

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

**November 1, 2011**

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: \_\_\_ Johnston \_\_\_ Emmons, \_\_\_ Park \_\_\_ Pearson \_\_\_ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. ACCEPT MINUTES:
1. Accept October 18, 2011 City Council Minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
2. Promote Larry Cornell and Peter Ziemer from probation status to Firefighter
- I. CONSENT AGENDA: (Items are placed on the consent agenda by City staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
3. Approve payment of disbursements and payroll
  4. Adopt Ordinance to extend "No Wake" requirements, Ordinance No. 08-050
  5. 2011 Seal Coat Project – Partial Payment No. 2R1
  6. Durand Variance Extension Request
  7. Adopt Resolution to 2012 Utility Assessment Roll for Delinquent Storm Water
  8. Receive General Fund Report for 3<sup>rd</sup> Quarter, 2011
- J. REGULAR AGENDA:
9. Consider an application for a variance to permit the construction of a screen porch at 2679 Legion Avenue N.
  10. Resolution drafted by City Attorney re: library associate status w/Washington County Library System

11. Reconsideration of Appointments to Library Board
12. Update on Library Operations Budget
13. Special Event Ordinance
14. 2012 Capital Improvement Plan CIP – Discussion on Major Projects
15. Health Insurance Funding
16. Cancel November 8<sup>th</sup> Council Workshop due to School Election

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor and City Council
- Administrator
- City Engineer
- City Attorney
- Planning Director

17. Adjourn

\*\*A social gathering may or may not be held at the Lake Elmo Inn following the meeting.\*\*

City of Lake Elmo  
City Council Minutes

October 18, 2011

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

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

Also Present: Interim Administrator Dawson, City Engineer Stempski, Attorney Sandstrom, Planning Director Klatt, and City Clerk Lumby

APPROVAL OF AGENDA:

*MOTION: Council Member Smith moved to approve the October 18, 2011 City Council agenda, as amended by adding Discussion on the Interim Finance Director. Council Member Pearson seconded the motion. The motion passed 4-0.*

ACCEPTED MINUTES: None

PUBLIC COMMENTS/INQUIRIES:

CONSENT AGENDA:

*MOTION: Council Member Pearson moved to approve Consent Agenda. Council Member Park seconded the motion. The motion passed 5-0.*

- Approve payment of disbursements and payroll in the amount of \$183,116.56
- Approve Partial Payment No. 3 in the amount of \$101,530.37 to be paid from the Project und for the 2011 Street and Water Quality Improvements project
- Authorize staff to retain a contractor to complete the 2011 Crack Seal Project in a total project amount not to exceed \$19,000
- Purchase holiday lights from Main Street Designs for \$5,508.00 plus tax and not to exceed \$800 electrical budget from the Fall Festival Fund an any donated money reimbursed to the fund
- Approve Ordinance No. 08-054 directing placement of one "No Parking Here To Corner" sign, South Bound – West Side from Highway 5 North 80 feet and Two "No Parking" signs North Bound – 180 feet from Highway 5 East Side

Interim Finance Director

Council Member Smith asked for Council consideration on appointing C&J Consulting as the Interim Finance Director. Joe Rigdon, KDV, has been appointed Interim by the past administrator. Smith pointed out the cost savings of approximately 75 percent if the City appointed C&J Consulting.

MOTION: Council Member Smith moved to appoint C&J Consulting as Interim Finance Director with a 100 percent savings to the City. Council Member Park seconded the motion. The motion **failed** 3-2 (Emmons, Johnston, Pearson voting against)

The Council will discuss this as an agenda item at a future Council meeting, but wanted to review the Springsted report before they took any action on an Interim Finance Director.

Accept Petitions and Consider Possible Revisions to Ordinance Section 97.21 Regarding "No Wake" Hours of Operation on Area Lakes

The Council scheduled this item to accept resident petitions and discuss possible revision to City Ordinance Section 97.21 governing operation of motor craft and the hours of "no wake" speeds on area lakes. These lakes include Olson-DeMontreville, Jane and Elmo.

Lake Elmo has restrictions in place on area lakes for "no wake" operation from sunset to 12 noon the following day. However there is no record of any significant enforcement actions taken with respect to this provision. Enforcement is undertaken by the Washington County Sheriff's on behalf of City of Lake Elmo.

In August, area property owners from Lake Jane submitted a petition to the City requesting the City Council change these "slow, no-wake" provisions to sunset to 9 AM. Other property owners from Lake Jane submitted a petition to the City opposing such changes. Property owners along Lake Elmo have spoken against such changes.

The Council consensus was to vote on restrictions for each lake individually. Mayor Johnston voiced his concerns about equal treatment for property owners

*MOTION: Council Member Smith moved to leave the slow, no-wake provision in place (sunset until noon) on Lake Elmo. Council Member Pearson seconded the motion. The motion passed 5-0.*

*MOTION: Council Member Park moved to discuss current regulations for "slow, no-wake" provisions on Lake Jane. Council Member Pearson seconded the motion. The motion passed 5-0.*

Lake Jane

Petition stating opposition to changing the no-wake rule on Lake Jane for the following reasons:

- Lake is small and doesn't support both wake and no-wake activities at the same time
- To believe property values are less because you can't water ski until noon is ridiculous There are people that have purchased houses on Lake Jane because of the no-wake rule
- Shoreline erosion is a concern

- Like the rule as is. Changing it will make it easier for future changes that upset neighbors
- By limiting the hours it forces people who live on the lake to compete with each other and outside users during a narrow time frame for activity.

Bill Stevenson, 8895 Jane Road N, appreciated the opportunity to watch wildlife in the mornings and soak in the serene setting. New residents are in favor of lifting the restriction and changing the time to 9 am instead of noon where many long time residents prefer no change.

Betsy McDonough, 4711 Birchbark Trail N., watches nesting loons and believes rules are a good compromise, but want to see rules enforced.

Marilyn Kennedy, 9051 Jane Road N., likes the rules "as is". The lake is small and erosion is a concern.

Bob Gould, 8802 Lake Jane Trail, Lake Jane is a multiple use lake, at times the water sports conflict.

John Hamerly, 9429 Jane Road N., would like the Council to be aware of the majority vote of the landowners on Lake Jane to change this arbitrary rule to better align with reasonable lake and land use.

Justin and Dana Bloyer, 8881 Jane Road N., easing the restrictions would make Lake Jane more appealing to young home buyers; growing the City and expanding the tax base. Large portion of the names on the petition to maintain the restrictions came from multiple owners of the common lot.

Council Member Emmons suggested a trial period with a check-in point.

Mayor Johnston didn't like excluding people that don't live on the lake. He liked this rule when he moved in 28 years ago.

*MOTION: Council Member Park moved to change the regulations from sunset to 9 a.m. on Lake Jane. Council Member Pearson seconded the motion. The motion passed 3-2 (Johnston and Emmons voting against.)*

*MOTION: Council Member Emmons moved to amend the motion to change time to 10:30 and send to DNR pending its approval. Mayor Johnston seconded the motion. The motion failed 3-2 (Park, Pearson and Smith voting against)*

#### Lakes DeMontreville/Olson

Jim and Robby Dillon, 8190 Hill Trail N. supported the current regulations.

Michelle Hills, 4455 Olson Lake Trail reported a request was made to survey the residents who own property on Lake DeMontreville and Olson Lake in an effort to

determine their preference for time in regards to the current regulations. This survey was distributed to 121 property owners and 100 property owners responded.

Landowners survey results were as follows:

31% responded to wanting a change to the current lake rules

21% No-wake speed between sunset and 9 AM the following day

10% Remove all restrictions

3% I don't care

66% don't change the restrictions on Lake DeMontreville/Olson

William Rowe, 8286 Hidden Bay Ct. N., spoke in favor of leaving the regulations "as-is"

Pat Dean, 8028 Hill Trail N. repeated survey results.

Dave Carlson, 8554 Hidden Bay Trail suggested compromise.

Karen Slakey, 7872 DeMontreville Trail N. concerned on property values.

*MOTION: Mayor Johnston moved to leave the current slow, no-wake provision in place on Lake Olson/DeMontreville. Council Member Emmons seconded the motion. The motion passed 5-0.*

Staff will draft an ordinance and bring back to City Council for approval.

#### Library Updates

Interim City Administrator Dawson reported the City received a report from Foth Engineering, who did a structural engineering review of the Lake Elmo Arts Center.

The swearing-in of the Library Board will be held at City Hall on October 26<sup>th</sup>, 7 p.m.

Attorney Sandstrom explained there is no legal requirement for library doors to be opened January 1st, 2012. Washington County has not been willing to affiliate with Lake Elmo; therefore, the City could potentially affiliate with other City libraries.

Further discussion followed. The City Attorney will draft a resolution asking Washington County for associate status to Lake Elmo in the Washington County Library System.

The Council adjourned the meeting at 9:50 p.m.



## MAYOR & COUNCIL COMMUNICATION

DATE: 11/01/2011  
PUBLIC  
ITEM #: 2  
MOTION [or DISCUSSION]

**AGENDA ITEM:** Promote Larry Cornell and Peter Zierner from Probation to Firefighter

**SUBMITTED BY:** Fire Chief Greg Malmquist

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**SUMMARY AND ACTION REQUESTED:**

The recommended motion to act on this is as follows:

Promote Probationary Members Larry Cornell and Peter Zierner from Probation to Firefighter Status. The new firefighters will recite the "Oath of Office".

*"Move to approve Larry Cornell and Peter Zierner from Probation to Firefighter Status)*

**BACKGROUND INFORMATION:** Larry Cornell and Peter Zierner have completed the requirements of Probation as follows: State Certified Firefighter I & II, State Certified Haz Mat Operations, First Responder and CPR. Approximately 200 hours of training while maintaining their response requirements of Duty Crews, All Calls and Training.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council by undertaking the following action

*"Move to promote Larry Cornell and Peter Zierner from Probation Status to Firefighter with the Lake Elmo Fire Department."*

**ATTACHMENTS:**

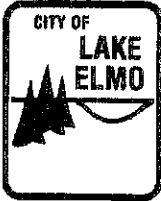
1. Oath of Office

# **OATH OF OFFICE**

**“I (*state your name*) do hereby declare,  
that I will support and uphold the Constitution and laws of the  
United States of America,  
the Constitution and statutes of the State of Minnesota,  
and the Ordinances and Policies of the City of Lake Elmo.**

**To the best of my ability, I will faithfully discharge the duties as  
(*Firefighter, Safety Officer, Captain, District Chief, Chief*)  
of the Lake Elmo Fire Department, dutifully serve the Citizens of  
Lake Elmo,  
and will promote and protect the best interest of the community, in  
accordance with the Policies and Guidelines of the Lake Elmo Fire  
Department”.**





# MAYOR & COUNCIL COMMUNICATION

DATE: 11/1/2011  
CONSENT  
ITEM #: 3  
MOTION as part of Consent Agenda

**AGENDA ITEM:** Approve Disbursements in the Amount of \$ 250,084.15

**SUBMITTED BY:** Joe Rigdon, Interim Finance Director *JR*

**THROUGH:** Craig Dawson, Interim City Administrator *CD*

**REVIEWED BY:** Joan Ziertman, Finance Consultant *JZ*

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$250,084.15. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**BACKGROUND INFORMATION:** The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operation. Below is a summary of current claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 22,697.94	Payroll Taxes to IRS 10/20/2011
ACH	\$ 3,894.05	Payroll Taxes to MN Dept. of Revenue 10/20/2011
ACH	\$ 4,309.11	Payroll Retirement to PERA 10/20/2011
DD3630 – DD3647	\$ 42,825.37	Payroll Dated 10/20/2011 (Direct Deposit)
37640 – 37644	\$ 2,835.77	Payroll Dated 10/20/2011 (Payroll)
37645 – 37674	\$ 173,521.91	Accounts Payable Dated 11/1/2011
<b>TOTAL</b>	<b>\$ 250,084.15</b>	

**STAFF REPORT:** City staff has compiled and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction

**RECOMMENDATION:** It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$250,084.15

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to approve the November 1, 2011, Disbursements as Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 11/1/2011

**SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):**

- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

# Accounts Payable To Be Paid Proof List

User: joan.z  
 Printed: 10/27/2011 - 1:30 PM  
 Batch: 005-10-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AIRGAS Airgas North Central										
105763347	10/31/2011	13.02	0.00	11/01/2011	Acetelyn Tank Lease		-	No		0000
101-430-3100-43150	Contract Services	13.02								
	105763347 Total:	13.02								
	AIRGAS Total:									
ARAM Aramark, Inc.										
629-7345792	10/13/2011	21.71	0.00	11/01/2011	Uniforms		-	No		0000
101-430-3100-44170	Uniforms	21.71								
	629-7345792 Total:	21.71								
629-7350651	10/20/2011	21.71	0.00	11/01/2011	Uniforms		-	No		0000
101-430-3100-44170	Uniforms	21.71								
629-7350651	10/20/2011	21.38	0.00	11/01/2011	Soap		-	No		0000
101-430-3100-42150	Shop Materials	21.38								
	629-7350651 Total:	43.09								
629-7352466	10/24/2011	128.53	0.00	11/01/2011	Linen City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	128.53								
	629-7352466 Total:	128.53								
Multiple	10/10/2011	128.53	0.00	11/01/2011	Linen City Hall 629-7342794		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	128.53								
Multiple	10/10/2011	64.66	0.00	11/01/2011	Linen City Hall Annex 629-7342795		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	64.66								
	Multiple Total:	193.19								
	ARAM Total:	386.52								
BANYON Banyon Data Systems, Inc.										
147121	11/01/2011	978.28	0.00	11/01/2011	Software Support		-	No		0000
601-494-9400-43180	Software Support	978.28								
	147121 Total:	978.28								
	BANYON Total:	978.28								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CENCOLLE Century College Multiple 101-420-2220-44370	10/17/2011 Conferences & Training	690.00	0.00	11/01/2011	Fire Apparatus Driving - 6 Students		-	No		0000
	Multiple Total:	690.00								
	CENCOLLE Total:	690.00								
COMPENSA Compensation Consultants, Ltd November 101-410-1320-44300	10/24/2011 Miscellaneous	40.00	0.00	11/01/2011	Monthly FSA Admin Fee November 2011		-	No		0000
	November Total:	40.00								
	COMPENSA Total:	40.00								
CTYOAKDA City of Oakdale 10000460-01 601-494-9400-43820	09/30/2011 Water Utility	13,187.33	0.00	11/01/2011	Water Service 194		-	No		0000
	10000460-01 Total:	13,187.33								
20110202976 101-420-2220-44040	10/20/2011 Repairs/Maint Eqpt	105.00	0.00	11/01/2011	Cv2 - Oil/filter, repairs - light, nail		-	No		0000
	20110202976 Total:	105.00								
	CTYOAKDA Total:	13,292.33								
EMERGAUT Emergency Automotive tech, Inc 09/28/2011 101-420-2220-44040	09/28/2011 Repairs/Maint Eqpt	59.30	0.00	11/01/2011	Repair Rear Strobe on CV1		-	No		0000
	09/28/2011 Total:	59.30								
	EMERGAUT Total:	59.30								
FXL FXL, Inc. November 101-410-1320-43100	11/01/2011 Assessing Services	2,000.00	0.00	11/01/2011	Assessing Services - November 2011		-	No		0000
	November Total:	2,000.00								
	FXL Total:	2,000.00								
HAGBERGS Hagbergs Country Market 09/30/2011 101-420-2220-42090	09/30/2011 Fire Prevention	88.48	0.00	11/01/2011	Fire Prevention Handouts		-	No		0000
	09/30/2011 Total:	88.48								
	HAGBERGS Total:	88.48								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HARDDRIV Harddrives, Inc.										
Cert #3	09/30/2011	101,530.37	0.00	11/01/2011	2011 Street Improvements #3		-	No		0000
418-480-8000-45300	Improvements Other Than Bldgs									
	Cert #3 Total:	101,530.37								
	HARDDRIV Total:	101,530.37								
Hewlett Hewlett Packard										
30886187-0001	10/17/2011	297.81	0.00	11/01/2011	New Hard Drive - Fire		-	No		0000
101-420-2220-42000	Office Supplies									
	30886187-0001 Total:	297.81								
	Hewlett Total:	297.81								
MALMQ Malinquist Greg										
10/24/2011	10/24/2011	753.32	0.00	11/01/2011	Reimburse Expenses for MSFDA Conf		-	No		0000
101-420-2220-44370	Conferences & Training									
	10/24/2011 Total:	753.32								
	MALMQ Total:	753.32								
404-480-8000-45300 <i>Journal Entry</i>										
MENARDSO Menards - Oakdale										
24951	10/14/2011	24.45	0.00	11/01/2011	Sunfish Parking Improvement Supplies		-	No		0000
<del>101-410-1110-41090</del> <i>Post-time Salaries</i>										
24951	10/14/2011	33.68	0.00	11/01/2011	Shrink Wrap Library Books		-	No		0000
206-450-5300-42000	Office Supplies									
	24951 Total:	58.13								
29256	10/25/2011	23.49	0.00	11/01/2011	Annex Bathroom Faucet		-	No		0000
411-480-8000-45200	Buildings and Structures									
	29256 Total:	23.49								
29278	10/25/2011	11.07	0.00	11/01/2011	Annex Plumbing		-	No		0000
411-480-8000-45200	Buildings and Structures									
	29278 Total:	11.07								
	MENARDSO Total:	92.69								
MILLSCOL Mills Cole										
10/12/2011	10/12/2011	55.00	0.00	11/01/2011	Cabled Live Mtg - Planning Comm		-	No		0000
101-410-1450-43620	Cable Operations				10/12/11					
	10/12/2011 Total:	55.00								
	MILLSCOL Total:	55.00								
MNRURAL MN Rural Water Association										
2011-2012 Memb	10/03/2011	200.00	0.00	11/01/2011	Membership Renewal		-	No		0000
601-494-9400-44370	Conferences & Training									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2011-2012 Memb Total:		200.00								
MNRURAL Total:		200.00								
NEXTEL Nextel Communications										
	10/18/2011	76.01	0.00	11/01/2011	Cell Phone Service - Fire Dept		-	No		0000
	101-420-2220-43210 Telephone									
	10/18/2011	17.53	0.00	11/01/2011	Cell Phone Service - Building Dept		-	No		0000
	101-420-2400-43210 Telephone									
	10/18/2011	52.59	0.00	11/01/2011	Cell Phone Service - Public Works Dept		-	No		0000
	101-430-3100-43210 Telephone									
	10/18/2011	88.17	0.00	11/01/2011	Cell Phone Service - Parks Dept		-	No		0000
	101-450-5200-43210 Telephone									
	10/18/2011 Total:	234.30								
	NEXTEL Total:	234.30								
PEARSON Pearson Bros, Inc.										
	Cert #2 RJ 10/26/2011	45,692.00	0.00	11/01/2011	2011 seal coating Pmt #2		-	No		0000
	409-480-8000-45300 Improvements Other Than Bldgs									
	Cert #2 RJ Total:	45,692.00								
	PEARSON Total:	45,692.00								
PIONEER Pioneer Press										
	10/07/2011	259.50	0.00	11/01/2011	Annual Newspaper Subscription		-	No		0000
	101-410-1320-44330 Dues & Subscriptions									
	10/07/2011 Total:	259.50								
	PIONEER Total:	259.50								
PITNEYRE Reserve Account Pitney Bowes										
	10/27/11	500.00	0.00	11/01/2011	Postage - Admin		-	No		0000
	101-410-1320-43220 Postage									
	10/27/11	500.00	0.00	11/01/2011	Postage - Utility Billing		-	No		0000
	601-494-9400-43220 Postage									
	10/27/11 Total:	1,000.00								
	PITNEYRE Total:	1,000.00								
PRESSA Anastasia Press										
	10/18/2011	55.00	0.00	11/01/2011	Cabled Live - CC Mtg 10/18/11		-	No		0000
	101-410-1450-43620 Cable Operations									
	10/18/2011 Total:	55.00								
	10/24/2011	55.00	0.00	11/01/2011	Cabled Live - PZ meeting 10/24/11		-	No		0000
	101-410-1450-43620 Cable Operations									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	10/24/2011 Total:	55.00								
	PRESSA Total:	110.00								
ROGERS Rogers Printing Services, Corp										
18223	10/19/2011	39.54	0.00	11/01/2011	Printed Business Cards - Dawson		-		No	0000
101-410-1320-42030	Printed Forms									
	18223 Total:	39.54								
	ROGERS Total:	39.54								
S&T S&T Office Products, Inc.										
01ou7974	09/29/2011	59.83	0.00	11/01/2011	Office Supplies - Fire Dept		-		No	0000
101-420-2220-42000	Office Supplies									
01ou7974	09/29/2011	293.82	0.00	11/01/2011	Office Supplies - City Hall		-		No	0000
101-410-1320-42000	Office Supplies									
	01ou7974 Total:	353.65								
01OV7863	10/21/2011	298.61	0.00	11/01/2011	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
01OV7863	10/21/2011	16.02	0.00	11/01/2011	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01OV7863 Total:	314.63								
	S&T Total:	668.28								
SAFEASSU Safe Assure Consultants Inc.										
408	09/12/2011	2,900.00	0.00	11/01/2011	2012 Safety Training		-		No	0000
101-430-3100-43150	Contract Services									
	408 Total:	2,900.00								
	SAFEASSU Total:	2,900.00								
SCHWAAB Schwaab, Inc.										
B59025	10/18/2011	40.70	0.00	11/01/2011	Signature Stamp - S. Lumby		-		No	0000
101-410-1320-42000	Office Supplies									
	B59025 Total:	40.70								
	SCHWAAB Total:	40.70								
TASCH T.A. Schifsky & Sons Inc										
51921	08/25/2011	25.00	0.00	11/01/2011	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
	51921 Total:	25.00								
52189	10/03/2011	252.88	0.00	11/01/2011	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
	52189 Total:	252.88								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
52245	10/10/2011	447.00	0.00	11/01/2011	Asphalt		-	No		0000
101-430-3120-42240 Street Maintenance Materials										
52245 Total:		447.00								
TASCH Total:		724.88								
TDS TDS METROCOM - LLC										
651-779-8882	10/13/2011	157.43	0.00	11/01/2011	Analog Lines - Fire		-	No		0000
101-420-2220-43210 Telephone										
651-779-8882	10/13/2011	155.90	0.00	11/01/2011	Analog Lines - Public Works		-	No		0000
101-430-3100-43210 Telephone										
651-779-8882	10/13/2011	104.79	0.00	11/01/2011	Analog Lines - Lift Station Alarms		-	No		0000
602-495-9450-43210 Telephone										
651-779-8882	10/13/2011	42.25	0.00	11/01/2011	Analog Lines - Well House #2		-	No		0000
601-494-9400-43210 Telephone										
651-779-8882 Total:		460.37								
TDS Total:		460.37								
TRISTATE Tri State Bobcat, Inc.										
A84728	10/18/2011	96.38	0.00	11/01/2011	Tool Cat Filters/Antifreeze		-	No		0000
101-450-5200-42210 Equipment Parts										
A84728 Total:		96.38								
TRISTATE Total:		96.38								
TRUSTPO Trust Point, Inc.										
1030000970	10/24/2011	122.65	0.00	11/01/2011	Refund overpayment on Surface Water		-	No		0000
603-000-0000-37100 Surface Water Utility Sales										
1030000970 Total:		122.65								
TRUSTPO Total:		122.65								
WASHCONS Washington Conservation Dist.										
2228	09/30/2011	535.50	0.00	11/01/2011	3rd Quarter shared educator Program		-	No		0000
603-496-9500-44370 Conferences & Training										
2228 Total:		535.50								
WASHCONS Total:		535.50								
YOCUM Yocum Oil Company, Inc.										
204839	10/19/2011	160.69	0.00	11/01/2011	Bulk Oil Tanks		-	No		0000
101-430-3100-44010 Repairs/Maint Bldg										
204839 Total:		160.69								



