

File

City of Lake Elmo
City Council Workshop
3800 Laverne Avenue North
Lake Elmo, MN 55042
July 5, 2011

5:30 p.m. – 6:30 p.m. (?)

Proposed Agenda*

Agenda

1. 2012 Budget: Establishing Calendar Approach, and Preparation
2. Library Update Discussion
3. Adjourn

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

Future Workshop Ideas:

Establishing an EDA – July 19

Solid Waste Collection

Home Occupation Ordinance

Environmental Issues – Council Member Emmons

Handling of Special Activities and Events – Mayor Johnston

Highway 36 Corridor Joint Discussion with Oak Park Heights City Council
(2 & 4th Tuesday)

**City of Lake Elmo
2012 Property Tax Levy Scenarios Summary**

- Scenario A:** Maintain 2011 tax capacity rate for 2012
Scenario B: Maintain 2011 total property tax levy for 2012
Scenario C: Maintain 2011 total General Fund property tax levy for 2012
Scenario D: Adjust property tax levy for General Fund CPI increase

	Actual Pay 2011	Scenario A Hypothetical Pay 2012	Scenario B Hypothetical Pay 2012	Scenario C Hypothetical Pay 2012	Scenario D Hypothetical Pay 2012
<u>Property Tax Information:</u>					
Estimated Market Value & Tax Capacity Change	N/A	-7.4%	-7.4%	-7.4%	-7.4%
General Fund Levy	2,484,903	2,178,088	2,379,523	2,484,903	2,595,833
% Change	N/A	-12.3%	-4.2%	0.0%	4.5%
Debt Service Levies	304,656	410,036	410,036	410,036	410,036
% Change	N/A	34.6%	34.6%	34.6%	34.6%
Total Levy	2,789,559	2,588,124	2,789,559	2,894,939	3,005,869
% Change	N/A	-7.2%	0.0%	3.8%	7.8%
City Local Tax Capacity Rate	21.832%	21.832%	23.660%	24.616%	25.622%
% Change	N/A	0.0%	8.4%	12.8%	17.4%
<u>Estimated Property Taxes:</u>					
\$300,000 Home With No Market Value Change	655	655	710	738	769
% Change	N/A	0.0%	8.4%	12.8%	17.4%
\$300,000 Home With 7.4% Market Value Decrease	655	606	657	684	712
% Change	N/A	-7.4%	0.4%	4.4%	8.7%
<u>General Fund Budget:</u>					
<u>Expenditures and Transfers Out:</u>					
Total 2011 Budget	2,919,223	2,919,223	2,919,223	2,919,223	2,919,223
2012 Increase due to Preliminary CPI:					
Personnel	N/A	N/A	N/A	N/A	44,662
Supplies	N/A	7,155	7,155	7,155	7,155
Other Services and Charges	N/A	52,197	52,197	52,197	52,197
Capital Outlay	N/A	0	0	0	0
Transfers Out	N/A	6,916	6,916	6,916	6,916
Total Expenditures and Transfers Out	2,919,223	2,985,491	2,985,491	2,985,491	3,030,153
% Change	N/A	2.3%	2.3%	2.3%	3.8%
<u>Revenues:</u>					
General Fund Levy	2,484,903	2,178,088	2,379,523	2,484,903	2,595,833
Other Revenues	434,320	434,320	434,320	434,320	434,320
Total Revenues	2,919,223	2,612,408	2,813,843	2,919,223	3,030,153
General Fund Revenue Shortfall	0	373,083	171,648	66,268	0

Consumer Price Index Information:

	2011 Budget	CPI Increase * 3.8%	Hypothetical 2012 Budget
Personnel	1,175,324	44,662	1,219,986
Supplies	188,300	7,155	195,455
Other Services and Charges	1,373,599	52,197	1,425,796
Capital Outlay	0	0	0
Transfers Out	182,000	6,916	188,916
	<u>2,919,223</u>	<u>110,930</u>	<u>3,030,153</u>

* CPI for All Urban Consumers (CPI-U), Midwest Region, All Items, May 2010 to May 2011

General Fund Results:

	2008	2009	2010
Change in Fund Balance	155,890	24,971	250,351
Amendment for Capital and Other Transfers Out	0	340,632	0
	<u>155,890</u>	<u>365,603</u>	<u>250,351</u>

City of Lake Elmo
2012 Proposed Property Tax Scenario
Residential Homesteads

SCENARIO A	
Maintain 2011 Tax Capacity Rate for 2012	

		2011	2012	Change
Tax Rate:	Flat	21.832%	21.832%	0.0%
Total General Fund Levy: *	Variable	\$2,484,903	\$2,178,088	(\$306,815)
Debt Service Levies:	Variable	\$304,656	\$410,036	\$105,380
Total Levy:	Variable	\$2,789,559	\$2,588,124	(\$201,435)

2011 CITY PROPERTY TAXES

Market Value 2011	Tax Capacity ** 2011	City Local Tax Capacity Rate Pay 2011	City Property Taxes 2011
\$100,000	\$1,000	21.832%	\$218
\$300,000	\$3,000	21.832%	\$655
\$500,000	\$5,000	21.832%	\$1,092
\$700,000	\$7,500	21.832%	\$1,637

2012 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2012 <i>NO CHANGE</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	21.832%	\$218	\$0	0.0%
\$300,000	\$3,000	21.832%	\$655	\$0	0.0%
\$500,000	\$5,000	21.832%	\$1,092	\$0	0.0%
\$700,000	\$7,500	21.832%	\$1,637	\$0	0.0%

2012 CITY PROPERTY TAXES (WITH 7.4% MARKET VALUE DECREASE)

Market Value 2012 <i>DECREASE OF -7.4%</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$92,600	\$926	21.832%	\$202	(\$16)	-7.4%
\$277,800	\$2,778	21.832%	\$606	(\$48)	-7.4%
\$463,000	\$4,630	21.832%	\$1,011	(\$81)	-7.4%
\$648,200	\$6,853	21.832%	\$1,496	(\$141)	-8.6%

* 2011 total General Fund levy Included levies for 2010/2011 MVHC Unallotments/Cuts

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

City of Lake Elmo
2012 Proposed Property Tax Scenario
Residential Homesteads

SCENARIO B				
Maintain 2011 Total Property Tax Levy for 2012				

		2011	2012	Change
<u>Tax Rate:</u>	Variable	21.832%	23.660%	8.4%
<u>Total General Fund Levy: *</u>	Variable	\$2,484,903	\$2,379,523	(\$105,380)
<u>Debt Service Levies:</u>	Variable	\$304,656	\$410,036	\$105,380
<u>Total Levy:</u>	Flat	\$2,789,559	\$2,789,559	\$0

2011 CITY PROPERTY TAXES

Market Value 2011	Tax Capacity ** 2011	City Local Tax Capacity Rate Pay 2011	City Property Taxes 2011
\$100,000	\$1,000	21.832%	\$218
\$300,000	\$3,000	21.832%	\$655
\$500,000	\$5,000	21.832%	\$1,092
\$700,000	\$7,500	21.832%	\$1,637

2012 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2012 <i>NO CHANGE</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	23.660%	\$237	\$18	8.4%
\$300,000	\$3,000	23.660%	\$710	\$55	8.4%
\$500,000	\$5,000	23.660%	\$1,183	\$91	8.4%
\$700,000	\$7,500	23.660%	\$1,774	\$137	8.4%

2012 CITY PROPERTY TAXES (WITH 7.4% MARKET VALUE DECREASE)

Market Value 2012 <i>DECREASE OF -7.4%</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$92,600	\$926	23.660%	\$219	\$1	0.4%
\$277,800	\$2,778	23.660%	\$657	\$2	0.4%
\$463,000	\$4,630	23.660%	\$1,095	\$4	0.4%
\$648,200	\$6,853	23.660%	\$1,621	(\$16)	-1.0%

* 2011 total General Fund levy Included levies for 2010/2011 MVHC Unallotments/Cuts

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

City of Lake Elmo
2012 Proposed Property Tax Scenario
Residential Homesteads

SCENARIO C	
Maintain 2011 Total General Fund Property Tax Levy for 2012	

		2011	2012	Change
<u>Tax Rate:</u>	Variable	21.832%	24.616%	12.8%
<u>Total General Fund Levy: *</u>	Flat	\$2,484,903	\$2,484,903	\$0
<u>Debt Service Levies:</u>	Variable	\$304,656	\$410,036	\$105,380
<u>Total Levy:</u>	Variable	\$2,789,559	\$2,894,939	\$105,380

2011 CITY PROPERTY TAXES

Market Value 2011	Tax Capacity ** 2011	City Local Tax Capacity Rate Pay 2011	City Property Taxes 2011
\$100,000	\$1,000	21.832%	\$218
\$300,000	\$3,000	21.832%	\$655
\$500,000	\$5,000	21.832%	\$1,092
\$700,000	\$7,500	21.832%	\$1,637

2012 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2012 <i>NO CHANGE</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	24.616%	\$246	\$28	12.8%
\$300,000	\$3,000	24.616%	\$738	\$84	12.8%
\$500,000	\$5,000	24.616%	\$1,231	\$139	12.8%
\$700,000	\$7,500	24.616%	\$1,846	\$209	12.8%

2012 CITY PROPERTY TAXES (WITH 7.4% MARKET VALUE DECREASE)

Market Value 2012 <i>DECREASE OF -7.4%</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$92,600	\$926	24.616%	\$228	\$10	4.4%
\$277,800	\$2,778	24.616%	\$684	\$29	4.4%
\$463,000	\$4,630	24.616%	\$1,140	\$48	4.4%
\$648,200	\$6,853	24.616%	\$1,687	\$50	3.0%

* 2011 total General Fund levy included levies for 2010/2011 MVHC Unallotments/Cuts

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

City of Lake Elmo
2012 Proposed Property Tax Scenario
Residential Homesteads

SCENARIO D				
Adjust Property Tax Levy for General Fund CPI Increase				

		2011	2012	Change
<u>Tax Rate:</u>	Variable	21.832%	25.622%	17.4%
<u>Total General Fund Levy: *</u>	Variable	\$2,484,903	\$2,595,833	\$110,930
<u>Debt Service Levies:</u>	Variable	\$304,656	\$410,036	\$105,380
<u>Total Levy:</u>	Variable	\$2,789,559	\$3,005,869	\$216,310

2011 CITY PROPERTY TAXES

Market Value 2011	Tax Capacity ** 2011	City Local Tax Capacity Rate Pay 2011	City Property Taxes 2011
\$100,000	\$1,000	21.832%	\$218
\$300,000	\$3,000	21.832%	\$655
\$500,000	\$5,000	21.832%	\$1,092
\$700,000	\$7,500	21.832%	\$1,637

2012 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2012 <i>NO CHANGE</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	25.622%	\$256	\$38	17.4%
\$300,000	\$3,000	25.622%	\$769	\$114	17.4%
\$500,000	\$5,000	25.622%	\$1,281	\$189	17.4%
\$700,000	\$7,500	25.622%	\$1,922	\$284	17.4%

2012 CITY PROPERTY TAXES (WITH 7.4% MARKET VALUE DECREASE)

Market Value 2012 <i>DECREASE OF -7.4%</i>	Tax Capacity ** 2012	City Local Tax Capacity Rate Pay 2012	City Property Taxes 2012	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$92,600	\$926	25.622%	\$237	\$19	8.7%
\$277,800	\$2,778	25.622%	\$712	\$57	8.7%
\$463,000	\$4,630	25.622%	\$1,186	\$95	8.7%
\$648,200	\$6,853	25.622%	\$1,756	\$118	7.2%

* 2011 total General Fund levy included levies for 2010/2011 MVHC Unallotments/Cuts

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

City of Lake Elmo
2011 Bond Estimate

Project	Construction Costs	Assessable
<u>Potentially Bonded Projects:</u>		
2011 Street & Water Quality Improvements	483,000	144,900 30%
50th Street & Kimbro Avenue	281,000	40,200 per Ryan
Kindred Court Drainage Corrections	44,000	0 per Ryan
	<u>808,000</u>	<u>185,100</u>
Legal, Fiscal, & Administration:		
Bond Underwriter's Discount	15,000 *	
Bond Issuance Costs	<u>27,000 *</u>	
	<u>850,000</u>	

* May be partially assessable

City of Lake Elmo
 Debt Service Fund Analysis
 2011 Street Project - Hypothetical

\$950,000 G.O. Improvement Bonds of 2011 - Hypothetical

	Debt Service		Prepayments	Special Assessments		Interest	Tax Levy/ Other Sources	Other Uses	Interest Earnings 1.0%	Annual Surplus (Deficit)	Cumulative Fund Balance
	Principal	Interest		Principal	Interest						
2011											0
2012	(70,000)	(25,500)	0	14,716	9,255	76,000	0	22	4,493	4,493	4,493
2013	(75,000)	(23,400)	0	15,452	8,519	76,000	0	53	1,624	6,117	6,117
2014	(75,000)	(21,150)	0	16,225	7,747	76,000	0	80	3,902	10,019	10,019
2015	(75,000)	(18,900)	0	17,036	6,935	76,000	0	131	6,202	16,221	16,221
2016	(80,000)	(16,650)	0	17,888	6,084	76,000	0	179	3,501	19,722	19,722
2017	(85,000)	(14,250)	0	18,782	5,189	76,000	0	201	922	20,644	20,644
2018	(90,000)	(11,700)	0	19,721	4,250	76,000	0	198	(1,531)	19,113	19,113
2019	(95,000)	(9,000)	0	20,707	3,264	76,000	0	171	(3,858)	15,255	15,255
2020	(100,000)	(6,150)	0	21,743	2,229	76,000	0	122	(6,056)	9,199	9,199
2021	(105,000)	(3,150)	0	22,830	1,141	76,000	0	51	(8,128)	1,071	1,071
	(850,000)	(149,850)	0	185,100	54,613	760,000	0	1,208	1,071		

Note:

Interest rate of 3% estimated on bonds
 Special assessments are assumed at 30% of 2011 street projects portion of the bonds (\$483,000), payable over 10 years at 5%
 Special assessments are assumed at \$40,200 of 50th Street and Kimbro Avenue portion of the bonds (\$281,000), payable over 10 years at 5%
 Special assessments are assumed at \$0 of Kindred Court drainage corrections portion of the bonds (\$44,000)
 Other Sources are annual special debt service property tax levies

City of Lake Elmo
 2011 Street Projects - Financing Hypothetical

Year	Payment Date	2011 G.O. Improvement Bonds Estimated \$850,000		
		Principal	Interest	Total
0.5	6/1/2012		12,750.00	12,750.00
1.0	12/1/2012	70,000.00	3.00%	12,750.00
		70,000.00		25,500.00
1.5	6/1/2013		11,700.00	11,700.00
2.0	12/1/2013	75,000.00	3.00%	11,700.00
		75,000.00		23,400.00
2.5	6/1/2014		10,575.00	10,575.00
3.0	12/1/2014	75,000.00	3.00%	10,575.00
		75,000.00		21,150.00
3.5	6/1/2015		9,450.00	9,450.00
4.0	12/1/2015	75,000.00	3.00%	9,450.00
		75,000.00		18,900.00
4.5	6/1/2016		8,325.00	8,325.00
5.0	12/1/2016	80,000.00	3.00%	8,325.00
		80,000.00		16,650.00
5.5	6/1/2017		7,125.00	7,125.00
6.0	12/1/2017	85,000.00	3.00%	7,125.00
		85,000.00		14,250.00
6.5	6/1/2018		5,850.00	5,850.00
7.0	12/1/2018	90,000.00	3.00%	5,850.00
		90,000.00		11,700.00
7.5	6/1/2019		4,500.00	4,500.00
8.0	12/1/2019	95,000.00	3.00%	4,500.00
		95,000.00		9,000.00
8.5	6/1/2020		3,075.00	3,075.00
9.0	12/1/2020	100,000.00	3.00%	3,075.00
		100,000.00		6,150.00
9.5	6/1/2021		1,575.00	1,575.00
10.0	12/1/2021	105,000.00	3.00%	1,575.00
		105,000.00		3,150.00
		850,000.00		149,850.00
				999,850.00

City of Lake Elmo
Special Assessment
2011 Improvement Project Estimate

Year	Total Payment	Principal	Interest 5.000%	Balance	
TOTAL ASSESSMENT:				\$185,100.00	
1	2012	\$23,971.30	\$14,716.30	\$9,255.00	\$170,383.70
2	2013	\$23,971.30	\$15,452.11	\$8,519.19	\$154,931.59
3	2014	\$23,971.30	\$16,224.72	\$7,746.58	\$138,706.87
4	2015	\$23,971.30	\$17,035.96	\$6,935.34	\$121,670.91
5	2016	\$23,971.30	\$17,887.75	\$6,083.55	\$103,783.16
6	2017	\$23,971.30	\$18,782.14	\$5,189.16	\$85,001.02
7	2018	\$23,971.30	\$19,721.25	\$4,250.05	\$65,279.77
8	2019	\$23,971.30	\$20,707.31	\$3,263.99	\$44,572.46
9	2020	\$23,971.30	\$21,742.68	\$2,228.62	\$22,829.78
10	2021	\$23,971.30	\$22,829.81	\$1,141.49	(\$0.03)
		<u>\$239,713.00</u>	<u>\$185,100.03</u>	<u>\$54,612.97</u>	

NOTE: Estimated 2011 street project at \$483,000; 30% assessed
 Estimated 50th Street & Kimbro Avenue at \$281,000; \$40,200 assessed
 Estimated Kindred Court drainage corrections at \$44,000; \$0 assessed

NOTE: Amortization method used

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

July 5, 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 June 21, 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.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by City staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
2. Approve Payment of Disbursements and Payroll
 3. Resignation of Susan Dunn from Parks Commission
 4. Budget Adjustment/Authorization to Purchase Equipment for Animal Control Services
- J. REGULAR AGENDA:
- 5a. Huff'n Puff Proclamation
 - b. Consider Approval of a Temporary On-Sale Liquor License for Lake Elmo Jaycees Huff'n Puff Days and Waive the Fees for the Liquor License and Lions Park Ball Field Lights
 6. Public Hearing: Appeal to Planner's Code Interpretation – Beytien
 7. Hotel/Motel Commercial Water Rates – Discussion/Action

8. Variance Ordinance Update
9. Notification of Contract Termination – Engineering Services
10. Update on Library Services – Discussion/Action
11. City Council Meeting Calendar for August 2011 – Discussion/Action
12. Replace and Upgrade Field Lighting in Lions Park

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor and City Council
- 2011 Administration Action Report & Summary
- Administrator
- City Engineer
- Planning Director

L. Adjourn

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

City of Lake Elmo
City Council Meeting Minutes

June 21, 2011

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

PRESENT: Mayor Johnston and Council Members Park, Pearson, and Smith

Absent: Council Member Emmons

Also Present: Administrator Messelt, Attorney Snyder, and City Engineer Griffin, Planning Director Klatt, City Planner Matzek, Finance Director Bouthilet, Recording Secretary Luczak

APPROVAL OF AGENDA:

MOTION: Council Member Park moved to approve the June 21, 2011 City Council Agenda. Council Member Pearson seconded the motion. The motion passed 4-0.

ACCEPTED MINUTES:

The June 7, 2011 City Council minutes were accepted by consensus of the City Council.

PUBLIC COMMENTS:

Sara Halverson, Sergeant, Andy Loehr, Deputy, provided an update on activities in the City, along with the Reserves and Water Parks and Trails Officers. Weight restrictions have been lifted, wake restrictions are being enforced, and animal control.

CONSENT AGENDA:

MOTION: Council Member Smith moved to approve Items 5 & 6 as presented on the Consent Agenda. Council Member Park seconded the motion. The motion passed 4-0.

- Adopt Ordinance No. 08-045 approving the Amended 2011 Fee Schedule for Special Events Support Permit
- Adopt Resolution No. 2011-023, approving a Planned Unit Development Amendment for Bremer Financial Services at 8555 Eagle Point Boulevard to allow the expansion of the parking lot on the site

REGULAR AGENDA:

Approve Payment of Disbursements in the Amount of \$169,227.27

Council Member Pearson questioned City reimbursement fee for TKDA Whistling Valley claim. City Attorney Snyder stated the costs are highly likely to be covered by the performance bond.

MOTION: Council Member Smith moved to approve Payment of Disbursements and Payroll in the amount of \$169,227.27. Council Member Pearson seconded the motion. The motion passed 4-0.

Letter of Support for Amendment to Minnesota Rules for MPCA Landfill Siting Requirements

Council Member Pearson expressed a lack of foundation regarding the City endorsing the proposed amendments to the MPCA landfill siting requirements.

Mayor Johnston stated the City has spent several years supporting the proposed alternative..

MOTION: Council Member Smith moved to approve the proposed Letter of Support for proposed amendments to the Minnesota Rules, Chapter 7001 and 7035 delineating additional siting requirements for MPCA approval of certain landfills, as presented. Mayor Johnston seconded the motion. Motion passed 3-0; Council Member Pearson abstained.

Resolution Affirming Participation in the Office of the State Auditor's Voluntary 2011 Performance Measurement Program

At the request of Council Member Pearson, City Administrator Messelt presented to the City Council consideration of the City's participation in the voluntary 2011 Performance Measurement Program. The 2010 State Legislature enacted the funded mandate to establish a standard set of performance measures for cities. It is a State funded mandate for the first two years.

Discussion ensued regarding the efficacy of participating in the Performance Measurement Program, even though it is currently voluntary and funded, at least partially by the State. The City Council discussed the current benefits of participation but also acknowledged the need to evaluate this program annually, especially if it evolves into another "unfunded mandate" by the State.

MOTION: Mayor Johnston moved to approve Resolution No. 2011-022, affirming the City's participation in the Office of the State Auditor's Voluntary 2011 Performance Measurement Program. Council Member Park seconded the motion. Motion passed 3-1; Council Member voting no.

Downtown District Sidewalk Maintenance Project – Authorize Preparation of Plans and Specifications and Obtain Contractor Quotes

Council Member Pearson questioned the cost of the project and whether or not special assessment could be levied.

Discussion ensued regarding the sidewalk repair as a safety and liability issue, and the approach to this project as maintenance versus a new or reconstruction project to be assessed.

City Engineer Griffin informed the Council that it's been practice for the County to be responsible for 50% of the construction and engineering costs of the project.

MOTION: Council Member Pearson moved to Authorize TKDA to prepare plans and specifications and obtain contractor quotes for the Downtown District Sidewalk Maintenance Project in an amount not to exceed \$6,400 with a reimbursement of 50% (\$3,200) from Washington County. Council Member Park seconded the motion. Motion passed 4-0.

Recruitment for Appointments to Planning Commission: Ordinance Revision and Appointments

The City Council was requested to consider either Ordinance No. 08-046, reducing the Planning Commission to seven (7) voting members and two (2) alternate members or appoint the current two alternate members to vacant positions and direct City staff to solicit potential new alternate members for future Council Considerations.

MOTION: Council Member Smith moved to approve Ordinance No. 08-046, reducing the Composition of the Planning Commission to seven (7) voting members and (2) alternates. Council Member Pearson seconded the motion. The motion passed 4-0.

Southern Lake Elmo – Process, Goals and Vision, Review of draft policy document concerning the vision and goals for the I-94 planning committee

The City Council was asked to review and provide preliminary feedback on a drafted Vision Statement and Goals for the Southern Lake Elmo area. Staff expects to utilize the Vision Statement and accompanying goals in planning for this area.

Kelli Matzek, Planner, presented a brief update on the meetings and progress held to-date.

The City Council directed the workgroup to draft language to encourage and incentivize a plan to work with businesses to want to come to Lake Elmo.

City Council Reports:

Mayor Johnston discussed the "GO Commando" special event located at Green Acres being held on Saturday, June 25, 2011.

City Council members discussed the event and directed Staff to forward the Special Events Permit draft to address specific concerns for larger events, such as crowds, location, traffic, safety, fire, and parking.

Mayor Johnston also stated the Art Center just held a workshop on how to write and sell ebooks.

Council Member Smith provided newspaper articles about sharing the cost of City services; and how ebooks are outselling printed books.

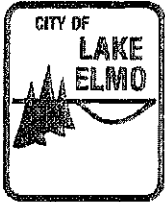
City Administrator Messelt updated the Council on the library, Springsted and Animal Control.

City Engineer Griffin informed City Council that street work has begun in Tartan Meadows and should finish in 4-6 weeks. He also requested the Council reconsider the proposed rumble strips for Demontreville Trail. The safety concern is the shoulder width of the street, which would be reduced (12" vs. 8") and force people into the driving lane.

Planning Director Klatt updated the Council on Planning Commission's changes to the City Code affected by the State Statutes. He reported that the Village Planning groups have a general vision regarding developments and buffers, and that the next meeting will be with landowners.

The City Council adjourned the meeting at 8:26 p.m. to an Executive Session to discuss litigation strategies and direction relating to the City vs. 3M

Respectfully submitted by Carole Luczak, Recording Secretary.



