

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota

September 1, 2009

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ DeLapp, ___ Emmons, ___ Park
___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES:
 1. Approval of the August 18, 2009 City Council minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by city staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
 2. Approve payment of disbursements and payroll
 3. Adopt Resolution No. 2009-036 approving variance request by Vernon and Vicky Reichow for construction of a porch at 8618 Ironwood Trail
 4. Approve Resolution No. 2009-037 allowing construction of detached garage to be located closer to the road right-of-way than the existing house at 4633 Birchbark Trail N.
- J. REGULAR AGENDA:
 5. Adopt Resolution No. 2009-038 setting proposed tax levy collectible in 2010
 6. DeMontreville Trail shoulder widening/trail options as part of the Washington County Reconstruction and Turnback Project
 7. City Administrator Contract – if ready

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor and City Council
- Administrator
- Planning Director

K. Adjourn

City of Lake Elmo
City Council Minutes

August 18, 2009

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

PRESENT: Mayor Johnston and Council Members DeLapp, Emmons, Park (arrived 7:03 p.m.), and Smith (arrived 7:03 p.m.).

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

APPROVAL OF AGENDA:

MOTION: Council Member Emmons moved to approve the August 18, 2009 City Council agenda as presented. Council Member DeLapp seconded the motion. The motion passed 3-0.

ORDER OF BUSINESS:

GROUND RULES:

APPROVED MINUTES:

The August 4, 2009 City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Cameron Barry, 4920 Olson Lake Trail, voiced his support for construction of a walking path for safety along CSAH 13.

CONSENT AGENDA:

MOTION: Council Member DeLapp moved to approve the Consent Agenda as presented. Council Member Emmons seconded the motion. The motion passed 3-0.

- Approve payment of disbursements and payroll in the amount of \$141,031.13
- Declare M&K Development, LLC, in default of in the development agreement for the Farms of Lake Elmo subdivision and to authorize all available remedies to cure the default
- Approve the purchase of a 2009 Dodge 550 cab/chassis and components not to exceed \$84,375.00 (plus tax and license)

- Award contract for the 2009 Crack Sealing Project per the Engineer's letter of recommendation for the award of contract to Gopher State Sealcoat, Inc. in the amount of \$25,200.

Resolution No. 2009-035 setting date for sale of bonds for 2009 street improvements

Interim City Administrator Dawson reported the construction will begin the last week of August for the City's 2009 Street Improvement Program and the reconstruction of the entry and parking lot at Tablyn Park. In order to finance these improvements, the City needs to take formal action by Resolution to set the sale of the bonds, which would be scheduled for action at the October 6, 2009, Council meeting.

Paul Donna, Northland Securities, presented the City with an award for Standard and Poor's AA rating.

MOTION: Council Member DeLapp moved to approve Resolution No. 2009-035, A resolution setting the date of sale for General Obligation Improvement Bonds, Series 2009B and authorize consultant provide alternate lower cost financing structure. Council Member Smith seconded the motion. The motion passed 5-0.

Consider an application to allow construction of a covered porch five feet into the required 30 foot front yard setback at 8618 Ironwood Trail N.

Kelli Matzek, City Planner, reported on the variance request from Vernon and Vicky Reichow to allow the construction of a covered porch five feet into the required 30 foot front yard setback at 8618 Ironwood Trail N. The existing house currently is located eight feet from the setback line, but the attached garage extends to the setback line. The applicants are proposing to add a foyer, which meets the setback. The covered porch would encroach five feet into the front yard setback.

Staff and Planning Commission recommended denial of the variance application as the applicants have eight feet in which to construct a permitted addition to their house.

MOTION: Council Member DeLapp moved to approve the variance requested by Vernon and Vicky Reichow for construction of a porch at 8618 Ironwood Trail subject to four conditions. Mayor Johnston seconded the motion. The motion passed 5-0.

1. The roof and roof eave will not extend more than 4 feet further into the front yard setback than permitted by Code.
2. Dimensions and materials of the new work will not vary from the submitted drawings, which show the height of the roof and the design as being compatible with the existing house as being remodeled.
3. The work will not endanger the health of the mature surface maple in the front yard.
4. The porch will not have walls.

Council Member DeLapp provided six Findings of Fact reflected in the resolution being prepared for approval by the City Council.

MOTION: Council Member DeLapp moved to amend the motion to direct staff to proceed with amending the City ordinance defining permitted encroachment to the front yard setback in recognition of inconsistent policy over right-of-way widths local roads serving houses built before and after about 1996. Council Member Park seconded the motion. The motion passed 5-0.

A variance is needed as long as the code is in effect and the variance fee application has been paid by the applicants; therefore, a resolution approving the variance will be on the September 1st City Council agenda for Council approval.

Lanes DeMontreville Country Club Addition – Request to Order the Preparation of Feasibility Report for Sanitary Sewer and Water Improvements

Craig Dawson, Interim City Administrator, reported the City has received a request from Roger Johnson, 8048 Hill Trail North, that the City Council order a feasibility report for sewer and water improvements to the Lanes DeMontreville Country Club Addition. The properties in question are located outside the planned municipal service boundary for sanitary services per the Comprehensive Plan. In addition, there is not a current plan by the City to extend municipal water to this area. The petition area is about 1,500 feet from the Oakdale City limits, and about 3/4 of a mile from the nearest Oakdale sewer connection point.

Roger Johnson stated he wanted to move forward because of the reconstruction work being done on 50th Street and, if delayed, this project would end up costing more. As far as the number of potential failing systems, Johnson said he was advised that septic systems over 25 years old were failing systems. When Council Member Emmons asked if he had information verifying lake quality, he said he could not find any information that lake quality was being affected.

City Engineer Jack Griffin noted that he has talked at staff level with the City of Oakdale, and they would be willing to hookup Lake Elmo residents.

Kathy Lohmer, 8199 Hill Trail N, voiced her concern on cost of the project to the residents and was told when the City reconstructed Hill Trail N. sewer installation was 20-30 years in the future.

Council Members Emmons wanted to ensure the character of neighborhood for long term and questioned what the Council's response would be in the future for areas asking for sewer when this area has been sewerred.

Council Member Smith voiced her concern on where the City would draw the line on requests for sewer from other neighborhoods.

MOTION: Council Member Park moved to adopt the Resolution ordering the preparation of preliminary cost study for sanitary sewer to the properties of the Lanes DeMontreville Country Club Addition. The initial study would be completed in an amount not to exceed \$2,000 which would be paid by the residents in the neighborhood wanting the study. The motion failed 2-3: (Council members DeLapp, Emmons, Smith voting against).

Consider authorizing the Interim City Administrator to enter into a project agreement with the VBWD to repair an eroding ravine and to prevent sediment from washing into Lake DeMontreville

Kelli Matzek, City Planner, reported on the proposed project agreement with the Valley Branch Watershed District to repair an eroding ravine and to prevent sediment from washing into Lake DeMontreville. The project will take place entirely within the City-owned DeMontreville Wildlife Park to address erosion issues that occur largely due to the intermittent stream at the site. A grading permit has been received and reviewed administratively as it's considered a public improvement project. The Assistant City Engineer has reviewed the proposed grading and found the project and resulting grades to be acceptable.

MOTION: Council Member Smith moved to authorize Interim City Administrator to enter into the Project Agreement with the Valley Branch Watershed District to perform ravine restoration work at DeMontreville Wildlife Park based on the staff's recommendation of approval with the four conditions. Council Member Emmons seconded the motion. The Motion passed 5-0.