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

YOCUM Total:      160.69

Report Total:      173,521.91



## MAYOR & COUNCIL COMMUNICATION

DATE: 11/1/2011  
CONSENT  
ITEM # 4  
MOTION [or DISCUSSION]

**AGENDA ITEM:** Ordinance to Extend the "No Wake" Requirements

**SUBMITTED BY:** Sharon Lumby, City Clerk

**REVIEWED BY:** Craig Dawson, Interim City Administrator

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider taking action on adopting Ordinance No. 08-050, An Ordinance to Allow the City Council To Extend The "No-Wake" Requirements Under the Water Surface Use Ordinance.

**BACKGROUND INFORMATION:** At its September 6, 2011, The City Council rescinded the emergency no-wake level for Lakes Olson/DeMontreville and adopted the emergency no-wake level for Lakes Olson/DeMontreville at 929.7 feet if existing conditions exists after 5 consecutive days.

At its October 18 and September 6, 2011 meeting, the City Council accepted resident petitions on possible revisions to City Ordinance Section 97.21 governing operation of motor craft and the hours of "No-Wake" speeds on area lakes. These lakes include Olson-DeMontreville, Jane and Elmo. At its September 6<sup>th</sup> meeting, the Council unanimously voted to leave the slow, no wake provisions in place (sunset until noon) on Lake Elmo and Lakes DeMontreville/Olson.

Property owners concerns were heard on both sides for leaving the rule as is or changing the rule to "No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day except on Lake Jane, slow, no-wake speed will be in effect between sunset and 9 a.m." The Council adopted (3-2 vote with Mayor Johnston and Council Member Emmons voting against) changing the regulations for Lake Jane, slow, no-wake speed in effect between sunset and 9 a.m.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council undertake the following action:

***"Move to adopt Ordinance No. 08-050, An Ordinance to Allow the City Council to extend the "No-Wake" Requirements under the Water Surface Use Ordinance"***

**ATTACHMENTS:**

1. Ordinance No. 08-050
2. Water Surface Use Regulations
3. September 6, 2001 Council Minutes

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-50  
AN ORDINANCE TO ALLOW THE CITY COUNCIL TO EXTEND THE "NO  
WAKE" REQUIREMENTS UNDER THE WATER SURFACE USE  
ORDINANCE

**Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 97.21 subdivision (B) is hereby amended to read as follows:**

(B) *Hours of operation.*

- (1) Normal Conditions - No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day except on Lake Jane, where slow, no-wake speed will be in effect between sunset and 9 a.m..
- (2) High Water Conditions - No person shall operate any motorboat at a speed other than a slow, no-wake speed until, the lake level for Lakes Olson/DeMontreville at 929.7 feet above mean sea level (msl) if existing conditions exists after five (5) consecutive days.

**Section 2. Adoption Date**

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-050 was adopted on this 1st day of November, 2011, by a vote of Ayes and Nays.

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

ATTEST:

\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator

This Ordinance No.        was published on the    day of    , 2011

(B) A special permit may be issued by the City Administrator or the administrator designee for park usage outside of permitted hours of operation.

(1997 Code, § 1355.07) (Am. Ord. 97-146, passed 2-1-2005) Penalty, see § 10.99

**§ 97.07 GLASS BEVERAGE CONTAINERS PROHIBITED.**

No person shall bring into any park within the city any glass beverage container.

(1997 Code, § 1355.08) Penalty, see § 10.99

**§ 97.08 LIQUOR AND 3.2% MALT LIQUOR PROHIBITED.**

In accordance with § 96.01, liquor and 3.2% malt liquor is prohibited in all parks within the city unless a temporary intoxicating or non-intoxicating liquor license is approved by the city.

(1997 Code, § 1355.09) Penalty, see § 10.99

**WATER SURFACE USE**

**§ 97.20 PURPOSE.**

The purpose of §§ 97.20 *et seq.* is to establish the rules governing the use of the lake surfaces within the city. It is the intent of §§ 97.20 *et seq.* to promote the health, safety, welfare, and well-being of all, and to define the standards of behavior expected for all water users.

(1997 Code, § 1380.01)

**§ 97.21 WATERCRAFT AND WATER SURFACE USE REGULATIONS.**

The following regulations shall apply to the use of watercraft on lakes within the city, to the use of a lake within the city, and to the use of ice surfaces on lakes within the city.

(A) *Dumping.* No person shall dump or throw garbage, paper, bottles, cans, refuse, or debris into any lake or on the shore of any lake or in any public area around any lake in the city.

(B) *Hours of operation.* No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day unless an alternative no-wake time period is established by the City Council as part of a special event.

(C) *Operation regulations.* No person shall operate any watercraft in violation of the provisions of this code, or in violation of the provisions of Minnesota Statutes, and/or the regulations of the Department of Natural Resources which statutes and regulations are hereby adopted and incorporated herein. In the event of a conflict between the various city and state regulations, the more restrictive regulation shall apply.

## Lake Elmo - General Regulations

(D) *Buoys.* No person shall place a buoy on a lake unless the buoy is specifically authorized by the City Council and the Washington County Sheriff.

(E) *Operation.* All motorboats, operating in excess of a slow, no-wake speed shall operate in a counter clockwise direction. Personal watercraft engaging in constant turning activity shall confine that activity to the center of the lake.

(F) *Non-public lake access.* No person, except riparian owners, shall launch a watercraft or gain access to or egress from a lake other than at a designated public access point except in the case of any emergency or except with the written permission of the riparian lot owner. A person who has written permission to launch a watercraft from a riparian lot shall park their vehicle(s) and trailer(s) on the lot of the riparian owner. Riparian lot owners who grant permission to use their property as a launch site shall otherwise comply with all of the land use regulations of the city.

(G) *Public launching areas.* No person shall launch a watercraft or gain access to or egress from a lake except from a public right-of-way or other public park area in those locations specifically designated and posted for the purpose.

(H) *Safe operating distance.*

(1) No person shall operate or permit the operation of a motorboat, in excess of slow, no-wake speed, within 100 feet of a shoreline.

(2) No person shall operate or permit the operation of a motorboat in excess of a slow, no-wake speed when towing a person on water skis or other devices within 100 feet of a shoreline.

(3) Launching or landing a personal watercraft or towing a person on skis or other devices must be done by using the most direct route to or from open water.

(I) *Non-motorized watercraft.* Non-motorized watercraft always have the right-of-way over motorized watercraft.  
(1997 Code, § 1380.03)

(J) *Permanent "slow - no wake" areas.* The channels and narrows between Lake Olson and Lake DeMontreville are hereby designated as permanent "slow - no wake" areas and appropriate signs shall be posted.

(K) *Special water ski show permit.* A special permit may be issued by the City Administrator or the administrator designee for waiving water ski shows. A permit shall specify the dates and times of use, and the regulation that will apply to the water ski show. Applicant for special permits shall provided evidence of insurance coverage and consent from the Washington County Sheriff's Department. Applicant shall also make arrangements with the Lake Elmo Fire Department to provide an emergency vehicle during the water ski show.

(Am. Ord. 97-150, passed 3-1-2005; Am. Ord. 08-014, passed 5-19-2009) Penalty, see § 10.99

Pat Dean, 8028 Hill Trail N., provided information re:feet of bounce before "No Wake" on the lakes and lake levels taken by the Valley Branch Watershed District. Mr. Dean noted that he placed the buoys out from his property onto Lake DeMontreville because the buoys mark the sandbar. Washington County Sheriff's Office appreciated Mr. Dean's assistance in the placement, removal and the off-season storage of the buoys.

Bob Van Zandt, 8110 Hidden, stated there are many accusations being said and asked the residents to just stay with the facts.

Jim Dillon, 8190 Hill Trail N., lives on the channel and watches people ignoring the no-wake buoys. He is not anti water recreation events, only when damage is done to the lots. He provided pictures showing erosion at various addresses on Lake DeMontreville.

Nadine Obermueller, 8696 42<sup>nd</sup> Street N. the weir erected in 1987 is doing a good job.

Council discussion followed. Council Member Smith came up with a compromise of 929.7 feet for a duration time of five days. She asked that the Council wait to make a motion until they discuss Item No. 9.

MOTION: Council Member Pearson moved to rescind Ordinance No. 08-050. Council Member Park seconded the motion.

*MOTION: Mayor Johnston moved to amend motion to set the emergency no-wake level for Lakes Olson/DeMontreville at 929.7 feet if existing condition exists after 5 consecutive days. Council Member Emmons second the motion. The motion passed 3-2 (Council Members Pearson and Smith voting against.)*

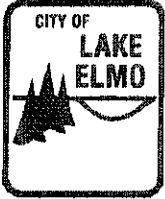
*MOTION: Council Member Pearson moved to rescind Ordinance No. 08-050 and to set the emergency no-wake level for Lakes Olson/DeMontreville at 929.7 feet if existing conditions exists after 5 consecutive days. Councilmember Park seconded the motion. The motion passed 3-2 (Council Member Pearson voted against the motion because he wanted to start fresh. Council Member Smith voted against the motion because she wanted to wait to make a motion until the Council disused Item No. 9.)*

#### Accept Petition for Lake Rule Change on Lakes Jane, DeMontreville and Olson

The City Council received a petition from property owners on Lake Jane and a request from three property owners on Lakes DeMontreville/Olson a change to Ordinance No. 08-050, Section 97.21 (B) governing Hours of Operation.

These residents spoke in favor of the following modification:

(B) Hours of Operation: No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day except Lake Jane/DeMontreville/Olson On these lakes no person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and 9 a.m. the following day.



## MAYOR & COUNCIL COMMUNICATION

DATE: 11/1/2011  
CONSENT 5  
ITEM #:  
MOTION *as part of Consent Agenda*

**AGENDA ITEM:** 2011 Seal Coat Project – Partial Payment No. 2R1

**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Joe Rigdon, Finance Department

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to approve partial payment to Pearson Brothers, Inc. for the 2011 Seal Coat Project in the amount of \$45,692. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**STAFF REPORT:** Pearson Brothers, Inc., the Contractor for the project, has submitted Partial Payment Certificate No. 2R1 in the amount of \$45,692. This request has been reviewed and payment is recommended in the amount requested. Per our Agreement with West Lakeland Township, the City of Lake Elmo will be reimbursed for this portion of work completed in West Lakeland in the amount of \$45,692.

A small area of defective work was discovered on Ivy Avenue within Lake Elmo. The Contractor was notified of this corrective work, but was unable to complete the work this season due to scheduling and temperature constraints. Therefore, the City has retained 5% of the total work completed within Lake Elmo. The amount retained is \$3,453.80. Once the defective work has been corrected and approved, final payment will be processed. The corrective work is scheduled for spring 2012.

**RECOMMENDATION:** Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* Partial Payment No. 2R1 in the amount of \$45,692.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, table this item for future consideration, or further discuss, deliberate and/or, if

appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

**“Move to approve Partial Payment No. 2R1 in the amount of \$45,692  
to be paid from the Project Fund for the  
2011 Seal Coat Project.  
*[and amended and/or modified at tonight’s meeting].”***

**ATTACHMENTS:** (1)

1. Payment Certificate No. 2R1 for the 2011 Seal Coat Project

**SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):**

- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates



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Proj. No. 14816.003 Cert. No. 2R1 St. Paul, MN, October 26, 2011

To City of Lake Elmo, Minnesota Owner

This Certifies that Pearson Brothers, Contractor

For 2011 Seal Coat Project

Is entitled to Forty Five Thousand Six Hundred Ninety Two Dollars and 00/100 (\$45,692.00)

being 2nd estimate for partial payment on contract with you dated May 19, 2011

Received payment in full of above Certificate. **TKDA**

Pearson Bros, Inc., 2011 Larry D. Bohrer, P.E.

### RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 119,200.00		
All previous payments		\$ 65,622.20	
All previous credits			
Extra No.			
Compensting Change Order No. 1R	\$ (4,432.00)		
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 45,692.00	
Totals	\$ 114,768.00	\$ 111,314.20	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 3,453.80	
	\$ 114,768.00	\$ 114,768.00	\$ -

TKDA  
Engineers-Architects-Planners Saint Paul, Minnesota 55101

**PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS**

Estimate No. 2R1 Period Ending October 26 20 11 Page 1 of 1 Proj. No. 14816.003  
Contractor Pearson Bros., Inc. Original Contract Amount \$119,200.00  
Project 2011 Seal Coat Project  
Location City of Lake Elmo, Minnesota

Total Contract Work Completed -		\$	<u>114,768.00</u>
Total Approved Credits		\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>	
Approved Extra Orders Amount Completed		\$	<u>0.00</u>
Total Amount Earned This Estimate		\$	<u>114,768.00</u>

Less Approved Credits	\$	<u>0.00</u>	
Less Lump Sum Retained	\$	<u>3,453.80</u>	
Less Previous Payments	\$	<u>65,622.20</u>	
Total Deductions		\$	<u>69,076.00</u>
Amount Due This Estimate		\$	<u>45,692.00</u>

Contractor Pearson Bros., Inc. Date \_\_\_\_\_  
Engineer Larry D. Bohrer Date October 26, 2011  
Larry D. Bohrer, P.E.

