

Mayor:  
Lee Hunt  
Councilmembers:  
Steve DeLapp  
Susan Dunn  
Dean Johnston  
Wyn John

# Lake Elmo City Council

## Tuesday

### November 16, 2004

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

**Please read:**

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

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

## Agenda

**City Council Meeting Convenes 7:00 PM**

**Pledge of Allegiance**

**1. Agenda**

**2. Minutes**

November 3, 2004

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

A. City Hall Option

B. LAKE ELMO LIBRARY

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

**4. CONSENT AGENDA**

A. Parks Commission Appointment

B. Holiday Lights-Donation by Lake Elmo Jaycees *POWERED*

C. Application for Delayed Payment of Special Assessment

D. Resolution No. 2004-098: Approve claims

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

**5. FINANCE:**

A. Fee Schedule Amendment *CHANGE*  
(WAC): Resolution/Ordinance will be distributed at meeting

B. Monthly Operating Report-Informational

C. *TRUTH & TAXATION HEARINGS*

*MON. DEC 6<sup>TH</sup> 7:00 PM AT CITY HALL*

*BUDGET.*

*MET COUNCIL TOTAL 363,177*

*Y-T-D \$107,298*

<p><b>6. <u>NEW BUSINESS:</u></b></p>		
<p><b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b>  <b>A. Update on Fire Dept. Activities: Chief Malmquist</b>  <b>B. Update on Building Dept. Activities: Jim McNamara</b></p>		
<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b>  <b>A. Feasibility Study – Old Village Water Expansion Project. Report will be distributed at meeting</b></p>	<p>Tom Prew</p>	
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b>  <b>A. Resolution No. 2004-099: Family Entertainment Center CUP</b>  <b>B. Hearing: Board of Adjustment and Appeals: Rod and Diane Sessing</b></p>	<p>C. Dillerud</p>	
<p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b></p>		
<p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b>  <b>A. <i>6 mos. EVALUATION</i></b></p>		
<p><b>12. CITY COUNCIL REPORTS:</b>  <b>A. Mayor Hunt</b>  <b>B. Council Member DeLapp</b>  <b>C. Council Member Dunn</b>  <b>D. Council Member Johnston</b>  <b>E. Council Member John</b></p>		
<p><b>Council Workshop: November 20<sup>th</sup>, 9-11 a.m.: Old Village Systems Study</b></p>	<p>CIC Meeting, December 1<sup>st</sup>, 7 p.m.</p>	

- OPPOSE 1- DAVE FAINT - TRAFFIC - STILL OPPOSE - WATER RUNOFF
- OPPOSE 2- BILL WALKER ① BALLFIELD SIZE - SAME AS CURRENT  
 ② DAMAGE TO CITY HALL  
 ③ PICNIC TABLES - AREAS  
 ④ OUT OF SPACE
- OPPOSE 3- ZETTERLUND - LEGION FIND ANOTHER LOCATION
- OPPOSE 4- BOB NUNN - BROOKFIELD IL OPTION - PEOPLE USING CITY HALL
- OPPOSE 5 BRUCE BOYLE - POSITION OF BALLFIELD
- OPPOSE 6 TOM BRUNHE - SHOEMORN CITY HALL IN AREA
- OPPOSE 7 PASTOR CHRIST LUTHERAN CHURCH - PRESSURE - HAVE NOT TALK TO THEM
- 8

WYN JOHN = 12.9 million 4 1/2 million TAX  
 214,466 G.E. SHARE

MINUTES APPROVED: NOVEMBER 3, 2004  
LAKE ELMO CITY COUNCIL MINUTES

OCTOBER 19, 2004

1. AGENDA
2. MINUTES: October 5, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Cable Commission: Jennie Holder
4. CONSENT AGENDA:
  - A. Resolution No. 2004-089: Approve Claims
5. FINANCE:
  - A. Resolution No. 2004-090: Bond Sales
  - B. Monthly Operating Report-Informational
  - C. City Audit
6. NEW BUSINESS
7. MAINTENANCE/PARK/FIRE/BUILDING:
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
  - A. Leave of Absence Request: Planning Commission Member
  - B. Resolution No. 2004-091: Lot Area Variances/Minor Subdivision -- Tauer/Pechan
  - C. Fence Ordinance Amendments
  - D. Traffic Signal - Keats/I-94 N. Ramps
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
  - A. Holiday Lights
12. CITY COUNCIL REPORTS:

Mayor Hunt called the council meeting to order at 7:00 p.m. in the Council chambers:  
PRESENT: John, Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, City Planner Dillerud, City Attorney Filla, Finance Director Tom Bouthilet, Building Official Jim McNamara and Administrator Rafferty.

