

MINUTES APPROVED: OCTOBER 5, 2004
LAKE ELMO CITY COUNCIL MINUTES

SEPTEMBER 21, 2004

1. AGENDA
2. MINUTES: September 7, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Informational:Library
4. CONSENT AGENDA:
 - A. Resolution No. 2004-080:Approve Claims
5. FINANCE:
 - A. Monthly Operations Report: Informational
6. NEW BUSINESS:
 - A. Tom Wagner, VAA (Verbal)
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Building Dept. Activities:Building Official
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
 - A. Resolution No. 2004-081:Zoning Variance – Side Yard Setback (Price, 8384 Stillwater Blvd.)
 - B. Resolution No. 2004-082:Conditional Use Permit – Beauty Salon/Say Spa (Prairie Ridge Office Park)
 - C. Appointments to Planning Commission
 - D. Old Village Moratorium
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Fire Ordinance 97-141
 - B. Fire Study
 - C. Old Village Development Plan
 - D. Booth at League of Minnesota Cities Conference
12. CITY COUNCIL REPORTS:

Mayor Hunt called the meeting to order at 7 p.m. in the Council chambers. PRESENT: John, Dunn, Hunt, Johnston, DeLapp, City Attorney Filla, City Engineer Prew, City Planner Dillerud, Building Official McNamara, Finance Director Tom Bouthilet and Administrator Rafferty.

1. AGENDA:

ADD: Workshop on Old Village, Update by City Attorney on Hilyar property, OV Moratorium, Fire Study proposal provided, Discussion on Met Council issues, Public Informational:Library staff review on properties.

M/S/P Johnston/Dunn - to approve the September 21, 2004 City Council agenda, as amended. (Motion passed 5-0).

2. **MINUTES:** September 7, 2004
M/S/P Dunn/Johnston - to approve the September 7, 2004 City Council minutes, as amended. (Motion passed 5-0).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. **Public Informational**

Library Update: Wyn John reported that he and the City Administrator met with the Library Board to review properties in Lake Elmo and a property in Oak Park Heights. There were concerns with the Siedow house regarding standards, rooms were small, windows are in key positions, and the building is not ADA qualified. He said the City would be prepared to bring the building up to ADA standards. The Board members went to the professional building in Lake Elmo, which they indicated they liked more. They then chose to discuss whether they needed a library or not. Wyn said he would like to see the Siedow house serve as a temporary location for the Lake Elmo library.

M/S/P John/Dunn - to direct the staff to send a memo to Pat Conley and the Library Board indicating the City's need to keep the library in Lake Elmo and expressing unanimous support of the Siedow building or a building downtown Lake Elmo as a temporary location for the Lake Elmo Library. (Motion passed 5-0.)

4. **CONSENT AGENDA:**

A. **Resolution No. 2004-080:Approve Claims**

M/S/P Dunn/John - to adopt Resolution No. 2004-080, A Resolution approve claim numbers 217, 218, DD232 through DD243, 26153 through 26184, which were used for staff payroll dated September 16, 2004, Claim 26185 through 26225 in the total amount of \$173,334.41. (Motion passed 5-0).

5. **FINANCE:**

A. **Monthly Operations Report: INFORMATIONAL**

The Finance Director reported the City is well within the budget.

6. **NEW BUSINESS:**

A. **Tom Wagner, VAA (Verbal)**

Rick Bensesch and Tom Wagner, Valley Athletic Association, thanked the Council for allowing them to use Reid Park four days a week for baseball games. They complimented the city on the condition of the field and offered to match funds (\$100 each) to place aggregate lime to remove the weeds. The City Administrator and Maintenance Supervisor will look into the maintenance of the field.

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

A. **Update on Building Dept. Activities: Building Official**

The Building Official reported there were no new residential permits issued and no new commercial permits issued in August, 2004.

8. CITY ENGINEER'S REPORT:

9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2004-081:Zoning Variance – Side Yard Setback (Price, 8384 Stillwater Blvd.)

