

FILE

City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

City of Lake Elmo
City Council Workshop
3800 Laverne Avenue North
Lake Elmo, MN 55042
October 27, 2009

6:30 – 8:30 p.m. (?)

1. Agenda
2. Concept Plan of Senior Living Facility/Farm School
– Tammy Malmquist
3. Wireless Telecommunication Ordinance – Planning Director
4. Discussion on Proposed General Fund Budget and Proposed
Enterprise Fund Budgets – City Administrator/Finance Director
5. November 4, 2009 (Wed.) City Council Meeting – Meeting date
change due to November 3rd election day
6. Adjourn



City Council
Date: 10/27/09
WORKSHOP
Item: 2
INFORMATION:

AGENDA ITEM: Requested Concept-Level Review of Proposed Development
SUBMITTED BY: Tammy Malmquist, Resident & Proposed Developer
THROUGH: Bruce A Messelt, City Administrator *BM*
REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED:

This item has been scheduled at the request of a potential applicant for a new development. *Council is being asked to allow a brief "Concept-level" presentation by the potential applicant and then direct the applicant to continue work with City staff on all subsequent formal proposal, application, review and final decision-making process steps.*

Ms. Tammy Malmquist, the Potential Developer, has requested time to present to the City Council a concept-level layout of a proposed co-operative development comprised of age-based housing and a "farm based pre-school." Attached for Council review is Ms. Malmquist's letter of introduction and concept-level layout.

STAFF REPORT:

Your City Attorney and City Administrator believe such concept-level presentations to the City Council and Planning Commission are valid and an important part of the initial vetting process for certain development proposals. Many cities allow such presentations, with specific guidelines as to threshold (type of development proposed) for such presentations, length of presentation and discussion period, and limitations and clear understandings by both the presenter and Governing/Advisory Body that such activities are neither binding nor in lieu of (or a required addition to) the regular application, review and decision-making process established by state law and City ordinance, policies and procedures.

Such concept-level presentations do not replace the normal, legal process established for application, review and final approval/denial. As such, the City Council and/or Planning Commission should not, as a body or via individual members, make any comments or suggestions or establish conditions that could be construed as a binding commitment or obligation.

ADDITIONAL INFORMATION:

With respect to the City's overall approach to allowing such concept-level presentations, it is recommended that the following guidelines be followed tonight (and accepted as acceptable procedures for future presentations):

- **Threshold for Allowable Concept-level Presentations:** Those proposals requiring Comprehensive Plan Amendments, major changes in Zoning or the Zoning Code, or major City involvement or participation, especially with respect to infrastructure or financial contributions. Of note: Proposed platted subdivisions already come before the City Council and Planning Commission as part of their formal application process;
- **Length of Presentation:** It is recommended that the Potential Developer/Applicant be afforded no more than 10 minutes for presentation, plus no more than an additional 5 minutes for Council questions and/or discussion. Any longer period of time and such presentations will be consumptive of valuable time and get into details and issues that should be addressed during the formal application, review and decision-making process.
- **Limitations on Type and Scope of Discussion:** It is recommended that the City Attorney (or City Staff/Chair at the Planning Commission) begin each and every such presentation with an oral explanation of the purpose and scope of the Agenda Item and the limitations to which any discussion and/or comments can be interpreted by the Presenter/Applicant and/or City Council or Planning Commission (or its individual members) as binding or formal in nature.
 - The Presenter/Applicant should be asked to acknowledge this orally on the record;
 - The City Council and Planning Commission should refrain from providing specific direction and, rather, keep their comments and questions general, open-ended, inquisitive or suggestive in nature;
 - The Mayor and City Attorney should closely monitor all discussion, reiterate the non-binding, non-committal nature of the presentation, and refer the Presenter/Applicant to City staff for any further follow-up or formal application.

Of note: The Presenter is in relationship with a current City Employee. The City Attorney and City Administrator have determined that there is no current conflict of interest (actual), though the perception of one may exist. As a result, Council is hereby duly informed of this and advised that the City employee will play no role in the application, review or decision-making process for this proposed development, should it proceed. If necessary, alternative arrangements will be made to ensure critical review that would normally be provided by this employee.

ATTACHMENTS:

Material provided by Mr. Malmquist.

ORDER OF BUSINESS:

- Introduction..... Bruce Messelt, City Administrator
- Ground RulesDave Snyder, City Attorney
- Presentation (10 minutes max).....Presenter/Applicant
- Questions & Discussion (5 minutes max)..... Mayor & Council Members
- Thanks and Closing Reiteration.....Mayor & City Attorney

October 1, 2009

Mr. Mayor and Council Members,

Attached please find a concept layout showing a co-op comprised of housing for clients ages 55+ along with a farm based preschool. This concept focuses on the benefits of children and seniors working together. Side by side, residents and children will share farming experiences while fostering an appreciation of intergenerational experiences.

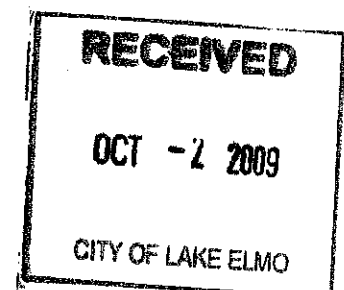
Throughout the design process, I have worked hard to preserve the natural beauty of the site, which includes several farm buildings and an Oak Savannah. This concept also maintains the rural feel of Lake Elmo with community farms, front porches and buildings, such as a one room schoolhouse, that have a small town feel. As this is a multi-use concept, and it appears as though a PUD or RAD2 may work, I am looking for input from the Council before moving forward.

As a long time resident of Lake Elmo, I appreciate the uniqueness of our town. I recognize that we currently have no life cycle housing options to offer our life long residents. I believe my concept will provide an opportunity for these residents to not only remain in our community, but to have an engaged, active environment that will promote lifelong learning. I look forward to your assistance in making my concept become yet another unique part of Lake Elmo that we can all be proud of.

Sincerely,



Tammy Malmquist



Farm School & Senior Living

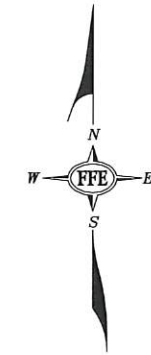
Lake Elmo, Minnesota

Concept Layout

Folz, Freeman, Erickson, Inc.
 LAND PLANNING • SURVEYING • ENGINEERING



12445 55TH STREET NORTH
 STILLWATER, MINNESOTA 55082
 Phone (651) 439-8833 Fax (651) 430-9331



ORIGINAL SCALE
 1 INCH = 80 FEET
 0 40 80 160
 SCALE IN FEET



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City Council
Date: 10/27/09
WORKSHOP
Item: 3
INFORMATION:

AGENDA ITEM: Proposed Revisions to the Wireless Communications Ordinance

SUBMITTED BY: Planning Commission

THROUGH: Bruce A Messelt, City Administrator 

REVIEWED BY: Kyle Klatt, Planning Director
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED:

The Planning Commission, after a lengthy drafting and review process, has completed its review of the proposed wireless communications ordinance update and has recommended approval of the ordinance as revised and drafted. Prior to formal action by the Council on this ordinance, the *Council is being asked to review the draft document as part of its workshop on October 27, 2009 and provide direction, as appropriate, on preparation of the final ordinance revisions.*

Garret Lysiak of Owl Engineering, the project consultant who was hired to assist with the ordinance amendment, will be in attendance at the workshop to provide feedback and answer any questions from the Council.

The following is a brief summary of the actions taken to date as it relates to the drafting of a revised wireless communications ordinance:

- Jan 2009 – 12 month moratorium adopted by the City Council
- 4/7/09 – Selection of project consultant
- 6/10/09 – Public Open House
- 7/13/09 – Planning Commission update and review
- 7/14/09 – City Council workshop and discussion
- 8/10/09 – Planning Commission review
- 9/17/09 – Review with wireless industry representatives
- 9/17/09 – Second Public Open House
- 9/28/09 – Public Hearing
- 10/14/09 – Second Public Hearing

The Council is being provided with two versions of the ordinance: the first is a redlined draft with all changes from the current ordinance marked, the second is a clean copy with all revision formatting removed.

PLANNING COMMISSION REPORT:

The Planning Commission, in making its recommending, wanted to inform the Council that one of its objectives in drafting the proposed ordinance was to increase opportunities for the City to consider new tower proposals that could provide expanded coverage in areas that met the City's preferred siting objectives. While the proposed ordinance does increase the number of potential tower sites within the community, it also strives to clearly rank the City's preferred locations for such facilities, require proper documentation that the need for a tower exists, and limit the proliferation of towers by allowing the City to consider taller structures and to steer towers towards locations with potentially lower impacts on residents. In cases where there is a demonstrated need for service but limited options for concealing or minimizing the impact of a tower, the City will be able to reject proposals on private property when a public site is available within the proposed service area.

ADDITIONAL INFORMATION:

The most recent report that was submitted to the Planning Commission summarizing the contents of the draft ordinance is attached for consideration by the City Council.

ATTACHMENTS:

1. Planning Commission Report – 9/28/09
2. Wireless Communications Ordinance – Marked Version
3. Wireless Communications Ordinance – Clean Version

ORDER OF BUSINESS:

- Introduction..... Bruce Messelt, City Administrator
- Report/Presentation..... Kyle Klatt, Planning Director
- Questions & Direction from the Council..... Mayor & Council Members

City of Lake Elmo Planning Department
Wireless Communications Ordinance Amendment

To: Planning Commission

From: Kyle Klatt, Planning Director

Meeting Date: 9/28/09

Introductory Information

Objective:

The Planning Commission is being asked to review and hold a public hearing on proposed revisions to the Wireless Communications Ordinance. The Commission previously reviewed an earlier draft of the ordinance at its August 10, 2009 meeting, and since this time, staff has completed the following:

- Incorporating comments from the Planning Commission, City Attorney, and project consultant into the draft document.
- Meeting with wireless communications industry representatives and incorporating revisions where appropriate into the draft ordinance based on comments from this meeting.
- Conducting a second public open house to review the draft ordinance.
- Finalizing the draft ordinance for consideration at a public hearing.

Attached to this report are two versions of the draft ordinance, one of which represents a fully-marked version with tracking of the various changes that have been made, and a second which is a clean version of the proposed ordinance without any tracking changes. A key is provided for the marked version to clarify when updates were made.

Early this year, the Lake Elmo City Council adopted a moratorium on the construction of new telecommunications towers within the City, and has previously directed the Planning Department to work on an update to the existing wireless communication tower ordinance during the moratorium period. The moratorium was established until the end of 2009; however, the work plan that was approved by the Council for the update project anticipated that the new ordinance would be adopted well before the end of the year.

After the Planning Commission completes the public hearing process and makes a recommendation on the proposed ordinance, next step will likely be a workshop session with the City Council to review the final draft.

Open House Meetings:

An open house related to the wireless communications ordinance update project was conducted on June 10, 2009 and was attended by six citizens and a representative

from the Minnesota Wireless Communications Association. The comments received at this meeting can be summarized in general as follow:

- Residents spoke about the lack of coverage in certain portions of the City, especially in the Tri-Lakes area.
- There was support for providing expanded service in Lake Elmo, even if it means the construction of new towers.
- The citizens present expressed a preference for towers that support co-location to help expand the options for service in the City.
- There was no specific preference stated for where towers should be located, whether on public or private property.
- The residents in attendance did not express concern over the appearance of new towers, and did not see a significant benefit to using techniques to camouflage new towers.

Garret Lysiak of Owl Engineer was present at the open house to answer questions from the public and will also be available at the Planning Commission meeting to further discuss the drafting of a revised ordinance.

A second open house was conducted on September 17, 2009 and attended by three residents in addition to the project consultant. In addition to a general discussion concerning the proposed ordinance, a request was made to incorporate a reference in the code back to the City's property maintenance standards. It was noted that under the proposed ordinance, T-Mobile could submit a new application in the same area and would be required to consider the fire station property as a priority site since it is located on public land.

Prior to the public open house, staff met with a group of wireless industry representatives to consider feedback from the perspective of the wireless carriers. In addition to suggesting some language changes, the Real Estate Manager for T-Mobile submitted a letter documenting various concerns with the ordinance as written. Where staff deemed it appropriate, changes to the ordinance were made as noted in the marked version.

Staff Review and Analysis

***Ordinance
Summary:***

The primary issue that the proposed ordinance tries to rectify from the current ordinance is to establish a clear process for determining the need to new towers in the community. This review would be conducted by an outside RF consultant working on behalf of the City, and would help verify that a new facility would indeed be necessary to provide adequate coverage in Lake Elmo. Other major changes can be summarized as follows:

- Definitions have been added to clarify the terms used throughout the ordinance.

- New towers are regulated as a Conditional Use Permit, while installations on existing structures or in a similar low-impact situation can be approved with only an administrative review.
- A list of all zoning districts is provided along with tower height and parcel size requirements. New towers would now be permitted in commercial zoning districts.
- A detailed ranking of preferred tower sites is provided, and new facilities can only be approved when higher-ranked sites are considered first.
- Additional standards have been added related to the effects of towers on surrounding property.
- A list of minimum conditions of approval for a new facility is provided and is intended to clarify the expectations of the City while allowing some flexibility to deal with site-specific issues.

The general structure of the ordinance has not changed much since the last Planning Commission review, although a few sections have undergone modest revisions based on the feedback that has been received to date. A new section pertaining to expert review has been added as noted below. A quick summary of each section is noted as follows:

- *Purpose and Intent.* This section has been modified by including some additional language to clarify the overall purpose of the ordinance.
- *Definitions.* Since the terms used in the Wireless Communications Ordinance do not show up in other section of the City Code, Staff is recommending that they be included in this section instead of with the general City Code definitions. A definition for "utility pole" is now included.
- *Permit Requirements.* This section breaks down the review process into two separate actions, one of which requires a Conditional Use Permit (the construction of a new tower) while the other can be reviewed and approved administratively (co-location or construction on existing structures). The goal of this two-tiered system is to encourage co-location and reduce the demand for new towers by making it much easier to locate facilities on existing structures.
- *Proof of Need.* This new section requires that a wireless carrier provide adequate documentation that a new tower site is needed before it can be approved by the City. Under the proposed provisions, the City would obtain much more information than was required under the previous ordinance in order to establish need.
- *Location Requirements and Site Ranking Analysis.* This section provides clear

rankings for each type of facility and requires that an analysis be submitted that documents why one of the City's preferred locations is not feasible. Co-location and existing structures are at the top of the rankings, with public lands also preferred over private property.