**1. AGENDA**

M/S/P Dunn/Johnston - to approve the October 19, 2004 City Council agenda, as amended. (Motion passed 5-0).

**2. MINUTES: October 5, 2004**

M/S/P Johnston/Dunn - to approve the October 5, 2004 City Council minutes, as amended. (Motion passed 4-1 Abstain John).

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

#### **A. Cable Commission: Jennie Holder**

Jennie Holder, Lake Elmo's representative on the Ramsey/Washington Suburban Cable Commission gave a review of the benefits and services offered to 1400 residences in the City. She asked that inquiries regarding installation of cable in their neighborhood be sent to her.

Gloria Knoblauch invited city officials to attend Christmas at the Court House on Friday, November 19<sup>th</sup> 6 p.m. where the men would pour champagne and women serve appetizers. Mayor Hunt, Council members John, Johnston, Dunn and Administrator Rafferty responded they would attend.

There will be an Open House on October 20<sup>th</sup> at the High Point Health Clinic for free health screening. There will be a presentation to legislatures at 5 p.m.

### **4. CONSENT AGENDA**

#### **A. Resolution No. 2004-089: Approving Claims**

M/S/P John/Dunn - to approve Resolution No. 2004-089 approving claim numbers 221, 222, DD253 through DD264, 26278 through 26305 which were used for staff payroll October 14, 2004, claim 26277, 26306 through 26351 in the total amount of \$107,107.35. (Motion passed 5-0).

### **5. FINANCE:**

#### **A. Resolution No. 2004-090 Bond Sales**

Paul Donna, Northland Securities, reported that the City has been upgraded from A1 to AA3 bond rating with insurance. The city will receive a better interest rate than projected. He mentioned you don't find cities this size to have this good of a credit rating and it's because of low debt and a strong economy. These bond sales will finance a new city hall, building a public works facility and the potential option of a fire station which reflects the comments of the community.

M/S/P John/Johnston - to approve Resolution No 2004-090 authorizing issuance of awarding sale of general obligation bonds in the amount of \$4,090,000. (Motion passed 5-0).

#### **B. Monthly Operating Report- Informational**

The Finance Director reported the budget is on-track and the line items are on target. He noted that fuel prices are on the increase and will ultimately affect the budget.

#### **C. City Audit**

The Finance Director reported the staff requested a mid-year audit in preparation for GASB34 requirements to alleviate the amount of work for the Annual Year-End Audit. The City received a summary letter of the result of the work completed by Abdo, Eick & Meyers, LLP. The Finance Director noted that a major portion of the report findings have been resolved and anticipates the Annual Year-End Audit will be more efficient as a result of this audit.

6. **NEW BUSINESS:**

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

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

The Building Official reported there were two new residential building permits and two new commercial building permits issued in September, 2004. He alerted the residents to have their chimneys serviced by a licensed chimney sweep and to not burn logs in a gas fireplace. Carbon monoxide detectors should be placed in the lowest level of the house and to check batteries of your smoke detector.

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

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

A. **Leave of Absence Request – Planning Commission Member**

Planning Commission Member Jennifer Pelletier has requested a Leave of Absence from her Commission duties until the end of January, 2005 for medical reasons. The Council has previously approved requested Leaves of Absence of similar duration. The City Planner noted that making a quorum should not be a problem with a full complement of commissioners now in place.

M/S/P DeLapp/Dunn - to approve the Leave of Absence requested by Jennifer Pelletier for medical reasons from the Planning Commission until the end of January 2005.  
(Motion passed 5-0).