MAYOR & COUNCIL COMMUNICATION

DATE: 06/07/2011
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$ 64,261.64

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$ 64,261.64. 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	\$ 7,292.89	Payroll Taxes to IRS 06/30/2011
ACH	\$ 1,323.41	Payroll Taxes to MN Dept. of Revenue 06/30/2011
ACH	\$ 3,893.98	Payroll Retirement to PERA 06/30/2011
DD3404 - 3424	\$ 22,402.72	Payroll Dated 06/30/2011 (Direct Deposit)
37220	\$ 2,100.00	Quality Air Emergency HVAC repairs
37221 - 37224	\$ 2,608.10	Payroll Dated 06/30/2011 (Payroll)
37225 - 37255	\$ 24,640.54	Accounts Payable Dated 07/05/2011
TOTAL	\$ 64,261.64	

STAFF REPORT: City staff has complied 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 \$ 64,261.64.

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 July 5th, 2011, Disbursements, as presented *[and modified]* herein.”

ATTACHMENTS:

1. Accounts Payable Dated 07/05/2011

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 Facilitates
- Action on Motion Mayor & City Council

Accounts Payable To Be Paid Proof List

User: joan z
 Printed: 06/30/2011 - 11:26 AM
 Batch: 007-06-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ARAM Aramark, Inc.										
629-7264920	06/16/2011	30.16	0.00	07/05/2011	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
629-7266730	06/20/2011	30.16								
101-410-1940-44010	Repairs/Maint Contractual Bldg	115.38	0.00	07/05/2011	Linen City Hall		-	No		0000
629-7266730	Repairs/Maint Contractual Bldg	115.38								
101-410-1940-44010	Repairs/Maint Contractual Bldg	52.40	0.00	07/05/2011	Linen City Hall Annex		-	No		0000
629-7269662	06/23/2011	52.40								
101-430-3100-44170	Uniforms	21.29	0.00	07/05/2011	Uniforms		-	No		0000
629-7269662	Uniforms	21.29								
ARAM Total:		219.23								
ASPENMI Aspen Mills, Inc.										
109563	06/16/2011	366.58	0.00	07/05/2011	Restock Patches		-	No		0000
101-420-2220-44170	Uniforms									
109563	Uniforms	366.58								
ASPENMI Total:		366.58								
BATTYPL Batteries Plus Woodbury, Corp										
032-729799	06/15/2011	79.07	0.00	07/05/2011	Battery Back up for Network Servers		-	No		0000
101-410-1520-43185	Hardware Support									
032-729799	Hardware Support	79.07								
BATTYPL Total:		79.07								
CARQUEST Car Quest Auto Parts										
2055-225294	06/21/2011	89.25	0.00	07/05/2011	Battery 89-1		-	No		0000
101-430-3120-42210	Equipment Parts									
2055-225294	Equipment Parts	89.25								
2055-225294	Equipment Parts	89.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2055-225447	06/15/2011	65.28	0.00	07/05/2011	V belts 04-1		-			0000
101-430-3120-42210	Equipment Parts									No
	2055-225447 Total:	65.28								
2055-225962	06/21/2011	136.19	0.00	07/05/2011	Ign Module and Crank Sensor 98-1		-			0000
101-430-3120-42210	Equipment Parts									No
	2055-225962 Total:	136.19								
2055-226089	06/22/2011	56.32	0.00	07/05/2011	Distributor Cap and Rotor 98-1		-			0000
101-430-3120-42210	Equipment Parts									No
	2055-226089 Total:	56.32								
2055-226118	06/22/2011	35.67	0.00	07/05/2011	Coil 98-1		-			0000
101-430-3120-42210	Equipment Parts									No
	2055-226118 Total:	35.67								
2055-226133	06/22/2011	9.76	0.00	07/05/2011	Grease		-			0000
101-430-3120-42120	Fuel, Oil and Fluids									No
	2055-226133 Total:	9.76								
2055-226296	06/23/2011	111.10	0.00	07/05/2011	Filters and Anti Freeze		-			0000
101-450-5200-42210	Equipment Parts									No
	2055-226296 Total:	111.10								
2055-226297	06/23/2011	35.08	0.00	07/05/2011	Air Filters		-			0000
101-450-5200-42210	Equipment Parts									No
	2055-226297 Total:	35.08								
2055-226846	06/29/2011	107.17	0.00	07/05/2011	Anti Freeze		-			0000
101-430-3120-42120	Fuel, Oil and Fluids									No
	2055-226846 Total:	107.17								
	CARQUEST Total:	645.82								
<hr/>										
CENCOLLE Century College										
418198	06/13/2011	450.00	0.00	07/05/2011	Mask Confidence Course		-			0000
101-420-2220-44370	Conferences & Training									No
	418198 Total:	450.00								
	CENCOLLE Total:	450.00								
<hr/>										
CTYBAY City of Bayport										
100	06/21/2011	70.00	0.00	07/05/2011	Animal Control Services		-			0000
101-420-2700-43150	Contract Services									No
	100 Total:	70.00								
	CTYBAY Total:	70.00								
<hr/>										
EMERGAPP Emergency Apparatus Maint. INC										
55158	06/15/2011	965.00	0.00	07/05/2011	Pump Test/Service, E1		-			0000
101-420-2220-44040	Repairs/Maint Eqpt									No
	55158 Total:	965.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
55159	06/15/2011	1,150.98	0.00	07/05/2011	Pump Test/Service, E2		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55159 Total:	1,150.98								
55160	06/15/2011	237.00	0.00	07/05/2011	Service, B2		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55160 Total:	237.00								
55161	06/15/2011	237.00	0.00	07/05/2011	Service, B1		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55161 Total:	237.00								
55162	06/15/2011	245.00	0.00	07/05/2011	Service, U2		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55162 Total:	245.00								
55163	06/15/2011	815.00	0.00	07/05/2011	Pump Test/Service T1		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55163 Total:	815.00								
55164	06/15/2011	1,040.00	0.00	07/05/2011	Pump Test/Service T2		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55164 Total:	1,040.00								
55165	06/15/2011	980.00	0.00	07/05/2011	Pump Test/Service L1		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55165 Total:	980.00								
55538	06/15/2011	529.34	0.00	07/05/2011	Repairs L1		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55538 Total:	529.34								
55539	06/15/2011	2,882.18	0.00	07/05/2011	Repairs E2		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55539 Total:	2,882.18								
55541	06/15/2011	505.16	0.00	07/05/2011	Repairs T1		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55541 Total:	505.16								
55543	06/15/2011	266.09	0.00	07/05/2011	Repairs B2		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	55543 Total:	266.09								
	EMERGAPP Total:	9,852.75								
EMMONS A Emmons Alex										
06/21/2011	06/21/2011	55.00	0.00	07/05/2011	6/21/11 Workshop and CC Meeting		-	No		0000
101-410-1450-43620	Cable Operations									
	06/21/2011 Total:	55.00								
	EMMONS A Total:	55.00								
FDSOA FD Safety Off. Association										
06/23/2011	06/23/2011	85.00	0.00	07/05/2011	Membership Renewal		-	No		0000
101-420-2220-44330	Dues & Subscriptions									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	06/23/2011 Total:	85.00								
	FDSOA Total:	85.00								
FXL FXL, Inc.	07/01/2011	2,000.00	0.00	07/05/2011	Assessing Services - July 2011		-	No		0000
July 2011	Assessing Services	2,000.00								
101-410-1320-43100	July 2011 Total:	2,000.00								
	FXL Total:	2,000.00								
GRAINGER Grainger	06/21/2011	17.75	0.00	07/05/2011	Replacement Bulbs for scenic lights		-	No		0000
9567481958	Repairs/Maint Eqpt	17.75								
101-420-2220-44040	9567481958 Total:	17.75								
	GRAINGER Total:	17.75								
HAWKINS Hawkins, Inc.	06/10/2011	617.81	0.00	07/05/2011	Flouride		-	No		0000
3231814 RI	Chemicals	617.81								
601-494-9400-42160	3231814 RI Total:	617.81								
	HAWKINS Total:	617.81								
Hewlett Hewlett Packard	05/05/2011	858.87	0.00	07/05/2011	Computer - Public Works		-	No		0000
29946500-02	Office Equipment & Furnishings	858.87								
410-480-8000-45700	29946500-02 Total:	858.87								
	Hewlett Total:	858.87								
INTERSTA Interstate All Battery Ctr	06/22/2011	92.04	0.00	07/05/2011	Replacement Batteries for SCBA's		-	No		0000
40574	Repairs/Maint Eqpt	92.04								
101-420-2220-44040	40574 Total:	92.04								
	INTERSTA Total:	92.04								
MARVS Marv's Professional Tools	06/16/2011	82.35	0.00	07/05/2011	Tools		-	No		0000
238412	Small Tools & Minor Equipment	82.35								
101-430-3100-42400	238412 Total:	82.35								
	MARVS Total:	82.35								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
MENARDSO Menards - Oakdale										
82492	06/16/2011	36.74	0.00	07/05/2011	New Fountain parts	VFW	-	No		0000
404-480-8000-45300	Improvements Other Than Bldgs									
	82492 Total:	36.74								
	MENARDSO Total:	36.74								
MENARDST Menards - Stillwater										
92605	06/24/2011	4.24	0.00	07/05/2011	Cleaning Supplies		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
92605	06/24/2011	27.37	0.00	07/05/2011	Vehicle Cleaning Supplies		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	92605 Total:	31.61								
	MENARDST Total:	31.61								
METRO MU METROPOLITAN MUNICIPALITIES ASSOCI										
586	06/09/2011	20.00	0.00	07/05/2011	Training Conference - B. Messelt		-	No		0000
101-410-1320-44330	Dues & Subscriptions									
	586 Total:	20.00								
	METRO MU Total:	20.00								
MICHAEL Michael Lee Inc.										
CHK REQ BLDG	06/23/2011	3,000.00	0.00	07/05/2011	Escrow Return 2958 Jonquil Permit		-	No		0000
803-000-0000-22900	Deposits Payable				#7681					
	CHK REQ BLDG Total:	3,000.00								
	MICHAEL Total:	3,000.00								
MILLSCOL Mills Cole										
06/28/11	06/28/2011	27.50	0.00	07/05/2011	2 Hours of Training for Cable		-	No		0000
101-410-1450-43620	Cable Operations				Operating					
	06/28/11 Total:	27.50								
	MILLSCOL Total:	27.50								
MN CORP Minnesota Corporate Mechanical										
13479	06/15/2011	576.25	0.00	07/05/2011	A/C Repair City Hall Annex		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
	13479 Total:	576.25								
	MN CORP Total:	576.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Referencé	Task	Type	PO #	Close POLine #
NEXTEL Nextel Communications										
761950227-0099	06/15/2011	9.04	0.00	07/05/2011	Cell Phone Service - Administration		-	No		0000
101-410-1940-43210	Telephone									
761950227-0099	06/15/2011	86.28	0.00	07/05/2011	Cell Phone Service - Fire Dept		-	No		0000
101-420-2220-43210	Telephone									
761950227-0099	06/15/2011	19.36	0.00	07/05/2011	Cell Phone Service - Building Dept		-	No		0000
101-420-2400-43210	Telephone									
761950227-0099	06/15/2011	35.64	0.00	07/05/2011	Cell Phone Service - Public Works		-	No		0000
101-430-3100-43210	Telephone									
761950227-0099	06/15/2011	103.63	0.00	07/05/2011	Cell Phone Service - Parks Dept		-	No		0000
101-450-5200-43210	Telephone									
761950227-0099 Total:		253.95								
NEXTEL Total:		253.95								
OAKDRC Oakdale Rental Center										
10076857	06/13/2011	196.65	0.00	07/05/2011	Concrete new Fountain VFW		-	No		0000
404-480-8000-45800	Other Equipment									
10076857 Total:		196.65								
OAKDRC Total:		196.65								
PRESSA Anastasia Press										
06/28/11	06/28/2011	55.00	0.00	07/05/2011	6/28/11 PZ mtg & Training new operator		-	No		0000
101-410-1450-43620	Cable Operations									
06/28/11 Total:		55.00								
PRESSA Total:		55.00								
SAMSLUB Sam's Club										
06/20/2011	06/20/2011	23.88	0.00	07/05/2011	Rehab Supplies		-	No		0000
101-420-2220-44300	Miscellaneous									
06/20/2011 Total:		23.88								
730	06/16/2011	13.45	0.00	07/05/2011	Flagpole Maint.		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
730 Total:		13.45								
SAMSLUB Total:		37.33								
SMITHANN Anne Sruth										
06/26/2011	06/26/2011	125.91	0.00	07/05/2011	Arts & Crafts Supplies - Fall Festival		-	No		0000
204-450-5200-44300	Miscellaneous									
06/26/2011 Total:		125.91								
SMITHANN Total:		125.91								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TASCH T.A. Schifsky & Sons Inc										
51451	06/14/2011	506.40	0.00	07/05/2011	Asphalt				No	0000
101-430-3120-42240	Street Maintenance Materials									
	51451 Total:	506.40								
	TASCH Total:	506.40								
TRKUTI Truck Utilities										
227086	06/15/2011	71.49	0.00	07/05/2011	Hyd Hose Parts				No	0000
101-430-3100-42210	Equipment Parts									
	227086 Total:	71.49								
	TRKUTI Total:	71.49								
VANZANDT Van Zandt Distributing										
4840	06/14/2011	8.68	0.00	07/05/2011	Alcohol preps				No	0000
101-420-2220-42080	EMS Supplies									
	4840 Total:	8.68								
	VANZANDT Total:	8.68								
WASRADIO WASHINGTON COUNTY										
69882	06/28/2011	3,800.76	0.00	07/05/2011	1/4 user fee for 800 MHz radios				No	0000
101-420-2220-43230	Radio									
	69882 Total:	3,800.76								
	WASRADIO Total:	3,800.76								
WHALEN Whalen William & Arlene										
Chk	06/24/2011	400.00	0.00	07/05/2011	Partial Return of Escrow for 12th St				No	0000
803-000-0000-22900	Deposits Payable				Imp					
	Chk Total:	400.00								
	WHALEN Total:	400.00								
	Report Total:	24,640.54								



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011

CONSENT

ITEM #: 3

MOTION

AGENDA ITEM: Accept Resignation of Susan Dunn from the Parks Commission

SUBMITTED BY: Sharon Lumby, City Administrator

THROUGH: Bruce A. Messelt, City Administrator *BAM*

SUMMARY AND ACTION REQUESTED: The City received the resignation of Susan Dunn from the Parks Commission which creates a vacancy on the Commission. Ms. Dunn's second 3-year term as a Full Voting Member will expire on December 31, 2013. Past practice has been, when there is a vacancy to move the First Alternate, which is John Ames to fill out the term left of Susan Dunn's 3-year term and move Steve DeLapp to First Alternate.

RECOMMENDATION: City Staff recommends the Council accept with regrets Susan Dunn's resignation from the Parks Commission and move John Ames to fill out the 2 ½ year term left of Susan Dunn's 3-year term and move Steve DeLapp to First Alternate on the Parks Commission. The vacancy will be advertized on the website and cable.

"Move to accept Susan Dunn's resignation from the Parks Commission and move John Ames to Full Voting Member and Steve DeLapp to First Alternate".

ATTACHMENTS:

1. Resignation from Susan Dunn



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011

REGULAR

ITEM #: 4

MOTION

AGENDA ITEM: Authorization to Purchase Animal Control Equipment

SUBMITTED BY: Bruce Messelt, City Administrator *BAM*

THROUGH: Tom Bouthilet, Finance Director

REVIEWED BY: Washington County Sheriff's Department

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider authorizing the purchase of animal control equipment and supplies for use by City staff and the Washington County Sheriff's Department in the undertaking of animal control duties, including seizure and transport. Should Council wish to approve such expenditure, the specific motion suggested is as follows:

"Move to Approve Budget Adjustment 2011-004 in an amount not to exceed \$2,500, designated from the Animal Control – Miscellaneous Account for purchase of Animal Control Equipment, Supplies and Services."

BACKGROUND INFORMATION: The City Council of Lake Elmo has allocated certain monies in its approved 2011 Annual Budget for Animal Control services. However, in lieu of contracted services, the City is proceeding with developing an arrangement whereby contracted Sheriff's deputies will be responding to animal control needs. To undertake this, the City will be required to purchase certain animal control equipment, to include gloves, nets and other capture/seizure equipment (not traps), transport cages, and other miscellaneous supplies and equipment.

The City has researched available equipment providers and believes such initial purchases will not exceed \$2,500 (and will likely cost significantly less). Also included in this estimate is a possible retainer, which the selected animal shelter may or may not require as part of establishing a service contract. Appropriate quotes from multiple vendors for both equipment and sheltering services will be solicited prior to entering into any purchase decision or sheltering arrangement.

RECOMMENDATION: In accordance with applicable State laws and City policies and procedures, it is recommended that the City Council consider authorizing the purchase of animal control equipment and supplies for use by City staff and the Washington County Sheriff's

Department in the undertaking of animal control duties, including seizure and transport. Should Council wish to approve such expenditure, the specific motion suggested is as follows:

“Move to Approve Budget Adjustment 2011-004 in an amount not to exceed \$2,500, designated from the Animal Control – Miscellaneous Account for purchase of Animal Control Equipment, Supplies and Services.”

Alternatively, the City Council does have the authority to further discuss, deliberate and modify any decision prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve the proposed Budget Adjustment/Designation, as Presented [and modified] herein.”

ATTACHMENTS: Budget Adjustment 2011-004

SUGGESTED ORDER OF BUSINESS:

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



BUDGET ADJUSTMENT - 2010

DATE: July 5th, 2011

ACTIVITY # 2011-004

DESCRIPTION: Purchase of Animal Control Equipment & Supplies

TYPE OF ACTIVITY:

TRANSFER OF FUNDS

FROM ACCOUNT # _____ AMOUNT: _____

TO ACCOUNT # _____ AMOUNT: _____

PURPOSE: _____

BUDGET ADJUSTMENT/DESIGNATION

FROM ACCOUNT # 101-420-2700-44300 AMOUNT: \$ 2,500

PURPOSE: Purchase of Animal Control Equipment & Supplies

DESIGNATION/NEW ACCOUNT# Animal Control - Misc.

OTHER

FROM ACCOUNT # _____ AMOUNT: _____

PURPOSE: _____

City
Approval:

Honorable Dean Johnston, Mayor
(on Behalf of City Council)

Bruce Messelt, Administrator
(Attest)



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 5a.
PROCLAMATION

AGENDA ITEM: Proclamation Proclaiming Huff n' Puff Days

SUBMITTED BY: Sharon Lumby, City Clerk

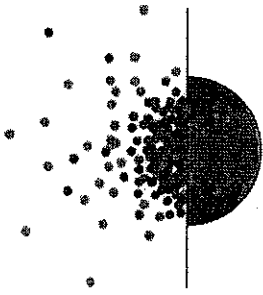
THROUGH: Bruce A. Messelt, City Administrator *BAM*

SUMMARY AND ACTION REQUESTED: The Lake Elmo Jaycees are requesting the City Council Proclaim August 11th-14th, 2011 as Huff n' Puff Days in the City of Lake Elmo.

A Proclamation has been provided for the Mayor to read and sign.

ATTACHMENTS:

1. Proclamation



Lake Elmo
Jaycees
Affiliated with JCI

Serving communities
in the St. Croix River
Valley for over 40 years!

Proclamation

WHEREAS, the Lake Elmo Jaycees have been a vital part of the development of young leaders of our community the past 40 years and

WHEREAS, this organization of young people will again be sponsors of Huff n' Puff Aug 11th, 12th, 13th, and 14th 2011

NOW, THEREFORE, I, Dean Johnston, Mayor of Lake Elmo, do hereby proclaim the weekend of Aug 11th to the 14th

Huff n' Puff Days

In Lake Elmo, and urge all citizens of our community to give full regard to past and continuing services of the Lake Elmo Jaycees.

Signed this _____ day of July, 2011

Dean Johnston, Mayor of Lake Elmo



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 5b
MOTION

AGENDA ITEM: Consider Approval of a Temporary On-Sale Liquor License for Lake Elmo Jaycees Huff'n Puff Days and waive the fees for the liquor license and Lions Park ball field lights

SUBMITTED BY: Sharon Lumby, City Clerk

THROUGH: Bruce A. Messelt, City Administrator *BAM*

SUMMARY AND ACTION REQUESTED: The Lake Elmo City Council is respectfully requested to consider its annual 1 to 4 day temporary On-Sale liquor license for the Lake Elmo Jaycees Huff'n Puff Days. The Council is also being asked to waive the liquor license fee and the fee for the Lions Park ball field lights. The motion to approve this request is:

"Move to approve the temporary On-Sale liquor license for the Lake Elmo Jaycees Huff 'n Puff Days, August 11-14, 2011, and waive the fees for the liquor license and Lions Park ball field lights."

BACKGROUND & STAFF REPORT: The Lake Elmo Jaycees have submitted their annual request for a temporary on-sale liquor license for Huff 'n Puff Days, August 11-14, 2011. They are also requesting a fee waiver for the application and charge for use of the ball field lights at Lions Park.

RECOMMENDATION: It is recommended that the City Council consider a 1 to 4 day temporary On-Sale liquor license for the Lake Elmo Jaycees Huff 'n Puff Days and waive the liquor license fee and the fee for the Lions Park ball field lights. The motion to approve this request is:

"Move to approve the temporary On-Sale liquor license for the Lake Elmo Jaycees Huff 'n Puff Days, August 11-14, 2011, and waive the fees for the liquor license and Lions Park ball field lights."

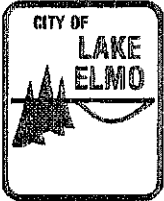
Alternatively, the City Council does have the authority to further discuss and deliberate prior to taking action regarding tabling, approval or denial. If affirmative action is then taken, the appropriate action of the Council following such discussion would be:

“Move to approve the temporary On-Sale liquor license for the Lake Elmo Jaycees Huff’n Puff Days, August 11-14, 2011, and waive the fees for the liquor license and Lions Park ball field lights [as amended at tonight’s meeting].”

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Clerk
- Questions from Council to Staff Mayor & City Council
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion Mayor & City Council



MAYOR & COUNCIL COMMUNICATION

DATE: 70/5/2011
REGULAR
ITEM: 6
RESOLUTION 2011-026

AGENDA ITEM: Review of code interpretation concerning a proposed covered walkway at 7955 Hill Trail Court

SUBMITTED BY: Kelli Matzek, City Planner

THROUGH: Kyle Klatt, Planning Director
Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The Board of Appeals is respectfully requested to determine whether Staff's interpretation of the City Code related to the applicant's proposed construction at 7955 Hill Trail Court, is in conformance with the existing regulations, as written.

The applicants ask that the Board of Appeals consider Staff's interpretation of Section 11.01 Definitions regarding "Lot Line, Front" and "Lot Line, Side" as well as Section 154.081 regarding permitted encroachments. The recommended motion to act on this is as follows:

"Move to approve Resolution 2011-026 confirming staff's interpretation that the western property line at 7955 Hill Trail Court would function as the front lot line, the north lot line would function as the side lot line and the proposed covered platforms would not be allowed as it would be within the 30 foot front yard setback and is not a permitted encroachment."

BACKGROUND INFORMATION: The home at 7955 Hill Trail Court was built in the 1980's after a variance for lot size was approved. In August, 1985 the City Council vacated Dempsey Avenue north of this property and Argyle Street to the east. At that same time a septic system variance to allow the system to be built five feet from the new northern property line was approved. The home was then built 30 feet from this new northern property line and approximately 18 feet from the western property line. It appears at this time, that the northern property line was utilized for the front yard setback.

The applicants, Pam Beytien and Jim Normann, have been in conversation with City Staff regarding potential improvements to their property at 7955 Hill Trail Court a number of times over the past few years. In 2008, Consulting Planner Ben Gozola sent Ms. Beytien an email in

response to a discussion they had regarding proposed additions to the home (see attachment). In the email, he concurs with current Staff's interpretation of the code, which Ms. Beytien is appealing. Planner Kelli Matzek provided a written response to the request for additional clarification on Staff's interpretation of the City Code (see attachment) of which the property owner's are appealing.

Code Interpretation

The applicable sections of code that are being called into question:

11.01 DEFINITIONS

Building Line - A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

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, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

154.081 PERMITTED ENCROACHMENTS ON REQUIRED YARDS.

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter.

(A) *In any yards.*

(1) Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than 5 feet from any lot line nor less than 1 foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

Porches as defined in this ordinance may encroach up to 6 feet into a required front yard setback or side corner yard, but in no case shall be setback less than 10 feet from the front property line. A porch is not allowed in a side or rear yard setback.

STAFF REPORT:

Request

Ms. Beytien and Mr. Normann have meet with City Staff recently and sought information on rebuilding the front steps to their home. The plan they are proposing replaces the existing plank and stairs with wider platforms of increasing height up to the front door. The proposed platforms would be built further away from the roof's drip line, which, according to the applicants, causes ice build-up and icy conditions during winter months. The plans identify that the proposed steps are expanding upon what is there currently and are to be built closer to the western property line.

Appeal

Staff has identified that because the road right-of-way on the North side of the property (Dempsey Avenue) was vacated in 1985, the remaining dedicated public right-of-way on the western property line now functions as the front lot line by definition of "Lot Line, Front" as identified on page two of this report. Staff has determined that the entire western property line would function as the front property line. The applicant's are appealing this determination that the entire western property line would function as the front lot line and thus a 30 foot setback should be applied.

