related conditions involving parking and stream bank landscape mitigation.

Council Member DeLapp asked why the applicant could not build a facility in compliance with Code on a newly platted lot. The response was that the proposed business owner wants a larger building than will fit without special consideration .

The City Planner also reported that the Planning Commission recommended approval of the final platting of Eagle Point Business Park Outlot C as Lot 1, Block 1, Eagle Point Business 6<sup>th</sup> Addition. No reasons were given.

M/S/P DeLapp/Smith – to adopt Resolution No. 2006-085, approving the Final Plat of Eagle Point Business Park 6<sup>th</sup> Addition. (Motion passed 5-0)

M/S/P DeLapp/Smith – to adopt Resolution No. 2006-086, approving the Section 520 Site Plan for C & C North America and Shoreland variance on Outlot C, Eagle Point Business Park, with the additional condition as follows: Comply with the Business Park District Performance Standards with respect to exterior surfaces. (Motion passed 5-0)

D. Apostolic Bible Church Site – Comprehensive Plan Amendment & Rezoning:  
M/S/P Smith/Conlin – to table this item at the request of the property owner until the September 5, 2006, Council Meeting, at which time the Apostolic Bible Church will be prepared to make a statement.  
(Motion passed 5-0)



E. Zoning Ordinance Interpretation – Non-Conforming AG Accessory Building:  
The City Planner reviewed with the Council the current Zoning Ordinance language regarding the allowable accessory building square footage in the various zoning districts. He reported that there was disagreement as to exactly how to interpret the language of the Non-Conforming AG zoning portion the accessory building standards as to whether the total allowable accessory building area is a sum of two buildings or each of two buildings. The Planning Commission recommended an interpretation as each of two buildings, based on overall code enforcement.

Council Member DeLapp based his support of the Planning Commission recommendation on overall Code consistency rather than the strict wording of the Ordinance.

M/S/P DeLapp/Johnson – to approve the interpretation of the terms “total area” contained within the “Agricultural – Non-conforming” paragraph of the table in Section 300.07 Subd. 4.B.2.b. of the City code to mean area of each of two buildings rather than an area as the sum of two buildings for both acreage levels. (Motion passed 5-0)  
Staff agreed to pursue the necessary language changes in the Zoning Ordinance to clearly reflect the foregoing interpretation ordinance.

F. Ordinance No. 97-176: Lateral Water Main Connection; Ordinance No. 97-177: Lateral Water Main Connection Charges for Phases I and II:  
The City Planner explained the differences between trunk water charges and lateral water charges. The City Planner that the existing Code is confusing and not what was intended. He said that the Staff recommends adoption of the two ordinances: one to re-word the Code regarding WAC/lateral water charges, and one to establish water lateral charges for the Interconnect Projects I and II. The Council directed that the ordinances clearly specify that any additional charges added to deferred connections reflect the City’s costs to carry, such as interest on bonds sold.

M/S/P DeLapp/Johnson – to adopt Ordinance No. 97-176, amending Chapter 600 of the City Code regarding charges for connection to City water. (Motion passed 5-0)

M/S/P DeLapp/Johnson – to adopt Ordinance No. 97-177, establishing lateral charges for City Water Interconnect Projects I and II. (Motion passed 5-0)

10. CITY ATTORNEY’S REPORT: None

11. CITY ADMINISTRATOR’S REPORT:

A. Tank Industries and Water Tower – update  
The City Administrator reported to Council the status of the proposed repair of the new water tower concrete support shaft, and reported that the specialized design consultant stated the support would be acceptable, subject to several conditions included in his letter to the City and it being structurally sound. The City Administrator and Engineer confirmed that a special ring had been designed to correct the out-of-round issue, and the repair work has been approved by TKDA. The work will carry a total of a 10-year warranty, with 5 years maintenance after the tank is at full capacity. All inspections will be completed by an independent contractor.

Members of City Council noted several serious inconsistencies between the recommendations in the consultant's letter and the contractor's letter in response. The Staff was directed to enforce the consultant's recommendations.

B. Old Village Plans – update:

The City Planner informed Council that a meeting with the Planning Team was scheduled for Friday, August 18, 2006. He will report to Council about the status of the Village Area Plans at the September 5, 2006, Council meeting.

**12. CITY COUNCIL BUSINESS AND REPORTS:**

A. Mayor Johnston: Continues to work on AMM committees and Metropolitan Agencies Committee. St. Croix Regional Family Center survey conducted and the location will be announced September 13, 2006. There is no tax burden to the city selected, and a YMCA would be built a few years later.

Council discussed the question of which school districts were surveyed and if it would be impact the site selection process.

B. Council Member Conlin: None

C. Council Member DeLapp: Noted that an amendment to State Statutes regarding annexation passed the 2006 Legislature, requiring both cities' approval where detachment from one city and concurrent annexation to another city is petitioned. In the past a single city coveting the land/tax base of a neighbor could petition and have annexation approved without the consent of the city that would lose the lands. He observed that this legislation appeared to be a change of course for the Legislature by inserting more local autonomy in city/city annexation issues, and that, perhaps, is a signal that the Legislature may be more responsive to local autonomy issues involving the Met Council.

D. Council Member Johnson: None

E. Council Member Smith: None

Meeting adjourned at 9:12 p.m.

CLOSED SESSION: Lake Elmo vs. Sessing

- Resolution No. 2006-079: Approved Claims  
Resolution No. 2006-080: Partial Payment No. 5, Water Interconnect Project Phase III, Riley Brothers Construction  
Resolution No. 2006-081: Partial Payment No. 1, Tablyn Park/Lake Elmo Heights Water Main, Park Construction  
Resolution No. 2006-082: Awarded Bid for 2006 Overlays to Valley Paving, Inc.  
Resolution No. 2006-083: Approved Septic Drain Field Setback Variances at 8320 Hidden Bay Trail (John and Diana Swanson/Jet Construction)  
Resolution No. 2006-084: Granted a Conditional Use Permit/Site Plan at 11051 Stillwater Boulevard North to Locate a Veterinary Clinic  
Resolution No. 2006-085: Approved Final Plat of Eagle Point Business Park 6<sup>th</sup> Addition  
Resolution No. 2006-086: Approved Variance and Site Plan for C & C North America  
Ordinance No. 97-176: Established Lateral Water Main Charges  
Ordinance No. 97-177: Approved Trunk Water Facility and Lateral Water Main Charges



4A (1)

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

**RESOLUTION NO. 2006-096  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 348, 349, DD885 through DD909, 29655 through 29677, were used for Staff Payroll dated September 14<sup>th</sup>, 2006; 29654, 29678 through 29731, in the total amount of \$889,574.74 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 19<sup>th</sup> day of September, 2006.

\_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty  
City Administrator

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 09/15/2006 - 11:38 AM

# SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD					
29230	Ace Hardware	7.07	09/19/2006	Check Sequence: 1	ACH Enabled: No
30471	Drill Bit, Fasteners	25.61	09/19/2006	101-430-3100-42400	
30585	Paint - Public Works	26.34	09/19/2006	101-430-3100-42230	
	Paint - Public Works	59.02	09/19/2006	101-430-3100-42230	
	Check Total:				
Vendor: ACS					
624	Animal Control Services	228.00	09/19/2006	Check Sequence: 2	ACH Enabled: No
637	Animal Control Services - 7/31-8/13	395.46	09/19/2006	101-420-2700-43150	
	Animal Control Services - 8/14-8/27	623.46	09/19/2006	101-420-2700-43150	
	Check Total:				
Vendor: ALEXAIR					
11138	Alex Air Apparatus, Inc	50.25	09/19/2006	Check Sequence: 3	ACH Enabled: No
11168	SCBA Service - Fire Dept	2,294.96	09/19/2006	101-420-2220-44040	
	SCBA Masks w/HUDs - Fire Dept	2,345.21	09/19/2006	101-420-2220-45800	
	Check Total:				
Vendor: ALLBLAC					
Proj. 13593.000	Allied Blacktop Co.	110,057.49	09/19/2006	Check Sequence: 4	ACH Enabled: No
	2006 Sealcoat	110,057.49	09/19/2006	101-430-3100-43090	
	Check Total:				
Vendor: ARAM					
629-6064224	Aramark	69.94	09/19/2006	Check Sequence: 5	ACH Enabled: No
	Mats, Linen - City Hall	69.94	09/19/2006	101-410-1940-44010	
	Check Total:				
Vendor: ASPENMI					
67007	Aspen Mills, Inc.	48.41	09/19/2006	Check Sequence: 6	ACH Enabled: No
67539	Leather Tags, Pants - Fire Dept	99.32	09/19/2006	101-420-2220-44170	
67540	Leather Tags, Pants - Fire Dept	24.55	09/19/2006	101-420-2220-44170	
69137	Belts, Pants - Fire Dept	403.75	09/19/2006	101-420-2220-44170	
69138	Boots - Fire Dept	79.95	09/19/2006	101-420-2220-45800	
	Boots - Fire Dept	79.95	09/19/2006	101-420-2220-45800	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
69138	Shirts, Pants - Fire Dept Check Total:	118.53 774.51	09/19/2006	101-420-2220-44170	
Vendor: ASPHALT 5284	Asphalt Specialities Refund - Dupl. Permit 5284 Check Total:	50.50 50.50	09/19/2006	Check Sequence: 7 101-420-2400-44300	ACH Enabled: No
Vendor: ATOMIC 5238	Atomic-Colo, LLC Monthly Prog. Support Check Total:	958.50 958.50	09/19/2006	Check Sequence: 8 101-410-1520-43180	ACH Enabled: No
Vendor: BIFFS W302014/20	BiFF's Inc. Portable Rentals - Parks Check Total:	618.08 618.08	09/19/2006	Check Sequence: 9 101-450-5200-44120	ACH Enabled: No
Vendor: BOUTHM Emp. Claim	MichaelBouthillet Reimb. - Truck Rental Check Total:	145.11 145.11	09/19/2006	Check Sequence: 10 101-430-3100-43150	ACH Enabled: No
Vendor: BRINES 62970	Brine's Market Bagged Lunches - Election Judges Check Total:	150.54 150.54	09/19/2006	Check Sequence: 11 101-410-1410-44300	ACH Enabled: No
Vendor: CARQUEST 50916 51351	Car Quest Auto Parts Cable, Lugs - Parks Fuel Filter, Gasket - Parks Check Total:	11.31 13.93 25.24	09/19/2006 09/19/2006	Check Sequence: 12 101-450-5200-42150 101-450-5200-42210	ACH Enabled: No
Vendor: COMOLUBE 106504	Como Lube & Supplies Oil Removal Check Total:	158.00 158.00	09/19/2006	Check Sequence: 13 101-430-3100-42120	ACH Enabled: No
Vendor: COPYMAG 75842	Copy Images, Inc. Monthly Copier Maint. Check Total:	264.00 264.00	09/19/2006	Check Sequence: 14 101-410-1940-44040	ACH Enabled: No
Vendor: CPTLECO 651-207-1000	CP Telecom Telephone Service - City Hall	515.23	09/19/2006	Check Sequence: 15 101-410-1940-43210	ACH Enabled: No



