

Originals

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

NOTE Special Date & Time:

February 15th, 2011

4:30 p.m. – 6:30 p.m. (?)

Agenda

1. Update on Discussions Regarding Location of the ECFC in Lake Elmo
2. Comprehensive Plan Update – Review of Draft Timeline and Citizen and Stakeholder Participation and Organization Special Event Permit
3. Special Event Permit Ordinance – City Council Review
4. Adjourn

A light dinner may or may not be provided following the Workshop.



MAYOR & COUNCIL WORKSHOP

DATE: 2/15/2011
WORKSHOP
ITEM #: 21
DISCUSSION

AGENDA ITEM: Update on Discussions Regarding Location of the ECFC in Lake Elmo

SUBMITTED BY: Mayor & City Council

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

REVIEWED BY: Jack Griffin, City Engineer
Dave Snyder, City Attorney
Kyle Klatt, City Planner
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to receive a brief update from Council Members Smith and Pearson, the City Administrator and City Attorney regarding recent discussions relating to potential location of the Stillwater Area School District's Early Childhood & Family Center in Lake Elmo.

BACKGROUND INFORMATION & STAFF REPORT: On February 1st, 2011, the Lake Elmo City Council unanimously directed its staff to undertake the following actions with respect to potential locating of the Stillwater Area Public Schools' Early Childhood Family Center (ECFC) in Lake Elmo:

- Complete, if possible, a draft Joint Powers Agreement (JPA) with the School District for location of the ECFC in Lake Elmo;
- Complete, if possible, a Purchase Option for approximately 16 acres of available land for location of the ECFC via the JPA, as well as future public and civic facilities; and
- Include members of the City Council, as feasible, in the efforts of the City in order to provide an additional layer of transparency, attention and timeliness in addressing the forthcoming issues.

In August 2010 and again on November 3rd, 2010, the City Council directed the City Administrator actively seek to formulate a proposal to potentially locate the Stillwater Area School District's Early Childhood & Family Center in Lake Elmo.

Since that time, active conversation has taken place regarding this potential, leading to recent efforts to craft the specific agreements for City and School District consideration, including a very fruitful Wednesday staff-to-staff exchange. Tonight's presentation will serve as the requested "check-in" with the City Council to ensure the efforts undertaken, to date, are on target and consistent with previous Council direction to develop a viable location proposal.

RECOMMENDATION: It is respectfully recommended that the City Council receive a brief presentation by Council Members Smith and Pearson, the City Administrator and City Attorney regarding recent discussions and efforts relating to potential location of the Stillwater Area School District's Early Childhood & Family Center in Lake Elmo.

ATTACHMENTS: Proposed Project Schedule (other materials will be handed out at Tuesday's Workshop).

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Council/Staff
- Questions from CouncilMayor Facilitates
- Public Input, if AppropriateMayor Facilitates
- Council Discussion/Direction.....Mayor Facilitates

Proposed Schedule - DRAFT

City/School District Actions Regarding Lake Elmo ECFE Site

Prepared by Lake Elmo Planning Department – 2/3/11

DATE	Planning/Zoning (Lake Elmo)	Lake Elmo City Council	School District
2011			
2/15		Approval of purchase option for Brookman 3 rd Addition sites	
2/15		Approve Joint Powers Agreement	
2/18	Public Hearing Notice – Comprehensive Plan Amendment, Zoning Map Amendment, Zoning Text Amendment		
2/24			Approve Joint Powers Agreement
2/25			Submit financing plan to State of Minnesota
2/28	Planning Commission Public Hearing – Comprehensive Plan and Zoning Amendments		
3/1		Initiate Phase I Environmental Study for Brookman site	
3/1		City Council Approval of Comprehensive Plan Amendment and related actions	
3/2	Submit Comprehensive Plan Amendment to Met Council		
3/8			Site Plan Submission to City
3/15		Execute purchase option for Brookman 3 rd Addition sites	
3/28	Planning Commission Site Plan Review		
4/5	City Council Site Plan Review		
5/31		Closing on purchase of Brookman 3 rd Addition sites	



MAYOR & COUNCIL WORKSHOP

DATE: 2/08/2011¹⁵
WORKSHOP
ITEM #: 12
DISCUSSION

AGENDA ITEM: Comprehensive Plan Update – Review of Draft Timeline and Citizen and Stakeholder Participation and Organization

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to review and provide feedback on proposed timelines associated with future updates to the Comprehensive Plan for the Village and I-94 Corridor Planning Areas (the portions of Lake Elmo that are planned for future sewered development).

BACKGROUND & STAFF REPORT: Staff envisions that the City's development of updates to the Comprehensive Plan for each of the proposed sewered development areas will occur as separate planning processes, but with some similarities in order to help staff better manage these complex projects. Included for review by are three separate documents as follows:

- A general project outline/timeline for the I-94 Corridor
- A general project outline/timeline for the Village Area
- A graphical representation of the proposed timeline, with both project areas shown on the same page.

Due to a lack of quorum present at its last meeting, the Planning Commission has yet to formally review and comment on the proposed timelines. Staff would like to continue working on these projects; and therefore is seeking general direction from the Council before proceeding with the initial project tasks. In particular, Staff would like to begin pulling together the citizen participation groups, including a larger "stakeholder" group and smaller work group.

Please note that the latter portions of the Village planning timeline will need to be expanded upon at some point in the future. This timeline will be further revised based on feedback from the Planning Commission and Council and proposed work groups.

RECOMMENDATION: It is recommended that the City Council review the proposed timelines and discuss any comments or suggested revisions at its meeting.

ATTACHMENTS:

1. I-94 Area Draft Timeline/Process
2. Village Area Draft Timeline/Review Process
3. Graphical Timeline

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
- Council Discussion Mayor & City Council
- Council Direction, if Appropriate Mayor Facilitates

A Draft Timeline/Process

JANUARY

- Identify *Stakeholders Group*
- Identify *Technical Committee*
- Identify *Work Group* (subset of Stakeholders Group; 7-10 people)

FEBRUARY

- First meeting of *Stakeholders Group*
 - Meeting One – Existing Conditions**
Purpose: What is there now? What does the Comp Plan currently say? What are the Met Council requirements? What is happening in adjacent communities? What are the land uses adjacent to the areas in developing Lake Elmo?
- Report back to Planning Commission, City Council

MARCH

- Hold Open House
 - o Invite stakeholder group, commissioners (Planning, Parks, Environmental, etc.), general public
 - o Seek input on Vision – If we can't all agree (at least in part) where we are headed, getting there will never "end."
- First meeting of *Work Group*
 - Meeting One – What is the Vision?**
Purpose: Receive information received from open house. What is the end goal for the Area South of 10th Street? A bustling commercial node? Stable, safe neighborhoods? A regional draw such as _____? How does the city want to be seen from I-94? What is the community identity?

APRIL

- Report back to Planning Commission, City Council
 - o Get consensus on Vision for Area South of 10th Street
- First meeting of *Technical Committee*
 - Purpose:* What services need to be discussed? What do current plans call for? What other plans are out there (school district, Washington County, etc.)? Gather information.
 - Schools
 - Streets
 - Sewer
 - Storm Sewer/Surface Water
 - Water
 - Fire

- Police
- Parks
- Trails

- Second meeting of *Stakeholders Group*

Meeting Two – Report on Work To Date

Purpose: Report on established Vision for South of 10th Street Area. Report on work done by Technical Committee, City Staff. Identify upcoming meetings, work, and options for more public input.

MAY

- Second meeting of *Work Group*

Meeting Two – Figuring out the Details – Commercial Focus

Purpose: Revisiting the existing land use map:

- Does residential housing along I-94 coincide with the agreed upon vision? Does it make sense? If the land continues to be designated for residential along I-94, what does the city want to do with existing businesses?
- Does a corporate campus at the corner of Manning Avenue and I-94 make sense? Is there a market?

- Third meeting of *Work Group*

Meeting Three – Figuring out the Details – Residential Focus

Purpose: Revisiting the existing land use map:

- Does residential housing along I-94 coincide with the agreed upon vision? Does it make sense? If the land continues to be designated for residential along I-94, what does the city want to do with existing businesses?
- Do the property owners at the corner of Lake Elmo Avenue and 10th Street continue to want part of their properties guided for sewer? Is it feasible? Where are their existing homes and septic systems?
- Buffering existing neighborhoods (III-3 of Comp Plan identifies requirements)
- Property guided for PF, but currently zoned R-3. Should that be changed?

- Report back to Planning Commission, City Council
 - o Review work done by Work Group, Technical Committee/City Staff

JUNE

- Third meeting of *Stakeholders Group*

Meeting Three – Report on Work To Date

Purpose: Report on work done by Work Group - where land use types should be located (generically residential and commercial).

- Second meeting of *Technical Committee*

Purpose: Given the established vision and ideas of what land use types should be where, do services need to be reevaluated? Are there any red flags? Additional services needed? Where appropriate?

- Schools
- Streets
- Sewer
- Storm Sewer/Surface Water
- Water
- Fire
- Police
- Parks
- Trails

JULY

- Fourth meeting of *Work Group*

Meeting Four – How to Implement – Creating a Future Land Use Map

Purpose: Given the established vision, the additional services needed (school, fire, police, etc.) and the ideas for appropriate residential and commercial locations – create a Future Land Use Map.