City Staff has determined that the applicants' request would not be considered a permitted encroachment as identified in Section 154.081 because while the first few two or three sets of platforms could comply with the height requirements and be considered a permitted encroachment, the last platform needed to enter the home would be above the existing driveway and would be elevated to a height greater then the ground floor level of the home which would eliminate its eligibility for this exemption.

At an October 6, 2009 City Council meeting, the Council approved the language to allow porches up to six feet into a required front yard setback. Because the front yard setback in this district is 30 feet and the existing home is already 12 feet into this setback, this provision would not help the applicant in allowing their proposed improvements.

It is Staff's interpretation that the applicant's proposed improvements would be an expansion of a non-conformity to the 30 foot front yard setback and would not qualify as a permitted encroachment.

RECOMMENDATION:

Based upon the above background information and staff report, it is recommended that the City Council confirm the Staff interpretation that the proposed addition would not be allowed as it would be an expansion of a non-conforming structure within a 30 foot front yard setback and would not qualify as a permitted encroachment by undertaking the following action:

“Move to approve Resolution 2011-026 confirming staff’s interpretation that the western property line at 7955 Hill Trail Court would function as the front lot line, the north lot line would function as the side lot line and the proposed covered platforms would not be allowed as it would be within the 30 foot front yard setback and is not a permitted encroachment.”

Should the Board of Appeals agree with Staff’s finding, the applicants are still able to apply for a variance to allow the proposed improvement.

Alternatively, the City Council may find that only the portion of the western property line that is along dedicated road right-of-way should function as the front lot line, in which case the remaining western property line would function as a side lot line and would have a 10 foot setback.

A third option would be if the City Council determined that the proposed improvement would meet the criteria of a permitted encroachment as allowed under Section 154.081 and would therefore be allowed.

ATTACHMENTS:

1. Applicable Sections of Code
2. Letter from Consulting Planner Ben Gozola
3. Copy of Letter from Planner Matzek
4. Applicants’ Submittals
5. Neighbor’s Letter of Support
6. Resolution 2011-026

SUGGESTED ORDER OF BUSINESS:

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

11.01 DEFINITIONS

Building Line - A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

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, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

154.081 PERMITTED ENCROACHMENTS ON REQUIRED YARDS.

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter.

(A) *In any yards.*

(1) Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than 5 feet from any lot line nor less than 1 foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

Porches as defined in this ordinance may encroach up to 6 feet into a required front yard setback or side corner yard, but in no case shall be setback less than 10 feet from the front property line. A porch is not allowed in a side or rear yard setback.

Pam Beytien

From: Ben Gozola [bgozola@mfra.com]
Sent: Friday, May 23, 2008 1:36 PM
To: Pam Beytien
Cc: Kyle Klatt
Subject: Property/Code Review

Pam,

Thank you again for coming into City Hall yesterday to discuss your proposed additions for the home at 7955 Hill Trail Court. As promised, I've looked into code and discussed your situation with Kyle Klatt, and here's what we came up with:

-- Code is very clear that the front lot line is the one adjacent to public right-of-way. In this case, the vacation of Dempsey Avenue to the north of your property in 1985 shifted the "front" of the lot to the western property line. Accordingly, the City should have enforced a 30 foot setback from the western property line when the home was built in 1986. Placement of the existing home indicates this did not happen, and the 30 foot setback was instead required from the northerly property line. Unfortunately, that past mistake does not give us authority to authorize new additions that are not conforming to the correct setbacks (30' from the western property line; 10' from the north & south lines; and 40' from the eastern property line).

-- Lake Elmo code section 154.081 does permit certain projections to extend into required yards no closer than five feet from a property line and one foot from a driveway. However, I don't believe this language will help you given the types of additions you'd like to pursue. First, the improvements to the front of the home will clearly be adjacent to or above the existing driveway, so the exemption would not apply. Second, the proposed wrap-around porch would end up being elevated to a degree that would require a safety railing. The safety railing would extend the porch to a height greater than the ground floor level of the home which would eliminate its eligibility for this exemption. I could not find any other provisions in code that would alleviate the need for variances.

To proceed, I'd suggest that you design your additions to be no closer than 10 feet from either the northern or western property lines. While both additions would require you to request variances, you could argue that the landlocked nature of your parcel results in both property lines functioning as side yards, and that the building permit approval in 1986 resulted in the existing nonconformities. Provided you can show the proposed additions will not impact neighboring properties, you should be able to make a pretty good case for a variance. Note that until we receive and review an application, we cannot guarantee what recommendation we will make to the planning commission and City Council. Ultimately the specific facts surrounding your property will determine our recommendation. Second, City Hall can provide you with a handout to explain the variance process and the information you'll need to submit. Normally I'd provide the handout via email, but the City computers are currently being updated and I will not have access to their system until sometime next week.

Sorry for not having better news, but hopefully this gets you on the right track.

Have a great holiday weekend, and feel free to call anytime if you have questions.

Ben Gozola, AICP

Senior Planner

MFRA

14800 28th Avenue North

Suite 140

Plymouth, MN 55447

Direct: 763-746-1650

Office: 763-746-6010

Fax: 763-746-8532

Cell: 952-217-0252

5/27/2008

Kelli Matzek

From: Kelli Matzek
Sent: Thursday, June 09, 2011 11:41 AM
To: 'pbeytien@idea-ma.com'
Cc: Kyle Klatt
Subject: Property/Code Review

Pam,

Thank you for coming into City Hall to discuss your proposed additions for the home at 7955 Hill Trail Court.

As we discussed, it is Staff's interpretation that the western property line is your front lot line because it is adjacent to public right-of-way and would therefore be subject to a 30 foot setback. Ben Gozola's email dated May 23, 2008 goes into more detail regarding the road vacation, existing code requirements, allowed exceptions and staff's interpretation so I will not restate them at this time.

Options:

1. If you are interested in appealing the decision that the western property line is the front lot line per the City Code or that your proposed improvements should be considered one of the permitted encroachments as listed in Section 154.081, please fill out the applicable application with the fee of \$150. As part of the application, we will also need a clear indication of which section of code (or both) you think staff is not interpreting correctly. Both sections of code are copied at the bottom of this email.

The appeal application is to ask the Council if they disagree with staff's interpretation of the City Code requirements. To be clear, an appeal isn't to allow an exception to the rules, but instead that staff is not correctly interpreting how the language is written. An appeal application must be filed at City Hall within ten days of receiving this email.

2. If you would like to apply for a variance, the application form is the same, but the application fee is \$750. With the application, we will need a survey showing what proposed additions you would like to proceed with, any statement you would like to provide explaining how your property is unique and a list of property owners (please follow up with me on this portion before you apply).

~Kelli Matzek

Planner

City of Lake Elmo

(651) 233-5413

11.01 DEFINITIONS.

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, REAR. The boundary of a lot which is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

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.

§ 154.081 PERMITTED ENCROACHMENTS ON REQUIRED YARDS.

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter.

(A) In any yards.

(1) Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than 5 feet from any lot line nor less than 1 foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

(2) Porches as defined in § 11.01

<[http://www.amlegal.com/nxt/gateway.dll?f=id\\$id=Lake%20Elmo,%20MN%20Code%20of%20Ordinances%3Ar%3A51\\$cid=minnesota\\$t=document-frame.htm\\$an=JD_11.01\\$3.0#JD_11.01](http://www.amlegal.com/nxt/gateway.dll?f=id$id=Lake%20Elmo,%20MN%20Code%20of%20Ordinances%3Ar%3A51$cid=minnesota$t=document-frame.htm$an=JD_11.01$3.0#JD_11.01)> may encroach up to 6 feet into a required front yard setback or side corner yard, but in no case shall be setback less than 10 feet from the front property line. A porch is not allowed in a side or rear yard setback.

(B) Side and rear yards. Fences 30% open; walls and hedges 6 feet in height or less; bays not to exceed a depth of 3 feet or containing an area of more than 30 square feet; fire escapes not to exceed a width of 3 feet.

(C) Corner lots. Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2-1/2 and 10 feet above the center line grades of the intersecting streets within 100 feet of the intersection.

(D) Off-street parking. In no event shall off-street parking space, structures of any type, buildings, or other improvements cover more than 75% of the lot area. In no event shall the landscaped portion of the lot be less than 25% of the entire lot as a result of permitted encroachments. In Shoreland areas, no more than 1/3 of lot areas shall be covered with improvements.

City of Lake Elmo DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance * (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: Jim Normann Pam Beytien 7955 Hill Trail Ct Lake Elmo MN 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-0798 612-619-0242
(Home) (Work) (Mobile) (Fax)

FEE OWNER: _____
(Name) (Mailing Address) (Zip)

TELEPHONES: _____
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): see attached

DETAILED REASON FOR REQUEST: See attached Appeal

RECEIVED
JUN 16 2011
CITY OF LAKE ELMO

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Jim Normann
Signature of Applicant Date

[Signature] 6/16/2011
Signature of Applicant Date

1.1.16/16/2011

Lake Elmo City Council,

We need to rebuild the steps to our front door. The existing steps have posed a severe safety issue in the winter. We tried to resolve this problem by installing Leaf Guard gutters. The ice build-up continued along the walkway. We sought experts to help us. The conclusion was to move the steps away from the drip line.

I have attached pictures of the existing entry and the front of the house to point out the structural reasons that this creates this safety hazard.

We had a plan drawn up to move the steps in 2008. We brought the plan to the City of Lake Elmo and discovered the unique situation that there may be an issue as to whether our setbacks are consistent with current code. The City of Lake Elmo asked a consulting firm to address this issue. We have attached the letter written by Ben Gozola, Senior Planner MFRA. He suggested that the argument should be "that the landlocked nature of your parcel results in both property lines functioning as side yards and the building permit approval in 1986 resulted in the existing non-conformities."

The project was put on hold. The steps must now be replaced. We recently met with Kelli Matzek, the City Planner for the City of Lake Elmo. She interpreted the code saying that the front and side yards as defined by code would not allow us alter our entry.

I would like to point out that Kelli has been understanding of our problem and has been very clear in explaining this appeal process.

Per Kelli, City Code Section 154.081, 11.01 DEFINITIONS defines the front lot line as "The boundary of a lot which abuts a public street". When the house was built in 1986, Dempsey Avenue was abandoned from our westerly property line to the east. Kelli said at that time, the westerly lot line became our front yard and the northerly lot line became our side yard. This definition places our house 18 feet into the front lot setback.

Obviously the City and the builder agreed that the property lines complied with code when the house was built in 1986. Permits were issued, the contractor proceeded building and no violations were sited upon subsequent inspections.

In 2002, a survey was done by Folz, Freeman, Dupey & Associates, the firm used by the City of Lake Elmo. Again, nothing came to light about non-conforming boundaries.

The plan we have had drawn replaces the existing plank and stairs with wide steps that are moved away from the drip line. This will allow us to enter the house safely in the winter.

The way we read Section 154.081, steps are permitted encroachments in any yard.

§ 154.081 PERMITTED ENCROACHMENTS ON REQUIRED YARDS.

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter.

(A) *In any yards.*

- (1) Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than 5 feet from any lot line nor less than 1 foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

We are proposing to move our steps which appear above to be a permitted encroachment.

We ask the City of Lake Elmo to re-interpret the definition of our front and side yards. History shows there has been confusion on the definition of front and side lots for this property. Due to the land-locked nature of our property, we would like both property lines to function as side yards as was suggested by Ben Gozola, Senior Planner MFRA.

We respectfully request that the City change the existing front and side yard definitions and allow us to re-build our steps so they are safe or determine that our building plans are permitted encroachments under Code 154.081.

CEILING

4'x4' ISLAND

9'x4' ADJUNK WINDOVS

REMODELLED GARAGE
ENTRY TO GARAGE
DEPIC./FRANTRY WALL

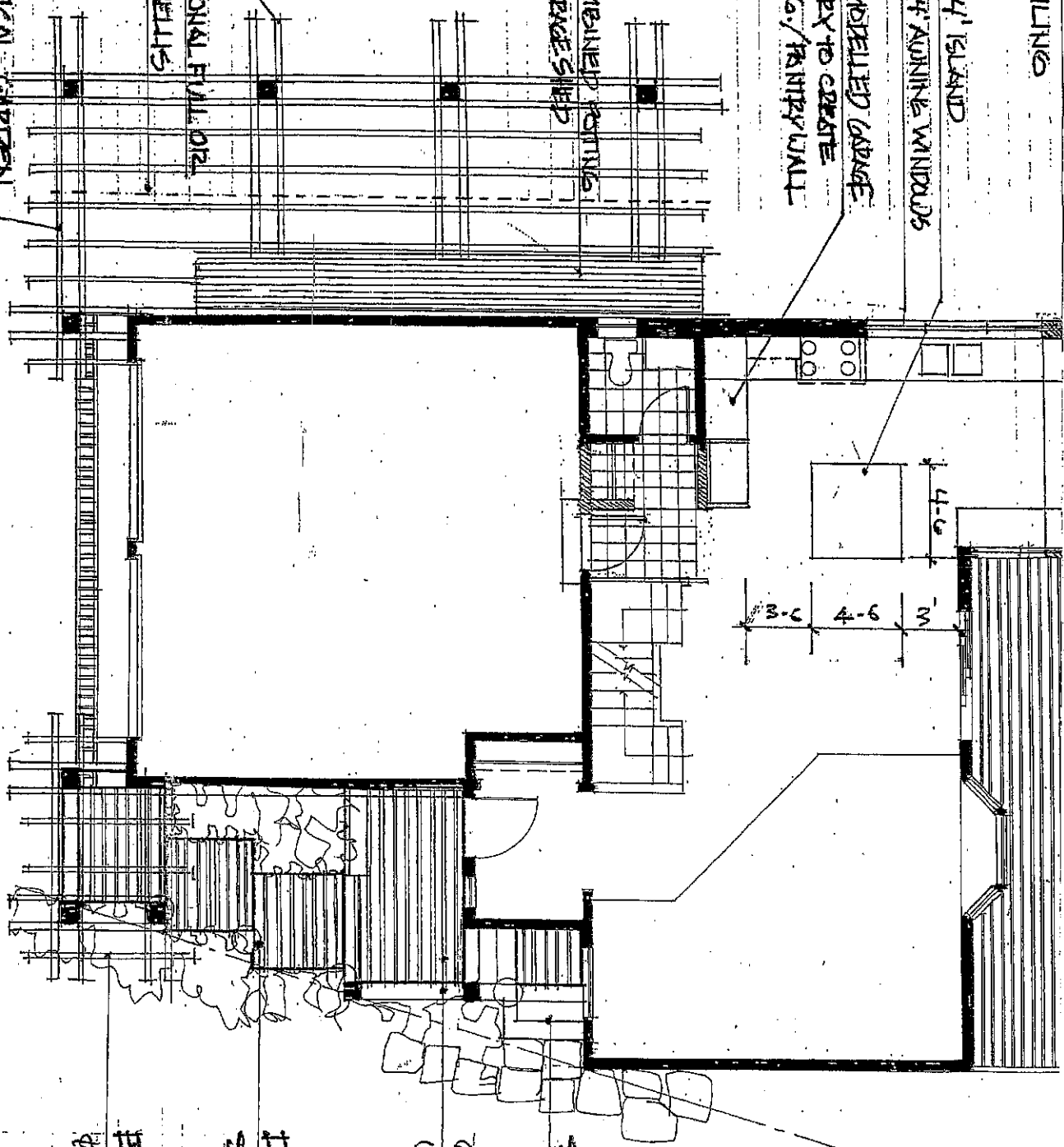
COMBINED STAIRS
RENOVATED

OPTIONAL FULL DR

1/2 TBELLIS

VERTICAL GARDEN

17-11-15

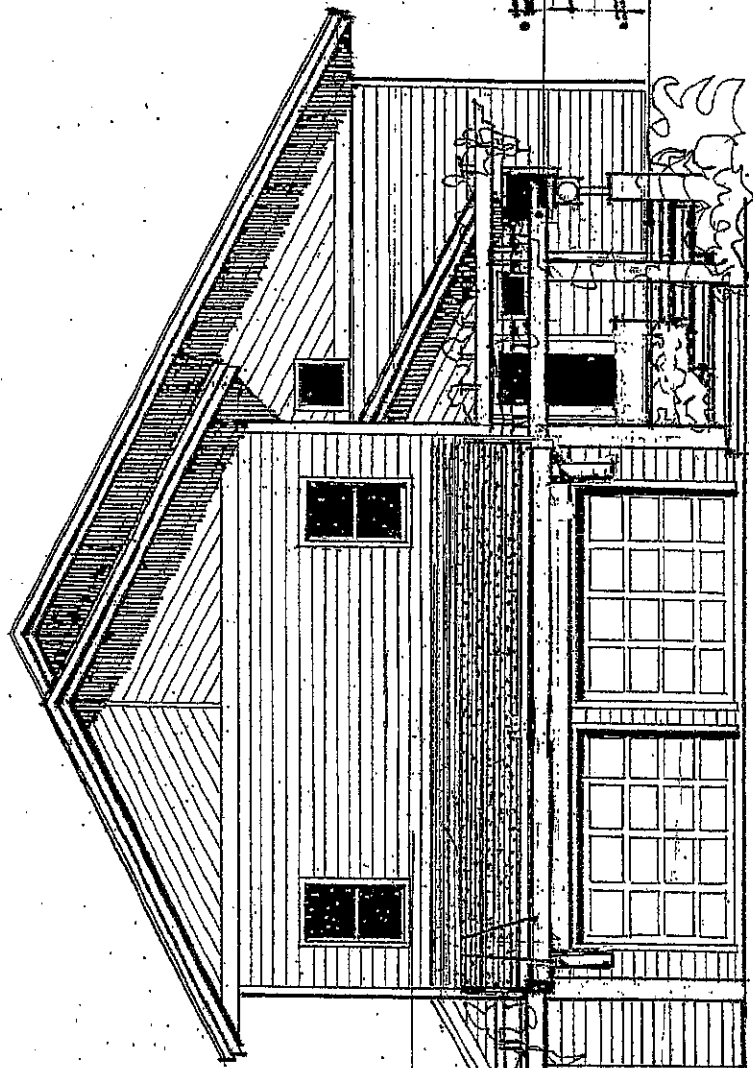


STEPS TO GARDEN

6'x10' ENTRY DECK
W/ BENCHES

THE PLATFORM
STEPS

ENTRY ARBOR
4 POST LIGHTS



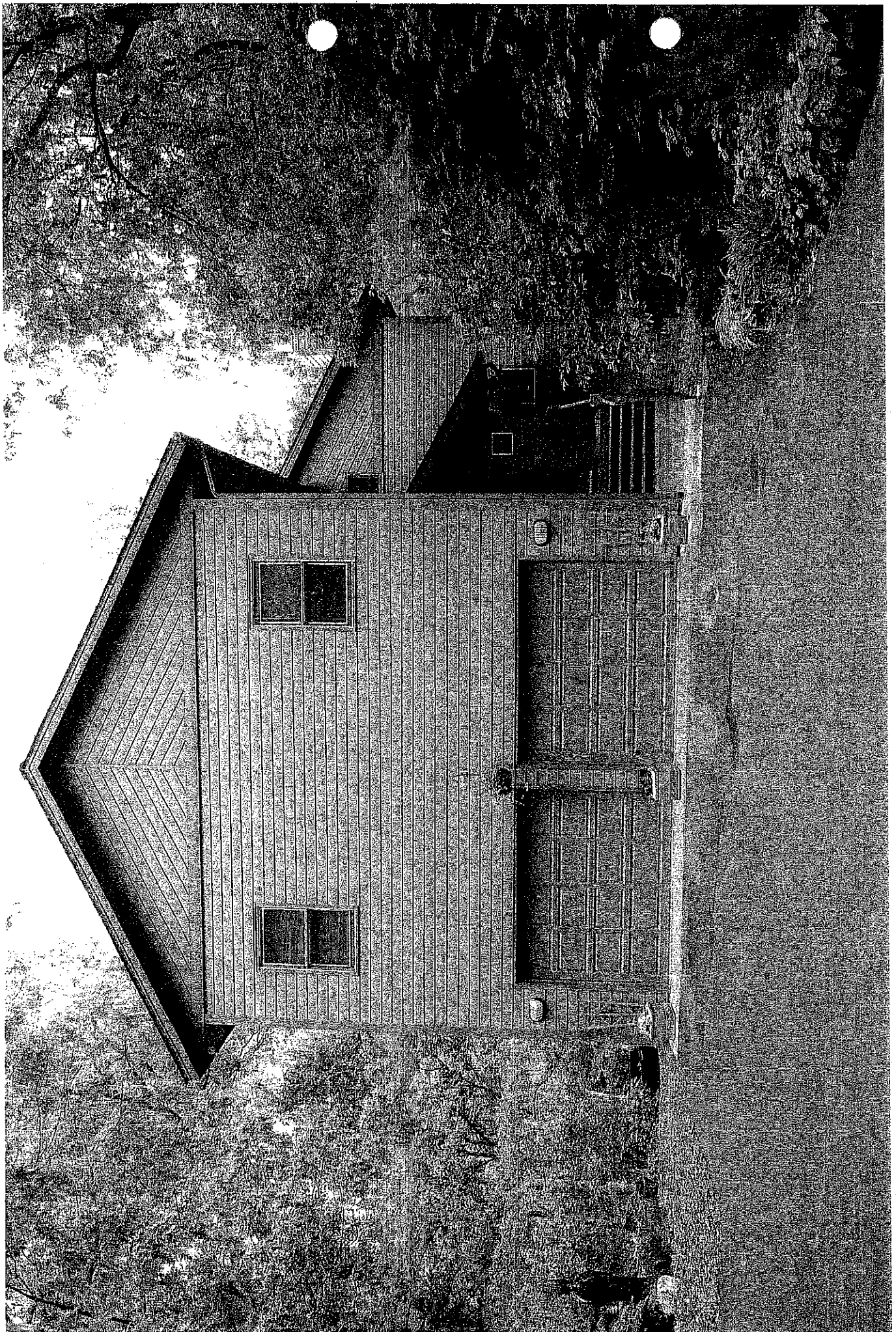
OPTIONAL CONSOLE
TRELLIS

OPTIONAL FULL OR
HALF TRELLIS

ENTRY ARBOR
LIGHTS PLANTING
PLATFORM STEPS

TRELLIS CONCEPT OPTION #2





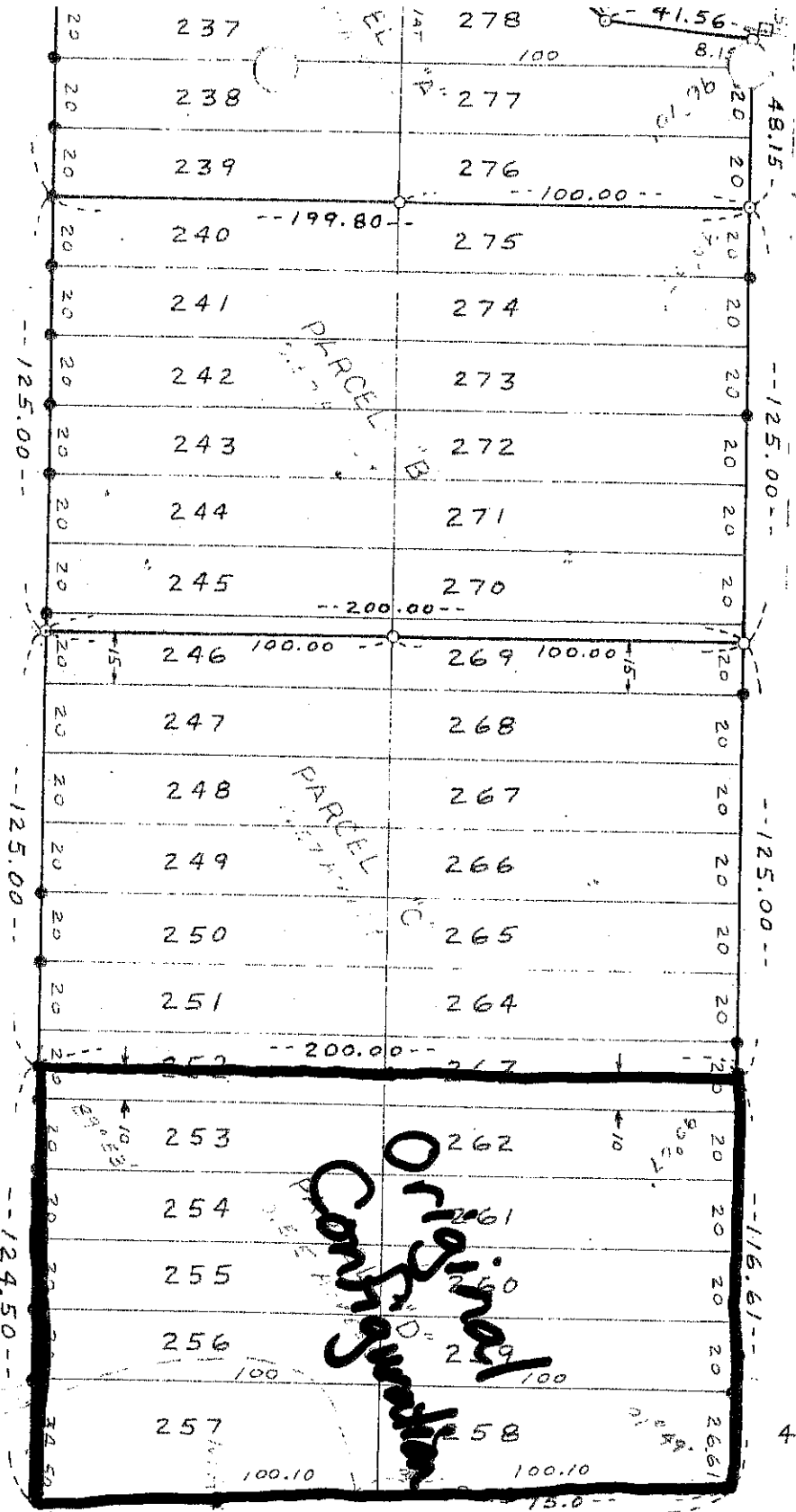


X 1000

MACK AVE.