B. **Lot Area Variances/Minor Subdivision – Tauer/Pechan:Resolution No. 2004-091**

Donald Tauer of the Animal Inn and Walter Pechan has made application to the City for a variance to lot size for a minor subdivision to rearrange metes and bounds property lines with the Animal Inn complex to combine two existing tax parcels into one; and, then detach .63 acres of the combined (new) parcel and add that detached portion to a third adjoining parcel (Pechan). Mr. Tauer advised that he has been allowing Mr. Pechan to use the .63 acres for truck turning, but now intends to sell his Animal Inn real estate and has reached an agreement for Pechan to purchase the land that has been used over the years.

The City Planner reported the zoning variances relate only to the fact that all three parcels involved in the Minor Subdivision action are non-conforming as to parcel area; and the resulting two parcels will be as well. At its October 13, 2004 meeting, the Planning Commission unanimously adopted a recommendation to grant a variance to lot area and a minor subdivision to Donald Tauer.

M/S/P DeLapp/Dunn – to adopt Resolution No. 2004-091 approving a Minor Subdivision and lot area variance for Donald Tauer and Walter Pechan based on the recommendation of the Planning Commission. (Motion passed 5-0).

standardized solid 6 foot fence. She has no problem with 50%, but 75% is more expensive.

M/S/P Johnston/DeLapp - to Approve Amendments #1, 2, and 4 as stated by the Planner and asked for more information on Amendment #3 regarding the cost of compliance with mandatory percentages of fence area open to air and light. The question was whether such a standard resulted in a more costly custom fence. Planner Dillerud will find out what constitutes custom by the fence suppliers. (Motion passed 5-0).

D. Resolution No. 2004-092:Traffic Signal – Keats/I-94 N. Ramps

The Council received communication from Washington County regarding the County's intent to apply for funding to install a traffic signal at the Keats/I-94 North ramps. No cost participation by the City is proposed, but the City's endorsement of the project has been requested by the County.

Council member DeLapp noted these are Woodbury lights and not Lake Elmo lights. There is no Lake Elmo traffic contribution. There are other intersection within the City that should be given a higher priority. The City has wanted the County to do something on Hwy 5 regarding signals at Lake Elmo Avenue and they do nothing. He continued that the proposed signals at Keats do not involve safety issues as at Highway 5 and County Road 17.

Council member Dunn reported there was supposed to be a landscaped parkway into the Regional Park and the County is continuing to work on that.

It was the consensus of the Council to invite County Engineer Don Theisen to the next meeting to discuss the Keats traffic signal and to bring up the city's lighting standards, safety concerns on Highway 5, and landscaping and paths that have not been followed through.

M/S/P Dunn/John - to postpone consideration of the resolution supporting Washington County's intent to apply for funding to install a traffic signal at the Keats/I-94 North ramps and invite Don Theisen, Washington County, to discuss safety concerns. The City recognizes that Lake Elmo residents contribute a minimal amount of traffic to the City 19/94 intersection and that most of the traffic is generated by the residents of the City of Woodbury (Motion passed 4-1:Johnston said this is an exercise in futility because all the County is asking is nothing but support and the City will look uncooperative.)

10. CITY ATTORNEY'S REPORT:

The City Attorney reported the house located on 37th Street has been secured. The county attorney has asked him to prepare a letter describing the city historical contact with that property. He said he has talked to the attorney of the property owner concerned about the parcel on Keats Avenue. The attorney who will be meeting with his client on Thursday and will let Filla know if they will be on the November 9<sup>th</sup> council committee agenda.

**11. CITY ADMINISTRATOR'S REPORT:**

**A. Holiday Lights**

The City Administrator reported the City has the responsibility to maintain, store and install holiday lights in the Old Village area. Several years ago the Jaycees purchased new lights and donated the lights to the City. The Public Works Department has had the responsibility to maintain and store the lights and the Fire Department has installed the lights. At today's standards related to safety practices suggest the need for the appropriate equipment and experienced personnel to utilize that equipment. The Administrator indicated the Public Works and Fire Department do not have the appropriate equipment to install the holiday lighting. Staff identified Noble Seasonal Lighting, Inc. as a company that specializes in this service and has provided the city with a proposal to install, remove and store the city's seasonal lighting for a price of \$2,500 for the existing inventory of holiday lights.