MAC recommendation on further investigation to purchase 100-foot ladder truck

At its August 12, 2009 meeting, the Maintenance Advisory Committee recommended the Fire Chief and representatives not travel to Kansas City to review the used 100-foot ladder truck because it is half the cost of a new unit and had no warranty. MAC recommended the Fire Department get specifications and preliminary pricing for a new 100-foot ladder truck with bucket.

The Council asked staff to schedule a workshop where they could come up with a new orderly replacement plan for Lake Elmo fire vehicles and equipment.

The meeting was adjourned at 9:30 p.m.

Submitted by Sharon Lumby, City Clerk

Resolution No. 2009-035 Set date of sale for GO Improvement Bonds, Series 2009B

City Council
9/1/2009
CONSENT
Item: 2

ITEM: Approve disbursements in the amount of \$ 117,460.16

SUBMITTED BY: Tom Bouthilet, Finance Director

<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 7,305.67	Payroll Taxes to IRS 08/27/09
ACH	\$ 1,203.46	Payroll Taxes to Mn Dept.of Revenue 08/27/09
DD2360 - DD2374	\$ 18,684.59	Payroll Dated 08/27/2009 (Direct Deposit)
34597 - 34605	\$ 2,822.49	Payroll Dated 08/27/2009 (Payroll)
34606 - 34651	\$ 87,443.95	Accounts Payable Dated 09/01/2009

Total: \$ 117,460.16

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the total amount of \$117,460.16

Accounts Payable Checks for Approval

User: julie
Printed: 08/26/2009 - 11:32 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34628	09/01/2009	General Fund	Miscellaneous	S&T Office Products, Inc.	360.29
34622	09/01/2009	General Fund	Cable Operation Expense	Nicholas Anderson	58.78
34622	09/01/2009	General Fund	Use Tax Payable	Nicholas Anderson	-3.78
34626	09/01/2009	General Fund	Cable Operation Expense	Steven Press	47.20
34626	09/01/2009	General Fund	Cable Operation Expense	Steven Press	62.93
34626	09/01/2009	General Fund	Use Tax Payable	Steven Press	-7.09
34629	09/01/2009	General Fund	Miscellaneous	Sam's Club	104.51
34610	09/01/2009	General Fund	Contract Services	Aspen Equipment Co.	295.01
34624	09/01/2009	General Fund	Attorney Criminal	Peterson Fram & Bergman Corp	424.25
34624	09/01/2009	General Fund	Attorney Criminal	Peterson Fram & Bergman Corp	4,826.38
34631	09/01/2009	General Fund	Physicals	Stillwater Medical Group	1,181.00
34634	09/01/2009	Water	Repairs/Maint Imp Not Bldgs	United Properties Investment	380.00
34637	09/01/2009	General Fund	Cleaning Supplies	Zack's, Inc.	97.98
34637	09/01/2009	Water	Small Tools & Minor Equipment	Zack's, Inc.	102.82
34637	09/01/2009	General Fund	Shop Materials	Zack's, Inc.	104.39
34618	09/01/2009	General Fund	Repairs/Maint Bldg	Menards - Stillwater	42.72
34615	09/01/2009	General Fund	Refuse	Maroney's Sanitation, Inc	103.66
34615	09/01/2009	General Fund	Refuse	Maroney's Sanitation, Inc	45.62
34615	09/01/2009	General Fund	Refuse	Maroney's Sanitation, Inc	103.66
34615	09/01/2009	General Fund	Refuse	Maroney's Sanitation, Inc	198.87
34619	09/01/2009	General Fund	Small Tools & Equipment	Metro Fire	450.00
34635	09/01/2009	General Fund	Conferences & Training	VISA	370.00
34608	09/01/2009	General Fund	Contract Services	Animal Control Services	812.05
34632	09/01/2009	General Fund	Street Maintenance Materials	T.A. Schifsky & Sons Inc	495.10
34609	09/01/2009	General Fund	Uniforms	Aramark, Inc.	36.26
34609	09/01/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	69.60
34609	09/01/2009	General Fund	Uniforms	Aramark, Inc.	36.26
34636	09/01/2009	General Fund	Radio	WASHINGTON COUNTY	1,066.88
34633	09/01/2009	General Fund	Telephone	TDS METROCOM - LLC	157.26
34633	09/01/2009	General Fund	Telephone	TDS METROCOM - LLC	156.01
34633	09/01/2009	Sewer	Telephone	TDS METROCOM - LLC	104.25
34633	09/01/2009	Water	Telephone	TDS METROCOM - LLC	42.07
34616	09/01/2009	General Fund	Contract Services	McCombs Frank Roos Assoc Inc.	1,428.30

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34607	09/01/2009	General Fund	Repairs/Maint Bldg	Chris Amdahl	23.51
34607	09/01/2009	General Fund	Use Tax Payable	Chris Amdahl	-1.51
34621	09/01/2009	General Fund	Equipment Parts	MTI Distributing Inc.	9.13
34614	09/01/2009	General Fund	Equipment Parts	Gruber's Power Equipment	6.23
34617	09/01/2009	General Fund	Repairs/Maint Bldg	Menards - Oakdale	19.28
34617	09/01/2009	General Fund	Repairs/Maint Bldg	Menards - Oakdale	35.33
34630	09/01/2009	General Fund	Telephone	Sprint	79.98
34627	09/01/2009	General Fund	Repairs/Maint Eqpt	Pro Hydro Testing	1,340.00
34620	09/01/2009	General Fund	Miscellaneous	MN DNR	90.00
34611	09/01/2009	General Fund	Equipment Parts	B & F Fastener Supply	21.82
34625	09/01/2009	General Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	1,680.00
34625	09/01/2009	Development Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	192.00
34625	09/01/2009	General Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	504.00
34612	09/01/2009	Development Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	48.00
34612	09/01/2009	General Fund	Mileage	Craig Dawson	79.20
34606	09/01/2009	General Fund	Conferences & Training	Craig Dawson	7.00
34606	09/01/2009	Capital Acquisitions	Other Equipment	Alpha Video & Audio Inc.	158.19
34606	09/01/2009	Capital Acquisitions	Other Equipment	Alpha Video & Audio Inc.	2,386.53
34606	09/01/2009	Capital Acquisitions	Other Equipment	Alpha Video & Audio Inc.	196.66
34613	09/01/2009	Capital Acquisitions	Other Equipment	Alpha Video & Audio Inc.	1,969.71
34623	09/01/2009	Capital Acquisitions	Vehicles	Fury Motors, Inc.	39,273.50
		Water	Small Tools & Minor Equipment	Northern Water Works Supply IN	160.13
Total for this Date:					62,031.93
Report Total:					62,031.93