ESTIMATE NO. 2R1

October 26, 2011

2011 SEALCOAT PROJECT  
CITY OF LAKE ELMO & WEST LAKELAND TOWNSHIP, MINNESOTA  
PROJECT NO. 14816.003

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	AS BUILT QTY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>WEST LAKELAND TOWNSHIP</b>						
1	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	SY	45,700	45,692	\$ 1.00	\$ 45,692.00

SUBTOTAL FOR WEST LAKELAND TOWNSHIP

\$ 45,692.00



ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	AS BUILT QTY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>CITY OF LAKE ELMO</b>						
1	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	SY	73,500	69,076	\$ 1.00	\$ 69,076.00

SUBTOTAL FOR LAKE ELMO

\$ 69,076.00

TOTAL ESTIMATE NO. 2R1

\$ 114,768.00



# MAYOR & COUNCIL COMMUNICATION

DATE: 11/1/11  
**CONSENT**  
ITEM #: # 6

**AGENDA ITEM:** Accept extension letter submitted by Mr. Durand for Variance application at 2860 Lake Elmo Avenue North.

**SUBMITTED BY:** Kelli Matzek, City Planner

**THROUGH:** Craig Dawson, Interim City Administrator

**SUMMARY AND ACTION REQUESTED:** Mr. Durand, property owner at 2860 Lake Elmo Avenue North, has applied for a variance to allow two holding tanks to be constructed closer to the southern property line and the Ordinary High Waterline then is allowed and to utilize the holding tanks for over 12 months. This application was tabled by the City Council. Mr. Durand has asked for additional time to complete more detailed information requested by the City Council. Attached is a copy of the signed form from Mr. Durand agreeing to extend the review date beyond the 120 days specified in State Statute to January 15, 2012.

**ATTACHMENTS:**

1. Signed agreement to extend the review period

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... City Planner
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**AGREEMENT TO EXTEND REVIEW PERIOD**

On September 15, 2011, the City informed Mr. Clyde Durand that an additional 60 days would be taken to review Mr. Durand's application for a septic variance to be located at 2860 Lake Elmo Avenue. At the September 20<sup>th</sup> City Council meeting, additional options were brought to the City Council from the applicant. At that meeting, the City Council asked the applicant for more detailed information on the options provided. The deadline for the City Council to make a determination on this application is November 17, 2011. Because the applicant has not been able to compile the additional information requested for Council review prior to this date, Mr. Clyde Durand has requested the City extend the period of time for reviewing the application to January 15, 2012 which is beyond the 120 days for review otherwise allowed by State Statute.

**CITY OF LAKE ELMO**

Dated: 10-28-11

By: Kyle Klatt, ARM  
Kyle Klatt, City Planner

**CLYDE DURAND, PROPERTY  
OWNER OF 2860 LAKE ELMO AVENUE**

Dated: 10-28-11

By: Clyde J. Durand  
Clyde Durand, Property Owner  
Its: \_\_\_\_\_

**DATE: 11/1/2011**  
**Consent**  
**Item # 7**

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

**RESOLUTION NO. 2011-049**

**RESOLUTION RELATED TO 2012 UTILITY ASSESSMENT ROLL FOR  
DELINQUENT STORM WATER**

BE IT RESOLVED by the City Council of the City of Lake Elmo, Minnesota, the attached list of 11 parcels may be removed from the 2012 assessment roll due to receipt of payments made to the City of Lake Elmo.

APPROVED by the Lake Elmo City Council on this 1<sup>st</sup> day of November, 2011.

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Craig Dawson  
Interim City Administrator

City of Lake Elmo

Parcels to be removed from 2012 Assessment file

Updates as of 10.27.2011

<u>Address</u>	<u>PID</u>	<u>Amount</u>
9765 53rd Street N	03.029.21.42.0009	88.00
12404 Marquess Way N	06.029.20.31.0016	122.65
8450 Hidden Bay Trl N	09.029.21.24.0003	122.65
4227 Kirkwood Ln N	11.029.21.42.0008	122.65
4938 Lily Ave N	12.029.21.12.0020	88.00
4415 Olson Lake Trl	08.029.21.14.0056	88.00
800 Niccollet Mall N	08.029.21.41.0002	88.00
7975 Afton Road	22.029.21.21.0005	122.65
7975 Afton Road	22.029.21.21.0010	122.65
7975 Afton Road	22.029.21.21.0016	122.65
7975 Afton Road	22.029.21.22.0034	122.65

1,210.55

## Memorandum

To: City of Lake Elmo City Council

From: Joe Rigdon, KDV

Date: October 27, 2011

Re: General Fund Revenues/Expenditures through 3<sup>rd</sup> Quarter 2011 (Unaudited)

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The attached report details year-to-date City of Lake Elmo General Fund revenues and expenditures through September 30, 2011 (unaudited). Highlights are as follows:

### Revenues:

- Property taxes and franchise fees at 52.1% of budget, as projected (2<sup>nd</sup> half taxes will be received in 12/11)
- Building permits through September 30, 2011 amounted to \$110,060 (100.1% of budget), as compared to \$116,934 through September 30, 2010.
- Plan check fees through September 30, 2011 amounted to \$41,744 (130.5% of budget), as compared to \$43,610 through September 30, 2010.
- Through September 30, 2011, both the 1<sup>st</sup> half and 2<sup>nd</sup> half 2011 MSA maintenance aid payments were received from the State, amounting to \$83,018 (121.2% of budget).
- The City received State Fire Aid of \$40,692 in the 3<sup>rd</sup> quarter of 2011, while State Fire Aid was not received until the 4<sup>th</sup> quarter in 2010.
- Total revenues were \$1,717,370 (58.9% of budget) through September 30, 2011, increasing 7.6% from \$1,596,138 through September 30, 2010.

### Expenditures:

- General government expenditures totaled \$726,994 (74.8% of budget) through September 30, 2011, increasing 9.1% from \$666,234 through September 30, 2010. Administration department legal services for the first three quarters of 2011 were approximately \$36,000 greater than for the comparable prior year period. Administration department miscellaneous expenditures are greater than two times the full year budget due to the inclusion of City Administrator relocation costs. Finance department contract services are shown at 204.6% of the \$30,000 finance department budget but are subject to a year-end allocation to the Water, Sewer, and Surface Water funds based on estimates of actual time incurred (\$41,000 of contract services are budgeted for 2011 in the utility funds).
- Public safety expenditures totaled \$569,530 (53.2% of budget) through September 30, 2011, decreasing 4.7% from \$597,606 through September 30, 2010. Due to



costs of a home demolition, building inspection miscellaneous expenditures through 3<sup>rd</sup> quarter of 2010 were \$17,958, as compared to \$0 for the first three quarters of 2011.

- Public works expenditures totaled \$307,451 (76.7% of budget) through September 30, 2011, decreasing 0.8% from \$309,864 through September 30, 2010.
- Parks and recreation expenditures totaled \$108,116 (56.0% of budget) through September 30, 2011, decreasing 12.2% from \$123,180 through September 30, 2010.
- Operating transfers out to other funds totaled \$179,000 through 3<sup>rd</sup> quarter 2011, as compared to \$126,850 through 3<sup>rd</sup> quarter 2010. Transfers are largely utilized for capital outlay purposes established during the annual budgeting process.
- Total expenditures and transfers out were \$1,891,092 (64.8% of budget) through September 30, 2011, increasing 3.7% from \$1,823,734 through September 30, 2010.

# General Fund Quarterly Report

Quarterly Report  
 10/27/2011  
 1:01 PM  
 Periods 01 to 09  
 Fiscal Year 2011 to 2011

Account Number	Description	2011 Budget	2011 Year-to-Date (09/30/11)	2011 Percentage of Budget	2010 Year-to-Date (09/30/10)
101	General Fund				
	Revenue				
000	General				
0000	General				
101-000-0000-31010	Current Ad Valorem Taxes	-\$2,447,385.00	-\$1,169,260.43	47.78	-\$1,072,260.21
101-000-0000-31020	Delinquent Ad Valorem Taxes	\$0.00	-\$6,917.25	00.00	-\$35,192.29
101-000-0000-31030	Mobile Home Tax	-\$8,000.00	-\$2,500.80	31.26	-\$1,589.69
101-000-0000-31040	Fiscal Disparities	\$0.00	-\$81,205.18	00.00	-\$90,492.96
101-000-0000-31910	Penalty & Interest on Taxes	\$0.00	\$526.10	00.00	-\$2,855.85
101-000-0000-32110	Liquor License	-\$7,200.00	-\$2,075.00	28.82	-\$1,725.00
101-000-0000-32180	Wastehauler License	-\$1,000.00	\$0.00	00.00	-\$230.00
101-000-0000-32181	General Contractor License	-\$2,000.00	-\$1,725.00	86.25	-\$3,530.00
101-000-0000-32183	Heating Contractor License	-\$100.00	-\$75.00	75.00	\$0.00
101-000-0000-32184	Blacktopping Contractor Licens	-\$60.00	\$0.00	00.00	\$0.00
101-000-0000-32210	Building Permits	-\$110,000.00	-\$110,059.80	100.05	-\$116,934.34
101-000-0000-32215	Surcharge	\$0.00	\$0.00	00.00	\$0.00
101-000-0000-32220	Heating Permits	-\$3,000.00	-\$7,580.17	252.67	-\$7,084.50
101-000-0000-32230	Plumbing Permits	-\$3,000.00	-\$5,341.00	178.03	-\$5,481.00
101-000-0000-32231	Sewer Permits	-\$500.00	\$0.00	00.00	-\$561.00
101-000-0000-32240	Animal License	-\$2,100.00	-\$1,742.00	82.95	-\$2,865.00
101-000-0000-32250	Utility Permits	-\$6,000.00	-\$4,688.21	78.14	-\$5,052.34
101-000-0000-32260	Burning Permit	-\$1,000.00	-\$1,040.00	104.00	-\$1,310.00
101-000-0000-33418	MSA - Maintenance	-\$68,500.00	-\$83,018.00	121.19	-\$77,347.00
101-000-0000-33420	State Fire Aid	-\$40,000.00	-\$40,692.00	101.73	\$0.00
101-000-0000-33422	PERA Aid	-\$2,749.00	-\$1,374.50	50.00	-\$1,374.50
101-000-0000-33426	Miscellaneous State Grants	\$0.00	-\$21,179.00	00.00	\$0.00
101-000-0000-33620	Gravel Tax	-\$3,100.00	-\$925.18	29.84	-\$439.24
101-000-0000-33621	Recycling Grant	-\$15,000.00	-\$15,588.00	103.92	-\$15,588.00
101-000-0000-33622	Cable Franchise Revenue	-\$35,000.00	-\$38,894.09	111.13	-\$35,366.96
101-000-0000-34103	Zoning & Subdivision Fees	-\$4,000.00	-\$8,465.00	211.63	-\$7,180.00
101-000-0000-34104	Plan Check Fees	-\$32,000.00	-\$41,743.71	130.45	-\$43,610.21
101-000-0000-34105	Sale of Copies, Books, Maps	-\$200.00	-\$114.75	57.38	-\$80.80
101-000-0000-34107	Assessment Searches	-\$200.00	-\$295.00	147.50	-\$450.00
101-000-0000-34109	Clean Up Days	-\$4,000.00	-\$3,058.00	76.45	-\$3,425.00
101-000-0000-34111	Cable Operation Reimbursement	-\$2,000.00	-\$1,357.42	67.87	-\$1,683.12
101-000-0000-35100	Fines	-\$52,000.00	-\$49,873.41	95.91	-\$46,685.44
101-000-0000-36200	Miscellaneous Revenue	-\$11,129.00	-\$7,608.00	68.36	-\$7,721.51
101-000-0000-36210	Interest Earnings	-\$50,000.00	\$0.00	00.00	\$0.00
101-000-0000-36230	Donations	-\$8,000.00	-\$9,500.00	118.75	-\$8,022.46
0000	General	-\$2,919,223.00	-\$1,717,369.80	58.83	-\$1,596,138.42
000	General	-\$2,919,223.00	-\$1,717,369.80	58.83	-\$1,596,138.42
	Revenue	-\$2,919,223.00	-\$1,717,369.80	58.83	-\$1,596,138.42

# General Fund Quarterly Report

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Account Number	Description	2011 Budget	2011 Year-to-Date (09/30/11)	2011 Percentage of Budget	2010 Year-to-Date (09/30/10)
	Expense				
410	General Government				
1110	Mayor & Council				
101-410-1110-41030	Part-time Salaries	\$16,435.00	\$8,217.50	50.00	\$8,217.50
101-410-1110-41220	FICA Contributions	\$1,019.00	\$509.49	50.00	\$509.49
101-410-1110-41230	Medicare Contributions	\$238.00	\$119.14	50.06	\$119.14
101-410-1110-43310	Mileage	\$1,000.00	\$0.00	00.00	\$0.00
101-410-1110-44300	Miscellaneous	\$2,000.00	\$742.66	37.13	\$3,091.59
101-410-1110-44330	Dues & Subscriptions	\$9,800.00	\$8,813.00	89.93	\$3,987.00
101-410-1110-44370	Conferences & Training	\$3,500.00	\$1,852.81	52.94	\$1,575.56
1110	Mayor & Council	\$33,992.00	\$20,254.60	59.59	\$17,500.28
1320	Administration				
101-410-1320-41010	Full-time Salaries	\$221,094.00	\$151,715.29	68.62	\$150,730.97
101-410-1320-41210	PERA Contributions	\$8,634.00	\$5,747.05	66.56	\$5,555.93
101-410-1320-41215	ICMA Employer Contribution	\$7,395.00	\$5,252.33	71.03	\$4,837.56
101-410-1320-41220	FICA Contributions	\$13,708.00	\$9,140.47	66.68	\$9,211.08
101-410-1320-41230	Medicare Contributions	\$3,206.00	\$2,137.69	66.68	\$2,154.22
101-410-1320-41300	Health/Dental Insurance	\$38,682.00	\$25,060.50	64.79	\$28,488.76
101-410-1320-41420	Unemployment Benefits	\$0.00	\$7,147.98	00.00	\$0.00
101-410-1320-41510	Workers Compensation	\$2,579.00	\$2,141.00	83.02	\$1,921.00
101-410-1320-42000	Office Supplies	\$7,500.00	\$2,983.15	39.78	\$2,866.26
101-410-1320-42030	Printed Forms	\$1,000.00	\$53.44	05.34	\$457.56
101-410-1320-43040	Legal Services	\$60,000.00	\$72,706.96	121.18	\$36,818.79
101-410-1320-43100	Assessing Services	\$45,500.00	\$23,383.84	51.39	\$22,326.00
101-410-1320-43220	Postage	\$7,500.00	\$4,185.00	55.80	\$2,500.00
101-410-1320-43310	Mileage	\$3,500.00	\$1,304.76	37.28	\$1,390.50
101-410-1320-43610	Insurance	\$39,500.00	\$34,381.24	87.04	\$38,563.04
101-410-1320-44300	Miscellaneous	\$6,000.00	\$12,882.55	214.71	\$889.08
101-410-1320-44330	Dues & Subscriptions	\$4,000.00	\$1,515.53	37.89	\$2,270.00
101-410-1320-44370	Conferences & Training	\$3,500.00	\$578.13	16.52	\$2,573.05
101-410-1320-44380	Staff Development	\$1,000.00	\$74.00	07.40	\$125.00
1320	Administration	\$474,298.00	\$362,390.91	76.41	\$313,678.80
1410	Elections				
101-410-1410-44300	Miscellaneous	\$1,350.00	\$940.00	69.63	\$1,457.98
1410	Elections	\$1,350.00	\$940.00	69.63	\$1,457.98
1450	Communications				
101-410-1450-41010	Full-time Salaries	\$11,139.00	\$3,538.42	31.77	\$4,648.02
101-410-1450-41210	PERA Contributions	\$808.00	\$256.56	31.75	\$325.08
101-410-1450-41220	FICA Contributions	\$691.00	\$219.41	31.75	\$288.17
101-410-1450-41230	Medicare Contributions	\$162.00	\$51.31	31.67	\$67.37
101-410-1450-41510	Workers Compensation	\$563.00	\$467.00	82.95	\$430.00
101-410-1450-43090	Newsletter	\$5,400.00	\$3,748.10	69.41	\$3,739.38
101-410-1450-43180	Information Technology/Web	\$31,500.00	\$15,952.92	50.64	\$21,942.23
101-410-1450-43510	Public Notices	\$4,000.00	\$2,171.83	54.30	\$866.18
101-410-1450-43620	Cable Operations	\$4,000.00	\$2,361.60	59.04	\$2,537.04
1450	Communications	\$58,263.00	\$28,767.15	49.37	\$34,843.47