M/S/P DeLapp/John – to authorize the Administrator to contract with Noble Seasonal Lighting, Inc. to install, remove and store the city's seasonal lighting for a price of \$2,500 for the existing inventory of holiday lights. (Motion passed 5-0.)

**12. CITY COUNCIL REPORTS:**

Mayor Hunt reported on the sessions he attended at the MN League Conference in Duluth. He gave an update on the Saturday, Old Village Master Concept Plan workshop where staff, Planning Commission members, public, potential developers attended to listen to a master developer and discuss if there should be a master developer or a master plan or a combination of both. There will be a series of several workshops to work on component parts of the plan. He said with all work done we are within 6 to 9 months to put together a plan so people can react.

Council member Dunn noted that the VBWD hopes to adopt a new management plan for 2005-2015 and will be discussing this plan at its October meetings.

Council member Johnston endorsed attendance at the League Conference. He talked to suppliers of wetland treatment vendors, talked to planning firms. He encourages everyone to exercise their right to vote.

Adjourn the meeting at 9:10 p.m.

-----  
Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-089 Claims

Resolution No. 2004-090 Bond Sales

Resolution No. 2004-091 Tauer/Pechan Lot Area Variance/Minor Subdivision



*City of Lake Elmo  
Building Department*

***Plumbing Permit Fees***

October 01, 2004 Through October 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
10/5/2004	4342	\$150.00	\$0.50
10/6/2004	4346	\$50.00	\$0.50
10/12/2004	4358	\$50.00	\$0.50
10/19/2004	4368	\$0.00	\$0.00
10/27/2004	4377	\$50.00	\$0.50
<b>Totals:</b>		<b>\$300.00</b>	<b>\$2.00</b>