Accounts Payable To Be Paid Proof List

User: Administrator

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Batch: 019-08-2009

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2260 Alpha Video & Audio Inc. INV79258 410-480-8000-45800 Other Equipment INV79258 Total: 2260 Total:	08/27/2009	2,665.48	0.00	09/01/2009	Projector & Adapter-Council Chambers	-	-	No		0000
ANDERS ANDERSON LORI 9122009 203-490-9070-43150 Contract Services 9122009 Total: ANDERS Total:	08/27/2009	1,500.00	0.00	09/01/2009	Perfromance Band-Fall Festival	-	-	No		0000
BOUND BOUND TREE MEDICAL LLC 80300705 101-420-2220-42080 EMS Supplies 80300705 Total: BOUND Total:	08/18/2009	117.05	0.00	09/01/2009	EMS Supplies	-	-	No		0000
Cindy s Cindy's Creative Celebrations 90109 204-450-5200-43150 Contract Services 90109 Total: Cindy s Total:	09/01/2009	2,010.00	0.00	09/01/2009	Fall Festival Entertainment	-	-	No		0000
CUSH Cushman Motor Co., Inc. 147361 101-450-5200-42210 Equipment Parts 147361 Total: CUSH Total:	08/05/2009	35.32	0.00	09/01/2009	Cushman Belt & Air filter	-	-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FXL FXL, Inc.										
90108	09/01/2009	2,000.00	0.00	09/01/2009	Assessing Services-September 09		-		No	0000
101-410-1550-43100	Assessing Services									
	90108 Total:	2,000.00								
	FXL Total:	2,000.00								
MARINERE Marine Rescue Products, Inc.										
16220A	08/19/2009	124.50	0.00	09/01/2009	Shepards crook and reach pole for boat		-		No	0000
101-420-2220-45800	Equipment									
	16220A Total:	124.50								
	MARINERE Total:	124.50								
MNFIAM MnFIAM										
696	08/25/2009	354.83	0.00	09/01/2009	4 Books Firefighter 1 & 2 / Haz Mats		-		No	0000
101-420-2220-44350	Books									
	696 Total:	354.83								
	MNFIAM Total:	354.83								
NEXTEL Nextel Communications										
761950227-077	08/18/2009	101.94	0.00	09/01/2009	Cell Phone Service-Admin		-		No	0000
101-410-1940-43210	Telephone									
761950227-077	08/18/2009	183.77	0.00	09/01/2009	Cell Phone Service-Fire		-		No	0000
101-420-2220-43210	Telephone									
761950227-077	08/18/2009	86.42	0.00	09/01/2009	Cell Phone Service-bldg dept.		-		No	0000
101-420-2220-43210	Telephone									
761950227-077	08/18/2009	109.14	0.00	09/01/2009	Cell Phone Service-Public Works		-		No	0000
101-420-2220-43210	Telephone									
761950227-077	08/18/2009	17.38	0.00	09/01/2009	Cell Phone Service-Parks		-		No	0000
101-420-2220-43210	Telephone									
	761950227-077 Total:	498.65								
	NEXTEL Total:	498.65								
RUD Prince-Rud Diane										
90109	09/01/2009	320.00	0.00	09/01/2009	Cleaning Services-City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
90109	09/01/2009	240.00	0.00	09/01/2009	Cleaning Services-Fire		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
	90109 Total:	560.00								
	RUD Total:	560.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
S&T S&T Office Products, Inc. 01NN2123	08/18/2009	218.77	0.00	09/01/2009	Office Supplies		-	No		0000
101-410-1320-42000 Office Supplies	01NN2123 Total:	218.77								
S&T Total:		218.77								
STCROIXR ST. CROIX RECREATION CO. 16148	07/13/2009	213.00	0.00	09/01/2009	S-Hook Pliers		-	No		0000
101-450-5200-42400 Small Tools & Minor Equipment	16148 Total:	213.00								
STCROIXR Total:		213.00								
TASCH T.A. Schifsky & Sons Inc 47808	08/27/2009	14,800.00	0.00	09/01/2009	St. Croix Sanctuary Street Repairs		-	No		0000
203-490-9070-43150 Contract Services	47808 Total:	14,800.00								
TASCH Total:		14,800.00								
USA USA Inflatables Corp 3041A	09/01/2009	314.42	0.00	09/01/2009	Inflatable Jumpers-Fall Festival		-	No		0000
204-450-5200-43150 Contract Services	3041A Total:	314.42								
USA Total:		314.42								
Report Total:		25,412.02								

City Council
Date: 9/01/09
CONSENT
Res. No. 2009 - 036
Item:

ITEM: Consider approval of Resolution 2009 – 036 approving a five foot variance for construction of a covered porch into the required 30 foot front yard setback at 8618 Ironwood Trail North – R-1 zoning – PID 21-029-21-12-0028.

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Craig Dawson, Interim City Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED

The City Council is being asked to approve Resolution 2009 – 036 for the five foot front yard variance application at 8618 Ironwood Trail North. The City Council discussed and approved the variance at the August 18th City Council meeting. The findings and conditions of approval were identified by the Council at that time and approved as such. However, as a draft resolution of approval was not presented at that time, staff is bringing forward the official resolution to be approved by Council at this subsequent meeting.

ATTACHMENTS (1):

1. Resolution of approval 2009 - 036

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

RESOLUTION NO. 2009-036

*A RESOLUTION APPROVING A VARIANCE FROM THE 30 FOOT FRONT YARD SETBACK
REQUIRED IN THE R-1 ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF A
COVERED PORCH AT 8618 IRONWOOD TRAIL NORTH.*

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

WHEREAS, Vernon and Vicky Reichow, 8618 Ironwood Trail North (the "Applicants"), have submitted an application to the City of Lake Elmo (the "City") for a five foot variance from the 30 foot front yard setback at 8618 Ironwood Trail North to allow the construction of a covered porch, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on August 10, 2009; and

WHEREAS, the Lake Elmo Planning Commission has submitted its recommendation to the City Council as part of a Staff Memorandum dated August 18, 2009; and

WHEREAS, the City Council discussed the application at its August 18, 2009 meeting.

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

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.
- 3) That the proposed setback variance of five feet is to allow the construction of a covered porch at 8618 Ironwood Trail North.

- 4) That the Variance will be located on property legally described as Lot 8, Block 3, Tablyn Park, Washington Co., Minnesota.
- 5) The variance will allow the original rambler to meet the intent of current City policies encouraging covered front porches at the principle entrance to houses and having the front porches closer to the paved street than the garage doors.
- 6) The variance would not be required if the house were located in the majority of subdivisions created in the past 10 years, which have 50 foot street rights-of-way as compared with the 60 foot rights-of-way in older developments.
- 7) The applicants have provided written demonstration that Lake Elmo residents in older, smaller lot developments in the City are supportive of having equal land use rights as those in Open Space developments and Carriage Station, which allow construction closer to the near edge of City roads, due to the smaller street right-of-way distances.
- 8) The applicants could build the proposed porch with a four foot (or greater) aluminum awning extension which would be incompatible with the house design, the character of the neighborhood, the intent of City policy, but not require a variance or be inconsistent with the Code.
- 9) Construction of the work requiring a variance will not increase the site impervious surface coverage, as the floor is allowed; will not increase the impact of the free flow of air, as an aluminum awning extending the final four feet into the setback would have the same minimal impact; and the existing maple tree will remain the primary visual feature of the property.
- 10) The proposed covered porch would be in keeping with the neighborhood as the single family residences in the established neighborhood are designed to create entrances to the homes facing the roadway. In addition, the architectural design presented would enhance the neighborhood.
- 11) The City will revisit the section of code regarding permitted encroachments to the front yard setback.

WITH THE FOLLOWING CONDITIONS:

1. The roof and roof eave will not extend more than four feet further into the front yard setback than permitted by code.
2. Dimensions and materials of the new work will not vary from the submitted drawings, which show the height of the roof and the design as being compatible with the existing house as being remodeled.
3. The work will not endanger the health of the mature sugar maple in the front yard.
4. The porch will not have walls.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is approved.

Passed and duly adopted this 1st day of September 2009 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Craig Dawson, Interim City Administrator

City Council
Date: 9/01/09
CONSENT
Resolution No. 2009 – 037
Item:

ITEM: Consider a request to allow construction of a detached garage to be located closer to the road right-of-way than the existing house and attached garage by 26 feet on the 0.79 acre parcel at 4633 Birchbark Trail north.