DEMPESEY AVE.

DRIVE



*Original
Contract
Construction*

7951 Hill Trail Court
Lake Elmo, Min. 55042
30th June 2011

The Honorable Board of Adjustment and Appeals
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Min 55042

Ladies and Gentlemen:

We, Veronica and Allen Siedle, have notice of a meeting to be held on July 5th that concerns matters at 7955 Hill Trail Court. We cannot attend that meeting and so ask that you read this letter setting forth our views and consider them as though we had been in attendance and had actually spoken these words to you ourselves. We have standing because we own and live in the house adjacent to the one at 7955 Hill Trail Court.

The Board of Adjustment and Appeals has considerable discretion in interpreting and applying the various relevant ordinances, regulations and precedents. When charged with such a task, courts, administrative and regulatory authorities consistently strive to give words their everyday, common sense meanings; and to avoid complex, hypertechnical readings.

For the owners of 7955 Hill Trail Court, and virtually everyone else, the front door to their house is the principal, largest door through which people enter their dwelling. Form follows function and so, for them, the side of the house containing the front door is the front side. This is consistent with dictionary definitions of *front door* found on Google:

- the main door at the front of the house
- the main entrance to a house

These definitions do not depend on how the door is oriented with respect to some other, arbitrary, definition of front, side or back. Importantly, at 7955 Hill Trail Court, the door in question is not only the main door, it is the only door.

Planners appear to believe that the front side of a house can be determined by reference to a street that never was, that existed only on paper. This logic leads to an absurd result: at 7955 Hill Trail Court, the front door is at the side of the house. That should not stand.

We know the owners of 7955 Hill Trail Court to be solid citizens and no mischief will flow from their plans. Rather, what they propose is a reasonable and prudent use of their property: to mitigate the hazard caused by an icy walkway.

Their appeal seeks action well within bounds of sound discretion and that is backed by the forces of reason, logic and equity. We think that it should be granted.

Veronica Siedle
Allen R. Siedle

CITY OF LAKE ELMO
Washington County, Minnesota

BOARD OF ADJUSTMENTS AND APPEALS

RESOLUTION NO. 2011-026

**A RESOLUTION STATING FINDINGS OF FACT
RELATED TO AN APPEAL ON THE DETERMINATION THAT THE WESTERN
PROPERTY LINE IS THE FRONT LOT LINE AND THAT AN EXPANDED PLATFORM
ENTRANCE TO THE HOME AT 7955 HILL TRAIL COURT WOULD NOT BE
CONSIDERED A PERMITTED ENCROACHMENT**

WHEREAS, the owners of property at 7955 Hill Trail Court, Pam Beytien and Jim Normiann, asked City Staff for an interpretation on applicable setbacks for their property and if a multi-tiered platform entrance to their home would be considered a permitted encroachment; and

WHEREAS, the City staff determined that the proposed improvement could not be built due to the following circumstances:

- 1) The property is in the Tri-Lakes area of the City and is zoned R-1, Single Family Residential.
- 2) The R-1 District requires a front yard setback of 30 feet and a side yard setback of 10 feet for residential structures.
- 3) In Section 11.01 of the City Code, "Lot Line, Front" is defined as "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 sides."
- 4) As approximately 20 feet of the western property line abuts a publicly dedicated road right-of-way, the entire western property line functions as the front lot line and is therefore subject to the 30 foot setback requirement. The western side of the existing home, including the front door and entrance to the home is non-conforming to the 30 foot front yard setback.
- 5) In Section 154.081 Permitted Encroachments on Required Yards, the following are permitted encroachments into setback and height requirements: "Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), patios, stoops, decks not requiring railings in accordance with state building codes, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than 5 feet from any lot line nor less than 1 foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas,

loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.”

In addition:

“Porches as defined in this ordinance may encroach up to 6 feet into a required front yard setback or side corner yard, but in no case shall be setback less than 10 feet from the front property line. A porch is not allowed in a side or rear yard setback.”

- 6) Due to the size of the proposed improvement and the vertical height resulting in the last platform into the home requiring a railing in accordance with State Building Codes, the improvement is not considered a permitted encroachment as allowed in Section 154.081 of City Code.

WHEREAS, the applicants submitted an appeal to the Board of Adjustments and Appeals regarding the determination to not allow the construction of platforms to replace the existing steps, at both a larger size than what is currently there and in a location closer to the western property line; and requesting that the Board find that a building permit should be issued; and

WHEREAS, the Board heard the applicants and the City’s staff and counsel on July 5, 2011, and considered the facts of this case.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Appeals and Adjustments of the City of Lake Elmo, that the Board concurs with the reasons not to allow the construction of the proposed platforms for entrance into the home at 7955 Hill Trail Court, as stated in 1) through 6) above.

ADOPTED BY THE BOARD OF ADJUSTMENTS AND APPEALS of the City of Lake Elmo this 5th day of July, 2011.

Dean A. Johnston, Mayor

Attest:

Bruce A. Messelt, City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 7
DISCUSSION Ordinance No. 08-047

AGENDA ITEM: Hotel/Motel Water Rates – Discussion & Proposed Ordinance No.

SUBMITTED BY: Tom Bouthilet, Finance Director

REVIEWED BY: Bruce Messelt, City Administrator *BAW*

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council receive and discuss Staff's evaluation of proposed alternatives to the City's commercial water rate structure to potentially address identified concerns with respect to hotel/motel water users. If appropriate, the City Council may wish to consider the following motion:

“Move to approve Ordinance No. 08-047A (or 08-047B), amending the 2011 fee schedule to include a Commercial Hotel/Motel Water Rate.”

BACKGROUND INFORMATION: On June 21st, 2011, the Lake Elmo City Council directed City Staff to evaluate two alternatives to address identified concerns with respect to hotel/motel water users. Some large commercial water users have reported significant increases in water bills, despite increased conservation efforts. Other considerations included limiting the potential alternatives to non-irrigation water consumption only and making any changes retroactive to January 2011, as well as reviewing the commercial water rate structure later in 2011.

On April 19th, 2011, the City Council had directed Staff to evaluate and prepare for Council review possible changes to the City's Water rate structure to with respect to large Commercial water users. The current Water Conservation rate structure has been in place since December, 2009.

STAFF REPORT: A majority of surveyed northern metro cities use the same Increasing Block Rates structure that this City adopted in December, 2009. The two identified potential alternatives for Hotel/Motel consumption include the following:

Modified Commercial Water Rate Structure - The new commercial Water Rate structure for Hotels/Motels could be structured as follows:

Scenario #1		Scenario #2	
Gallons Per Quarter	Cost per 1,000 Gallons	Gallons Per Quarter	Cost per 1,000 Gallons
0 – 15,000 Gallons	\$3.11	0 – 15,000 Gallons	\$3.11
15,001 – 30,000 Gallons	\$3.26	15,001 – 30,000 Gallons	\$3.11
30,001 – 50,000 Gallons	\$3.26	30,001 – 50,000 Gallons	\$3.26
50,001 – 80,000 Gallons	\$3.77	50,001 – 80,000 Gallons	\$3.26
80,001 – 150,000 Gallons	\$3.77	80,001 – 150,000 Gallons	\$3.77
150,000+	\$5.00	150,001 – 200,000 Gallons	\$3.77
		Over 200,000 Gallons	\$5.00

(Quarterly domestic, non-irrigation usage only)

Scenario #1 applies a modified Water Conservation Rate structure, as presented to the City Council on June 21st, with four tiers, versus the current five. Under Scenario #1, one customer is currently identified at potentially benefitting from a separate commercial Hotel/Motel water rate structure. The net revenue reduction is estimated to be \$8,200 to the Utility for the 2011 billing period, or an approximately 25% reduction in currently-estimated revenues from this customer for this period. While the estimated *average* water user's bill has increased approximately 15% since 2009, the identified Hotel/Motel customer has seen at approximately 100% in its water bill in both 2010 and 2011, as compared to 2009. Even with the rate adjustment utilized in Scenario #1, this customer's 2011 water bill is estimated to be 56% higher than 2009 (pre-water conservation rates).

Scenario #2 applies a slightly modified Water Conservation Rate structure than #1, with four more evenly-dispersed tiers. Under Scenario #2, again with only one currently-identified customer, the net revenue reduction is estimated to be \$8,500 to the Utility for the 2011 billing period, or an approximately 26% reduction in currently-estimated revenues from this customer for this period. Even with the rate adjustment utilized in Scenario #2, this customer's 2011 water bill is estimated to be 53% higher than 2009 (pre-water conservation rates). **Ordinance No. 08-047A** has been prepared for Council consideration, utilizing Scenario #2 and making billing adjustments retroactive to January 2011.

"Multifamily" Commercial Water Rate Structure – According to the Minnesota Department of Natural Resources, another acceptable Water Conservation Rate Structure exists for multiple-family dwellings. While not specific to hotels/motels, this rate structure takes into consideration the independent consumptive nature of each unit within a larger single-metered facility, as well as meeting space and offices. According to the MN DNR Guidelines:

Multiple-Family Dwellings: Total water use in a multiple-family dwelling, which has only one water meter for the entire dwelling, may exceed that of a single-family dwelling. The statute does not require individual water meters for each residential unit within a multiple-family dwelling; however, the required

conservation rate at which the multiple-family dwelling's water use is billed must consider the number of residential units within that multiple-family dwelling.

Example: A four-plex uses a total of 18,000 gallons per month or approximately 4,500 gallons per residential unit. Water use for each residential unit falls within the first block (0-6,000 gallons) of the above Excess Use Rate example. A rate of \$2.50/1000 gallons would apply up to a total use of 24,000 gallons for the multiple-family dwelling. Thereafter, the rate increases according to the rate schedule, always considering each residential unit as an individual user.

For this customer, a preliminary calculation, using the Metropolitan Council's formula, yields 55 SAC (REC) Units, based upon the number of hotel rooms and square footage utilized for office space and meeting rooms. Swimming pools for hotel users and mechanical rooms are exempt from this calculation by the Metropolitan Council. It should be noted that the City does not envision creating, at this time, a Multiple-Family Dwellings' rate structure for other than commercial hotels/motels. A more general commercial (and/or residential) rate structure for Multiple-Family Dwellings would likely increase the number of affected customers.

Utilizing the Multiple-Family Dwellings' approach for the only currently-identified hotel/motel customer would yield an estimated net revenue reduction of \$12,400 to the Utility for the 2011 billing period, or an approximately 40% reduction in currently-estimated revenues from this customer for this period. With this rate adjustment, this customer's 2011 water bill is estimated to still be 29% higher than 2009 (pre-water conservation rates). **Ordinance No. 08-047B** has been prepared for Council consideration, utilizing the Multiple-Family Dwellings' approach and making billing adjustments retroactive to January 2011.

RECOMMENDATION: It is recommended that the City Council receive and discuss staff's evaluation of proposed alternatives to the City's commercial water rate structure to potentially address identified concerns with respect to hotel/motel water users. If appropriate, the City Council may wish to consider the following:

"Move to approve Ordinance No. 08-047A, amending the 2011 fee schedule to include a Commercial Hotel/Motel Water Rate, utilizing a new Water Conservation Rate Structure."

or

"Move to approve Ordinance No. 08-047B, amending the 2011 fee schedule to include a Commercial Hotel/Motel Water Rate Structure, utilizing a Multiple-Family Dwellings' calculation."

Alternatively, the City Council may reject, table, further discuss and/or modify this recommendation, as appropriate. If the latter is undertaken, the suggested motion would be:

“Move to approve Ordinance No. 08-047A (or 08-047B), amending the 2011 fee schedule to include a Commercial Hotel/Motel Water Rate [as agreed upon at tonight’s meeting].”

ATTACHMENTS:

1. Ordinance No. 08-047A
2. Ordinance NO. 08-047B
3. Minnesota DNR Water Conservation Rate Guidelines
4. Met Council SAC Calculations
5. Analysis of Identified Scenarios

SUGGESTED ORDER OF BUSINESS:

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

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

ORDINANCE NO. 08-047A

AN ORDINANCE AMENDING MUNICIPAL FEES FOR CALENDAR YEAR 2011

The Lake Elmo City Council hereby adopts the following fee schedule for calendar year 2011, applicable as services outlined in Appendix A, and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Appendix A: 2011 Fee Schedule – Commercial Hotel/Motel Water Quarterly Rate

ADOPTION DATE: Passed by the Lake Elmo City Council on the 5th day of July, 2011.

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Its: Mayor

ATTEST

Sharon Lumby
City Clerk

PUBLICATION DATE:

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
Accessory Bldg Forward of Primary Structure	\$80.00	
Administrative / Fines	\$0.00	
Amateur Radio Antenna	\$875.00	
Appeal (to Board of Adjustment and Appeals)	\$150.00	
Assessment Search	\$25.00	
Building Demolition		
First 1000 Square Feet	\$105.00	Plus 5.00 Surcharge (State Mandated)
Each Additional 1000 sq feet or portion thereof	\$11.00	Plus 5.00 Surcharge (State Mandated)
Burning Permits		
Residential	\$45.00	
Commercial	\$80.00	
Illegal Burn	\$100.00	
Comprehensive Plan Amendment	\$1,300.00	
Conditional Use Permit (CUP)	New \$1,050.00	Wireless Communication Facilities Escrow \$6,000.00 Flood
<new or amended>	Amended \$500.00	Plain Ordinance Escrow \$500.00
CONTRACTOR LICENSE FEES		
Blacktopping	\$75.00	
Excavator License	\$75.00	
Heating and A/C	\$75.00	
Sign Installer	\$50.00	Sign Reinspection Fee \$25.00
Solid Waste Hauler	\$120.00	
Tree Contract	\$70.00	
COPY SERVICES		
Copies (B&W)	\$0.35	
Copies (B&W) 11 X 17	\$1.00	
Copies (Color)	\$0.50	
Copies (Color) 11 X 17	\$2.00	
City Map - colored	\$3.15	
City Street Maps 36 X 40	\$20.00	
GIS / Engineering Maps		
Existing Maps	\$5.00	Provided electronically or paper
Custom (Per Hour rate)	\$70.00	Provided electronically or paper
Plan Size Maps Larger than 11 X 17	\$20.00	
Development Standards Specification & Details	\$55.00	
Code Book	\$160.00	
Sections 1, 2, 4, 6-12, 14	\$12.00	
Section 3	\$52.00	
Section 5 and 13	\$27.00	
Comprehensive Plan	\$125.00	
OP Ordinance	\$12.00	
Parks Plan	\$80.00	
Culverts in Developments with Rural Section	\$160.00	
Dog License	\$20.00	
Service Dogs License (dogs with special training to assist individual with disabilities)	\$5.00	Renew on expiration of rabies vaccination
Unlicensed dog (first impound)	\$60.00	Plus Boarding Fee-20.00/Day
Licensed dog (first impound)	\$42.00	Plus Boarding Fee-20.00/Day
Cat Impound (first impound)	\$42.00	Plus Boarding Fee-20.00/Day
Subsequent dog/cat impound	\$85.00	Plus Boarding Fee-20.00/Day
Duplicate License or Tag	\$1.00	
Driveway		
Residential	\$70.00	Plus 5.00 Surcharge (State Mandated)
Commercial	\$160.00	Plus 5.00 Surcharge (State Mandated)
Easement Encroachment	\$100.00	Staff & Recording Fee
Electronic Fund Withdrawal / Bill Payment	Fee & Transaction Charge	
Excavating and Grading	\$125.00	Erosion Control Bond, Escrow, or Letter of Credit: \$1500.00 per acre.
False Alarm		
1 to 3 False alarms		
In excess of 3 up to and including 6 false alarms within a twelve (12) month period		
Residential	\$110.00	
Commercial	\$315.00	

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
Accessory Bldg Forward of Primary Structure	\$80.00	
Administrative / Fines	\$0.00	
Amateur Radio Antenna	\$875.00	
Appeal (to Board of Adjustment and Appeals)	\$150.00	
Assessment Search	\$25.00	
Building Demolition		
First 1000 Square Feet	\$105.00	Plus 5.00 Surcharge (State Mandated)
Each Additional 1000 sq feet or portion thereof	\$11.00	Plus 5.00 Surcharge (State Mandated)
Burning Permits		
Residential	\$45.00	
Commercial	\$80.00	
Illegal Burn	\$100.00	
Comprehensive Plan Amendment	\$1,300.00	
Conditional Use Permit (CUP)	New \$1,050.00	Wireless Communication Facilities Escrow \$6,000.00 Flood
<new or amended>	Amended \$500.00	Plain Ordinance Escrow \$500.00
CONTRACTOR LICENSE FEES		
Blacktopping	\$75.00	
Excavator License	\$75.00	
Heating and A/C	\$75.00	
Sign Installer	\$50.00	Sign Reinspection Fee \$25.00
Solid Waste Hauler	\$120.00	
Tree Contract	\$70.00	
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Subsequent dog/cat impound	\$85.00	Plus Boarding Fee-20.00/Day
Duplicate License or Tag	\$1.00	
Driveway		
Residential	\$70.00	Plus 5.00 Surcharge (State Mandated)
Commercial	\$160.00	Plus 5.00 Surcharge (State Mandated)
Easement Encroachment	\$100.00	Staff & Recording Fee
Electronic Fund Withdrawal / Bill Payment	Fec & Transaction Charge	
Excavating and Grading	\$125.00	Erosion Control Bond, Escrow, or Letter of Credit: \$1500.00 per acre.
False Alarm		
1 to 3 False alarms		
In excess of 3 up to and including 6 false alarms within a twelve (12) month period		
Residential	\$110.00	
Commercial	\$315.00	

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
In excess of six false alarms within a twelve (12) month period		
Residential	\$185.00	
Commercial	\$520.00	
Fire		
Daycare inspection Fee	\$60.00	Plus 5.00 Surcharge (State Mandated)
Fire Alarm Systems	\$60.00	Plus 1% of Value
Fire Sprinkler System (Inspection Fee)	2% of value of work	Minimum \$100.00
Fire Sprinkler System (Reinspection Fee)	\$50.00	
Flood Plain District Delineation	\$500.00	
Fuel Tank Removal (Underground)	\$100.00	Plus 5.00 Surcharge (State Mandated)
Fuel Tank Install	2% of value of work	Minimum \$100.00
Heating		
New Residential	\$150.00	Plus 5.00 Surcharge (State Mandated)
Addition to Residential	\$75.00	Plus 5.00 Surcharge (State Mandated)
Commercial (New or Addition)	Minimum \$175.00 or 1% of total job	Plus minimum 5.00 Surcharge
Interim Use Permit (IUP)	\$1,050.00	
Interim Use Permit (IUP)-Renewal	\$300.00	
Interim Use Permit (IUP) AG Sales & Entertainment	\$250.00	2011 Only
Lawn Sprinklers	\$125.00	Plus 5.00 Surcharge (State Mandated)
Liquor		
Club On Sale Intoxicating	\$100.00 per year	
Off Sale Intoxicating	\$200.00 per year	
Off-Sale Non-Intoxicating	\$150.00 per year	
On-Sale Intoxicating	\$1500.00 per year	
On-Sale Intoxicating - 2nd Bldg	\$750.00 per year	
On-Sale Investigation	\$350.00	
On-Sale Non-Intoxicating	\$100.00 per year	
On-Sale Sunday Intoxicating	\$200.00 per year	
Temporary Non-Intoxicating	\$25.00 per event	
Wine	\$300.00 per year	
Lot Line Adjustment	\$310.00	
Manufactured Home Parks	\$1,000.00	
New	\$1,200.00	Plus 2500.00 Escrow
Move home out of City	\$100.00	Plus 5.00 Surcharge (State Mandated)
Move into City	\$150.00	Plus 5.00 Surcharge (State Mandated)
Minor Subdivision	\$500.00	
Moving House or Primary Structure into City	\$520.00	Plus bond with amount to be determined by City w/recommendation from Building Official
Moving Accessory Structure into City	\$305.00	Plus Escrow to be determined by the City w/recommendation from Building Official
New Construction Plan Review	Per 1997 UBC (65%)	
Park Dedication (up to 3 lots)	\$3600.00 for each	Four or more lots per Section 400 Formula
Parking Lots		
New Commercial	\$175.00	Plus 5.00 Surcharge (State Mandated)
Existing Commercial	\$100.00	Plus 5.00 Surcharge (State Mandated)
Platting		
Concept (PUD or OP)	\$1,250.00	
Preliminary Plat (and Development Stage)	\$1,850.00	
Final Plat (and Final Plan)	\$1,250.00	Plus 2.5% Administrative Fee Development Agreement
Plumbing		
New Residential	\$150.00	Plus 5.00 Surcharge (State Mandated)
Addition to Residential	\$75.00	Plus 5.00 Surcharge (State Mandated)
Commercial (New or Addition)	175	Plus minimum 5.00 Surcharge (State Mandated)
Private Roads (permitted only in AG zone)	\$150.00	Plus 5.00 Surcharge (State Mandated)
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00	1500.00 escrow

City of Lake Elmo 2011 Fee Schedule		
	2011	Escrow or Additional Charge
In excess of six false alarms within a twelve (12) month period		
Residential	\$185.00	
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Fire Sprinkler System (Inspection Fee)	2% of value of work	Minimum \$100.00
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Flood Plain District Delineation	\$500.00	
Fuel Tank Removal (Underground)	\$100.00	Plus 5.00 Surcharge (State Mandated)
Fuel Tank Install	2% of value of work	Minimum \$100.00
Heating		
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Commercial (New or Addition)	Minimum \$175.00 or 1% of total job	Plus minimum 5.00 Surcharge
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On-Sale Intoxicating - 2nd Bldg	\$750.00 per year	
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On-Sale Sunday Intoxicating	\$200.00 per year	
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Wine	\$300.00 per year	
Lot Line Adjustment	\$310.00	
Manufactured Home Parks	\$1,000.00	
New	\$1,200.00	Plus 2500.00 Escrow
Move home out of City	\$100.00	Plus 5.00 Surcharge (State Mandated)
Move into City	\$150.00	Plus 5.00 Surcharge (State Mandated)
Minor Subdivision	\$500.00	
Moving House or Primary Structure into City	\$520.00	Plus bond with amount to be determined by City w/recommendation from Building Official
Moving Accessory Structure into City	\$305.00	Plus Escrow to be determined by the City w/recommendation from Building Official
New Construction Plan Review	Per 1997 UBC (65%)	
Park Dedication (up to 3 lots)	\$3600.00 for each	Four or more lots per Section 400 Formula
Parking Lots		
New Commercial	\$175.00	Plus 5.00 Surcharge (State Mandated)
Existing Commercial	\$100.00	Plus 5.00 Surcharge (State Mandated)
Platting		
Concept (PUD or OP)	\$1,250.00	
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Final Plat (and Final Plan)	\$1,250.00	Plus 2.5% Administrative Fee Development Agreement
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New Residential	\$150.00	Plus 5.00 Surcharge (State Mandated)
Addition to Residential	\$75.00	Plus 5.00 Surcharge (State Mandated)
Commercial (New or Addition)	175	Plus minimum 5.00 Surcharge (State Mandated)
Private Roads (permitted only in AG zone)	\$150.00	Plus 5.00 Surcharge (State Mandated)
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00	1500.00 escrow