AUGUST

- Fifth meeting of *Work Group*

Meeting Five – A More Detailed Future Land Use Map

Purpose: Revisit the Draft Future Land Use Map and give more detailed review to what type of uses would be appropriate in which commercial areas. What level of density would be more appropriate for residentially guided properties.

SEPTEMBER

- Hold Open House
 - o Invite stakeholder group, commissioners (Planning, Parks, Environmental, etc.), general public
 - o Seek input on Detailed Future Land Use Map
- Report back to Planning Commission, City Council
 - o Review work done by Work Group, Stakeholders Group, Technical Committee/City Staff, Information from Open House

OCTOBER

- Sixth meeting of *Work Group*

Meeting Six – How Do We Get to the Vision? View Draft Ordinance Language and Design Standards

Purpose: Revisit the Draft Future Land Use Map and give more detailed review to what type of uses would be appropriate in which commercial areas. What level of density would be more appropriate for residentially guided properties.

- Park Commission Meeting
 - o Review draft Future Land Use Map and More Detailed Plans

- Planning Commission Meeting
 - o Review draft Future Land Use Map and More Detailed Plans
 - o Hold public hearing to amend the Comprehensive Plan

NOVEMBER

- City Council Workshop
 - o Review draft Future Land Use Map and More Detailed Plans
- City Council Meeting
 - o Approve Comprehensive Plan Amendment

Staff sends Comprehensive Plan Amendment to Metropolitan Council for approval.

DECEMBER

**Village Area Comprehensive Plan Update
 Draft Timeline/Review Process
 Prepared By: Lake Elmo Planning Department
 1/24/11**

2011	Task/Meeting Summary
January	Establish Stakeholder Group <ul style="list-style-type: none"> • All potential stakeholders Create Village Comprehensive Plan Update Work Group <ul style="list-style-type: none"> • Including some members of the stakeholder group Create Technical Review Committee <ul style="list-style-type: none"> • Comprised of same members as recommended in the I-94 review process
February	Stakeholder Meeting <ul style="list-style-type: none"> • Planning Update - History of recent planning efforts • Discuss overall Village housing unit count with update regarding City Council density decision • Review Planning Department density analysis Work Group <ul style="list-style-type: none"> • Meeting 1 • Review current plans and AUAR • Discuss Civic/Institutional Plans and alternative scenarios for public and semi-public uses • Review transportation plans • Discuss public realm (streets, parks, sidewalks, public squares) and design options • Storm Water Update Planning Commission/Council Update <ul style="list-style-type: none"> • Stakeholder feedback and comments • Work group update
March	Open House #1 <ul style="list-style-type: none"> • Present options for civic and institutional "Community Campus" • General update concerning population and density projections for the Village • Sewer Project update • Storm Water Planning discussion
April	Technical Committee <ul style="list-style-type: none"> • Discuss Service needs in community • Review current agency/departmental/governmental

	<p>planning efforts</p> <p>Work Group</p> <ul style="list-style-type: none"> • Consider design standards and integration into the Zoning Ordinance • Review zoning district alternatives • Identity preferred location for community campus concept • Review site design options for community campus • Consider revised residential and open space plan with new density projections. • Establish preferred scale for Village area development <p>Planning Commission/Council Update</p> <ul style="list-style-type: none"> • Open House Review • Review draft Land Use Plan update
May	<p>Work Group</p> <ul style="list-style-type: none"> • Meeting 3
June	<p>Technical Committee Meeting</p> <p>Stakeholder Group</p> <ul style="list-style-type: none"> • Meeting 2 <p>Planning Commission/Council Update</p>
July	<p>Work Group</p> <ul style="list-style-type: none"> • Meeting 4
August	<p>Work Group</p> <ul style="list-style-type: none"> • Meeting 5 <p>Planning Commission/Council Update</p>
September	<p>Open House #2</p>
October	<p>Technical Committee Meeting</p> <ul style="list-style-type: none"> • Review AUAR Update Document for submission to EQB <p>Work Group</p> <ul style="list-style-type: none"> • Meeting 6 <p>Planning Commission/Council Update</p> <ul style="list-style-type: none"> • Review Draft Comprehensive Plan Update - with revised Land Use Plan
November	<p>Work Group</p> <ul style="list-style-type: none"> • Meeting 7
December	<p>Stakeholder Group</p> <ul style="list-style-type: none"> • Meeting 3

	Planning Commission/Council Update Public Hearing - Planning Commission
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Notes:

- Technical Committee meeting schedule will be timed to coincide with I-94 Planning schedule
- Additional Work Group meetings will be called on an as-needed basis

	January	February	March	April	May	June	July	August	September	October	November	December	January	February
I-94	Establish: Stakeholders, Technical, and Work Groups													
	Stakeholders Group - large	1st Mtg.		2nd Mtg.		3rd Mtg.			4th Mtg.					
	Work Group (subset of stakeholder)				2nd and 3rd Mtg.									
	Open House - public		1st Mtg.				4th Mtg.			6th Mtg.				
	Technical Group		X						X					
	Commissions City Council	X	X	X	X	X			X	X	X	X		
Village	Establish: Stakeholders, Technical, and Work Groups													
	Stakeholders Group - large	1st Mtg.				2nd Mtg.								
	Work Group (include some stakeholders)													
	Open House - public		1st Mtg.		2nd Mtg.		4th Mtg.				6th Mtg.			
	Technical Group		X						X					
	Commissions City Council	X	X	X	X	X			X	X	X	X		



MAYOR & COUNCIL WORKSHOP

DATE: 2/08/2011
WORKSHOP
ITEM #: 23
DISCUSSION

AGENDA ITEM: Special Event Permit Ordinance – City Council Review

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: David Snyder, City Attorney
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider and review a new ordinance to regulate special events within the City of Lake Elmo. This ordinance is very similar to a document that was reviewed by the Planning Commission more than a year ago, but never further refined or adopted by the City. A Special Event Permit is intended to provide some regulation of temporary events on a case-by-case basis and is intended to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

The proposed Ordinance 08-034 was presented to the Council last December, but was not acted upon at that time so that the Council could spend more time reviewing the draft with Staff at a workshop meeting.

BACKGROUND INFORMATION: This ordinance was first brought forward by Staff as a follow-up to several requests for events within the City of Lake Elmo that would normally not be allowed under the City's zoning regulations. The most significant of these events was a Rowing Regatta on Lake Elmo that was ultimately permitted in the absence of any formal regulations concerning such events (and also due to the fact that the event took place on a public water body and within the regional park preserve). Staff has over the past several years, also received requests for a "pet carnival" and other such events and promotions by local businesses.

One of the more significant changes to the proposed ordinance since the version previously reviewed by Planning Commission has been the addition of a new category of special events for Agricultural Sales Businesses. Specifically, the Ordinance now includes a provision that would allow an Agricultural Sales Business that is conducted for a period of three months or less to be permitted by a Special Event Permit. The ordinance would allow such a permit to be issued for

two consecutive years; otherwise, any agricultural sales businesses operating for a longer term would need to obtain an Interim Use Permit in accordance with recent amendments to the City Code.

The Agricultural Sales Provision is a direct result of recent discussions and action by the Planning Commission and City Council regarding agricultural businesses. The proposed ordinance would provide an alternate to a full interim use permit in cases where a grower or importer would like to sell agricultural products for a limited time. As an example of how this permit would be applied is a situation in which a grower needs to supplement the sales of their produce grown on-site due to the loss of a crop due to bad weather or other unforeseen circumstances.

The proposed ordinance does include several exemptions for events sponsored by a public entity, events that take place in an athletic field, family gatherings, and other such activities.

STAFF REPORT: The City Attorney has noted that the City could try to define a threshold for small events based on experience, such as by reference to an event that is known to bring in less than 30 people but does not implicate public infrastructure, traffic, etc. In looking back at previous events that were conducted in the City that would be considered a special event under the proposed ordinance, Staff has been unable to identify any specific type of activity that would seem to have met this threshold.

The Attorney has also suggested that the Planning Commission and City Council may want to consider special events that have occurred in the past to determine if they can be used as a guide concerning any problems that arose and how these issues may have been addressed. Some typical problems include traffic back-ups, informal road closures, late night noise, minor trespassing, insufficient restrooms, and other similar occurrences.

Staff has made other minor revisions to the ordinance based on comments from the Planning Commissions, and all changes and revisions recommended by the Planning Commission are included in the attached ordinance.

The Planning Commission unanimously recommended approval of the Special Event Ordinance at its November 22, 2010 meeting.

ADDITIONAL INFORMATION: The model used for the draft ordinance was taken from the City of North St. Paul. This ordinance was chosen as it was fairly broad in terms of its coverage, while some other examples staff researched were very specific to certain types of events. This broad and simple ordinance will be easier to administer as Lake Elmo currently has just a few events to which the permit may pertain.

City History - In 2006 the Council approved an ordinance allowing Commercial Social Outdoor Events as a conditional use in the agricultural zoning district, which it then repealed in April of

2007. A Special Event Permit is different than the Commercial Social Outdoor Events in the following ways:

- 1) A Special Event Permit would be required and reviewed for each event and would not guarantee a future permit would be received by the applicant or property owner. A Commercial Social Outdoor event was established as a Conditional Use Permit (CUP) and would have run with the property in perpetuity.
- 2) The City Council would have the discretion to deny a Special Event Permit. If a CUP was received and the conditions of a Commercial Social Outdoor Event were being met, the City would have a difficult time revoking the permit.
- 3) A Special Event Permit would not necessarily be based on a zoning district. A CUP for a Commercial Social Outdoor Event was allowed only in the Agricultural zoning district.
- 4) Special Event Permit could be intended to regulate temporary, outdoor privately-sponsored events open to the general public, held on public or privately-owned property, and impacting city facilities or services. The draft ordinance provided identifies specific gathering types that would not require a permit, such as a wedding. The only application received by the City to implement the Commercial Social Outdoor Event ordinance was to hold weddings on a property in the city.