***Grand Total of Plumbing Fees Collected: \$302.00***

*City of Lake Elmo  
Building Department*

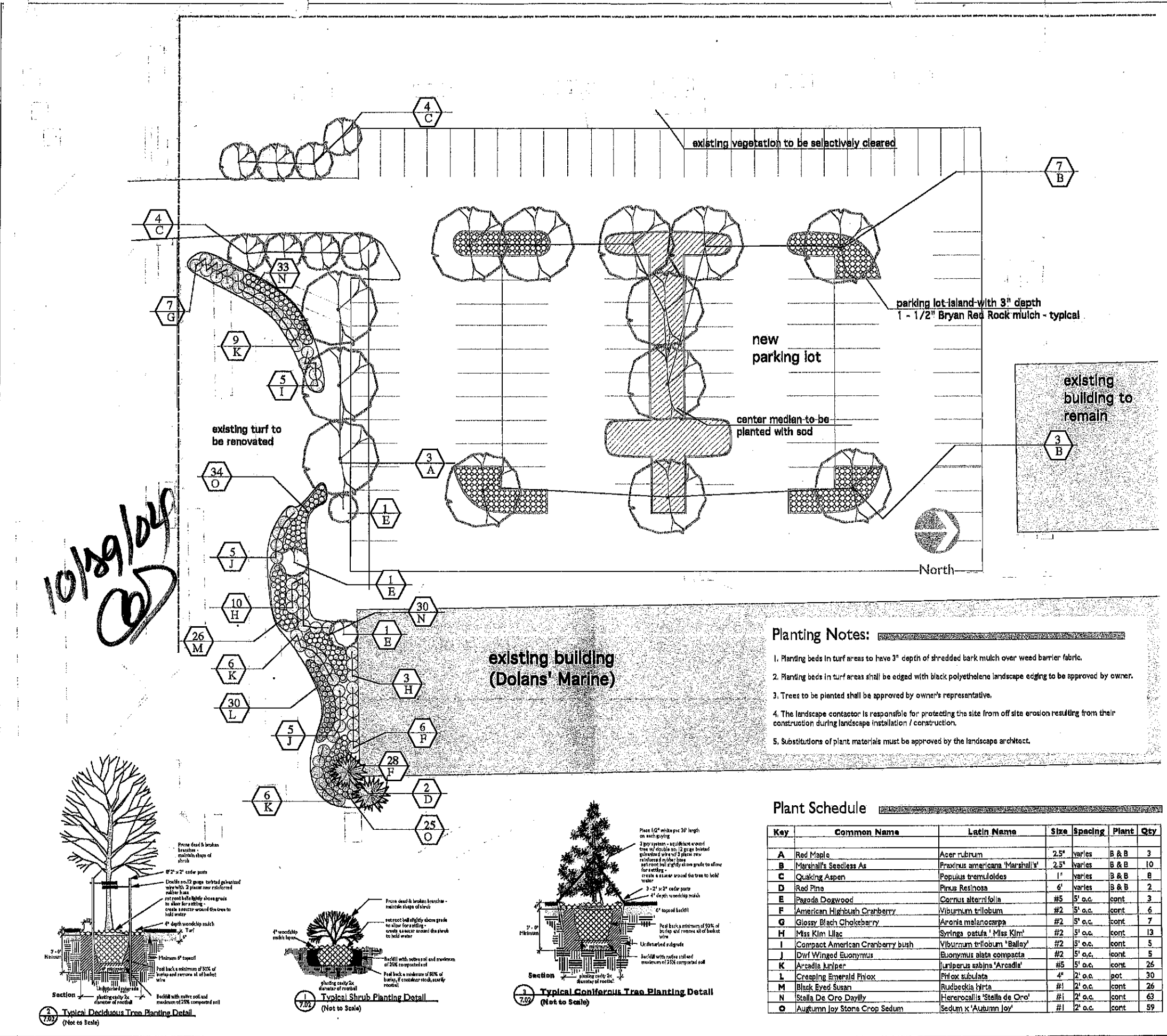
***HVAC Permit Fees***

October 01, 2004 Through October 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
10/5/2004	4342	\$150.00	\$0.50
10/6/2004	4346	\$50.00	\$0.50
10/7/2004	4351	\$0.00	\$0.00
10/12/2004	4354	\$50.00	\$0.50
10/12/2004	4357	\$50.00	\$0.50
10/19/2004	4369	\$50.00	\$0.50
10/19/2004	4370	\$50.00	\$0.50
10/21/2004	4373	\$50.00	\$0.50
<b>Totals:</b>		<b>\$450.00</b>	<b>\$3.50</b>

***Grand Total of HVAC Fees Collected: \$453.50***

97

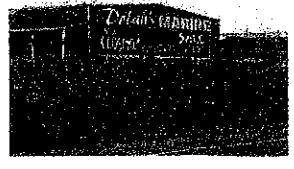
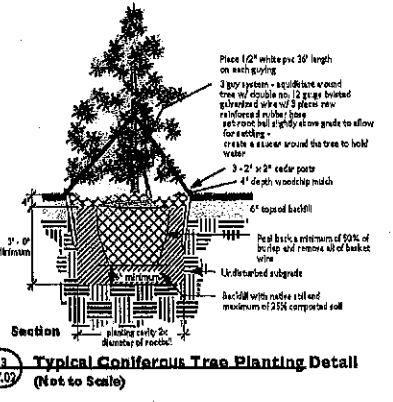
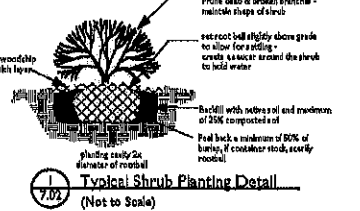
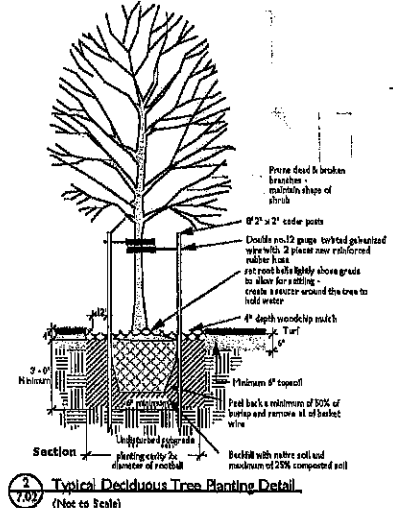