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
Right-of-Way Permits		
Annual Registration (1415.05 Subd.1)	\$100.00	
Excavation (1415.11 Subd. 1)	\$230.00	
Each Additional Excavation	\$40.00	
Trench Fee (boring or open cut)	.60 per foot	
Overhead Installation Fee	.60 per foot	
New Subdivisions (Alternate to per foot fee)	\$100.00	
Street Obstruction Fee (1415.11 (Sub 2))	\$100.00	
Permit Extension	\$100.00	
Delay Penalty	25.00 per day	
Sewage Disposal		
On-Site Septic Systems		
New		Plus 5.00 Surcharge (State Mandated)
Alterations or Repairs		Plus 5.00 Surcharge (State Mandated)
Sewer Availability Charge (SAC)	\$5,730.00	per SAC unit - 2230.00 to Met Council; 3500 to City
Sewer	\$4.50 per 1,000 gallons	
Wetland Treatment		
Hookup to Existing System	\$100.00	Plus 5.00 Surcharge (State Mandated)
Alteration/Repair	\$75.00	Plus 5.00 Surcharge (State Mandated)
201 Off-Site Maintenance Fee	75.00 per unit per quarter	
Signs Permanent	\$180.00	Plus 5.00 Surcharge (State Mandated)
Signs Temporary	\$75.00	Plus 5.00 Surcharge (State Mandated)
Signs Temporary Renewal	\$25.00	Plus 5.00 Surcharge (State Mandated)
Site Plan Review (Chapter 520)	\$980.00	
Special Events Support		
Fire Department Equipment/Personnel	\$250/HR (Engine)	
	\$350/HR (Ladder)	
Public Safety	-NA	As Per Washington County Sheriff's Dept. Fee Schedule
Public Works Support (Traffic Control/Other)	\$100.00	Plus Materials
Street Cleaning Erosion Control		
Escrow	\$5,000.00	
Re-inspection	\$50.00 per hour	Portal to Portal from City Hall. Minimum: 1 hour
Processing Fee		10% of Contractor's Invoice to City
Surface Water		
Residential	\$50.00	
Non-Residential (commercial, ag., etc.)	\$50.00	Utility Rate Factor per code
Tennis Courts	Per 1997 UBC	Plus 5.00 Surcharge (State Mandated)
Vacations (Streets or Easements)		
Easements	\$515.00	\$500.00 Escrow
Streets	\$515.00	\$500.00 Escrow
Variance	\$750.00	
Video Reproduction	\$35.00	
Water		
Residential - Quarterly Rate	\$25.00 Base	
Plus Rate Per 1000 Gallons		
0-15,000 Gallons	\$2.14	
15,001 - 30,000 Gallons	\$2.86	
30,001 - 50,000 Gallons	\$3.77	
50,001 - 80,000 Gallons	\$5.00	
80,001+Gallons	\$6.63	
Commercial - Quarterly Rate	\$25.00 Base	
Plus Rate Per 1000 Gallons		
0-15,000 Gallons	\$3.11	
15,001 - 30,000 Gallons	\$3.26	
30,001 - 50,000 Gallons	\$3.77	
50,001 - 80,000 Gallons	\$5.00	
80,001+Gallons	\$6.63	

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
Right-of-Way Permits		
Annual Registration (1415.05 Subd.1)	\$100.00	
Excavation (1415.11 Subd. 1)	\$230.00	
Each Additional Excavation	\$40.00	
Trench Fee (boring or open cut)	.60 per foot	
Overhead Installation Fee	.60 per foot	
New Subdivisions (Alternate to per foot fee)	\$100.00	
Street Obstruction Fee (1415.11 (Sub 2.)	\$100.00	
Permit Extension	\$100.00	
Delay Penalty	25.00 per day	
Sewage Disposal		
On-Site Septic Systems		
New		Plus 5.00 Surcharge (State Mandated)
Alterations or Repairs		Plus 5.00 Surcharge (State Mandated)
Sewer Availability Charge (SAC)	\$5,730.00	per SAC unit - 2230.00 to Met Council; 3500 to City
Sewer	\$4.50 per 1,000 gallons	
Wetland Treatment		
Hookup to Existing System	\$100.00	Plus 5.00 Surcharge (State Mandated)
Alteration/Repair	\$75.00	Plus 5.00 Surcharge (State Mandated)
201 Off-Site Maintenance Fee	75.00 per unit per quarter	
Signs Permanent	\$180.00	Plus 5.00 Surcharge (State Mandated)
Signs Temporary	\$75.00	Plus 5.00 Surcharge (State Mandated)
Signs Temporary Renewal	\$25.00	Plus 5.00 Surcharge (State Mandated)
Site Plan Review (Chapter 520)	\$980.00	
Special Events Support		
Fire Department Equipment/Personnel	\$250/HR (Engine)	
	\$350/HR (Ladder)	
Public Safety	-NA	As Per Washington County Sheriff's Dept. Fee Schedule
Public Works Support (Traffic Control/Other)	\$100.00	Plus Materials
Street Cleaning Erosion Control		
Escrow	\$5,000.00	
Re-inspection	\$50.00 per hour	Portal to Portal from City Hall. Minimum: 1 hour
Processing Fee		10% of Contractor's Invoice to City
Surface Water		
Residential	\$50.00	
Non-Residential (commercial, ag., etc.)	\$50.00	Utility Rate Factor per code
Tennis Courts	Per 1997 UBC	Plus 5.00 Surcharge (State Mandated)
Vacations (Streets or Easements)		
Easements	\$515.00	\$500.00 Escrow
Streets	\$515.00	\$500.00 Escrow
Variance	\$750.00	
Video Reproduction		
	\$35.00	
Water		
Residential - Quarterly Rate		
Plus Rate Per 1000 Gallons	\$25.00 Base	
0-15,000 Gallons	\$2.14	
15,001 - 30,000 Gallons	\$2.86	
30,001 - 50,000 Gallons	\$3.77	
50,001 - 80,000 Gallons	\$5.00	
80,001+Gallons	\$6.63	
Commercial - Quarterly Rate		
Plus Rate Per 1000 Gallons	\$25.00 Base	
0-15,000 Gallons	\$3.11	
15,001 - 30,000 Gallons	\$3.26	
30,001 - 50,000 Gallons	\$3.77	
50,001 - 80,000 Gallons	\$5.00	
80,001+Gallons	\$6.63	

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
Commercial – Hotel/Motel Quarterly Rate	\$25.00 Base	
Plus Commercial Rate Per 1000 Gallons		Utilizing Multiple Family Dwellings' Calculation – Based Upon REC (SAC) Units
All Connection Permits	\$140.00	
Meters, MIU & Meter Installation Sets	\$300.00	
Delinquent Accounts	6% per quarter	Plus 25.00 or 8%, whichever is greater, if certified to County for collection with taxes
Disconnect Service	\$80.00	
Reconnect Service	\$80.00	
Service Call		
Water Storage Violation	\$15.00 per day	
Bulk Water from Hydrant	\$61.20 for first 5,000 gallons	Plus 3.26 per additional 1000 Gals
Swimming Pool Fill	\$61.20 for first 5,000 gallons	Plus 3.26 per 1000 Gals & \$15.00 per labor hour
Water Availability Charge (WAC)		
Existing Structures within Old Village	\$800.00	
New Development	\$3,900.00	
Wind Generator	\$850.00	\$2000.00 Escrow
Wireless Communication Permit	\$500.00	\$2000.00 Escrow
Zoning Amendment (Text or Map)	\$1,245.00	

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
Accessory Bldg Forward of Primary Structure	\$80.00	
Administrative / Fines	\$0.00	
Amateur Radio Antenna	\$875.00	
Appeal (to Board of Adjustment and Appeals)	\$150.00	
Assessment Search	\$25.00	
Building Demolition		
First 1000 Square Feet	\$105.00	Plus 5.00 Surcharge (State Mandated)
Each Additional 1000 sq feet or portion thereof	\$11.00	Plus 5.00 Surcharge (State Mandated)
Burning Permits		
Residential	\$45.00	
Commercial	\$80.00	
Illegal Burn	\$100.00	
Comprehensive Plan Amendment	\$1,300.00	
Conditional Use Permit (CUP)	New \$1,050.00	Wireless Communication Facilities Escrow \$6,000.00
<new or amended>	Amended \$500.00	Flood Plain Ordinance Escrow \$500.00
CONTRACTOR LICENSE FEES		
Blacktopping	\$75.00	
Excavator License	\$75.00	
Heating and A/C	\$75.00	
Sign Installer	\$50.00	Sign Reinspection Fee \$25.00
Solid Waste Hauler	\$120.00	
Tree Contract	\$70.00	
COPY SERVICES		
Copies (B&W)	\$0.35	
Copies (B&W) 11 X 17	\$1.00	
Copies (Color)	\$0.50	
Copies (Color) 11 X 17	\$2.00	
City Map - colored	\$3.15	
City Street Maps 36 X 40	\$20.00	
GIS / Engineering Maps		
Existing Maps	\$5.00	Provided electronically or paper
Custom (Per Hour rate)	\$70.00	Provided electronically or paper
Plan Size Maps Larger than 11 X 17	\$20.00	
Development Standards Specification & Details	\$55.00	
Code Book	\$160.00	
Sections 1, 2, 4, 6-12, 14	\$12.00	
Section 3	\$52.00	
Section 5 and 13	\$27.00	
Comprehensive Plan	\$125.00	
OP Ordinance	\$12.00	
Parks Plan	\$80.00	
Culverts in Developments with Rural Section	\$160.00	
Dog License	\$20.00	
Service Dogs License (dogs with special training to assist individual with disabilities)	\$5.00	Renew on expiration of rabies vaccination
Unlicensed dog (first impound)	\$60.00	Plus Boarding Fee-20.00/Day
Licensed dog (first impound)	\$42.00	Plus Boarding Fee-20.00/Day
Cat Impound (first impound)	\$42.00	Plus Boarding Fee-20.00/Day
Subsequent dog/cat impound	\$85.00	Plus Boarding Fee-20.00/Day
Duplicate License or Tag	\$1.00	
Driveway		
Residential	\$70.00	Plus 5.00 Surcharge (State Mandated)
Commercial	\$160.00	Plus 5.00 Surcharge (State Mandated)
Easement Encroachment	\$100.00	Staff & Recording Fee
Electronic Fund Withdrawal / Bill Payment	Fee & Transaction Charge	
Excavating and Grading	\$125.00	Erosion Control Bond, Escrow, or Letter of Credit: \$1500.00 per acre.
False Alarm		
1 to 3 False alarms		
In excess of 3 up to and including 6 false alarms within a twelve (12) month period		
Residential	\$110.00	
Commercial	\$315.00	

City of Lake Elmo 2011 Fee Schedule

	2011	Escrow or Additional Charge
Commercial – Hotel/Motel Quarterly Rate	\$25.00 Base	
Plus Rate Per 1000 Gallons		
0-15,000 Gallons	\$3.11	
15,001 - 30,000 Gallons	\$3.11	
30,001 - 50,000 Gallons	\$3.26	
50,001 - 80,000 Gallons	\$3.26	
80,001 - 150,000 Gallons	\$3.77	
150,001 – 200,000 Gallons	\$3.77	
200,001+ Gallons	\$5.00	
All Connection Permits	\$140.00	
Meters, MIU & Meter Installation Sets	\$300.00	
Delinquent Accounts	6% per quarter	Plus 25.00 or 8%, whichever is greater, if certified to County for collection with taxes
Disconnect Service	\$80.00	
Reconnect Service	\$80.00	
Service Call		
Water Storage Violation	\$15.00 per day	
Bulk Water from Hydrant	\$61.20 for first 5,000 gallons	Plus 3.26 per additional 1000 Gals
Swimming Pool Fill	\$61.20 for first 5,000 gallons	Plus 3.26 per 1000 Gals & \$15.00 per labor hour
Water Availability Charge (WAC)		
Existing Structures within Old Village	\$800.00	
New Development	\$3,900.00	
Wind Generator	\$850.00	\$2000.00 Escrow
Wireless Communication Permit	\$500.00	\$2000.00 Escrow
Zoning Amendment (Text or Map)	\$1,245.00	

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

ORDINANCE NO. 08-047B

AN ORDINANCE AMENDING MUNICIPAL FEES FOR CALENDAR YEAR 2011

The Lake Elmo City Council hereby adopts the following fee schedule for calendar year 2011, applicable as services outlined in Appendix A, and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Appendix A: 2011 Fee Schedule – Commercial Hotel/Motel Water Quarterly Rate

ADOPTION DATE: Passed by the Lake Elmo City Council on the 5th day of July, 2011.

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Its: Mayor

ATTEST

Sharon Lumby
City Clerk

PUBLICATION DATE:

Conservation Rates

Minnesota Statutes, section 103G.291, was amended in 2008 to include a requirement for public water suppliers serving more than 1,000 people to adopt a water rate structure that encourages conservation:

Minnesota Statutes, section 103G.291, subd. 4. **Conservation rate structure required.** (a) For the purposes of this section, "conservation rate structure" means a rate structure that encourages conservation and may include increasing block rates, seasonal rates, time of use rates, individualized goal rates, or excess use rates. The rate structure must consider each residential unit as an individual user in multiple-family dwellings.

(b) To encourage conservation, a public water supplier serving more than 1,000 people in the metropolitan area, as defined in section 473.121, subdivision 2, shall use a conservation rate structure by January 1, 2010. All remaining public water suppliers serving more than 1,000 people shall use a conservation rate structure by January 1, 2013.

(c) A public water supplier without the proper measuring equipment to track the amount of water used by its users, as of the effective date of this act, is exempt from this subdivision and the conservation rate structure requirement under subdivision 3, paragraph (c).

In addition, *Minnesota Statutes*, section 103G.291, was further amended to read:

Subd. 3. **Water supply plans; demand reduction.** (c) Public water suppliers serving more than 1,000 people must employ water use demand reduction measures, including a conservation rate structure, as defined in subdivision 4, paragraph (a), unless exempted under subdivision 4, paragraph (c), before requesting approval from the commissioner of health under section 144.383, paragraph (a), to construct a public water supply well or requesting an increase in the authorized volume of appropriation. Demand reduction measures must include evaluation of conservation rate structures and a public education program that may include a toilet and showerhead retrofit program.

A conservation rate structure must be employed before requesting well construction approval for a public water supply well or before requesting an increase in permitted volume for their water appropriation permit.

Examples of Conservation Rates:

Commercial and industrial rates can be based on cost of service and do not necessarily need to be the same rate as that used for residential water users.

Below are examples of rate structures that encourage conservation. Many variations and combinations of these examples are possible.

NOTE: Rate structures often include a service charge (base rate) and a volume based charge. Service charges may cover fixed costs (capital improvements) and the volume charge is often for operation and maintenance costs. Volume charges usually use units of 1,000 gallons or 100 cubic feet (748 gallons).

Increasing Block Rates: Cost per unit increases as water use increases within specified "blocks" or volumes. The increase in cost between each block should be significant enough (25% or more and 50% between the last two steps) to encourage conservation.

Example: 0-6,000 gallons = \$2.50/1000 gallons
6,000-12,000 gallons = \$3.15/1000 gallons
12,000-24,000 gallons = \$4.00/1000 gallons
Above 24,000 gallons = \$6.00/1000 gallons.

Seasonal Rates: The rate per unit increases in the summer to encourage the efficient use of water during peak demand periods caused by outdoor water uses. Seasonal rates can take the form of a surcharge added to the normal rate or a separate fee schedule for winter and summer periods.

Example: Surcharge method - \$1.00/1000 gallons is added on top of the regular fee schedule for all water use between May 1 and October 1.

Time of Use Rates: Water rates are higher at times of the day when water use demands are high. This rate requires specialized meters that can monitor water use during specified segments of time, for instance, every 15 minutes.

Example: Water rates are reduced by \$0.75 for customers that agree not to use water for certain purposes or over a set volume of water during certain times of the day or periods of high water demands.

Individualized Goal Rate (Water Budget Rate): A rate with tailored allocations developed for each customer. The rates increase as the allocation is used or exceeded by the customer. The allocation is generally based upon winter or January use.

Example: A family of four used 6,200 gallons in January. Summer use is higher than January use so a factor is applied to determine a summer allocation (1.5 x 6,200 gallons = 9,300 gallons).

0-6,000 gallons = \$2.50/1000 gallons

6,000-9,300 gallons = \$2.75/1000 gallons

9,300-18,600 gallons = \$4.00/1000 gallons. (Allocation is exceeded.)

Above 18,600 gallons = \$6.00/1000 gallons.

Excess Use Rates: Cost per unit increases greatly above an established level in order to trigger a strong price signal that discourages excessive use. This rate is similar to an increasing block rate but with much higher charges for the larger volume blocks.

Example: 0-6,000 gallons = \$2.50/1000 gallons

6,000-12,000 gallons = \$3.15/1000 gallons

12,000-24,000 gallons = \$5.00/1000 gallons (Excessive Use Rate)

Above 24,000 gallons = \$7.50/1000 gallons (Excessive Use Rate)

Multiple-Family Dwellings: Total water use in a multiple-family dwelling, which has only one water meter for the entire dwelling, may exceed that of a single-family dwelling. The statute does not require individual water meters for each residential unit within a multiple-family dwelling; however, the required conservation rate at which the multiple-family dwelling's water use is billed must consider the number of residential units within that multiple-family dwelling.

Example: A four-plex uses a total of 18,000 gallons per month or approximately 4,500 gallons per residential unit. Water use for each residential unit falls within the first block (0-6,000 gallons) of the above Excess Use Rate example. A rate of \$2.50/1000 gallons would apply up to a total use of 24,000 gallons for the multiple-family dwelling. Thereafter, the rate increases according to the rate schedule, always considering each residential unit as an individual user.

Non-conservation rate examples:

Declining (Decreasing) Block Rates: The cost per unit of water (cubic foot or gallon) decreases as the water use increases beyond the basic block. This rate structure provides no incentive to conserve because the cost of water per unit decreases with increased use.

Flat Rates: A set fee allows the use of an indefinite amount of water. This rate structure is used where water is unmetered and provides no incentive to conserve water because cost is unrelated to volume used.

Uniform Rates: The cost per unit is the same regardless of the volume used. This rate structure is considered conservation neutral.

Service Charge (Base Rate) that includes a Minimum Water Volume: The inclusion of a minimum volume of water in the service charge (base rate) discourages conservation especially if the minimum volume exceeds average customer usage.

FACILITY

PARAMETER

SAC

Ice Arena

Shower (if lockers use <i>Locker Room</i> criteria)		
Team Room (plumbing fixture units)	*17 fixture units	1
Bleachers	110 seats	1
Ice resurfacers (if discharge goes to the sanitary sewer)	1 resurfacers	4

Laundromat (required water volume for cycle time x 8 cycles/day x # of washers)	274 gallons	1
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Library (subtract book storage areas, file areas; charge for common plumbing fixture units in public areas)	*17 fixture units	1
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Reception, book checkout, office	2,400 square feet	1
Meeting room, board room	1,650 square feet	1

Loading Dock	7,000 square feet	1
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Locker Room (if showers)	14 lockers/hooks	1
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Manufacturing (for remainder use other criteria (i.e. <i>Office</i> criteria)	7,000 square feet	1
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Shower (if lockers use <i>Locker Room</i> criteria)	*17 fixture units	1
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Process Discharge	Contact MCES for Determination	
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Marina (Dumping Station)	1 station	1
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Areas Open to Public; *see other criteria*

Massage Room	5 stations	1
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Shower	*17 fixture units	1
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Meals to Go (prepared bulk meals)		
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# meals prepared in one day x 1.5 gallons/meal (<i>no dishwashing</i>)	274 gallons	1
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Meeting Room (conference room)	1,650 square feet	1
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Memory Care (*see Nursing Home*)**Mini-storage** (storage area – no charge)

Apartment	1 apartment	1
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Public Area	*17 fixture units	1
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Mobile Home

Motel and Hotel (assume 2 people/room; no charge for pools, saunas, whirlpools, game rooms, or exercise rooms used exclusively by guests)	2 rooms	1
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Breakfast only (complimentary)	45 seats	1
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Cocktail hour (complimentary)	55 seats	1
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Kitchenette (number of kitchenettes x 10 gallons/day)	274 gallons	1
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Museum	2,400 square feet	1
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Nail Salon (*See Beauty Salon*)

Nursing Home	2 beds	1
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Office

General office (deduct mechanical rooms, elevator shafts, stairwells, and restroom areas)	2,400 square feet	1
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Shower (If lockers use <i>Locker Room</i> criteria)	*17 fixture units	1
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Meeting Room (conference room)	1,650 square feet	1
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Dental and Doctor's office, see Hospital, Outpatient Clinic

Liquor License (see Banquet Room for the space covered under the liquor license)

Parking Garage (if connected to sanitary sewer) Minimum 1 SAC; Otherwise use Floor Drain equivalent fixture units for Trench Drain base fixture unit assignments on outlet pipe(s) diameter.	*17 fixture units	1
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Vehicle Washing	Contact MCES for Determination	1
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Enter Gallons Used	Q1-11 New meter only...	Actual Billed Bill Amount	Proposed Option D-1 \$5,979.90	Proposed Option D-2 \$5,900.00	Usage @ 55 rec factor 22,423.27	Proposed Option Multi-Fam \$3,263.93	Old Pre-Tier \$3,848.17	Current bill at prior/flat rate structure
0 - 15,000	0.00311	15000	\$70.75 *	15000	0.00311	\$59.36		
15,001 - 30,000	0.00326	15000	\$48.90	15000	0.00326	\$0.00		
30,001 - 50,000	0.00377	20000	\$75.40	20000	0.00377	\$0.00		
50,001 - 80,000	0.00500	30000	\$150.00	30000	0.00500	\$0.00		
80,001 - 150,000	0.00663	70000	\$464.10	70000	0.00663	\$0.00		
150,001 - 200,000	0.00663	50000	\$331.50	50000	0.00663	\$0.00		
over 200,000	0.00663	1,033,280	\$6,850.65	1,033,280	0.00500	\$0.00		
	ST		\$7,991.30	ST	times 55	\$5,264.93		
			\$8,569.38		ST	\$232.63		
			\$8,560.68			\$3,497.56		
Enter Gallons Used	Q2-11	Bill Amount	\$5,979.90	\$5,900.00	19,639.35	\$5,264.93		Current bill at prior/flat rate structure
0 - 15,000	0.00311	15000	\$70.75 *	15000	0.00311	\$71.65		
15,001 - 30,000	0.00326	15000	\$48.90	15000	0.00326	\$25.92		
30,001 - 50,000	0.00377	20000	\$75.40	20000	0.00377	\$0.00		
50,001 - 80,000	0.00500	30000	\$150.00	30000	0.00500	\$0.00		
80,001 - 150,000	0.00663	70000	\$464.10	70000	0.00663	\$0.00		
150,001 - 200,000	0.00663	50000	\$331.50	50000	0.00663	\$0.00		
over 200,000	0.00663	880,164	\$5,835.49	880,164	0.00663	\$0.00		
	ST		\$6,976.14	ST	times 55	\$5,366.54		
			\$497.05		ST	\$382.37		
			\$7,473.19			\$5,748.91		
Enter Gallons Used	Q3-11	Bill Amount	\$9,423.15	\$7,070.55	26,363.64	\$6,073.70		Current bill at prior/flat rate structure
0 - 15,000	0.00311	15000	\$70.75 *	15000	0.00311	\$71.65		
15,001 - 30,000	0.00326	15000	\$48.90	15000	0.00326	\$38.78		
30,001 - 50,000	0.00377	20000	\$75.40	20000	0.00377	\$0.00		
50,001 - 80,000	0.00500	30000	\$150.00	30000	0.00500	\$0.00		
80,001 - 150,000	0.00663	70000	\$464.10	70000	0.00663	\$0.00		
150,001 - 200,000	0.00663	50000	\$331.50	50000	0.00663	\$0.00		
over 200,000	0.00663	1,250,000	\$8,287.50	1,250,000	0.00663	\$0.00		
	ST		\$9,428.15	ST	times 55	\$6,073.70		
			\$671.76		ST	\$432.75		
			\$10,099.91			\$6,506.45		
Enter Gallons Used	Q4-11	Bill Amount	\$8,105.15	\$6,070.55	22,727.27	\$5,402.05		Current bill at prior/flat rate structure
0 - 15,000	0.00311	15000	\$70.75 *	15000	0.00311	\$71.65		
15,001 - 30,000	0.00326	15000	\$48.90	15000	0.00326	\$26.57		
30,001 - 50,000	0.00377	20000	\$75.40	20000	0.00377	\$0.00		
50,001 - 80,000	0.00500	30000	\$150.00	30000	0.00500	\$0.00		
80,001 - 150,000	0.00663	70000	\$464.10	70000	0.00663	\$0.00		
150,001 - 200,000	0.00663	50000	\$331.50	50000	0.00663	\$0.00		
over 200,000	0.00663	1,050,000	\$6,961.50	1,050,000	0.00663	\$0.00		
	ST		\$8,102.15	ST	times 55	\$5,402.05		
			\$8,577.28		ST	\$384.90		
			\$8,679.43			\$5,786.94		
Total projected annual amount to be billed 2011			\$32,407.73			\$20,107.22		Current bill at prior/flat rate structure
Dollar amount impact to amount billed			\$8,153.96			(12,905.11)		
% impact to amount billed			-25.10%			-38.13%		
Dollar increase from 2009 rate structure			16,856.06			4,465.55		
% increase from 2009			107.76%			28.55%		
Actual			\$3,000.00			\$15,641.68		Current bill at prior/flat rate structure