Should the City Council adopt the propose ordinance as prepared by the Planning Commission, the Council will need to determine the fees for this type of permit. Because the 2011 Fee Schedule will be considered by the Council at its next meeting, Staff is recommending that the fees for Special Events be addressed with other fees at the Council's subsequent meeting.

Part of the justification for requiring a Special Event Permit for certain events is to help ensure that any potential public costs associated with the event are properly addressed. As noted in the attached ordinance, the City may charge for any required clean-up from the event, and provisions are included that require the applicant to provide adequate police, fire, and sanitary services during the duration of the event.

PLANNING COMMISSION REPORT: The Planning Commission conducted a public hearing regarding the proposed Special Event Permit Ordinance at its November 8, 2010 meeting. No public comments were received at the meeting; however, the Commission tabled taking action on the Ordinance and requested that Staff review the Ordinance with the City Attorney before making its recommendation to the City Council. Staff reviewed the proposed ordinance with the City Attorney and City Administrator in order to provide some clarity concerning the intent of the ordinance, and based on these discussions, suggested that the following modifications be made to the ordinance:

- That special events that last less than three consecutive days be permitted through an administrative review process rather than requiring action by the City Council.
- That a special event permit be required for non-profit organizations in addition to other property owners. The intent of the proposed ordinance is to ensure that larger events do not create any problems that may negatively impact the public or result in costs that must be born by the City. Whether an event is sponsored by a private business or non-profit entity, requiring a special event permit can help the City reduce the potential for any unforeseen costs or impacts. The Attorney has offered an opinion that private clubs should not be regulated differently than a for-profit business.
- That the provisions related to exceptions specifically state that only activities that have been previously authorized by the City are exempt from the ordinance, and that if expanded or enlarged, these events would need to secure a permit.

The Commission considered these changes, and ultimately recommended further modifications to allow the City Administer to approve all Special Event Permits, with a provision that allows the Administrator to refer permits to the Council as necessary. Staff has further clarified the review requirements in the draft ordinance so that all denials must be made by the City Council.

RECOMMENDATION: Staff is recommending that the City Council review the proposed Special Event Ordinance and direct Staff to make any changes prior to Council consideration of the ordinance at a future meeting.

ATTACHMENTS

1. Ordinance 2008-034 – Special Event Permits

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
- Discussion..... Mayor & City Council
- Direction, if AppropriateMayor Facilitates

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

ORDINANCE NO. 08-034

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

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

§ 110.070 SPECIAL EVENT PERMITS.

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

(B) A Special Event shall include the following:

(1) Any temporary, privately-sponsored event, typically conducted outdoors, open to the general public and held on public or privately owned property, where such event would not otherwise be permitted under the City’s zoning regulations.

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

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

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

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

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

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

(4) Garage sales

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

(D) Permit Required

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

(E) Requirements for Issuance of a Permit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) Application Procedures.

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

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

(G) Fees

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

(H) Granting a Permit

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

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

(J) Denial of Permit

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

(K) Transferability

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

(L) Enforcement and Penalties

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

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

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

(M) Revocation of Permit

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

SECTION 2. Effective Date

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

SECTION 3. Adoption Date

This Ordinance No. 08-034 was adopted on this 7th day of December 2010, by a vote of ___ Ayes and ___ Nays.

Mayor Dean A. Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-034 was published on the ___ day of _____, 2010.

File

City of Lake Elmo
3800 Laverne Avenue North

February 15, 2011

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: Johnston Pearson Emmons Park 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 the January 25th, 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. 2011 Seal Coat – Preparation of Plans and Specs
- J. REGULAR AGENDA:
 - 4. PUBLIC HEARING: Rezoning Map Amendment: Rezoning of two properties off of 27th Street
 - 5. Update on Discussions Regarding Location of the ECFC in Lake Elmo
 - 6. Approve Budget Adjustment/Designation and Donation for Maintenance of Historic District 12 School House

City of Lake Elmo
City Council Minutes

January 25, 2011

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

PRESENT: Mayor Johnston and Council Members Emmons, Park, Pearson
Absent: Council Member Smith

Also Present: Administrator Messelt, City Engineers Griffin and Stempski, Attorney Snyder, Planners Klatt and Matzek, Finance Director Bouthilet and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member Pearson moved to approve the Consent Agenda. Council Member Park seconded the motion. The motion passed 4-0.

ACCEPTED MINUTES:

The January 4, 2011 City Council minutes were accepted by the City Council.

PUBLIC COMMENTS/INQUIRIES:

Michelle Carlson, Lake Elmo Jaycees Gambling Manger, presented the City Council with an \$8,500 check from the charitable gambling proceeds.

CONSENT AGENDA:

MOTION: Council Member Pearson moved to approve the Consent Agenda. Council Member Park seconded the motion. The motion passed 4-0.

- Approve payment of disbursements and payroll in the amount of \$491,622.03
- Approve Resolution No. 2011-002 authorizing the Mayor and City Administrator as Primary Signatures and Deputy Mayor and Finance Director as secondary signatures for all payments of money and withdraw funds on deposit with the Lake Elmo Bank
- Approve the 2011 Pay Equity Compliance Report, as presented

REGULAR AGENDA:

Parks Commission: Ordinance Revision and Appointments

The City Council was asked to consider Ordinance No. 08-038, reducing the Parks Commission to seven voting members and two alternate members.

MOTION: Council Member Parks moved to approve Ordinance No. 08-038, reducing the Composition of the Parks Commission to seven voting members and 2 alternates. Council Member Pearson seconded the motion. The motion passed 4-0.

The City Council directed that the Commission be more balanced with respect to expiration of terms and reappointments. The City Council was requested to re-appoint Mike Zeno and Susan Dunn to second 3-year terms on the Parks Commission; to appoint David Steele from 1st Alternate to Voting Member to complete a vacant 2-year term; and to appoint Pam Hartley from 2nd Alternate to Voting Member for a 3-year term.

The Council was also requested to appoint John Ames and Steve DeLapp as 1st and 2nd Alternates to the Parks Commission.

MOTION: Council Member Pearson moved to appoint the following individuals to the Parks Commission. Council Member Emmons seconded the motion. The motion passed 4-0.

- Mike Zeno to a Second 3-year Term
- Susan Dunn to a Second 3-year Term
- David Steele from 1st Alternate to Voting Member to complete a vacant 2-year Term
- Pam Hartley from 2nd Alternate to Voting Member for a 3-year Term
- John Ames to 1st Alternate
- Steve DeLapp to 2nd Alternate

Planning Commission: Introduction and Appointments

The City Council received introductions from Planning Commission applicants, Nadine Obermueller and Kathleen Haagard.

MOTION: Mayor Johnston moved to appoint the following individuals to the Planning Commission. Council Member Park seconded the motion. The motion passed 3-1 (Council Member Emmons voting against).

- Steve Britz, Greg Hall and Thomas Bidon to 3-year terms as Voting Members
- Todd Williams from 1st Alternate to Voting Member to complete a vacant 1-year Term
- Jennifer Pelletier from 2nd Alternate to Voting Member to an adjusted 2-year Term
- Robert Van Zandt to Voting Member to an adjusted 2-year term

The Council voted by paper ballot to elect the 1st and 2nd Alternates.

MOTION: Council Member Emmons moved to appoint Nadine Obermueller to 1st Alternate and Kathy Haggard to 2nd Alternate on the Lake Elmo Planning Commission. Mayor Johnston seconded the motion. The motion passed 4-0.

City Council Subcommittees & Outside Appointments

Pursuant to discussion at the January 11th workshop, the City Council is requested to address the formation of 2011 Council Subcommittees.

MOTION: Council Member Park moved the following Council appointments to the City Council Subcommittees. Council Member Pearson seconded the motion. The motion passed 4-0.

Budget/Finance Committee:

Council Members Smith and Pearson

Human Resources:

Council Member Emmons and Mayor Johnston

Job Growth/Business:

Council Members Park and Pearson

Regional and State Affairs:

Council Members Smith and Emmons

In addition, appointment of Council Members to the Gateway Corridor Commission for 2011 is required.

Council Member Park moved to approve Resolution No. 2011-003 appointing Mayor Johnston and Council Member Emmons to the Gateway Corridor Commission. Council Member Pearson seconded the motion. The motion passed 4-0.

Approve 2011 Planning Commission Work Plan

Kyle Klatt, Planning Director, presented the Planning Commission's annual work plan, prepared for 2011. The work plan, as recommended by the Planning Commission, was prepared using the previous year's plan as a template and tracking any changes that were used to create the new document.

Mayor Johnston requested Council consideration to add to the workplan (A1) Rezoning of two sites for a Park and Ride along I94.

MOTION: Council Member Pearson moved to accept the 2011 Planning Commission Work Plan including discussion on potential rezoning on two sites for a Park and Ride along I-94. Mayor Johnston seconded the motion. The motion passed 4-0.