REQUESTED BY: Ronald Warner, Property Owner

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Craig Dawson, Interim City Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider approving a resolution to allow the construction of an accessory structure to be located 185 feet from the road right-of-way at 4633 Birchbark Trail North. This location, while it meets the setback requirements of the R-1 zoning district, would place the new detached garage at a location closer to the road right-of-way than the existing house. The proposed 624 square-foot garage is proposed to replace two existing temporary fabric buildings (each 288 square feet) in the same location.

The zoning ordinance only allows a detached accessory building to be located closer to a front lot line than a principal building upon approval by the City Council. In this case, the property owner will be replacing two temporary structures with a permanent structure to enclose equipment such as a boat and pontoon. This action does not require Planning Commission consideration nor does it require notifying adjacent property owners.

The existing house and attached garage are over 200 feet from the road right-of-way. The existing temporary buildings, which the applicant is proposing to remove and replace with the proposed detached garage, are currently located closer to the road right-of-way than the existing house and attached garage. No additional impervious surface is added to the site as the proposed detached garage would be replacing the existing temporary structures in their current location.

The applicant's submittal to allow the new detached garage to be built closer to the road right-of-way than the existing house would not be out of character for the neighboring properties nor would it impact traffic. Staff finds that this request is permissible under the code and that the location of the new garage would not negatively impact neighboring properties as it is heavily screened by trees and the adjacent neighbors also have detached buildings closer to the right-of-way than the home. This is not a request for a variance, so the applicant does not need to demonstrate a hardship.

RECOMMENDATION

Based on our analysis of the request, staff is recommending approval of Resolution 2009-037 to allow the construction of a detached garage 185 feet from the right-of-way at 4633 Birchbark Trail North.

APPLICABLE SECTIONS OF CODE

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

ATTACHMENTS:

1. Resolution 2009 – 037
2. Location Map
3. Applicant's Narrative
4. Site Plan
5. Aerial image of site.

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2009-037

A RESOLUTION APPROVING THE PLACEMENT OF A NEW DETACHED
GARAGE CLOSER TO THE ROAD RIGHT-OF-WAY THAN THE EXISTING
HOUSE AT 4633 BIRCHBARK TRAIL NORTH

WHEREAS, pursuant to Section 154.092 Subd. I of the Lake Elmo Municipal Code, Ronald and Mary Ann Warner, the property owners, have requested approval to place a new detached garage closer to the road right-of-way than the existing house and attached garage by 26 feet at 4633 Birchbark Trail North, in accordance with plans received by staff August 26, 2009.

WHEREAS, the location of the proposed detached garage is appropriate as it is consistent with other detached garage setbacks in the neighborhood, is screened from the road right-of-way, would avoid the removal of shoreland vegetation, and is in keeping with the character of the neighborhood.

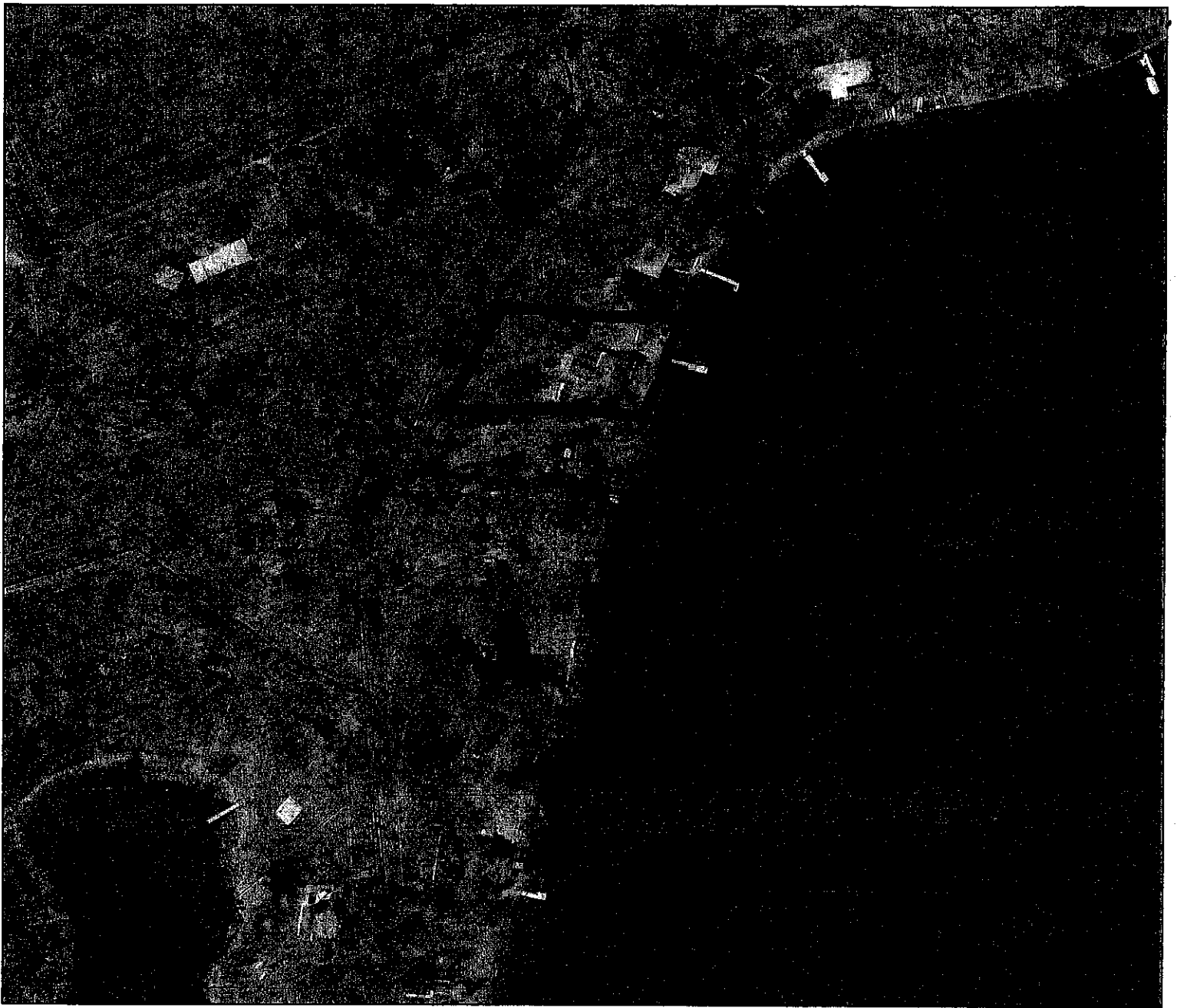
NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo hereby grants permission for construction of a new detached garage 185 feet from the road right-of-way on the property at 4633 Birchbark Trail North.

ADOPTED, by the Lake Elmo City Council on the 1st day of September, 2009.