The City Planner reported that Albert and Caroline Price, 8384 Stillwater Boulevard, made application for a zoning variance from the side yard setback to permit reconstruction of a two-stall garage 8 feet 5 inches from the west property line where a 10 foot side yard setback is required.

The Planner explained the Planning Commission's recommended approval was primarily a result from positive findings regarding hardship after the applicant volunteered to reduce the requested variance from 3 feet 7 inches to 1 foot 7 inches, reflecting the exact side yard location of the garage structure proposed to be replaced. Staff advised the Commission that it was likely that the original garage was intended to be located at the 10 foot setback line in 1968, but ended up slightly closer to the lot line.

M/S/P Dunn/John - to adopt Resolution No. 2004-081, Approving a Variance for Albert and Caroline Price, 8384 Stillwater Boulevard, to Permit Reconstruction of a Garage, per the graphics staff dated September 13, 2004, 8 feet 5 inches from the west property line where a 10 foot side yard setback is required, based on the Findings and recommendations of the Planning Commission. (Motion passed 5-0).

B. Resolution No. 2004-082: Conditional Use Permit – Beauty Salon/Day Spa (Prairie Ridge Office Park)

The City Planner reported that Mary Gander has requested a Conditional Use Permit, located in one-half of Building #6, Prairie Ridge Office Park 8975 Highway 5, for a Beauty Salon and Accessory Day Spa. The application is responsive to recent amendments to the Limited Business zone text to include Beauty Salons as Conditional Uses and Day Spas as Accessory Uses to Beauty Salons. He said the plan to utilize one half of building #6 in the new office development would not be problematic as the city can regulate the conditional use permit.

Ms. Gander's documentation addressed the concern that the new business would have hair and various chemicals kept from entering the waste processing with traps. Salon chemicals are regulated by the FDA and the University of Minnesota told her that salons are not on the list of business that affects septic systems. Dillerud said that it was possible for the city to see if Gander was complying by testing the septic system every two years when it is pumped.

Ms. Gander estimated that between 16 and 22 spaces would be needed at any given time, which was higher than the assigned 12 spaces to that part of the building. A plan was provided to add about 14 parking spaces.

Council member DeLapp said he would vote for approval because there is currently no location in the Old Village for a salon/spa. He voiced his concerns that the hours of operation are substantially greater than anticipated, and he didn't like the signs or lights in a residential area.

M/SP Johnston/Dunn - to adopt Resolution No. 2004-082 approving a Conditional Use Permit at Prairie Ridge Office Park, Building #6, for a Beauty Salon and Accessory Day Spa, based on the Findings and recommendations/conditions of the Planning Commission. (Motion passed 5-0).

C. Appointments to Planning Commission

The Council interviewed four of the six Planning Commission applicants with applicants, Gloria Knoblauch and Julie Fliflet being interviewed at the October 5th Council meeting. The Council discussed how they would proceed with the election of members if Council member John's vote would count if he was not in attendance at the meeting. Mayor Hunt explained the process used in the past was that each member would write down their first and second pick from among the applicants. The first pick would receive two points and the second pick one point. The two applicants receiving the highest amount of points would be elected.

M/S/P DeLapp/John – to follow the election process by voting by paper ballots indicating their first choice receiving two points, second choice receiving one point, and then make a motion to appoint two Planning Commission members at the October 5th Council meeting. (Motion passed 5-0.)

D. Old Village Moratorium

The City Planner reported the Old Village Moratorium expired the first week of September. The Council will discuss the moratorium duration at the October 5th Council meeting. The Planner requested that Item G be deleted. Council member DeLapp noted there had to be timelines connected with the moratorium and asked that at every council meeting a bar chart be provided showing the progress.

9. CITY ATTORNEY'S REPORT:

The City Attorney gave an update on the Hilyar property. The Attorney's asked if the City would want that property once the house has been demolished and property cleaned up, which the Council responded a house, or possible two, could be built on the property. The Fire Chief said they may be interested in a control burn so the City Attorney will relay the message to Washington County.