- *Co-location requirements.* Minor changes from existing language that requires co-location if there are suitable existing structures for a wireless communications facility within the applicant's search area.
- *Prohibited Areas.* Identifies locations where towers may not be located in the community. The Planning Commission has previously recommended reducing the minimum acreage requirements in order to allow sites closer to residential service areas to be evaluated.
- *Zoning Requirements.* Specifies the zoning districts and maximum heights allowed in each district while exempting public land from these requirements. The Planning Commission has previously recommended allowing towers in certain instances in residential zones.
- *Application and Review Procedures.* Outlines the submission requirements for new wireless communications facilities; very similar to the previous ordinance language but this section could be modified if the Commission believes that additional information is necessary for the review of a permit.
- *Expert Review.* A new section has been added since the last Planning Commission meeting that describes the process by which the City will be able to hire on outside expert to assist with the review process.
- *Construction Permits.* Requires compliance with the Building Code.
- *Tower Standards.* This section has been modified to provide additional evaluation of the potential effects on neighboring properties and to clarify the height and setback requirements. Several sections have been merged so that all standards are found in one place in the code. Specific landscape requirements have been added to this section. This section also now includes a reference to the City's general property maintenance standards.
- *Wireless Communications Agreement.* The bulk of this language is found in the current code; however, an applicant will now be required to post a financial guarantee to ensure that the tower is removed should it be abandoned.
- *Abandonment and Removal.* Provides additional clarification concerning the City's ability to enforce provisions related to the abandonment of a facility.
- *Minimum Conditions.* Offer a list of conditions that should be considered by the City with the review of each wireless communications application. The

intent of this section is to clearly identify the expectations of the City while providing some flexibility to add or subtract from this list with each unique case.

Please note that staff has reviewed model codes that contain additional provisions that could be considered by the Planning Commission, but at this time, have not been incorporated into the draft document. Some examples of alternative sections include the following:

- A requirement that towers maintain a specific separate distance from other towers in order to avoid a clustering of facilities in one location.
- Stricter design standards that would provide additional requirements concerning the City's preferences for color, design, and style (i.e. whether a tower should be camouflaged or limited to a specific height above adjacent structures or trees). The current code leaves much of the decision making concerning a proposed tower design to be decided during the review process.
- The identification and preservation of scenic views throughout the community.
- Additional protections for residential properties to limit views of tower facilities.

Staff is recommending that the Planning Commission conduct the public hearing to receive public comments and make a decision at this time if any sections of the ordinance need further review or clarification.

Conclusion and Recommendation:

The Planning Commission is being asked to conduct a public hearing to consider public testimony regarding the draft wireless communications ordinance. Staff is recommending that the Commission recommend approval of the ordinance to the City Council.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the proposed revisions to the wireless communications ordinance;
- B) Recommend staff make changes to the proposed ordinance or additional revisions to the document;

C) Table the item for further study.

As this is a city driven process, there is no 60-day deadline.

Wireless Communications Ordinance Draft
City Council Workshop Draft – 10/27/09
KEY:

Redline – New/Deleted Text

**WIRELESS ~~TELECOMMUNICATION TOWER PERMIT~~ COMMUNICATIONS
FACILITIES**

§ 150.110 PURPOSE AND INTENT.

~~— The wireless telecommunication tower permit regulations are intended to:~~

The purpose of this ordinance is to allow for and regulate the design, location, placement, construction, maintenance, and removal of Wireless Communications Towers and antennae and to:

(A) Reasonably accommodate the provision of wireless telecommunication services to the general public;

(B) Provide safety/emergency service through the use of wireless communications facilities;

~~(CB)~~ Minimize adverse visual effects of wireless telecommunication towers, antennae, or accessory equipment through careful design and siting standards;

(D) Strictly control the location and design of wireless communications facilities so that allowed facilities will not be obtrusive or visually unpleasent, and in particular, to protect residential property and neighborhoods from visually intrusive tower installations where reasonably possible.

(E) Provide clear standards governing all aspects of such facilities;

~~(CF)~~ Avoid potential damage to adjacent properties from tower failures through structural standards and setback requirements; ~~and~~

~~(GD)~~ Maximize the use of existing and approved towers, structures, and/or buildings for the location of new wireless telecommunication towers in order to reduce the number of the structures needed to accommodate wireless telecommunication services; ~~and-~~

(H) Allow new facilities only when a documented proof of need satisfactory to the City can be shown.

(1997 Code, § 1390.01) (Ord. 97-24, passed 1-21-1998)

§ 150.111 DEFINITIONS (to be moved to section 11.01 of City Code)

Antenna. A device placed outdoors on a building or structure and used to transmit and/or receive radio or electromagnetic waves, excluding: satellite dishes, ten (10) feet or shorter whip antennas one inch or less in diameter, and television antennas having a total length of not more than six feet which are located on a dwelling or other permitted building. (R)

Monopole. A freestanding, self-supporting tower that uses a single pole, does not use a lattice design and has no guy wires. (N)

Public Land. Land owned or operated by a municipality, school district, county, state, or other governmental unit. (N)

Satellite Dish or Satellite Earth Station Antenna. A round, conical, or cone-shaped device more than 18 inches in diameter and placed outdoors on the ground or on a structure and used to transmit and/or receive radio or electromagnetic waves. (N)

Wireless Communication Facility. Cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure but not including a satellite earth station antenna (satellite dish) 7 feet or less in diameter. (R)

Wireless Communications Tower. A self-supporting monopole, poles, or lattice structure constructed at normal grade and extending into the air at least 20 feet and used to support wireless communications facilities. (R)

Tower Height. The vertical distance from the average grade at the base of a tower to the highest point of a tower or to the highest point of the highest wireless communications facilities on a tower, whichever is higher. (N)

Utility Pole. A structure which is owned by a governmental agency or utility company and which is used to support illumination devices or lines and other equipment carrying electricity or communications. (N)

§ 150.1121 PERMIT REQUIREMENTS~~D~~.

(A) All new wireless communications facilities shall require a Conditional Use Permit in accordance with the Zoning District requirements specified in Section 150.XXX of this Chapter with the exception of those facilities that are exempt from review under this Chapter or that may be approved administratively with a Wireless Communications Permit.

(1) A public hearing for a new wireless communications facility that requires a Conditional Use Permit shall be preceded by 10-days mailed notice to the record owners of property located with 1,000 feet of the parcel on which the tower will be located.

No person shall install a wireless telecommunication facility or any portion thereof, at a height greater than is allowed for structures in the underlying zoning district without first being issued a

~~wireless telecommunication tower permit.~~

(1997 Code, § 1390.03) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

(B) Exemptions. The following are exempt from review under this Chapter:

- (1) Television antennas, satellite dishes one meter (39 inches) in diameter or less;
- (2) Satellite dishes used commercially and three (3) meters in diameter or less;
- (3) Receive only antennas;
- (4) Amateur radio facilities, subject to other City Code requirements;
- (5) Mobile services providing public information coverage of news events or of a temporary or emergency nature.

(C) Administrative Review. The following shall be allowed as a permitted use subject to the issuance of a Wireless Communications Permit in accordance with Section 150.XXX of this chapter:

- (1) Satellite dishes more than one meter (39 inches) in diameter;
- (2) Ground mounted antennas not exceeding the maximum height allowed for structures in the underlying zoning district;
- (3) Building mounted antennas not exceeding 25 feet above the highest part of the building to which they are attached;
- (4) Utility pole-mounted antennas not exceeding 25 feet above the highest part of the utility pole to which they are attached;
- (5) Antennas co-located on an existing wireless communications facility structure.

150.113 PROOF OF NEED

(A) As part of an application for a Conditional Use Permit or Wireless Communications Permit an applicant shall demonstrate proof of need by providing a coverage/interference analysis and capacity analysis, which indicates that the location and height of the tower or antennas as proposed is necessary to meet the frequency plus other spacing needs of the "cellular communication system" and/or to provide adequate portable radio coverage and capacity to areas which cannot be adequately served by locating the tower/or antenna at another site. ~~For purposes of the analysis, in-building service is not deemed to be as critical as outside coverage. The proof of need for the tower or antennae must be demonstrated to the satisfaction of the City by providing the City an analysis from a qualified professional RF engineer with experience in radio frequency analysis work, which is subject to acceptance by the City prior to commencing the~~

work.

(B) The cost of the City's review, including an analysis of the proof of need, is the applicant's responsibility. An escrow shall be established in amount required by Council resolution for this purpose.

(C) The analysis and the material provided by the engineer shall include at least the following:

(1) **Structural Capacity Analysis.** Provide an analysis of the impact of the proposed facility on the tower's carrying capacity of at least three (3) antenna arrays required (using a typical maximum facility) under the co-location provision of this code.

(2) **Coverage/Interference.** Provide an analysis for:

(a) City property and other public property with signal strength values (expressed in dBuV) for on street level, in vehicle, and in building level with said interference analysis indicating the protection afforded for all the frequencies in use or which could be in use by the City or other public safety agencies.

(b) Private property with signal strength values (expressed in dBuV) for on street level and in building level with said analysis indicating the protection afforded property within one-half mile of the proposed facility and site.

(3) **System Capacity Analysis.** If the system coverage analysis does not show a coverage need, provide a system capacity analysis.

(4) **Radio Frequency Radiation Hazard Analysis.** The analysis must address compliance with the most current FCC Bulletin OET 65 radiation standard. ~~A yearly report must be submitted before December 31 of each year showing the results of on-site measurements at the site. A Registered Professional Engineer must sign these measurements and report.~~ *(MOVED TO CONDITIONS AND REVISED)*

(5) **Map of Existing and Proposed Facilities.** A map showing the location of all existing and any proposed facilities ~~towers~~ within two ~~four~~ (24) miles of the site being considered. Telecommunications equipment and towers within this area shall be identified by type, function, ownership/users, and height. The capacity of existing towers located within two ~~four~~ (24) miles (the study area) to carry additional facilities must be provided.

(6) **Map of Existing Buildings and Structures.** A map showing the location of all existing buildings, water towers and structures seventy-five (75) feet or more in height above the ground and within two (2) miles of the site being considered. The potential and efforts undertaken to use these buildings and structures as a supporting base for an antenna or telecommunications facility purpose must be described and analyzed.

(7) **Other Information.** Any other information deemed necessary by the City in order to demonstrate the need for a new wireless communications facility.

(8) Exception. If the request is limited to adding an antenna array on an existing tower without increasing the height of the tower support structure or otherwise permitted after an administrative review under Section 150.111, the City may waive some or all of the proof of need requirements listed above.

§ 150.114 LOCATION REQUIREMENTS AND SITE RANKING ANALYSIS

(A) Location Requirements for New Facilities. If a new wireless communications facility is needed based on the materials and studies submitted and reviewed by the City, the following preferences, listed in ranked order, shall be followed and each preference shall be analyzed to determine the most appropriate location:

(1) Use of Existing Towers. An existing tower may be used to support the proposed facility. If no existing tower has additional capacity, a determination must be made to show if and how towers in the study area can be modified to accommodate the proposed facility. The collocation requirements specified in Section 150.112 shall be used to help determine whether or not an existing tower can be used to support a proposed facility.

(2) Use of Existing Structures. An existing structure over 35 feet high may be used. Preference shall be given to existing light poles, high voltage utility towers and water towers.

(3) Use of Existing Buildings Four or More Stories in Height. Public and commercial buildings or structures four or more stories high which can more likely accommodate facilities without obstructing views or being obtrusive to scenic views shall be given preference over shorter buildings.

(4) Within an existing easement that contains utility poles over 75 feet in height or within 100 feet of said right-of-way.

(5) Public Land and Facilities. In situations in which one of the four options listed above is not feasible, land owned by the City or other public property shall have preference to private property.

(6) Private property within the City of Lake Elmo subject to the Location and Zoning requirements of this chapter and the following criteria:

(a) Less restrictive zoning districts shall be given preference over more restrictive zoning districts. For example, proposed sites in commercial or industrial districts will be given preference over sites in residential, rural residential or agricultural zoning districts.

(b) Sites with the least visual impact on residential areas and which are the most consistent with the community's rural character shall be given preference.

~~(8) In all cases, except for non-conforming existing towers, the location must meet the zoning requirements.~~

~~(9) Amateur radio towers in Agriculture and Residential Zoning Districts are not required to co-locate.~~

(B) In cases where a lower ranked alternative is proposed, the applicant shall file a written analysis demonstrating that despite diligent efforts to adhere to the established hierarchy within the potential service area, as determined by a qualified radio frequency engineer, higher ranked options are not technologically feasible. An application for a lower-ranked site shall be considered incomplete without this written documentation.

§ 150.11~~57~~ CO-LOCATION REQUIREMENTS.

~~Except as hereinafter provided~~In accordance with the location requirements and site preferential rankings found in this Chapter, antenna utilized to provide wireless telecommunication services shall be located on existing towers or structures which exceed ~~75-35~~ feet in height and which are located within ~~1/4 mile of the antenna~~the potential service area for the site being proposed by the applicant. In the event that co-location is not possible, the applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made but an agreement could not be reached.
(1997 Code, § 1390.08) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

~~§ 150.118 EXCEPTIONS TO CO-LOCATION REQUIREMENTS.~~

(A) Exceptions to Co-location Requirements. The City Council shall waive any or all of the co-location requirements if it is determined that:

~~(A)~~ (1) The antennae and/or tower accessory equipment would cause the structural capacity of an existing or approved tower or building to be exceeded, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate the antennae or tower accessory equipment at a reasonable cost;

~~(B)~~ (2) The antennae and/or tower accessory equipment would cause interference materially impacting the usability of existing antennae or tower accessory equipment as documented by a qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost, or would otherwise prevent the use of existing antennae or related accessory equipment and structures;

~~(C)~~ (3) Existing or approved towers and buildings within the applicant's search radius cannot or will not accommodate the antennae and/or tower accessory equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer; and/or

~~(D)~~ (4) Other unforeseen reasons make it infeasible to locate the antennae and/or tower accessory equipment upon an existing or approved tower or building.
(1997 Code, § 1390.09) (Ord. 97-24, passed 1-21-1998)

§ 150.1162 PROHIBITED AREAS.

Wireless telecommunication towers shall not be allowed in the following areas:

(A) Residentially zoned parcels (R-1, R-2, R-3, R-4, and RE Zoning Districts) of less than ~~10~~2.5 acres or Rural Residential parcels of less than 5 acres unless the wireless telecommunication tower and ground facilities accessory thereto are located within ~~100 feet of the right-of-way of a public utility transmission line~~an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way;

(B) Open space easements or conservation easements; and/or

(C) Airport impact zones without consent of the F.A.A.

(D) Open Space Preservation zoning districts.

(1997 Code, § 1390.03) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.1173 ~~ALLOWED TOWER SITES~~ ZONING REQUIREMENTS.

~~Applicants for a wireless telecommunication tower permit shall make a reasonable effort to locate the towers and accessory ground facilities in the following areas:~~

~~(A) On an existing public utility power line support structure, within an existing public utility power line right-of-way, or within 100 feet of the right-of-way;~~

~~(B) On publicly owned property, as approved by the City Council; and/or~~

~~(C) On agriculturally or residentially zoned parcels greater than 10 acres.~~

~~(1997 Code, § 1390.04) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99~~

(A) Wireless communications facilities that require a Conditional Use Permit, including the installation of a new tower, shall be permitted in the following zoning districts and subject to the following height restrictions provided they meet all other requirements of this ordinance:

<u>Zoning District</u>	<u>Maximum Height (in feet)</u>	<u>Minimum Parcel Area</u>
<u>A – Agriculture</u>	<u>175</u>	<u>10</u>
<u>RR – Rural Residential Zoning</u>	<u>150</u>	<u>5</u>
<u>R-1, R-2, R-3, and R-4 Residential</u>	<u>150</u>	<u>2.5</u>
<u>OP – Open Space</u>	<u>Not Allowed</u>	<u>-</u>
<u>RE – Residential Estates</u>	<u>150</u>	<u>2.5</u>
<u>GB, LB, CB, HB – Business</u>	<u>150</u>	<u>5</u>

<u>BP – Business Park</u>	<u>175</u>	<u>5</u>
<u>PF – Public Facility</u>	<u>175</u>	<u>None</u>

(B) Regardless of zoning district, new facilities may be allowed within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way.