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
651-207-1701	Telephone Service - Public Works Check Total:	603.58 1,118.81	09/19/2006	101-430-3100-43210	
Vendor:FARMERS 141357 141372	River Country Cooperative Fuel - Parks Fuel - Bldg Dept Check Total:	12.95 95.50 108.45	09/19/2006 09/19/2006	Check Sequence: 16 101-450-5200-42120 101-420-2400-42120	ACH Enabled: No
Vendor:FIRSTQUA 1785	First Quality Fence, Inc Fence Repair Check Total:	250.00 250.00	09/19/2006	Check Sequence: 17 101-450-5200-42250	ACH Enabled: No
Vendor:FLIFLET Permit 4816	Todd Fiflet Refund Dep. for 4577 Lily, #4816 Check Total:	1,000.00 1,000.00	09/19/2006	Check Sequence: 18 803-000-0000-22900	ACH Enabled: No
Vendor:FOUR 23-043238	Four Seasons Service City Hall Supplies Check Total:	72.60 72.60	09/19/2006	Check Sequence: 19 101-410-1940-44300	ACH Enabled: No
Vendor:HAGBERGS Account 10 Account 32	Hagbergs Country Market City Hall Supplies Fire Dept. Supplies Check Total:	48.64 19.36 68.00	09/19/2006 09/19/2006	Check Sequence: 20 101-410-1940-44300 101-420-2220-44300	ACH Enabled: No
Vendor:L&M Proj. 13593.000	L & M Services 2006 Crack Seal Check Total:	27,300.00 27,300.00	09/19/2006	Check Sequence: 21 101-430-3100-43090	ACH Enabled: No
Vendor:LEOIL S01203 S01208 S01208 S01208	Lake Elmo Oil, Inc. Fuel - Fire Dept. Fuel - Bldg Dept. Fuel - Public Works Fuel - Parks Check Total:	874.97 207.05 1,006.43 855.76 2,944.21	09/19/2006 09/19/2006 09/19/2006 09/19/2006	Check Sequence: 22 101-420-2220-42120 101-420-2400-42120 101-430-3100-42120 101-450-5200-42120	ACH Enabled: No
Vendor:MARONEYS I63919 I63919	Maroney's Sanitation, Inc Refuse - Parks Refuse - City Hall	136.49 95.89	09/19/2006 09/19/2006	Check Sequence: 23 101-450-5200-43840 101-410-1940-43840	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
163919	Refuse - Public Works Check Total:	230.68 463.06	09/19/2006	101-430-3100-43840	
Vendor:MCLEOD 7439652	McLeod USA Telephone Line - Well 2 Check Total:	43.25 43.25	09/19/2006	Check Sequence: 24 601-494-9400-43210	ACH Enabled: No
Vendor:MENARDST 79911 80066 80164 80414 81575	Menards - Stillwater Paint, Shop Supplies Primers, Tape, Cleaners Flashlight - Bldg Dept Surge Protectors - Public Works Surge Protectors - Public Works Check Total:	142.42 39.56 10.91 19.98 42.56 255.43	09/19/2006	Check Sequence: 25 101-430-3100-42150 101-430-3100-42150 101-420-2400-45800 101-430-3100-42400 101-430-3100-42400	ACH Enabled: No
Vendor:METCOU 0000831409	Metropolitan Council Wastewater Charge - Met Council Check Total:	942.77 942.77	09/19/2006	Check Sequence: 26 602-495-9450-43820	ACH Enabled: No
Vendor:METROFIR 25375	Metro Fire Helmet - Fire Dept Check Total:	143.00 143.00	09/19/2006	Check Sequence: 27 101-420-2220-45800	ACH Enabled: No
Vendor:MILLEREX 11887 11887	Miller Excavating, Inc. Grade Roads Rock for VFW Field Check Total:	1,085.50 923.81 2,009.31	09/19/2006	Check Sequence: 28 101-430-3100-43150 404-480-8000-45300	ACH Enabled: No
Vendor:MPCA James Sachs	MN Pollution Control Agency Certification Fee - Jim Sachs Check Total:	23.00 23.00	09/19/2006	Check Sequence: 29 602-495-9450-44370	ACH Enabled: No
Vendor:MYRONS FIRE	Myron's Service Center Diagnostics and Alternator - Fire Chief Check Total:	276.94 276.94	09/19/2006	Check Sequence: 30 101-420-2220-44040	ACH Enabled: No
Vendor:NATREPRO 41771	National Reprographics, LLC Invitations - Public Works	11.18	09/19/2006	Check Sequence: 31 101-430-3100-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	11.18			
Vendor:OAKDALE 1000046000	City of Oakdale Oakdale Water - South Pit Check Total:	2,050.15 2,050.15	09/19/2006	Check Sequence: 32 601-494-9400-43820	ACH Enabled: No
Vendor:OAKDRC 10047291	Oakdale Rental Center Concrete Trailer - Tablyn Parl Check Total:	179.99 179.99	09/19/2006	Check Sequence: 33 101-450-5200-42250	ACH Enabled: No
Vendor:ONECALL 6080522	Gopher State One-Call/One Call Concepts, Inc Line Locates Check Total:	224.95 224.95	09/19/2006	Check Sequence: 34 101-430-3100-44300	ACH Enabled: No
Vendor:PARKCO Proj. 13524.000	Park Construction Co. Print # 2 - Tablyn Pk/LE Hgts Watermain Check Total:	537,058.69 537,058.69	09/19/2006	Check Sequence: 35 202-494-9400-46400	ACH Enabled: No
Vendor:PETYCI 09/19/2006 09/19/2006 09/19/2006	Petty Cash Tank Lever Lunch - Election Judges LMC Lunch- Admin Check Total:	6.38 70.00 24.97 101.35	09/19/2006 09/19/2006 09/19/2006	Check Sequence: 36 101-410-1940-42230 101-410-1410-44300 101-410-1320-44300	ACH Enabled: No
Vendor:PLUNKETT 330264	Plunkett's Pest Control Monthly Extermination Service Check Total:	59.11 59.11	09/19/2006	Check Sequence: 37 101-410-1940-44010	ACH Enabled: No
Vendor:PRAXAIR 097040	PRAXAIR DISTRIBUTION INC. Shop Supplies Check Total:	24.63 24.63	09/19/2006	Check Sequence: 38 101-430-3100-42150	ACH Enabled: No
Vendor:PRESS 09/05/06 09/11/06	StevenPress Cablecast - City Council Cablecast - Planning Comm. Check Total:	76.45 55.60 132.05	09/19/2006 09/19/2006	Check Sequence: 39 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:QUANTUM 38881	Quantum Digital Imaging Sign - Primary Elections Check Total:	33.02 33.02	09/19/2006	Check Sequence: 40 101-410-1320-42030	ACH Enabled: No
Vendor:Rivertwn 50035963	RiverTown Newspaper Group Legal Publications Check Total:	172.14 172.14	09/19/2006	Check Sequence: 41 101-410-1320-43510	ACH Enabled: No
Vendor:RUD 9/5-9/13 9/5-9/13	DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total:	240.00 240.00 480.00	09/19/2006 09/19/2006	Check Sequence: 42 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:SAMSCLUB 0362995508 0362995508 0362995508 0362995508 0362995508	Sam's Club Refrigerator, Tool Racks - PW Batteries - City Hall Supplies - City Hall Paper Towels - City Hall Supplies - Fire Dept Check Total:	1,633.60 23.79 74.90 21.98 114.94 1,869.21	09/19/2006 09/19/2006 09/19/2006 09/19/2006 09/19/2006	Check Sequence: 43 410-480-8000-45800 101-410-1320-42000 101-410-1940-44300 101-410-1940-42110 101-420-2220-44300	ACH Enabled: No
Vendor:SESSING Sessing Sessing	Rodney Sessing Return Deposit Pmt. 4018 Court Settlement Check Total:	1,096.11 3,000.00 4,096.11	09/19/2006 09/19/2006	Check Sequence: 44 803-000-0000-22900 101-410-1110-44300	ACH Enabled: No
Vendor:STILLFOR FOCS29915	Stillwater Ford Cam Sensor Repl. - Fire Dept F-350 Check Total:	360.15 360.15	09/19/2006	Check Sequence: 45 101-420-2220-44040	ACH Enabled: No
Vendor:SUNRAY 19918 19919	Sun Ray Plumbing & Heating Gas Lines Repl. - Cimarron Gas Lines Repl. - Cimarron Check Total:	19,320.00 418.50 19,738.50	09/19/2006 09/19/2006	Check Sequence: 46 101-430-3300-43150 101-430-3300-43150	ACH Enabled: No
Vendor:TKDA 000200603475 000200603476 000200603477	TKDA, Inc. Water Sys Study Water Sys Interconnection Water Tank	39.27 12,348.04 1,316.65	09/19/2006 09/19/2006 09/19/2006	Check Sequence: 47 601-494-9400-43030 601-494-9400-43030 601-494-9400-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
000200603478	Disc. Xing, Sanctuary	410.73	09/19/2006	803-490-9070-43030	
000200603479	GIS Mapping of Surface Water	724.68	09/19/2006	603-496-9500-43030	
000200603480	Lk Elmo Hgts/Tablyn Pk Watermain	63,972.84	09/19/2006	202-494-9400-43030	
000200603481	Civil Defense Sirens	68.61	09/19/2006	101-410-1930-43030	
000200603482	Northern Watermain Extension	812.08	09/19/2006	601-494-9400-43030	
000200603483	Street Maintenance	1,353.67	09/19/2006	409-480-8000-43030	
000200603483	Carr. Station/55th St Trails	1,971.74	09/19/2006	404-480-8000-43030	
000200603483	Grad/Ut. Pmts, Meetings, Misc	3,457.74	09/19/2006	101-410-1930-43030	
000200603483	New PW Bldg	846.37	09/19/2006	410-480-8000-43030	
000200603483	Water System	3,801.07	09/19/2006	601-494-9400-43030	
000200603483	Surface Water System	1,056.58	09/19/2006	603-496-9500-43030	
000200603483	Park Meadows	148.12	09/19/2006	803-490-9070-43030	
000200603484	EP Blvd	5,024.77	09/19/2006	803-490-9070-43030	
000200603485	2006 MSA Repaving	5,069.32	09/19/2006	402-480-8000-43030	
000200603486	2006 Street Overlays	1,581.93	09/19/2006	409-480-8000-43030	
000200603487	Groundwater Modeling/Well Site	257.04	09/19/2006	601-494-9400-43030	
000200603488	Comp Park Plan	327.46	09/19/2006	101-410-1910-43020	
	Check Total:	104,588.71			
Vendor: TWINCIT 2965	Twin City Water Clinic, Inc. Bacteria Analysis - August 2006 Check Total:	20.00 20.00	09/19/2006	Check Sequence: 48 601-494-9400-43030	ACH Enabled: No
Vendor: Universi OSTP 55-2	University of Minnesota Reg Fee Short Paid Check Total:	20.00 20.00	09/19/2006	Check Sequence: 49 602-495-9450-44370	ACH Enabled: No
Vendor: VISALE32 ..8032	VISA Airfare - Fire Dept to IND Check Total:	574.40 574.40	09/19/2006	Check Sequence: 50 101-420-2220-43310	ACH Enabled: No
Vendor: VISALE40 ..8040	VISA Land Use Materials - Planning Check Total:	5.95 5.95	09/19/2006	Check Sequence: 51 101-410-1910-44350	ACH Enabled: No
Vendor: VOLK 06-255	Volk Contracting Fire Hall Remodel - Pmt # 2 Check Total:	2,750.00 2,750.00	09/19/2006	Check Sequence: 52 101-420-2220-44010	ACH Enabled: No

Invoice No      Description      Amount      Payment Date      Acct Number      Reference

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: XCEL	Xcel Energy				ACH Enabled: No
51-4504807-7	Softball Field	217.22	09/19/2006	101-450-5200-43810	Check Sequence: 53
51-4504807-7	Traffic @ 194/Inwood	29.08	09/19/2006	101-430-3160-43810	
51-4504807-7	Hudson Blvd Lift Station	58.87	09/19/2006	602-495-9450-43810	
51-5275289-3	Pebble Park	15.02	09/19/2006	101-450-5200-43810	
51-5356323-8	Wells @ 3303 Langly Cr/11975 55th	2,217.93	09/19/2006	601-494-9400-43810	
51-6736544-2	City Lights	1,754.76	09/19/2006	101-430-3160-43810	
51-6956201-4	3675 Layton Ave	55.66	09/19/2006	101-450-5200-43810	
	Check Total:	4,348.54			

Total for Check Run: 832,217.26  
 Total Number of Checks: 53



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

**RESOLUTION NO. 2006-097  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Number 29732, in the total amount of \$270.00 is hereby approved.

ADOPTED, by the Lake Elmo City Council on the 19<sup>th</sup> day of September, 2006.

\_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty  
City Administrator

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 09/15/2006 - 11:57 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:JOHNSONC 10-12/2006	Johnson Construction Fire Dept Storage - Oct-Dec 2006 Check Total:	270.00 270.00	09/19/2006	Check Sequence: 1 101-420-2220-44120	ACH Enabled: No
Total for Check Run:		270.00			
Total Number of Checks:		1			



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Monthly Operating Report - Revenue

As of August 2006

Description	Budget	Amount	Variance
Current Ad Valorem Taxes	2,149,940	1,064,923	-1,085,017
Delinquent Ad Valorem Taxes		11,389	11,389
Mobile Home Tax		2,751	2,751
Fiscal Disparities	12,000	59,777	47,777
Penalty & Interest on Taxes		159	159
Liquor License	9,000	0	-9,000
Wastehauler License	420	100	-320
General Contractor License	175	1,660	1,485
Heating Contractor License	1,000	1,500	500
Blacktopping Contractor Licens	100	0	-100
Building Permits	478,387	218,902	-259,485
Surcharge	35,900	0	-35,900
Heating Permits	23,500	46,563	23,063
Plumbing Permits	23,500	16,123	-7,378
Sewer Permits	18,000	1,625	-16,375
Animal License	1,500	1,628	128
Utility Permits	6,500	9,628	3,128
Burning Permit	1,200	1,015	-185
CDBG Old Village	60,200	10,108	-50,093
Local Government Aid		0	0
MSA - Maintenance		0	0
State Fire Aid	54,000	0	-54,000
PERA Aid	2,749	1,375	-1,375
Miscellaneous State Grants		4,355	4,355
Gravel Tax	4,000	4,037	37
Recycling Grant	15,270	15,570	300
Cable Franchise Revenue	17,102	29,910	12,808
Zoning & Subdivision Fees	20,000	7,732	-12,268
Plan Check Fees	283,181	93,523	-189,658
Sale of Copies, Books, Maps	1,500	327	-1,173
Assessment Searches	500	150	-350
Clean Up Days	5,700	4,035	-1,665
Cable Operation Reimbursement	2,670	1,852	-818
Fines	65,000	47,577	-17,423
Miscellaneous Revenue	10,000	15,999	5,999
Interest Earnings	50,000	11,231	-38,769
Interfund Operating Transfers	213,610	0	-213,610
<b>General Fund Total</b>	<b>3,566,604</b>	<b>1,685,522</b>	<b>-1,881,082</b>
Water Sales	238,747	157,180	-81,567
Tower Rent	26,500	25,808	-693
<b>Total Water Enterprise</b>	<b>265,247</b>	<b>182,987</b>	<b>-82,260</b>
<b>Total Sewer Enterprise Fund</b>	<b>39,877</b>	<b>0</b>	<b>-39,877</b>
<b>Total Surface Enterprise Fund</b>	<b>78,000</b>	<b>20</b>	<b>-77,980</b>
<b>Total Report</b>	<b>3,949,728</b>	<b>1,868,529</b>	<b>-2,081,199</b>



Monthly Operating Report

As of 09/19/2006 (Period 9)

	Budget	Amount	Variance	Comments
<b>Mayor &amp; Council</b>				
Part-time Salaries	12,100	6,050	6,050	
FICA Contributions	750	375	375	
Medicare Contributions	175	88	87	
Travel Expense	4,000	372	3,628	
Miscellaneous	10,000	4,200	5,800	
Dues & Subscriptions	9,000	2,864	6,136	
Conferences & Training	4,000	778	3,222	
<b>Sub-Total</b>	<b>40,025</b>	<b>14,726</b>	<b>25,299</b>	
<b>Administration</b>				
Full-time Salaries	133,933	92,786	41,147	
PERA Contributions	8,036	4,652	3,384	
FICA Contributions	8,304	5,813	2,491	
Medicare Contributions	1,942	1,354	588	
Health/Dental Insurance	29,854	12,538	17,316	
Workers Compensation	2,424	2,319	105	Annual Premium Paid
Office Supplies	9,000	4,588	4,412	
Printed Forms	900	614	286	
Newsletter/Website	15,000	3,275	11,725	
Postage	10,500	3,122	7,378	
Travel Expense	5,100	715	4,385	
Legal Publishing	6,500	5,342	1,158	
Insurance	41,357	39,210	2,147	Annual Premium Paid
Cable Operation Expense	4,500	1,130	3,370	
Miscellaneous	15,000	7,866	7,134	
Dues & Subscriptions	3,000	2,092	908	
Books	1,000	213	787	
Conferences & Training	3,000	314	2,686	
Professional Development	2,000	18	1,982	
Transfer Out	160,439	0	160,439	
<b>Sub-Total</b>	<b>461,789</b>	<b>187,959</b>	<b>273,830</b>	
<b>Elections</b>				
Part-time Salaries	9,900	0	9,900	
FICA Contributions	614	0	614	
Medicare Contributions	144	0	144	
Office Supplies	400	0	400	
Printed Forms	500	0	500	
Travel Expense	125	0	125	
Miscellaneous	600	221	379	
Conferences & Training	50	0	50	
Other Equipment	1,000	340	660	
<b>Sub-Total</b>	<b>13,333</b>	<b>561</b>	<b>12,772</b>	