Accept Planning Commission 2010 Annual Report

The City Council reviewed the annual report, prepared by staff to summarize the activities of the Planning Commission and Planning Department in 2010. This report focused on the activities and projects undertaken during the year and includes statistical information pertaining to the City's planning activities. The Council commended the Planner on submittal of the annual report.

MOTION: Council Member Emmons moved to accept the 2010 Planning Commission Annual Report. Council Member Pearson seconded the motion. The motion passed 4-0.

City Engineering Updates on Sanitary Sewer Survey & 50th Street & Kimbro

City Engineer Jack Griffin updated the Council on two ongoing projects: Addition of a gravity option for the Sanitary Sewer Force Main and paving of 50th Street and Kimbro. Part of the effort related to 50th & Kimbro included meetings with residents of Kirkwood which 3 out of the 7 properties favored the proposal and requested cost data for improving Kirkwood.

John Flis, 10755 50th Street, stated he doesn't want to see 50th Street paved because he has concerns with speeding and driver's safety.

A public hearing on 50th Street and Kimbro Avenue Improvements will be held on February 1st.

Review/Direction regarding approval of 2011 Animal Control Contract

Bruce Messelt, City Administrator, reported the existing annual contract is up for renewal but at a significant cost increase. Efforts to negotiate 2010 rates proved unsuccessful with the service provider and no notice of rate increase were received prior to completion of the 2011 Annual Budget. In addition, preliminary City Council direction has been to update the current Animal Control contract in 2011 via a Request for Proposal or other contract review process.

After discussion with areas communities, the City Administrator believes there are two viable alternatives available in addition to renewing the contract as presented by the service provider.

- At least two neighboring communities provide Animal Control services via their own staff and have expressed a willingness to consider some form of service arrangement, and
- Other Animal Control service providers have contacted the City and have expressed interest in submitting bids for the provision of services,

The City Council directed staff to give the present service provider a 30 day notice and explore other options presented.

Legal Issues and Strategies Relating to City of Lake Elmo v. 3M Corporation

Dave Snyder, City Attorney, will draft a letter to the City Council updating them regarding legal issues and strategies relating to this topic.

The meeting was adjourned at 8:33 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Respectfully submitted by Sharon Lumby, City Clerk

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 \$167,657.90

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 February 15th, 2011, payable 2010 & 2011, Disbursement, as Presented *[and modified]* herein.”

ATTACHMENTS:

1. Accounts Payable Dated 02/15/2011

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

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

Accounts Payable To Be Paid Proof List

User: Joan Z
 Printed: 02/10/2011 - 11:08 AM
 Batch: 011-12-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ABDO Abdo Eick & Meyers, LLP										
271897	01/21/2011	3,100.00	0.00	02/15/2011	Final Payment for Audit Service 2010		-	No		0000
101-410-1520-43010	Audit Services									
	271897 Total:	3,100.00								
	ABDO Total:	3,100.00								
ASPENMI Aspen Mills, Inc.										
103840	02/10/2011	34.50	0.00	02/15/2011	Uniform items, B. Sachs		-	No		0000
101-420-2220-44170	Uniforms									
	103840 Total:	34.50								
104222	02/10/2011	14.00	0.00	02/15/2011	Nametag, D. Levasseur		-	No		0000
101-420-2220-44170	Uniforms									
	104222 Total:	14.00								
104881	02/10/2011	171.75	0.00	02/15/2011	Uniforms Capt. Olson		-	No		0000
101-420-2220-44170	Uniforms									
	104881 Total:	171.75								
104882	02/10/2011	42.50	0.00	02/15/2011	Uniform Items, B. Sachs		-	No		0000
101-420-2220-44170	Uniforms									
	104882 Total:	42.50								
104883	02/10/2011	797.10	0.00	02/15/2011	Uniform Shirts - New officers		-	No		0000
101-420-2220-44170	Uniforms									
	104883 Total:	797.10								
104884	02/10/2011	138.95	0.00	02/15/2011	Medic Jacket, Chief		-	No		0000
101-420-2220-44170	Uniforms									
	104884 Total:	138.95								
CM 2276	02/10/2011	-40.00	0.00	02/15/2011	Credit Memo		-	No		0000
101-420-2220-44170	Uniforms									
	CM 2276 Total:	-40.00								
	ASPENMI Total:	1,158.80								
EMERGAUT Emergency Automotive tech, Inc										
MS123110-19	01/31/2011	276.00	0.00	02/15/2011	Swap lightbar on T1		-	No		0000
410-480-8000-45800	Other Equipment									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MS123110-19	01/31/2011	91.21	0.00	02/15/2011	Repair light on CVI		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	MS123110-19 Total:	367.21								
	EMERGAUT Total:	367.21								
FIRE Fire Instruction & Rescue Inc		300.00	0.00	02/15/2011	Annual FIT Testing		-	No		0000
8484	01/26/2011									
101-420-2220-44370	Conferences & Training									
	8484 Total:	300.00								
	FIRE Total:	300.00								
INTERSTA Interstate All Battery Ctr		403.87	0.00	02/15/2011	Replacement Batteries for AED's		-	No		0000
38561, 38730	07/16/2010									
101-420-2220-42080	EMS Supplies									
38561, 38730	07/16/2010	18.02	0.00	02/15/2011	Replacement Batteries		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
38561, 38730	07/16/2010	310.99	0.00	02/15/2011	Replacement batteries for AED's		-	No		0000
101-420-2220-42080	EMS Supplies									
	38561, 38730 Total:	732.88								
38729	07/16/2010	-386.08	0.00	02/15/2011	Credit memo		-	No		0000
101-420-2220-42080	EMS Supplies									
	38729 Total:	-386.08								
	INTERSTA Total:	346.80								
MATZEK Kelli Matzek		230.00	0.00	02/15/2011	Health Savings Reimb		-	No		0000
Ck Req	02/01/2011									
101-000-0000-21710	Health HSA									
	Ck Req Total:	230.00								
	MATZEK Total:	230.00								
TASCH T.A. Schifsky & Sons Inc		34,514.92	0.00	02/15/2011	2010 Street Projects		-	No		0000
Pay Cert #3	01/06/2011									
417-480-8000-45300	Improvements Other Than Bldgs									
	Pay Cert #3 Total:	34,514.92								
	TASCH Total:	34,514.92								
	Report Total:	40,017.73								

Accounts Payable To Be Paid Proof List

User: Joan Z
 Printed: 02/10/2011 - 11:19 AM
 Batch: 003-02-2011

Invoice #	Inv Date	Amount	Quantity	Unit	Description	Reference	Task	Type	PO #	Close PO Line #
ARAM Aramark, Inc.										
629-7166846	01/24/2011	69.07	0.00		Monthly rug service, Station #2			No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7166846 Total:	69.07								
629-7166848	01/24/2011	68.44	0.00		Monthly rug service, Station #1			No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7166848 Total:	68.44								
629-7169821	01/27/2011	21.29	0.00		Uniforms			No		0000
101-430-3100-44170	Uniforms									
	629-7169821 Total:	21.29								
629-7171634	01/31/2011	47.63	0.00		Linen City hall Annex			No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7171634 Total:	47.63								
629-7174606	02/03/2011	21.29	0.00		Uniforms			No		0000
101-430-3100-44170	Uniforms									
	629-7174606 Total:	21.29								
629-7176417	02/07/2011	115.39	0.00		Linen City Hall			No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7176417 Total:	115.39								
	ARAM Total:	343.11								
C&J CONS C & J Consulting Services, LLP										
01-2011	02/01/2011	4,878.99	0.00		Monthly Accounting Services - Jan			No		0000
101-410-1520-43150	Contract Services									
	01-2011 Total:	4,878.99								
	C&J CONS Total:	4,878.99								
CARQUEST Car Quest Auto Parts										
2055-213241	02/02/2011	42.64	0.00		Wiper Blades 00-1			No		0000
101-430-3120-42210	Equipment Parts									
	2055-213241 Total:	42.64								
2055-213641	02/08/2011	106.96	0.00		Starter 98-1			No		0000
101-430-3120-42210	Equipment Parts									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2055-213641	02/08/2011	49.36	0.00	02/15/2011	Anti-freeze		-			0000
101-430-3120-42120	Fuel, Oil and Fluids									No
2055-213641	02/08/2011	5.66	0.00	02/15/2011	Needle nose pliers		-			0000
101-430-3100-42400	Small Tools & Minor Equipment									No
	2055-213641 Total:	161.98								
	CARQUEST Total:	204.62								
CENCOLLE Century College										
404176, 404651	01/26/2011	1,283.68	0.00	02/15/2011	FFI & Hazmat Ops for Larry Cornell		-			0000
101-420-2220-44370	Conferences & Training									No
404176, 404651	01/26/2011	1,283.68	0.00	02/15/2011	FFI & Hazmat Ops for Pete Ziemer		-			0000
101-420-2220-44370	Conferences & Training									No
404176, 404651	01/26/2011	1,303.68	0.00	02/15/2011	FFI & Hazmat Ops for Chris Pasiuk		-			0000
101-420-2220-44370	Conferences & Training									No
404176, 404651	Total:	3,871.04								
	CENCOLLE Total:	3,871.04								
COMCAST COMCAST										
01/27/2011	01/27/2011	7.89	0.00	02/15/2011	Monthly Service		-			0000
101-420-2220-44300	Miscellaneous									No
	01/27/2011 Total:	7.89								
	COMCAST Total:	7.89								
CTYOAKDA City of Oakdale										
808	01/27/2011	344.96	0.00	02/15/2011	CV1 oil change and RR Brake		-			0000
101-420-2220-44040	Repairs/Maint Eqpt									No
	808 Total:	344.96								
	CTYOAKDA Total:	344.96								
CTYROSEV City of Roseville										
0213650	02/01/2011	1,551.58	0.00	02/15/2011	Monthly IT Services February 2011		-			0000
101-410-1450-43180	Information Technology/Web									No
	0213650 Total:	1,551.58								
0213662	02/03/2011	270.75	0.00	02/15/2011	TV Wall Bracket for Fire Station		-			0000
101-420-2220-42400	Small Tools & Equipment									No
	0213662 Total:	270.75								
	CTYROSEV Total:	1,822.33								
DISCSTL Discount Steel, Inc.										
1630894	02/03/2011	115.55	0.00	02/15/2011	98-1 Loader, repair steel		-			0000
101-430-3125-44040	Repairs/Maint Eqpt									No