* Includes \$2.5 base charge

NON-IRRIGATION WATER ACTIVITY

Enter Gallons Used	Q1-10 607,716	Actual Billed \$3,769.90	Proposed Option D-1 \$3,652.08	Usage @ 55 rec factor 11,049.38	Proposed Option Multi-Fam \$3,264.93	Old Pre-filer \$1,908.92	Current bill at prior/flat rate structu
0 - 15,000	0.00305	\$70.75 *	\$72.40	0.00305	\$59.36		
15,001 - 30,000	0.00320	\$48.00	\$48.90	0.00320	\$0.00		
30,001 - 50,000	0.00370	\$74.00	\$74.00	0.00370	\$0.00		
50,001 - 80,000	0.00490	\$147.00	\$113.10	0.00490	\$0.00		
80,001 - 150,000	0.00650	\$453.00	\$263.90	0.00650	\$0.00		
150,001 - 200,000	0.00650	\$323.00	\$250.00	0.00650	\$0.00		
over 200,000	0.00650	\$2,650.15	\$2,038.58	0.00650	\$0.00		
	ST	\$3,769.90	\$2,852.28	times 55	\$3,264.93		
		\$268.61	\$203.21	ST	\$232.63		
		\$4,038.51	\$3,055.29		\$3,497.56		

Enter Gallons Used	Q2-10 1,262,378	Actual Billed \$5,023.23	Proposed Option D-2 \$6,045.59	Usage @ 55 rec factor 22,952.33	Proposed Option Multi-Fam \$5,340.30	Old Pre-filer \$3,938.37	Current bill at prior/flat rate structu
0 - 15,000	0.00305	\$70.75 *	\$70.75	0.00305	\$71.65		
15,001 - 30,000	0.00320	\$48.00	\$47.40	0.00320	\$25.45		
30,001 - 50,000	0.00370	\$74.00	\$75.40	0.00370	\$0.00		
50,001 - 80,000	0.00490	\$147.00	\$113.10	0.00490	\$0.00		
80,001 - 150,000	0.00650	\$453.00	\$263.90	0.00650	\$0.00		
150,001 - 200,000	0.00650	\$323.00	\$250.00	0.00650	\$0.00		
over 200,000	0.00650	\$1,062,378	\$5,311.89	0.00650	\$0.00		
	ST	\$8,025.21	\$6,132.44	times 55	\$5,340.30		
		\$571.80	\$436.94	ST	\$380.50		
		\$8,597.00	\$6,569.38		\$5,720.80		

Enter Gallons Used	Q3-10 1,479,297	Actual Billed \$9,435.18	Proposed Option D-2 \$7,130.19	Usage @ 55 rec factor 26,896.31	Proposed Option Multi-Fam \$6,034.45	Old Pre-filer \$4,610.82	Current bill at prior/flat rate structu
0 - 15,000	0.00305	\$70.75 *	\$70.75	0.00305	\$71.65		
15,001 - 30,000	0.00320	\$48.00	\$47.40	0.00320	\$38.07		
30,001 - 50,000	0.00370	\$74.00	\$75.40	0.00370	\$0.00		
50,001 - 80,000	0.00490	\$147.00	\$113.10	0.00490	\$0.00		
80,001 - 150,000	0.00650	\$453.00	\$263.90	0.00650	\$0.00		
150,001 - 200,000	0.00650	\$323.00	\$250.00	0.00650	\$0.00		
over 200,000	0.00650	\$1,279,297	\$6,396.49	0.00650	\$0.00		
	ST	\$9,435.18	\$7,130.19	times 55	\$6,034.45		
		\$672.26	\$508.03	ST	\$429.95		
		\$10,107.44	\$7,638.21		\$6,464.40		

Enter Gallons Used	Q4-10 1,273,223	Actual Billed \$8,095.70	Proposed Option D-2 \$6,099.82	Usage @ 55 rec factor 23,149.51	Proposed Option Multi-Fam \$5,375.15	Old Pre-filer \$3,971.99	Current bill at prior/flat rate structu
0 - 15,000	0.00305	\$70.75 *	\$70.75	0.00305	\$71.65		
15,001 - 30,000	0.00320	\$48.00	\$47.40	0.00320	\$26.08		
30,001 - 50,000	0.00370	\$74.00	\$75.40	0.00370	\$0.00		
50,001 - 80,000	0.00490	\$147.00	\$113.10	0.00490	\$0.00		
80,001 - 150,000	0.00650	\$453.00	\$263.90	0.00650	\$0.00		
150,001 - 200,000	0.00650	\$323.00	\$250.00	0.00650	\$0.00		
over 200,000	0.00650	\$1,073,223	\$5,366.12	0.00650	\$0.00		
	ST	\$8,095.70	\$6,186.67	times 55	\$5,375.15		
		\$576.82	\$440.80	ST	\$382.98		
		\$8,672.52	\$6,627.46		\$5,758.13		

Total annual amount billed	Dollar impact to amount billed	% impact to amount billed
\$29,333.95	\$22,047.85	-31.73%
\$6,000	(9,311.16)	-31.73%
14,895.89	\$7,617.77	51.88%
103.23%	52.79%	51.15%
Actual	D-1	D-2

* Includes \$.25 base charge



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 8
ORDINANCE 08-048
RESOLUTION 2011-025

AGENDA ITEM: Variance Ordinance Amendments

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Lake Elmo Planning Commission
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to review and approve proposed changes to the "Administrative" section of the Zoning Ordinance. The proposed update of this section of code will reflect the recent changes the Minnesota State Legislature made to the City's statutory authority to grant variances. The most significant change made to the State Statutes is the removal of the term "hardship" from the variance sections and the replacement of this term with "practical difficulties". The effect of this change is to make the issuance of variances a more viable option to communities than if the hardship language were left in place. It would also give the Council the latitude to decide whether or not an applicant has met the criteria for the issuance of a variance.

The recommended motion to act on this is as follows:

"Move to approve Ordinance 08-048 amending the "Administrative" section of the Zoning Ordinance concerning Variances as recommended by the Planning Commission and Resolution 2011-025 allowing summary publication of the Ordinance."

BACKGROUND INFORMATION: In July of 2009, the Minnesota Supreme Court made a decision in the case of Krummenacher v. City of Minnetonka that resulted in a much more strict interpretation of the State Statutes regarding variances than cities had typically been using prior to the ruling. As a result of this case, Cities across the State, including Lake Elmo, were required to use a much more conservative approach to drafting findings related to variances. The ultimate affect of the court case, therefore, was to hold the issuance of variances to a much higher threshold than previously used, and greatly limited a City's ability to grant flexibility from zoning regulations.

In order to address the lack of flexibility that existed in the wake of the court decision, the Minnesota State Legislature has revised the section of State Statutes pertaining to variances to allow some additional flexibility for City's that wish to consider variances from zoning regulations. The primary language that was changed is noted below:

HARDSHIP: "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

[this language was removed and replaced with]

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 plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

Staff drafted ordinance changes for consideration by the Planning Commission that would amend the Zoning Ordinance to mirror the new Statutory provisions, and that will ultimately allow for greater flexibility in dealing with requests for exceptions to the City's zoning standards. Although the proposed ordinance would eliminate the problematic language concerning "hardship", the other criteria that were used for granting variances would still need to be met, including: 1) that circumstances unique to the property in question exist and were not created by the landowner and 2) the variance will not alter the essential character of the locality.

The full text of the amendments to the State Statutes that were adopted by the State legislature are attached for consideration by the City Council. The original text of the City ordinance is included as part of the proposed ordinance (and shown as deleted text).

PLANNING COMMISSION REPORT: The Planning Commission reviewed the draft ordinance, held a public hearing and provided a recommendation that included amendments to the draft ordinance revising the City's Variance submission and review requirements. The Commission asked that language be added to the draft making it clear that the City Council acts as the Board of Adjustment, that the term "practical difficulties" be added to the general definitions section of the City Code, and that the language concerning "unique circumstances" match the statutory wording. These changes have been incorporated into the document in front of the City Council.

The Planning Commission unanimously recommended approval of the proposed ordinance amendments with the changes noted above.

RECOMMENDATION: Based upon the above background information, Planning Commission recommendation and staff report, it is recommended that the City Council approve an amendment to the administrative section of the Zoning Ordinance concerning Variances by undertaking the following action:

“Move to approve Ordinance 08-048 amending the “Administrative” section of the Zoning Ordinance concerning Variances as recommended by the Planning Commission and Resolution 2011-025 allowing summary publication of the Ordinance.”

Alternatively, the City Council may also provide alternative language to incorporate as part of the draft Ordinances, or can decide to reject the proposed amendments as recommended by the Planning Commission. Should the Council decide not to make any changes, Staff will need to investigate whether or not the provisions of the State Statutes would govern the review of variances or if the City’s requirements would take precedent.

ATTACHMENTS:

1. Ordinance 08-048 – Variance Ordinance Amendments
2. Resolution 2011-025 Authorizing Summary Publication
3. Revised MN State Statutes- Variances
4. League of MN Cities Handout: Variances Q and A

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 Facilitates
- Action on Motion..... Mayor & City Council

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

ORDINANCE NO. 08-048

**AN ORDINANCE AMENDING THE ADMINISTRATIVE
SECTION OF THE ZONING ORDINANCE TO REVISE THE
VARIANCE REQUIREMENTS BASED ON RECENT
AMENDMENTS TO MINNESOTA STATE STATUTES**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Section 11.01 (Definitions) is hereby amended to *add* the following definition:

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.

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Section 11.01 (Definitions) is hereby changed to *amend or eliminate* the following definitions as shown:

~~**HARDSHIP.** The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city’s zoning regulations and no other reasonable alternative use exists; that the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and that these unique conditions of the site were not caused or accepted by the landowner after the effective date of the city’s zoning regulations.~~

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by amending the following language:

§ 154.017 VARIANCES.

~~(A) *Hardship.* A request for variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause undue hardship. An **UNDUE HARDSHIP** means that the property cannot be put to reasonable use if used under the conditions allowed by the zoning code; that the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and that the variance, if granted, will not change the essential character of the neighborhood. Economic considerations alone shall not constitute a hardship. The City Council may not permit as a variance any use that is not permitted under this chapter for property in the~~

zone where the affected person's land is located.

~~(B) Temporary use variance. A variance may be permitted for the temporary use of a 1 family dwelling as a 2 family dwelling, provided that:~~

~~(1) Prior existence. The dwelling has existed for at least 10 years, and the multiple use existed before the adoption of this code; and~~

~~(2) Septic. The septic system meets or exceeds current septic system regulations.~~

~~(C) Application. An application for a variance shall be filed with the Zoning Administrator.~~

~~(1) The application shall be accompanied by a fee in the amount set forth from time to time by resolution of the Council, and development plans showing such information as the Zoning Administrator may reasonably require for purposes of this chapter.~~

~~(2) The application shall contain sufficient information to determine whether the proposed variance will meet all applicable development standards if the variance is granted. In all cases, the completed application shall include:~~

~~(a) Name and address of the applicant;~~

~~(b) The legal description of the property involved in the request for variance, including the street address, if any, of the property;~~

~~(c) The name and address of the owners of the property and any other person that has a legal interest in the property;~~

~~(d) A site plan drawn to scale showing the property dimensions;~~

~~(e) Location of all existing and proposed buildings and their size, including square footage;~~

~~(f) Curb cuts, driveways, access roads, parking spaces, off street loading areas, and sidewalks;~~

~~(g) The variance requested and the reasons for the request; and~~

~~(h) A list of the abutting property owners~~

~~(4) Planning Commission review.~~

~~(a) The Zoning Administrator shall, upon the filing of a completed~~

~~application for a variance, refer the matter to the Planning Commission.~~

~~(b) The Zoning Administrator shall notify the applicant and the abutting property owner(s) of the time and place of the hearing. The notice shall be served on the person by mail, provided the notice shall be mailed at least 10 days preceding the date of the hearing.~~

~~(c) The Planning Commission shall make written findings for all variance applications and shall state in the findings the reasons for its recommendation to the City Council.~~

~~(d) The Planning Commission may recommend to the City Council conditions if granting of a variance which may reasonably be determined to be necessary to protect adjacent properties, preserve the public health, safety, and welfare, and comply with the intent and purposes of this chapter. The Planning Commission may also recommend conditions and requirements deemed necessary to ensure compliance with the terms of the variance.~~

~~(5) City Council action. The City Council shall receive the recommendation of the Planning Commission and shall take final action on the variance request within 60 days of the city's receipt of a completed application, unless the review period is otherwise extended pursuant to the applicable state regulations.~~

(A) In General. The Board of Adjustment (which is the City Council in accordance with Section 31.10 of the City Code) shall have the power to grant variances to the provisions of this chapter under the following procedures and standards.

(1) A request for a variance from the literal provisions of this chapter may be granted in instances where their 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. All requests for variances shall be reviewed in accordance with the required findings listed in Section 154.017, Subd. E.

(B) Use Variances Prohibited. A variance shall not be granted for any use that is not a listed permitted or conditional use under this chapter for property in the zone where the property is located.

(C) Application Requirements. An application for a variance shall be submitted to the Zoning Administrator and accompanied by such information as follows:

(1) Name and address of the applicant;

(2) The legal description of the property involved in the request for variance, including the street address, if any, of the property;

- (3) The name and address of the owners of the property and any other person that has a legal interest in the property. The applicant shall supply proof of ownership of the property for which the variance is requested, consisting of an abstract of title or registered property certificate, certified by a licensed abstractor, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership;
- (4) A site plan drawn to scale or a certified survey if required by the City showing:
- i. Property dimensions;
 - ii. Locations of all existing and proposed buildings and their size, including square footage;
 - iii. Existing and proposed septic systems;
 - iv. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks; and
 - v. Other information as deemed necessary for the request.
- (5) The variance requested and the reasons for the request; and
- (6) The application form shall be accompanied by an accurate list showing the names and the mailing address of the record owners of all property within a minimum of 350 feet of the property for which the variance is sought; verified as to accuracy by the applicant.
- (D) Review Requirements. The Planning Commission shall hold a public hearing on each complete application for a variance with the following procedure:
- (1) The Zoning Administrator shall, upon the filing of a completed application for a variance, refer the matter to the Planning Commission.
 - (2) The Zoning Administrator shall notify the applicant and the applicable property owner(s) of the time and place of the hearing. The notice shall be served on the person by mail, provided the notices shall be mailed at least 10 days preceding the date of the hearing.
 - (3) The Planning Commission shall make written findings for all variance applications and shall state in the findings the reasons for its recommendations to the Board of Adjustment.
 - (4) The Planning Commission may recommend to the Board of Adjustment conditions if granting of a variance which may be reasonably determined to be necessary to protect adjacent properties, preserve the public health, safety, and welfare, and comply with the intent and purposes of this chapter. The Planning Commission may also recommend conditions and

requirements deemed necessary to ensure compliance with the terms of the variance.

(5) Board of Adjustment Action. The Board of Adjustment shall receive the recommendation of the Planning Commission and shall take final action on the variance request.

(E) Required Findings. Any action taken by the Board of Adjustment to approve or deny a variance request shall include the following findings:

(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.

i. 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.

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

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

(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.

(F) Conditions. The Board of Adjustment may impose such restrictions, conditions, and mitigating requirements upon the property that is the subject of the variance as may be necessary to comply with the standards established by this chapter or to reduce or minimize the effect of such variance upon other properties in the neighborhood and to better carry out the intent of the variance.

(G) Effect of denial. No application by a property owner for a variance shall be submitted to the Board of Adjustment within a six (6) month period following a denial of such a request unless, in the opinion of the Board, new evidence of change in circumstances warrant it.

(H) Expiration. A variance shall be deemed to authorize only one particular use and shall expire if work does not commence within twelve (12) months of the date of granting such variance or if that use ceases for more than six consecutive months.

(I) Revocation. The Board of Adjustment may revoke a variance if any conditions established by the Board as part of granting the variance request are violated.

SECTION 4. Effective Date

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

SECTION 5. Adoption Date

This Ordinance No. 08-048 was adopted on this 5th day of July 2011, by a vote of ___ Ayes and ___ Nays.

Mayor Dean A. Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-048 was published on the ___ day of _____, 2011

CITY OF LAKE ELMO

RESOLUTION NO. 2011-025

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-048 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-048, an ordinance to regulate signage within the City of Lake Elmo; 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. 08-048 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. 08-048. The ordinance amends the Administrative section of the Zoning Ordinance concerning variances to be consistent with recent revisions to the Minnesota State Statutes. The most significant change is the elimination of the language pertaining to "undue hardship" and the replacement of this term with "practical difficulties". Other changes to bring this section into compliance with State Statutes are included in the Ordinance, as well as other modifications that relate to the review and issuance of variances.

The full text of Ordinance No.08-048 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:

Bruce Messelt
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.

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **52**

January 10, 2011

Authored by Peppin, Smith, Nelson, Mahoney, Westrom and others

The bill was read for the first time and referred to the Committee on Government Operations and Elections

- 1.1 A bill for an act
- 1.2 relating to local government; providing for variances from city, county, and town
- 1.3 zoning controls and ordinances; amending Minnesota Statutes 2010, sections
- 1.4 394.27, subdivision 7; 462.357, subdivision 6.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2010, section 394.27, subdivision 7, is amended to read:
- 1.7 Subd. 7. **Variances; hardship practical difficulties**. The board of adjustment
- 1.8 shall have the exclusive power to order the issuance of variances from the terms of any
- 1.9 official control including restrictions placed on nonconformities. Variances shall only be
- 1.10 permitted when they are in harmony with the general purposes and intent of the official
- 1.11 control ~~in cases when there are practical difficulties or particular hardship in the way of~~
- 1.12 ~~carrying out the strict letter of any official control; and when the terms of the variance~~
- 1.13 ~~are consistent with the comprehensive plan. "Hardship" as used in connection with the~~
- 1.14 ~~granting of a variance means the property in question cannot be put to a reasonable use~~
- 1.15 ~~if used under the conditions allowed by the official controls; the plight of the landowner~~
- 1.16 ~~is due to circumstances unique to the property not created by the landowner; and the~~
- 1.17 ~~variance, if granted, will not alter the essential character of the locality. Variances may be~~
- 1.18 ~~granted when the applicant for the variance establishes that there are practical difficulties~~
- 1.19 ~~in complying with the official control. "Practical difficulties," as used in connection with~~
- 1.20 ~~the granting of a variance, means that the property owner proposes to use the property in a~~
- 1.21 ~~reasonable manner not permitted by an official control; the plight of the landowner is due~~
- 1.22 ~~to circumstances unique to the property not created by the landowner; and the variance,~~
- 1.23 ~~if granted, will not alter the essential character of the locality. Economic considerations~~
- 1.24 ~~alone shall do not constitute a hardship if a reasonable use for the property exists under~~

2.1 ~~the terms of the ordinance~~ practical difficulties. Practical difficulties include, but are not
 2.2 limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be
 2.3 granted for earth sheltered construction as defined in section 216C.06, subdivision 14,
 2.4 when in harmony with the official controls. No variance may be granted that would allow
 2.5 any use that is ~~prohibited~~ not allowed in the zoning district in which the subject property is
 2.6 located. The board of adjustment may impose conditions and mitigating requirements
 2.7 in the granting of variances to insure compliance and, to protect adjacent properties, and
 2.8 ~~the public interest to protect the public health, safety, or the environment.~~ The board
 2.9 ~~of adjustment may consider the inability to use solar energy systems a "hardship" in~~
 2.10 ~~the granting of variances.~~

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

2.13 Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and
 2.14 adjustments may be taken by any affected person upon compliance with any reasonable
 2.15 conditions imposed by the zoning ordinance. The board of appeals and adjustments has
 2.16 the following powers with respect to the zoning ordinance:

2.17 (1) To hear and decide appeals where it is alleged that there is an error in any
 2.18 order, requirement, decision, or determination made by an administrative officer in the
 2.19 enforcement of the zoning ordinance.

2.20 (2) To hear requests for variances from the ~~literal provisions of the ordinance~~
 2.21 ~~in instances where their strict enforcement would cause undue hardship because of~~
 2.22 ~~circumstances unique to the individual property under consideration, and to grant such~~
 2.23 ~~variances only when it is demonstrated that such actions will be in keeping with the spirit~~
 2.24 ~~and intent of the ordinance. "Undue hardship" as used in connection with the granting~~
 2.25 ~~of a variance means the property in question cannot be put to a reasonable use if used~~
 2.26 ~~under conditions allowed by the official controls; terms of the zoning ordinance including~~
 2.27 restrictions placed on nonconformities. Variances shall only be permitted when they are in
 2.28 harmony with the general purposes and intent of the ordinance and when the terms of the
 2.29 variance are consistent with the comprehensive plan. Variances may be granted when the
 2.30 applicant for the variance establishes that there are practical difficulties in complying with
 2.31 the zoning ordinance. "Practical difficulties," as used in connection with the granting of
 2.32 a variance, means that the property owner proposes to use the property in a reasonable
 2.33 manner not permitted by the zoning ordinance; the plight of the landowner is due to
 2.34 circumstances unique to the property not created by the landowner; and the variance, if
 2.35 granted, will not alter the essential character of the locality. Economic considerations alone

3.1 ~~shall do not constitute an undue hardship if reasonable use for the property exists under~~
3.2 ~~the terms of the ordinance. Undue hardship also includes practical difficulties. Practical~~
3.3 ~~difficulties include, but is are not limited to, inadequate access to direct sunlight for solar~~
3.4 ~~energy systems. Variances shall be granted for earth sheltered construction as defined in~~
3.5 ~~section 216C.06, subdivision 14, when in harmony with the ordinance. The board of~~
3.6 ~~appeals and adjustments or the governing body as the case may be, may not permit as a~~
3.7 ~~variance any use that is not permitted allowed under the zoning ordinance for property in~~
3.8 ~~the zone where the affected person's land is located. The board or governing body as the~~
3.9 ~~case may be, may permit as a variance the temporary use of a one family dwelling as a two~~
3.10 ~~family dwelling. The board or governing body as the case may be may impose conditions~~
3.11 ~~and mitigating requirements in the granting of variances to insure compliance and, to~~
3.12 ~~protect adjacent properties, and to protect the public health, safety, or the environment.~~

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.



VARIANCES

Frequently Asked Questions
(Reflects 2011 law change)

What is a variance?

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Who grants a variance?

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council. For more information, see Minn. Stat. § 462.357.

When can a variance be granted?

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. For more information, see Minn. Stat. § 462.357.

What kind of authority is the city exercising?

A city exercises so-called "quasi-judicial" authority when considering a variance application. This means that the city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising "legislative" authority and has much broader discretion.

What is practical difficulties?

Practical difficulties is a legal standard set forth in law that cities must apply the when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied. For more information, see Minn. Stat. § 462.357.

This material is provided as general information and is not a substitute for legal advice.
Consult your attorney for advice concerning specific situations.

What are the practical difficulties factors?

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line, or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land, and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Are there are other factors a city should consider?

Yes. State statute provides variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. So, in addition to the three-factor practical difficulties test, a city evaluating a variance application should make findings as to (1) whether or not the variance is in harmony with the purposes and intent of the ordinance, and (2) whether or not the variance is consistent with the comprehensive plan.

What about economic considerations?

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exists only when the three statutory factors are met.

What about undue hardship?

"Undue hardship" was the name of the three-factor test prior to a May 2011 change of law. Effective May 6, 2011 Minnesota Laws, Chapter 19, amended Minn. Stat. § 462.357, subd. 6 to restore municipal variance authority in response to *Krummenacher v. City of Minnetonka*, 783 N.W.2d 721 (Minn. June 24, 2010). In *Krummenacher*, the Minnesota Supreme Court interpreted the statutory definition of "undue hardship" and held that the "reasonable use" prong of the "undue hardship" test was not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance.

What did the 2011 law change?

The 2011 law changed the first factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling. The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. The 2011 law also provides that: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

Can a city grant a use variance?

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located. For more information, see Minn. Stat. § 462.357.

Is a public hearing required?

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

What is the role of neighborhood opinion?

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

What is the role of past practice?

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

When should a variance decision be made?

A written request for a variance is subject to Minnesota’s 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval. For more information, see Minn. Stat. § 15.99.

How should a city document a variance decision?

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

Can meeting minutes adequately document a variance decision?

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

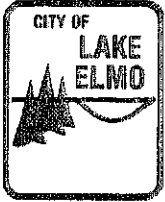
Can a city attach conditions to a variance?

By law, a city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the affect of excess height. For more information, see Minn. Stat. § 462.357.

What happens to the variance once granted?

A variance once issued is a property right that “runs with the land” so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

Jed Burkett 2011/06



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 9
DISCUSSION

AGENDA ITEM: City Engineering Services – Discussion of Discontinuation of Services

SUBMITTED BY: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council discuss recent notification by TKDA of its intention to discontinue Engineering Services to the City and provide appropriate direction to City staff with respect to initiating a transition and new Engineer selection effort. If appropriate, the City Council may wish to consider the following direction:

“Move to direct City Staff to initiate a transition and selection effort for City Engineering Services, as agreed upon at tonight’s meeting.”

BACKGROUND INFORMATION: In June, the City received notice from TKDA that they will cease providing municipal Engineering Services to Lake Elmo, effective immediately with transitional services offered to allow a smooth transition until January 1st, 2012. To provide for the smoothest possible transition and continuity of services, City Council direction is sought tonight with respect to initiating and effecting a new Engineer selection effort.