	Budget	Amount	Variance	Comments
<b>Finance</b>				
Full-time Salaries	66,829	39,031	27,798	
PERA Contributions	4,010	2,299	1,711	
FICA Contributions	4,143	2,423	1,720	
Medicare Contributions	969	567	402	
Health/Dental Insurance	11,079	7,677	3,402	
Workers Compensation	1,122	745	377	Annual Premium Paid
Office Supplies	1,500	712	788	
Printed Forms	2,250	1,567	683	
Software Support	16,000	15,678	322	
Hardware Support	2,000	249	1,751	
Software Programs	2,000	0	2,000	
Travel Expense	1,000	48	952	
Miscellaneous	2,000	949	1,051	
Dues & Subscriptions	150	275	-125	
Books	200	94	106	
Conferences & Training	800	40	760	
	<b>Sub-Total</b>	<b>72,354</b>	<b>43,698</b>	
<b>Accounting Services</b>				
Accounting Services	30,000	23,507	6,493	
Assessing Services	41,000	34,852	6,148	
City Attorney - Civil	60,600	30,795	29,805	
City Attorney - Criminal	49,500	36,756	12,744	
<b>Planning &amp; Zoning</b>				
Full-time Salaries	116,259	60,590	55,669	
PERA Contributions	6,976	5,706	1,270	
FICA Contributions	7,208	3,777	3,431	
Medicare Contributions	1,686	883	803	
Health/Dental Insurance	21,911	12,093	9,818	
Workers Compensation	1,266	840	426	
Office Supplies	1,500	1,883	-383	Computer for new Asst Planner
Printed Forms	500	118	382	
Comm Facilities Planning-CDBG	0	0	0	
Old Village Design Study-CDBG	0	0	0	
Zoning Ordinance Dev - CDBG	5,000	0	5,000	
Cimarron Study - CDBG	60,200	276	59,924	
Comprehensive Planning	0	5,639	-5,639	Comp Plan Amendment - Expenditure funded by reserves.
Engineering Services	3,000	0	3,000	
Legal Services	0	3,408	-3,408	
Infiltration Project	0	0	0	
Old Village Tax Abatement	0	0	0	
Travel Expense	3,700	730	2,970	
Cable Operation Expense	1,450	723	727	
Miscellaneous	500	295	205	
Dues & Subscriptions	450	695	-245	
Books	650	181	469	
Conferences & Training	2,750	1,007	1,743	
	<b>Sub-Total</b>	<b>235,006</b>	<b>98,846</b>	<b>136,160</b>

Budget	Amount	Variance	Comments
Engineering Services	30,000	38,774	-8,774
Gov't Building			
Cleaning Supplies	1,000	276	724
Building Repair Supplies	1,000	196	804
Telephone	5,500	5,323	177
Insurance	0	0	0
Electric Utility	10,000	5,038	4,962
Refuse	2,500	968	1,532
Repairs/Maint Contractual Bldg	10,000	7,944	2,056
Repairs/Maint Contractual Eqpt	10,000	3,099	6,901
Miscellaneous	1,000	952	48
<b>Sub-Total</b>	<b>41,000</b>	<b>23,796</b>	<b>17,204</b>
Law Enforcement Services	365,200	351,361	13,839
Fire			
Full-time Salaries	66,561	33,838	32,723
Part-time Salaries	139,713	105,128	34,585
PERA Contributions	3,994	6,125	-2,131
FICA Contributions	12,789	8,619	4,170
Medicare Contributions	2,991	2,016	975
Health/Dental Insurance	24,321	18,724	5,597
Workers Compensation	6,838	4,538	2,300
Office Supplies	1,000	1,253	-253
Printed Forms	500	32	468
EMS Supplies	1,600	660	940
Fire Prevention	4,000	1,190	2,810
Fuel	5,400	4,838	562
Equipment Parts	500	406	94
Building Repair Supplies	400	306	94
Small Tools & Equipment	1,500	1,116	384
Physicals	5,100	3,537	1,563
Telephone	6,000	3,402	2,598
Radio	7,900	4,006	3,894
Internet	700	0	700
Travel Expense	3,500	3,915	-415
Vehicle Insurance	15,838	14,025	1,811
Electric Utility	12,200	5,327	6,873
Repairs/Maint Contractual Bldg	20,000	10,373	9,627
Repairs/Maint Contractual Eqpt	35,000	15,827	19,173
Rentals - Building	1,188	1,080	108
Uniforms	4,500	4,675	-175
Miscellaneous	4,000	2,239	1,761
Dues & Subscriptions	2,800	1,607	1,194
Books	250	126	124
Conferences & Training	15,000	7,907	7,093

Budget	Amount	Variance	Comments
Pension Contribution	0	0	
Fire State Aid	54,000	54,000	
Vehicle	0	0	
Equipment	10,000	4,692	6374.00 for AED, 2232 for Hose Racks
Transfer Out	98,443	98,443	
<b>Sub-Total</b>	<b>568,524</b>	<b>286,995</b>	
<b>Building Inspection</b>			
Full-time Salaries	129,938	91,211	38,727
PERA Contributions	7,796	4,789	3,007
FICA Contributions	8,056	5,667	2,389
Medicare Contributions	1,884	1,326	558
Health/Dental Insurance	28,030	13,245	14,785
Workers Compensation	2,276	1,510	766 Annual Premium Paid
Office Supplies	1,400	483	917
Printed Forms	2,250	314	1,936
Fuel	6,000	892	5,108
Engineer Serv Utility Permits	6,500	0	6,500
Plan Review Charges	10,000	0	10,000
Surcharge Payments	35,900	13,898	22,002
Inspector Contract Services	0	225	-225 Outside Inspector for New Public Works
Telephone	1,135	307	828
Travel Expense	2,000	457	1,543
Insurance	1,200	895	305
Repairs/Maint Contractual Eqpt	700	689	11 Bldg Dept Truck Repairs ,Tires
Rentals - Building	4,500	2,876	1,625
Uniforms	700	178	522
Miscellaneous	4,600	237	4,363
Dues & Subscriptions	500	160	340
Books	500	13	487
Conferences & Training	3,000	1,190	1,810
Equipment	2,300	11	2,289
Transfer Out	7,000	0	7,000
<b>Sub-Total</b>	<b>268,165</b>	<b>140,574</b>	<b>127,591</b>
<b>Civil Defense</b>	<b>9,000</b>	<b>0</b>	<b>9,000</b>
<b>Animal Control</b>			
Printed Forms	250	0	250
Contract Services	9,200	5,334	3,866
Impounding	10,000	6,035	3,965
Miscellaneous	200	0	200
<b>Sub-Total</b>	<b>19,650</b>	<b>11,369</b>	<b>8,281</b>

	Budget	Amount	Variance	Comments
<b>Public Works</b>				
Full-time Salaries	120,077	69,431	50,646	
Part-time Salaries	5,160	0	5,160	
PERA Contributions	7,205	4,146	3,059	
FICA Contributions	7,445	4,307	3,138	
Medicare Contributions	1,741	1,007	734	
Health/Dental Insurance	31,931	15,645	16,286	
Workers Compensation	9,014	5,982	3,032	
Office Supplies	350	41	309	
Fuel, Oil and Fluids	19,550	11,978	7,572	
Shop Materials	3,000	1,705	1,295	
Equipment Parts	6,000	3,225	2,775	
Building Repair Supplies	2,000	1,167	833	
Street Maintenance Materials	14,000	1,456	12,544	
Landscaping Materials	2,500	437	2,063	
Sign Repair Materials	4,240	2,403	1,837	
Sand/Salt	30,000	13,062	16,938	
Small Tools & Minor Equipment	3,000	1,597	1,403	
Engineering Services	7,000	0	7,000	
Sealcoating & Crack Sealing	105,000	137,357	-32,357	Increased Cost of materials
Contract Services	61,750	41,829	19,921	Street Sweeping = 12,476.00, 57th Overlay = 13,458.00
Telephone	4,000	1,803	2,197	
Radio	600	0	600	
Travel Expense	1,250	333	917	
Insurance	14,000	12,030	1,970	
Electric Utility	13,500	5,760	7,740	
Refuse	2,400	1,045	1,355	
Repairs/Maint Contractual Bldg	5,000	0	5,000	
Repairs/Maint Imp Not Bldgs	7,000	3,510	3,490	
Repairs/Maint Contractual Eqpt	6,000	2,903	3,097	
Rentals - Buildings	500	0	500	
Uniforms	500	469	31	
Miscellaneous	6,000	2,018	3,982	
Dues & Subscriptions	500	250	250	
Conferences & Training	1,500	115	1,385	
Clean-up Days	12,000	6,788	5,212	
Buildings	0	0	0	
Vehicles	0	0	0	
Other Equipment	12,250	3,143	9,107	
Transfer Out	200,439	0	200,439	
<b>Sub-Total</b>	<b>728,402</b>	<b>356,942</b>	<b>371,460</b>	
<b>Street Lighting</b>	<b>23,000</b>	<b>16,605</b>	<b>6,395</b>	
<b>Sanitation</b>				
Recycling Supplies	6,000	2,588	3,412	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	0	7,100	
<b>Sub-Total</b>	<b>18,100</b>	<b>2,588</b>	<b>15,512</b>	





	Budget	Amount	Variance	Comments
<b>Water Enterprise Operating</b>				
Full-time Salaries	73,382	69,409	3,973	
PERA Contributions	4,403	3,882	521	
FICA Contributions	4,550	4,315	235	
Medicare Contributions	1,064	1,009	55	
Health/Dental Insurance	11,974	11,414	560	
Workers Compensation	5,442	3,611	1,831	
Office Supplies	505	0	505	
Printed Forms	2,562	114	2,448	
Chemicals	6,532	1,764	4,768	
Utility System Maintenance	7,640	240	7,400	
Water Meters & Supplies	100,100	14,903	85,197	
Small Tools & Minor Equipment	2,000	164	1,836	
Engineering Services	22,737	375,398	-352,661	Revenue Offset from 3M due
Software Support	13,976	1,000	12,976	
Telephone	4,515	708	3,807	
Postage	2,140	500	1,640	
Travel Expense	3,150	516	2,634	
Insurance	14,797	6,104	8,693	
Electric Utility	39,446	13,718	25,728	
Water Utility	53,045	51,515	1,530	
Repairs\Maint Imp Not Bldgs	10,210	2,938	7,273	
Miscellaneous	15,917	20,471	-4,554	Includes Legal Services
Conferences & Training	2,057	268	1,789	
Other Equipment	6,655	361	6,294	
<b>Sub-Total</b>	<b>408,799</b>	<b>584,324</b>	<b>-175,525</b>	
<b>Sewer Operating Enterprise</b>				
Full-time Salaries	12,586	8,254	4,332	
PERA Contributions	755	460	295	
FICA Contributions	780	514	266	
Medicare Contributions	182	120	62	
Health/Dental Insurance	2,151	1,240	911	
Workers Compensation	960	637	323	
Utility System Maint Supplies	650	0	650	
Small Tools & Minor Equipment	600	0	600	
Engineering Services	1,500	56	1,444	
Telephone	1,775	952	823	
Travel Expense	750	1,063	-313	
Electric Utility	2,300	571	1,729	
Sewer Utility - Met Council	11,400	38,542	-27,142	Offset by Revenue-SAC Charges Collected and paid to Met Council
Repairs\Maint Imp Not Bldgs	500	0	500	
Miscellaneous Expenses	1,000	0	1,000	
Conferences & Training	1,500	1,065	435	
<b>Sub-Total</b>	<b>39,389</b>	<b>53,475</b>	<b>-14,086</b>	

	Budget	Amount	Variance	Comments
<b>Surface Water Utility</b>				
Full-time Salaries	31,089	8,215	22,874	
PERA Contributions	1,865	460	1,405	
FICA Contributions	1,928	514	1,414	
Medicare Contributions	451	120	331	
Health/Dental Insurance	5,718	1,240	4,478	
Workers' Compensation	3,358	2,228	1,130	
Office Supplies	500	0	500	
Utility System Maint Supplies	2,500	0	2,500	
Small Tools & Minor Equipment	1,000	0	1,000	
Engineering Services	7,000	38,176	-31,176	GIS Mapping - Surface Water
Erosion Control	3,000	278	2,722	
Software Support	4,000	0	4,000	
Postage	1,100	0	1,100	
Contract Services	2,500	0	2,500	
Repairs/Maint Not Bidg	2,500	0	2,500	
Miscellaneous Expenses	500	0	500	
Conferences & Training	0	0	0	
Transfer Out	9,000	0	9,000	
<b>Sub-Total</b>	<b>78,009</b>	<b>51,232</b>	<b>26,777</b>	

Lake Elmo  
City Council  
Sept. 19, 2006

Agenda Section: ~~CONSENT AGENDA~~  
Building/Fire/Maintenance

No. 4C.

AGENDA

1) Construction activity update for July

Sorry, I will not be at the council meeting . I am attending the code change meetings this week.  
If there are any questions concerning the attached report I will be glad to answer them when I return.