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1520	Finance				
101-410-1520-41010	Full-time Salaries	\$34,741.00	\$24,671.60	71.02	\$24,366.00
101-410-1520-41210	PERA Contributions	\$2,519.00	\$1,788.67	71.01	\$1,703.65
101-410-1520-41220	FICA Contributions	\$2,154.00	\$1,509.53	70.08	\$1,500.93
101-410-1520-41230	Medicare Contributions	\$504.00	\$353.01	70.04	\$351.05
101-410-1520-41300	Health/Dental Insurance	\$4,114.00	\$3,017.92	73.36	\$3,161.22
101-410-1520-41510	Workers Compensation	\$279.00	\$232.00	83.15	\$176.00
101-410-1520-42000	Office Supplies	\$500.00	\$477.18	95.44	\$0.00
101-410-1520-42030	Printed Forms	\$0.00	\$542.96	00.00	\$0.00
101-410-1520-43010	Audit Services	\$29,500.00	\$23,670.00	80.24	\$28,935.00
101-410-1520-43150	Contract Services	\$30,000.00	\$61,391.49	204.64	\$56,313.75
101-410-1520-43310	Mileage	\$250.00	\$0.00	00.00	\$0.00
101-410-1520-44300	Miscellaneous	\$3,000.00	\$865.73	28.86	\$2,676.47
101-410-1520-44330	Dues & Subscriptions	\$100.00	\$0.00	00.00	\$0.00
101-410-1520-44350	Books	\$100.00	\$0.00	00.00	\$0.00
101-410-1520-44370	Conferences & Training	\$300.00	\$20.00	06.67	\$0.00
1520	Finance	<u>\$108,061.00</u>	<u>\$118,540.09</u>	<u>109.70</u>	<u>\$119,184.07</u>
1910	Planning & Zoning				
101-410-1910-41010	Full-time Salaries	\$104,312.00	\$79,939.20	76.63	\$70,606.88
101-410-1910-41210	PERA Contributions	\$7,563.00	\$5,464.73	72.26	\$4,746.75
101-410-1910-41220	FICA Contributions	\$6,467.00	\$4,664.08	72.12	\$4,191.00
101-410-1910-41230	Medicare Contributions	\$1,513.00	\$1,090.73	72.09	\$980.06
101-410-1910-41300	Health/Dental Insurance	\$26,487.00	\$16,860.17	63.65	\$16,479.35
101-410-1910-41510	Workers Compensation	\$838.00	\$696.00	83.05	\$526.00
101-410-1910-42000	Office Supplies	\$1,000.00	\$27.95	02.80	\$87.53
101-410-1910-42030	Printed Forms	\$0.00	\$494.01	00.00	\$239.26
101-410-1910-43020	Comprehensive Planning	\$20,000.00	\$0.00	00.00	\$526.52
101-410-1910-43030	Engineering Services	\$10,000.00	\$17,887.38	178.87	\$16,323.70
101-410-1910-43150	Contract Services	\$5,000.00	\$995.00	19.90	\$2,595.10
101-410-1910-43310	Mileage	\$500.00	\$0.00	00.00	\$0.00
101-410-1910-44300	Miscellaneous	\$500.00	\$6.00	01.20	\$65.26
101-410-1910-44330	Dues & Subscriptions	\$750.00	\$515.00	68.67	\$495.00
101-410-1910-44350	Books	\$250.00	\$305.00	122.00	\$0.00
101-410-1910-44370	Conferences & Training	\$1,500.00	\$660.00	44.00	\$801.00
1910	Planning & Zoning	<u>\$186,680.00</u>	<u>\$129,605.25</u>	<u>69.43</u>	<u>\$118,663.41</u>
1930	Engineering Services				
101-410-1930-43030	Engineering Services	\$70,000.00	\$41,269.70	58.96	\$35,616.53
1930	Engineering Services	<u>\$70,000.00</u>	<u>\$41,269.70</u>	<u>58.96</u>	<u>\$35,616.53</u>
1940	City Hall				
101-410-1940-42110	Cleaning Supplies	\$550.00	\$361.87	65.79	\$507.74
101-410-1940-42230	Building Repair Supplies	\$1,000.00	\$0.00	00.00	\$159.98
101-410-1940-43210	Telephone	\$7,125.00	\$6,011.98	84.38	\$5,569.40
101-410-1940-43810	Electric Utility	\$12,500.00	\$6,972.78	55.78	\$5,464.40
101-410-1940-43840	Refuse	\$1,300.00	\$965.48	74.27	\$829.28
101-410-1940-44010	Repairs/Maint Contractual Bldg	\$11,000.00	\$8,380.34	76.18	\$10,650.77
101-410-1940-44040	Repairs/Maint Contractual Eqpt	\$5,000.00	\$2,523.31	50.47	\$1,437.99
101-410-1940-44300	Miscellaneous	\$1,000.00	\$10.70	01.07	\$669.64

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1940	City Hall	\$39,475.00	\$25,226.46	63.90	\$25,289.20
410	General Government	\$972,119.00	\$726,994.16	74.78	\$666,233.74
420	Public Safety				
2100	Police				
101-420-2100-43150	Law Enforcement Contract	\$483,765.00	\$224,197.13	46.34	\$239,391.53
2100	Police	\$483,765.00	\$224,197.13	46.34	\$239,391.53
2150	Prosecution				
101-420-2150-43045	Attorney Criminal	\$51,000.00	\$30,870.37	60.53	\$33,370.72
2150	Prosecution	\$51,000.00	\$30,870.37	60.53	\$33,370.72
2220	Fire				
101-420-2220-41010	Full-time Salaries	\$64,701.00	\$45,911.37	70.96	\$45,264.48
101-420-2220-41030	Part-time Salaries	\$100,000.00	\$39,412.34	39.41	\$40,040.56
101-420-2220-41210	PERA Contributions	\$9,008.00	\$6,622.97	73.52	\$6,186.55
101-420-2220-41220	FICA Contributions	\$6,468.00	\$2,616.12	40.45	\$2,656.79
101-420-2220-41230	Medicare Contributions	\$2,388.00	\$1,198.91	50.21	\$1,212.66
101-420-2220-41300	Health/Dental Insurance	\$16,722.00	\$10,797.87	64.57	\$12,279.18
101-420-2220-41510	Workers Compensation	\$15,892.00	\$13,190.00	83.00	\$12,472.00
101-420-2220-42000	Office Supplies	\$1,000.00	\$49.20	04.92	\$373.15
101-420-2220-42080	EMS Supplies	\$1,200.00	\$1,311.67	109.31	\$0.00
101-420-2220-42090	Fire Prevention	\$3,000.00	\$20.23	00.67	\$2,274.47
101-420-2220-42120	Fuel, Oil and Fluids	\$10,000.00	\$17,369.01	173.69	\$6,889.23
101-420-2220-42400	Small Tools & Equipment	\$10,000.00	\$4,952.92	49.53	\$5,259.06
101-420-2220-43050	Physicals	\$9,250.00	\$2,081.58	22.50	\$5,063.69
101-420-2220-43210	Telephone	\$5,000.00	\$2,379.30	47.59	\$3,079.50
101-420-2220-43230	Radio	\$18,500.00	\$11,460.39	61.95	\$8,035.18
101-420-2220-43310	Mileage	\$600.00	\$25.01	04.17	\$670.07
101-420-2220-43630	Vehicle Insurance	\$15,475.00	\$10,754.00	69.49	\$13,980.20
101-420-2220-43810	Electric Utility	\$12,500.00	\$8,468.01	67.74	\$7,028.48
101-420-2220-43840	Refuse	\$1,000.00	\$425.00	42.50	\$364.96
101-420-2220-44010	Repairs/Maint Bldg	\$11,000.00	\$7,612.17	69.20	\$23,061.30
101-420-2220-44040	Repairs/Maint Eqpt	\$25,000.00	\$30,893.86	123.58	\$18,751.85
101-420-2220-44170	Uniforms	\$9,200.00	\$4,008.97	43.58	\$1,223.28
101-420-2220-44300	Miscellaneous	\$1,500.00	\$1,417.35	94.49	\$1,238.91
101-420-2220-44330	Dues & Subscriptions	\$3,300.00	\$2,901.20	87.92	\$1,619.00
101-420-2220-44350	Books	\$1,000.00	\$788.74	78.87	\$758.66
101-420-2220-44370	Conferences & Training	\$22,000.00	\$15,785.13	71.75	\$12,046.46
2220	Fire	\$375,704.00	\$242,453.32	64.53	\$231,829.67
2250	Fire Relief				
101-420-2250-44920	Fire State Aid	\$40,000.00	\$0.00	00.00	\$0.00
101-420-2250-44925	City Contribution	\$7,175.00	\$0.00	00.00	\$1,000.00
2250	Fire Relief	\$47,175.00	\$0.00	00.00	\$1,000.00
2400	Building Inspection				
101-420-2400-41010	Full-time Salaries	\$60,935.00	\$42,524.21	69.79	\$41,315.84

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101-420-2400-41210	PERA Contributions	\$4,418.00	\$3,082.92	69.78	\$2,888.69
101-420-2400-41220	FICA Contributions	\$3,778.00	\$2,565.40	67.90	\$2,517.98
101-420-2400-41230	Medicare Contributions	\$884.00	\$600.08	67.88	\$588.90
101-420-2400-41300	Health/Dental Insurance	\$9,487.00	\$6,412.13	67.59	\$6,684.35
101-420-2400-41510	Workers Compensation	\$2,451.00	\$2,034.00	82.99	\$2,319.00
101-420-2400-42000	Office Supplies	\$300.00	\$402.56	134.19	\$0.00
101-420-2400-42030	Printed Forms	\$300.00	\$145.88	48.63	\$0.00
101-420-2400-42120	Fuel, Oil and Fluids	\$3,750.00	\$0.00	00.00	\$0.00
101-420-2400-43030	Engineering	\$5,000.00	\$8,445.80	168.92	\$6,178.25
101-420-2400-43050	Plan Review Charges	\$1,000.00	\$0.00	00.00	\$0.00
101-420-2400-43060	Surcharge Payments	\$0.00	-\$2,042.96	00.00	-\$4,835.68
101-420-2400-43150	Inspector Contract Services	\$1,000.00	\$386.08	38.61	\$631.50
101-420-2400-43210	Telephone	\$425.00	\$146.07	34.37	\$232.39
101-420-2400-43310	Mileage	\$250.00	\$0.00	00.00	\$0.00
101-420-2400-43630	Insurance	\$1,000.00	\$242.00	24.20	\$903.41
101-420-2400-44040	Repairs/Maint Eqpt	\$750.00	\$340.58	45.41	\$364.90
101-420-2400-44170	Uniforms	\$300.00	\$0.00	00.00	\$0.00
101-420-2400-44300	Miscellaneous	\$500.00	\$0.00	00.00	\$17,958.08
101-420-2400-44330	Dues & Subscriptions	\$200.00	\$75.00	37.50	\$100.00
101-420-2400-44350	Books	\$200.00	\$0.00	00.00	\$0.00
101-420-2400-44370	Conferences & Training	\$500.00	\$170.00	34.00	\$155.00
2400	Building Inspection	\$97,428.00	\$65,529.75	67.26	\$78,002.61
2500	Emergency Communications				
101-420-2500-43150	Contract Services	\$2,500.00	\$5,250.00	210.00	\$6,485.00
2500	Emergency Communications	\$2,500.00	\$5,250.00	210.00	\$6,485.00
2700	Animal Control				
101-420-2700-42030	Printed Forms	\$150.00	\$0.00	00.00	\$0.00
101-420-2700-43150	Contract Services	\$12,600.00	\$651.57	05.17	\$7,526.51
101-420-2700-44300	Miscellaneous	\$100.00	\$577.68	577.68	\$0.00
2700	Animal Control	\$12,850.00	\$1,229.25	09.57	\$7,526.51
420	Public Safety	\$1,070,422.00	\$569,529.82	53.21	\$597,606.04
430	Public Works				
3100	Public Works				
101-430-3100-41010	Full-time Salaries	\$126,033.00	\$88,222.60	70.00	\$85,344.88
101-430-3100-41030	Part-time Salaries	\$12,824.00	\$0.00	00.00	\$0.00
101-430-3100-41210	PERA Contributions	\$10,067.00	\$6,395.98	63.53	\$5,967.17
101-430-3100-41220	FICA Contributions	\$8,609.00	\$5,103.60	59.28	\$5,043.87
101-430-3100-41230	Medicare Contributions	\$2,013.00	\$1,193.46	59.29	\$1,179.65
101-430-3100-41300	Health/Dental Insurance	\$38,177.00	\$24,385.76	63.88	\$27,575.97
101-430-3100-41510	Workers Compensation	\$13,946.00	\$11,376.00	81.57	\$13,541.00
101-430-3100-42000	Office Supplies	\$500.00	\$0.00	00.00	\$181.09
101-430-3100-42150	Shop Materials	\$4,000.00	\$911.25	22.78	\$646.70
101-430-3100-42210	Equipment Parts	\$0.00	\$1,576.71	00.00	\$0.00
101-430-3100-42230	Building Repair Supplies	\$1,000.00	\$277.46	27.75	\$4.76
101-430-3100-42400	Small Tools & Minor Equipment	\$3,000.00	\$918.77	30.63	\$976.68

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101-430-3100-43030	Engineering Services	\$1,000.00	\$1,278.54	127.85	\$769.25
101-430-3100-43150	Contract Services	\$7,500.00	\$1,363.46	18.18	\$1,385.90
101-430-3100-43210	Telephone	\$6,375.00	\$6,089.94	95.53	\$6,060.68
101-430-3100-43230	Radio	\$500.00	\$0.00	00.00	\$0.00
101-430-3100-43310	Mileage	\$100.00	\$0.00	00.00	\$0.00
101-430-3100-43630	Insurance	\$15,670.00	\$13,274.00	84.71	\$14,156.37
101-430-3100-43810	Electric Utility	\$25,000.00	\$10,777.52	43.11	\$11,524.92
101-430-3100-43840	Refuse	\$1,800.00	\$1,852.48	102.92	\$1,650.96
101-430-3100-44010	Repairs/Maint Bldg	\$1,500.00	\$2,748.60	183.24	\$2,664.05
101-430-3100-44030	Repairs/Maint Imp Not Bldgs	\$0.00	\$12,554.19	00.00	\$0.00
101-430-3100-44040	Repairs/Maint Eqpt	\$6,000.00	\$548.65	09.14	\$779.77
101-430-3100-44170	Uniforms	\$1,675.00	\$1,151.52	68.75	\$1,247.64
101-430-3100-44300	Miscellaneous	\$2,000.00	\$20.25	01.01	\$379.92
101-430-3100-44330	Dues & Subscriptions	\$150.00	\$60.00	40.00	\$0.00
101-430-3100-44370	Conferences & Training	\$1,000.00	\$620.00	62.00	\$875.09
101-430-3100-44380	Clean-up Days	\$7,500.00	\$5,833.91	77.79	\$6,602.43
3100	Public Works	\$297,939.00	\$198,534.65	66.64	\$188,558.75
3120	Streets				
101-430-3120-42120	Fuel, Oil and Fluids	\$30,000.00	\$13,404.46	44.68	\$15,690.68
101-430-3120-42210	Equipment Parts	\$8,500.00	\$2,181.16	25.66	\$1,582.75
101-430-3120-42240	Street Maintenance Materials	\$15,000.00	\$8,920.50	59.47	\$4,287.85
101-430-3120-42260	Sign Repair Materials	\$3,000.00	\$1,633.37	54.45	\$2,611.50
101-430-3120-43150	Contract Services	\$16,500.00	\$2,456.55	14.89	\$6,945.83
101-430-3120-44040	Repairs/Maint Eqpt	\$5,000.00	\$4,676.45	93.53	\$71.60
3120	Streets	\$78,000.00	\$33,272.49	42.66	\$31,190.21
3125	Ice and Snow Removal				
101-430-3125-42250	Landscaping Materials	\$1,000.00	\$445.57	44.56	\$301.82
101-430-3125-42290	Sand/Salt	\$65,000.00	\$36,579.93	56.28	\$57,410.89
101-430-3125-43150	Contract Services	\$7,500.00	\$5,254.80	70.06	\$0.00
101-430-3125-44040	Repairs/Maint Eqpt	\$2,500.00	\$387.26	15.49	\$1,694.64
3125	Ice and Snow Removal	\$76,000.00	\$42,667.56	56.14	\$59,407.35
3160	Street Lighting				
101-430-3160-43810	Street Lighting	\$24,000.00	\$21,090.09	87.88	\$15,532.39
3160	Street Lighting	\$24,000.00	\$21,090.09	87.88	\$15,532.39
3200	Recycling				
101-430-3200-42100	Recycling Supplies	\$3,500.00	\$970.78	27.74	\$921.21
101-430-3200-43090	Newsletter	\$4,000.00	\$0.00	00.00	\$931.96
101-430-3200-44300	Miscellaneous	\$7,500.00	\$2,858.03	38.11	\$2,725.40
3200	Recycling	\$15,000.00	\$3,828.81	25.53	\$4,578.57

# General Fund Quarterly Report

Quarterly Report  
 10/27/2011  
 1:01 PM  
 Periods 01 to 09  
 Fiscal Year 2011 to 2011

Account Number	Description	2011 Budget	2011 Year-to-Date (09/30/11)	2011 Percentage of Budget	2010 Year-to-Date (09/30/10)
3250	Tree Program				
101-430-3250-43150	Contract Services	\$10,500.00	\$8,057.75	76.74	\$10,596.88
3250	Tree Program	\$10,500.00	\$8,057.75	76.74	\$10,596.88
430	Public Works	\$501,439.00	\$307,451.35	61.31	\$309,864.15
450	Culture, Recreation				
5200	Parks & Recreation				
101-450-5200-41010	Full-time Salaries	\$77,977.00	\$46,231.27	59.29	\$47,550.36
101-450-5200-41030	Part-time Salaries	\$31,162.00	\$16,789.50	53.88	\$17,157.05
101-450-5200-41210	PERA Contributions	\$7,912.00	\$4,082.66	51.60	\$4,043.02
101-450-5200-41220	FICA Contributions	\$6,767.00	\$3,759.26	55.55	\$3,915.05
101-450-5200-41230	Medicare Contributions	\$1,583.00	\$879.31	55.55	\$915.61
101-450-5200-41300	Health/Dental Insurance	\$14,852.00	\$9,392.91	63.24	\$10,559.72
101-450-5200-41510	Workers Compensation	\$8,426.00	\$6,994.00	83.00	\$7,253.00
101-450-5200-42000	Office Supplies	\$300.00	\$0.00	00.00	\$0.00
101-450-5200-42120	Fuel, Oil and Fluids	\$3,000.00	\$0.00	00.00	\$0.00
101-450-5200-42150	Shop Materials	\$750.00	\$144.14	19.22	\$0.00
101-450-5200-42160	Chemicals	\$1,000.00	\$304.08	30.41	\$224.44
101-450-5200-42210	Equipment Parts	\$2,500.00	\$1,187.48	47.50	\$1,785.15
101-450-5200-42230	Building Repair Supplies	\$500.00	\$0.00	00.00	\$261.62
101-450-5200-42250	Landscaping Materials	\$3,500.00	\$1,035.88	29.60	\$2,433.26
101-450-5200-42400	Small Tools & Minor Equipment	\$1,000.00	\$422.79	42.28	\$465.97
101-450-5200-43210	Telephone	\$550.00	\$586.85	106.70	\$190.52
101-450-5200-43310	Mileage	\$100.00	\$0.00	00.00	\$0.00
101-450-5200-43630	Insurance	\$5,500.00	\$3,595.00	65.36	\$4,968.73
101-450-5200-43810	Electric Utility	\$10,164.00	\$6,935.43	68.24	\$7,098.24
101-450-5200-43840	Refuse	\$2,500.00	\$1,852.48	74.10	\$1,590.96
101-450-5200-44010	Repairs/Maint Bldg	\$700.00	\$0.00	00.00	\$0.00
101-450-5200-44030	Repairs/Maint Imp Not Bldgs	\$4,000.00	\$265.78	06.64	\$8,706.89
101-450-5200-44040	Repairs/Maint Eqpt	\$2,000.00	\$427.15	21.36	\$111.00
101-450-5200-44120	Rentals - Buildings	\$5,000.00	\$3,150.83	63.02	\$3,795.75
101-450-5200-44300	Miscellaneous	\$1,500.00	\$79.49	05.30	\$154.00
5200	Parks & Recreation	\$193,243.00	\$108,116.29	55.95	\$123,180.34
450	Culture, Recreation	\$193,243.00	\$108,116.29	55.95	\$123,180.34
493	Other Financing Uses				
9360	Transfers Out				
101-493-9360-47200	Transfers Out	\$182,000.00	\$179,000.00	98.35	\$126,850.00
9360	Transfers Out	\$182,000.00	\$179,000.00	98.35	\$126,850.00
493	Other Financing Uses	\$182,000.00	\$179,000.00	98.35	\$126,850.00
	Expense	\$2,919,223.00	\$1,891,091.62	64.78	\$1,823,734.27



*General Fund Quarterly Report*

Quarterly Report  
10/27/2011  
1:01 PM  
Periods 01 to 09  
Fiscal Year 2011 to 2011

<u>Account Number</u>	<u>Description</u>	<u>2011 Budget</u>	<u>2011 Year-to-Date (09/30/11)</u>	<u>2011 Percentage of Budget</u>	<u>2010 Year-to-Date (09/30/10)</u>
101	General Fund	\$0.00	\$173,721.82	00.00	\$227,595.85



## MAYOR & COUNCIL COMMUNICATION

DATE: 11/1/11  
**REGULAR**  
ITEM #: #9  
**MOTION**  
**RESOLUTION 2011-050**

**AGENDA ITEM:** Consider an application for a variance to permit the construction of a screen porch at 2769 Legion Avenue North that does not meet the required setback from a side, corner lot line – R1 zoning

**SUBMITTED BY:** Kelli Matzek, City Planner

**THROUGH:** Lake Elmo Planning Commission  
Craig Dawson, Interim City Administrator

**REVIEWED BY:** Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:** Staff is respectfully requesting the City Council consider a variance application from Alan and Ralea Kupferschmidt, to allow the construction of an expanded screen porch to the south side of their home at 2769 Legion Avenue North. A variance has been requested because their lot abuts a dedicated, but unimproved publicly dedicated road right-of-way with significant City infrastructure. Therefore, this lot is considered a corner lot and is subject to a 25 foot corner, side yard setback instead of the 10 foot setback if the property was adjacent to another residential property line. They are proposing to encroach no closer than 15 feet to this southern property line where the 25 foot setback is applied.