(C) Public land exemption. A wireless communications facility may be located on any parcel that is owned by the City or another public entity regardless of the zoning district or size of the property.

§ 150.1184 APPLICATION AND REVIEW PROCEDURES.

(A) Wireless Communications Permit (Administrative Approval). An applicant seeking approval of a facility that can be approved administratively with a wireless communications permit shall follow all of the application requirements listed below for a Conditional Use Permit but shall be exempt from those requirements found in section 154.018 of the City Code, including the public hearing requirements. An application found to comply with the provisions of this Chapter may be approved by the Planning Director. Approval shall be in writing, identifying the specific facility approved, the location, mounting height, and other pertinent information and any conditions of approval. If the requested facility is to be located on public property, the agreement allowing the facility shall be approved by the City Council and executed prior to issuing the permit.

~~Applications for a wireless telecommunication tower permit shall be submitted on forms provided by the City Planner, which shall include the following information:~~

(B) Conditional Use Permit. Wireless communications facilities that require a Conditional Use Permit are subject to the requirements specified in Section 154.018 of this Code in addition to all requirements of Section 150.110 of the Code.. Applications shall be submitted on forms provided by the City and shall include the following information:

(BA) A ~~sketch-site plan~~ drawn to scale acceptable to the ~~City Planner and City Engineer~~ Planning Director which illustrates:

- (1) The parcel on which the tower and accessory ground facilities will be located;
- (2) The existing and proposed buildings and structures ~~located and to be located~~ on the tower parcel;
- (3) The buildings located within 100-200 feet of the perimeter of the tower parcel; and
- (4) Access easements as necessary to the tower parcel.

(B) A scaled drawing of the exterior of the proposed wireless communications facility, clearly showing the method of fencing, coloration, materials, and camouflage techniques being

used.

(C) Photo-simulated post construction renderings of the proposed wireless communications facilities, equipment enclosures, and ancillary structures as they would look after construction from locations at the periphery of the proposed site, which shall, at a minimum, include renderings from the vantage point of any adjacent roadways and ~~occupied commercial or residential structures~~ residential neighborhoods. The renderings shall also include photo-simulations of the antenna supporting structure after it has been fully developed with antenna structures (the applicant may assume for the purpose of the simulation that other antenna structures on the facility will resemble their proposed structure size and design). A minimum of two such renderings shall be provided; additional renderings may be required if the City determines that additional views should be considered.

~~— (B) A sketch drawn to scale or a photo image acceptable to the City Planner and City Engineer which illustrates the relative size of the proposed wireless telecommunication tower or existing structure on which the antenna will be located compared to structures located within 100 feet of the perimeter of the parcel on which the tower is located and which illustrates the visibility of the tower from adjoining parcels located within 100 feet of the perimeter of the parcel on which the tower is located. The City Planner may also require a visual impact demonstration including mock-ups and/or photo montages and plans for painting the tower;~~

(D) Exterior paint or finish samples of the colors to be used in the construction of the wireless communications facility.

(DE) A report from a qualified and licensed professional engineer which:

(1) Describes the wireless telecommunication tower height and design including a cross-section and elevation;

(2) Certifies the wireless telecommunication tower's compliance with structural and electrical standards;

(3) Documents the height above grade for the mounting positions, which can be used for co-location and the minimum separation distances between the co-location positions; and

(4) Describes the wireless telecommunication tower's capacity to support antennae, including an example of the number and type of antennas that can be accommodated on the wireless telecommunication tower.

(DE) In conjunction with the information required to demonstrate the proof of need for a new facility under this Chapter, the applicant shall submit a 5-year plan for wireless telecommunication facilities to be located within the city ~~shall be submitted by the applicant.~~ The city acknowledges that the plans are fluid and in all likelihood will change depending upon market demands for the service. The city will maintain an inventory of all existing and reasonably anticipated cell site installations. The applicant shall provide the following written information in each 5-year plan and the plan must be updated with each submittal for a new wireless telecommunication tower permit as necessary:

- (1) A description of the radio frequencies to be used for each technology;
- (2) A list of all existing sites to be upgraded or replaced, and proposed cell sites within the city for these services by the applicant; and
- (3) A presentation size map of the city, which shows the 5-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.

~~— (E) The cost of mailing addresses for all property owners of record located within 1,000 feet of the subject property to be complied by the city;~~

(F) An application fee in an amount prescribed from time to time by City Council resolution as necessary to reimburse the city for costs incurred to process the wireless telecommunication tower permit application along with an escrow payment as prescribed by the City Council to cover the costs associated with the City's review of the permit;

(G) Confirmation that the applicant is properly licensed by the F.C.C., or is the authorized representative of a wireless telecommunication provider properly licensed by the F.C.C.;

(H) Written authorization from the property owner describing the area which will be subject to the tower lease, ~~and acknowledging that the property owner will be responsible for removal of the wireless telecommunication tower, antennae, and tower accessory equipment which is unused or abandoned for 12 consecutive months;~~

(I) Documentation of the steps to be taken by applicant to avoid causing destructive interference to co-located previously established public safety communications facilities; and

(J) A detailed landscape plan, which indicates how tower accessory equipment will be screened.

(1997 Code, § 1390.05) (Ord. 97-24, passed 1-21-1998)

§ 150.119 EXPERT REVIEW

(A) Where due to the complexity of the methodology or analysis required to review an application for a wireless communications facility, the Planning Director may require a technical review by a third party expert. The costs of this review shall be borne by the applicant, and shall be in addition to applicable Conditional Use or Wireless Communications Permit and building permit fees. The applicant shall submit an escrow deposit that may be applied towards the cost of such technical review upon notification from the Director that a technical review is required, and shall remit any outstanding balance to the city for such review prior to issuance of a building permit. The maximum fee for such review and the required escrow deposit shall be in accordance with the fee schedule adopted by the City Council.

(B) The expert review may address any or all of the following:

(1) The accuracy and completeness of submissions;

(2) The applicability of analysis techniques and methodologies;

(3) The validity of conclusions reached;

(4) Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in these regulations;

(5) Other matters deemed by the City to be relevant to determining whether a proposed wireless communications facility complies with the provisions of these regulations.

(C) Based on the results of the expert review, the City may require changes to the applicant's application or submittals.

(D) The applicant shall reimburse the city within 15 working days of the date of receipt of an invoice for expenses associated with the third party expert's review of the application. Failure by the applicant to make reimbursement pursuant to this section shall abate the pending application until paid in full.

~~§ 150.115 PLANNING COMMISSION REVIEW.~~

~~— (A) Upon receipt of a completed application, the City Planner shall schedule a hearing before the Planning Commission which shall be preceded by 10 days mailed notice to the record owners of property located within 1,000 feet of the parcel on which the tower will be located.~~

~~— (B) The Planning Commission shall make recommendations to the City Council regarding the issuance of the wireless telecommunication tower permit and, in particular, in regard to the following:~~

~~— (1) Compliance of application with the city regulations and development standards; and/or~~

~~— (2) Proposed conditions, as necessary, to prevent the wireless telecommunication tower, antennae, and tower accessory equipment from becoming a nuisance to surrounding property owners.~~

~~(1997 Code, § 1390.06) (Ord. 97-24, passed 1-21-1998)~~

§ 150.12019 CONSTRUCTION PERMITS.

All wireless telecommunication towers erected, constructed, or located within the city, and all wiring therefore, shall comply with the requirements set forth in the Uniform Building Code. (1997 Code, § 1390.10) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

§ 150.1~~2120~~ TOWER STANDARDS.

(A) Wireless telecommunication towers shall comply with the following standards unless the City Council grants a variance as necessary to reasonably accommodate the wireless telecommunication tower. Variance procedures shall be processed according to the zoning code.

(B) *Design.*

(1) To blend into the surrounding environment through the use of color and architectural treatment techniques ~~that soften~~that softens the visual impact of the wireless communication tower on the surrounding environment.

(2) To be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment;

(3) All proposed wireless telecommunication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least 1 additional user if the tower ~~is between 75 feet and less than~~ 100 feet in height; provided that this standard may be waived or otherwise modified by the City Council as necessary to allow the applicant to construct a wireless telecommunication tower that better blends into the surrounding environment.

(4) Where possible, all proposed wireless telecommunication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

(5) All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species whenever feasible, and camouflage, and to be compatible with existing architectural element, building materials, and other site characteristics. The applicant shall use the least visible antennas possible to accomplish the coverage objectives.

(C) *Adverse effects on properties.*

(1) New wireless communications facilities shall be configured and located in a manner that shall minimize adverse effects, including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and location proposed.

(2) The following attributes shall be considered from vantage points at adjacent properties, roadways, and occupied structures: height and location, mass and scale, materials and color, existing and proposed vegetation and intervening structures.

(3) An applicant shall demonstrate through the photo-simulation requirements under

Section 150.114 that the project design employs each of these attributes in a manner that minimizes adverse effects to the greatest extent possible.

(4) All facilities that have the potential for high visibility shall be sited in such a manner as to cause the least detriment to the view shed of adjoining properties.

(D) ~~Setbacks from lot lines.~~

(1) No communications tower shall be located in the required front, side, or rear yard setback of any parcel.

(2) No freestanding communications tower shall be located ~~be located~~ closer than 125% of the tower height from any lot lines with the following exceptions:

(a) Towers in a side or rear yard that are adjacent to parcels zoned commercial, industrial, or public facility.

~~In all zoning districts, towers may encroach into the rear or side yard setback areas, provided that the rear or side yard property line abuts a commercial or business zoned property and the wireless telecommunication tower does not encroach upon any easements.~~

~~(a) In all residential zoning districts, wireless telecommunication towers shall be set back 1 foot for each foot of tower height plus 20 feet.~~

(3) Setbacks from buildings:

(a) In residential zoning districts, wireless communications towers shall be set back a minimum of 100% of the tower height from a residential dwelling except for dwellings on the subject property.

(b) In all other zoning districts, the minimum setback between structures as required by the building code shall be observed.

~~(b) No setbacks shall be required from commercial and industrial or agricultural buildings provided all other requirements of this code are met.~~

~~(4) Wireless telecommunication towers shall not be located between a principal structure and a public street.~~

~~(d) A required setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow for the integration of a wireless telecommunication tower with an existing or proposed structure such as a church steeple, power line support device, or light standard.~~

(4) Use of existing light poles, high voltage poles or towers, and other existing structures are exempt from the setback requirements provided that such pole, tower, or structure is not increased in height.

(5) Wireless Communications Towers located within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way shall be exempt from the setbacks as herein required.

(6) A required setback may be reduced or its location in relation to a public street varied upon providing the city with a licensed professional engineer's certification that the wireless telecommunication tower is designed to collapse or fail within a distance or zone shorter than the required setback distance.

(E) *Height.*

~~(a) In all residential zoning districts, the maximum height of any wireless telecommunication tower including all antennas and other attachments, shall not exceed 1 foot for each 1 foot the tower is setback from a residential dwelling unit up to a maximum of 195 feet for parcels of 40 acres or more and 125 feet for parcels between 10 to 40 acres in size.~~

~~(b) In all non-residential zoning districts, wireless telecommunication tower and antennae shall not exceed 195 feet in height above ground for a freestanding wireless telecommunication tower, and 195 feet in height above ground as measured by the lowest ground elevation adjacent to a building on which the tower/antenna is located, including all antennas and other attachments where the zoning district is adjacent to a residential zoning district. The setback from a common lot line shall be 2 feet for each 1 foot of tower height. (1997 Code, § 1390.11) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99~~

(1) The maximum height of a wireless communications tower shall be determined based on the underlying zoning district and will be the amount specified in Section 150.117.

~~§ 150.121 LIGHTING.~~

(F) Lighting. At night, wireless telecommunication towers shall not be illuminated by artificial means, unless otherwise required by the Federal Aviation Administration (FAA).

(1) White strobe lighting shall be prohibited.

(2) The applicant shall document the need for lighting as part of a new wireless communications facility application.

(3) A site that requires lighting shall only be accepted when no other suitable alternative exists. A new tower may be rejected on the grounds that lighting will be a visual nuisance to surrounding properties.

(G) Landscaping and Screening. All wireless communications towers and related building facilities shall be landscaped and screened with natural vegetation to lessen the visual impact. The natural vegetation on the site shall be documented on the site plans. Suitable existing vegetation shall be retained to the maximum extent possible based on an analysis of the site.

New landscaping shall be selected that includes coniferous and deciduous plants and trees that are hardy for conditions on the site without the use of augmented water.

(1) Landscaping shall include ground cover, lower story, mid-story, and upper story plants. Plant density shall be sufficient to provide 80 percent opacity year round from the ground up to a distance of 5 feet high for 60 percent or more of the site with the planting to be located based on an analysis of the site in relation to the surrounding area. Greater or lesser amounts and percentages may be required or allowed based on the City's review.

(1997 Code, § 1390.12) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

~~§ 150.122 SIGNS AND ADVERTISING.~~

(H) Signs and Advertising. The use of any portion of a wireless telecommunication tower for signs other than warning or equipment information sign is prohibited.

(1997 Code, § 1390.13) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

~~§ 150.123 INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATION.~~

(I) Interference with public safety communication. No wireless telecommunication facility shall interfere with public safety telecommunications. All wireless telecommunication towers/antennas shall comply with F.C.C. regulations and licensing requirements.

(1997 Code, § 1390.14) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

~~§ 150.124 PROHIBITED SUBDIVISIONS.~~

~~Where a wireless telecommunication facility has been located on a residentially or agriculturally zoned parcel greater than 10 acres, except when the facility is located within a power line easement, or within 100 feet of the easement, the parcels shall not be further subdivided unless the resulting parcel on which the wireless telecommunication facility is located continues to be more than 10 acres in size.~~

~~(1997 Code, § 1390.15) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99~~

~~§ 150.125 ACCESSORY UTILITY BUILDINGS.~~

(J) Accessory utility buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and compatible with adjacent buildings, and shall be permitted in addition to the number of accessory buildings otherwise allowed in each zoning district.