Thank You  
Jim

Action Items:  
Informational. No action needed

Person responsible:  
J. McNamara

Attachments:  
Building Report for July



**Summary Building Report**

<b>August-2006</b>			<b>Year to Date</b>		
	<b>Permits Issued</b>	<b>Valuation</b>		<b>Permits Issued</b>	<b>Valuation</b>
New Residential	1	\$198,535.00	New Residential	19	\$7,953,388.00
New Commercial	1	\$1,400,000.00	New Commercial	5	\$15,022,080.00
Other Residential	28	\$478,331.00	Other Residential	234	\$5,109,742.00
Other Commercial	0	\$0.00	Other Commercial	27	\$5,525,616.00
<b>Total</b>	<b>30</b>	<b>\$2,076,866.00</b>	<b>Total</b>	<b>285</b>	<b>\$33,610,826.00</b>
<b>Total Building Fees Collected</b>		<b>\$86,209.02</b>	<b>Total Building Fees Collected</b>		<b>\$453,373.31</b>
<b>Summary Plumbing Report</b>			<b>Summary Plumbing Report</b>		
Plumbing	16	\$83,400.00	Plumbing	72	\$2,196,296.00
<b>Total Plumbing Fees Collected</b>		<b>\$982.00</b>	<b>Total Plumbing Fees Collected</b>		<b>\$16,471.50</b>
<b>Summary HVAC Report</b>			<b>Summary HVAC Report</b>		
HVAC	7	\$33,999.00	HVAC	69	\$4,719,705.00
<b>Total HVAC Fees Collected</b>		<b>\$428.50</b>	<b>Total HVAC Fees Collected</b>		<b>\$46,629.26</b>
<b>Summary Grand Total Fees</b>		<b>\$87,619.52</b>	<b>Summary Grand Total Fees</b>		<b>\$516,474.07</b>
Surcharge Fee Paid to State		\$1,039.28	Surcharge Fee Paid to State		\$17,387.26
SAC Fees Paid to Met Council		\$12,400.00	SAC Fees Paid to Met Council		\$31,000.00
WAC Fees Paid to Oakdale		\$4,000.00	WAC Fees Paid to Oakdale		\$10,000.00
Misc. Expenses			Misc. Expenses		\$0.00
<b>Total Fees Retained</b>		<b>\$70,180.24</b>	<b>Total Fees Retained</b>		<b>\$458,086.81</b>
Credit Fees to Bldg		\$22,582.40	Credit Fees to Bldg		\$355,535.89
Credit Fees to Water		\$24,000.00	Credit Fees to Water		\$78,200.00
Credit Fees to Sewer		\$23,600.00	Credit Fees to Sewer		\$24,353.00

# Building Permit Detail Summary

August 01, 2006 Through August 31, 2006

## Occupancy

### Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5276	Siding	8/24/2006	Single Family Dwelling	11,651
<b>Totals for Class Of Work: Remodel</b>			<b>Sum of Valuation =</b>	<b>11,651</b>
<b>Totals for Occupancy:</b>			<b>Sum of Valuation =</b>	<b>11,651</b>

### Occupancy B

### Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5248	Commercial	8/4/2006	Office Building	1,400,000
<b>Totals for Class Of Work: New</b>			<b>Sum of Valuation =</b>	<b>1,400,000</b>
<b>Totals for Occupancy: B</b>			<b>Sum of Valuation =</b>	<b>1,400,000</b>

### Occupancy U-1

**Class Of Work: Add**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5252	addition & remodel (Incl plmg & hvac)	8/8/2006	Accessory Building	60,000
5255	Garage	8/9/2006	Accessory Building	25,000
5208	Garage	8/7/2006	Accessory Building	52,500
<b>Totals for Class Of Work: Add</b>				<b>Sum of Valuation = 137,500</b>

**Totals for Occupancy: U-1**

**Sum of Valuation = 137,500**

**Occupancy R-3**

**Class Of Work: Add**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5267	fence	8/18/2006	Single Family Dwelling	7,000
5247	swimming pool	8/4/2006	Single Family Dwelling	25,000
5251	Deck	8/8/2006	Single Family Dwelling	7,000
5253	addition & remodel (Incl plmg & hvac)	8/8/2006	Single Family Dwelling	40,000
5261	fence	8/10/2006	Single Family Dwelling	100
5268	Deck	8/22/2006	Single Family Dwelling	3,600
5269	Deck	8/22/2006	Single Family Dwelling	5,500
5285	fence	8/30/2006	Single Family Dwelling	6,000
5273	swimming pool	8/23/2006	swimming pool	18,500
5287	addition & remodel (Incl plmg & hvac)	8/30/2006	Single Family Dwelling	127,288
<b>Totals for Class Of Work: Add</b>				<b>Sum of Valuation = 239,988</b>

**Class Of Work: Remodel**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5244	Siding	8/2/2006	Single Family Dwelling	1,100
5245	Siding	8/2/2006	Single Family Dwelling	2,200
5249	fence	8/7/2006	Single Family Dwelling	1,750
5266	driveway	8/15/2006	Single Family Dwelling	5,400
5250	window replacement	8/7/2006	Single Family Dwelling	9,000
5272	reside structure	8/23/2006	Single Family Dwelling	39,000
5275	window replacement	8/24/2006	Single Family Dwelling	1,274
5274	window replacement	8/24/2006	Single Family Dwelling	7,730
<b>Totals for Class Of Work: Remodel</b>				<b>Sum of Valuation = 67,454</b>

**Class Of Work: New**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5286	New House	8/30/2006	Single Family Dwelling	198,535
<b>Totals for Class Of Work: New</b>				<b>Sum of Valuation = 198,535</b>

**Class Of Work: Repair**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5284	driveway	8/29/2006	Single Family Dwelling	6,980
5258	Gasline	8/10/2006	Single Family Dwelling	1,200
5288	window replacement	8/30/2006	Single Family Dwelling	3,758
5291	Other	8/31/2006	Single Family Dwelling	400
<b>Totals for Class Of Work: Repair</b>				<b>Sum of Valuation = 12,338</b>



**Class Of Work: Demolition**

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5278	demolition	8/25/2006	Single Family Dwelling	7,000
5246	demolition	8/2/2006	Single Family Dwelling	2,400
<b>Totals for Class Of Work: Demolition</b>				<b>Sum of Valuation = 9,400</b>
<b>Totals for Occupancy: R-3</b>				<b>Sum of Valuation = 527,715</b>

**Grand Total for All Permits Issued:      Number of Permits 30      Total Valuation = 2,076,866**

# Building Permit Detail Summary

Occupancy R-3

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
5286	New House	8/30/2006	Single Family Dwelling	198,535
Totals for Class Of Work: New		Number of Permits = 1		Sum of Valuation = 198,535
Totals for Occupancy: R-3		Number of Permits = 1		Sum of Valuation = 198,535

**Grand Total for All Permits Issued:      Number of Permits 1      Total Valuation = 198,535**

*City of Lake Elmo  
Building Department*

***Plumbing Permit Detail Summary***

August 01, 2006 Through August 31, 2006

<b>Permit #</b>	<b>Description of Work</b>	<b>Date Issued</b>	<b>Valuation</b>
5256	gasline	8/9/2006	1,200
5257	gasline	8/9/2006	1,300
5258	gasline	8/10/2006	1,200
5259	gasline	8/10/2006	1,200
5260	gasline	8/10/2006	1,200
5262	alter septic	8/11/2006	14,500
5263	commercial plumbing alter	8/11/2006	20,000
5270	gasline	8/22/2006	1,400
5271	gasline	8/22/2006	1,400
5279	Septic	8/29/2006	17,000
5282	gasline	8/29/2006	1,400
5283	gasline	8/29/2006	1,400
5286	new resd	8/30/2006	17,000
5289	gasline	8/31/2006	1,400
5290	gasline	8/31/2006	1,400
5291	water heater install	8/31/2006	400

***Number of Permits 16***

***Total Valuation = 83,400***

*City of Lake Elmo  
Building Department*

***HVAC Permit Detail Summary***

August 01, 2006 Through August 31, 2006

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
5241	alter resd hvac	8/1/2006	2,199
5242	air conditioning	8/1/2006	3,300
5254	alter resd hvac	8/8/2006	1,000
5264	air conditioning	8/14/2006	1,000
5265	alter resd hvac	8/14/2006	3,500
5277	alter resd hvac	8/25/2006	15,000
5286	HVAC-residential	8/30/2006	8,000

***Number of Permits 7***

***Total Valuation = 33,999***

*City of Lake Elmo  
Building Department*

***Building Permit Fees***

August 01, 2006 Through August 31, 2006

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>	<i>Plan Review</i>	<i>Other</i>	<i>Investigations</i>	<i>SAC Fee</i>	<i>Sewer Fee</i>	<i>WAC Fee</i>	<i>Meter</i>	<i>Sales Tax</i>
8/7/2006	5208	\$664.75	\$26.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/1/2006	5241	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/1/2006	5242	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/1/2006	5243	\$41.80	\$0.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/2/2006	5244	\$41.80	\$0.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/2/2006	5245	\$83.25	\$1.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/2/2006	5246	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/4/2006	5247	\$391.25	\$12.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/4/2006	5248	\$7,068.75	\$700.00	\$4,594.69	\$301.00	\$0.00	\$36,000.00	\$0.00	\$28,000.00	\$0.00	\$0.00
8/7/2006	5249	\$63.15	\$0.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/7/2006	5250	\$167.25	\$4.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/8/2006	5251	\$139.25	\$3.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/8/2006	5252	\$713.75	\$30.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/8/2006	5253	\$543.25	\$20.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/8/2006	5254	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/9/2006	5255	\$391.25	\$12.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/9/2006	5256	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/9/2006	5257	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/10/2006	5258	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/10/2006	5259	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/10/2006	5260	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/10/2006	5261	\$23.50	\$0.05	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**City of Lake Elmo  
Building Department**

**Building Permit Fees**

August 01, 2006 Through August 31, 2006

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigations	AC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
8/11/2006	5262	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/11/2006	5263	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/14/2006	5264	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/14/2006	5265	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/15/2006	5266	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/18/2006	5267	\$139.25	\$3.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/22/2006	5268	\$97.25	\$1.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/22/2006	5269	\$125.25	\$2.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/22/2006	5270	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/22/2006	5271	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/23/2006	5272	\$533.15	\$19.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/23/2006	5273	\$307.25	\$9.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/24/2006	5274	\$153.25	\$3.86	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/24/2006	5275	\$47.90	\$0.64	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/24/2006	5276	\$209.25	\$5.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/25/2006	5277	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/25/2006	5278	\$110.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/29/2006	5279	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/29/2006	5280	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/29/2006	5281	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/29/2006	5282	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/29/2006	5283	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**City of Lake Elmo**  
**Building Department**  
**Building Permit Fees**

August 01, 2006 Through August 31, 2006

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	AC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
8/29/2006	5284	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/30/2006	5285	\$125.25	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/30/2006	5286	\$1,548.15	\$99.27	\$1,006.30	\$151.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/30/2006	5287	\$1,150.55	\$63.64	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/30/2006	5288	\$97.25	\$1.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/31/2006	5289	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/31/2006	5290	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8/31/2006	5291	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals:</b>		<b>\$15,076.75</b>	<b>\$1,028.78</b>	<b>\$5,600.99</b>	<b>\$502.50</b>	<b>\$0.00</b>	<b>\$36,000.00</b>	<b>\$0.00</b>	<b>\$28,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Grand Total of Building Related Fees Collected: \$86,209.02**

*City of Lake Elmo  
Building Department*

***Plumbing Permit Fees***

August 01, 2006 Through August 31, 2006

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
8/9/2006	5256	\$50.00	\$0.50
8/9/2006	5257	\$50.00	\$0.50
8/10/2006	5258	\$50.00	\$0.50
8/10/2006	5259	\$50.00	\$0.50
8/10/2006	5260	\$50.00	\$0.50
8/11/2006	5262	\$50.00	\$0.50
8/11/2006	5263	\$150.00	\$0.50
8/22/2006	5270	\$0.00	\$0.00
8/22/2006	5271	\$0.00	\$0.00
8/29/2006	5279	\$150.00	\$0.50
8/29/2006	5282	\$50.00	\$0.50
8/29/2006	5283	\$50.00	\$0.50
8/30/2006	5286	\$125.00	\$0.50
8/31/2006	5289	\$50.00	\$0.50
8/31/2006	5290	\$50.00	\$0.50
8/31/2006	5291	\$50.00	\$0.50
<b>Totals:</b>		<b>\$975.00</b>	<b>\$7.00</b>

***Grand Total of Plumbing Fees Collected: \$982.00***



*City of Lake Elmo  
Building Department*

***HVAC Permit Fees***

August 01, 2006 Through August 31, 2006

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
8/1/2006	5241	\$50.00	\$0.50
8/1/2006	5242	\$50.00	\$0.50
8/8/2006	5254	\$50.00	\$0.50
8/14/2006	5264	\$50.00	\$0.50
8/14/2006	5265	\$50.00	\$0.50
8/25/2006	5277	\$50.00	\$0.50
8/30/2006	5286	\$125.00	\$0.50
<b>Totals:</b>		<b>\$425.00</b>	<b>\$3.50</b>

***Grand Total of HVAC Fees Collected: \$428.50***

SA.

(The 28<sup>th</sup> Street Feasibility Report Will Be Handed Out at the Meeting)

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-098

A RESOLUTION RECEIVING THE FEASIBILITY REPORT AND  
ORDERING A PUBLIC HEARING FOR THE  
28<sup>TH</sup> STREET CONSTRUCTION PROJECT

WHEREAS, a feasibility report has been prepared by TKDA with reference to the 28<sup>th</sup> Street Construction Project and this report was received by the City Council on September 19, 2006.

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost effective, and feasible.

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

1. The Lake Elmo City Council will consider the 28<sup>th</sup> Street Construction Project in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Chapter 429 at an estimated cost of the improvement of
2. A Public Hearing has been order on said street improvement on the            <sup>th</sup> day of    2006 at Lake Elmo City Hall, 7:00 p.m. and the clerk shall give mailed and published notice of such hearing improvement as required by law.

ADOPTED by the Lake Elmo City Council this 19<sup>th</sup> day of September, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

City of Lake Elmo SA.

## FEASIBILITY REPORT

# 28TH STREET NORTH STREET IMPROVEMENTS

## CITY OF LAKE ELMO, MINNESOTA

Date: September 19, 2006  
Project No. 13593.000

# 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](http://www.tkda.com)

# **TKDA**

ENGINEERS • ARCHITECTS • PLANNERS

SAINT PAUL, MINNESOTA

SEPTEMBER 19, 2006

## **FEASIBILITY REPORT**

### **28TH STREET NORTH STREET IMPROVEMENTS**

**CITY OF LAKE ELMO, MINNESOTA**

**TKDA PROJECT NO. 13593.000**

I hereby certify that this Feasibility 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.



Thomas D. Prew, P.E.  
License No. 19621



**28TH STREET NORTH STREET IMPROVEMENTS  
CITY OF LAKE ELMO, MINNESOTA  
PROJECT NO. 13593.000**

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**28TH STREET NORTH STREET IMPROVEMENTS  
CITY OF LAKE ELMO, MINNESOTA**

**I. INTRODUCTION**

---

A petition was received by the City of Lake Elmo requesting the paving of 28th Street North. The City Clerk verified the petition and it was presented at the September 5, 2006 City Council Meeting. Council direction, at that meeting, was to prepare a Feasibility Report to pave 28th Street North.

**II. INITIATION**

---

The City Council initiated this Project. A 4/5th's vote of the City Council is necessary to order this Project.

**EXISTING CONDITIONS**

The street currently is gravel surfaced, it varies in width from 22 feet at the intersection with Jamley Avenue, down to a single driveway width at the ends. There are six houses and one undeveloped lot which use the street for access.

The street has never been improved to City standards. It has recently had a watermain installed. There is no storm sewer, or well defined ditches.

**III. IMPROVEMENT**

---

There is 33 feet of Right-of-Way along this roadway, which is approximately half of the typical Right-of-Way for a standard municipal street. This reduced Right-of-Way eliminates the possibility of a turn-around being constructed. Because a turn-around cannot be built, the minimum street width recommended is 22 feet. This width will allow snow plows and other large vehicles to more easily back-up. The north edge of the pavement would be 3 feet off of the northern Right-of-Way line.