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
1650894 Total:		115.55								
DISCSTL Total:		115.55								
<hr/>										
ECKBERG Eckberg Lamers Briggs Wolff										
01-2011	12/31/2010	3,944.41	0.00	02/15/2011	Legal Services - Criminal		-	No		0000
101-420-2150-43045 Attorney Criminal										
01-2011 Total:										
109518	01/31/2011	3,944.41								
101-410-1320-43040	Legal Services	7,826.22	0.00	02/15/2011	Legal Services - Civil		-	No		0000
109518	01/31/2011	681.50	0.00	02/15/2011	Legal Services - Development		-	No		0000
203-490-9070-43040 Legal Services										
109518 Total:										
ECKBERG Total:		8,507.72								
		12,452.13								
<hr/>										
EMMONS A Emmons Alex										
02/01/2011	02/01/2011	55.00	0.00	02/15/2011	Cabled meeting 2/1/11 CC meeting		-	No		0000
101-410-1450-43620 Cable Operations										
02/01/2011 Total:										
EMMONS A Total:		55.00								
		55.00								
<hr/>										
ENVENTIS ENVENTIS										
738507	02/13/2011	558.27	0.00	02/15/2011	Telephone/Data Service - CH Feb 11		-	No		0000
101-410-1940-43210 Telephone										
738507 Total:										
ENVENTIS Total:		558.27								
		558.27								
<hr/>										
FASTENAL Fastenal										
MNT1124702	01/25/2011	45.52	0.00	02/15/2011	Hardware		-	No		0000
101-430-3100-44040 Repairs/Maint Eqpt										
MNT1124702 Total:										
FASTENAL Total:		45.52								
		45.52								
<hr/>										
FIREEQUI Fire Equipment Specialties										
6941	02/01/2011	78.29	0.00	02/15/2011	Glove Straps		-	No		0000
101-420-2220-42400 Small Tools & Equipment										
6941 Total:										
FIREEQUI Total:		78.29								
		78.29								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HAGBERGS Hagbergs Country Market										
02/01/2011	02/10/2011	30.04	0.00	02/15/2011	Items for Cap. City Mtg		-	No		0000
101-420-2220-44300	Miscellaneous							No		0000
02/01/2011	02/10/2011	2.14	0.00	02/15/2011	Outstanding Balance		-	No		0000
101-420-2220-44300	Miscellaneous							No		0000
	02/01/2011 Total:	32.18								
02/10/2011	02/10/2011	19.95	0.00	02/15/2011	Misc 1/4 and 1/7/11		-	No		0000
101-410-1320-44300	Miscellaneous							No		0000
02/10/2011	02/10/2011	30.04	0.00	02/15/2011	Fire Dept 1/26/11		-	No		0000
101-420-2220-44300	Miscellaneous							No		0000
	02/10/2011 Total:	49.99								
	HAGBERGS Total:	82.17								
KDV Kern DeWenter Viero Ltd										
121084	01/31/2011	3,294.00	0.00	02/15/2011	Financial Services - January 2011		-	No		0000
101-410-1520-43150	Contract Services							No		0000
	121084 Total:	3,294.00								
	KDV Total:	3,294.00								
LARSON LARSON DIESEL SERVICE, Corp										
1101105029	01/05/2011	93.07	0.00	02/15/2011	Starter solenoid 98-2		-	No		0000
101-430-3120-42210	Equipment Parts							No		0000
	1101105029 Total:	93.07								
	LARSON Total:	93.07								
LEOIL Lake Elmo Oil, Inc.										
11686, 11687, 1	01/21/2011	5,086.27	0.00	02/15/2011	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids							No		0000
	11686, 11687, 1 Total:	5,086.27								
400229-, 400194	01/31/2011	118.73	0.00	02/15/2011	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids							No		0000
	400229-, 400194 Total:	118.73								
	LEOIL Total:	5,205.00								
Lillie Newspapers Inc. Lillie Suburban										
02/25/2011	02/25/2011	229.54	0.00	02/15/2011	Legal Publications		-	No		0000
101-410-1450-43510	Public Notices							No		0000
	02/25/2011 Total:	229.54								
	Lillie Total:	229.54								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LOFF Loffler Companies, Inc.										
1211650	02/01/2011	191.79	0.00	02/15/2011	Copy Machine Overage & Base Feb 2011		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt	191.79								
	1211650 Total:	191.79								
	LOFF Total:									
MALMO Malmquist Greg										
01/28/2011	01/28/2011	65.00	0.00	02/15/2011	Conference & Training		-	No		0000
101-420-2220-44370	Conferences & Training	65.00								
	01/28/2011 Total:	65.00								
	MALMQ Total:	65.00								
MARONEYS Maroney's Sanitation, Inc										
370104	02/08/2011	103.66	0.00	02/15/2011	Waste Removal - City Hall		-	No		0000
101-410-1940-43840	Refuse	45.62								
370104	02/08/2011	198.87	0.00	02/15/2011	Waste Removal - Fire		-	No		0000
101-420-2220-43840	Refuse	198.87								
370104	02/08/2011	198.87	0.00	02/15/2011	Waste Removal - Public Works		-	No		0000
101-430-3100-43840	Refuse	198.87								
370104	02/08/2011	547.02	0.00	02/15/2011	Waste Removal - Parks		-	No		0000
101-450-5200-43840	Refuse	547.02								
	370104 Total:	547.02								
	MARONEYS Total:	547.02								
MENARDSO Menards - Oakdale										
42297	01/27/2011	31.11	0.00	02/15/2011	Paint		-	No		0000
101-430-3100-42230	Building Repair Supplies	31.11								
	42297 Total:	31.11								
	MENARDSO Total:	31.11								
METCOU Metropolitan Council										
0000951590	02/02/2011	1,282.98	0.00	02/15/2011	Monthly Wastewater Service March 2011		-	No		0000
602-495-9450-43820	Sewer Utility - Met Council	1,282.98								
	0000951590 Total:	1,282.98								
	METCOU Total:	1,282.98								
NAGEI JOE Nagel Joe										
01/26/11	01/26/2011	800.00	0.00	02/15/2011	Conferences and Training		-	No		0000
101-420-2220-44370	Conferences & Training	800.00								
	01/26/11 Total:	800.00								

Invoice #	Inv Date	Amount	Quantity	Fmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
NAGELJOE Total:		800.00								
NORTHTOO HSBC Business Solutions										
23316790	01/20/2011	288.77	0.00	02/15/2011	Plow Lights 00-1		-		No	0000
101-430-3120-42210	Equipment Parts									
23316790 Total:		288.77								
561054390	01/20/2011	26.77	0.00	02/15/2011	Plow Markers		-		No	0000
101-430-3120-42210	Equipment Parts									
561054390 Total:		26.77								
NORTHTOO Total:		315.54								
PARENT Parent Custom Homes										
01/28/2011	01/28/2011	3,000.00	0.00	02/15/2011	Escrow Return 10911 57th St #7451		-		No	0000
803-000-0000-22900	Deposits Payable									
01/28/2011 Total:		3,000.00								
PARENT Total:		3,000.00								
POSTOFFE POSTMASTER										
02/07/2011	02/07/2011	500.00	0.00	02/15/2011	Postage for Newsletter		-		No	0000
101-410-1320-43220	Postage									
02/07/2011 Total:		500.00								
POSTOFFE Total:		500.00								
QUALAIR Quality Air										
3645	02/08/2011	3,100.00	0.00	02/15/2011	Replace Furnace		-		No	0000
410-480-8000-45800	Other Equipment									
3645 Total:		3,100.00								
QUALAIR Total:		3,100.00								
RIVRCOOP River Country Cooperative										
01/31/2011	01/31/2011	655.86	0.00	02/15/2011	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
01/31/2011 Total:		655.86								
RIVRCOOP Total:		655.86								
RUD Prince-Rud Diane										
02/09/2011	02/09/2011	320.00	0.00	02/15/2011	Cleaning City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
02/09/2011	02/09/2011	240.00	0.00	02/15/2011	Cleaning Fire Hall		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									