(1997 Code, § 1390.16) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

~~(1) Control buildings. The control buildings shall be designed to be architecturally compatible with the adjacent buildings. The control buildings shall not be placed in required~~

~~setback areas nor shall they encroach into required landscape areas.~~

~~(1) Ground mounted equipment. Ground mounted equipment shall not be visible from beyond the boundaries of the site and shall be screened by a solid wall or fence and dense landscaping materials described in paragraph G above.~~

~~(2) Accessory utility buildings shall observe the minimum setback requirements for accessory buildings in the underlying zoning district as well as all other applicable zoning and building requirements for accessory buildings.~~

~~(K) Maintenance. All buildings and structures on the premises of the wireless communications facility shall observe the City's property maintenance standards of the City Code.~~

~~§ 150.126 GROUND MOUNTED EQUIPMENT.~~

~~—All ground mounted equipment accessory to a wireless telecommunication tower shall be enclosed in a building with brick walls and have a dark colored standing seam metal roof and be further screened with sufficient trees, as determined by the City Planner, and shrubs to substantially reduce the visual impact.~~

~~(1997 Code, § 1390.17) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99~~

~~§ 150.12216 CITY COUNCIL REVIEW WIRELESS COMMUNICATIONS TOWER AGREEMENT.~~

~~(A) Upon receipt of Planning Commission recommendations, the City Council shall review the application. The City Council may approve the application subject to conditions, table its review until a date certain, or deny the application for a wireless telecommunication tower permit. If the application is approved by the City Council, a wireless telecommunication tower permit and a building permit shall be issued upon the execution of a wireless telecommunication tower agreement.~~

(B) The agreement shall be signed by the applicant and property owner and the terms of the agreement shall include the following:

(1) A list of the conditions of approval to the wireless telecommunication tower permit;

(2) A statement indicating that failure to comply with the conditions of approval shall result in the removal of the wireless telecommunication tower, antennae, or tower accessory equipment;

(3) A statement indicating that the expenses incurred by the city to enforce the provisions of the wireless telecommunication tower agreement shall be reimbursed by the applicant;

(4) A statement, which requires the applicant to utilize the procedures established by

the F.C.C. to resolve any complaints received relating to interference allegedly caused by the wireless telecommunication tower; and

(5) A statement indicating that a wireless telecommunication tower which has not been used for ~~12-six (6)~~ consecutive months shall be deemed abandoned and may be required to be removed in ~~the same manner and pursuant to the same procedures as for hazardous and substandard buildings~~ accordance with Section 150.123 below. ~~(M.S. §§ 463.15 through 463.261, as they may be amended from time to time).~~ To ensure compliance with this provision, the applicant must submit a performance bond or letter of credit in an amount sufficient to cover the removal or reduction costs.

(1997 Code, § 1390.07) (Ord. 97-24, passed 1-21-1998)

§ 150.123 ABANDONMENT AND REMOVAL

(A) Towers and antennae shall be removed, at the owner's expense, within six (6) months of cessation of use.

(B) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Planning Director may extend the time for removal or reactivation up to 60 days upon showing of a good cause. If the tower or antennae is not removed in a timely fashion, the City may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the City may cause removal and be reimbursed for all costs associated with said removal by drawing on the funds provided with the financial guarantee at the owner's expense.

(C) Upon removal of the wireless communications facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings.

§ 150.124 MINIMUM CONDITIONS

(A) General conditions on a wireless communications permit may include, but not be limited to the following:

- (1) An agreement providing for co-location and six (6) month removal of unused and/or obsolete towers shall be attached and become part of the permit.
- (2) The tower shall be set back a distance equal to the tower height from all property lines. All accessory structures shall be setback a minimum of twenty (20) feet from all side yard and rear yard property lines
- (3) Zoning Permits shall be applied for and issued before any construction is started.
- (4) Prior to application for a conditional use permit, applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
- (5) Applicant must obtain FCC licensure and approval as required for various communications applications. ~~No interference with local television and radio reception will be allowed.~~

- (6) Applicant must submit proof of liability and Worker's compensation Insurance.
- (7) Proof that towers and their antennas have been designed by, and following completion of construction were inspected by a qualified and licensed professional engineer (at the applicant's expenses) to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.
- (8) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- (9) The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning permit and site plan approval. An amendment to a conditional use permit shall typically not be required
- (10) All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wire anchors shall be enclosed by a fence with a minimum height of six (6) feet with a locked gate.
- (11) All towers and their antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environmentally to the greatest extent possible.
- (12) No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right of way, public street, highway, or sidewalk, without approval by the City through the zoning permit approval process.
- (13) All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City. After the facilities are removed, the site shall be restored to its original or an improved state which includes removal of all concrete to 6-feet below normal grade and surrounding area returned to normal grading. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers. To ensure compliance, the applicant must submit a performance bond or letter of credit in an amount sufficient to cover all removal costs as determined by the City prior to the issuance of a building permit for the facility. Failure to remove the structure shall be cause for the City to remove the tower and associated equipment and assess the cost against the required bonding or letter of credit instrument.
- ~~(13) Yearly report showing compliance with RF Radiation Hazard Standard and certification of required removal bond is required to be received before December 31 of each year.~~
- (14) The City of Lake Elmo shall conduct a final inspection of the site to ensure that all requirements of the City Code and all conditions of approval attached as part of the wireless communications permit are met prior to the start of operation of the facility.
- (15) For installations of a facility in an area that could potentially be accessed by the public (including rooftop installations or other locations that would be considered public verses occupational) a radio frequency hazard analysis and a yearly report must be submitted before December 31 of each year showing the results of on-site measurements at the site. A Registered Professional Engineer hired by the provider

must sign these measurements and report. At a minimum, the report must document any changes to the site over the course of the previous year. (MOVED FROM "PROOF OF NEED" SECTION)

WIRELESS COMMUNICATIONS FACILITIES

§ 150.110 PURPOSE AND INTENT.

The purpose of this ordinance is to allow for and regulate the design, location, placement, construction, maintenance, and removal of Wireless Communications Towers and antennae and to:

(A) Reasonably accommodate the provision of wireless telecommunication services to the general public;

(B) Provide safety/emergency service through the use of wireless communications facilities;

(C) Minimize adverse visual effects of wireless telecommunication towers, antennae, or accessory equipment through careful design and siting standards;

(D) Strictly control the location and design of wireless communications facilities so that allowed facilities will not be obtrusive or visually unpleasant, and in particular, to protect residential property and neighborhoods from visually intrusive tower installations where reasonably possible.

(E) Provide clear standards governing all aspects of such facilities;

(F) Avoid potential damage to adjacent properties from tower failures through structural standards and setback requirements;

(G) Maximize the use of existing and approved towers, structures, and/or buildings for the location of new wireless telecommunication towers in order to reduce the number of the structures needed to accommodate wireless telecommunication services; and

(H) Allow new facilities only when a documented proof of need satisfactory to the City can be shown.

§ 150.111 DEFINITIONS (to be moved to section 11.01 of City Code)

Antenna. A device placed outdoors on a building or structure and used to transmit and/or receive radio or electromagnetic waves, excluding: satellite dishes, ten (10) feet or shorter whip antennas one inch or less in diameter, and television antennas having a total length of not more than six feet which are located on a dwelling or other permitted building.

Monopole. A freestanding, self-supporting tower that uses a single pole, does not use a lattice design and has no guy wires.

Public Land. Land owned or operated by a municipality, school district, county, state, or other governmental unit.

Satellite Dish or Satellite Earth Station Antenna. A round, conical, or cone-shaped device more than 18 inches in diameter and placed outdoors on the ground or on a structure and used to transmit and/or receive radio or electromagnetic waves.

Wireless Communication Facility. Cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure but not including a satellite earth station antenna (satellite dish) 7 feet or less in diameter.

Wireless Communications Tower. A self-supporting monopole, poles, or lattice structure constructed at normal grade and extending into the air at least 20 feet and used to support wireless communications facilities.

Tower Height. The vertical distance from the average grade at the base of a tower to the highest point of a tower or to the highest point of the highest wireless communications facilities on a tower, whichever is higher.

Utility Pole. A structure which is owned by a governmental agency or utility company and which is used to support illumination devices or lines and other equipment carrying electricity or communications.

§ 150.112 PERMIT REQUIREMENTS.

(A) All new wireless communications facilities shall require a Conditional Use Permit in accordance with the Zoning District requirements specified in Section 150.XXX of this Chapter with the exception of those facilities that are exempt from review under this Chapter or that may be approved administratively with a Wireless Communications Permit.

(1) A public hearing for a new wireless communications facility that requires a Conditional Use Permit shall be preceded by 10-days mailed notice to the record owners of property located within 1,000 feet of the parcel on which the tower will be located.

(B) **Exemptions.** The following are exempt from review under this Chapter:

- (1) Television antennas, satellite dishes one meter (39 inches) in diameter or less;
- (2) Satellite dishes used commercially and three (3) meters in diameter or less;
- (3) Receive only antennas;
- (4) Amateur radio facilities, subject to other City Code requirements;

(5) Mobile services providing public information coverage of news events or of a temporary or emergency nature.

(C) **Administrative Review.** The following shall be allowed as a permitted use subject to

the issuance of a Wireless Communications Permit in accordance with Section 150.XXX of this chapter:

- (1) Satellite dishes more than one meter (39 inches) in diameter;
- (2) Ground mounted antennas not exceeding the maximum height allowed for structures in the underlying zoning district;
- (3) Building mounted antennas not exceeding 25 feet above the highest part of the building to which they are attached;
- (4) Utility pole-mounted antennas not exceeding 25 feet above the highest part of the utility pole to which they are attached;
- (5) Antennas co-located on an existing wireless communications facility structure.

150.113 PROOF OF NEED

(A) As part of an application for a Conditional Use Permit or Wireless Communications Permit an applicant shall demonstrate proof of need by providing a coverage/interference analysis and capacity analysis, which indicates that the location and height of the tower or antennas as proposed is necessary to meet the frequency plus other spacing needs of the "cellular communication system" and/or to provide adequate portable radio coverage and capacity to areas which cannot be adequately served by locating the tower/or antenna at another site. The proof of need for the tower or antennae must be demonstrated to the satisfaction of the City by providing the City an analysis from a qualified professional RF engineer with experience in radio frequency analysis work, which is subject to acceptance by the City prior to commencing the work.

(B) The cost of the City's review, including an analysis of the proof of need, is the applicant's responsibility. An escrow shall be established in amount required by Council resolution for this purpose.

(C) The analysis and the material provided by the engineer shall include at least the following:

(1) **Structural Capacity Analysis.** Provide an analysis of the impact of the proposed facility on the tower's carrying capacity of at least three (3) antenna arrays required (using a typical maximum facility) under the co-location provision of this code.

(2) **Coverage/Interference.** Provide an analysis for:

(a) City property and other public property with signal strength values (expressed in dBu) for on street level, in vehicle, and in building level with said interference analysis indicating the protection afforded for all the frequencies in use or which could be in use by the City or other public safety agencies.

(b) Private property with signal strength values (expressed in dBuv) for on street level and in building level with said analysis indicating the protection afforded property within one-half mile of the proposed facility and site.

(3) **System Capacity Analysis.** If the system coverage analysis does not show a coverage need, provide a system capacity analysis.

(4) **Radio Frequency Radiation Hazard Analysis.** The analysis must address compliance with the most current FCC Bulletin OET 65 radiation standard.

(5) **Map of Existing and Proposed Facilities.** A map showing the location of all existing and any proposed towers within two (2) miles of the site being considered. Telecommunications equipment and towers within this area shall be identified by type, function, ownership/users, and height. The capacity of existing towers located within two (2) miles (the study area) to carry additional facilities must be provided.

(6) **Map of Existing Buildings and Structures.** A map showing the location of all existing buildings, water towers and structures seventy-five (75) feet or more in height above the ground and within two (2) miles of the site being considered. The potential and efforts undertaken to use these buildings and structures as a supporting base for an antenna or telecommunications facility purpose must be described and analyzed.

(7) **Other Information.** Any other information deemed necessary by the City in order to demonstrate the need for a new wireless communications facility.

(8) **Exception.** If the request is limited to adding an antenna array on an existing tower without increasing the height of the tower support structure or otherwise permitted after an administrative review under Section 150.111, the City may waive some or all of the proof of need requirements listed above.

§ 150.114 LOCATION REQUIREMENTS AND SITE RANKING ANALYSIS

(A) **Location Requirements for New Facilities.** If a new wireless communications facility is needed based on the materials and studies submitted and reviewed by the City, the following preferences, listed in ranked order, shall be followed and each preference shall be analyzed to determine the most appropriate location:

(1) **Use of Existing Towers.** An existing tower may be used to support the proposed facility. If no existing tower has additional capacity, a determination must be made to show if and how towers in the study area can be modified to accommodate the proposed facility. The co-location requirements specified in Section 150.112 shall be used to help determine whether or not an existing tower can be used to support a proposed facility.

(2) **Use of Existing Structures.** An existing structure over 35 feet high may be used. Preference shall be given to existing light poles, high voltage utility towers and water towers.

(3) Use of Existing Buildings Four or More Stories in Height. Public and commercial buildings or structures four or more stories high which can more likely accommodate facilities without obstructing views or being obtrusive to scenic views shall be given preference over shorter buildings.

(4) Within an existing easement that contains utility poles over 75 feet in height or within 100 feet of said right-of-way.

(5) Public Land and Facilities. In situations in which one of the four options listed above is not feasible, land owned by the City or other public property shall have preference to private property.

(6) Private property within the City of Lake Elmo subject to the Location and Zoning requirements of this chapter and the following criteria:

(a) Less restrictive zoning districts shall be given preference over more restrictive zoning districts. For example, proposed sites in commercial or industrial districts will be given preference over sites in residential, rural residential or agricultural zoning districts.

(b) Sites with the least visual impact on residential areas and which are the most consistent with the community's rural character shall be given preference.

(B) In cases where a lower ranked alternative is proposed, the applicant shall file a written analysis demonstrating that despite diligent efforts to adhere to the established hierarchy within the potential service area, as determined by a qualified radio frequency engineer, higher ranked options are not technologically feasible. An application for a lower-ranked site shall be considered incomplete without this written documentation.

§ 150.115 CO-LOCATION REQUIREMENTS.

In accordance with the location requirements and site preferential rankings found in this Chapter, wireless communication services shall be located on existing towers or structures which exceed 35 feet in height and which are located within the potential service area for the site being proposed by the applicant. In the event that co-location is not possible, the applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made but an agreement could not be reached.

(A) **Exceptions to Co-location Requirements.** The City Council shall waive any or all of the co-location requirements if it is determined that:

(1) The antennae and/or tower accessory equipment would cause the structural capacity of an existing or approved tower or building to be exceeded, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate the antennae or tower accessory equipment at a reasonable cost;

(2) The antennae and/or tower accessory equipment would cause interference materially impacting the usability of existing antennae or tower accessory equipment as documented by a qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost, or would otherwise prevent the use of existing antennae or related accessory equipment and structures;

(3) Existing or approved towers and buildings within the applicant's search radius cannot or will not accommodate the antennae and/or tower accessory equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer; and/or

(4) Other unforeseen reasons make it infeasible to locate the antennae and/or tower accessory equipment upon an existing or approved tower or building.

§ 150.116 PROHIBITED AREAS.

Wireless telecommunication towers shall not be allowed in the following areas:

(A) Residentially zoned parcels (R-1, R-2, R-3, R-4, and RE Zoning Districts) of less than 2.5 acres or Rural Residential parcels of less than 5 acres unless the wireless telecommunication tower and ground facilities accessory thereto are located within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way;

(B) Open space easements or conservation easements; and/or

(C) Airport impact zones without consent of the F.A.A.

(D) Open Space Preservation zoning districts.

§ 150.117 ZONING REQUIREMENTS.

(A) Wireless communications facilities that require a Conditional Use Permit, including the installation of a new tower, shall be permitted in the following zoning districts and subject to the following height restrictions provided they meet all other requirements of this ordinance:

Zoning District	Maximum Height (in feet)	Minimum Parcel Area
A – Agriculture	175	10
RR – Rural Residential Zoning	150	5
R-1, R-2, R-3, and R-4 Residential	150	2.5
OP – Open Space	Not Allowed	-
RE – Residential Estates	150	2.5
GB, LB, CB, HB – Business	150	5

BP – Business Park	175	5
PF – Public Facility	175	None

(B) Regardless of zoning district, new facilities may be allowed within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way.