**Planting Notes:**

- Planting beds in turf areas to have 3" depth of shredded bark mulch over weed barrier fabric.
- Planting beds in turf areas shall be edged with black polyethylene landscape edging to be approved by owner.
- Trees to be planted shall be approved by owner's representative.
- The landscape contractor is responsible for protecting the site from off site erosion resulting from their construction during landscape installation / construction.
- Substitutions of plant materials must be approved by the landscape architect.

**Plant Schedule**

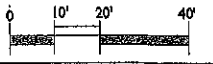
Key	Common Name	Latin Name	Size	Spacing	Plant	Qty
A	Red Maple	Acer rubrum	2.5"	varies	B & B	3
B	Marshall's Seedless As	Fraxinus americana 'Marshall's'	2.5"	varies	B & B	10
C	Quaking Aspen	Populus tremuloides	1"	varies	B & B	8
D	Red Pine	Pinus resinosa	6'	varies	B & B	2
E	Pagoda Dogwood	Cornus alternifolia	#5	5' o.c.	cont.	3
F	American Highbush Cranberry	Viburnum trilobum	#2	5' o.c.	cont.	6
G	Glossy Black Chokeberry	Aronia melanocarpa	#2	5' o.c.	cont.	7
H	Miss Kim Lilac	Syringa patula 'Miss Kim'	#2	5' o.c.	cont.	13
I	Compact American Cranberry bush	Viburnum trilobum 'Bailey'	#2	5' o.c.	cont.	5
J	Dwarf Winged Euonymus	Euonymus alata compacta	#2	5' o.c.	cont.	5
K	Arcadia Juniper	Juniperus sabina 'Arcadia'	#5	5' o.c.	cont.	26
L	Creeper Emerald Phlox	Phlox subulata	4"	2' o.c.	pot.	30
M	Black Eyed Susan	Rudbeckia hirta	#1	2' o.c.	cont.	26
N	Stella De Oro Daylily	Hemerocallis 'Stella de Oro'	#1	2' o.c.	cont.	63
O	Autumn Joy Stone Crop Sedum	Sedum 'Autumn Joy'	#1	2' o.c.	cont.	59



**Paul Miller Design, Inc.**  
7533 Paul Road • Woodbury, MN 55125  
651 731 - 9259 office • cell 651 269 - 1096  
paulmillerdesign@msa.com