Invoice #	Inv Date	Amount	Quantity	Prnt Date	Description	Reference	Task	Type	PO #	Close POLine #
	02/09/2011 Total:	560.00								
	RUD Total:	560.00								
S&T S&T Office Products, Inc.										
0100K6810	01/26/2011	23.41	0.00	02/15/2011	Office Supplies - Nameplates		-	No		0000
101-410-1320-42000	Office Supplies									
	0100K6810 Total:	23.41								
010L0016	02/02/2011	334.62	0.00	02/15/2011	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
010L0016	02/02/2011	243.78	0.00	02/15/2011	Printer Cartridge - Finance		-	No		0000
101-410-1520-44300	Miscellaneous									
	010L0016 Total:	578.40								
010L0078	02/02/2011	3.14	0.00	02/15/2011	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
	010L0078 Total:	3.14								
010L0534	02/03/2011	4.71	0.00	02/15/2011	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
	010L0534 Total:	4.71								
010L0936	02/03/2011	-12.38	0.00	02/15/2011	Credit office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
	010L0936 Total:	-12.38								
	S&T Total:	597.28								
TRKUTI Truck Utilities										
222309	02/04/2011	138.99	0.00	02/15/2011	Hyd Hoses 99-2 Loader		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
	222309 Total:	138.99								
	TRKUTI Total:	138.99								
UNIQUE Unique Paving Materials Corp.										
210452	01/24/2011	138.94	0.00	02/15/2011	Winter Asphalt		-	No		0000
101-430-3100-42240	Street Maintenance Materials									
	210452 Total:	138.94								
	UNIQUE Total:	138.94								
VISA-SL VISA										
02/26/2011	02/26/2011	119.66	0.00	02/15/2011	Recognition of S. DeLapp & B. Talcott		-	No		0000
101-410-1320-44300	Miscellaneous									
02/26/2011	02/26/2011	50.99	0.00	02/15/2011	Cake for Recognition Reception		-	No		0000
101-410-1320-44300	Miscellaneous									
	02/26/2011 Total:	170.65								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	FO #	Close POLine #
VISA-SL Total:		170.65								
VISALE40 VISA										
01/26/2011	01/26/2011	150.85	0.00	02/15/2011	Computer Connect for		-	No		0000
101-420-2220-42400	Small Tools & Equipment				JAMRESPONDING					
01/26/2011	01/26/2011	35.00	0.00	02/15/2011	Sensible Land Use Coalition		-	No		0000
101-410-1910-44370	Conferences & Training									
01/26/2011	01/26/2011	369.02	0.00	02/15/2011	Titan Energy - Part Public Works		-	No		0000
101-430-3100-42210	Equipment Parts									
01/26/2011 Total:		554.87								
VISALE40 Total:		554.87								
XCEL Xcel Energy										
51-4504807-7	02/10/2011	567.21	0.00	02/15/2011	Lights at Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
51-4504807-7	02/10/2011	82.57	0.00	02/15/2011	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
51-4504807-7	02/10/2011	30.82	0.00	02/15/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
51-4504807-7 Total:		680.60								
51-4572945-7	02/10/2011	30.57	0.00	02/15/2011	Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
51-4572945-7 Total:		30.57								
51-4576456-3	02/10/2011	973.55	0.00	02/15/2011	Fire Station #2		-	No		0000
101-420-2220-43810	Electric Utility									
51-4580376-5	02/10/2011	973.55	0.00	02/15/2011	City Hall		-	No		0000
101-410-1940-43810	Electric Utility									
51-4580376-5	02/10/2011	33.18	0.00	02/15/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
51-4580376-5 Total:		1,389.97								
51-4733556-8	02/10/2011	9.68	0.00	02/15/2011	Tennis Courts		-	No		0000
101-450-5200-43810	Electric Utility									
51-4733556-8 Total:		9.68								
51-5044219-0	02/10/2011	394.72	0.00	02/15/2011	Parks Building		-	No		0000
101-450-5200-43810	Electric Utility									
51-5044219-0 Total:		394.72								
51-5275289-3	02/10/2011	9.70	0.00	02/15/2011	Pebble Park		-	No		0000
101-450-5200-43810	Electric Utility									
51-5275289-3 Total:		9.70								
51-5356323-8	02/10/2011	1,583.96	0.00	02/15/2011	Wells 1 & 2		-	No		0000
601-494-9400-43810	Electric Utility									
51-5356323-8 Total:		1,583.96								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-5522332-2	02/10/2011	44.37	0.00	02/15/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-5522332-2 Total:	44.37								
51-5747685-4	02/10/2011	186.91	0.00	02/15/2011	Arts Center		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5747685-4 Total:	186.91								
51-5916043-7	02/10/2011	18.25	0.00	02/15/2011	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
	51-5916043-7 Total:	18.25								
51-6429583-8	02/10/2011	16.53	0.00	02/15/2011	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
	51-6429583-8 Total:	16.53								
51-6433976-2	02/10/2011	743.41	0.00	02/15/2011	Fire Station 1		-	No		0000
101-420-2220-43810	Electric Utility									
	51-6433976-2 Total:	743.41								
51-6625457-1	02/10/2011	387.68	0.00	02/15/2011	Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6625457-1 Total:	387.68								
51-6736544-2	02/10/2011	1,950.39	0.00	02/15/2011	Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6736544-2 Total:	1,950.39								
51-6928283-3	02/10/2011	27.05	0.00	02/15/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6928283-3 Total:	27.05								
51-6956201-4	02/10/2011	49.26	0.00	02/15/2011	VFW Ballfield Lightgs		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6956201-4 Total:	49.26								
51-7538112-1	02/10/2011	3,399.06	0.00	02/15/2011	Public Works		-	No		0000
101-430-3100-43810	Electric Utility									
	51-7538112-1 Total:	3,399.06								
51-8126093-5	02/10/2011	182.04	0.00	02/15/2011	Water Tower 2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-8126093-5 Total:	182.04								
51-8711719-3	02/10/2011	21.39	0.00	02/15/2011	Speed Sign Hwy 5		-	No		0000
101-430-3160-43810	Street Lighting									
	51-8711719-3 Total:	21.39								
	XCEL Total:	12,099.09								
	Report Total:	58,430.60								



MAYOR & COUNCIL COMMUNICATION

DATE: 2/15/2011

CONSENT

ITEM #: 3

MOTION as part of the *Consent Agenda*

AGENDA ITEM: 2011 Seal Coat Project – Preparation of Plans and Specifications

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce A Messelt, City Administrator *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director
Jack Griffin, City Engineer
Mike Bouthilet, Public Works

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize the preparation of Plans and Specifications for the 2011 Seal Coat Project. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION AND STAFF REPORT: As part of the annual street maintenance program, certain street and roadway segments are routinely treated with crack sealing and seal coating to preserve and extend the useful life of the pavement. The City maintains a 5-year street maintenance plan which identifies and programs each paved city street with a proposed maintenance application and designated year. Best management practices for street maintenance are followed to maximize the benefits on the City's investments. One year in advance of the scheduled maintenance application, public works and engineering staff jointly perform a field review to verify the scheduled maintenance activity.

The proposed 2011 Seal Coat project will consist of 4.3 miles of City streets (see attached Street Maintenance Program Map). The approved 2011 City budget for seal coating is \$106,137, including construction and engineering. The actual mileage of roadway to be seal coated is managed to remain within the adopted budget once Contractor bids have been received. Crack sealing was authorized and applied to each of these street segments in 2010 in preparation of the scheduled seal coating.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* the preparation of Plans and Specifications for the 2011 Seal Coat Project.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

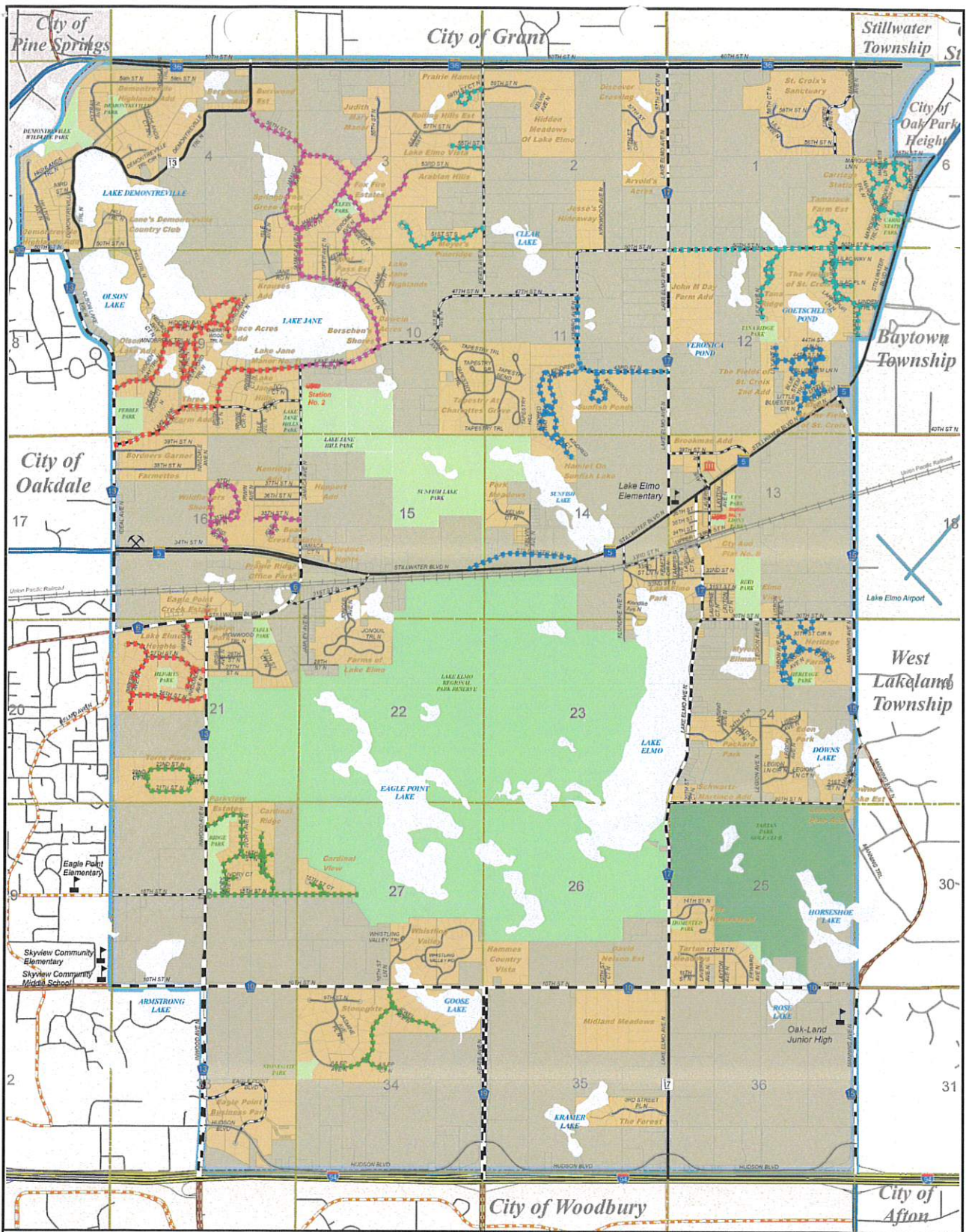
“Move to authorize TKDA to prepare Plans and Specifications and provide Construction Phase Services for the 2011 Seal Coat Project in the amount of \$12,500, [as amended and/or modified at tonight’s meeting].”