The roadway would be constructed to the City standard section of 12 inches of Class 5 aggregate base, 1.5 inches of bituminous non-wear, and 1.5 inches of bituminous wear. Further soil investigation would be necessary to determine if additional soil correction measures are needed.

The western portion of the road appears to have very soft soils, and does flood during some springs. It is not proposed to pave this portion of the street because of these factors.

No ponding or other storm water treatment is planned, due to the narrow Right-of-Way.

City Council has also requested that a cost estimate be prepared for a road section of 6 inches of Class 5 aggregate base, 2 inches of bituminous wear, and 18 feet wide. This estimate is also included in the Appendix.

#### **IV. PERMITS AND APPROVALS**

None.

#### **V. ESTIMATED PROJECT COSTS**

The prices quoted herein are from Park Construction Company's Unit Prices provided for the Tablyn Park/Lake Elmo Heights Watermain Extension project. A detailed cost estimate is located in the Appendix.

##### **Recommended Street Project Cost**

<u>Item</u>	<u>Estimated Cost</u>
Estimated Construction Cost	\$ 60,222.78
Indirect Costs	\$ 5,000.00
	<hr/>
Estimated Project Cost	\$ 65,222.78

##### **Optional Street Project Cost**

<u>Item</u>	<u>Estimated Cost</u>
Estimated Construction Cost	\$ 35,627.09
Indirect Costs	\$ 5,000.00
	<hr/>
Estimated Project Cost	\$ 40,627.09

**VI. PROJECT FINANCING**

---

This Project will be financed by assessments to benefiting properties, and a General Fund Contribution. Funding from our Grant from 3M for the watermain project would cover about \$7,000 of the cost.

Because this project is not in the City's Capitol Improvement Plan, there is no funds budgeted for this project in 2006.

**VII. PROJECT ASSESSMENTS**

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This street has not previously been upgraded to City Standards. The City needs to determine an assessment rate for the project.

Recent appraisals by the City have shown that the increase in value for an upgraded road for a neighborhood such as this is about \$2,500.00 per buildable lot.

The City may also choose to assess the full value of the project to the benefiting properties, since there has been no previous road built here.

**ASSESSMENT OPTION 1:**

Base on an assessment of \$2,500.00 to each buildable lot which uses this street, the City would collect \$17,500.00. The City would contribute the remaining \$41,000.00

**ASSESSMENT OPTION 2:**

Entire project cost to be assessed equally to each buildable lot. Allowing for the contribution from 3M, this would yield an assessment rate of \$8,300 per buildable lot.

**VIII. RIGHT-OF-WAY**

---

No additional Right-of-Way is required.



**IX. PROJECT SCHEDULE**

---

The proposed Project schedule is as follows:

- |  |                    |
|--|--------------------|
| 1. Feasibility Report Received by City Council                     | September 19, 2006 |
| 2. Public Hearing  | October 17, 2006   |
| 3. City Council Authorizes preparation of Plans and Specifications | October 17, 2006   |
| 4. City Council Approves Plans, Authorizes Advertisement for Bids  | November 8, 2006   |
| 5. Open Bids   | November 30, 2006  |
| 6. City Council Awards Bid   | December 5, 2006   |
| 7. Contractor Begins Construction                                  | Spring, 2007       |
| 8. Contractor Completes Construction                               | Spring, 2007       |
| 9. Assessment Hearing  | Spring, 2007       |

**X. STATEMENT OF FEASIBILITY**

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The construction of the street improvements considered in this Feasibility Report are feasible from an Engineering standpoint. The economic feasibility is to be determined by the City Council and residents involved.

**XI. RECOMMENDATIONS**

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- We recommend the City proceed with the option of a 22-foot wide street on a standard city street section. The project should be done in phases, with the existing Contractor placing the gravel base. This will allow any settling to occur over the winter.
- Next summer the paving would be completed under a separate bid.
- It is recommended that the assessments be set at \$2,500 per unit.

# APPENDIX

**PRELIMINARY ASSESSMENT ROLL**

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Name/Address	Proposed Assessment
Dave and Linda Hardy 2742 Ivy Avenue	\$2,500.00
Julie and Lance Ray 9043 28 <sup>th</sup> Street	\$2,500.00
Richard Lloyd and Jodi Law 9049 28 <sup>th</sup> Street	\$2,500.00
Glen and Connie Wichelmann 9065 28 <sup>th</sup> Street	\$2,500.00
Richard and Nancy Lohmann 9079 28 <sup>th</sup> Street	\$2,500.00
Robert Schumacher 9155 28 <sup>th</sup> Street	\$2,500.00
Robert Schumacher 9155 28 <sup>th</sup> Street	\$2,500.00

TOTAL

~~\$7,500.00~~  
\$17,500

# ENGINEER'S ESTIMATE

28TH STREET IMPROVEMENTS - OPTION 1  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13593.000

**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS

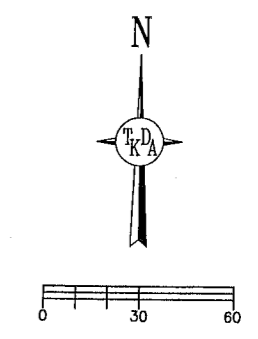
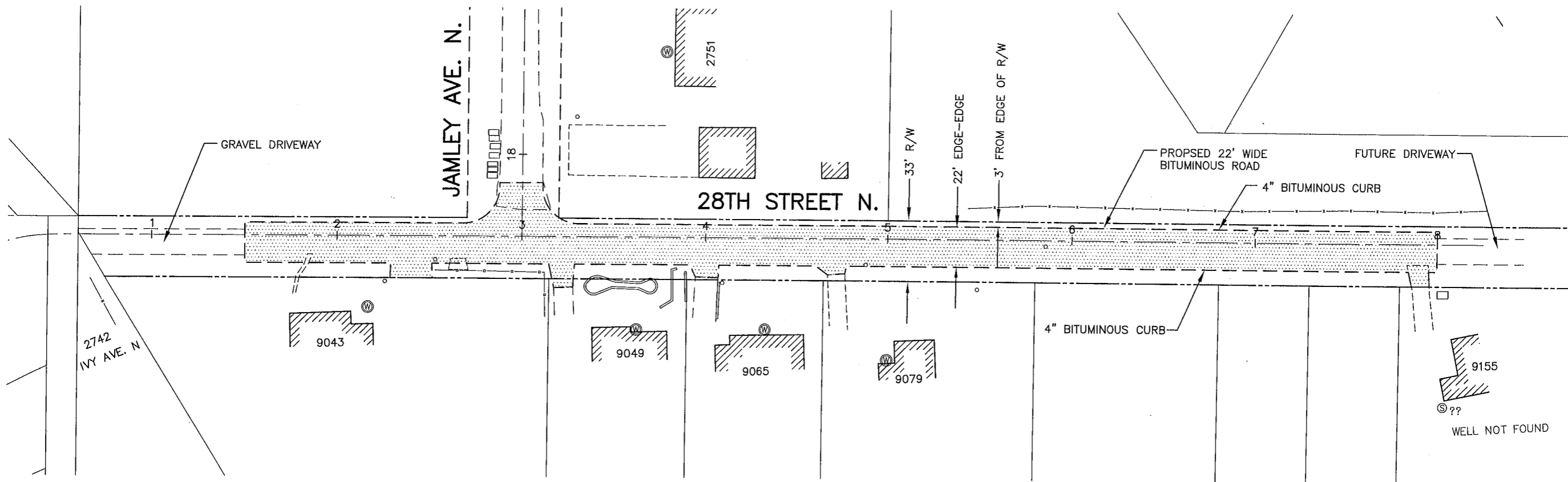
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE	
				UNIT PRICE	TOTAL AMOUNT
	<b>28th SREET N. (STREET WORK)</b>				
1	COMMON EXCAVATION	794.0	CY	\$ 21.45	\$ 17,031.30
2	AGGREGATE BASE, CL. 5	1320.0	TN	\$ 11.39	\$ 15,034.80
3	TYPE LV-3 BIT. NON-WEAR COURSE MIXTURE	172.0	TN	\$ 52.44	\$ 9,019.68
4	TYPE LV-4 BIT. WEAR COURSE MIX	172.0	TN	\$ 58.25	\$ 10,019.00
5	BITUMINOUS MATERIAL FOR TACK COAT	87.0	GA	\$ 2.68	\$ 233.16
6	BITUMINOUS DRIVEWAY APRON(2") (NEW)	68.0	SY	\$ 49.21	\$ 3,346.28
7	SAW & SEAL STREET (40' INTERVALS)	374.0	LF	\$ 1.44	\$ 538.56
8	LAWN RESTORATION	1.0	LS	\$ 5,000.00	\$ 5,000.00
	<b>TOTAL</b>				<b>\$ 60,222.78</b>

# ENGINEER'S ESTIMATE

28TH STREET IMPROVEMENTS - OPTION 2  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13593.000

**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE	
				UNIT PRICE	TOTAL AMOUNT
<b>28th SREET N. (STREET WORK)</b>					
1	COMMON EXCAVATION	385.0	CY	\$ 21.45	\$ 8,258.25
2	AGGREGATE BASE, CL. 5	600.0	TN	\$ 11.39	\$ 6,834.00
3	TYPE LV-4 BIT. WEAR COURSE MIX	200.0	TN	\$ 58.25	\$ 11,650.00
4	BITUMINOUS DRIVEWAY APRON(2") (NEW)	68.0	SY	\$ 49.21	\$ 3,348.28
5	SAW & SEAL STREET (40' INTERVALS)	374.0	LF	\$ 1.44	\$ 538.56
6	LAWN RESTORATION	1.0	LS	\$ 5,000.00	\$ 5,000.00
	<b>TOTAL</b>				<b>\$ 35,627.09</b>



Plot Date: 09/19/2006  
 Drawing name: K:\9-m\LakeElmo\13524000\muni\LD\Drawn\dwg\Additional Work\28th Street Imp.dwg  
 Author: JBS

**TKDA**  
 ENGINEERS • ARCHITECTS • PLANNERS

PROJECT NO. 13593.000  
 LAKE ELMO, MINNESOTA  
 SEPTEMBER 13, 2006

FEASIBILITY STUDY  
**28TH STREET N.**  
**STREET IMPROVEMENTS**



**General No Parking Regulations.** The following is a summary of the provisions of Minnesota Statutes Section 169.041 which would apply to vehicles and trailers in the City of Lake Elmo:

### TOWING

1. Towing Order Required. The City may not tow a motor vehicle or trailer from public property unless the City's law enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle or trailer and the reasons for towing. The report must be signed by the officer and the tow driver.
  
2. Four (4) Hour Waiting Period. The City may not tow, or allow or require the towing of a motor vehicle or trailer from public property for a parking or traffic violation until four (4) hours after the issuance of a traffic ticket or a citation, except as hereinafter provided:
  - (a) The vehicle is parked in violation of snow emergency regulations;
  - (b) The vehicle is parked in a rush hour restricted parking area;
  - (c) The vehicle is blocking a driveway, alley or fire hydrant;
  - (d) The vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited.
  - (e) The vehicle is parked within thirty (30) feet of a stop sign and visually blocking the stop sign;
  - (f) The vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plate;
  - (g) The vehicle is parked in an area that has been posted for temporary restricted parking at least twelve (12) hours in advance;
  - (h) The vehicle is parked within a right of way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
  - (i) The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety or emergency vehicles;
  - (j) A law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence



of a crime and impoundment is reasonably necessary to obtain or preserve the evidence.

- (k) The driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (l) A law enforcement official has probably cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (m) The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (n) The vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;
- (o) The vehicle is unlawfully parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking;
- (p) The vehicle is a junk, abandoned or unauthorized vehicle, as defined in Minnesota Statutes Section 168B.011, and subject to immediate removal under Minnesota Statutes Chapter 168B; or
- (q) The vehicle is located so as to constitute an accident or traffic hazard to the traveling public, as determined by the City's law enforcement agency.



CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA

ORDINANCE NO. 97-179

AN ORDINANCE RELATING TO TOWING OF ILLEGALLY  
PARKED VEHICLES AND TRAILERS

The Lake Elmo City Council hereby ordains that Sections 100.06 Subd. 1 and Subd. 2 and Section 1000.01 are amended; and that Section 100.06 Subd. 5, Section 1005.01 Subd. 3 and 1005.045 and its subdivisions are hereby added to the City Code to read as follows:

- 100.06** Subd. 1 Petty Misdemeanor. Whenever an action or omission is declared by this Code to be a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine not more than \$300.00, plus the cost of prosecution
- Subd. 2 Misdemeanors. Unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted in pursuance thereof or any other provision of any code adopted in this Code by reference, including any provisions declaring an act or omission to be a misdemeanor shall, upon conviction, be subject to a fine of not more than \$1,000.00 or imprisonment for a term not to exceed ninety (90) days, or both, plus, in either case, the cost of prosecution.
- 100.06** Subd. 5 Miscellaneous Fines. Any person who violates the provisions of Section 1005.045 shall, upon conviction, be subject to a fine of not less than \$150.00 nor more than \$300.00, plus the cost of prosecution.
- 1000.01** Adoption of Highway Traffic Regulations. The regulatory provisions and definitions of MS Chapter 169, the Highway Traffic Regulation Act, and of MS Chapter 168B are, by this Section, adopted as the traffic code and parking regulations for the use of highways, streets, alleys and other portions of the City and are, by this Section, incorporated in and made a part of this Code. The parking provisions shall apply to the parking of trailers as well as vehicles.
- 1005.01** Subd. 3 Trailers. The provisions of Section 1005 and its subdivisions shall apply to the parking of trailers as well as vehicles.

**1005.045** Parking of Trailers. No trailer shall be parked in the following "No Trailer Parking" zones unless a temporary parking permit has been issued by the City Administrator as provided in Section 1005.05

- (a) Lake DeMontreville Public Access:
  - 1. 53<sup>rd</sup> Street from DeMontreville Trail to the west of the street.
  - 2. DeMontreville Trail from 50<sup>th</sup> Street to DeMontreville Circle.
  - 3. Highlands Trail from Hilltop Avenue to DeMontreville Trail; and from DeMontreville Trail to Highland Trail Court.
  - 4. Hytrail from Highlands Trail to 59th Street
  - 5. 50<sup>th</sup> Street From Hilltop Avenue to the east end of the street
  
- (b) Lake Jane Public Access
  - 1. Lake Jane Trail from Irvin Court to Tapestry Drive
  - 2. Jamaca Avenue from Lake Jane Trail to 42<sup>nd</sup> Street
  - 3. Jane Road from Lake Jane Trail to Jane Court

**THE LAKE ELMO CITY COUNCIL HEREBY ORDAINS THAT SECTION 1005.03 SUBD. 1 IS REPEALED.**

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the \_\_\_\_ day of \_\_\_\_\_, 2006.