The recommended motion to act on this is as follows:

*“Move to approve Resolution 2011-050 approving the 10 foot variance to the southern property line requested for 2769 Legion Avenue North.”*

**BACKGROUND INFORMATION:** The applicant applied for a street vacation, which was denied by the City Council at their October 4<sup>th</sup> meeting.

**STAFF REPORT:** For variance applications, the burden is on the applicant to demonstrate why this situation is unique and necessitates flexibility to code requirements. To make this case, a variance can only be granted by the city when strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of

this chapter. The criteria that are included in the City Code for making such a decision include the following:

*Practical Difficulties.* A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

- Definition of practical difficulties. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

*Unique Circumstances.* The plight of the landowner is due to circumstances unique to the property not created by the landowner

*Character of locality.* The proposed variance will not alter the essential character of the locality in which the property in question is located.

*Adjacent properties and traffic.* The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

In reviewing the request against the four criteria listed above, staff determined that all of these criteria were met by the applicant and is recommending approval of the request based on the suggested findings included in the attached Staff report.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council approve the variance requested by undertaking the following action:

***"Move to approve Resolution 2011-050 approving the 10 foot variance to the southern property line requested for 2769 Legion Avenue North."***

Alternatively, the City Council may deny the variance, but must provide findings to support the denial.

**ATTACHMENTS:**

1. Detailed Staff Report
2. Resolution 2011-050
3. Neighbor letter of support
4. Applicant's submittals

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... Planning Director
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

City of Lake Elmo Planning Department  
**Variance Request**

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*To:* **City Council**

*From:* **Kelli Matzek, City Planner**

*Meeting Date:* **11/1/11**

*Applicant:* **Alan and Ralea Kupferschmidt**

*Location:* **2769 Legion Avenue North**

*Zoning:* **R1 – Single Family Residential**

***Introductory Information***

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***Application Summary:***

The City of Lake Elmo has received an application for a variance from Alan and Ralea Kupferschmidt to allow the construction of a larger screen porch than what was previously on the site at 2769 Legion Avenue North. A variance has been requested because the proposed addition would be located no closer than 15 feet to the southern property line which is considered a side (corner) lot line and is therefore subject to a 25 foot setback.

The dedicated right-of-way adjacent to the southern lot line was established as part of the Myron Ellman Subdivision, platted in 1969.

***Property Information:***

The applicants' property is located in the Myron Ellman Subdivision and is adjacent to a dedicated road right-of-way (identified as 12<sup>th</sup> Street on the plat) that runs east/west along the south side of that single family residential neighborhood. This right-of-way has never been paved for a street, and Staff does not anticipate that it ever will be used as such due to the fairly steep slopes that make up the land under which the right-of-way has been platted.

Although it is highly unlikely that the 12<sup>th</sup> Street road right-of-way will ever be paved, there is some significant City infrastructure within this right-of-way such as a lift station, water lines, and a paved turn-around at the end of Legion Avenue. This right-of-way also provides the only dedicated access to a 1.78 acre City-owned property utilized as a septic system (201 system) that serves a large number of homes in this neighborhood. Because of the significant infrastructure within the 12<sup>th</sup> Street right-of-way, the City denied a road right-of-way vacation request received previously from the applicant.

***Applicable Codes:***

**Section 150.017 Variances.**

(A-I) Variances. Identifies procedures and requirements for the processing and

review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

**Section 154.041 (C) R-1 Minimum District Requirements**

Building Setback from Property Lines

- Side (Corner): 25 Feet.
- Side (Interior): 10 Feet.
- Front: 30 Feet

**Section 150.256 (B) Subd. 2 (b) Additions/expansions to nonconforming structures.**

(a) Additions/expansions. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of § 150.255. Any deviation from these requirements must be authorized by a variance pursuant to § 150.253(B)(2).

***Findings & General Site Overview***

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**Site Data:** Lot Size: 16,717 square feet (0.38 acres)  
Existing Use: Residential  
Existing Zoning: R1 – Single Family Residential;  
Property Identification Number (PID): 24-029-21-12-0017

***Application Review:***

***Applicable Definitions:***

**BUILDING.** Any structure either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or movable property of any kind. When any portion of a building is completely separate from every other part of a building by area separation, each portion of the building shall be deemed as a separate building.

**DWELLING, SINGLE-FAMILY.** A residential structure designed for or used exclusively as 1 dwelling unit of permanent occupancy.

**LOT, CORNER.** A lot situated at the junction of and abutting on 2 or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle or which does not exceed 135 degrees.

**LOT, CORNER.** A lot situated at the intersection of 2 streets, the interior angle of the intersection not exceeding 135 degrees.

**LOT LINE, FRONT.** The boundary of a lot which abuts a public street. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to

have frontage on both streets.

**LOT LINE.** A lot line is the property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the lot line.

**PRACTICAL DIFFICULTIES** "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

**SETBACK.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground level.

**STREET.** A public right-of-way affording primary access by pedestrian or vehicles or both, to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard. "Public" in the subdivision regulations means that the right-of-way has been dedicated to public use for street purpose and has been accepted for maintenance by the city. Whenever the word **STREET** is used, it shall mean a public street unless the context indicates a different meaning.

**UNIQUE CIRCUMSTANCES.** The plight of the landowner is due to circumstances unique to the property not created by the landowner

**Variance  
Review:**

The applicant is proposing to construct a screen porch larger than the one previously built on the site at 2769 Legion Avenue North. The home on the site is currently in a conforming location, however the previously existing screen porch was non-conforming to the setback from the southern property line. The applicants are interested in rebuilding the non-conforming screen porch, but to also make it three feet longer. This expansion of a non-conforming structure requires a variance.

The applicant's southern property line is adjacent to a platted right-of-way. The land within the right-of-way will likely never be used for road purposes due to topography and because there is not the ability for a road connection to the development to the east.

Although the dedicated right-of-way does not have an improved City street in that location and is not expected to, City Staff has expressed concerns in vacating that land due to City infrastructure in that location. The applicants have previously applied for a vacation and were denied.

Because the southern property line is adjacent to the dedicated right-of-way, it is

**Variance  
Criteria:**

considered a corner lot by city code and is therefore subject to a 25 foot setback whereas only a 10 foot setback would apply if that land was privately owned or was dedicated instead as an easement.

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. Because the City has amended the variance provisions of the ordinance, some of these required findings will be relatively new to both staff and Planning Commissioners. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicants' request.

1. **Practical Difficulties.** *A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.*

The language concerning "practical difficulties" represents the bulk of the new provisions that were amended in the City Code. Under this standard, the City would need to find that the construction of a slightly larger screen porch at 2769 Legion Avenue North is a reasonable use of the property not otherwise permitted under the zoning ordinance. The appropriate findings for this standard would therefore need to note the addition proposed is a reasonable improvement for a lot in one of the City's single family districts. Using this standard as a basis, Staff is suggesting that the Planning Commission consider the following:

FINDINGS: That the proposed use is reasonable because the applicants have demonstrated that the proposed expansion is minor and would be allowed if the property to the south (dedicated right-of-way) was not subject to street setbacks where a street will not be built. The proposed addition will comply with all other applicable code requirements.

2. **Unique Circumstances.** *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

In order to demonstrate compliance with this standard, the Planning Commission would need to note those aspects of the applicant's property that would not pertain to other properties within the same zoning classification. In this case, the location of the applicant's property adjacent to land dedicated for public right-of-way and therefore being subject to a corner lot designation and resulting setback from which a City street will not be constructed is a unique circumstance. The



previously existing screen porch was built a few decades ago, but there is no record of a city building permit having been issued. Again, Staff is suggesting some findings that could be considered by the Planning Commission as follows:

**FINDINGS:** That the applicant's property is unique due to its location adjacent to a publicly dedicated right-of-way that will not be improved for a City street, but is still subject to a corner lot designation and a resulting 25 foot setback from the southern property line.

3. ***Character of locality.*** *The proposed variance will not alter the essential character of the locality in which the property in question is located.*

To comply with this requirement, the applicant would need to demonstrate that the proposed addition will not change the essential function and use within the neighborhood in which it is located. Below are suggested findings: A more formal set of findings related to this standard is suggested as follows:

**FINDINGS:** The applicants are proposing to rebuild, a slightly larger screen porch onto their residential home. The common existence of screen porches in residential neighborhoods, in combination of the previous existence of a slightly smaller screen porch align with the rest of the residential neighborhood in which it would reside.

The residential home located across the street is less than five feet from the property line adjacent to the dedicated right-of-way (and therefore subject to the same 25 foot setback) whereas the proposed variance would allow the screen porch to be no closer than 15 feet to the similar property line.

4. ***Adjacent properties and traffic.*** *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.*

Staff has found that the proposed screen porch will comply with this provision since it is located in a manner that will minimize direct impacts to adjacent properties and will not create any additional traffic on the streets surrounding the applicants' property.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending approval of the variance request based on the findings noted in items 1-4 above.

**Variance Conclusions:** Based on the analysis of the review criteria in City Code and referenced in the preceding section, Staff is recommending **approval** of the applicant's request to construct a larger screen porch that is setback no closer than 15 feet from the south property line.

**Resident Concerns:** Staff has received one email in support of the application, which is attached to this report.

**Planning Commission Review:** The Planning Commission reviewed the application, held a public hearing and recommended approval of the variance requested at their October 24<sup>th</sup> meeting. No one spoke for or against the application during the public hearing, but City Staff summarized an email from a neighbor in support of the application.

**Additional Information:** The City Engineer has reviewed the proposed location of the addition and has not expressed any concerns regarding the proposed construction site. They had expressed opposition to the previously denied vacation request, but are in general support of the variance proposed.

**Conclusion:**

The applicants are seeking approval of a variance to allow the construction of an expanded non-conforming screen porch to their home at 2769 Legion Avenue North. The proposed screen porch would be allowed no closer than 15 feet to the south property line where a 25 foot setback is required.

**Council Options:**

The City Council has the following options:

- A) Approval the variance request;
- B) Deny the variance request;
- C) Table the request and direct staff or the applicant to provide additional information concerning this application.

**Rec:**

**Staff and the Planning Commission are recommending approval** of a variance to allow the construction of a 16 foot by 13 foot screen porch at 2769 Legion Avenue North no closer than 15 feet to the south property line based on the findings documented in the above Staff report.

**Denial Motion**

To deny the request, you may use the following motion as a guide:

**Template:**

**I move to deny the request for a variance** to allow the construction of a screen porch at 2769 Legion Avenue North that is no closer than 15 feet to the south property line....(please site reasons for the recommendation)

**Approval Motion**

To approve the request, you may use the following motion as a guide:

**Template:** I move to approve the request for a variance to allow the construction of a 16 foot by 13 foot screen porch at 2769 Legion Avenue North no closer than 15 feet to the south property line.

cc: Alan and Ralea Kupferschmidt, applicant

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

**RESOLUTION NO. 2011-050**

*A RESOLUTION APPROVING A VARIANCE TO ALLOW THE CONSTRUCTION OF A  
THREE SEASON PORCH THAT IS CLOSER THAN THE REQUIRED SIDE YARD SETBACK  
FROM A STREET RIGHT-OF-WAY ON A CORNER LOT*

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

**WHEREAS**, Alan Kupferschmidt, 2769 Legion Avenue (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a variance to allow the construction of a an addition to their home for a three-season porch that is set back a minimum of 15 feet from the 12<sup>th</sup> Street right-of-way as platted within the Myron Ellman Subdivision, a copy of which is on file with the City; and

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

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on October 24, 2011; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated November 1, 2011; and

**WHEREAS**, the City Council considered said matter at its November 1, 2011 meeting.

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

**FINDINGS**

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.

- 3) That the proposed variance is to allow the construction of a an addition to their home for a three-season porch that is set back a minimum of 15 feet from the 12<sup>th</sup> Street right-of-way as platted within the Myron Ellman Subdivision. A variance has been requested because the Lake Elmo Zoning Ordinance requires a minimum setback of 25 feet from a side yard abutting a street on a corner lot.
- 4) That the Variance will be located on property legally described as follows: Lot 9, Block 2 of the Myron Ellman Subdivision, Washington County and State of Minnesota. Commonly known as 2769 Legion Avenue.
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings: That the proposed use is reasonable because the applicants has demonstrated that the proposed expansion is minor and would be allowed if the property to the south, which is platted as a street right-of-way, was not subject to a larger setback than a typical side lot line. The City does not have plans to build a street in this location, and the existing infrastructure is located a substantial distance from the applicant's house. The proposed addition will comply with all other applicable code requirements.*
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings: That the applicant's property is unique due to its location adjacent to a publicly dedicated right-of-way that will not be improved for a City Street, but is still subject to a corner lot designation and a resulting setback of 25 feet from the southern property line.*
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings: That the applicant is proposing to build a larger screen porch onto the existing residential home on the site. The common existence of screen porches in residential neighborhoods, in combination with the previous existence of a slightly smaller screen porch align with the rest of the residential neighborhood in which it would reside. The residential home located across the street is less than five feet from the property line adjacent to the dedicated right-of-way (and therefore subject to the same 25-foot setback), whereas the proposed variance would allow the screen porch to be no closer than 15 feet to the similar property line.*
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

### CONCLUSIONS AND DECISION

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

Passed and duly adopted this 1<sup>st</sup> day of November 2011 by the City Council of the City of Lake Elmo, Minnesota.

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

ATTEST:

\_\_\_\_\_  
Craig Dawson, Interim City Administrator

## Kyle Klatt

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From: mark@dezielstaxservice.com  
Sent: Monday, October 24, 2011 3:51 PM  
To: Kyle Klatt  
Subject: Variance 2769 Legion Ave N

Kyle Klatt  
Planning Director

Because of a prior commitment I will not be able to attend the meeting of the Planning Commission tonight, October 24, 2011. Please foreword the following to the Commission on my behalf.

Lake Elmo Planning Commission,  
Bob Van Zandt, Chairman,

I hope that you will give the variance request to allow a 3 season porch to be constructed at 2769 Legion Avenue North an fair and sympathetic consideration. Not because the applicants, Al and Rae Kupferschmidt are the best neighbors anyone could ever have (which they are.); but because the situation merits and even exemplifies the reason for granting a variance.

Recalling from my days on the Planning Commission the first requirement for a variance is that is be a reasonable request. (denial of a reasonable use). A 3 season porch in a residential neighborhood is hardly an unreasonable request.

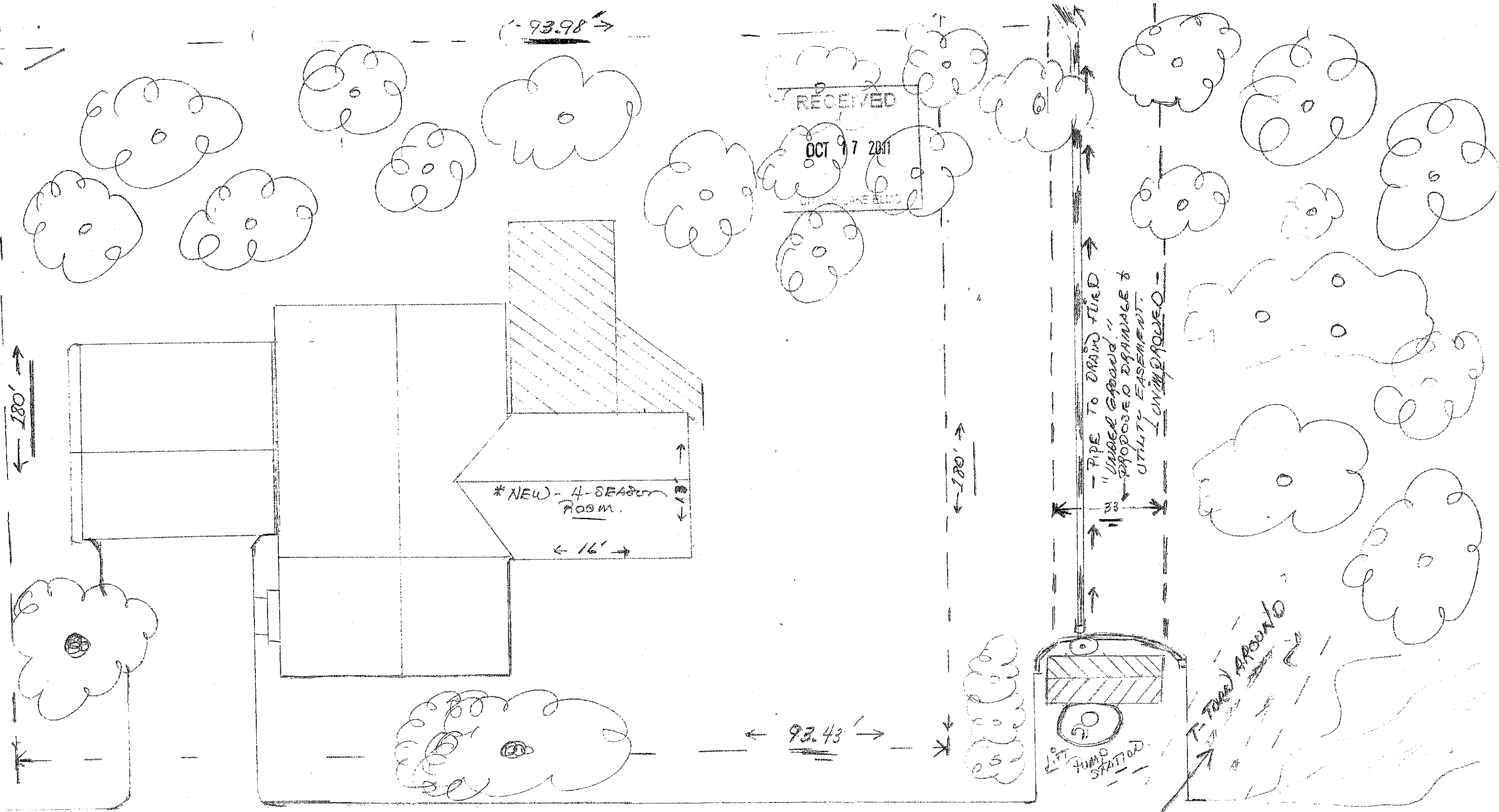
The second is that the variance does not change the character of the neighborhood. If the requested variance is granted there will be no detectable change in the character of the neighborhood. In fact, only 3 of the 24 residences on the street will even have a view of the porch. I live right next door and will not be able to see any of the porch. There is no way it can change the character of our neighborhood.