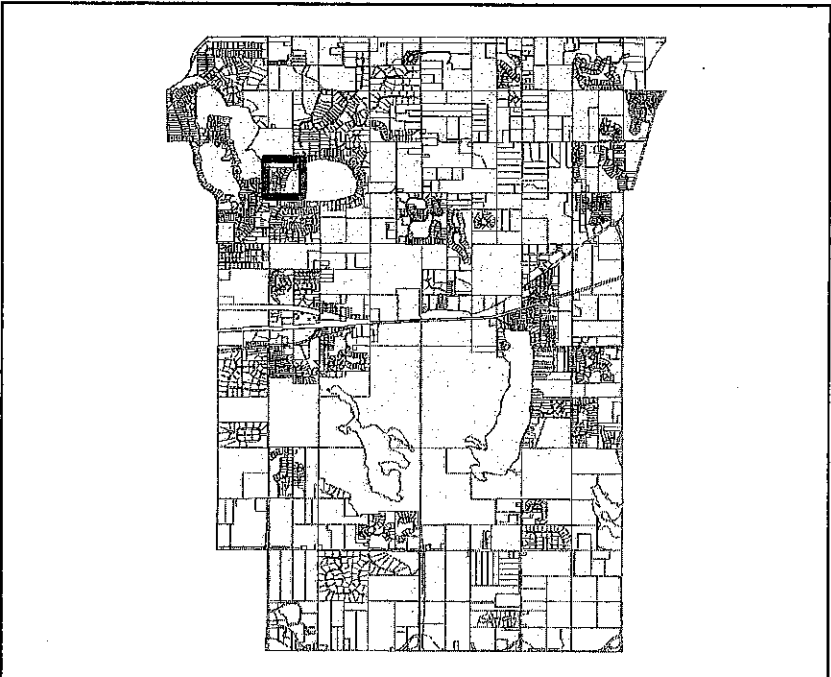
Dean Johnston, Mayor

ATTEST:

Craig Dawson, Interim City Administrator



4633 Birchbark Trail N
Lake Elmo, MN

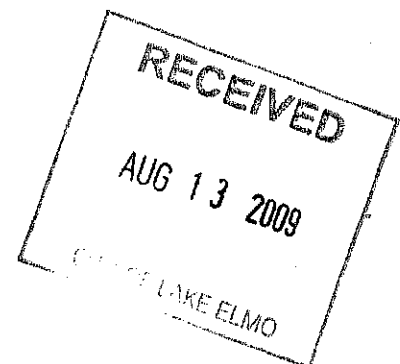


Location of detached garage

This request is to locate a detached garage behind an existing attached garage. This location is approximately thirty feet closer to the street on the lot. In this location the proposed garage will be set back 130 feet from the road. The entire front of my property is wooded. Thus the proposed garage will not be seen from the road due to the tree cover. The location of the garage will preserve the existing trees located on the lot.

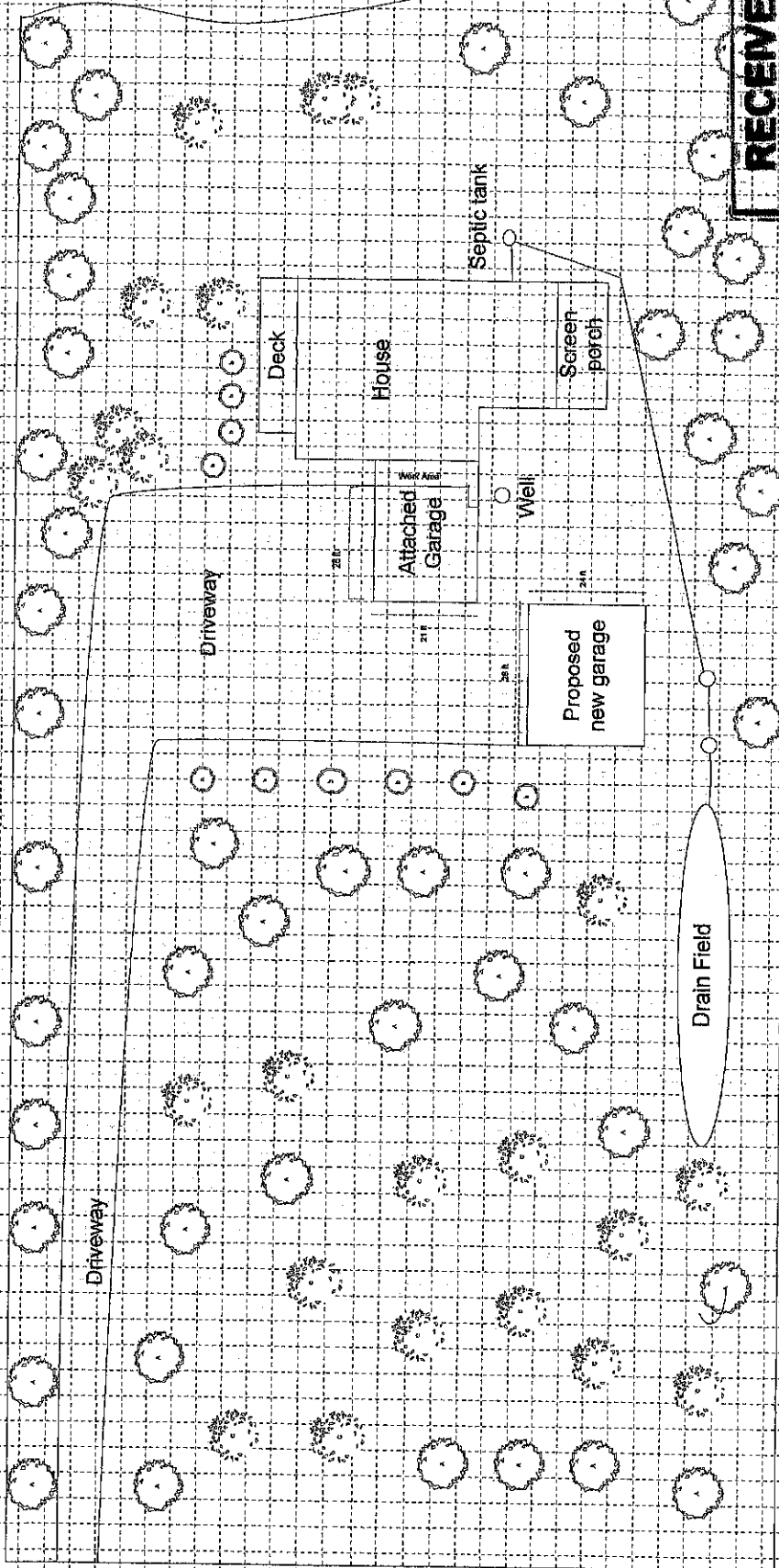
My immediate neighbors to the north and south both have detached garages. Both are located behind their homes. Their garages are located about the same distance to the street as the detached garage I am proposing.

There isn't sufficient space on the north or south side of my home to consider the placement of the proposed garage. The north side of the house has an attached deck and a number of trees that buffers the house from the neighbor. On the south side of my home a septic line runs around the side of the home.



4633 Birchpark Trail N

297.9 ft +/-



150 ft

320.8 ft +/-

RECEIVED
AUG 27 2008
 CITY OF LAKE ELMO

Scale: 1/8 inch = 5 Feet

4633 Birchbark Trail N, Lake Elmo, MN 55

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Image U.S. Geological Survey

Google

Imagery Date: Apr 2006

45°00'58.58" N 92°55'50.30" W elev. 284m

Eye alt 408 m

RECEIVED
AUG 13 2009
CITY OF LAKE ELMO

City Council
 Date: September 1, 2009
 REGULAR
 Item:
 Motion

ITEM: Resolution Setting Proposed Tax Levy Collectible in 2010
 SUBMITTED BY: Craig W. Dawson, Interim City Administrator
 Tom Bouthilet, Finance Director
 REVIEWED BY: Joe Rigdon, Finance Specialist

SUMMARY AND ACTION REQUESTED: As part of the statutory process for setting a budget and tax levy, the City Council must adopt a resolution setting the proposed tax levy by September 15. As part of this resolution, the Council must also approve a proposed budget and set a "public meeting date" for public comment on the proposed budget and tax levy after Thanksgiving. Based upon Council discussion at the August 25, 2009, workshop, a resolution has been prepared for the Council to set the proposed (i.e., not-to-exceed) tax levy payable in 2010.