**EFFECTIVE DATE:** This Ordinance shall be effective the day following its publication.

Dated: \_\_\_\_\_, 2006

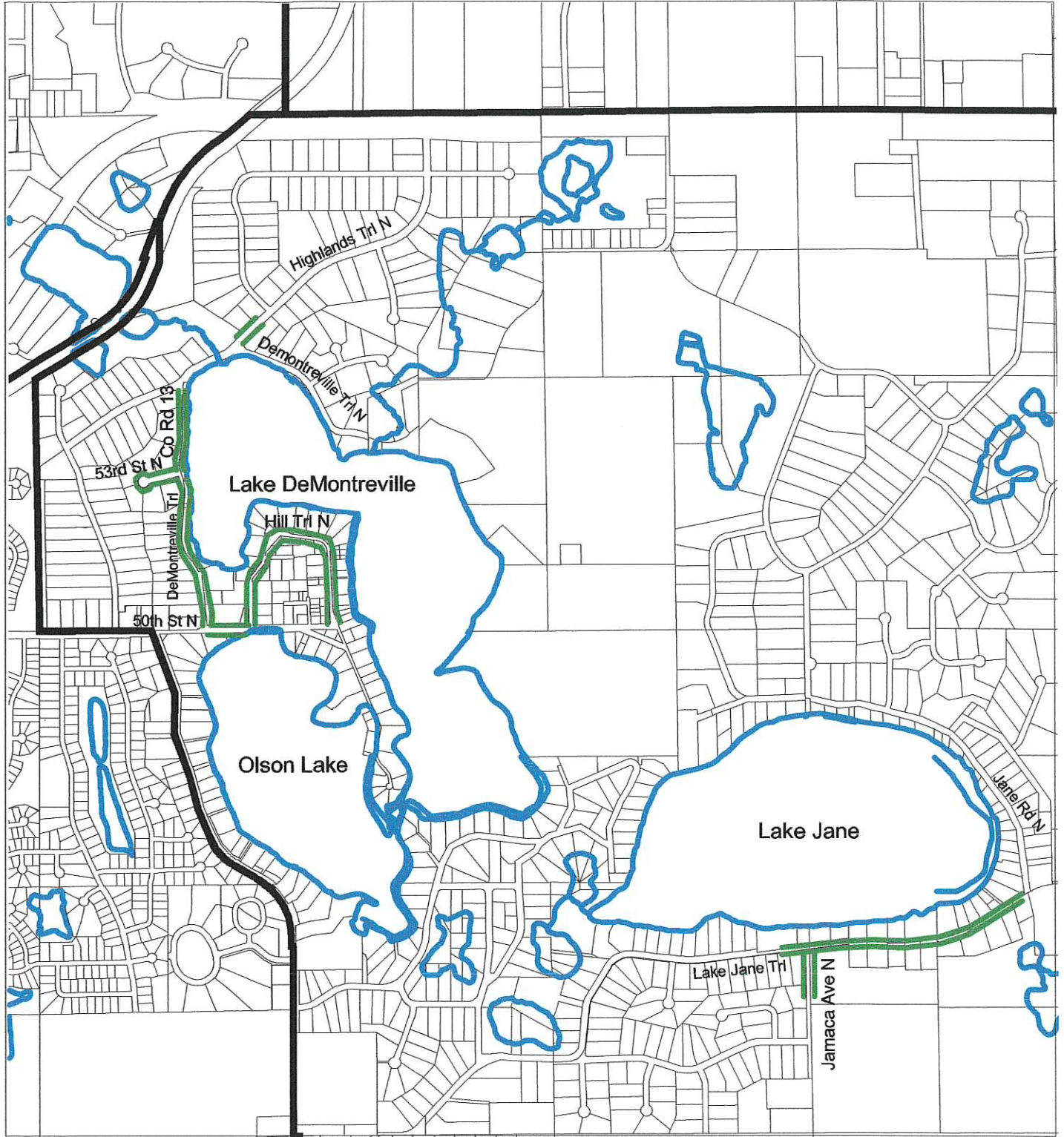
\_\_\_\_\_  
Dean Johnston, Mayor

**ATTEST:**

\_\_\_\_\_  
Marty Rafferty, City Administrator

**PUBLICATION DATE:** Published on the \_\_\_\_ day of \_\_\_\_\_, 2006

# Existing No Parking Locations in Tri Lakes Area



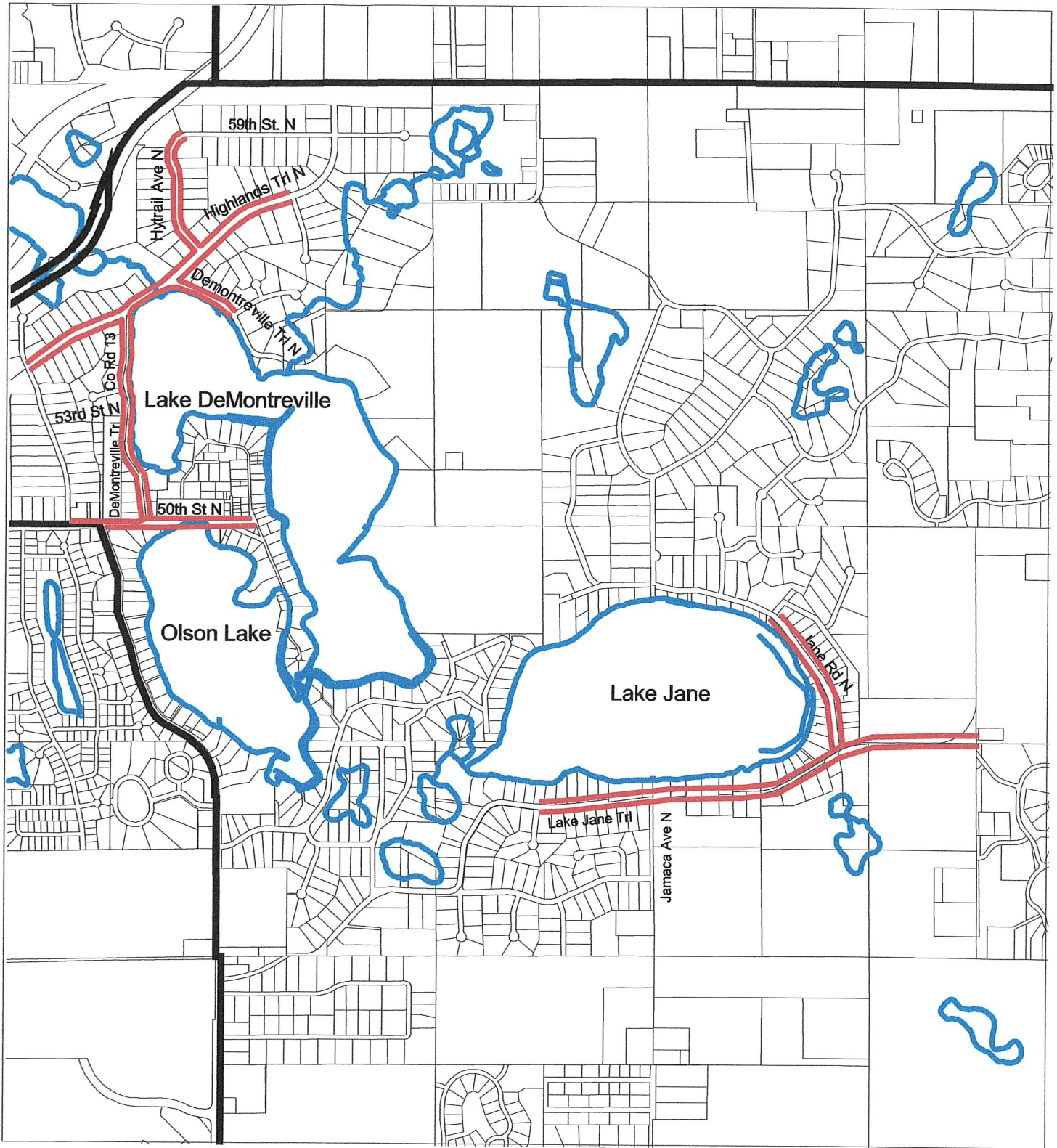
— No Parking Locations



Map Created: August 8, 2006



# Proposed Vehicle & Trailer Towing Locations in Tri Lakes Area



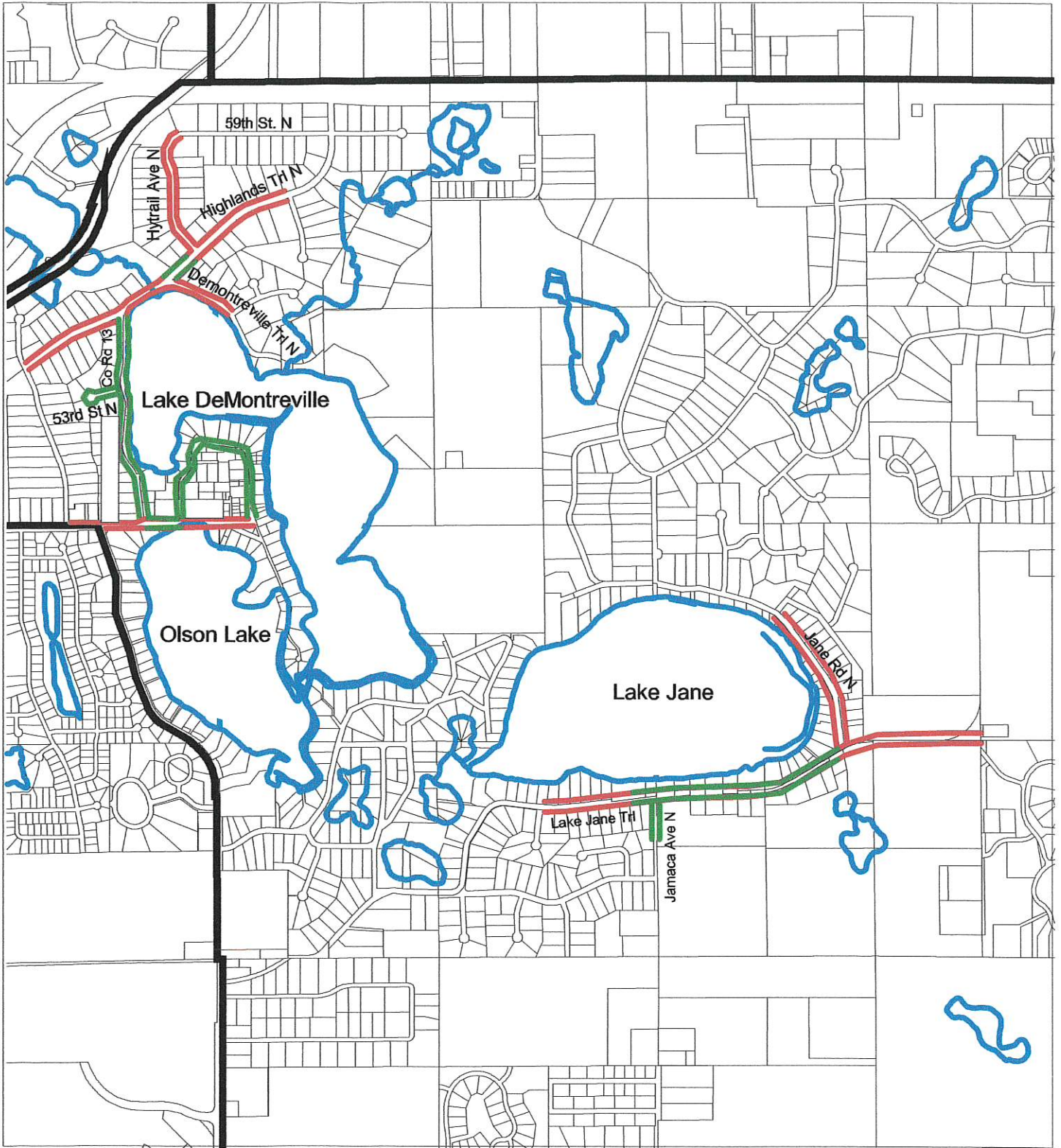
— Proposed Towing Locations



Map Created: September 13, 2006



# Proposed Vehicle & Trailer Towing and No Parking Locations in Tri Lakes Area




- Proposed Towing Locations
- Existing No Parking Locations



Map Created: September 13, 2006



<p>Lake Elmo City Council September 19, 2006</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9A</p>
<p><b>Agenda Item:</b> Comp Plan Amendment &amp; Rezoning – Apostolic Church Site (10<sup>th</sup> Street)</p>		
<p><b><u>Background Information for September 19, 2006:</u></b></p> <p>This City Council-initiated proposal to reclassify the approximately 14 acre site from PF to RAD and rezone the site from PF to RR has been recommended for approval by both staff and the Planning Commission. The matter was again on the Council’s agenda September 5 and tabled to September 19 to be considered by a full 5 member Council (only 4 members were present on September 5).</p>		
<p><b><u>Action items:</u></b></p> <p><b>Motion</b> to adopt Resolution #2006 – Approving a Comprehensive Plan Amendment, subject to Metropolitan Council concurrence. <span style="float: right;">093</span></p> <p><b>If the Resolution is Adopted</b></p> <p><b>Motion</b> to adopt Ordinance #97 – amending the Lake Elmo Zoning Map for conformance with Resolution #2006 - . Said ordinance not to be published until receipt of Metropolitan Council concurrence with the Plan amendment Resolution. <span style="float: right;">178</span></p>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>	
<p><b><u>Attachments:</u></b></p> <p>1. July 15, 2006 Agenda Materials</p>	<p><b><u>Time Allocated:</u></b></p>	

**City of Lake Elmo  
Washington County, Minnesota**

**Resolution No. 2006-093**

**A RESOLUTION GRANTING A  
COMPREHENSIVE PLAN AMENDMENT  
GUIDING LAND USE FROM PF TO RAD  
TO THE CITY OF LAKE ELMO**

**WHEREAS**, the City of Lake Elmo has made application for a Comprehensive Plan Amendment, amending the land use guiding from PF to RAD for the following parcel of land; to wit:

**Legal Description**

That part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 28; thence on an assumed bearing of North 88 degrees 53 minutes 28 seconds East, along the south line of said Southeast Quarter, 1770.00 feet to the point of beginning; thence North 01 degrees 06 minutes 32 seconds West 245.00 feet; thence northeasterly, along a tangential curve, concave to the southeast, having a radius of 241.75 feet and a central angle of 40 degrees 00 minutes 00 seconds, 168.77 feet; thence North 38 degrees 53 minutes 28 seconds East, tangent to the last curve, 125.60 feet; thence northerly along a tangential curve, concave to the Northwest, having a radius of 254.72 feet and a central angle of 39 degrees 40 minutes 47 seconds, 176.41 feet; thence North 00 degrees 47 minutes 19 seconds West, tangent to the last curve, 74.17 feet; thence northeasterly along a tangential curve, concave to the southeast, having a radius of 60.00 feet and a central angle of 39 degrees 11 minutes 42 seconds, 41.04 feet to a point of reverse curve; thence northeasterly, northerly and westerly along said reverse curve, concave to the southwest, having a radius of 60.00 feet and a central angle of 162 degrees 33 minutes 43 seconds, 170.24 feet; thence North 00 degrees 47 minutes 19 seconds West, not tangent to last curve, 257.85 feet; thence South 88 degrees 47 minutes 13 seconds West, parallel with the north line of said Southeast Quarter of the Southeast Quarter 591.91 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence southerly along the west line of said Southeast Quarter of the Southeast Quarter 1116.18 feet to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence easterly along the South line of said



Southeast Quarter of the Southeast Quarter 464.71 feet to the point of beginning.  
Excepting the south 33.00 feet of said Southeast Quarter of the Southeast Quarter.