Of the final requirement, that the applicant did not cause the need for the variance, I have no knowledge of, or reason to believe they did. I understand that they purchased the home already built on land platted before the current zoning code existed.

Although setback from street right of way is a valid safety concern in general; we are not dealing with a real street in this case. The platted street does not exist in reality, and is unlikely to be surfaced and used as a street in the future. The City itself has blocked the passage way with a large structure for the monitoring and control of a city 201 septic system which serves several homes in the neighborhood. If one where able to get past that point the hill is of an unreasonably steep grade to have traffic pass safely. Finally the only place one would have to go on such a street is the 201 system drain field. The stub of a "street" just ends in the backyards of residents of the neighboring Heritage Farm housing development.

The granting of this variance will not bring about a floodgate of similar variance requests. It is safe and reasonable to assume that this variance request is made upon unique circumstances unanticipated in the code and constitute a good example of when a variance should be granted.

-Mark Deziel, 651 748-2835  
former member of the  
Lake Elmo Planning Commission  
2783 Legion Ave N  
Lake Elmo MN 55042



RECEIVED

OCT 17 2011

L.V. ELMO, ARK.

← 93.98 →

← 180' →

← 180' →

← 93.43 →

\* NEW - 4-SEASON ROOM.

← 16' →

↑ 8' ↓

PIPE TO DRAIN FIELD  
"UNDER GRADE"  
PROPOSED DRAINAGE &  
UTILITY EASEMENT  
UNIMPROVED

LIFT PUMP STATION

T-TOWN AROUND

2769 LEGION AVE N.  
L.V. ELMO, ARK.





# MAYOR & COUNCIL COMMUNICATION

DATE: November 1, 2011  
**REGULAR**  
ITEM #: 10.  
**Motion/Resolution**

**AGENDA ITEM:** Resolution to Washington County Requesting Associate Library Status

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator  
Kevin S. Sandstrom, Assistant City Attorney

**SUMMARY AND ACTION REQUESTED:** At the end of discussion on library matters at the October 18 meeting, Council directed that a resolution be prepared laying out the reasons for and requesting associate library status with the Washington County Library System. Council requested that this resolution be scheduled for consideration at its November 1, 2011, meeting. Assistant City Attorney Kevin Sandstrom has drafted the proposed Resolution. An appropriate motion for the Council to consider is:

**“Move to adopt the Resolution requesting association between the City of Lake Elmo Library and the Washington County Library System (and as may be amended/modified during tonight’s meeting).”**

**ATTACHMENTS:**

- Proposed resolution

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... Interim City Administrator/City Attorney
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion ..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

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

**RESOLUTION NO. 2011-\_\_**

*A RESOLUTION REQUESTING ASSOCIATION BETWEEN THE CITY OF LAKE ELMO LIBRARY AND THE WASHINGTON COUNTY LIBRARY SYSTEM.*

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

**WHEREAS**, the City has passed certain resolutions and is taking certain actions pursuant to Minn. Stat. § 134.07 *et seq.* to establish a city public library service, including imposition of a tax levy upon its residents for library services, appointment of a library board, acquisition of books, and acquisition of appropriate building space for library operations; and

**WHEREAS**, it is the intention of the City of Lake Elmo to provide well managed and quality library services for the residents of Lake Elmo; and

**WHEREAS**, the City of Lake Elmo desires to have access to MELSA services and full participation in the State Borrowers Compact; and

**WHEREAS**, the State Librarian has advised the City that the City can obtain access to MELSA services and participation in the State Borrowers Compact by contractually affiliating with another library or library system that is a member of MELSA and the State Borrowers Compact; and

**WHEREAS**, the Washington County Library System is a member of MELSA and participates in the State Borrowers Compact; and

**WHEREAS**, the Washington County Library System has in the past and is currently contractually affiliated with the City of Stillwater Public Library and City of Bayport Public Library, and thereby provides Stillwater and Bayport with access to MELSA and the State Borrowers Compact; and

**WHEREAS**, the written policies of the Washington County Library System provide that "When consolidation is not chosen by the community, we will consider requests from city libraries for development of Full Service contracts which will result in the contracting public libraries operating as a single unit, while retaining separate library boards and governance" which includes "all the elements of Full Participation in MELSA as described in the MELSA Plan of Association."

**WHEREAS**, the City of Lake Elmo desires to affiliate with the Washington County Library System and enter into a Full Service contractual agreement similar to that of the City of Stillwater Public Library and City of Bayport Public Library.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the City Council of the City of Lake Elmo hereby requests that Washington County enter into a Full Service Contract with the City of Lake Elmo in order to provide associate status to Lake Elmo, to provide certain library services to Lake Elmo similar to those provided to the Public Libraries of Stillwater and Bayport, and provide full participation in MELSA and the State Borrowers Compact, and in turn, Lake Elmo will provide appropriate compensation to Washington County for such services.

**IT IS FURTHER RESOLVED**, that the City Council of the City of Lake Elmo authorizes its staff to enter into good faith negotiations with Washington County to discuss and develop the terms of a Full Service Contract to be reviewed, approved, and executed by the City Council.

Adopted this 1st day of November, 2011 by the City Council of the City of Lake Elmo, Minnesota.

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Dean A. Johnston, Mayor

ATTEST:

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Craig W. Dawson, Interim City Administrator



## MAYOR & COUNCIL COMMUNICATION

DATE: November 1, 2011  
**REGULAR**  
ITEM #: 11.  
**Motion**

**AGENDA ITEM:** Reconsideration of Appointments to Library Board  
**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator  
**REVIEWED BY:** David K. Snyder, City Attorney

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**SUMMARY AND ACTION REQUESTED:** Minnesota Statutes provide that the Mayor, with approval of the City Council, will make appointments to the Library Board. Mayor Johnston has requested reconsideration of the appointments made to the Library Board to ensure that a member of the City Council serves on the initial five-member Library Board. Staff reminds the Council that its resolution establishing the Board allows for one councilmember to serve on the Board, and thus may provide a direct link between the Council and the Board. This reconsideration is timely as the Board has not yet been seated. The Mayor will present his change(s) for the appointments to the five-member Board to the Council for approval at the November 1 meeting. **The Council will need to act on a motion to approve the appointment(s) to the Lake Elmo Library Board.**

**BACKGROUND INFORMATION:** The City Council established the Library Board with the adoption of Resolution No. 2011-029 on July 19, 2011. This resolution provided for a five-member Board, and provided that not more than one council member may be on the Board. On October 4, 2011, the Mayor appointed and the Council approved the statutorily-required staggered terms for the initial Board members:

One-year: Steve DeLapp and Sara Linder  
Two-year: Larry Green and Jenna Weis  
Three-year: Judy Gibson

Alternates, who are not required by statute, were also appointed: Rosemary Meier, Paul Ryberg, and Marjorie Williams.

None of the Board members or alternates has been sworn-in and officially performing his or her duties. Swearing-in has been to occur on the first meeting of the Board, which is scheduled for November 9, 2011.

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates



# MAYOR & COUNCIL COMMUNICATION

DATE: November 1, 2011

**REGULAR**

ITEM #: 12.

**Discussion; Motion**

**AGENDA ITEM:** Lake Elmo Library – Cost Estimates for 2012 by Location

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator

**REVIEWED BY:** David K. Snyder, City Attorney

**SUMMARY AND ACTION REQUESTED:** According to statutes regarding Library Boards, the Board has responsibility if it chooses to rent space or request to use existing public facilities. The City Council has directed preparation of estimates to operate the library in either the Art Center or the existing Rosalie A. Wahl library building. **The Council should indicate its willingness and/or preference for the Lake Elmo Library Board to use the Art Center.**

**BACKGROUND INFORMATION:** The last first-year estimates for costs to operate the library in 2012 were prepared by former city administrator Bruce Messelt. These estimates for the Art Center and the existing Library space are attached.

One major change that needs to be made in these estimates is the cost to improve the load-carrying capacity of the floor at the Art Center. Staff asked for a quick estimate of cost by the structural engineer before its work was fully complete, and \$1,000 and \$4,000 was considered likely depending on whether minor or major shoring was to be done. The engineer delivered a final report (without costs) on October 17, and finished the report by including cost estimates on October 20. The estimated total cost to shore up the Art Center was approximately \$31,800.

The comparative costs (with rounding) are now as follows:

	<u>Art Center</u>	<u>Wahl Library</u>	
Oct. 18 estimate	\$ 136,100	\$ 157,100	
Add Engr's estimate	<u>26,800</u>	<u>          </u>	(revised for structural improvements)
	\$ 162,900	\$ 157,100	
Est. staffing/admin.	\$ 55,000	\$ 55,000	(just an estimate, including benefits & reimbursement for City staff effort)
Library consultant	\$ 5,000	\$ 5,000	(services in 2011, to be covered with 2012 levy)
Contingency	\$ 26,000	\$ 26,000	(10%; e.g., future land & bldg cost, legal fees)

Library card reimbursement	\$ 12,100	\$ 17,900	(amount left available)
Total levy available	\$ 261,000	\$ 261,000	

The major difference in the cost estimates between the facilities is on-going rent for the Rosalie A. Wahl Library facility. While the estimates show the Art Center to be more expensive in the first year, its annual cost would be reduced by the \$31,800 in structural improvements needed there for 2012.

**FINANCIAL/LEGAL/OTHER CONSIDERATIONS:** Minnesota Statute 134.11, Subdivision 2, is key to the breadth of the purview of the Library Board. Note also that the Board “shall appoint a *qualified library director*” [emphasis added].

The City Council has discussed providing a per-household subsidy for a county library card if efforts to gain a status as an affiliated library are unsuccessful. Council should note that the funds available to the Library Board to do so may be less than the Council had hoped. The Council may need to approach the Board about the level of financial commitment it is willing to make, and whether it may wish to augment this amount from the City’s General Fund.

Use of the Art Center facility would require a lease agreement between the City and the Library Board, and any amendments necessary with the Lake Elmo Regional Art Center.

**ATTACHMENTS:**

- Annual (first-year) cost estimates for operations at Library & Art Center sites
- Engineer’s estimate for structural improvements at Art Center
- Salary survey re various Librarian positions
- Minnesota Statute 134.11 (see especially Subd. 2)

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

Budget Item:	Arts Center	Lake Elmo Ave Library Site	Notes:
Facility Costs:			
Acquisition/Rent	\$ 0	\$ 2,500/mo	- Proposed: \$2,250 x 4 mo, \$2,500 x 4 mo, \$2,750 x 4 mo
Building Modifications	\$ 1,000 \$ 4,000	\$ 0 \$ 0	- Minor Shoring for 60 lbs/SF (library @ 150 lbs/SF) - Major Shoring for 150 lbs/SF (reading room @ 50 lbs/SF)
Utilities (Electric/Heat)	\$ 250/mo	\$ 250/mo	- Estimate from existing Library & Arts Center usage
Fire Equipment	\$ 60	\$ 60	- Estimate from existing Library usage
Cleaning	\$ 200/mo	\$ 200/mo	- Estimate based on current City Hall cleaning contract & existing library costs
AV/IT Costs:			
Facility Set-up	\$ 200	\$ 0	- Comcast Rack Rate (negotiable with bundling)
Wireless Router	\$ 1,000	\$ 1,000	- Metro-INET to spec and install unit
T1/Cable Internet Line	\$ 200/mo	\$ 460/mo	- Comcast Rack Rate (negotiable w/ bundling). T1 in Library. - 50m x 10m speed for Cable Internet (top commercial package)
Cable TV/Internet Svc	\$ 30/mo	\$ 50/mo	- Replace existing Arts Center Cable (gross \$ 50/mo) - Estimate from existing Library usage
Computer Printer	\$ 1,500	\$ 1,500	- 3 at \$ 500 per unit
Telephone Service	\$ 50/mo	\$ 80/mo	- Augments existing Arts Center Phone Line (\$ 20/mo) - Estimate from existing Library usage
DCL/ILL & Software	\$ 1,000/mo	\$ 400/mo	- Estimate from existing South St. Paul Library usage - Estimate from existing Library usage
Computers & Software	\$ 6,000	\$ 6,000	- \$1,200 per unit (4 public, 1 staff)



FF & E					
Furnishings	\$ 1,000	\$ 1,000	\$ 1,000	- Assume donations of most items	
Photocopier	\$ 150/mo	\$ 150/mo	\$ 150/mo	- Estimate for rental	
Fax/Scanner	\$ 500	\$ 500	\$ 500		
Miscellaneous	\$ 2,500	\$ 2,500	\$ 2,500		
Collections:					
Opening Day Collection	\$ 30,000	\$ 30,000	\$ 30,000	- Estimate	
Collection Maintenance	\$ 1,000/mo	\$ 1,000/mo	\$ 1,000/mo	- Estimate for first year. \$ 2,000/mo thereafter.	
Misc. Office Supplies	\$ 2,500	\$ 2,500	\$ 2,500		
Personnel:					
Staffing	\$ 3,000/mo	\$ 3,000/mo	\$ 3,000/mo	- Estimate based upon PT Library Director plus misc. PT staff	
Volunteer Training, etc.	\$ 250/mo	\$ 250/mo	\$ 250/mo	- Background investigations, etc.	
Admin/Office Support	\$ 1,000/mo	\$ 1,000/mo	\$ 1,000/mo	- Estimate of Admin support	
TOTAL COST:					
Cost per Month	\$ 11,340	\$ 11,340	\$ 13,095		
Annual Cost	\$ 136,070	\$ 136,070	\$ 157,140		

**RETROFIT OF ART CENTER FOR LIBRARY**

<b>CONSTRUCTION ELEMENT</b>	<b>QUANTITY</b>	<b>UNIT</b>	<b>LABOR/DAY</b>	<b>TIME / EA</b>	<b>UNIT COST</b>	<b>UNIT SUBTOTAL</b>	<b>EXT. SUBTOTAL</b>
<b>DIVISION 2</b>							
<b>DEMOLITION</b>							
FLOOR CUTS FOR FOOTINGS	25	EACH	\$ 1,312.00	0.2	262.40	6,560.00	
							6,560.00
<b>DIVISION 3</b>							
<b>CONCRETE FOOTINGS</b>							
CONCRETE MATERIALS TO SITE	10	CY			110.00	1,100.00	
REINFORCING STEEL	700	LBS			0.75	525.00	
LABOR	25	EACH	\$ 1,282.00	0.2	256.40	6,410.00	
							8,035.00
<b>DIVISION 6</b>							
<b>LVL SUPPORT BEAMS</b>							
STEEL COLUMNS	25	EACH			60.00	1,500.00	
7-1/4 LVL LUMBER FOR BEAMS	144	LF			4.00	576.00	
9-1/4 LVL LUMBER FOR BEAMS	334	LF			4.50	1,503.00	
FASTENERS / TIES / BOLTS	1	SET			300.00	300.00	
LABOR	3	DAYS	\$ 1,544.00		1,544.00	4,632.00	
							8,511.00
						<b>SUB-TOTAL</b>	<b>\$23,106.00</b>
						<b>MOBILIZATION</b>	<b>\$1,000.00</b>
						<b>15% GENERAL CONTRACTOR FEE</b>	<b>\$3,465.90</b>
						<b>TOTAL ESTIMATE</b>	<b>\$27,571.90</b>
						<b>10% DESIGN ENGINEERING FEE</b>	<b>\$2,800.00</b>
						<b>5% CONST. ADMIN. ENGINEERING FEE</b>	<b>\$1,400.00</b>

LMNC – Annual Salary & Benefits Survey (2011 Data)

#	Title	# of Orgs	# of Empl	Weighted Mean	Arith. Mean	Q1	Q2	Q3	Range Min	Range Max	# of Steps	Yrs to Max
10	Librarian	18	98	\$54,272.05	\$51,735.25	\$46,482.00	\$50,743.09	\$58,432.40	\$43,941.99	\$57,852.69	8	8.3
11	Library Assistant	23	60	\$36,767.51	\$34,680.42	\$29,307.20	\$36,795.20	\$42,348.80	\$30,354.83	\$37,706.02	8	6.9
12	Library Associate	10	22	\$47,752.18	\$45,506.22	\$38,706.20	\$47,579.00	\$51,745.20	\$37,822.25	\$51,321.34	8	10.1
13	Library Director	56	57	\$60,514.61	\$60,334.98	\$44,044.00	\$55,842.50	\$70,254.72	\$51,638.58	\$67,701.52	8	9.9
14	Library Information Assistant	8	156	\$38,573.66	\$35,178.65	\$30,595.50	\$35,222.00	\$38,889.80	\$28,749.48	\$38,090.30	9	9.4

Salary w/ Benefits (@ 1.33):

Title	Weighted Mean	Plus Benefits
Librarian	\$54,272.05	\$72,181.83
Library Assistant	\$36,767.51	\$48,900.79
Library Associate	\$47,752.18	\$63,510.40
Library Director	\$60,514.61	\$80,484.43
Library Information Assistant	\$38,573.66	\$51,302.97

library board member shall not be eligible to serve more than three consecutive three-year terms.