TKDA currently provides general municipal Engineering Services, along with specialized engineering services in the areas of streets, water/wastewater/stormwater, planning and economic development, and environmental and regulatory compliance.

In February, 2011, the City Council approved a Review Schedule for City contracts (attached). Under the current schedule, the City Engineer contract would be evaluated in 2012 and, if Council deems appropriate, an RFP process would be undertaken in 2012, with continued or new services to begin in January 2013.

STAFF REPORT: To assist the City Council in its discussion, City staff has prepared the following Decision/Option Matrix, based upon identified criteria. While in no means intended to

be a definitive ranking or evaluation of the options available to the City Council, it is hoped that the following information proves useful to the City Council in evaluating possible responses to the need to decide on the future provision of City Engineering Services.

Evaluation Criteria	In-House Engineer	Solicited/ Negotiated Agreement	Open/Solicited RFQ or Limited RFP	Open/Solicited RFP
Continuity of Services:				
- Long Transition Time	=	+	=	-
- Transfer of Historical Material	=	=	=	=
- Transfer of Active Projects	=	+	=	-
- Knowledge Transfer (time sensitive)	+/~	+/~	=/~	-/~
Cost of Services:				
- Management of Costs	+	=	=	=
- Cost Reduction	=	=/~	=	+
- Flexible to Changes in Need	-	+	+	+
Services Provided:				
- Core Municipal Engineering Services	+	+	+	+
- Sub-Contracting Specialized Services	~	~	~	~
- Provision of Most/All Services	-	~	+	+
Current City Policy/Procedures:				
- Current Review Schedule	- NA -	-	-	-
- Contract/Service Stability	~/+	~	~	~
- Attractiveness of Position/Contract	+	+	+	=

[Key: (+) positive (=) neutral (-) negative (~) varies]

RECOMMENDATION: It is recommended that the City Council discuss recent notification by TKDA of its intention to discontinue Engineering Services to the City, effective January 1st, 2012, and provide appropriate direction to City staff with respect to initiating a transition and new Engineer selection effort. If appropriate, the City Council may wish to consider the following direction:

“Move to direct City Staff to initiate a transition and selection effort for City Engineering Services, as agreed upon at tonight’s meeting.”

Alternatively,

“Move to direct City Staff to proceed, as agreed upon at tonight’s meeting.”

ATTACHMENTS: City Contract Review Schedule

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Questions from Council to Staff Mayor Facilitates
- Public Input, if appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion Mayor & City Council

<u>City of Lake Elmo - 2011 Contracts</u>					
<u>Contract</u>	<u>Contractor</u>	<u>Representative</u>	<u>Type</u>	<u>Start</u>	<u>Up/Due</u>
Accounting - General Ledger	KDV	Joe Rigdon	Active	2008	2011/12
Accounting - Payroll, Utilities, AP	C & J	Cathy & Joan Ziertman	Active	2010	2011/12
Animal Control	Washington County	Sara Halvorson	Active	2011	- NA -
Assessor	FXL	Frank Langer	Active	?	2011/12
Attorney - Civil/Municipal	Eckberg, Lammers, Briggs & Wolf	Dave Synder	Expired	2009	- NA -
Attorney - Criminal	Peterson, Fram & Bergman, PA	Jerry Filla	Expired	?	- NA -
Attorney - Combined	Eckberg, Lammers, Briggs & Wolf	Dave Synder		2010	2012/13
Auditor	Abdo, Eick & Myers	Steve McDonald	Active	2002	2011/12
Cleaning	Coverall		Active	2011	2013/14
Emergency Communications	ECN/Code Red		Active	2010	2012/13
Engineering	TKDA	Jack Griffin	Active	?	2012/13
Financial Planning (Village)	Ehlers		Active	2008	On-Call
Forester	Plant Health Associates	Kathy Widin	Active	2008	2013/14
Health Benefits	Financial Concepts	Andy Weitnauer	Active	2010	2011/12
IT	City of Roseville	Terre	Active	2008	IGA
OSHA/Safety	City of Forest Lake		Active	2010	IGA
Police	Washington County	Commander Dexter	Active		IGA
Recycle Education & Support	Service on a Shoe String	Karen Ritchman	Active	?	Quote
Rugs, Uniforms & Supplies	Aamark		Active	?	Quote
Telephone Service	Eventis		Active	2007	2011/12
Waste	Maroney's		Active	?	2012/13
Electrical & Gas Franchise Agreements	Xcel Energy	Colette Jurek	Expired		2010
Bond Counsel	Dorsey & Whitney (thru Northern Trust)	Paul Donna	On-Call	?	On-Call
Building Code/Inspection	City of Bayport		On-Call	2010	IGA
Electric	Linner		On-Call	?	On-Call
Financial Consulting	Northern Trust		On-Call	?	On-Call
Fire Maintenance	City of Oakdale & Local		On-Call	2010	IGA
Fuel	Lake Elmo Oil, Yokum		On-Call	?	On-Call
HR/Personnel	Springsted		On-Call	2009	On-Call
Investment Brokers	Norther Trust, Wells Fargo, Morgan Stanley		On-Call	?	On-Call
Keys/Security	Amdahl/Curt's Lock		On-Call	?	On-Call
Medical Supplies			On-Call	?	On-Call
Planning Support		Ben Gazola	On-Call	?	On-Call
Road Grading	Miller		On-Call	?	On-Call
Snowplow	Buelow/Kline		On-Call	?	On-Call



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 10
DISCUSSION

AGENDA ITEM: Update Re: Library Service Considerations

SUBMITTED BY: City Council (Follow-up from May 3rd, 2011 Staff Report)

THROUGH: Bruce A. Messelt, City Administrator *BAM*

REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: This item and the preceding Workshop Discussion have been scheduled at the request of the City Council in order to update the Council and public on efforts to retain and enhance library services for the Lake Elmo community.

BACKGROUND INFORMATION: Several formal meetings and informal discussions among City and County officials have led to an understanding that long-term provision of County library services in Lake Elmo remains highly vulnerable to both budgetary considerations and County-wide consolidation of services to address identified efficiencies, economies of scale and customer preferences.

On June 29th, 2010, the City Council adopted Resolution No. 2010-031 establishing a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo. However, this Resolution could be dissolved by action of the City Council, if sufficient progress was made in discussions directed at "maintaining and improving existing library services or transferring library services from the County to the City . . ."

On August 17th, 2010, the City Council approved Resolution 2010-041 "staying establishment of a Public Library System, authorizing a Library Levy, and Establishing a Public Library Board for the City of Lake Elmo," pending outcome of further discussions with the County.

In May 2011, the City Council directed City staff to explore the feasibility of the City undertaking library service provision, within some form of continued affiliation or association with Washington County. Since that time, City staff has also engaged the assistance of the Friends of the Rosalie E. Wahl Library in exploration of alternative service models.

STAFF REPORT: The City Administrator, City Attorney and others have formally met and/or spoken with County officials on several different occasions, and have continued to research and discuss applicable legal, operational and financial implications with various representatives from the County, state and regional library authorities, and local library supporters.

Based upon the County's 2011 Library budget, efforts have been taken to structure the retention of library services at minimum maintenance levels (generally current operations) at the four smaller branch libraries for 2011. However, ongoing State budget discussions seem to imperil even completion of 2011 at current operating levels (please note County White Paper).

In addition, the County has begun discussions with each of the four communities hosting these branch libraries regarding long-term service options, alternative future service models (such as Hugo's new Kiosk system) and the possibility of transition to a new service model (please see the attached Marine on St. Croix proposal). *Recent discussions indicate a potential transition to non-County affiliated "reading rooms" and County-run kiosks in two of these communities as early as autumn 2011 – even without service adjustments emanating from the State budget.*

City action would be required by the end of July to allow for the County to separate Library levy jurisdictions. For information, here is the 2009, Payable 2010, Levy collected by Washington County for Library operations and debt service.

	Lake Elmo Tax Capacity for LTR	Rates	Levy
Library	\$ 12,580,838	1.97180655%	\$ 248,070
Library debt	\$ 12,580,838	0.23896744%	\$ 30,064

RECOMMENDATION: It is recommended the City Council briefly review and discuss the actions, decisions and research undertaken, to date, as presented at the earlier Workshop. Appropriate staff direction is also recommended, should the City Council wish to proceed with a specific action. In particular, two follow-on activities are noted for Council consideration:

- Preparation and advancement of a City of Lake Elmo proposal to Washington County, based upon Council direction, for the continued provision of library services; and
- Consideration of Council action – through adoption of *draft* Resolution No. 2011-024 – to establish a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo and directing staff to work with Washington County on an affiliation/ association agreement and related transition efforts.

ATTACHMENTS:

1. Resolution 2010-031 & Resolution 2010-041
2. "Public Library Service in Washington County" – March 2011
3. Marine Library Committee Recommendation to Marine City Council – March 2011
4. *Draft* Resolution No. 2011-024

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item & Brief Staff Report City Administrator
- Questions from Council to Staff Mayor & City Council
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor Facilitates
- Direction or Action? Mayor & City Council

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

RESOLUTION NO. 2010-31

A RESOLUTION ESTABLISHING A PUBLIC LIBRARY SYSTEM, AUTHORIZING A LIBRARY LEVY, AND ESTABLISHING A PUBLIC LIBRARY BOARD FOR THE CITY OF LAKE ELMO.

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

WHEREAS, the residents of the City currently receive library services through Washington County; and

WHEREAS, the City of Lake Elmo desires to establish and operate a City Public Library Service pursuant to Minnesota Statutes § 134.07 et seq.; 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 intends to set aside public property of the City for the benefit of the Public Library Service; and

WHEREAS, the City Council discussed the establishment and operation of a Public Library Service at its June 29, 2010 meeting.

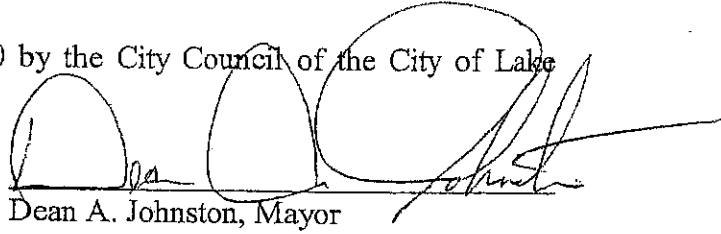
NOW, THEREFORE, IT IS HEREBY RESOLVED, the City Council of the City of Lake Elmo hereby establishes a City Public Library Service under Minnesota Statutes § 134.07 et seq., as follows:

- 1) Pursuant to Minnesota Statutes § 134.09, the City Council hereby establishes a five-person Library Board, with members to be appointed by the Mayor with the approval of the City Council from among the residents of the City.
- 2) The initial Library Board will have two residents of the City each appointed for a one-year term, two residents of the City each appointed for a two-year term, and one resident of the City appointed for a three-year term. Not more than one council member shall at any time be a member of the Library Board.
- 3) Said appointments will be effective on January 1, 2011, or a date to be determined by the City Council.

- 4) Following the initial appointment of the Library Board, all terms will be for three years, commencing on January 1 of the year the term begins, with Library Board members allowed to serve no more than three consecutive three-year terms.
- 5) The City Council will appoint an interim library director with the authority to organize and manage the Public Library System until a library director is appointed by the Library Board. 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.
- 6) The City Council will levy an annual tax upon all taxable property within the City for the support of the library and will place such money in a designated Library Fund.
- 7) Pursuant to Minnesota Statutes § 134.11, the Library Board shall adopt bylaws and regulations for the library, and 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.
- 8) The City shall set aside certain public property to be further specified by subsequent resolution for the benefit of the Public Library Service. With the approval of the council, the Library Board may erect a library building thereon.
- 9) The City Council may create a citizens' committee, to be comprised of residents from the City of Lake Elmo, to advise the City Council and the Library Board on issues of public concern related to the City of Lake Elmo Public Library Service.

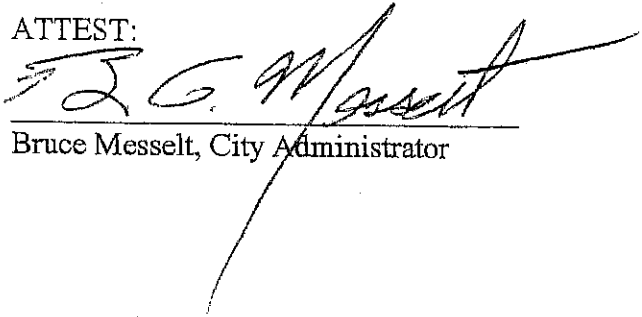
Notwithstanding the foregoing, subsequent to date of this Resolution, the City will continue good faith negotiations with Washington County for the purposes of maintaining and improving existing library services or transferring library services from the County to the City and adjusting the special levy limits therefore in accordance with Minnesota Statutes § 275.72. If within sixty (60) days of the date of this Resolution, the City and Washington County resolve to provide library services to the residents of Lake Elmo and the City Council determines that the Public Library established herein is no longer desirable for the City, the City Council may by resolution dissolve the Public Library System and Library Board. Furthermore, the establishment of the Public Library System and the Library Board herein shall be contingent upon the City's determination that there is sufficient funding for the Public Library System. If within sixty (60) days of the date of this Resolution, the City Council determines that there is not sufficient funding for the Public Library System, the City Council may by resolution dissolve the Public Library System and Library Board.

Passed and duly adopted this 29th day of June 2010 by the City Council of the City of Lake Elmo, Minnesota.



Dean A. Johnston, Mayor

ATTEST:



Bruce Messelt, City Administrator

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

RESOLUTION NO. 2010-41

*A RESOLUTION STAYING ESTABLISHMENT OF A PUBLIC LIBRARY SYSTEM,
AUTHORIZING A LIBRARY LEVY, AND ESTABLISHING A PUBLIC LIBRARY BOARD FOR
THE CITY OF LAKE ELMO.*

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

WHEREAS, the residents of the City currently receive library services through Washington County; 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 Council passed Resolution No. 2010-031 regarding the establishment and operation of a Public Library Service at its June 29, 2010 meeting; and

WHEREAS, subsequent discussions with Washington County have led to an acceptable proposed timeline and process for advancing the objectives of the City of Lake Elmo.

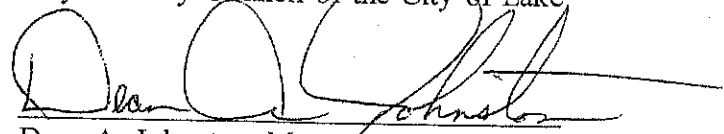
NOW, THEREFORE, IT IS HEREBY RESOLVED, the City Council of the City of Lake Elmo hereby undertakes the following:

- 1) The City Council of the City of Lake Elmo hereby stays establishment of a Municipal Public Library System pursuant to Minnesota Statutes § 134.09, including establishment of a Public Library Board.
- 2) The City Council of the City of Lake Elmo hereby stays authorization and imposition of a library levy upon all taxable property within the City, as well as the setting aside of certain public property for the benefit of the Public Library Service.
- 3) The City Council of the City of Lake Elmo extends the sixty (60) day period for formal dissolution of Resolution No. 2010-031 for an additional one hundred and twenty (120) days.
- 4) The City Council of the City of Lake Elmo will continue good faith discussions with Washington County for the purposes of maintaining and improving existing library

services or transferring library services from the County to the City and adjusting the special levy limits therefore in accordance with Minnesota Statutes § 275.72.

Dissolution of Resolution No. 2010-031 regarding establishment of the Public Library System and the Library Board shall be contingent upon the City's determination that there is sufficient County funding for the host community's Branch Library for 2011 or a viable alternative service arrangement of transition plan is in place. If the City Council determines that there is not sufficient funding for local library services for 2011 within either the County or City annual budgets, the City Council may by resolution dissolve the Public Library System and Library Board.

Passed and duly adopted this 17th day of August 2010 by the City Council of the City of Lake Elmo, Minnesota.


Dean A. Johnston, Mayor

ATTEST:


Bruce Messelt, City Administrator

Public Library Service in Washington County:

Maintaining Access & Quality in a Time of Fiscal Challenge, Changing Technology and User Expectations

The mission of the Washington County Library (WCL) is to enrich both the individual and the community by assisting people in their search for information, ideas, education and recreation.

As set forth in the Library's strategic framework, "2010 and Beyond," the vision of WCL is to provide leadership to preserve the best of the past and to provide access for all while seeking new ways to promote and maintain library services in Washington County.

Four strategic priorities or goals have been selected by the WCL Board that will further the Library's mission in a time of fiscal and social change. They are: 1) engage young readers; 2) provide entry to the online world; 3) promote informed, knowledgeable users; and 4) inspire curiosity.

Like all County departments, WCL finds itself in a difficult budget situation which results largely from the state budget shortfall and its impact on county services. Like most other public libraries, both local and national, WCL knows that change is in the air and in the budget. This situation leads to a re-examination of some of basic assumptions about what libraries are and what they do. From community surveys, we know that Washington County residents realize how important library services are to them.

In light of the County's financial situation, the rapid pace of technological changes that promote new types of access and changing user expectations as a result of technological innovations, change at WCL is inevitable. Fortunately, it does not mean that library service will cease or that access to the collection needs to be limited. It does mean that WCL must take advantage of the tools that technology and electronic resources have provided to it. It does mean that WCL has fewer staff and less funding available to provide traditional services at its current nine branch library locations.

To this last point here are some facts:

In 2009 WCL began the year with an adopted budget of \$6.8 M

Of this amount \$6.5 M (96%) was from property taxes

In 2011 WCL began the year with an adopted budget of \$6.5 M

Of this amount \$6.1 M (94%) is from property taxes

In 2009 WCL had a staff of 113 people [66.9 FTE and 14 shelvers]

As of March 1, 2011 WCL has a staff 98 people including 3 vacant positions [61.7 FTE plus 8 shelvers]

During the Great Recession libraries nationwide have seen an increase in demand for services and library materials. WCL's ability to meet even higher service level demands at its branches has been reduced as a result of staff reductions and other budget reductions. As a result there are fewer library hours, less library staff in buildings to assist the public, fewer new materials and potential safety risks for the public and staff.

2011 is projected to see further funding reductions. Specifically, the 2011 WCL budget as authorized by the County Board was constructed to include an increase in the County Program Aid from the State of Minnesota. This state property tax aid is authorized in current statute at a certain amount; however, it is very unlikely the County will receive the entire amount certified given the experience of the last few years. If the 2010 State budget reductions in County Program Aid are made permanent or simply extended for another year, the County will be forced to eliminate some of the library services funded by this aid program and possibly more depending on the extent of the total cut in state aid to the county. Based on current information about the state's budget situation, the County and WCL are starting to plan for this reduction in 2011; if it doesn't happen, so much the better **but** the Library must have a plan in place.

One final thought: In planning for the future of library services in Washington County, there are other considerations of a more long term nature that will impact the future of libraries in Washington County and the nation other than the current financial situation. WCL's long-range facilities plan looks out to 2030 and attempts to set in place a vision that encompasses the changes and challenges anticipated. First, the population growth and its various shifts must be accommodated. Second, the advances in technology within the greater society will impact how people read, how they learn and what types of virtual communities they will develop. All of these changes will also impact the public library world. Unfortunately one can only guess at the impacts right now; so WCL needs to develop a flexible model or models of service that encompass not only the traditional library but also new ways to meet demand for service, especially from the younger generations.

Library Express Service Model: A Proposal for Partnerships

For a variety of reasons, there is a need to find new service models that can expand or maintain library services that are in most demand while reducing the expense involved in staffing locations that have a low volume of service. In some instances the new models can be transitional models until an area's population grows dense enough to require a new library building; in others the models may simply expand services by providing access to library materials and programs in the more rural areas of the County. While generally referred to as "Library Express" service models, they can take several forms from automated locker systems to large vending machines (similar to Red Boxes) to other ideas still in development. There is no one model that will fit all locations needing or demanding service.

In any case the Library must find partners who will support cooperative programming and house the new service model.

A partnership could be between the County Library and another public entity or between the County Library and a private or non-profit enterprise.

In addition to the entire library collection, the County Library could provide:

- delivery services at least once per week
- programs, such as summer reading programs and author presentations, on an occasional basis
- public access computers with Internet connections
- electronic access to the Library's collection
- materials' return services.

The partner could provide:

- facility and all maintenance, e.g. refuse removal, cleaning, meeting or program space
- telephones and other telecommunications services needed, such as a fiber or T1 connection
- technical support for the computers if needed
- staffing which could include volunteers
- determine hours of availability
- shared space and programs, e.g. community center or coffee shop.

These and other issues surrounding a new service model(s) are open for negotiation to ensure the best service possible in a time of fiscal challenge.

--Patricia Conley, Washington County Library Director, March 2011

Marine Library Committee Recommendation to Marine City Council

Background

The Marine Library Committee (the Committee) has been asked to formulate recommendations regarding possible changes to library services now available at the Marine Branch Library of the Washington County library system. The Committee sees an important role for a library within the extended community of Marine on St. Croix/Scandia/May Township. It is recognized that use of library services is changing, including the ability for patrons to use the internet to access the County catalog and order books, the ability to download ebooks from the County or commercial sites, access to free books on various web sites. These recommendations are made with the understanding that the need to be flexible and respond to changing interests must be a part of any plan for retaining library services in Marine on St. Croix.

We appreciate Washington County including us in their strategic process reviewing the impact of potential budget reductions. While we recognize the County is mandated to provide library services to all county residents and their direction has been to place large libraries at locations accessible to many, we still believe there is value to small libraries located within walking distance or short vehicle rides from residents. Marine, being further away than most communities from the larger county libraries, depends even more on its local library. We recognize the County is facing increasing budget pressure, and want to work with the County to help formulate a model to maintain library services.

The Committee is comprised of over thirty residents from May Township, Scandia and Marine who are interested in helping ensure the continuation of library services in the Marine area. We have identified key benefits provided to the Marine/May/Scandia area by a branch library, have gathered information on and toured a variety of other small libraries, have met with County personnel to understand the County requirements for library services and to discuss anticipated budget changes. We have initiated a meeting with Marine area residents and Pat Conley, Washington County Library Director and Jim Schug, County Administrator, to discuss library services in Marine. The recommendation which follows incorporates the results of these activities.

Recommendation to the Marine Council for Retaining a Library

The Committee is suggesting a response be developed by the City and its residents, in the event library services are reduced or eliminated at the Marine Branch Library by the County. We are suggesting a short term (Phase 1), medium term and long term plan (Phases 2 and 3) be identified. By considering a long term solution in phases, local library supporters will be able to determine how well the initial phase of a partnership with the City, the County and volunteers is working, plus further evolution of library use and services, in general, will have proceeded, and both library supporters and the County will be better able to understand what library services will be needed in the future. Our recommendation reflects the Village's interest in supporting and maintaining a vital Village Center, as outlined in the Marine Comprehensive Plan, and is in keeping with the current direction of the Village Center Task Force.

Overview: The Committee is proposing a partnership between the County, the City of Marine on St. Croix and local volunteers who support the continuation of library services in the area.

- The Community Library will be funded partially through a 'Friends of the Library' type charitable organization, which will be formed to oversee the operation of the Community Library and will raise and disperse funds in support of the Community Library. In addition to the charitable organization support, the Committee is suggesting the County continue to use of the Jordan Bequest to support Marine area library services, with a proposed 4 % per year of the total asset value of the bequest directed toward annual operation.
- The City will initially provide space, cleaning of that space, telecommunication lines, and City part-time employees who will be hired to manage the Community Library and coordinate volunteer help (funding for this position will come partially through the Friends of the Library donations). The primary reason for the hiring of City staff is to satisfy the County requirements for data privacy, although it is recognized paid employees will help ensure success of the Community Library through oversight/coordination of volunteers.
- The County will provide some book/media inventory, which will be shelved at the community library and rotated on a regular basis, and will deliver/pick-up books ordered by patrons from other libraries. Computers,

shelving/tables and other depreciated assets currently in the Marine Branch Library, and hardware for self-check out/check-in will remain at the current library site in Marine. The County will also continue to provide access to MELSA services.

- We are suggesting the County create a new role, that of a 'Library Extension Agent' who will visit the Community Library periodically to enhance the partnership between the City and the County Library system, providing volunteer training (library catalog, checking books/media in and out of system, shelving procedures, etc.), information on new books, and outreach activities (book clubs, children's activities, etc).
- Volunteers will help staff the Community Library, both to ensure safe working conditions for a City employee (by being present during those hours when the library is open but City offices are not), and to help with the operation (shelving, book/media sorting, etc) of the Community Library.

Additional details of the Phase 1 concept:

A Friends of the Marine Library (FOML) will be formed to oversee the operation of the Community Library, including some of the funding. This 501c3 organization will raise funds to create an endowment, and if necessary will raise annual operating support, and will commit to directing funding to the City for the hiring of a City part time employee to manage/coordinate the Community Library. Once this recommendation is adopted by the City of Marine, the formation of the FOML will proceed (by laws created, Board members identified, etc.) so that the organization is ready to initiate Phase 1, when required.