ATTACHMENTS:

1. Street Maintenance Program Map

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



STREET MAINTENANCE PROGRAM MAP



CRACK SEAL YEAR	SEALCOAT YEAR
	2009
	2010
	2011
	2012
	2013

- City Hall
3800 Laverne Avenue N
651.977.5510
www.lakeelmo.org
- Public Works Building
2445 150th Ave N
651.223-6414
- Fire Stations
Station No. 1
2510 Laverne Ave N
651.977-8000
Station No. 2
4250 Junco Ave N
651.977-8482
- Schools

- Parcels
- Subdivisions
- City Parks
- Golf Course
- Lake Elmo Regional Park Reserve
- Park Office
651.9430-8369
- Lakes

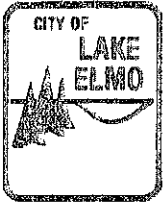


0 0.15 0.3 0.6 Miles

Map Date: NOVEMBER 2010

Created By

TKDA
ENGINEERING • ARCHITECTURE • PLANNING



MAYOR & COUNCIL COMMUNICATION

DATE: 2/15/2011
REGULAR
ITEM #: 4
PUBLIC HEARING
MOTION Resolution No. 2011-005

AGENDA ITEM: Zoning Map Amendment: Consideration of an Application from Lake Elmo Bank to allow the Rezoning of two Properties off of 27th and 28th Street North from Rural Residential to R-1

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider a zoning map amendment application and to hold a public hearing to allow additional input from interested parties. The applicant, Lake Elmo Bank, is requesting to rezone two currently vacant properties from RR (Rural Residential) to R-1 (One Family Residential) which would reduce the minimum lot size requirement from ten acres to one and a half acres. This change would not allow any additional subdivision, but instead would bring the lots into compliance for minimum lot size with the potential result of two buildable lots.

The Planning Commission reviewed the application, held a public hearing and recommended approval of the request. The recommended motion to act on this is as follows:

“Move to approve Resolution No. 2011-005 approving a Zoning Map Amendment for Lake Elmo Bank to rezone two vacant properties at 27th and 28th Street from Rural Residential to R-1.”

STAFF REPORT: Based upon information provided by the Valley Branch Watershed District, your City staff has recommended that the culvert and existing driveway off of 28th Street North be removed and the existing driveway be relocated to 27th Street. The culvert has, at times, become impassable due to the culvert filling with water and/or debris, especially if freezing temperatures are involved. This results in water backing up onto the properties north of the culvert, until such time as the water can flow over the existing driveway, the weather warms to the point it sufficiently melts and allows water through, or a contractor is hired to steam and melt the ice dam.

In addition, the existing driveway is located approximately one-foot below the floodplain through which it crosses, which is allowed by code. However, in the event the creek crosses up and over the driveway, concern is created for access to potentially two future residential homes in the event emergency personnel need to access the sites.

Instead, your City staff has suggested future access for the two sites, if considered buildable, be constructed off of 27th Street North. Due to minor constraints, such as existing city infrastructure and neighboring driveway locations, a shared driveway off of 27th Street North and an area dedicated for snow loading may be something the City would wish to explore as a condition of approval. The portion of driveway to be shared would likely be minimal, as the property line splitting the two properties occurs at the cul-de-sac.

In reviewing the unique site, your City Staff has also approached the Lake Elmo Bank with the idea of trading land area. The City owns an unimproved, unused piece of property adjacent to the applicant's property. Staff has suggested the Planning Commission review the idea of trading land area so the City may acquire a portion of Raleigh Creek, as it may serve as a potential future (partial) trail connection between the Lake Elmo Regional Park Reserve and Tablyn Park.

ADDITIONAL INFORMATION: The Planning Commission held a Public Hearing to take input from those present on the zoning map amendment application. Three residents and the perspective buyer spoke. The primary concern expressed was the condition of approval identified by City Staff requiring access for the two sites to be off of 27th Street North, instead of remaining on 28th Street.

Although a public hearing was held at the Wednesday, February 9th Planning Commission meeting, City Staff is requesting an additional Public Hearing be held at the Council meeting, due to lack of a quorum at the originally scheduled commission meeting on January 24th.

PLANNING COMMISSION RECOMMENDATION: After receiving information, holding a Public Hearing and discussing the application, the Planning Commission recommended approval of the zoning map amendment to allow the rezoning, as it is in conformance with the Comprehensive Plan, with the following conditions:

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The applicants shall provide a driveway access easement on the northern property and city-owned property to allow access for the southern property to 28th Street North.
- 4) The applicants or future property owners are encouraged to work with the City and the Valley Branch Watershed District on a potential land trade.

Your City Staff had recommended approval of the zoning map amendment to allow the rezoning, as it is in conformance with the Comprehensive Plan, with the following conditions (those differences from the commission's recommendation is underlined):

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine definitively at this time, and without additional information and proposed site plans, that each of the two properties is suitable for single family residential homes
- 3) The existing driveway must be removed from the northern property. All future access for both properties shall be from 27th Street North.
- 4) The applicants shall provide a driveway access easement for a proposed shared driveway, which shall include any ancillary snow storage areas deemed necessary to by the Public Works Director.

The applicants shall work with the City and the Valley Branch Watershed District on a potential land trade.

STAFF RECOMMENDATION: Based upon the above Background Information and Planning Commission Recommendation, it is recommended that the City Council approve the zoning map amendment by undertaking the following action:

“Move to approve Resolution No. 2011-005 approving a Zoning Map Amendment for Lake Elmo Bank to rezone two vacant properties at 27th and 28th Street from Rural Residential to R-1.”

Alternatively, the City Council may wish to amend the proposed Resolution and incorporate different or additional terms or conditions, including perhaps those originally promulgated by the Valley Branch Watershed District and your City Staff. The suggested motion to undertake this action would be as follows:

“Move to approve Resolution No. 2011-005 approving a Zoning Map Amendment for Lake Elmo Bank to rezone two vacant properties at 27th and 28th Street from Rural Residential to R-1, [as amended at tonight's meeting].”

Finally, the City Council may deny the zoning map amendment and provide findings of fact to support the denial. City Staff will assist the Council in defining these at tonight's meeting and incorporate these into the suggested motion as follows:

“Move to approve Resolution No. 2011-005, as amended at tonight's meeting and denying approval of a Zoning Map Amendment for Lake Elmo Bank to rezone two vacant properties at 27th and 28th Street from Rural Residential to R-1, [for the findings of fact delineated at tonight's meeting].”

ATTACHMENTS:

1. Full Planning Staff Report
2. Area Map
3. Proposed Site Plan

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2011-005

*A RESOLUTION APPROVING A ZONING MAP AMENDMENT FOR TWO PROPERTIES OFF
OF 27TH AND 28TH STREET FROM RURAL RESIDENTIAL TO R-1; PID: 21-029-21-14-0003
AND 21-029-21-14-0002*

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

WHEREAS, the current property owner, Lake Elmo Bank (the "Applicant"), 11465 39th Street North, has submitted an application to the City of Lake Elmo (the "City") for a Zoning Map Amendment to rezone two properties off of 27th and 28th Street (21-029-21-14-0003 and 21-029-21-14-0002, formerly identified as 2742 Ivy Ave N) from Rural Residential to R-1, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.020; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on February 9, 2011; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 15, 2011; and

WHEREAS, the City Council considered said matter at its February 15, 2011 meeting.

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

FINDINGS

- 1) That the procedures for obtaining said Zoning Map Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.020.
- 2) That all the submission requirements of said 154.020 have been met by the Applicant.
- 3) That the proposed zoning map amendment is to allow the rezoning of two currently vacant properties from Rural Residential to R-1, thereby reducing the minimum lot size from ten acres to one and a half acres with the intention to work towards making two buildable lots for single family residential structures.