(C) **Public land exemption.** A wireless communications facility may be located on any parcel that is owned by the City or another public entity regardless of the zoning district or size of the property.

§ 150.118 APPLICATION AND REVIEW PROCEDURES.

(A) Wireless Communications Permit (Administrative Approval). An applicant seeking approval of a facility that can be approved administratively with a wireless communications permit shall follow all of the application requirements listed below for a Conditional Use Permit but shall be exempt from those requirements found in section 154.018 of the City Code, including the public hearing requirements. An application found to comply with the provisions of this Chapter may be approved by the Planning Director. Approval shall be in writing, identifying the specific facility approved, the location, mounting height, and other pertinent information and any conditions of approval. If the requested facility is to be located on public property, the agreement allowing the facility shall be approved by the City Council and executed prior to issuing the permit.

(B) Conditional Use Permit. Wireless communications facilities that require a Conditional Use Permit are subject to the requirements specified in Section 154.018 of this Code in addition to all requirements of Section 150.110 of the Code.. Applications shall be submitted on forms provided by the City and shall include the following information:

(C) A site plan drawn to scale acceptable to the Planning Director which illustrates:

- (1) The parcel on which the tower and accessory ground facilities will be located;
- (2) The existing and proposed buildings and structures on the tower parcel;
- (3) The buildings located within 200 feet of the perimeter of the tower parcel; and
- (4) Access easements as necessary to the tower parcel.

(D) A scaled drawing of the exterior of the proposed wireless communications facility, clearly showing the method of fencing, coloration, materials, and camouflage techniques being used.

(E) Photo-simulated post construction renderings of the proposed wireless communications facilities, equipment enclosures, and ancillary structures as they would look after construction from locations at the periphery of the proposed site, which shall, at a minimum, include

renderings from the vantage point of any adjacent roadways and residential neighborhoods. The renderings shall also include photo-simulations of the antenna supporting structure after it has been fully developed with antenna structures (the applicant may assume for the purpose of the simulation that other antenna structures on the facility will resemble their proposed structure size and design). A minimum of two such renderings shall be provided; additional renderings may be required if the City determines that additional views should be considered.

(F) Exterior paint or finish samples of the colors to be used in the construction of the wireless communications facility.

(G) A report from a qualified and licensed professional engineer which:

(1) Describes the wireless telecommunication tower height and design including a cross-section and elevation;

(2) Certifies the wireless telecommunication tower's compliance with structural and electrical standards;

(3) Documents the height above grade for the mounting positions, which can be used for co-location and the minimum separation distances between the co-location positions; and

(4) Describes the wireless telecommunication tower's capacity to support antennae, including an example of the number and type of antennas that can be accommodated on the wireless telecommunication tower.

(H) In conjunction with the information required to demonstrate the proof of need for a new facility under this Chapter, the applicant shall submit a 5-year plan for wireless telecommunication facilities to be located within the city. The city acknowledges that the plans are fluid and in all likelihood will change depending upon market demands for the service. The city will maintain an inventory of all existing and reasonably anticipated cell site installations. The applicant shall provide the following written information in each 5-year plan and the plan must be updated with each submittal for a new wireless telecommunication tower permit as necessary:

(1) A description of the radio frequencies to be used for each technology;

(2) A list of all existing sites to be upgraded or replaced, and proposed cell sites within the city for these services by the applicant; and

(3) A presentation size map of the city, which shows the 5-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.

(I) An application fee in an amount prescribed from time to time by City Council resolution as necessary to reimburse the city for costs incurred to process the wireless telecommunication tower permit application along with an escrow payment as prescribed by the City Council to cover the costs associated with the City's review of the permit;

(J) Confirmation that the applicant is properly licensed by the F.C.C., or is the authorized representative of a wireless telecommunication provider properly licensed by the F.C.C.;

(K) Written authorization from the property owner describing the area which will be subject to the tower lease.

(L) Documentation of the steps to be taken by applicant to avoid causing destructive interference to co-located previously established public safety communications facilities; and

(M) A detailed landscape plan, which indicates how tower accessory equipment will be screened.

§ 150.119 EXPERT REVIEW

(A) Where due to the complexity of the methodology or analysis required to review an application for a wireless communications facility, the Planning Director may require a technical review by a third party expert. The costs of this review shall be borne by the applicant, and shall be in addition to applicable Conditional Use or Wireless Communications Permit and building permit fees. The applicant shall submit an escrow deposit that may be applied towards the cost of such technical review upon notification from the Director that a technical review is required, and shall remit any outstanding balance to the city for such review prior to issuance of a building permit. The maximum fee for such review and the required escrow deposit shall be in accordance with the fee schedule adopted by the City Council.

(B) The expert review may address any or all of the following:

- (1) The accuracy and completeness of submissions;
- (2) The applicability of analysis techniques and methodologies;
- (3) The validity of conclusions reached;

(4) Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in these regulations;

(5) Other matters deemed by the City to be relevant to determining whether a proposed wireless communications facility complies with the provisions of these regulations.

(C) Based on the results of the expert review, the City may require changes to the applicant's application or submittals.

(D) The applicant shall reimburse the city within 15 working days of the date of receipt of an invoice for expenses associated with the third party expert's review of the application. Failure by the applicant to make reimbursement pursuant to this section shall abate the pending application until paid in full.

§ 150.120 CONSTRUCTION PERMITS.

All wireless telecommunication towers erected, constructed, or located within the city, and all wiring therefore, shall comply with the requirements set forth in the Uniform Building Code.

§ 150.121 TOWER STANDARDS.

(A) Wireless telecommunication towers shall comply with the following standards unless the City Council grants a variance as necessary to reasonably accommodate the wireless telecommunication tower. Variance procedures shall be processed according to the zoning code.

(B) *Design.*

(1) To blend into the surrounding environment through the use of color and architectural treatment techniques that softens the visual impact of the wireless communication tower on the surrounding environment.

(2) To be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment;

(3) All proposed wireless telecommunication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least 1 additional user if the tower less than 100 feet in height; provided that this standard may be waived or otherwise modified by the City Council as necessary to allow the applicant to construct a wireless communication tower that better blends into the surrounding environment.

(4) Where possible, all proposed wireless telecommunication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

(5) All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species whenever feasible, and camouflage, and to be compatible with existing architectural element, building materials, and other site characteristics. The applicant shall use the least visible antennas possible to accomplish the coverage objectives.

(C) *Adverse effects on properties.*

(1) New wireless communications facilities shall be configured and located in a manner that shall minimize adverse effects, including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and

location proposed.

(2) The following attributes shall be considered from vantage points at adjacent properties, roadways, and occupied structures: height and location, mass and scale, materials and color, existing and proposed vegetation and intervening structures.

(3) An applicant shall demonstrate through the photo-simulation requirements under Section 150.114 that the project design employs each of these attributes in a manner that minimizes adverse effects to the greatest extent possible.

(4) All facilities that have the potential for high visibility shall be sited in such a manner as to cause the least detriment to the view shed of adjoining properties.

(D) *Setbacks.*

(1) No communications tower shall be located in the required front, side, or rear yard setback of any parcel.

(2) No freestanding communications tower shall be located closer than 125% of the tower height from any lot lines with the following exceptions:

(a) Towers in a side or rear yard that are adjacent to parcels zoned commercial, industrial, or public facility.

(3) Setbacks from buildings:

(a) In residential zoning districts, wireless communications towers shall be set back a minimum of 100% of the tower height from a residential dwelling except for dwellings on the subject property.

(b) In all other zoning districts, the minimum setback between structures as required by the building code shall be observed.

(4) Use of existing light poles, high voltage poles or towers, and other existing structures are exempt from the setback requirements provided that such pole, tower, or structure is not increased in height.

(5) Wireless Communications Towers located within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way shall be exempt from the setbacks as herein required.

(6) A required setback may be reduced or its location in relation to a public street varied upon providing the city with a licensed professional engineer's certification that the wireless telecommunication tower is designed to collapse or fail within a distance or zone shorter than the required setback distance.

(E) *Height.*

(1) The maximum height of a wireless communications tower shall be determined based on the underlying zoning district and will be the amount specified in Section 150.117.

(F) *Lighting.* At night, wireless telecommunication towers shall not be illuminated by artificial means, unless otherwise required by the Federal Aviation Administration (FAA).

(1) White strobe lighting shall be prohibited.

(2) The applicant shall document the need for lighting as part of a new wireless communications facility application.

(3) A site that requires lighting shall only be accepted when no other suitable alternative exists. A new tower may be rejected on the grounds that lighting will be a visual nuisance to surrounding properties.

(G) *Landscaping and Screening.* All wireless communications towers and related building facilities shall be landscaped and screened with natural vegetation to lessen the visual impact. The natural vegetation on the site shall be documented on the site plans. Suitable existing vegetation shall be retained to the maximum extent possible based on an analysis of the site. New landscaping shall be selected that includes coniferous and deciduous plants and trees that are hardy for conditions on the site without the use of augmented water.

(1) Landscaping shall include ground cover, lower story, mid-story, and upper story plants. Plant density shall be sufficient to provide 80 percent opacity year round from the ground up to a distance of 5 feet high for 60 percent or more of the site with the planting to be located based on an analysis of the site in relation to the surrounding area. Greater or lesser amounts and percentages may be required or allowed based on the City's review.

(H) *Signs and Advertising.* The use of any portion of a wireless telecommunication tower for signs other than warning or equipment information sign is prohibited.

(I) *Interference with public safety communication.* No wireless telecommunication facility shall interfere with public safety telecommunications. All wireless telecommunication towers/antennas shall comply with F.C.C. regulations and licensing requirements. (1997 Code, § 1390.14) (Ord. 97-24, passed 1-21-1998) Penalty, see § 10.99

(J) *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and compatible with adjacent buildings, and shall be permitted in addition to the number of accessory buildings otherwise allowed in each zoning district.

(1) Ground mounted equipment. Ground mounted equipment shall not be visible from beyond the boundaries of the site and shall be screened by a solid wall or fence and dense landscaping materials described in paragraph G above.

(2) Accessory utility buildings shall observe the minimum setback requirements for

accessory buildings in the underlying zoning district as well as all other applicable zoning and building requirements for accessory buildings.

(K) *Maintenance.* All buildings and structures on the premises of the wireless communications facility shall observe the City's property maintenance standards of the City Code.

§ 150.122 WIRELESS COMMUNICATIONS TOWER AGREEMENT.

(A) If the application is approved by the City, a wireless communications permit and a building permit shall be issued upon the execution of a wireless communication tower agreement.

(B) The agreement shall be signed by the applicant and property owner and the terms of the agreement shall include the following:

(1) A list of the conditions of approval to the wireless telecommunication tower permit;

(2) A statement indicating that failure to comply with the conditions of approval shall result in the removal of the wireless telecommunication tower, antennae, or tower accessory equipment;

(3) A statement indicating that the expenses incurred by the city to enforce the provisions of the wireless telecommunication tower agreement shall be reimbursed by the applicant;

(4) A statement, which requires the applicant to utilize the procedures established by the F.C.C. to resolve any complaints received relating to interference allegedly caused by the wireless telecommunication tower; and

(5) A statement indicating that a wireless telecommunication tower which has not been used for six (6) consecutive months shall be deemed abandoned and may be required to be removed in accordance with Section 150.123 below. To ensure compliance with this provision, the applicant must submit a performance bond or letter of credit in an amount sufficient to cover the removal or reduction costs.

§ 150.123 ABANDONMENT AND REMOVAL

(A) Towers and antennae shall be removed within six (6) months of cessation of use.

(B) An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Planning Director may extend the time for removal or reactivation up to 60 days upon showing of a good cause. If the tower or antennae is not removed in a timely fashion, the City may give notice that it will contract for removal within

30 days following written notice to the owner. Thereafter, the City may cause removal and be reimbursed for all costs associated with said removal by drawing on the funds provided with the financial guarantee.

(C) Upon removal of the wireless communications facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings.

§ 150.124 MINIMUM CONDITIONS

(A) General conditions on a wireless communications permit may include, but not be limited to the following:

- (1) An agreement providing for co-location and six (6) month removal of unused and/or obsolete towers shall be attached and become part of the permit.
- (2) The tower shall be set back a distance equal to the tower height from all property lines. All accessory structures shall be setback a minimum of twenty (20) feet from all side yard and rear yard property lines
- (3) Zoning Permits shall be applied for and issued before any construction is started.
- (4) Prior to application for a conditional use permit, applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
- (5) Applicant must obtain FCC licensure and approval as required for various communications applications.
- (6) Applicant must submit proof of liability and Worker's compensation Insurance.
- (7) Proof that towers and their antennas have been designed by, and following completion of construction were inspected by a qualified and licensed professional engineer (at the applicant's expenses) to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.
- (8) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- (9) The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning permit and site plan approval. An amendment to a conditional use permit shall typically not be required
- (10) All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wire anchors shall be enclosed by a fence with a minimum height of six (6) feet with a locked gate.

- (11) All towers and their antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environmentally to the greatest extent possible.
- (12) No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right of way, public street, highway, or sidewalk, without approval by the City through the zoning permit approval process.
- (13) All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City. After the facilities are removed, the site shall be restored to its original or an improved state which includes removal of all concrete to 6-feet below normal grade and surrounding area returned to normal grading. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers. To ensure compliance, the applicant must submit a performance bond or letter of credit in an amount sufficient to cover all removal costs as determined by the City prior to the issuance of a building permit for the facility. Failure to remove the structure shall be cause for the City to remove the tower and associated equipment and assess the cost against the required bonding or letter of credit instrument.
- (14) The City of Lake Elmo shall conduct a final inspection of the site to ensure that all requirements of the City Code and all conditions of approval attached as part of the wireless communications permit are met prior to the start of operation of the facility.
- (15) For installations of a facility in an area that could potentially be accessed by the public (including rooftop installations or other locations that would be considered public verses occupational) a radio frequency hazard analysis and a yearly report must be submitted before December 31 of each year showing the results of on-site measurements at the site. A Registered Professional Engineer hired by the provider must sign these measurements and report. At a minimum, the report must document any changes to the site over the course of the previous year.

City Council
Date: 10/27/09
WORKSHOP
Item: 4a
INFORMATION:

AGENDA ITEM: Review of Proposed 2010 General Fund Budget

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce A Messelt, City Administrator 

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED:

Attached please find preliminary draft General Fund Budget. *Council is being asked to review the draft General Fund Budget as part of its workshop on October 27, 2009 and provide direction, as appropriate, on preparation of the final budget.*

STAFF REPORT:

City staff has been meeting with the Council Budget Advisory Committee and have developed several scenarios for possible final formation of the 2010 General Fund Budget. In conjunction with the Council Advisory Committee, City staff have honed in on one specific approach (Scenario F) that appears to meet the overall will and desire of the City Council, as expressed in previous meetings and discussions.