10. CITY ADMINISTRATOR'S REPORT:

A. Fire Ordinance

The City Administrator explained the City has the authority to establish a fire department; appoint fire department officers and members; prescribe duties for fire department members; and provide fire fighting equipment. The fire department and its members are subject to the same rules and regulations that apply to other city departments and employees.

M/S/P John/Johnston – to adopt Ordinance No. 97-141 relating to the Fire Department. (Motion passed 5-0.)

B. Fire Study

The City Planner reported the only response for a Comprehensive Fire Services Study was submitted by Dahlgren, Shardlow and Uban, Inc. which was responsive to an RFP prepared. He said this fire study affects what the City will do in the Old Village.

M/S/P Johnston/DeLapp – to approve the contract with Dahlgren, Shardlow and Uban, Inc. accepting a professional services proposal for a Comprehensive Fire Services Study for Lake Elmo. (Motion passed 5-0).

C. Old Village Development Plan

The City Administrator will come up with dates for two workshops for the Old Village Master Developer Plan where they will discuss the three Components: Master developer, facilities, standard and new ordinances to control development.

D. Booth at League of Minnesota Cities Conference

The staff will give an update on the meeting with the Governor on Monday, September 27, 2004 from 5:30 to 6:30 p.m. Depending on the results of the Governor's meeting, the Council will decide what action to take with the booth for the conference.

11. CITY COUNCIL REPORTS:

Mayor Hunt announced there will be a public hearing on options for constructing the new Stillwater bridge at the Stillwater Jr. High School.

Council member DeLapp reported the Sierra Club held its Tour de Sprawl with the Mayor, City Administrator and himself in attendance. The group stopped to listen to Bob Engstrom's comments on preserving open space at the red barn located at the Fields of St. Croix, an open space development Mr. Engstrom had developed.

Adjourn 8:40 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-080 Approve Claims

Resolution No. 2004-081 Variance Price

Resolution No. 2004-082 CUP Beauty Salon/Day Spa

Ordinance No. 97-141 Fire Department Ordinance

CITY COUNCIL 9/7/2004

MET COUNCIL TO DATE \$343,837.35

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

**RESOLUTION NO. 2004-093
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 223, 26352 through 26355 in the total amount of \$6,810.86 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 19th day of October, 2004.

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable To Be Paid Proof List

User: administrator

Printed: 10/18/2004 - 11:20 AM

Batch: 006-10-2004



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
10000	10,000 Lake Chapter										
2005	Membership 10/18/2004	50.00	0.00	10/18/2004	2005 Membership		-	No			0000
101-420-2400-44330	Dues & Subscriptions										
	2005 Membership Total:	50.00									
	10000 Total:	50.00									
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BLAKE Builders, Inc.											
5431	10/18/2004	895.86	0.00	10/18/2004	Refund for duplicate UB payment		-	No			0000
601-000-0000-11500	Accounts Receivable										
	5431 Total:	895.86									
	BLAKE Total:	895.86									
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MNREVEN MN Department of Revenue											
Q3 S&U Tax	10/18/2004	1,573.00	0.00	10/18/2004	Sales Tax Q3		-	No			0000
601-494-9400-44300	Miscellaneous										
Q3 S&U Tax	10/18/2004	1,887.00	0.00	10/18/2004	Use Tax Q3		-	No			0000
101-410-1320-44300	Miscellaneous										
	Q3 S&U Tax Total:	3,460.00									
	MNREVEN Total:	3,460.00									
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SIMICH Chad and Carri Simich											
SIMICH	10/18/2004	2,280.00	0.00	10/18/2004	Per Settlement		-	No			0000
101-420-2400-44300	Miscellaneous										
	SIMICH Total:	2,280.00									
	SIMICH Total:	2,280.00									
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Universi University of Minnesota											
11/18/04 Shak	10/18/2004	125.00	0.00	10/18/2004	Onsite systems training - Karl Horning		-	No			0000
101-420-2400-44370	Conferences & Training										
	11/18/04 Shak Total:	125.00									

Invoice # Inv Date Amount Quantity Pmt Date Description Reference Task Type PO # Close POLine #

Universi Total: 125.00

Report Total: 6,810.86