Note: The above-described Parcel contains 14.352 Acres, more or less.

**WHEREAS**, the Lake Elmo Planning Commission considered this Comprehensive Plan Amendment request at its July 10, 2006 meeting, and recommended that the Comprehensive Plan Amendment be granted.

**WHEREAS**, the Comprehensive Plan Amendment request was presented to the City Council at its July 18, 2006 City Council Meeting where the following Findings were made:

1. The subject site is an 'island' of PF surrounded by RAD land use guiding which is essentially 'spot-guiding' with no factual basis to support the existing PF classification, and RAD land use guiding continues to surround the site on three sides.
2. The record of the 1989 City action to reclassify the site from RAD to PF fails to provide Findings to support that reclassification beyond the interests of the property owner leading to the conclusion that an error may have resulted by the action.
3. There has been no evidence that the property owner intends to execute development of the site as a church during the past 7+ years. Conditions appear to have changed from those existing at the time of the 1989 Comprehensive Plan Amendment classifying the site as PF. The property owner has been officially notified of this pending amendment, and has not responded.

**NOW, THEREFORE, BE IT RESOLVED** that the land use designation on the Lake Elmo Comprehensive Plan for the foregoing described property is hereby amended from PF to RAD subject to review and concurrence by the Metropolitan Council.

**ADOPTED** by the Lake Elmo City Council this 19<sup>th</sup> day of September, 2006

---

Dean A. Johnston, Mayor

ATTEST:

---

Martin Rafferty, City Administrator

ORDINANCE 97-178

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE 1979 MUNICIPAL CODE OF LAKE ELMO

The City Council of the City of Lake Elmo ordains:

Section 1. Amendment. Section 301.070C of the 1979 Municipal Code of Lake Elmo adopted October 16, 1979. It is hereby amended to change the zoning district map by rezoning the following described parcel from Public Facility to Rural Residential, to wit:

That part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 28; thence on an assumed bearing of North 88 degrees 53 minutes 28 seconds East, along the south line of said Southeast Quarter, 1770.00 feet to the point of beginning; thence North 01 degrees 06 minutes 32 seconds West 245.00 feet; thence northeasterly, along a tangential curve, concave to the southeast, having a radius of 241.75 feet and a central angle of 40 degrees 00 minutes 00 seconds, 168.77 feet; thence North 38 degrees 53 minutes 28 seconds East, tangent to the last curve, 125.60 feet; thence northerly along a tangential curve, concave to the Northwest, having a radius of 254.72 feet and a central angle of 39 degrees 40 minutes 47 seconds, 176.41 feet; thence North 00 degrees 47 minutes 19 seconds West, tangent to the last curve, 74.17 feet; thence northeasterly along a tangential curve, concave to the southeast, having a radius of 60.00 feet and a central angle of 39 degrees 11 minutes 42 seconds, 41.04 feet to a point of reverse curve; thence northeasterly, northerly and westerly along said reverse curve, concave to the southwest, having a radius of 60.00 feet and a central angle of 162 degrees 33 minutes 43 seconds, 170.24 feet; thence North 00 degrees 47 minutes 19 seconds West, not tangent to last curve, 257.85 feet; thence South 88 degrees 47 minutes 13 seconds West, parallel with the north line of said Southeast Quarter of the Southeast Quarter 591.91 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence southerly along the west line of said Southeast Quarter of the Southeast Quarter 1116.18 feet to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence easterly along the South line of said Southeast Quarter of the Southeast Quarter 464.71 feet to the point of beginning. Excepting the south 33.00 feet of said Southeast Quarter of the Southeast Quarter.

Note: The above-described Parcel contains 14.352 Acres, more or less.

Section 2. Effective Date. This ordinance shall become effective upon its passage and publication.

Adopted by the City Council of the City of Lake Elmo this 19th day of September, 2006

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Dean A. Johnston, Mayor

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Martin Rafferty, City Administrator

**PUBLIC HEARING: Comprehensive Plan Amendment  
and Rezoning for the Apostolic Church Site**

**DRAFT**

The Planner said the City Council initiated this petition to reclassify and rezone this 13 acre portion of a parcel on the north side of 10<sup>th</sup> Street from PF to RAD (Comp Plan) ; and PF to RR (zoning). He reported that no church construction has taken place over 17 years, nor has there been any indication from the owner that church construction is contemplated in the near future..

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:18 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:19 P.M.

M/S/P, Ptacek/Deziel To recommend amending the Comprehensive Plan to reclassify the site owned by Apostolic Church from PF to RAD. Vote: 6:0.

M/S/P, Ptacek/Van Zandt To recommend the Apostolic Bible Church site to be rezoned from PF to RR on the condition that the Comprehensive Plan amendment to reclassify the site to RAD is approved. Vote: 6:0

**DRAFT**

**DRAFT**

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** July 7, 2006 for the Meeting of July 10, 2006

**Applicant:** City of Lake Elmo by It's City Council

**Location:** 8890 10<sup>th</sup> Street North

**Requested Action:** Comprehensive Plan Amendment and Rezoning

**Land Use Plan Guiding:** PF

**Existing Zoning:** PF

**Site History and Existing Conditions:**

City records regarding this 38 acre (overall) site date back to 1988. The site owner (Apostolic Bible Church) applied to the City to rezone the entire 38 acres from RR (Rural Residential) to PF (Public/Semi-Public Facilities) with the specific intent to build a church. There were also indications that the applicant may include a seminary facility on the site.

No application or discussion of a corresponding Comprehensive Plan amendment appears in the 1988/1989 records of this proceeding, except reference to a clause in the City Zoning Ordinance (that remains to this day as 301.060 E.8) stating that a rezoning action automatically amends the Comprehensive Plan to conform with the zoning. While that may have been the understanding of the City at that time (Comp Plan responds to zoning), Minnesota court decisions (and Statute amendments) that may have taken place subsequent to 1988/1989 clearly prescribe that zoning must respond to the Comp Plan. Hence (at least today) there can be no rezoning that is inconsistent with the Land Use Plan. Today, the Plan must be amended first.

Following initial review, Public Hearing and discussion at the Planning Commission level the applicant amended the rezoning application to reduce the area of the requested action to the westerly 13 + acres (net of road right-of-way) of the 38+ acre site. Although the Planning Commission recommended denial of the application, the City Council did eventually approve it and a related land division. That land division is not, however, of record with Washington County.

In 1991 the property owner (Apostolic Church) was asked by the City if they intended to proceed with the church project to which they responded in the affirmative, but that construction would not start until at least 1994. This inquiry by the City was initiated responsive to a suggestion that the land be rezoned back to RR since no church construction had taken place.

In 1998 the church advised the City that it planned to move forward with church construction during 1998. This may have been responsive to concurrent work by the City to amend the PF zoning district standards in a manner that was viewed by this church (and others) as constraining. Those PF amendments were eventually adopted by the City. There has been no contact of the City by the church regarding building plans since at least 2000.

## **Discussion and Analysis:**

The City Council has recently directed Staff to process a City Council-initiated Comprehensive Plan amendment for the subject 13+ acres to reclassify the Plan land use from PF to RAD – consistent with the surrounding lands. The Council also initiated a complimentary rezoning process for the site to reclassify zoning from PF to RR – again consistent with surrounding properties. The property owner (and property owners within 350 feet of the site) have been notified of the proposed actions.

Comprehensive Plan amendments are generally based on one or both of the following:

1. A change of conditions regarding the subject site, or the surrounding area.
2. An error in the existing Plan classification.

Staff review of the substantial records regarding the 1988/1989 proceedings that lead to the rezoning of this site from RR to PF reveal (as noted above) that there was no discussion of the Comprehensive Plan amendment except the reference to the “zoning equals Plan” clause of the Zoning Ordinance. No findings regarding either change of conditions or error supported that Plan amendment – rather, a basic determination of whether it was the “right” or “wrong” action by the City based on a substantially different understanding of the importance of comprehensive plans that cities are required by Statute to adopt in 2006.

Staff concedes the advantages of 20/20 hindsight as we address the land use guiding and zoning of this site today – 17 years after the action. There were no specific findings (reflected in Minutes) in support of the 1989 action to assist in determining the reasons for the actions – beyond the applicant’s ownership of the site – no error claimed, nor any change of conditions claimed (other than site ownership). Today, that alone could easily be construed as an error in the 1989 action, and the basis to return the site to RAD land use classification and RR zoning that the site held prior to the 1989 action to rezone (and automatically reclassify in the Comp Plan).

As the City has witnessed during the recent consideration of the Lakewood Church Comp Plan Amendment and rezoning applications, PF land use guiding and zoning tends to be a special case that is not easily addressed by planning theory or practice. Predetermining the need for and geographic placement of the PF-type uses as Comprehensive Plans are prepared is seldom accomplished, except in the case of large PUD projects (often hundreds of acres). In those cases the project alone may suggest PF needs (such as schools) and even church sites by mere project scale. Beyond that, PF land use decisions (other than accommodating existing PF uses) becomes an *ad hoc* practice based as much on judgment by planners and policy makers as on factual circumstances.

## **Findings and Recommendations:**

Staff suggests the following Findings be considered regarding the City Council initiated application for amendment of the Comprehensive Plan to reclassify this site from PF to RAD:

1. The subject site is a 13 acre “island” of PF surrounded by RAD land use guiding – essentially “spot guiding” with no factual basis to support the existing PF classification, and RAD land use guiding continues to surround the site on 3 sides.

2. The record of the 1989 City action to reclassify the site from RAD to PF fails to provide Findings to support that reclassification beyond the interests of the property owner leading to the conclusion that an error may have resulted by the action.
3. There has been no evidence that the property owner intends to execute development of the site as a church during the past 7+ years. Conditions appear to have changed from those existing at the time of the 1989 Comprehensive Plan amendment classifying the site as PF. The property owner has been officially notified of this pending amendment, and has not responded.

Based on the foregoing, staff recommends the Comprehensive Plan be amended for this site to reclassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council concurrence mandated by State Statute.

Staff further recommends that the subject site be rezoned from PF to RR on the condition that the recommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

**Planning Commission Actions Requested:**

Motion to recommend the Comprehensive Plan be amended for the site known as the Apostolic Bible Church site to reclassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council concurrence mandated by State Statute.

Motion to recommend that the subject site be rezoned from PF to RR on the condition that the recommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

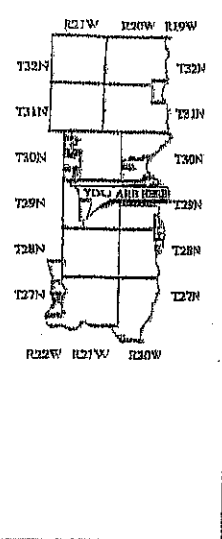
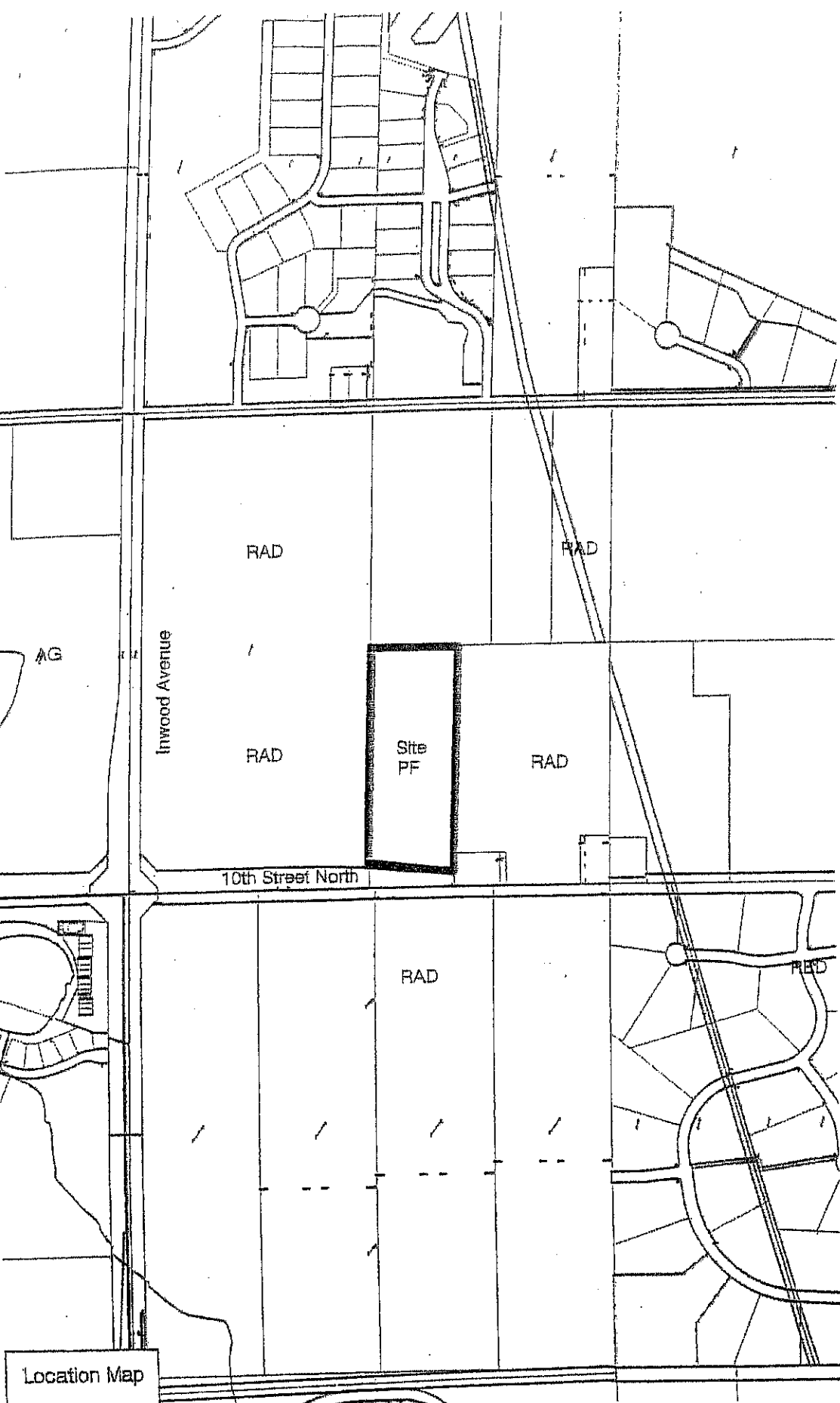
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Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map





Vicinity Map



Location 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 (881) 430-6575.  
Parcel data based on A8400 information.