ADDITIONAL INFORMATION:

City staff proposes discussing with the City Council the various scenarios and, specifically, presenting in detail several variations to the preferred scenario, Scenario F, which:

- Reduces general operating activities and personnel due to the overall economic recession;
- Takes available action to replace lost MVHC due to the Governor's 2009 unallotments;
- Constructs a modest General Fund transfer for the City's Capital Improvement Program of approximately \$145,000, separate from the Parks CIP funding;
- Utilizes a portion of the City's remaining 2004 G.O. bond proceeds to pay down remaining debt on this bond issuance;
- Retains approximately \$500,000 from the 2004 G.O. bond proceeds for major facility capital improvements or allocation against remaining debt in the future;

- Holds the overall increase in the Tax Levy to a modest increase, aimed primarily at capturing back the lost MVHC and accelerating the City's debt repayment; and
- Reduces or holds at the same level the actual amount of property taxes paid by a typical Lake Elmo property owner and resident.

ATTACHMENTS:

Draft 2010 General Fund Budget

Detail Explanation of Scenario F (one additional variant of Scenario F is still being constructed for Council review)

ORDER OF BUSINESS:

- Introduction..... Bruce Messelt, City Administrator
- General Presentation Tom Bouthilet, Finance Director
- Detail Presentation Joe Rigdon, Financial Advisor
- Questions & Discussion..... Mayor & Council Members

City of Lake Elmo
2010 Property Tax Levy Information

	Scenario:													
	A		B		C		D		E		F		G	
	Actual Pay 2005	Actual Pay 2006	Actual Pay 2007	Actual Pay 2008	Actual Pay 2009	Variable Pay 2010	Variable Pay 2010	Variable Pay 2010	Variable Pay 2010	Variable Pay 2010	Variable Pay 2010	Variable Pay 2010	Variable Pay 2010	Variable Pay 2010
Taxable Market Value:														
Personal Property	9,706,700	9,743,100	10,000,200	10,433,600	10,368,200	10,368,200	10,368,200	10,368,200	10,368,200	10,368,200	10,368,200	10,368,200	10,368,200	10,368,200
Real Estate	900,729,000	1,007,853,800	1,120,409,600	1,130,225,800	1,197,674,100	1,192,365,400	1,192,365,400	1,192,365,400	1,192,365,400	1,192,365,400	1,192,365,400	1,192,365,400	1,192,365,400	1,192,365,400
Total Taxable Market Value	910,435,700	1,017,596,900	1,131,010,100	1,146,659,500	1,298,072,300	1,202,763,600	1,202,763,600	1,202,763,600	1,202,763,600	1,202,763,600	1,202,763,600	1,202,763,600	1,202,763,600	1,202,763,600
Tax Capacity:														
Personal Property	190,925	190,925	203,613	203,613	201,896	201,896	201,896	201,896	201,896	201,896	201,896	201,896	201,896	201,896
Real Estate	9,790,390	11,007,760	12,508,010	12,250,173	13,490,182	13,459,804	13,459,804	13,459,804	13,459,804	13,459,804	13,459,804	13,459,804	13,459,804	13,459,804
Total Tax Capacity	9,981,014	11,198,685	12,716,623	12,653,786	13,691,078	13,660,700	13,660,700	13,660,700	13,660,700	13,660,700	13,660,700	13,660,700	13,660,700	13,660,700
Less: Power Line	(728)	(710)	(805)	(727)	(561)	(561)	(561)	(561)	(561)	(561)	(561)	(561)	(561)	(561)
Less: Disincentive Contribution	(545,740)	(622,732)	(667,600)	(626,367)	(634,833)	(1,015,340)	(1,015,340)	(1,015,340)	(1,015,340)	(1,015,340)	(1,015,340)	(1,015,340)	(1,015,340)	(1,015,340)
Less: Tax Increment Tax Capacity	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tax Capacity Used for Local Rate	9,434,542	10,575,204	12,016,359	12,026,689	12,756,684	12,644,700	12,644,700	12,644,700	12,644,700	12,644,700	12,644,700	12,644,700	12,644,700	12,644,700
Plus: Fiscal Disincentives Distribution	497,108	534,305	561,951	654,448	839,719	839,485	839,485	839,485	839,485	839,485	839,485	839,485	839,485	839,485
Adjusted Net Tax Capacity	9,931,740	11,109,509	12,598,309	12,681,137	13,596,403	13,484,284	13,484,284	13,484,284	13,484,284	13,484,284	13,484,284	13,484,284	13,484,284	13,484,284
Tax Capacity Rates:														
Personal Property	19.375%	19.351%	19.274%	19.253%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%
Real Estate	19.320%	19.375%	19.351%	19.274%	20.553%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%
Area Wide Tax Capacity Rate (Fiscal Disparities)	19.320%	19.375%	19.351%	19.274%	20.553%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%
Taxes:														
Local Taxes	1,827,943	2,046,410	2,310,033	2,471,845	2,535,774	2,519,533	2,520,600	2,495,957	2,461,163	2,476,923	2,441,478	2,441,027	2,476,504	2,444,610
Fiscal Disparities ***	96,059	103,522	112,613	120,138	172,381	166,873	166,873	166,873	166,873	166,873	166,873	166,873	166,873	166,873
Estimated Net Levy	1,924,002	2,149,941	2,422,646	2,591,983	2,708,155	2,686,406	2,687,473	2,662,830	2,628,036	2,643,796	2,608,351	2,608,351	2,643,377	2,611,482
Difference	(13)	(1)	(46)	17	48	0	0	(50)	(20)	(35)	(5)	(54)	(31)	24
Actual Net Levy	1,923,989	2,149,940	2,422,600	2,592,000	2,708,203	2,686,406	2,687,473	2,662,830	2,628,036	2,643,796	2,608,351	2,608,351	2,643,346	2,611,516
General Fund Levy	1,020,007	1,830,669	2,051,847	2,221,486	2,332,130	2,252,928	2,232,130	2,232,130	2,232,130	2,232,130	2,232,130	2,232,130	2,232,130	2,232,130
2004A G.O. CIP Bonds	294,022	310,271	310,038	310,843	310,885	310,784	310,784	310,784	310,784	310,784	310,784	310,784	310,784	310,784
2006 G.O. Equipment Certificates	0	0	57,115	56,871	56,188	56,716	56,716	56,716	56,716	56,716	56,716	56,716	56,716	56,716
2009 G.O. Improvement Bonds	0	0	0	0	0	51,000	51,000	51,000	51,000	51,000	51,000	51,000	51,000	51,000
2009 MHC Unemployment Recovery	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2009 MHC Unemployment Recovery	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Actual Net Levy (Including Fiscal Disparities)	1,023,989	2,149,940	2,422,600	2,592,000	2,708,203	2,686,406	2,687,473	2,662,830	2,628,036	2,643,796	2,608,351	2,608,351	2,643,346	2,611,516
General Fund Local Tax Capacity Rate	10.405%	10.477%	10.284%	10.284%	17.574%	16.708%	16.708%	16.708%	16.514%	16.514%	16.514%	16.514%	17.500%	17.500%
Special Levies Local Tax Capacity Rate	2.070%	2.874%	2.000%	2.979%	2.760%	3.170%	3.170%	3.160%	2.162%	2.162%	2.162%	2.162%	3.348%	3.348%
	19.375%	19.351%	19.274%	19.253%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	20.000%	20.000%
	19.375%	19.351%	19.274%	19.253%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	19.878%	20.000%	20.000%

* Based on General Fund levy recommended at 08/11/09 City Council workshop (equivalent to 2009 General Fund levy), less \$98,830 of expenditure budget revisions

** Based on General Fund levy limit estimate, less \$98,830 of expenditure budget revisions

*** Calculation based on Fiscal Disparities Distribution multiplied by prior year City Local Tax Capacity Rate

2010 levy limit = \$2,340,700
 per debt schedule (105% of debt service)
 56,716 per debt schedule (105% of debt service)
 51,000 estimated
 19,365 actual MHC unallotment cut 12/08
 35,475 actual MHC unallotment cut 2009

City of Lake Elmo
Budget 2010

0 DAYS UNPAID FURLOUGH

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								
Revenues								
Property Taxes/Franchise Fees								
101-000-0000-31010	Current Ad Valorem Taxes	\$2,221,486	\$1,983,205	\$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	\$19,365	N/A
101-000-0000-31010	2009 MVHC Unallotment Recovery	\$0	\$0	\$0	\$0	\$0	\$35,475	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	\$26,178	\$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	\$107,768	\$0	\$88,327	\$172,381	\$0	N/A
101-000-0000-31910	Penalty & Interest on Taxes	\$0	(\$77)	\$0	\$98	\$100	\$0	N/A
101-000-0000-33620	Gravel Tax	\$3,250	\$2,881	\$2,500	\$1,567	\$3,100	\$3,100	24.0%
101-000-0000-33622	Cable Franchise Revenue	\$27,000	\$31,590	\$30,000	\$34,916	\$34,916	\$35,000	16.7%
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%
101-000-0000-32190	Waste hauler License	\$500	\$440	\$500	\$1,365	\$1,365	\$1,000	100.0%
101-000-0000-32181	General Contractor License	\$2,000	\$1,610	\$1,600	\$2,225	\$2,225	\$1,800	20.0%
101-000-0000-32183	Heating Contractor License	\$800	\$640	\$795	\$60	\$600	\$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	\$154,899	\$140,000	\$66,481	\$90,000	\$100,000	-28.6%
101-000-0000-32220	Heating Permits	\$11,000	\$8,875	\$4,500	\$6,822	\$7,000	\$3,000	-33.3%
101-000-0000-32230	Plumbing Permits	\$11,000	\$5,810	\$4,600	\$2,405	\$3,000	\$5,000	-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	\$15,000	\$6,000	50.0%
101-000-0000-32260	Burning Permit	\$1,200	\$1,260	\$1,000	\$675	\$1,000	\$1,000	0.0%
101-000-0000-34104	Plan Check Fees	\$86,160	\$48,853	\$45,000	\$15,538	\$25,000	\$32,000	-28.9%
Total Licenses and Permits		\$329,920	\$242,074	\$212,655	\$112,104	\$154,790	\$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	\$28,562	\$0	\$0	\$0	\$0	N/A
101-000-0000-33418	MSA - Maintenance	\$67,275	\$67,275	\$67,275	\$98,797	\$98,797	\$69,600	1.8%
101-000-0000-33420	State Fire Aid	\$57,344	\$39,747	\$60,000	\$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	\$28,088	\$0	\$13,954	\$14,000	\$0	N/A
101-000-0000-33621	Recycling Grant	\$15,270	\$15,476	\$15,000	\$15,476	\$15,476	\$15,000	0.0%
Total Intergovernmental		\$142,639	\$179,888	\$145,025	\$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	\$11,950	\$6,648	\$8,167	\$7,900	-33.3%
Fines								
101-000-0000-35100	Fines	\$65,000	\$60,919	\$52,000	\$24,830	\$49,500	\$52,000	0.0%
Total Fines		\$65,000	\$60,919	\$52,000	\$24,830	\$49,500	\$52,000	0.0%
Other								
101-000-0000-36200	Miscellaneous Revenue	\$21,973	\$19,885	\$18,000	\$24,191	\$25,000	\$17,128	-4.8%
101-000-0000-36210	Interest Earnings	\$80,000	\$78,025	\$80,000	\$0	\$60,000	\$60,000	-25.0%
101-000-0000-36230	Donations	\$0	\$9,500	\$0	\$5,500	\$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	\$2,809,251	\$2,849,009	-1.5%
Other Financing Sources								
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	\$2,809,251	\$2,849,009	-1.5%

City of Lake Elmo
Budget 2010

0 DAYS UNPAID FURLOUGH

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	\$43,288	\$34,322	\$33,992	\$18,041	\$33,992	\$33,992	0.0%
1320	Administration	\$547,007	\$490,040	\$466,192	\$228,618	\$442,670	\$457,792	-1.8%
1410	Elections	\$17,014	\$10,505	\$1,000	\$980	\$980	\$11,950	1095.0%
1450	Communications	\$0	\$0	\$56,364	\$29,665	\$57,824	\$51,012	-8.5%
1520	Finance	\$157,591	\$177,255	\$107,121	\$64,365	\$126,710	\$105,788	-1.2%
1910	Planning & Zoning	\$214,503	\$198,198	\$202,657	\$126,288	\$244,397	\$182,028	-10.2%
1930	Engineering Services	\$94,000	\$108,119	\$72,000	\$32,741	\$72,000	\$70,000	-2.8%
1940	City Hall	\$40,525	\$39,969	\$40,943	\$20,946	\$41,893	\$40,760	-0.5%
Total General Government		\$1,113,938	\$1,056,428	\$980,269	\$522,545	\$1,020,166	\$953,312	-2.7%
Public Safety								
2100	Police	\$431,000	\$436,773	\$466,950	\$0	\$468,950	\$474,935	1.7%
2150	Prosecution	\$58,000	\$51,245	\$55,000	\$21,636	\$55,000	\$51,000	-7.3%
2220	Fire	\$415,858	\$313,214	\$390,930	\$175,516	\$383,186	\$377,483	-3.4%
2250	Fire Relief	\$57,344	\$39,747	\$90,000	\$1,690	\$40,000	\$57,664	-3.6%
2400	Building Inspection	\$131,456	\$87,577	\$188,680	\$50,337	\$99,463	\$94,992	-49.6%
2700	Animal Control	\$12,250	\$12,662	\$12,660	\$4,451	\$12,500	\$12,650	0.0%
Total Public Safety		\$1,105,608	\$941,218	\$1,174,310	\$263,630	\$1,057,199	\$1,069,124	-9.0%
Public Works								
3100	Public Works	\$488,928	\$409,182	\$324,978	\$172,121	\$306,432	\$305,471	-6.0%
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	\$26,000	\$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	\$10,000	-28.6%
Total Public Works		\$529,928	\$446,156	\$520,338	\$249,842	\$503,432	\$498,471	-4.2%
Culture & Recreation								
6200	Parks & Recreation	\$183,944	\$141,520	\$217,143	\$101,358	\$198,216	\$182,152	-16.1%
Total Culture & Recreation		\$183,944	\$141,520	\$217,143	\$101,358	\$198,216	\$182,152	-16.1%
Total Expenditures		\$2,932,718	\$2,587,322	\$2,892,060	\$1,127,375	\$2,779,013	\$2,703,059	-6.5%
<u>Other Financing Uses</u>								
Transfers Out		\$0	\$8,500	\$0	\$0	\$8,500	\$145,950	N/A
Total Other Financing Uses		\$0	\$8,500	\$0	\$0	\$8,500	\$145,950	\$0
Total Expenditures and Other Financing Uses		\$2,932,718	\$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	\$1,149,973	\$1,144,674	-12.4%
Supplies		\$167,100	\$165,089	\$183,830	\$67,607	\$168,733	\$181,400	-1.3%
Other Services and Charges		\$1,399,686	\$1,351,328	\$1,401,333	\$467,440	\$1,462,307	\$1,376,985	-1.7%
Capital Outlay		\$26,940	\$19,655	\$0	\$0	\$0	\$0	N/A
Total Expenditures		\$2,932,718	\$2,587,322	\$2,892,060	\$1,127,375	\$2,779,013	\$2,703,059	-6.5%
Transfers Out		\$0	\$8,500	\$0	\$0	\$8,500	\$145,950	N/A
Total Expenditures and Other Financing Uses		\$2,932,718	\$2,595,822	\$2,892,060	\$1,127,375	\$2,787,513	\$2,849,009	-1.5%