BACKGROUND: During its 2009 session, the Legislature made modifications to the "truth-in-taxation" process, but key features remain. They include:

- Adoption of a proposed tax levy by September 15. The Council's final levy may not be greater than the proposed amount, but it may be less.
- Adoption of a proposed budget by September 15. The proposed budget is a technicality in the process, as the Council may change it at any time between September 15 and eventual adoption by late December.
- An announced date for a public meeting where there will be public comment during the Council's discussion of the budget. This year, this meeting must occur between November 25 and December 26. It is no longer required that there be a special meeting date with the proposed budget and tax levy being the only item of business, nor on a date that does not conflict with other local taxing authorities. The first regularly-scheduled Council meeting during this timeframe is December 1.

At its August 25 work session, the direction from the Council was to set the proposed tax levy at the maximum allowed by the levy limit statute. This action would give the Council maximum flexibility in determining the final tax levy to support the final budget for 2010. The increases to the levy for 2010 would be:

General Levy	\$ 28,660	
2008 MVHC Unallotment	\$ 19,365	
2009 MVHC Unallotment	<u>\$ 35,475</u>	
	\$ 83,500	Levy Limit Maximum
Existing Bonds	407	
2009 Street Improvement Bonds	<u>\$ 51,000</u>	(Special levies, not subject to levy limits)
	\$134,907	Total levy increase (4.98% over 2009)

Note that the General Levy figure is greater than the simple 0.83% levy limit increase of \$19,357 that has been presented to Council to date. On August 26, the State's certified levy limit for cities became available, and the amount shown was \$2,360,790 an increase of \$28,660. This additional amount is due a lag in the formula which also includes additional growth in commercial development. Given the Council's direction to set the proposed levy to the maximum allowable, this revised number is shown as the General Levy increase.

Note also that the amount for the street improvement bonds is an estimate slightly higher than what is expected to be due. This amount may also be lowered based on the results of the bond sale in October.

The 2010 proposed budget is presented in summary form, and reflects the recommended budget presented by staff at the August 11 work session. It has been revised to show the levy limit and unallotment increases as transfers to other funds (e.g., to capital funds). As mentioned above, the Council plans to discuss the budget further over the next few months, and will likely have several revisions for the proposed budget to be discussed during the "public meeting" on December 1.

RECOMMENDATION: Staff recommends that the Council adopt the proposed resolution.

SUGGESTED MOTION FOR CONSIDERATION

Move to adopt the Resolution Approving the Proposed Tax Levy Collectible in 2010 and the Proposed General Fund Budget for 2010, and Setting the Public Meeting on the Budget for December 1, 2009.

ATTACHMENTS:

- Proposed Resolution
- Summary of Proposed 2010 General Fund Budget

ORDER OF BUSINESS:

- | | |
|--|-------------------------------|
| • Introduction | Craig Dawson |
| • Report by staff | Craig Dawson
Tom Bouthilet |
| • Questions from City Council members to the presenter | Mayor facilitates |
| • Questions/comments from the public to the City Council | Mayor facilitates |
| • Action on motion | City Council |

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

**RESOLUTION NO. 2009-038
RESOLUTION APPROVING PROPOSED 2009 TAX LEVY, COLLECTIBLE IN 2010 &
PROPOSED 2010 BUDGET**

WHEREAS, the City Council has conducted budget council and committee meetings;

WHEREAS, the City is required to adopt a proposed budget for payable 2010 and certified its proposed property tax levy for payable in 2010.

BE IT RESOLVED that the City adopts a proposed 2010 Budget,

BE IT FURTHER RESOLVED by the Council of the City of Lake Elmo, County of Washington, Minnesota that the following proposed sums of money be levied for the current year, collectible in 2010, upon taxable property in the City of Lake Elmo, for the following purposes:

Total General Fund Levy	\$ 2,360,790
Total G.O. Debt Levy	\$ 427,480
2008 MVHC Unallotment Levy	\$ 19,365
2009 MVHC Unallotment Levy	\$ <u>35,475</u>
Total Levy	\$ 2,843,110

BE IT FURTHER RESOLVED that a public meeting for public comment during Council discussion on the proposed budget will take place on December 1, 2009 at 7:00pm in the City Council chamber at City Hall, 3800 Laverne Avenue N. Lake Elmo, MN

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Washington County, Minnesota.

ADOPTED, by the Lake Elmo City Council on the 1st day of September, 2009.

Dean A. Johnston
Mayor

ATTEST:

Craig W. Dawson
Interim City Administrator

City of Lake Elmo
Budget 2010

Account Number	Description	2008 Budget	2008 Actual	2009 Budget	2009 Year-to-Date (07/31/09)	2009 Projected	2010 Preliminary Budget	2009 to 2010 Change
GENERAL FUND								
<u>Revenues</u>								
Property Taxes/Franchise Fees								
101-000-0000-31010	Current Ad Valorem Taxes	\$2,221,486	\$1,963,206	\$2,332,130	\$1,012,177	\$2,119,749	\$2,360,790	1.2%
101-000-0000-31010	2008 MVHC Unallotment Recovery	\$0	\$0	\$0	\$0	\$0	\$16,365	N/A
101-000-0000-31010	2009 MVHC Unallotment Recovery	\$0	\$0	\$0	\$0	\$0	\$36,476	N/A
101-000-0000-31010	MVHC State Unallotment	\$0	\$0	\$0	\$0	(\$35,475)	(\$33,759)	N/A
101-000-0000-31020	Delinquent Ad Valorem Taxes	\$0	\$11,899	\$0	\$26,176	\$40,000	\$0	N/A
101-000-0000-31030	Mobile Home Tax	\$8,000	\$7,864	\$8,000	\$3,649	\$7,500	\$8,000	0.0%
101-000-0000-31040	Fiscal Disparities	\$0	\$107,788	\$0	\$88,327	\$172,381	\$0	N/A
101-000-0000-31810	Penalty & Interest on Taxes	\$0	(\$77)	\$0	\$98	\$100	\$0	N/A
101-000-0000-33620	Gravel Tax	\$3,250	\$2,861	\$2,500	\$1,567	\$3,100	\$3,100	24.0%
101-000-0000-33622	Cable Franchise Revenue	\$27,000	\$31,580	\$30,000	\$34,916	\$34,916	\$35,000	18.7%
Total Property Taxes/Franchise Fees		\$2,259,736	\$2,145,140	\$2,372,630	\$1,166,909	\$2,342,271	\$2,427,971	2.3%
Licenses and Permits								
101-000-0000-32110	Liquor License	\$7,200	\$7,200	\$7,200	\$0	\$7,200	\$7,200	0.0%
101-000-0000-32180	Wastehauler License	\$500	\$440	\$500	\$1,365	\$1,365	\$1,000	100.0%
101-000-0000-32181	General Contractor License	\$2,000	\$1,810	\$1,500	\$2,225	\$2,225	\$1,800	20.0%
101-000-0000-32183	Heating Contractor License	\$800	\$640	\$795	\$60	\$500	\$200	-74.8%
101-000-0000-32184	Blacktopping Contractor License	\$60	\$0	\$60	\$0	\$0	\$60	0.0%
101-000-0000-32210	Building Permits	\$200,000	\$154,888	\$140,000	\$66,481	\$60,000	\$100,000	-28.6%
101-000-0000-32220	Heating Permits	\$11,000	\$8,875	\$4,500	\$6,922	\$7,000	\$3,000	-33.3%
101-000-0000-32230	Plumbing Permits	\$11,000	\$6,810	\$4,500	\$2,406	\$3,000	\$3,000	-33.3%
101-000-0000-32231	Sewer Permits	\$2,000	\$3,375	\$1,500	\$371	\$500	\$500	-66.7%
101-000-0000-32240	Animal License	\$2,000	\$2,302	\$2,000	\$1,754	\$2,000	\$2,000	0.0%
101-000-0000-32250	Utility Permits	\$5,000	\$6,840	\$4,000	\$14,310	\$16,000	\$6,000	50.0%
101-000-0000-32260	Burning Permit	\$1,200	\$1,260	\$1,000	\$676	\$1,000	\$1,000	0.0%
101-000-0000-34104	Plan Check Fees	\$68,160	\$48,853	\$45,000	\$15,538	\$25,000	\$32,000	-28.9%
Total Licenses and Permits		\$329,920	\$242,074	\$212,555	\$112,104	\$184,790	\$157,760	-25.8%
Intergovernmental								
101-000-0000-33401	Local Government Aid	\$0	\$0	\$0	\$0	\$0	\$0	N/A
101-000-0000-33402	Homestead Credit Aid	\$0	\$26,552	\$0	\$0	\$0	\$0	N/A
101-000-0000-33418	MSA - Maintenance	\$67,275	\$67,275	\$67,275	\$88,797	\$88,797	\$68,500	1.8%
101-000-0000-33420	State Fire Aid	\$57,344	\$39,747	\$80,000	\$1,690	\$40,000	\$40,000	-33.3%
101-000-0000-33422	PERA Aid	\$2,750	\$2,749	\$2,750	\$1,375	\$2,750	\$2,750	0.0%
101-000-0000-33426	Miscellaneous State Grants	\$0	\$28,089	\$0	\$13,954	\$14,000	\$0	N/A
101-000-0000-33621	Recycling Grant	\$15,270	\$15,476	\$15,000	\$15,476	\$15,476	\$16,000	0.0%
Total Intergovernmental		\$142,639	\$179,888	\$146,025	\$121,291	\$161,023	\$126,250	-12.9%
Charges for Services								
101-000-0000-34103	Zoning & Subdivision Fees	\$25,000	\$11,410	\$4,000	\$1,050	\$1,500	\$1,000	-75.0%
101-000-0000-34105	Sale of Copies, Books, Maps	\$300	\$205	\$300	\$110	\$200	\$300	0.0%
101-000-0000-34107	Assessment Searches	\$150	\$175	\$150	\$210	\$300	\$200	33.3%
101-000-0000-34109	Clean Up Days	\$6,000	\$3,833	\$5,000	\$4,367	\$4,367	\$4,000	-20.0%
101-000-0000-34111	Cable Operation Reimbursement	\$2,000	\$1,678	\$2,400	\$911	\$1,800	\$2,400	0.0%
Total Charges for Services		\$33,450	\$17,300	\$11,850	\$6,648	\$8,167	\$7,900	-33.3%
Fines								
101-000-0000-35100	Fines	\$65,000	\$60,919	\$52,000	\$24,830	\$49,500	\$62,000	0.0%
Total Fines		\$65,000	\$60,919	\$52,000	\$24,830	\$49,500	\$62,000	0.0%
Other								
101-000-0000-36200	Miscellaneous Revenue	\$21,973	\$19,865	\$18,000	\$24,191	\$25,000	\$17,128	-4.8%
101-000-0000-36210	Interest Earnings	\$80,000	\$78,025	\$80,000	\$0	\$80,000	\$60,000	-25.0%
101-000-0000-36230	Donations	\$0	\$8,500	\$0	\$8,500	\$8,500	\$0	N/A
Total Other		\$101,973	\$106,390	\$98,000	\$32,691	\$93,500	\$77,128	-21.3%
Total Revenues		\$2,932,718	\$2,751,712	\$2,892,060	\$1,464,474	\$2,808,251	\$2,849,009	-1.5%
<u>Other Financing Sources</u>								
101-000-0000-39200	Transfer In	\$0	\$0	\$0	\$0	\$0	\$0	N/A
Total Other Financing Sources		\$0	\$0	\$0	\$0	\$0	\$0	N/A
Total Revenues and Other Financing Sources		\$2,932,718	\$2,751,712	\$2,892,060	\$1,464,474	\$2,808,251	\$2,849,009	-1.5%

City of Lake Elmo
Budget 2010

Department Number	Description	2008 Budget	2008 Actual	2009 Budget	2009 Year-to-Date (07/31/09)	2009 Projected	2010 Preliminary Budget	2009 to 2010 Change
GENERAL FUND								
<u>Expenditures by Program & Department</u>								
General Government								
1110	Mayor & Council	\$43,298	\$34,322	\$33,992	\$19,041	\$33,892	\$33,992	0.0%
1320	Administration	\$547,007	\$490,040	\$466,192	\$228,618	\$442,670	\$450,146	-3.4%
1410	Elections	\$17,014	\$10,505	\$1,000	\$980	\$980	\$11,950	1095.0%
1450	Communications	\$0	\$0	\$56,364	\$29,585	\$57,624	\$50,746	-10.0%
1520	Finance	\$157,591	\$177,255	\$107,121	\$64,368	\$126,710	\$104,582	-2.4%
1910	Planning & Zoning	\$214,503	\$198,198	\$202,657	\$126,288	\$244,397	\$178,472	-11.8%
1930	Engineering Services	\$94,000	\$108,119	\$72,000	\$32,741	\$72,000	\$70,000	-2.8%
1940	City Hall	\$40,525	\$39,699	\$40,643	\$20,946	\$41,693	\$40,750	-0.5%
Total General Government		\$1,113,938	\$1,058,428	\$980,269	\$522,545	\$1,020,166	\$940,638	-4.0%
Public Safety								
2100	Police	\$431,000	\$436,773	\$466,850	\$0	\$466,850	\$474,935	1.7%
2150	Prosecution	\$56,000	\$51,245	\$55,000	\$21,638	\$55,000	\$51,000	-7.3%
2220	Fire	\$415,858	\$313,214	\$390,830	\$175,516	\$383,186	\$375,082	-4.1%
2250	Fire Relief	\$57,344	\$39,747	\$60,000	\$1,690	\$40,000	\$57,854	-3.6%
2400	Building Inspection	\$131,456	\$87,577	\$188,680	\$60,337	\$99,463	\$92,900	-50.7%
2700	Animal Control	\$12,250	\$12,662	\$12,850	\$4,451	\$12,600	\$12,850	0.0%
Total Public Safety		\$1,105,908	\$941,218	\$1,174,310	\$253,630	\$1,057,199	\$1,064,631	-9.3%
Public Works								
3100	Public Works	\$488,928	\$409,182	\$324,978	\$172,121	\$306,432	\$300,836	-7.4%
3120	Streets	\$0	\$0	\$78,860	\$16,913	\$71,500	\$80,500	2.1%
3125	Ice & Snow Removal	\$0	\$0	\$63,500	\$37,424	\$66,500	\$63,500	0.0%
3160	Street Lighting	\$25,000	\$27,410	\$24,000	\$10,192	\$24,000	\$24,000	0.0%
3200	Recycling	\$15,000	\$9,564	\$15,000	\$1,186	\$15,000	\$15,000	0.0%
3250	Tree Program	\$0	\$0	\$14,000	\$12,006	\$20,000	\$0	-100.0%
Total Public Works		\$528,928	\$446,156	\$520,338	\$249,842	\$503,432	\$483,836	-7.0%
Culture & Recreation								
5200	Parks & Recreation	\$183,944	\$141,520	\$217,143	\$101,358	\$198,216	\$179,574	-17.3%
Total Culture & Recreation		\$183,944	\$141,520	\$217,143	\$101,358	\$198,216	\$179,574	-17.3%
Total Expenditures		\$2,932,716	\$2,587,322	\$2,892,060	\$1,127,375	\$2,779,013	\$2,668,679	-7.7%
<u>Other Financing Uses</u>								
Transfers Out		\$0	\$8,500	\$0	\$0	\$8,500	\$180,330	N/A
Total Other Financing Uses		\$0	\$8,500	\$0	\$0	\$8,500	\$180,330	\$0
Total Expenditures and Other Financing Uses		\$2,932,716	\$2,595,822	\$2,892,060	\$1,127,375	\$2,787,513	\$2,849,009	-1.5%
<u>Expenditures by Classification</u>								
Personnel Services		\$1,339,012	\$1,051,249	\$1,306,897	\$592,328	\$1,149,873	\$1,120,294	-14.3%
Supplies		\$167,100	\$165,089	\$183,830	\$67,607	\$166,733	\$181,400	-1.3%
Other Services and Charges		\$1,399,666	\$1,351,328	\$1,401,333	\$487,440	\$1,482,307	\$1,366,985	-2.5%
Capital Outlay		\$26,940	\$19,655	\$0	\$0	\$0	\$0	N/A
Total Expenditures		\$2,932,716	\$2,587,322	\$2,892,060	\$1,127,375	\$2,779,013	\$2,668,679	-7.7%
Transfers Out		\$0	\$8,500	\$0	\$0	\$8,500	\$180,330	N/A
Total Expenditures and Other Financing Uses		\$2,932,716	\$2,595,822	\$2,892,060	\$1,127,375	\$2,787,513	\$2,849,009	-1.5%