<p>Lake Elmo City Council September 19, 2006</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9B</p>
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**Agenda Item:** Meeting with Oak Park Heights City Council – Buberl/Nass/Bidon Annexation

**Background Information for September 19, 2006:**

The captioned property owners have (again) submitted a September 5, 2006 request to Oak Park Heights to have lands in Lake Elmo between the Kern Center and Manning - parallel to Highway 36 - detached from Lake Elmo and annexed to Lake Elmo. By his September 14 letter the Oak Park Heights City Council has requested a joint meeting with the Lake Elmo City Council at the Oak Park Heights City Hall at 6:00 PM on Tuesday, September 26, 2006 to discuss the property owner’s annexation request. September 26 is an “off” Tuesday for the City Council.

The property owners have not notified Lake Elmo of their annexation request to date. New State Law (effective August 1, 2006) now requires approval by both cities in a concurrent detachment/annexation action as this would be. Formerly only the City annexing the property needed to approve the action.

<p><b><u>Action items:</u></b></p> <p>Direction to staff as to how to advise Oak Park Heights regarding whether the Lake Elmo City Council will be available to meet with the Oak Park Heights City Council on this matter September 26.</p>	<p><b><u>Person responsible:</u></b></p>  <p>City Planner</p>
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<p><b><u>Attachments:</u></b></p>	<p><b><u>Time Allocated:</u></b></p>
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# City of Oak Park Heights

14168 Oak Park Blvd. N • Box 2007 • Oak Park Heights, MN 55082 • Phone (651) 439-4439 • Fax (651) 439-0574

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September 14, 2006

Mr. Marty Rafferty  
City Administrator  
City of Lake Elmo  
3800 Laverne Ave. North  
Lake Elmo, MN 55042

RE: Annexation Request

Dear Marty,

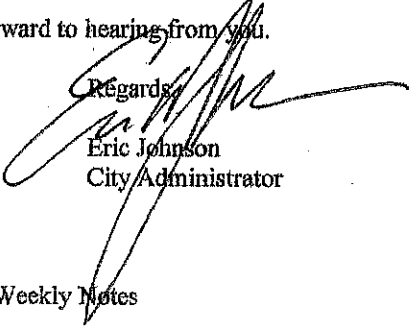
The City of Oak Park Heights has received a request for annexation from three persons owning land in the City of Lake Elmo. Please see the attached information.

Oak Park Heights is obliged to respond to the request in some form. Accordingly, the Oak Park Heights City Council wishes to hold a work session with the Lake Elmo City Council to discuss this request prior to taking any material action or response.

We suggest that such work session be held at 6 pm, on Tuesday, September 26<sup>th</sup>, 2006 at the Oak Park Heights City Hall, rear conference room. Please let me know if such date and time is satisfactory or if there are other comments or questions.

I look forward to hearing from you.

Regards,

  
Eric Johnson  
City Administrator

Cc: Weekly Notes

September 5, 2006

Dear: City of Oak Park Heights Mayor, Council and Staff,

We the following land owners (Robert Buberl, Thomas Bidon, and Bernard Nass) wish to have our properties annexed into the City of Oak Park Heights.

We have requested to the City of Lake Elmo to have our properties rezoned for the benefit of the people to development the property for the highest and best use. The City of Lake Elmo has denied our requests for rezoning and to provide the public with the highest and best use for the property.

We request the City of Oak Park Heights to take action to have our properties annexed into your city. We the land owners will pay all the cities costs associated for the annexation process. We look forward to working with the city on the annexation process.

Thank you,

Landowners

*Bernard A. Nass*

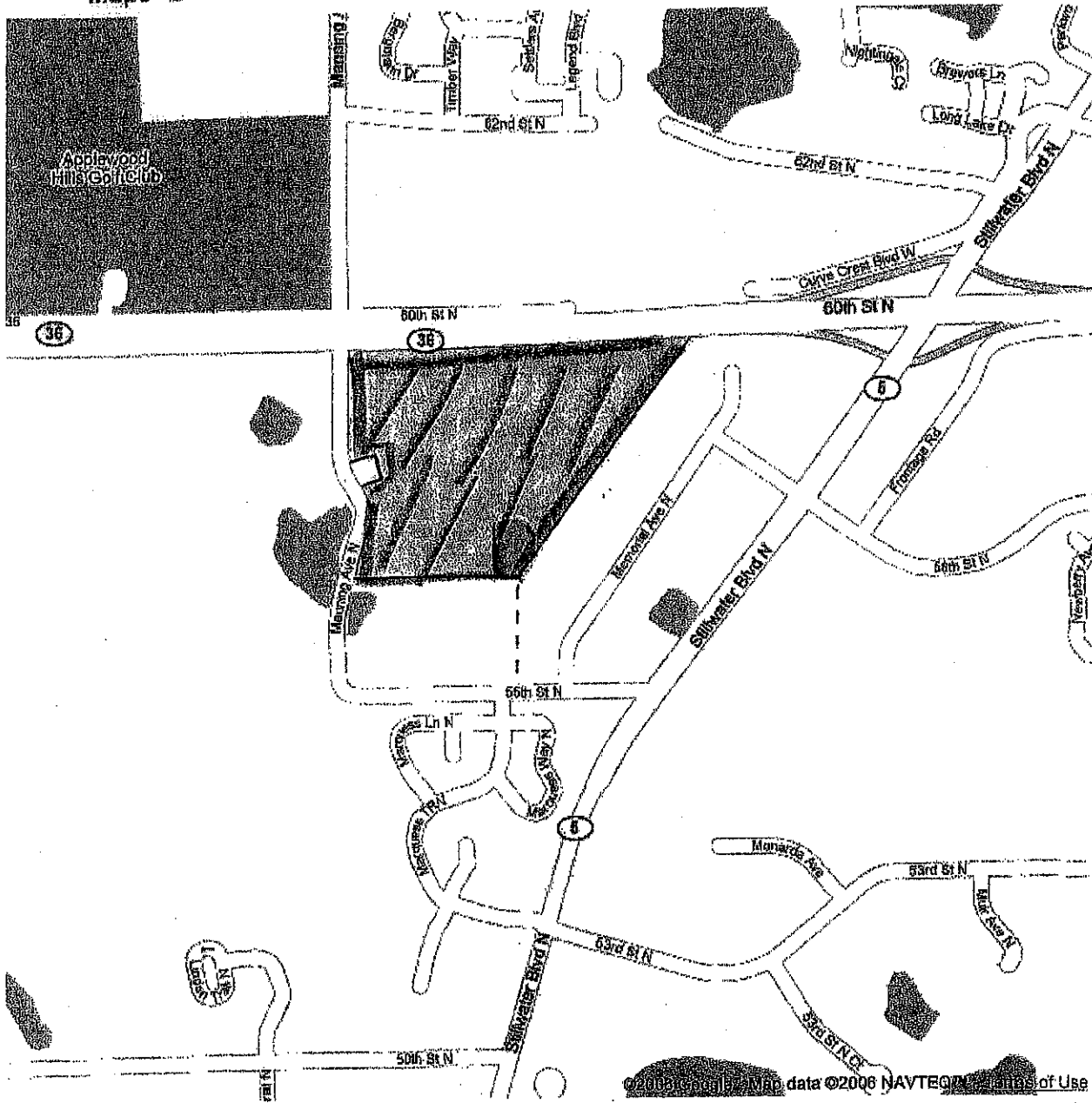
*Robert A. Buberl*

*Thomas M. Bidon*

cc: City of Lake Elmo Mayor, Council and Staff

Google  
Maps

Address Oak Park Heights, MN  
55082







<p>Lake Elmo City Council September 19, 2006</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9C</p>
<p><b><u>Agenda Item:</u></b> Metro Transit Park &amp; Ride Proposal</p>		
<p><b><u>Background Information for September 19, 2006:</u></b></p> <p>Metro Transit/Metro Council staff presented a concept plan for a 500 car Park &amp; Ride facility to the City Council Workshop on September 12. The facility is proposed by Metro Transit to be located at the Northwest Quadrant of I-94 and Keats Avenue in Lake Elmo. The City Council directed the subject be added to the September 19 Council Regular Meeting Agenda.</p> <p>Planning staff advises the City Council that the site proposed for the Park &amp; Ride is land use classified "Limited Business" (Future Sewer) by the recently adopted 2030 Comprehensive Plan. The site is also currently zoned "Limited Business". A Park &amp; Ride facility such as that proposed by Metro Transit would require a "Public Facilities" land use classification (and a Comprehensive Plan Amendment to attain that classification) and a rezoning from LB to PF as well. In addition, Conditional Use Permit and Site Plan approvals would be required (<u>if</u> the site is regulated and rezoned to PF).</p> <p>No planning &amp; zoning applications have been made nor required Hearings conducted regarding this manner to date. The Comprehensive Plan Amendment and rezoning would both be super majority (4 vote) decisions at such time as the proper &amp; legal requests are made and processed by the City as prescribed by State Statute and City Ordinance.</p>		
<p><b><u>Action items:</u></b> None recommended pending formal applications.</p>	<p><b><u>Person responsible:</u></b>  City Planner</p>	
<p><b><u>Attachments:</u></b></p>	<p><b><u>Time Allocated:</u></b></p>	



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

**RESOLUTION NO. 2006-099  
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS  
TABLYN PARK/LAKE ELMO PLUMBING CONNECTION**

WHEREAS, the City Engineer has prepared plans and specifications for the Tablyn Park/Lake Elmo Heights Plumbing Contract (Contract A) and has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. Th City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at the \_\_\_\_\_, 2006 Council meeting, in the Council chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 19th day of September, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

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

**RESOLUTION NO. 2006-100  
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS  
TABLYN PARK/LAKE ELMO PLUMBING CONNECTION**

WHEREAS, the City Engineer has prepared plans and specifications for the Tablyn Park/Lake Elmo Heights Plumbing Contract (Contract B) and has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. Th City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at the \_\_\_\_\_, 2006 Council meeting, in the Council chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 19th day of September, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator



CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
SEPTEMBER 5, 2006

1. AGENDA
2. MINUTES: August 15, 2006
3. PUBLIC INQUIRIES/PUBLIC INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
  - B. PUBLIC INFORMATIONAL:
    - (1) CIC Presentation on Senior Housing
    - (2) Resolution No. 2006-094: Lake Elmo Bank 95<sup>th</sup> Anniversary
4. CONSENT AGENDA:
  - A. Resolution No. 2006-087: Approve Claims
  - B. Escrow Reduction #3: Discover Crossing
  - C. Escrow Reduction: Farms of Lake Elmo
  - D. Escrow Reduction 2: Sanctuary
  - E. Pay Estimate for 2006 Crack Seal: L & M Services
  - F. Pay Estimate for 2006 Seal Coat: Allied Blacktop Company
  - G. Pay Estimate for Water Tower: CB& I Constructors
  - H. Pay Estimate for Park: Tablyn Park/Lake Elmo Heights
  - I. Resolution No. 2006-090: Ordering Assessment Hearing for Water System Interconnect Phase IV
  - J. Resolution No. 2006-091: Award Bid for 2006 MSA Resurfacing
5. FINANCE:
  - A. Resolution No. 2006-088: Budget Presentation: Adoption of Proposed Tax Levy and Proposed 2007 Budget
  - B. Resolution No. 2006-089: Set Truth in Taxation Hearing Dates
6. NEW BUSINESS: None
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Parks Dept.: (verbal)
    - (1) Carriage Station Basketball Court
    - (2) Announce Public Works Open House
    - (3)
  - B. Fire Dept.: Update on Dept. Activities (verbal)
    - (1) Recognize Explorers
    - (2) Recognize Two Engineer Certified Firefighters
    - (3) Fire Station No. 2 Upgrades
8. CITY ENGINEER'S REPORT:
  - A. Water Tower Paint Color (verbal)
  - B. 28th Street Petition for Street Improvement (verbal)
  - C. Northern Water Main Extension Easement Update- moved to Closed Session
  - D. Tablyn Park/Lake Elmo Heights Water System Update (verbal)
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2006-092: Zoning Variance-Richard and Eileen Bergman

B. Apostolic Church Site: (Tabled) Resolution No. 2006-093: Comp Plan Amendment; Ordinance No. 97-178: Rezoning

C. Status of Village Plan (verbal)

D. Metropolitan Airport Commission – Lake Elmo Airport 2025 Plan

E. Xcel Fly Ash Landfill Siting: Update

F. METC Update

10. CITY ATTORNEY'S REPORT:

A. Ziertman/Sessing Update – Moved to Closed Session

11. CITY ADMINISTRATOR'S REPORT:

12. CITY COUNCIL REPORTS:

REMINDERS:

September 12, 2006: Primary Election – Polls Open 7 AM – 8 PM

September 13, 2006: City Council Workshop – 6 PM -8:30 PM

September 14, 2006: Community Open House on Groundwater Contamination – OakLand Junior High School

September 16, 2006: Open House at New Public Works – 9 AM – Noon