Subd. 3. **Removal of members.** The mayor with the approval of the council, or the board of county commissioners may remove any member for misconduct or neglect.

Subd. 4. **Abolishment.** Upon recommendation of a majority of any library board created under the provisions of subdivision 1, the governing body of the city or county may abolish the library board at the end of any fiscal year provided that the governing body shall simultaneously establish a successor library board of either five, seven or nine members by resolution or ordinance. The appointment of successor board members shall be made as provided in subdivision 1. The terms of successor board members shall be as provided in subdivision 2.

**History:** (5663) *RL s 2257; 1943 c 245 s 1; 1945 c 46 s 1,2; 1961 c 235 s 1; 1973 c 123 art 5 s 7; 1983 c 314 art 11 s 3; 1986 c 471 s 2*

#### 134.10 BOARD VACANCIES; COMPENSATION.

The library board president shall report vacancies in the board to the council or the board of county commissioners. The council or board of county commissioners shall fill the vacancies by appointment for the unexpired term. Library board members shall receive no compensation for their services but may be reimbursed for actual and necessary traveling expenses incurred in the discharge of library board duties and activities or a per diem allowance according to section 375.47 in place of the expenses.

**History:** (5664) *RL s 2258; 1983 c 314 art 11 s 4; 1987 c 398 art 9 s 1*

#### 134.11 ORGANIZATION OF BOARD; DUTIES.

Subdivision 1. **Organization.** Immediately after appointment, the library board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers as it deems necessary.

Subd. 2. **Duties.** The library board shall adopt bylaws and regulations for the government of the library and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all money collected for or placed to the credit of the library fund, of interest earned on all money collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All money received for the library shall be paid into the city or county treasury, credited to the library fund, kept separate from other money of the city or county, and paid out only upon approval by the board. The library board may lease rooms for library use. The library board shall appoint a qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them for cause. With the approval of the council or board of county commissioners, the library board may purchase grounds and erect a library building thereon.

**History:** (5665) *RL s 2259; 1973 c 123 art 5 s 7; 1983 c 314 art 11 s 5*

#### 134.12 BENEFITS OF LIBRARY.

Subdivision 1. **Nonresidents.** Any library board may admit to the benefits of its library persons not residing within its city or county under regulations and upon conditions as to payment and security prescribed by the library board.

Subd. 2. **Contracts with cities and towns.** The library board may contract with the county board of the county in which the library is situated or the county board of any adjacent county, or



## MAYOR & COUNCIL COMMUNICATION

DATE: 11/1/11  
REGULAR  
ITEM #: 13  
MOTION

**AGENDA ITEM:** Special Event Permit Ordinance – Revised Ordinance (Based on Workshop Discussion)

**SUBMITTED BY:** Kyle Klatt, Planning Director

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** David Synder, City Attorney  
Kelli Matzek, City Planner

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**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider and adopt a new ordinance to regulate special events within the City of Lake Elmo. The Council reviewed a revised ordinance at its September 13, 2011 workshop, and at that time, directed Staff to prepare the ordinance for consideration at a future meeting. The requested revisions have been made and are now being presented for formal action by the Council.

The recommended motions to act on this are as follows:

*“Move to adopt Ordinance No. 08-XXX adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo”*

*“Move to adopt Resolution No. 2011-XX authorizing summary publication of Ordinance 08-XXX”*

**BACKGROUND INFORMATION:** Because the Council has discussed a special event ordinance at a recent workshop and has previously been provided with a significant amount of information on this subject, Staff has not included any previous reports or documentation concerning the creation of the current document in front of the City Council. Please contact Staff if you need a copy of any of the background materials that have previously been submitted to the Council regarding the proposed ordinance.

Based on the discussion at the workshop meeting, Staff has made two significant changes to the ordinance that was originally presented to the Council as follows:

- A minimum threshold of 100 people per day has been established in order for an event to qualify as a “Special Event” under the ordinance.

- The process for an administrative review and approval has been removed so that all permits are now subject to review and approval by the City Council.

As noted in the proposed ordinance, a Special Event Permit is intended to provide some regulation of temporary events on a case-by-case basis and is intended to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

**RECOMMENDATION:** Based upon the above background information and Staff report, the Planning Commission and Staff recommend that the City Council adopt the proposed Special Event Permit Ordinance, which has been drafted to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods, by undertaking the following action:

*“Move to adopt Ordinance No. 08-XXX adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo”*

*“Move to adopt Resolution No. 2011-XXX authorizing summary publication of Ordinance 08-XXX”*

Alternatively, as this is a City-initiated action, the City Council may make changes to the document as drafted by the Planning Commission or may table taking action of the request to solicit additional feedback from Staff. The Council may also choose to not adopt the proposed ordinance if it finds that Special Events should not be regulated within the City of Lake Elmo.

**ATTACHMENTS**

1. Ordinance 2008-XXX – Special Event Permits (Revised)
2. Resolution 2011-XXX (Authorizing summary publication)

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... Planning Director
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

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

**ORDINANCE NO. 08-XXX**

**AN ORDINANCE ADDING TO THE LAKE ELMO CITY CODE OF ORDINANCES BY  
ADDING TO CHAPTER 110 OF THE BUSINESS REGULATIONS: BUSINESS  
REGULATIONS TO PROMOTE THE ORDERLY, COMPATIBLE AND SAFE USE OF  
PROPERTY FOR TEMPORARY SPECIAL EVENTS AND TO ASSURE ADEQUATE  
PROVISION OF PARKING, TRAFFIC, SANITARY FACILITIES, UTILITIES, PEACE  
AND TRANQUILITY OF RESIDENTIAL NEIGHBORHOODS AND SAFETY  
SERVICES**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XI: Business Regulations; Chapter 110 – General Licensing Provisions, by adding the following language:**

**§ 110.070 SPECIAL EVENT PERMITS.**

(A) *Purpose and intent.* The purpose of this Chapter is to promote the orderly, compatible and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, peace and tranquility of residential neighborhoods and safety services.

(B) A Special Event shall include the following:

(1) Any temporary, privately-sponsored event, typically conducted outdoors, open to the general public, held on public or privately owned property that will be attended by over 100 people within a 24-hour period where such event would not otherwise be permitted under the City's zoning regulations.

(2) An Agricultural Sales Business as defined in Section 11.01 that is conducted for less than three (3) months in any calendar year. A Special Event Permit for an Agricultural Sales Business may be issued once per year and for no more than two consecutive years.

(C) Exceptions: "Special Event" shall not apply to the following:

(1) Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, or fairs conducted pursuant to Minn. Stats. Chapter 38.

(2) Special events or activities permitted or permitted by other State laws or regulations of the City of Lake Elmo, including publicly-sponsored activities in the local park system and any other lawfully established event for which the City Council has expressly

granted approval prior to adoption of this ordinance, unless said event is expanded or enlarged, in which case a Special Event Permit will be required.

(3) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, etc.

(4) Garage sales

(5) National Night-Out or Night-to-Unite established through the City of Lake Elmo.

(D) Permit Required

(1) No person on or after the effective date of this Chapter shall conduct or allow to be conducted any special event as defined in this ordinance without first obtaining a Special Event Permit.

(E) Requirements for Issuance of a Permit

(1) The following standards shall apply to all special events:

(a) **Maximum Number of People.** The permittee shall not sell tickets to nor permit attendance at the permit location of more than the maximum number of people stated in the special event permit.

(b) **Sound Equipment.** Sound producing equipment, including but not limited to public address systems, radios, amplifiers, musical instruments and other recording and playback devices, shall not be operated on the premises of the special event so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of the citizens of Lake Elmo.

(c) **Sanitary Facilities.** In accordance with Minnesota State Board of Health regulations and standards and local specifications, adequate sanitary facilities must be provided which are sufficient to accommodate the projected number of persons expected to attend the event.

(d) **Security.** The permittee shall employ at his/her own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless Washington County Sheriff's Department is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the event.

(e) **Food Service.** The operator of the special event shall be responsible for securing any permits, if necessary, from the Washington County Health Department for any food services that are made available on the premises.



(f) Fire Protection. The permittee shall, at his/her own expense, take adequate steps to insure fire protection as determined by the City of Lake Elmo Fire Chief.

(g) Duration of Special Event. The permittee shall operate the special event only on those days and during the hours specified on the permit.

(h) Cleanup Plan. The special event applicant is responsible for clean up of the site upon completion of the special event, and shall specify the amount of time anticipated to restore the site to its pre-event condition as part of an application. Any clean up or restoration work required by the City may be charged to the applicant. Any City service that requires overtime will be at the expense of the applicant.

(i) Waiver. The City Council, ~~or City Administrator for those permits that are subject to an administrative review and approval process,~~ may grant a waiver from the requirements of this Chapter in any particular case where the applicant can show that strict compliance with this Chapter would cause exceptional and undue hardship by reason of the nature of the special event or by reason of the fact that the circumstances make the requirement of this Chapter unnecessary. Such waiver must be granted without detriment to the public health, safety or welfare and without impairing the intent and purpose of these regulations.

(j) Insurance. Before the issuance of a permit, the permittee shall obtain public liability insurance and property damage insurance with limits determined by the City ~~Administrator~~ Council if reasonably determined necessary. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit. Evidence of insurance shall include an endorsement to the effect that the insurance company will notify the City Clerk in writing at least ten (10) days before the expiration or cancellation of said insurance.

(k) Miscellaneous. Prior to the issuance of a permit, the City Council, ~~or City Administrator for those permits that are subject to an administrative review and approval process,~~ may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons, attendant or of the citizens of the City of Lake Elmo including, but not limited to, restrictions on parking and vehicle access, lighting, litter and noise.

(2) In addition to the requirements listed above, the following shall also apply to a Special Event Permit for an Agricultural Sales Business:

(a) All performance standards as specified in Section 154.110 for Agricultural Sales Businesses. The City Council, ~~or City Administrator for those permits that are subject to an administrative review and approval process,~~ may exempt the applicant from any of these standards that are deemed unnecessary given the nature or duration of the event.

(F) Application Procedures.

(1) A written application for a Special Event Permit shall be filed on forms provided by the City with the City Administrator not less than thirty (30) days before the date proposed for holding the special event. The written application shall be signed by the person, persons, or

parties conducting the event and the property owner, if different, and shall be accompanied by the fee payable hereunder. Upon submission of an application for a Special Event Permit, City staff will review the request and advise the applicant of the need for additional information, if any.

(G) Fees

- (1) The fee for a Special Event Permit shall be as established by the City Council.

(H) Granting a Permit

(1) The City Council, in its sole discretion, reserves the right to review and determine whether or not a request for a special event and/or street closing is acceptable. In the event the City Council determines the activity does not meet these criteria, such applications shall be denied.

~~(1) Administrative Review and Approval. The City Administrator, or his/her designee, shall review and determine whether or not a request for a special event and/or street closing is acceptable. The City Administrator shall have the authority to issue Special Event Permits for those events that meet the criteria of this Ordinance. In the event the City Administrator determines the activity does not meet these criteria, such applications shall be referred to the City Council for consideration.~~

~~(2) City Council Review and Approval. The City Administrator shall refer any application for a Special Event Permit that may adversely affect the safety, health and welfare of the citizens of Lake Elmo due to the size, location, or potential impacts of the event to the City Council for final action.~~

(J) Denial of Permit

(1) The City Council shall have the right to deny the permit if, in the judgment of the City Council, the granting of a permit would adversely affect the safety, health and welfare of the citizens of Lake Elmo or if other criteria herein are not met. The applicant shall be notified of such denial and may appear before the City Council to appeal such denial.

(K) Transferability

(1) No permit granted under this Chapter shall be transferred to any other person or place without consent of the City Council, upon written application made therefore.

(L) Enforcement and Penalties

(1) The City Administrator and other such officers, employees, or agents as the City Council or City Administrator may designate, shall enforce the provisions of this Chapter in accordance with Section 10.99 of the City Code.

(2) The holding of a special event in violation of any provision of this Chapter shall be deemed a public nuisance and may be abated as such.

(3) Any person violating any provision of this Chapter is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

(M) Revocation of Permit

(1) The permit for a special event may be revoked by the City Council at any time if any of the conditions necessary for the issuing of or contained in the permit are not complied with or if any of the provisions of this Chapter are violated.

**SECTION 2. Effective Date**

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date**

This Ordinance No. 08-XXX was adopted on this 1<sup>st</sup> day of November, 2011 by a vote of \_\_\_ Ayes and \_\_\_ Nays.

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

ATTEST:

\_\_\_\_\_  
Craig Dawson  
Interim City Administrator

This Ordinance No 08-XXX was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF LAKE ELMO**

**RESOLUTION NO. 2011-0##**

**RESOLUTION AUTHORIZING PUBLICATION OF  
ORDINANCE NO. 08-0XX BY TITLE AND SUMMARY**

**WHEREAS**, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-0XX, an ordinance to regulate Special Events within the City of Lake Elmo to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods; and

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-0XX to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-0XX. The ordinance amends Title XI of the City Code, Business Regulations, and adds a new section concerning Special Events to Chapter 110 – General Licensing Provisions. Any activity defined as a Special Event will need to secure a Special Event Permit from the City in accordance with the ordinance. The Ordinance defines a Special Event as either: 1) any temporary, privately-sponsored event, typically conducted outdoors, open to the general public and held on public or privately owned property, that will be attended by over 100 people within a 24-hour period, where such event would not otherwise be permitted under the City's zoning regulations, or 2) an Agricultural Sales Business as defined in Section 11.01 that is conducted for less than three months in any calendar year.

Other provisions in the Ordinance include a list of exceptions, permit requirements, application procedures, process for granting a permit, and enforcement and penalties.

The full text of Ordinance No.08-0XX is available for inspection at Lake Elmo city hall during regular business hours.

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

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: \_\_\_\_\_, 2011.

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

ATTEST:

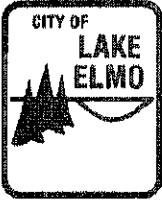
\_\_\_\_\_  
Craig Dawson  
Interim City Administrator

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



## MAYOR & COUNCIL COMMUNICATION

DATE: 11/1/2011  
**REGULAR**  
ITEM #: 14.  
**DISCUSSION**

**AGENDA ITEM:** 2012 Capital Improvement Plan (CIP) – Discussion on major Projects

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Ryan Stempski, Assistant City Engineer

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to receive a presentation from the City Engineer on the major Capital Improvement Projects scheduled for 2012 construction. Staff is requesting Council direction before bringing forward a Final CIP at a future meeting. No formal action is needed at this meeting.

**BACKGROUND INFORMATION AND STAFF REPORT:** As part of the annual budget process, staff prepares a five-year Capital Improvement Plan (CIP) for Council approval. Once adopted, the projects within the first year of the plan are typically included in the city's 2012 budget. The remaining four years then outline the projected needs and costs, which may change in the future. All projects are typically reevaluated each year and may change based on several factors which include available funding sources and changing priorities.

The City Engineer will make a presentation on the major infrastructure projects for the 2012 CIP to confirm implementation or to reschedule as directed. The presentation will also look at the previous 2011-2015 Plan to help set the context for each project. Following the presentation, staff will lead a discussion and solicit Council direction in an effort to establish the 2012 CIP as well as update the five year plan for 2012-2016. A final version of the 2012-2016 CIP will be brought forward for Council approval at a future meeting.

Major infrastructure projects planned for 2012 include (per the 2011-2015 CIP):

- 2012 Street & Water Quality Improvements
- 2012 MSA Street Improvements (Keats Avenue N)
- Keats Avenue N Trunk Watermain

2011 CIP projects NOT completed in 2011 include:

- Well and Pumphouse No. 4
- I94 to 30<sup>th</sup> Street Trunk Sewer Project

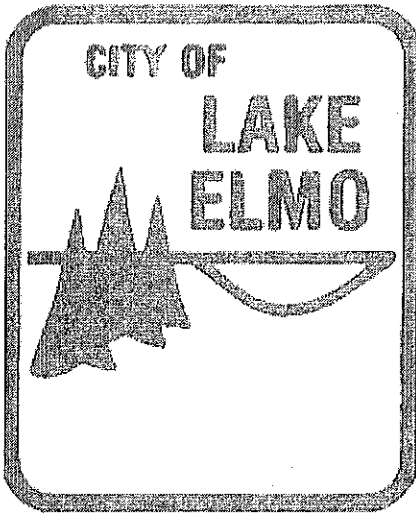
**RECOMMENDATION:** Based upon the above staff report, the City Council is respectfully requested to receive a presentation from the City Engineer on the major Capital Improvement Projects scheduled for 2012 construction, and provide staff input and direction in regards to updating the 2012-2016 Capital Improvement Plan.