City of Lake Elmo
2010 Proposed Property Tax Scenario
Residential Homesteads

**SCENARIO F: MAXIMUM LEVY (TO THE LEVY LIMIT, PLUS LEVIES FOR 2008 AND 2009 MVHC UNALLOTMENTS)
INCLUDES REDUCTION IN BUILDING BONDS LEVY OF \$134,764**

		2009	2010	Change
Tax Rate:	Variable	19.878%	20.099%	1.1%
General Fund Levy:	Variable	\$2,332,130	\$2,360,790	\$28,660
Levy Limit Increase:	0.83%, plus misc.			
Reduction in Building Bonds Levy:	Yes			
Existing Debt Service Levies:	Variable	\$376,073	\$241,716	(\$134,357)
New Special Levies:				
2009 Street Bonds:	Yes	\$0	\$51,000	\$51,000
2008 MVHC Unallotment Recovery:	Yes	\$0	\$19,365	\$19,365
2009 MVHC Unallotment Recovery:	Yes	\$0	\$35,475	\$35,475

2009 CITY PROPERTY TAXES

Market Value 2009	Tax Capacity * 2009	City Local Tax Capacity Rate Pay 2009	City Property Taxes 2009
\$100,000	\$1,000	19.878%	\$199
\$300,000	\$3,000	19.878%	\$596
\$500,000	\$5,000	19.878%	\$994
\$700,000	\$7,500	19.878%	\$1,491

2010 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2010 <i>NO CHANGE</i>	Tax Capacity * 2010	City Local Tax Capacity Rate Pay 2010	City Property Taxes 2010	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	20.099%	\$201	\$2	1.1%
\$300,000	\$3,000	20.099%	\$603	\$7	1.1%
\$500,000	\$5,000	20.099%	\$1,005	\$11	1.1%
\$700,000	\$7,500	20.099%	\$1,507	\$17	1.1%

2010 CITY PROPERTY TAXES (WITH 4.9% MARKET VALUE DECREASE)

Market Value 2010 <i>DECREASE OF -4.9%</i>	Tax Capacity * 2010	City Local Tax Capacity Rate Pay 2010	City Property Taxes 2010	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$95,100	\$951	20.099%	\$191	(\$8)	-3.8%
\$285,300	\$2,853	20.099%	\$573	(\$23)	-3.8%
\$475,500	\$4,755	20.099%	\$956	(\$38)	-3.8%
\$665,700	\$7,071	20.099%	\$1,421	(\$70)	-4.7%

* Tax Capacity rates for residential homesteads are 1.00% of the first \$500,000 of market value, plus 1.25% of any market value over \$500,000

City of Lake Elmo
2010 Proposed Property Tax Scenario
Residential Homesteads

**SCENARIO F1: MAXIMUM LEVY (TO THE LEVY LIMIT, PLUS LEVIES FOR 2008 AND 2009 MVHC UNALLOTMENTS)
INCLUDES REDUCTION IN BUILDING BONDS LEVY OF \$32,264**

		2009	2010	Change
Tax Rate:	Variable	19.878%	20.910%	5.2%
General Fund Levy:	Variable	\$2,332,130	\$2,360,790	\$28,660
Levy Limit Increase:	0.83%, plus misc.			
Reduction in Building Bonds Levy:	Yes			
Existing Debt Service Levies:	Variable	\$376,073	\$344,216	(\$31,857)
New Special Levies:				
2009 Street Bonds:	Yes	\$0	\$51,000	\$51,000
2008 MVHC Unallotment Recovery:	Yes	\$0	\$19,365	\$19,365
2009 MVHC Unallotment Recovery:	Yes	\$0	\$35,475	\$35,475

2009 CITY PROPERTY TAXES

Market Value 2009	Tax Capacity * 2009	City Local Tax Capacity Rate Pay 2009	City Property Taxes 2009
\$100,000	\$1,000	19.878%	\$199
\$300,000	\$3,000	19.878%	\$596
\$500,000	\$5,000	19.878%	\$994
\$700,000	\$7,500	19.878%	\$1,491

2010 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2010 NO CHANGE	Tax Capacity * 2010	City Local Tax Capacity Rate Pay 2010	City Property Taxes 2010	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	20.910%	\$209	\$10	5.2%
\$300,000	\$3,000	20.910%	\$627	\$31	5.2%
\$500,000	\$5,000	20.910%	\$1,046	\$52	5.2%
\$700,000	\$7,500	20.910%	\$1,568	\$77	5.2%

2010 CITY PROPERTY TAXES (WITH 4.9% MARKET VALUE DECREASE)

Market Value 2010 DECREASE OF -4.9%	Tax Capacity * 2010	City Local Tax Capacity Rate Pay 2010	City Property Taxes 2010	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$95,100	\$951	20.910%	\$199	\$0	0.0%
\$285,300	\$2,853	20.910%	\$597	\$0	0.0%
\$475,500	\$4,755	20.910%	\$994	\$0	0.0%
\$665,700	\$7,071	20.910%	\$1,479	(\$12)	-0.8%

* Tax Capacity rates for residential homesteads are 1.00% of the first \$500,000 of market value, plus 1.25% of any market value over \$500,000

City of Lake Elmo
2010 Proposed Property Tax Scenario
Residential Homesteads

**SCENARIO F2: MAXIMUM LEVY (TO THE LEVY LIMIT, PLUS LEVIES FOR 2008 AND 2009 MVHC UNALLOTMENTS)
INCLUDES REDUCTION IN BUILDING BONDS LEVY OF \$99,764**

		2009	2010	Change
Tax Rate:	Variable	19.878%	20.376%	2.5%
General Fund Levy:	Variable	\$2,332,130	\$2,360,790	\$28,660
Levy Limit Increase:	0.83%, plus misc.			
Reduction in Building Bonds Levy:	Yes			
Existing Debt Service Levies:	Variable	\$376,073	\$276,716	(\$99,357)
New Special Levies:				
2009 Street Bonds:	Yes	\$0	\$51,000	\$51,000
2008 MVHC Unallotment Recovery:	Yes	\$0	\$19,365	\$19,365
2009 MVHC Unallotment Recovery:	Yes	\$0	\$35,475	\$35,475

2009 CITY PROPERTY TAXES

Market Value 2009	Tax Capacity * 2009	City Local Tax Capacity Rate Pay 2009	City Property Taxes 2009
\$100,000	\$1,000	19.878%	\$199
\$300,000	\$3,000	19.878%	\$596
\$500,000	\$5,000	19.878%	\$994
\$700,000	\$7,500	19.878%	\$1,491

2010 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2010 <i>NO CHANGE</i>	Tax Capacity * 2010	City Local Tax Capacity Rate Pay 2010	City Property Taxes 2010	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	20.376%	\$204	\$5	2.5%
\$300,000	\$3,000	20.376%	\$611	\$15	2.5%
\$500,000	\$5,000	20.376%	\$1,019	\$25	2.5%
\$700,000	\$7,500	20.376%	\$1,528	\$37	2.5%

2010 CITY PROPERTY TAXES (WITH 4.9% MARKET VALUE DECREASE)

Market Value 2010 <i>DECREASE OF -4.9%</i>	Tax Capacity * 2010	City Local Tax Capacity Rate Pay 2010	City Property Taxes 2010	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$95,100	\$951	20.376%	\$194	(\$5)	-2.5%
\$285,300	\$2,853	20.376%	\$581	(\$15)	-2.5%
\$475,500	\$4,755	20.376%	\$969	(\$25)	-2.5%
\$665,700	\$7,071	20.376%	\$1,441	(\$50)	-3.4%

* Tax Capacity rates for residential homesteads are 1.00% of the first \$500,000 of market value, plus 1.25% of any market value over \$500,000

City Council
Date: 10/27/09
WORKSHOP
Item: 4b
INFORMATION:

AGENDA ITEM: Review of Proposed 2010 Budgets for Enterprise Funds

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce A Messelt, City Administrator



REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED:

Attached please find preliminary draft enterprise funds budgets. The City has accounts for three separate enterprise funds; water sewer & surface water. *Council is being asked to review the draft Enterprise Fund Budgets as part of its workshop on October 27, 2009 and provide direction, as appropriate, on preparation of the final budgets.*

STAFF REPORT:

Water Enterprise Budget: Based upon current projections, the Water Fund is expected to incur an annual loss of \$383,609 in 2010, approximately \$75,000 less than that budgeted in 2009. This deficiency is primarily due to debt service payment on a Water Revenue Bond of \$191,955 and a result of slower-than-expected community development and increase in customers. When issues, these G.O. Revenue Bond payments reflected funding from WAC charges from new developments and ongoing annual service charges. Once planned development occurs, these revenues are still projected to be sufficient to cover the bond payments.

In the interim, while somewhat problematic, the Water Fund does not presently represent a major financial challenge. When adding back non-cash depreciation expense of approximately \$310,000, the City is faced with an actual negative cash flow of \$73,609. Moreover, sufficient reserve funds exist within the Water Utility to cover reasonable annual fiscal deficiencies for the near future.

Nevertheless, City staff recommends addressing this issue now through a proposed new conservation rate structure (included in this analysis and attached behind the Enterprise Fund budgets), utilization of some Water Fund Reserves, and a proposed transfer from the 2010 General Fund Budget to the Capital Improvement Program, earmarked for the Water Fund bond repayment.

Sewer Enterprise Budget: The 2010 Draft Sewer Enterprise Budget is expected to incur a loss of \$37,783, which is significantly reduced from the projected 2009 Budget loss of \$74,540.00. From a cash-flow perspective, adding back non-cash depreciation expense of \$9,000 results in an actual negative cash flow of \$ 28,783. This deficiency will more than likely have to be made up via a transfer from the General Fund Reserve Account, as insufficient funds exist within the Sewer Enterprise Fund Reserve Account to cover this amount.

Also of note, City staff is expecting a possible increase in sewer charges from the Met Council. As a result, we will continue to monitor the Sewer Fund and will return to the city council with both an update and possible actions. While sewer rates were increased recently, given the nature of this Enterprise Fund, such options must include a potential increase in sewer rates, among others, to reach a balanced fund for subsequent years.

Surface Water Enterprise Budget: The 2010 Draft Surface Water Budget indicates a 2.5% increase in revenue due to a proposed modest rate increase. As a result, the Fund is balanced for 2010.

ADDITIONAL INFORMATION:

None at this time.

ATTACHMENTS:

Draft 2010 Enterprise Fund Budgets

Proposed Water Conservation Fee Structures (one additional scenario, based solely on consumptive volume, is still being constructed for Council review)

ORDER OF BUSINESS:

- Introduction..... Bruce Messelt, City Administrator
- Presentation..... Tom Bouthilet, Finance Director
- Questions & Discussion..... Mayor & Council Members

City of Lake Elmo
Budget 2010

Account Number	Description	2008 Budget	2008 Actual	2009 Budget	2009 Year-to-Date (09/30/09)	2010 Preliminary Budget	2009 to 2010 Change
601	Water						
000	Revenue						
0000	General						
601-000-0000-36100	Special Assessments	\$5,000.00	\$5,372.13	\$4,000.00	\$19,891.37	\$4,000.00	0.0%
601-000-0000-36205	Refunds and Reimbursements	\$0.00	\$0.00	\$0.00	\$12,678.21	\$0.00	N/A
601-000-0000-36210	Interest on Investments	\$20,000.00	\$24,322.94	\$10,000.00	\$517.31	\$9,000.00	-10.0%
601-000-0000-36231	Contrib. of Capital Assets	\$0.00	\$669,031.30	\$0.00	\$0.00	\$0.00	N/A
601-000-0000-37100	Water Sales	\$375,000.00	\$430,174.11	\$400,000.00	\$258,650.11	\$425,000.00	6.3%
601-000-0000-37150	Water Connections - Municipal	\$40,000.00	\$45,500.00	\$25,000.00	\$33,875.00	\$37,850.00	51.4%
601-000-0000-37160	Penalties	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
601-000-0000-37170	Meter Sales	\$12,000.00	\$5,997.00	\$3,000.00	\$5,529.73	\$4,150.00	38.3%
601-000-0000-37180	Tower Rent	\$26,500.00	\$25,792.50	\$28,000.00	\$33,924.19	\$27,600.00	-1.4%
601-000-0000-39210	Transfer In	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00	N/A
0000	General	\$478,500.00	\$1,206,189.98	\$470,000.00	\$365,065.92	\$557,600.00	18.6%
000	General	\$478,500.00	\$1,206,189.98	\$470,000.00	\$365,065.92	\$557,600.00	18.6%
	Revenue	\$478,500.00	\$1,206,189.98	\$470,000.00	\$365,065.92	\$557,600.00	18.6%
	Expense						
494	Water						
9400	Water						
601-494-9400-41010	Full-time Salaries	\$82,543.00	\$72,108.80	\$74,177.00	\$51,581.03	\$73,567.00	-0.8%
601-494-9400-41210	PERA Contributions	\$5,365.00	\$4,773.38	\$5,007.00	\$3,481.04	\$5,160.00	2.9%
601-494-9400-41220	FICA Contributions	\$5,118.00	\$4,599.10	\$4,599.00	\$3,113.05	\$4,561.00	-0.8%
601-494-9400-41230	Medicare Contributions	\$1,197.00	\$1,075.60	\$1,076.00	\$728.00	\$1,067.00	-0.8%
601-494-9400-41300	Health/Dental Insurance	\$30,980.00	\$14,899.07	\$16,200.00	\$10,967.10	\$15,100.00	-6.8%
601-494-9400-41420	Unemployment Benefits	\$0.00	\$652.05	\$0.00	\$0.00	\$0.00	N/A
601-494-9400-41510	Workers Compensation	\$4,254.00	\$2,604.76	\$4,669.00	\$3,890.57	\$4,339.00	-7.1%
601-494-9400-42000	Office Supplies	\$500.00	\$0.00	\$500.00	\$0.00	\$200.00	-60.0%
601-494-9400-42030	Printed Forms	\$3,500.00	\$204.48	\$2,500.00	\$1,192.07	\$2,500.00	0.0%
601-494-9400-42160	Chemicals	\$10,000.00	\$3,536.03	\$8,000.00	\$3,418.40	\$5,000.00	-37.5%
601-494-9400-42270	Utility System Maintenance	\$8,000.00	\$1,907.35	\$6,000.00	\$1,959.67	\$6,000.00	0.0%
601-494-9400-42300	Water Meters & Supplies	\$9,000.00	\$9,455.69	\$80,230.00	\$2,477.85	\$65,000.00	7.9%
601-494-9400-42400	Small Tools & Minor Equipment	\$2,500.00	\$1,391.79	\$2,500.00	\$387.88	\$2,500.00	0.0%
601-494-9400-43030	Engineering Services	\$0.00	\$60,455.96	\$20,000.00	\$38,518.86	\$50,000.00	150.0%
601-494-9400-43150	Contract Services	\$0.00	\$7,966.27	\$15,000.00	\$135.00	\$15,000.00	0.0%
601-494-9400-43180	Software Support	\$2,000.00	\$5,763.00	\$4,200.00	\$3,063.00	\$4,200.00	0.0%
601-494-9400-43210	Telephone	\$1,500.00	\$192.14	\$600.00	\$292.48	\$550.00	-8.3%
601-494-9400-43220	Postage	\$2,400.00	\$2,600.00	\$2,400.00	\$2,000.00	\$2,100.00	-12.5%
601-494-9400-43230	Radio	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
601-494-9400-43310	Mileage	\$1,000.00	\$711.00	\$1,000.00	\$0.00	\$0.00	-100.0%
601-494-9400-43320	Depreciation Expense	\$300,000.00	\$281,163.00	\$310,000.00	\$0.00	\$310,000.00	0.0%
601-494-9400-43610	Insurance	\$5,600.00	\$8,826.00	\$11,150.00	\$9,143.00	\$10,143.00	-9.0%
601-494-9400-43810	Electric Utility	\$42,000.00	\$22,954.26	\$30,000.00	\$12,658.45	\$30,000.00	0.0%
601-494-9400-43820	Water Utility	\$60,000.00	\$114,958.28	\$120,000.00	\$62,615.91	\$120,000.00	0.0%
601-494-9400-43830	Gas Utility	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
601-494-9400-44030	Repairs/Maint Imp Not Bldgs	\$10,000.00	\$10,772.86	\$10,000.00	\$20,821.21	\$10,000.00	0.0%
601-494-9400-44300	Miscellaneous	\$6,000.00	\$5,754.20	\$5,000.00	\$1,622.96	\$5,000.00	0.0%
601-494-9400-44370	Conferences & Training	\$1,000.00	\$1,191.15	\$1,000.00	-\$11.00	\$1,000.00	0.0%
601-494-9400-45200	Building and Structures	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
601-494-9400-45300	Improvements Other Than Bldgs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
601-494-9400-45800	Other Equipment	\$10,000.00	\$0.00	\$5,000.00	\$0.00	\$0.00	-100.0%
601-494-9400-46010	Bond Principal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
601-494-9400-46110	Bond Interest	\$202,445.00	\$202,224.00	\$199,790.00	\$99,895.00	\$191,955.00	-3.9%
601-494-9400-46200	Fiscal Agent Fees	\$0.00	\$0.00	\$1,835.00	\$0.00	\$0.00	-100.0%
601-494-9400-46300	Bond Discount Amort.	\$6,277.00	\$6,279.00	\$6,277.00	\$0.00	\$6,277.00	0.0%
601-494-9400-46400	Water Mains	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
601-494-9400-47200	Transfer Out	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
9400	Water	\$813,179.00	\$849,019.22	\$928,710.00	\$333,951.53	\$941,209.00	1.3%
494	Water	\$813,179.00	\$849,019.22	\$928,710.00	\$333,951.53	\$941,209.00	1.3%
	Expense	\$813,179.00	\$849,019.22	\$928,710.00	\$333,951.53	\$941,209.00	1.3%
601	Water	-\$334,679.00	\$357,170.76	-\$458,710.00	\$31,114.39	-\$383,609.00	N/A