The City will commit to allowing the Community Library to remain in some or all of the space currently housing the Marine Branch Library in the Village Hall, at least during Phase 1 of this recommendation. The City will provide telecommunication service to the Community Library space on an annual basis. The City will provide a part time City employee(s) to coordinate the Community Library operation, including helping operate the self-check terminal, signing up new county library patrons, coordinate funding needs with FOML, coordinate the volunteer scheduling, etc. It should be noted that a City employee(s) is primarily being proposed in order to satisfy the County requirements for library data privacy. If the County suggests that another solution to this issue is possible, such as signed confidentiality waivers by volunteers, the need for a City

employee(s) will be reduced. However, success of the Community Library concept will be enhanced with paid staff, especially since in a small community such as Marine on St. Croix volunteers are often over-committed and coordination of volunteers will help ensure smooth operation.

Volunteers from May, Scandia and Marine will both serve as active members and Trustees of the FOML. They will provide staffing hours and operational oversight to the Community Library, as well as provide fund-raising ideas and manpower, and critical financial support.

A partnership between a library sciences academic program, such as the one offered by St. Catherine University in St. Paul, will be investigated by the FOML. The hope is that an internship program might be developed to both help the college program and its students, and the Community Library.

Proposed Operation

It is proposed the Community Library will be open for 20 hours a week, which is same as the current number of branch library operating hours. However, the schedule will include hours on Saturday and evenings, to help encourage use by families and patrons who work outside of the area. It is believed that this re-configuration of operating hours will meet the needs of the community regarding prompt picking-up of their book/media requests.

Budget

The estimated expenses for the annual operation of the Community Library is as follows:

Compensation	\$18,200
Supplies/Misc.	\$ 800
Total Expenses	\$19,000

*These estimated expenses do not include any new book/media purchases, it is assumed those will continue to be provided by the County Library.

The estimated Sources of Funding for the annual operation of the Community Library are as follows:

Jordan Bequest (4% withdrawal rate)	\$12,000
Friends of Library Annual Contribution	\$ 4,000
<u>Washington County Support</u>	<u>\$ 3,000</u>
Total Funding	\$19,000

Savings to the County

We recognize the County anticipates needing to cut or eliminate some library services, and their strategic direction has been to direct funding to larger libraries within the County. While Committee members may question the strategic direction, seeing a value in the continuance of local library services, we recognize the difficult position the County is facing. The recommended partnership between the County, the City and volunteers will allow the County to direct most of the staffing dollars and operational budget previously directed to the Marine Branch Library, toward other purposes. During the most recent tax year, the City of Marine residents contributed about \$32,000 in tax levy toward County library services, with the contribution of residents who live in May Township and Scandia but who are considered in the Marine Branch Library service area contributing more, perhaps for a total contribution of between \$100,000 - \$150,000 (it is difficult to identify the actual total as the figure is dependent upon property values and a more careful analysis would be very labor intensive). The County has estimated the direct costs required to operate the Marine Branch Library are around \$100,000 ('overhead' expenses not included). Our recommendation, if accepted, would reduce the direct contribution from the County to only on-going inventory support (used throughout the County library system by all patrons), transportation costs associated with dlivery/pick-up of books both ordered through the catalog and for shelving purposes, and a Library Extension Agent (estimated 6 hours including transportation, bi-weekly).

Jordan Bequest

Mrs. Jordan's generous gift to Washington County, to be used for the benefit of the Marine Library, has been prudently managed by the County. We are recommending the bequest be used to support the operation of the Community Library during Phase 1, as we believe this use will be for a public good and would be in keeping with Mrs. Jordan's intent. The idea of using the bequest to

purchase and install a kiosk delivery system has been previously discussed, and could be pursued. However, this idea is not currently a part of the Committee's recommendation, as it was felt the estimated \$50,000 investment might be better used to support the operation of the Community Library as outlined. We would suggest the kiosk system be further tested at the Hugo location and the results of this testing, along with a review of the success of the Community Library concept in Marine, once implemented, will help the County and the FOML determine if the kiosk approach is suitable for the Marine area in the future.

Phase 2

As part of this recommendation, the City will allow the current Branch Library space to be used for the Community Library. The Restoration Society has retained an engineering firm to complete a review of the Village Hall and make recommendations regarding future maintenance and operation of the Hall. The City has also recognized the need to improve storage of City property, including historic City records, which are currently housed in the basement of the Village Hall, and has indicated some desire to return to holding meetings, including the monthly Council meeting, in the Council Chambers. When the information from the structural review is available, it is anticipated the City and the Restoration Society will develop a maintenance and use plan for the next twenty years of Village Hall operation. If part of that plan requires a different use of the library space, the FOML would work to identify another location for a Community Library. At that time, the investment in a kiosk delivery system may be pursued.

Phase 3

The Committee has identified other possible models for a Community Library in Marine, and these discussions have included partnerships between a Community Library and other entities such as the Stone House Museum, the Minnesota Historical Society, commercial businesses, the Community Education department of Stillwater Schools, and others. It appears the condition of the Stone House Museum and its exhibits is of special concern. Once the operation of a Community Library has been established, the FOML may work with other community organizations to investigate other options for a future co-location of the Community Library.

rwb 3/7/11

April 28th, 2011: Communication with Washington County Regarding Library Services

As explained in our prior meetings, the county's 2011 library budget does call for the continuation of all the existing library locations in the county. However, the 2011 library budget as authorized by the County Board was constructed to include the state property tax aid that is authorized in current statute at a certain amount; however, it is very unlikely the County will receive the entire amount certified given the experience of the last few years. If the 2010 State budget reductions in County Program Aid are made permanent or simply extended for another year, the county will be forced to eliminate some of the library services funded by this aid program and possibly more library services depending on the extent of the total cut in state aid to the county. As a result, the county has begun discussions with communities in which the smaller branch libraries are located.

As you may have read in recent newspapers, elements of a mutual agreement are being discussed in the cities of Marine and Newport. So, we thought it might be helpful to outline these elements for your consideration.

The elements of an agreement with the Marine Library Association are that Marine remains part of the county levy for library services and the county will provide certain library services at a location determined and managed by the city estimated at this time to be approximately 20 hours per week.

Marine: pays for rent or provides space rent free, provides maintenance services for space, provides location for an exterior access kiosk and book return, 2 part time city staff to provide oversight of city volunteers; open on a schedule to be determined by the city with at least one paid city staff at all times the location is open which is supplemented by volunteers recruited and supervised by the city, and telecommunication access.

The county: draws down Jordan trust over time and provides kiosk and book return, computers, financial oversight of Jordan trust, a small collection, and rotating or periodic programming.

Both: Effective 8/1/2011 with an evaluation at the end of 12/2012.

The elements of an agreement with the City of Newport are not as far along as with Marine.

Even though the City of Lake Elmo has voted to create their own library in 2011, the county's current library budget does include funding to keep the library open throughout 2011. Again, this budget is predicated upon the county receiving the full state allocation of County Program Aid.

If the City of Lake Elmo would like to consider something different than assumption of library services in 2011, the Marine elements could be the foundation for an agreement. Such a proposal would have a location in the City of Lake Elmo open on a schedule determined by the

city to which the county library system provides certain services and the city remains in the county library levy tax.

The City of Lake Elmo: pays for rent or provides space rent free, provides maintenance services for space, provides location for exterior access kiosk and book return for a xxx number of years, city staff covering a schedule to be determined by the city with at least one paid city staff on duty at all times the location is open, which is supplemented by volunteers recruited and supervised by the city, and provide telecommunication access.

The county: continues library service to all Lake Elmo residents and provides kiosk and book return, delivery and pick up of book orders through on-line catalog, computers, a small collection, and rotating or periodic programming

Both: an evaluation at the end of a period to be determined but after at least one year of operation of the new model.

I hope that this information will allow the City of Lake Elmo to provide more specific direction at their Tuesday meeting for our future discussions. Should our team set another meeting as a follow up to next Tuesday's City Council discussion?

Molly O'Rourke,
Deputy Administrator
Washington County

For the Period Ending December 31, 2012

REVENUES

	2009 Actual	2010 Actual	2011 Adopted	2011 YTD	2012 Base Given	2012 Dept Propd	2012 Bd Adoptd	2012-2011 Difference	% Change
510000. Real Estate Current	5,740,940-	5,871,400-	6,056,800-					6,056,800	100-%
512000.HACA County Program Aid	590,928-							0 \$	0 %
Total Levy Revenue	6,331,868-	5,871,400-	6,056,800-					6,056,800	100-%

513000. Real Estate Delinquent	97,077-							0 \$	0 %
Total Other Taxes	97,077-							0 \$	0 %

Total Licenses & Permits 0 \$ 0 %

Subtotal Federal Grants	8,236-							0 \$	0 %
535000.PILL SSR Pymt in Lieu of Tax	8,236-							0 \$	0 %

Subtotal State Grants	82,731-	122,000-						122,000	100-%
536000.MELSA MELSA Grant	83,135-	70,000-						70,000	100-%
536000.MISC Misc Agencies	100,293-	101,359-	84,472-					84,472-	100-%
Subtotal Local Grants	183,428-	184,090-	192,000-	84,472-				192,000	100-%

Total Intergovernmental Rev	191,664-	184,090-	192,000-	84,472-				192,000	100-%
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541000. Fees for Svcs - Other	7,846-	4,773-	25,000-	35-				25,000	100-%
542000. Fees for Contractd Svcs	27,042-	29,722-	71,000-	32,862-				71,000	100-%
545000. Collection Service Fees	45,038-	57,586-	96,000-	40,194-				96,000	100-%
Total Fees for Services	79,926-	92,081-	96,000-	40,194-				96,000	100-%

Total Fines & Forfeitures 0 \$ 0 %

560000. Interest Earnings	4,812-	7,187-	4,600-	2,022-				4,600	100-%
Total Investment Earnings	4,812-	7,187-	4,600-	2,022-				4,600	100-%

Total Rents & Royalties 0 \$ 0 %

581000. NSF Uncollectible	113	50-						0 \$	0 %
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L1B Library

	2009 Actual	2010 Actual	2011 Adopted	2011 YTD	2012 Base Given	2012 Dept Propd	2012 Bd Adoptd	2012-2011 Difference	Change
582000. Restitution & Recovery	102,523-	84,230-	90,000-	26,483-				90,000	100- ⁺
583000. Misc Sales W/O Sales Tax	48	147-							0 ⁺
584000. Misc Sales W/Sales Tax	52,409-	58,373-	61,000-	14,379-				61,000	100- ⁺
585000. Misc Other Revenue	33,032-	46,553-	15,000-	34,208-				15,000	100- ⁺
586000. Donations & Contributions	187,803-	192,655-	168,500-	75,070-				168,500	100- ⁺
Total Misc Revenue									
	6,893,150-	6,347,413-	5,527,900-	201,758-				6,527,900	100- ⁺
TOTAL REVENUE									
	561,282-	476,013-	461,100-	201,758-				461,100	100- ⁺
Total Non-Levy Revenue									
	6,893,150-	6,347,413-	5,527,900-	201,758-				6,527,900	100- ⁺
TOTAL REVENUE									
EXPENDITURES									
600100. Direct Material	774,967	639,658	765,800	148,763				766,800-	100- ⁺
600400. Board Meeting Per Diem	140	245	500					500-	100- ⁺
600500. Client Exp Reimb w/Recpts	55								0 ⁺
601055. DP Electrical Services	5,371	1,878							0 ⁺
601056. DP Electrical Repairs	1,038								0 ⁺
602005. Dir Pmc Svcs - Misc	73,835	77,438	65,000	14,741				65,000-	100- ⁺
Total Direct Payments	855,407	719,219	832,300	163,504				832,300-	100- ⁺
610900. Temporary Staff	45,898	44,597	27,900	12,707				27,900-	100- ⁺
611400. Special Project Staff	10,359								0 ⁺
611500. Regular Pay	2,932,650	2,885,982	2,951,700	697,682				2,951,700-	100- ⁺
614820. Overtime Pay	113	364		73					0 ⁺
615900. Jury Duty Reimb	10-								0 ⁺
Total Wages	2,989,010	2,930,943	2,979,600	710,462				2,979,600-	100- ⁺
615100. FICA (Social Security)	224,052	216,077	217,800	56,033				217,800-	100- ⁺
615200. FERRA (Public Retirement)	197,149	200,913	204,500	54,213				204,500-	100- ⁺
615300. Group Medical Insurance	253,934	251,633	264,000	74,413				264,000-	100- ⁺
615400. Employee Medical Pool	70,990	67,274	67,300	21,260				67,300-	100- ⁺
615500. Group Life Insurance	5,544	4,035	4,300	1,153				4,300-	100- ⁺
615600. Group LTD Ins	15,777	9,507	9,800	2,298				9,800-	100- ⁺
615900. Employer Liab Funding	249,425	245,470	252,100	63,024				252,100-	100- ⁺
616000. Unemployment Comp	278-								0 ⁺
Total Benefits	1,016,593	994,909	1,019,800	272,404				1,019,800-	100- ⁺
Total Wages & Benefits	4,005,603	3,925,852	3,999,400	982,866				3,999,400-	100- ⁺

LIB	Library	2009 Actual	2010 Actual	2011 Adopted	2011 YTD	2012 Base Given	2012 Dept Propd	2012 Bd Adoptd	2012-2011 Difference	Change
Total Other Operating Expense										
622100.	Transportation	84	64		35					0 \$
622500.	Mileage	12,881	8,668	8,000	1,915				8,000-	100-\$
622600.	Cell Phone Allowance	720	220						0 \$	0 \$
623000.	Lodging & Meals	419							0 \$	0 \$
Total Employee Expenditures										
		14,104	8,952	8,000	1,951				8,000-	100-\$
Total County Vehicle Expense										
0 \$										
630100.	Consultant Service	15,892								0 \$
630400.	Dues and Memberships	125	130						0 \$	0 \$
630470.	Other Svcs & Chgs Misc	21,297	22,831	25,900	5,285				25,900-	100-\$
Total Other Services & Chgs										
		37,314	23,021	25,900	5,295				25,900-	100-\$
Facilities										
640000.	Facilities			118,400					118,400-	100-\$
642000.	Telephone	115,018	89,462	86,500	23,436				86,500-	100-\$
642900.	Rent/Lease of Facilities	1,224,055	1,220,007	1,105,300	303,382				1,105,300-	100-\$
643000.	Electricity	2,696	3,194		701				0 \$	0 \$
644000.	Heat	2,447	2,119		1,140				0 \$	0 \$
645000.	Refuse Collection	1,092	1,248		455				0 \$	0 \$
646000.	Main/Repairs-Facilities	9,888	7,472		1,611				0 \$	0 \$
Total Facilities										
		1,385,196	1,323,502	1,310,200	330,725				1,310,200-	100-\$
651000.	Supply/Minor Equip Misc	89,237	76,400	67,000	17,491				67,000-	100-\$
654000.	Books & Periodicals	369	10		10				0 \$	0 \$
657100.	Minor Equip (<\$5000)	45,176	69,631	105,400	12,230				105,400-	100-\$
657200.	Rental/Lease of Equipment	9,152	8,870	14,700	3,465				14,700-	100-\$
657400.	Equip Repairs & Maint	106,997	97,989	124,000	49,796				124,000-	100-\$
Total Supplies & Minor Equip										
		250,183	252,500	311,100	82,972				311,100-	100-\$
Total Operating Expenses										
		1,656,797	1,607,975	1,655,200	420,943				1,655,200-	100-\$
674000.	Office Furnishings & Equip		8,903						0 \$	0 \$
674060.	Office Equipment >\$5,000	17							0 \$	0 \$
674110.	Computer Equip >\$5,000	7,770	26,532	41,000	39,225				41,000-	100-\$
674210.	Computer Soft >\$5,000	7,750								
Total Capital Expenditures										
		15,537	35,435	41,000	39,225				41,000-	100-\$

For the Period Ending December 31, 2012

LIB Library

	2009 Actual	2010 Actual	2011 Adopted	2011 YTD	2012 Base Given	2012 Dept Propd	2012 Bd Adoptd	2012-2011 Difference	Change
Total Debt Service	6,533,344	6,288,481	6,527,900	1,606,532				6,527,900-	100-%
TOTAL EXPENDITURES									

EXCESS REVENUE OVER EXPENSES

	359,806-	58,932-		1,404,780					0 %
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OTHER FINANCING SOURCES

Bond Par:

Total Bond Par

									0 %
--	--	--	--	--	--	--	--	--	-----

OTHER FINANCING USES

Other Financing Sources/Uses

									0 %
--	--	--	--	--	--	--	--	--	-----

FUND BALANCE

	359,806-	58,932-		1,404,780					0 %
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**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2011-024

A RESOLUTION ESTABLISHING A PUBLIC LIBRARY SYSTEM, AUTHORIZING A LIBRARY LEVY, AND ESTABLISHING A PUBLIC LIBRARY BOARD FOR THE CITY OF LAKE ELMO.

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

WHEREAS, the residents of the City currently receive library services through Washington County; and

WHEREAS, the City of Lake Elmo desires to establish and operate a City Public Library Service pursuant to Minnesota Statutes § 134.07 et seq.; 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 intends to set aside public property of the City for the benefit of the Public Library Service; and

WHEREAS, the City Council discussed the establishment and operation of a Public Library Service at its July 5th, 2011 meeting.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the City Council of the City of Lake Elmo hereby establishes a City Public Library Service under Minnesota Statutes § 134.07 et seq., as follows:

- 1) Pursuant to Minnesota Statutes § 134.09, the City Council hereby establishes a five-person Library Board, with members to be appointed by the Mayor with the approval of the City Council from among the residents of the City.
- 2) The initial Library Board will have two residents of the City each appointed for a one-year term, two residents of the City each appointed for a two-year term, and one resident of the City appointed for a three-year term. Not more than one council member shall at any time be a member of the Library Board.

- 3) Said appointments will be effective on January 1, 2011, or a date to be determined by the City Council.
- 4) Following the initial appointment of the Library Board, all terms will be for three years, commencing on January 1 of the year the term begins, with Library Board members allowed to serve no more than three consecutive three-year terms.
- 5) The City Council will appoint an interim library director with the authority to organize and manage the Public Library System until a library director is appointed by the Library Board. 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.
- 6) The City Council will levy an annual tax upon all taxable property within the City for the support of the library and will place such money in a designated Library Fund.
- 7) Pursuant to Minnesota Statutes § 134.11, the Library Board shall adopt bylaws and regulations for the library, and 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.
- 8) The City shall set aside certain public property to be further specified by subsequent resolution for the benefit of the Public Library Service. With the approval of the council, the Library Board may erect a library building thereon.
- 9) The City Council may create a citizens' committee, to be comprised of residents from the City of Lake Elmo, to advise the City Council and the Library Board on issues of public concern related to the City of Lake Elmo Public Library Service.

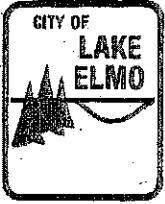
Notwithstanding the foregoing, subsequent to date of this Resolution, the City will continue good faith discussions with Washington County for the purposes of maintaining and improving existing library services through continuation of existing Washington County Library System services or through the transfer of library services from the County to the City, subsequent affiliation, association or collaboration with Washington County, and adjustment of special levy limits therefore in accordance with Minnesota Statutes § 275.72.

Passed and duly adopted this 29th day of June 2010 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 11
DISCUSSION

AGENDA ITEM: City Council Meeting Calendar for August 2011

SUBMITTED BY: Sharon Lumby, City Clerk

REVIEWED BY: Bruce Messelt, City Administrator *BAM*

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the Mayor and City Council discuss meeting dates for August 2011, given recent changes made by the Council relating to Workshops, suggested evening out of meetings among the five Tuesdays in August, accommodation of summer activities and schedules, and a suggestion from the Oak Park Heights City Council to convene a joint meeting to discuss the Highway 36 corridor. If desired, the suggested motion could be considered to address this suggestion:

“Move to modify the Lake Elmo City Council Calendar to schedule a Workshop and Regular Meeting for both August 9th and 23rd and to Cancel the previously-scheduled August 2nd Meeting.”

BACKGROUND INFORMATION: The City Council recently amended its summer schedule to hold Workshops prior to Regular Meetings. The City Council is currently scheduled to meet on August 2nd and 16th. City staff notes the following with respect to the August calendar:

- There are five Tuesdays in August. With no meeting scheduled on the 4th and 5th Tuesdays, some normal Council functions may be delayed. Meeting on the 2nd and 4th Tuesdays would spread out the Meeting calendar and avoid a 3-week hiatus;
- Summer activities and vacation schedules are being addressed and accommodated for both staff and Council Members. Meeting on the 2nd and 4th Tuesdays would likely help spread out these personnel challenges;
- The City has received notification from Oak Park Heights of a suggested joint City Council meeting to discuss the Highway 36 corridor. Initial suggestions of a July 26th or August 2nd meeting are in conflict with the Lake Elmo City Council’s meeting schedule. However, meeting on August 9th and 23rd would allow for easier scheduling of this joint meeting.

RECOMMENDATION: It is recommended that the Mayor and City Council discuss meeting dates for August 2011, given recent changes made by the Council relating to Workshops, suggested evening out of meetings among the five Tuesdays in August, accommodation of summer activities and schedules, and a suggestion from the Oak Park Heights City Council to convene a joint meeting to discuss the Highway 36 corridor. If desired, the suggested motion could be considered to address this suggestion:

“Move to modify the Lake Elmo City Council Calendar to schedule a Workshop and Regular Meeting for both August 9th and 23rd and to Cancel the previously-scheduled August 2nd Meeting.”

Alternatively, the City Council can elect to not change its meeting schedule or to establish a different meeting schedule for August. To undertake the latter, the suggested motion is:

“Move to modify the Lake Elmo City Council Calendar, as agreed upon at tonight’s meeting.”

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Clerk
- Council Discussion Mayor Facilitates
- Action on Motion Mayor & City Council



City of Oak Park Heights

14168 Oak Park Blvd. N • Box 2007 • Oak Park Heights, MN 55082 • Phone (651) 439-4439 • Fax (651) 439-0574

June 30th, 2011

Mayor and City Council members,
City of Lake Elmo
C/O Bruce Messelt, City Administrator

SENT VIA EMAIL - bruce.messelt@lakeelmo.org

RE: Possible Joint Meeting

Dear Mayor and City Council Members:

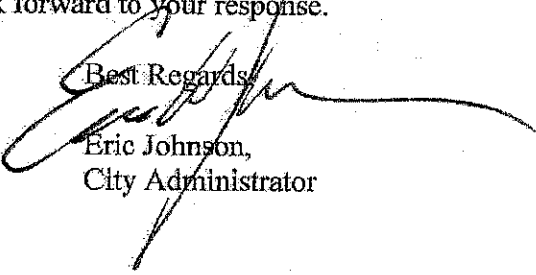
With this letter the City of Oak Park Heights does wish to invite the Mayor and Members of the City of Lake Elmo City Council to a joint-work session with Mayor and City Council Members of the City of Oak Park Heights to discuss issues related to the STH 36 Corridor.

We offer our City Hall as the location for the meeting and suggest two potential dates, those being July 26th or August 1st. (both at 6pm).

If these dates are not workable, we would gladly consider other dates that may be more favorable to allow all parties to be present.

We look forward to your response.

Best Regards,


Eric Johnson,
City Administrator

Cc: Weekly Notes



MAYOR & COUNCIL COMMUNICATION

DATE: 7/05/2011
REGULAR
ITEM #: 12
MOTION

AGENDA ITEM: Replace and Upgrade Field Lighting Lions Park

SUBMITTED BY: Mike Bouthilet, Public Works Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Bruce Messelt, Tom Bouthilet, Carol Kreigler

SUMMARY AND ACTION REQUESTED: The Public Works Department is requesting authorization to contract for replacement and upgrade to the ball field lighting in Lions Park. The suggested motion is as follows:

“Move to authorize a contract with Weber Electric for \$14,900 to replace the lights and control junction boxes at Lions Park.”

BACKGROUND INFORMATION: The lights at Lions Park are approximately 35 years old. Over the last few years they have required maintenance and numerous repairs. They have reached the end of their expected life. The circuit and fuse boxes have been exposed to the elements over the 35 years and have deteriorated to the point of a potential hazard.

STAFF REPORT: Four electrical lighting contractors were solicited for recommended improvements. Although replacing the current quartz lighting would be the least expensive, the cost would be offset by the re-wiring it would take to supply the power needed.

Weber Electric.....	\$14,900.00
Parsons Electric.....	\$18,450.00
Linner Electric.....	\$18,930.00
Musco Electric.....	\$49,000-54,000 (non-compatible quote)

Upgrading to metal halide lights negates the re-wiring and would only use one fifth of the power of quartz, resulting in significant energy savings. This is a budgeted CIP purchase. City staff continues to explore possible grant opportunities for other innovative lighting projects.

RECOMMENDATION: it is respectfully requested that the City Council authorize contracting with Weber Electric to replace/ upgrade lights and control junction boxes at Lions Park. The suggested motion to undertake this recommendation is as follows:

“Move to authorize a contract with Weber Electric for \$14,900 to replace the lights and control junction boxes at Lions Park.”

Alternatively, the City Council does have the authority to reject, table or modify this recommendation. If the latter, the suggested motion would be:

“Move to proceed as directed at tonight’s meeting.”

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item & Brief PresentationFinance Director
- Questions from Council to Staff Mayor & City Council
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion Mayor & City Council