**ATTACHMENTS:**

1. 2011-2015 Capital Improvement Plan

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... City Engineer
- Questions from Council to staff..... Mayor Facilitates
- Public Input (if appropriate)..... Mayor Facilitates
- Call for Motion (if needed)..... Mayor & City Council
- Discussion (if needed)..... Mayor Facilitates
- Action on Motion (if needed) ..... Mayor & City Council



## 2011 – 2015 CAPITAL IMPROVEMENT PLAN

CITY OF LAKE ELMO, MINNESOTA

Date: November 2010



**CITY OF LAKE ELMO  
2011 - 2015 CAPITAL IMPROVEMENT PLAN**

**STREET AND TRANSPORTATION IMPROVEMENTS**

<b>Capital Improvement</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>FUTURE</b>	<b>Total</b>
Local Street Improvements	\$607,000	\$1,498,000	\$1,539,000	\$517,000	\$837,000		\$4,998,000
MSA Streets Using Local Funds	\$300,000						\$300,000
<b>Subtotal of Local Funds</b>							<b>\$5,298,000</b>
MSA Street Improvements		\$1,000,000		\$750,000	\$1,500,000	\$593,000	\$3,843,000
Old Village South of UP-RR Street and Storm Sewer						\$3,800,000	\$3,800,000
Old Village North of UP-RR Street and Storm Sewer						\$3,900,000	\$3,900,000
<b>STREET Totals</b>	<b>\$907,000</b>	<b>\$2,498,000</b>	<b>\$1,539,000</b>	<b>\$1,267,000</b>	<b>\$2,337,000</b>	<b>\$8,293,000</b>	<b>\$16,841,000</b>

**CITY OF LAKE ELMO  
2011 - 2015 CAPITAL IMPROVEMENT PLAN**

**SURFACE WATER IMPROVEMENTS**

Capital Improvement	2011	2012	2013	2014	2015	FUTURE	Total
Rain Garden Improvements	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000		\$175,000
Village Surface Water System						\$2,600,000	\$2,600,000
Village Regional Infiltration System							EOC - TBD: Requires Study
Water Quality CIP							TBD
<b>SURFACE WATER Totals</b>	<b>\$35,000</b>	<b>\$35,000</b>	<b>\$35,000</b>	<b>\$35,000</b>	<b>\$35,000</b>	<b>\$2,600,000</b>	<b>\$2,775,000</b>

**CITY OF LAKE ELMO  
2011 - 2015 CAPITAL IMPROVEMENT PLAN**

**WATER SYSTEM IMPROVEMENTS**

Capital Improvement	2011	2012	2013	2014	2015	FUTURE	Total
Well and Pumphouse No. 4 and Connecting Trunk Watermain	\$1,370,000						\$1,370,000
Keats Avenue Trunk Watermain		\$920,000					\$920,000
Village Parkway Trunk, Phase 1			\$385,500				\$385,500
Village Parkway Trunk Oversizing, Phase 2				\$385,500			\$385,500
Trunk Watermain along Lake Elmo Avenue from 30th St to Hudson Blvd						\$2,775,000	\$2,775,000
Elevated Tank No. 1A (@ 9,500 Total Water Population)						\$1,600,000	\$1,600,000
Well No. 5 (@ 9,700 Total Water Population)						\$960,000	\$960,000
<b>WATER SYSTEM Totals</b>	<b>\$1,370,000</b>	<b>\$920,000</b>	<b>\$385,500</b>	<b>\$385,500</b>	<b>\$0</b>	<b>\$5,335,000</b>	<b>\$8,396,000</b>

**CITY OF LAKE ELMO  
2011 - 2015 CAPITAL IMPROVEMENT PLAN**

**SANITARY SEWER IMPROVEMENTS**

Capital Improvement	2011	2012	2013	2014	2015	FUTURE	Total
I-94 to 30th St. Trunk Forcemain	\$4,000,000						\$4,000,000
Village Parkway Trunk, Phase 1		\$278,000					\$278,000
Village Parkway Trunk, Phase 2			\$278,000				\$278,000
Trunk Gravity from LS to Lake Elmo Ave.						\$200,000	\$200,000
Trunk Gravity from 30th St. to UP-RR						\$162,000	\$162,000
Sewer Study South of 10th Street	\$25,000						\$25,000
Trunk South of 10th Street							EOC - TBD: Requires Study
<b>SANITARY SEWER Totals</b>	<b>\$4,025,000</b>	<b>\$278,000</b>	<b>\$278,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$362,000</b>	<b>\$4,943,000</b>



## MAYOR & COUNCIL COMMUNICATION

DATE: November 1, 2011

**REGULAR**

ITEM #: 15.

**Motion**

**AGENDA ITEM:** 2012 Health Insurance Plan

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator

**REVIEWED BY:** Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** The City Council has decided that the City's cost for employee health insurance would not increase from 2011 to 2012. It identified \$16,000 to be used for specific one-time salary adjustments with the overriding concern that it enhances the ability of the City to retain and recruit employees for those positions. The City has received quotes for insurance plans, and City employees have indicated their preference for one that would increase the City's costs \$3,114 over 2011. While this plan has fewer benefits and requires more employee contribution than the current plan, it is believed that further erosion of health insurance benefits would pose additional concerns for recruitment and retention of all employees, including those for whom specific salary adjustments are warranted. Action by the Council now is timely as the open enrollment process begins November 1 and will run out in a few weeks. The Council is requested to approve participation in the Blue Cross Blue Shield Aware Gold plan through the Southwest West Central Service Cooperative. The following motion would be appropriate:

**"Move to authorize renewal of employee health insurance for 2012 through the Southwest/West Central Service Cooperative and to select the Blue Cross Blue Shield Aware Gold Plan (and as may be amended and/or modified at tonight's meeting)."**

**BACKGROUND INFORMATION:** The City has engaged Financial Concepts, located in Plymouth, Minnesota, to obtain quotes for employee health insurance. It obtained pricing if the City were to be seeking insurance on its own, and what the costs would be to stay within the SWWC Cooperative. As the costs for the City as a standalone customer were prohibitive (minimum increases were 50 to 100 percent above Cooperative prices), it was obvious that the City should remain in the Cooperative. Under the alternatives available through the Cooperative, remaining with the current plan (BCBS Aware Double Gold) would increase \$12,800; dropping to BCBS Aware Gold would increase \$3,100; and the next alternate, BCBS Aware CMM \$30 Copay would be \$6,200 less than the City's 2011 premium.

Under the Aware Gold plan preferred by the City staff, the individual's monthly contribution for health insurance would increase \$11.50 (\$138/yr), and the monthly contribution for family coverage would increase \$22.50 (\$270/yr).

Financial Concepts also did a comparison of the City's health insurance benefits (the 2011 version), and found that it was not a "Cadillac" plan but characterized it as slightly above average for small (less than 50 employees) municipalities.

**FINANCIAL/LEGAL/OTHER CONSIDERATIONS:** Funding for the City's contribution to health insurance benefits for the BCBS Aware Gold Plan is possible by using \$3,100 of the \$16,000 allocated in the proposed 2012 budget for selected salary adjustments. By doing so, no increase in the budget would be required.

While the remaining \$13,000 or original \$16,000 is intended to address what has become significant labor market disparities in specific City positions, either amount in reality is a small step in bringing the City's compensation toward the average market rate for many positions. An attachment to this report is a table showing comparative data from the League of Minnesota Cities 2011 Salary Survey, selected for metro cities with populations from 5,000 to 15,000. Included are average pay ranges, a weighted average actual salary, and how Lake Elmo's current salaries compare to those average actual salaries. It will take several years of \$13,000 - \$16,000 additional adjustments (beyond annual economic adjustments) to get all positions to the *average* wage ranges and pay of comparable metro cities.

As part of a strategy to recruit and retain City employees, benefits provided are an important consideration. A decrease in benefits (which includes the degree of increase in employee contributions to health insurance premiums), particularly when compensation generally is comparatively lower, puts everyone further behind in the market, and works against other measures to retain staff. The proposal to approve the Aware Gold plan works to everyone's advantage, including those who merit targeted salary adjustments, and is consistent with the objective to improve retention and recruitment of staff.

Timeliness of Council action is critical as the relatively short open enrollment period for health insurance begins in November.

**ATTACHMENTS:**

- Oct. 13, 2011, Memo on Evaluation of current health care plan and outside options (including analysis re: Cadillac plan standards)
- January 2012 Plan Renewal Rates for SWWC Cooperative
- Summary of Differences in Benefits & Copays in Alternate Plans
- Salary Survey & Lake Elmo Comparisons, 2011

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion ..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates



## MEMORANDUM

3800 Laverne Avenue North • Lake Elmo, MN 55042 • [www.lakeelmo.org](http://www.lakeelmo.org)  
Phone: (651) 777-5510 • Fax: (651) 777-9615

Date: October 13th, 2011

To: Honorable Mayor and City Council Members

From: Bruce A. Messelt, City Administrator

Re: Evaluation of Current Health Care Plan & Outside Options

Attached please find an external evaluation of the City's current health care plan, conducted by Financial Concepts. I have highlighted their conclusions regarding both the topic of "Cadillac plan" designation and where the City's plan ranks vis a vis other comparable small Minnesota Cities.

Please also find the results of the City's official "peak" at other plans outside of the cooperative in which we are currently enrolled. Unfortunately, none of the other market plans appears to be cost effective.

As a result, the City will be evaluating other Blue Cross Blue Shield plans available through the cooperative that meet the budgetary considerations established by the City Council for 2012; through reductions in benefits, additional employee costs, additional City contributions, or some combination thereof.

Mr. Dawson will be working with City employees and the City Council in finalizing 2012 health care in time for the November open enrollment period.

Attachment(s): Cadillac Plans Memorandum  
Results of Lake Elmo "Peak"

CC: City Clerk  
Interim City Administrator  
Joe Rigdon, Interim Finance Director



City of Lake Elmo

Subject: Cadillac Plans – What are they and do we have one?

“Things to Consider” by Financial Concepts, Inc. on 9/26/2011

#### What is a Cadillac Plan

A Cadillac plan is an informal term for any unusually expensive health insurance plan. The term became more widespread during debate over possible excise taxes on "Cadillac" plans during the health care reforms proposed during the Obama administration. Although neither bill uses the "Cadillac" term, the 2010 Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, imposes an excise tax on plans with an annual cost exceeding \$10,200 for individuals or \$27,500 for a family (not including vision and dental benefits).

Effective in 2018, an excise tax is imposed on insurers of employer-sponsored health plans with aggregate values that exceed \$10,200 for individual coverage and \$27,500 for family coverage.

*Currently, City of Lake Elmo's 2011 aggregate values are \$7,692 for individual coverage and \$14,814 for family coverage.*

The tax is equal to 40 percent of the value of the plan that exceeds the threshold amounts and is imposed on the issuer of the health insurance policy.

The aggregate value of the health insurance plan includes reimbursements under a health FSA for medical expenses or HRA, employer contributions to a HSA and coverage for supplementary health insurance coverage, excluding stand-alone dental and vision coverage. If health care costs increase more than expected, as determined by cost of an identified standard benefit option under the Federal Employees Health Benefits Program, then initial threshold will be automatically adjusted upwards.

#### Does City of Lake Elmo have one

Based on the current aggregate values used to determine excise tax on "Cadillac Plans", City of Lake Elmo does not have a Cadillac Plan, however if recent trends continue, i.e. average of 7.5% increase in premiums each year (2012-2018), and without an adjustment to the provided threshold, City of Lake Elmo's aggregate value will be in excess of the threshold in 2018 for single coverage and close to the threshold for family coverage at \$26,420.44.

As compared to other small (<50 employee) Minnesota cities, City of Lake Elmo is slightly above average in terms of benefits provided to employees. On average, small cities in the Twin Cities Area and surrounding suburbs require either a small deductible (\$300-\$500) and/or require employees to share (80-20) up to an out of pocket maximum of around \$1,500 per person.

*Financial Concepts is not aware of City of Lake Elmo's Compensation Philosophy, we have titled this as "Things to Consider" rather than "Recommendations" because of this.*

**CITY OF LAKE ELMO  
JANUARY 2012 RENEWAL | COOPERATIVE ALTERNATE PLAN RATES**

	Current #4		Service Cooperative Alternates			
	Current #4	Alternate #4	Alternate 1	Alternate 2	Alternate 3	Alternate 4
<b>Enrollment</b>	3	10				
<b>Employee</b>						
<b>Family</b>						
<b>Deductible:</b>	None	None	None	None	None	None
<b>Out Of Pocket:</b>	\$1500/Person	\$1500/Person	\$1500/Person	None	\$300P/\$900F	\$500P/\$1000F
<b>Office Visit Copay:</b>	\$20.00	\$20.00	\$25.00	\$30.00	\$1500P/\$5000F	\$1800P/\$5000F
<b>Bariatric and Infertility Covered:</b>	Yes	Yes	No	No	No	No
<b>Hospitalization:</b>	100%	100%	100%	80%	80% after ded	80% after ded
<b>Prescription Drugs:</b>	\$0 G/\$35 F/\$50 NF	\$0 G/\$35 F/\$50 NF	\$9G/\$40F/\$90NF	\$9G/\$40F/\$90NF	\$9G/\$40F/\$90NF	\$9G/\$40F/\$90NF
<b>Rx Platform:</b>	FlexRx	FlexRx	Gen Rx	Gen Rx	Gen Rx	Gen Rx
<b>Provider Network</b>	Aware	Aware	Aware	Aware	Aware	Aware
<b>Employee</b>	\$641.00	\$689.00	\$652.50	\$617.50	\$610.50	\$593.50
<b>Family</b>	\$1,234.50	\$1,327.00	\$1,257.00	\$1,189.50	\$1,176.00	\$1,143.50
<b>MONTHLY TOTALS</b>						
<b>Employee</b>	\$1,923.00	\$2,067.00	\$1,957.50	\$1,852.50	\$1,831.50	\$1,780.50
<b>Family</b>	\$12,345.00	\$13,270.00	\$12,570.00	\$11,895.00	\$11,760.00	\$11,435.00
<b>Total</b>	\$14,268.00	\$15,337.00	\$14,527.50	\$13,747.50	\$13,591.50	\$13,215.50
<b>COMBINED MONTHLY</b>	\$14,268.00	\$15,337.00	\$14,527.50	\$13,747.50	\$13,591.50	\$13,215.50
<b>ANNUAL TOTAL</b>	\$171,216.00	\$184,044.00	\$174,330.00	\$164,970.00	\$163,098.00	\$158,586.00
<b>ANNUAL INCREASE</b>	N/A	\$12,828.00	\$3,114.00	(\$6,246.00)	(\$8,118.00)	(\$12,630.00)
<b>PERCENTAGE INCREASE</b>	N/A	7.5%	1.8%	-3.6%	-4.7%	-7.4%

This is not meant to be a complete plan description. This is a summary meant only for illustrative purposes and is not a guarantee of current or future benefits. Consult the plan booklet or vendor proposal for exact details.

Differences in Benefits and Copays in 2012

	BCBS Aware <u>Double Gold</u>	BCBS Aware <u>Gold</u>
Bariatric Services Covered	Yes	No
Infertility Services Covered	Yes	No
Office Visit Copays	\$20	\$25
Prescription Drugs		
Generic	\$ 0	\$ 9
Formulary	\$35	\$40
Non-formulary	\$50	\$90
Rx Formulary List	FlexRx	GenRx (about half as many brands available)
Urgent Care	\$20 copay	\$25 copay
Emergency Room Facility	\$75 copay	\$100 copay

All other Network Benefits are the same under either plan.

**CITY OF LAKE ELMO**  
**JANUARY 2012 RENEWAL | COOPERATIVE ALTERNATE PLAN BENEFITS**

**Service Cooperative Alternates**

	<b>Current Double Gold</b>	<b>Renewal Double Gold</b>	<b>Alternate 1 Aware Gold</b>	<b>Alternate 2 CMM \$30 Copay</b>	<b>Alternate 3 CMM \$300 Ded</b>	<b>Alternate 4 CMM \$500 Ded</b>
<b>Provider Network:</b>	Aware	Aware	Aware	Aware	Aware	Aware
<b>Deductible (calendar year):</b>	None	None	None	None	\$300/Person \$900/Family	\$500/Person \$1,000/Family
<b>Annual Out of Pocket Max:</b>	\$1,500/Person	\$1,500/Person	\$1,500/Person	\$1,500/Person \$5,000/Family	\$1,500/Person \$5,000/Family	\$1,800/Person \$5,000/Family
<b>Rx Out of Pocket Max:</b>	\$750/Person \$1,500/Family	\$750/Person \$1,500/Family	\$750/Person \$1,500/Family	\$750/Person \$1,500/Family	\$750/Person \$1,500/Family	\$750/Person \$1,500/Family
<b>Preventive Health Care:</b>	100%	100%	100%	100%	100%	100%
<b>Bariatric Services Covered:</b>	Yes	Yes	No	No	No	No
<b>Infertility Services Covered:</b>	Yes	Yes	No	No	No	No
<b>Office Visits:</b>	\$20 copay	\$20 copay	\$25 copay	\$30 copay	\$30 copay	\$30 copay
<b>Hospitalization (inpatient/outpatient)</b>	100%	100%	100%	80% after deductible	80% after deductible	80% after deductible
<b>Lab &amp; x-ray:</b>	100%	100%	100%	80% after deductible	80% after deductible	80% after deductible
<b>Prescription Drugs:</b>	\$0 Generic \$35 Formulary \$50 Non Formulary	\$0 Generic \$35 Formulary \$50 Non Formulary	\$9 Generic \$40 Formulary \$90 Non Formulary	\$9 Generic \$40 Formulary \$90 Non Formulary	\$9 Generic \$40 Formulary \$90 Non Formulary	\$9 Generic \$40 Formulary \$90 Non Formulary
<b>Rx Formulary List</b>	FlexRx	FlexRx	GenRx	GenRx	GenRx	GenRx
<b>Urgent Care:</b>	\$20 copay	\$20 copay	\$25 copay	\$30 copay	\$30 copay	\$30 copay
<b>Emergency Room Facility :</b>	\$75 copay	\$75 copay	\$100 copay	\$100 copay	\$100 copay	\$100 copay
<b>Lifetime Maximum Benefit:</b>	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

This is not meant to be a complete plan description. This is a summary meant only for illustrative purposes and is not a guarantee of current or future benefits. Consult the plan booklet or vendor proposal for exact details.

2011 Salary Comparisons  
 based on cities participating in the League of Minnesota Cities Salary Survey  
 Metro area, populations 5,000 to 15,000

	<u>Average Range</u>	<u>Actual "Aged"</u> <u>Average</u>	<u>Lake Elmo</u> <u>% of Actual Avg.</u>
Building Inspector Lake Elmo	\$49,500 - 61,000 \$54,300 - 68,900	\$60,700 \$55,300 (currently Acting Bldg Official)	91.1%
City Clerk Lake Elmo	\$58,500 - 72,500 \$57,100 - 72,400	\$70,900 \$70,400	99.3%
Office Support, Experienced Lake Elmo	\$37,100 - 40,622 \$31,200 - 40,600	\$44,500 \$35,500	75.3%
Finance Director Lake Elmo	\$68,500 - 89,700 \$57,100 - 72,400	\$85,100 \$69,300	81.4%
Fire Chief (full-time) Lake Elmo	\$83,000 - 104,800 \$53,400 - \$67,600	\$100,700 (for all metro cities) \$ 60,200	59.8%
Community Dev. Dir Lake Elmo	\$73,700 - 93,200 \$71,400 - 90,500	\$88,600 \$79,500	89.7%
Planner (general) Lake Elmo	\$45,100 - 57,100 \$49,300 - 62,400	\$51,700 \$53,200 (@1.0 FTE)	102.9
PubWks Superintendent Lake Elmo	\$62,200 - 76,100 \$58,700 - 74,400	\$72,700 \$70,400	96.8%
PubWks Maintenance Lake Elmo	\$40,600 - 51,200 \$37,900 - 48,900	\$50,100 (for "single classification") \$43,500	86.8%