**LANDSCAPE PLAN**



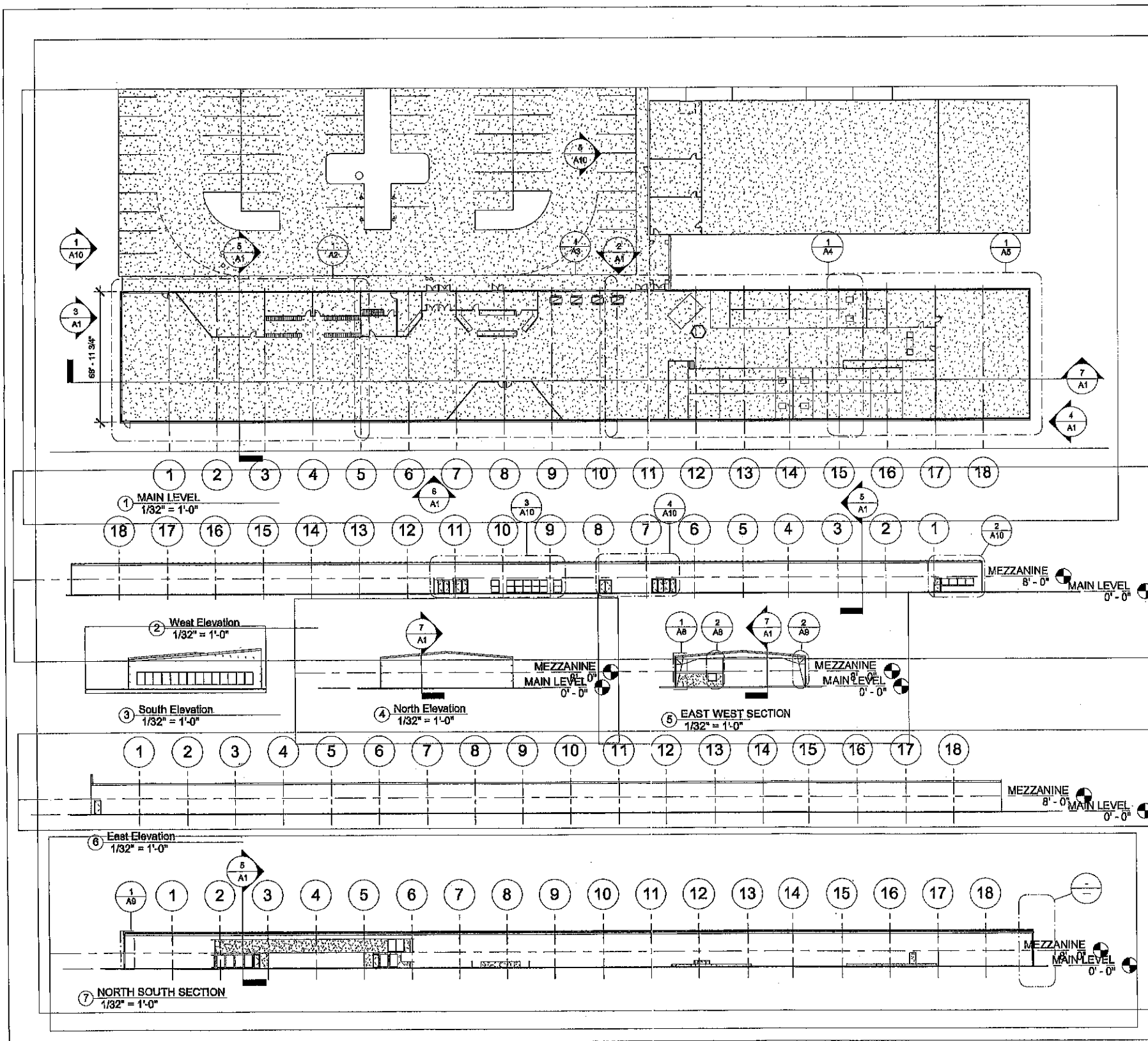
**Revisions**

No.	Description	Date

Owner  
**REC CENTER**

Date: October 29, 2004  
Drawn by: PFM

I hereby certify that these plans were prepared by me, or under my direct supervision, and that I am a duly registered Landscape Architect in the State of Minnesota  
*Paul W. Miller*  
Paul W. Miller, Landscape Architect  
State of Minnesota Reg. No. 20920



WICKISER & HERREID  
ARCHITECTS, INC.

3476 LAKE ELMO AVENUE NORTH  
P.O. BOX 187 LAKE ELMO MN. 55042  
Phone 651-777-7054  
Fax 651-777-9831  
e-mail: [design@w-harchitects.com](mailto:design@w-harchitects.com)

LANDSCAPE DESIGN  
PAUL MILLER DESIGN INC.  
7533 PAUL ROAD  
WOODBURY, MINNESOTA 55125  
Phone 651-781-9859  
e-mail: [paulmillerdesign@men.com](mailto:paulmillerdesign@men.com)

OWNER:  
DOUG LARSON  
3771 SMITH FIELD CURVE  
WOODBURY, MN. 55129  
Phone 612-245-8038  
e-mail:  
[wabbesobal@men.com](mailto:wabbesobal@men.com)

No.	Description	Date

Owner  
**REC CENTER**  
**OVERALL BUILDING PLANS**

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
<b>A1</b>	
Scale	1/32" = 1'-0"

10/29/2004 11:58:47 AM

*10/29/04*  
*[Signature]*