City of Lake Elmo
Budget 2010

Account Number	Description	2008 Budget	2008 Actual	2009 Budget	2009 Year-to-Date (09/30/09)	2010 Preliminary Budget	2009 to 2010 Change
602	Sewer						
000	Revenue						
0000	General						
602-000-0000-36100	Special Assessments	\$0.00	\$0.00	\$0.00	\$64.86		N/A
602-000-0000-36210	Interest on Investments	\$2,500.00	\$2,636.70	\$2,500.00	\$0.00		-100.0%
602-000-0000-37200	Sewer Sales	\$35,000.00	\$44,568.28	\$37,500.00	\$21,682.87	\$37,500.00	0.0%
602-000-0000-37260	Connection Fees Municipal	\$0.00	\$0.00	\$0.00	\$963.00		N/A
0000	General	\$37,500.00	\$47,204.98	\$40,000.00	\$22,710.73	\$37,500.00	-6.3%
000	General	\$37,500.00	\$47,204.98	\$40,000.00	\$22,710.73	\$37,500.00	-6.3%
	Revenue	\$37,500.00	\$47,204.98	\$40,000.00	\$22,710.73	\$37,500.00	-6.3%
	Expense						
495	Sewer						
9450	Sewer						
602-495-9450-41010	Full-time Salaries	\$18,422.00	\$15,122.24	\$16,821.00	\$11,339.44	\$16,218.00	-3.6%
602-495-9450-41210	PERA Contributions	\$1,197.00	\$1,048.00	\$1,135.00	\$764.77	\$1,135.00	0.0%
602-495-9450-41220	FICA Contributions	\$1,142.00	\$1,008.27	\$1,043.00	\$677.86	\$1,006.00	-3.5%
602-495-9450-41230	Medicare Contributions	\$267.00	\$235.76	\$244.00	\$156.66	\$235.00	-3.7%
602-495-9450-41300	Health/Dental Insurance	\$4,648.00	\$3,609.25	\$4,094.00	\$2,794.71	\$3,821.00	-6.7%
602-495-9450-41420	Unemployment Benefits	\$0.00	\$130.41	\$0.00	\$0.00	\$0.00	N/A
602-495-9450-41510	Workers Compensation	\$1,082.00	\$453.78	\$1,228.00	\$1,023.27	\$1,118.00	-9.0%
602-495-9450-42270	Utility System Maint Supplies	\$5,000.00	\$1,824.27	\$5,000.00	\$643.01	\$2,000.00	-60.0%
602-495-9450-42400	Small Tools & Minor Equipment	\$2,500.00	\$489.90	\$2,500.00	\$630.22	\$1,500.00	-40.0%
602-495-9450-43030	Engineering Services	\$1,500.00	\$10,911.07	\$10,000.00	\$4,197.98	\$6,000.00	-40.0%
602-495-9450-43150	Contract Services	\$0.00	\$3,983.14	\$35,000.00	\$0.00	\$10,000.00	-71.4%
602-495-9450-43210	Telephone	\$1,800.00	\$1,144.82	\$1,500.00	\$724.11	\$1,000.00	-33.3%
602-495-9450-43310	Mileage	\$500.00	\$37.50	\$500.00	\$0.00	\$250.00	-50.0%
602-495-9450-43320	Depreciation Expense	\$9,000.00	\$8,740.00	\$9,000.00	\$0.00	\$9,000.00	0.0%
602-495-9450-43610	Insurance	\$0.00	\$0.00	\$2,475.00	\$0.00	\$2,500.00	1.0%
602-495-9450-43810	Electric Utility	\$2,360.00	\$1,132.05	\$1,500.00	\$746.23	\$1,500.00	0.0%
602-495-9450-43820	Sewer Utility - Met Council	\$15,000.00	\$12,967.58	\$15,000.00	\$9,617.94	\$15,000.00	0.0%
602-495-9450-44030	Repairs/Maint Imp Not Bldgs	\$9,000.00	\$690.00	\$5,000.00	\$825.30	\$2,000.00	-60.0%
602-495-9450-44300	Miscellaneous Expenses	\$10,000.00	\$72.00	\$1,000.00	\$634.86	\$500.00	-60.0%
602-495-9450-44370	Conferences & Training	\$1,500.00	\$0.00	\$1,500.00	\$638.00	\$600.00	-66.7%
602-495-9450-45300	Improvements Other Than Bldgs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
9450	Sewer	\$84,918.00	\$63,400.14	\$114,540.00	\$34,716.34	\$75,283.00	-34.3%
495	Sewer	\$84,918.00	\$63,400.14	\$114,540.00	\$34,716.34	\$75,283.00	-34.3%
	Expense	\$84,918.00	\$63,400.14	\$114,540.00	\$34,716.34	\$75,283.00	-34.3%
602	Sewer	\$47,418.00	\$16,195.16	\$74,540.00	\$12,005.61	\$37,783.00	N/A

City of Lake Elmo
Budget 2010

Account Number	Description	2008 Budget	2008 Actual	2009 Budget	2009 Year-to-Date (06/19/09)	2010 Preliminary Budget	2009 to 2010 Change
603	Surface Water Utility						
	Revenue						
000	General						
0000	General						
603-000-0000-36210	Interest on Investment	-\$1,500.00	-\$3,423.54	-\$1,000.00	\$0.00	-\$4,000.00	N/A
603-000-0000-36231	Contrib. of Capital Assets	\$0.00	\$85,899.88	\$0.00	\$0.00		N/A
603-000-0000-37100	Surface Water Utility Sales	\$115,000.00	\$134,673.66	\$120,000.00	\$96,017.21	\$123,000.00	2.5%
0000	General	\$113,500.00	\$217,150.00	\$119,000.00	\$96,017.21	\$119,000.00	0.0%
000	General	\$113,500.00	\$217,150.00	\$119,000.00	\$96,017.21	\$119,000.00	0.0%
	Revenue	\$113,500.00	\$217,150.00	\$119,000.00	\$96,017.21	\$119,000.00	0.0%
	Expense						
496	Surface Water						
9500	Surface Water						
603-496-9500-41010	Full-time Salaries	\$36,468.00	\$37,753.07	\$30,371.00	\$12,796.51	\$29,041.00	-4.4%
603-496-9500-41210	PERA Contributions	\$2,500.00	\$2,067.26	\$2,050.00	\$863.18	\$2,033.00	-0.8%
603-496-9500-41220	FICA Contributions	\$2,385.00	\$2,010.96	\$1,883.00	\$771.93	\$1,801.00	-4.4%
603-496-9500-41230	Medicare Contributions	\$558.00	\$470.40	\$440.00	\$180.49	\$421.00	-4.3%
603-496-9500-41300	Health/Dental Insurance	\$8,668.00	\$6,818.45	\$6,050.00	\$2,928.22	\$6,670.00	-6.3%
603-496-9500-41420	Unemployment Benefits	\$0.00	\$521.64	\$0.00	\$0.00	\$0.00	N/A
603-496-9500-41510	Workers' Compensation	\$1,472.00	\$995.97	\$1,531.00	\$1,275.75	\$1,390.00	-9.2%
603-496-9500-42000	Office Supplies	\$1,500.00	\$506.01	\$1,000.00	\$0.00	\$700.00	-30.0%
603-496-9500-42270	Utility System Maint Supplies	\$2,500.00	\$225.30	\$1,500.00	\$0.00	\$1,000.00	-33.3%
603-496-9500-42400	Small Tools & Minor Equipment	\$1,000.00	\$17.49	\$1,000.00	\$85.39	\$500.00	-50.0%
603-496-9500-43020	Comprehensive Planning	\$0.00	\$0.00	\$40,000.00	\$0.00	\$5,000.00	-87.5%
603-496-9500-43030	Engineering Services	\$40,000.00	\$52,856.89	\$38,000.00	\$33,964.97	\$40,000.00	5.3%
603-496-9500-43150	Contract Services	\$2,000.00	\$5,706.77	\$12,000.00	\$0.00	\$10,000.00	-16.7%
603-496-9500-43180	Software Support	\$3,000.00	\$0.00	\$1,000.00	\$0.00	\$1,000.00	0.0%
603-496-9500-43220	Postage	\$1,500.00	\$500.00	\$1,200.00	\$0.00	1500	25.0%
603-496-9500-43320	Depreciation Expense	\$2,500.00	\$1,439.00	\$3,000.00	\$0.00	\$3,000.00	0.0%
603-496-9500-44010	Street Sweeping	\$15,212.00	\$10,212.00	\$12,500.00	\$8,580.00	\$11,800.00	-7.2%
603-496-9500-44030	Repairs/Maint Not Bldg	\$3,000.00	\$0.00	\$3,000.00	\$0.00	\$2,000.00	-33.3%
603-496-9500-44300	Miscellaneous Expenses	\$1,000.00	\$0.00	\$500.00	\$0.00	\$500.00	0.0%
603-496-9500-44370	Conferences & Training	\$500.00	\$2,200.00	\$1,200.00	\$500.00	\$1,800.00	50.0%
603-496-9500-46300	Improvements Other Than Bldgs	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
603-496-9500-47200	Transfer Out	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
9500	Surface Water	\$137,763.00	\$123,903.21	\$158,225.00	\$61,944.44	\$118,956.00	-24.8%
496	Surface Water	\$137,763.00	\$123,903.21	\$158,225.00	\$61,944.44	\$118,956.00	-24.8%
	Expense	\$137,763.00	\$123,903.21	\$158,225.00	\$61,944.44	\$118,956.00	-24.8%
603	Surface Water Utility	-\$24,263.00	\$93,246.79	-\$39,225.00	\$34,072.77	\$44.00	N/A

City of Lake Elmo

Scenario #1

Current Quarterly Information:

Base Charge	\$25.00	
Rate per 1,000 gallons	\$2.15	
Average Residential Bill	\$91.20	
Average Residential Quarterly Consumption (gallons)	30,166	

Hypothetical Quarterly Conservation Rates:

Base Charge	\$25.00	
Rate per 1,000 gallons:		
0 - 15,000 gallons	\$2.15	
15,000 - 30,000 gallons	\$2.70	26%
30,000 - 50,000 gallons	\$3.40	26%
50,000 - 80,000 gallons	\$4.30	26%
80,000+ gallons	\$5.40	26%

Average Residential Bill Using Conservation Rates: (30,166 gallons):

Base Charge	\$25.00
0 - 15,000 gallons	\$32.25
15,000 - 30,000 gallons	\$40.50
30,000 - 50,000 gallons	\$0.56
	<u>\$98.31</u>

Increase to Average Residential Bill Using Conservation Rates 8%

DRAFT

City of Lake Elmo

Scenario #2

Current Quarterly Information:

Base Charge	\$25.00
Rate per 1,000 gallons	\$2.15
Average Residential Bill	\$91.20
Average Residential Quarterly Consumption (gallons)	30,166

Hypothetical Quarterly Conservation Rates:

Base Charge	\$25.00	
Rate per 1,000 gallons:		
0 - 20,000 gallons	\$2.15	
20,000 - 30,000 gallons	\$2.85	33%
30,000 - 50,000 gallons	\$3.80	33%
50,000 - 80,000 gallons	\$5.05	33%
80,000+ gallons	\$6.70	33%

Average Residential Bill Using Conservation Rates: (30,166 gallons):

Base Charge	\$25.00
0 - 20,000 gallons	\$43.00
20,000 - 30,000 gallons	\$28.50
30,000 - 50,000 gallons	\$0.63
	<u>\$97.13</u>

Increase to Average Residential Bill Using Conservation Rates

7%

DRAFT

City of Lake Elmo

Scenario #3

Current Quarterly Information:

Base Charge	\$25.00
Rate per 1,000 gallons	\$2.15
Average Residential Bill	\$91.20
Average Residential Quarterly Consumption (gallons)	30,166

Hypothetical Quarterly Conservation Rates:

Base Charge	\$25.00	
Rate per 1,000 gallons:		
0 - 15,000 gallons	\$2.10	
15,000 - 30,000 gallons	\$2.80	33%
30,000 - 50,000 gallons	\$3.70	32%
50,000 - 80,000 gallons	\$4.90	32%
80,000+ gallons	\$6.50	33%

Average Residential Bill Using Conservation Rates: (30,166 gallons):

Base Charge	\$25.00
0 - 15,000 gallons	\$31.50
15,000 - 30,000 gallons	\$42.00
30,000 - 50,000 gallons	\$0.61
	<u>\$99.11</u>

Increase to Average Residential Bill Using Conservation Rates

9%

DRAFT