City Council
Date: September 1, 2009
REGULAR
Item:
Informational

ITEM: Demontreville Trail Shoulder Widening / Trail Options as part of the Washington County Reconstruction and Turnback Project – Park Commission Comments

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Ryan Stempki, Assistant City Engineer
Craig Dawson, Interim City Administrator
Carol Kriegler, Project Assistant

SUMMARY AND ACTION REQUESTED: On July 21, 2009, the City Council directed Staff to present the Demontreville Trail Shoulder Widening / Trail Options to the Park Commission and obtain its input. Staff made this presentation at the August 17, 2009, Park Commission Meeting. The presentation included a high level summary of options, costs and impacts associated with widening the shoulder or adding a trail along Demontreville Trail. The comments from the Park Commission are attached. Staff is looking for direction on how to proceed on the Washington County Reconstruction and Turnback Project.

BACKGROUND INFORMATION:

Washington County currently owns and maintains Demontreville Trail, from 50th Street North to Trunk Highway 36. The County does not identify the road as "serving a County function" and has informed the City of its intention to turn back this roadway to the City of Lake Elmo. The County has indicated a tentative schedule to improve the roadway in 2010 using a full-depth reclaim with localized drainage improvements. At that time the road would be transferred to Lake Elmo authority.

Staff has received several requests to add a trail along Demontreville Trail to improve safety along this roadway segment. To facilitate a trail, several issues and challenges must be addressed including a clear definition of the trail purpose and need, identification and acquisition of additional right-of-way, identification of physical property impacts and wetland impacts, and identification of available funding. At this time, the County has indicated that it will not provide additional funds for the trail addition.

ATTACHMENTS:

1. Park Commission Comments
2. Segment Map
3. High Level Summary of Costs

ORDER OF BUSINESS

- Introduction Craig Dawson, Interim City Administrator
- Report by staff Jack Griffin, City Engineer
- Questions from City Council members to the presenter Mayor Facilitates
- Questions/comments from the public to the City Council Mayor Facilitates

LAKE ELMO PARK COMMISSION
Monday, August 17, 2009

Overview of motion and comments on proposed trail / shoulder widening improvements as a part of the DeMontreville Trail road reconstruction project.

Commission comments:

The commission was very interested and supportive of trail improvements / shoulder widening improvements of some kind in an effort to improve pedestrian and bicyclist safety along this stretch of roadway. Several members reported personal experiences and use of the roadway in its current condition, and expressed great concern related to the current safety risk. They recognized the timeliness of addressing this issue with the impending reconstruction project.

The commission also recognized the substantial costs associated with each of the possible improvements, but commented that is not possible to place a financial value on potential loss of life or serious injury.

In considering the prioritization of the identified 4 segments, (50th St. N. to Highlands Trail N., Highlands Trail N. to) the Commission prioritized them from highest to lowest as the segments exist from 50th St. N. to Highway 36. This was in large part due to the presence of the DNR boat launch and Demontreville Wildlife Area and the associated potential vehicular, bicycle and pedestrian traffic associated with each of these destinations.

While the commission expressed their strong desire for an increase in public safety along this stretch of roadway, they also commented on the potential recreational value in an off-road trail constructed to meet "bicycle trail" specifications. They commented on the aesthetic value of the area in general, DeMontreville Lake, and DeMontreville Wildlife Area. They also commented on the potential role these segments might offer in linking to the Gateway Trail and beyond.

Recognizing that potential very high cost and challenges associated with meeting "bicycle trail" specifications in this area, the commission acknowledged that shoulder widening might well be the only feasible option. They expressed that they are most concerned with improving public safety along the stretch and are very much in support of any public safety improvement, regardless of whether it would result in an official bicycle trail designation or opportunity to promote public use.

Support for improvements of some kind passed on a 6-0 vote. The motion was as follows:

"The Parks Commission has significant concern about the safety of pedestrians and bicyclists who use Demontreville Trail. As Washington County prepares to turn over responsibility for the road to the City of Lake Elmo and as it develops plans to improve the road prior to doing so, the Parks Commission strongly urges the county and the city to include improvements in the road that will enhance the safety of pedestrians and bicyclists while not compromising the safety and usefulness of the road to motorists. The Parks Commission stands ready to participate fully in any planning process concerning this road in order to explore the feasibility of integrating design elements into the improvement plan as a way of addressing the Commission's concerns."

**DEMONTREVILLE TRAIL - SHOULDER/TRAIL IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA**

ROADWAY SEGMENT	5-foot Concrete Sidewalk on one side	Two - One Way Bike Lanes (widen 4-feet each side)	Widen 4-feet to create 3-Foot Paved Shoulders on Both Sides (11-foot drive lanes)
Segment 1 (RED): from Olson Lake Trail to Highlands Trail North (second intersection)	\$ 369,002	\$ 247,749	\$ 123,875
Segment 2 (BLUE): from Highlands Trail North to the NE part of Lake Shore (8260 Demontreville Trail)	\$ 208,793	\$ 135,680	\$ 67,840
Segment 3 (GREEN): from NE part of the Lake to 8510 Demontreville	-	\$ 116,365	\$ 58,183
Segment 4 (YELLOW): from 8510 Demontreville Trail to TH 36	-	\$ 184,955	\$ 92,477
TOTAL FOR ALL TRAIL SEGMENTS	\$ 577,795	\$ 684,749	\$ 342,374

Estimated Costs Do not include:
 Right-of-Way Acquisition
 Stormwater Management Facilities
 Wetland Impact Mitigation