- 4) That the Zoning Map Amendment will be located on property with the PIDs: 21-029-21-14-0003 and 21-029-21-14-0002, formerly known as 2742 Ivy Ave. The full legal description is attached as Attachment A.
- 5) The proposed rezoning is in conformance with the Comprehensive Plan. *The Future Land Use Plan in the approved Comprehensive Plan guides this property as "NC" – Neighborhood Conservation. The R-1 zoning district, which is what the applicant's are requesting, corresponds to the NC land use designation and is therefore in conformance.*
- 6) The R-1 zoning district would not change the essential character of the neighborhood. *Single family residential neighborhoods exist to the west and northeast of the applicant's two properties. The two properties requested for rezoning are, in general, slightly larger than the then existing built lots. The proposed rezoning may allow a single family residential home to be built on each of the two properties which would be in conformance with the current use of the both adjacent neighborhoods.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Zoning Map Amendment is granted subject to the following conditions:

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The applicants shall provide a driveway access easement on the northern property and city-owned property to allow access for the southern property to 28th Street North.
- 4) The applicants or future property owners are encouraged to work with the City and the Valley Branch Watershed District on a potential land trade.

Passed and duly adopted this 15th day of February 2011 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Dean A. Johnston, Mayor

Bruce Messelt, City Administrator

ATTACHMENT A

PROPOSED LEGAL DESCRIPTIONS

(THE FOLLOWING PROPOSED LEGAL DESCRIPTIONS ARE BASED ON A PROPOSED LEGAL DESCRIPTION TO REGISTER FOR THE EXISTING PARCEL A AND PARCEL B. THESE LEGAL DESCRIPTIONS ARE NOT OF RECORD.)

PROPOSED PARCEL A

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, Washington County, Minnesota described as COMMENCING at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 00 degrees 06 minutes 51 seconds West along the east line of said Northeast Quarter a distance of 1,317.26 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter; thence North 42 degrees 06 minutes 45 seconds West a distance of 25.19 feet; thence South 62 degrees 34 minutes 59 seconds West a distance of 200.31 feet; thence South 27 degrees 17 minutes 05 seconds East a distance of 139.31 feet to the POINT OF BEGINNING; thence North 62 degrees 34 minutes 59 seconds East a distance of 128.50 feet to the west line of the east 16.50 feet of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 06 minutes 51 seconds West along said west line of the east 16.50 feet a distance of 504.12 feet to the north line of the south 16.50 feet of the North Half of the Southeast Quarter of the Northeast Quarter; thence South 89 degrees 21 minutes 41 seconds West along said north line of the south 16.50 feet a distance of 152.13 feet to the easterly line of TABLYN PARK 2ND ADDITION; thence North 21 degrees 46 minutes 05 seconds West along said easterly line of TABLYN PARK 2ND ADDITION a distance of 473.97 feet to the intersection with a line that bears South 88 degrees 16 minutes 27 seconds West from the point of beginning; thence North 88 degrees 16 minutes 27 seconds East a distance of 214.93 feet more or less to the POINT OF BEGINNING.

PROPOSED PARCEL B

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, Washington County, Minnesota described as COMMENCING at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 00 degrees 06 minutes 51 seconds West along the east line of said Northeast Quarter a distance of 1,317.26 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter; thence North 42 degrees 06 minutes 45 seconds West a distance of 25.19 feet to the POINT OF BEGINNING; thence South 62 degrees 34 minutes 59 seconds West a distance of 200.31 feet; thence South 27 degrees 17 minutes 05 seconds East a distance of 139.31 feet; thence South 88 degrees 16 minutes 27 seconds West a distance of 214.93 feet to the easterly line of TABLYN PARK 2ND ADDITION; thence North 21 degrees 46 minutes 05 seconds West along said easterly line of TABLYN PARK 2ND ADDITION a distance of 214.64 feet to the intersection with the north line of the Southeast Quarter of the Northeast Quarter; thence North 54 degrees 37 minutes 36 seconds East a distance of 320.71 feet to the intersection with a line that bears North 42 degrees 06 minutes 45 seconds West from the point of BEGINNING; thence South 42 degrees 06 minutes 45 seconds East a distance of 219.02 feet to the POINT OF BEGINNING.

ATTACHMENT A

EXISTING LEGAL DESCRIPTION

(Legal description per Stewart Title Guaranty Company Commitment No. 324851, dated May 1, 2009.)

PARCEL A

All that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21, described as follows: Beginning at a point on the East line thereof which is 199 feet South of the Northeast corner thereof, and running thence South along said East line 461 feet to an iron monument; thence West along a line which is parallel to the North line of said Southeast Quarter of Northeast Quarter 161.5 feet to an iron monument; thence Northwest by deflection angle of 66 degrees 51 minutes to the right 491 feet, more or less, to a point where this line intersects a line drawn parallel to and 199 feet South of said North line of said tract; thence East in a straight line to the point of beginning. Excepting therefrom a 16 1/2 foot strip which is reserved along the South and East lines.

PARCEL B

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, described as follows, to-wit: Beginning at the Northeast corner of the Southeast Quarter of Northeast Quarter of said section, and running thence South along the East line thereof 199 feet; thence West on a line parallel to the North line thereof 336 feet; thence by a deflection angle of 66 degrees 51 minutes to the right 208 feet to an iron monument set on the North line of said Southeast Quarter; thence by a deflection angle of 77 degrees to the right 320 feet to an iron monument; thence by a deflection angle of 84 degrees 9 minutes to the right 245 feet to the point of beginning.

Excepting therefrom a 16 1/2 foot strip which is reserved along the East line.

Except the following described property thereof: All that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows, to-wit: Commencing at the Northeast corner of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21 West; thence South along the section line a distance of 15.1 feet; thence South 62 degrees 40 minutes West a distance of 38.6 feet to the point of beginning of this description; thence South 62 degrees 40 minutes West a distance of 159.9 feet; thence South 17 degrees 20 minutes East a distance of 56.2 feet; thence North 62 degrees 21 minutes East a distance of 150.8 feet; thence North and parallel to said Section line by 16.5 feet a distance of 33.4 feet; thence North 40 degrees 32 minutes West a distance of 27.4 feet to the point of beginning.

Also a strip of land 33 feet in width along the North line of the land hereby conveyed, and extended East to a point 16.5 feet West of the North and South Section line between Sections 21 and 22, Township 29 North, Range 21 West, which is hereby conveyed and reserved for road purposes.

Also excepting all that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21, described as follows, to-wit: Commencing at the Northeast corner of the Southeast Quarter of Section 21, Township 29, Range 21, running thence South along the Section line a distance of 78.5 feet; thence South 62 degrees 40 minutes West a distance of 18.6 feet to the point of beginning of this description; thence running South 62 degrees 40 minutes West a distance of 150.8 feet; thence South 17 degrees 20 minutes East a distance of 50 feet; thence North 62 degrees 40 minutes East a distance of 125 feet; thence North and parallel to said Section line by 16.5 feet a distance of 55.3 feet to the point of beginning, according to the United States Government Survey thereof, Washington County, Minnesota.

City of Lake Elmo Planning Department
Zoning Map Amendment Review

To: City Council

From: Kelli Matzek, City Planner

Meeting Date: 2/15/11

Applicant: Dan Raleigh, Lake Elmo Bank

Owner: Lake Elmo Bank

Location: 2 Properties – 21-029-21-14-0003; 21-029-21-14-0002 (2742 Ivy Ave)

Zoning: RR – Rural Residential

Introductory Information

Request Mr. Raleigh, on behalf of the current owner, Lake Elmo Bank, is requesting two properties located at the end of 27th Street North and 28th Street North, be rezoned from Rural Residential which has a 10 acre minimum lot size, to R-1 which has a one and a half acre minimum lot size. The proposed rezoning would result in two potentially buildable lots where one was previously used for single family residential purposes and the other as a vacant property through which the driveway was built.

A minor lot line adjustment is also proposed which would shift a small amount of land from one parcel to the other. The proposed property line shift would not impact the ability to build on the property; the ability to build on the lot will be contingent on the ability to construct a functioning septic system on the site and place a home, with adequate access in locations that meet city code requirements. A lot line adjustment can be processed administratively, but is being mentioned at this time due to the rezoning request.

Site Data:	<i>Property Identification No.</i>	<i>Existing Area</i>	<i>Use</i>
	21-029-21-14-0003	Approx. 1.92 Acres	Vacant/Floodplain
	21-029-21-14-0002	Approx. 2.45 Acres	Former Homesite/Vacant

Right-of-way Vacation Review

Background Information: The southern, larger property was previously used for residential purposes. After the bank became owners of the property, the dilapidated single family home was torn down and the lot now remains vacant. The driveway was left intact and utilities are still available to this site.

The northern property, owned by the same homeowner prior to the bank's ownership,

is currently vacant except for the driveway that serviced the southern property's previous home. This driveway meanders through the southern portion of the north property, through a city-owned property and over to 28th Street North. Raleigh Creek runs through the western side of this property and therefore is subject to not only a setback to the creek, but must adhere to the floodplain regulations where applicable. The northern property also has a significant Valley Branch Watershed District surface water drainage easement.

The existing driveway crosses over a culvert. This culvert was replaced and enlarged in 1988 as flooding occurred on the north side of the culvert due to ice damming. Because of the location of Raleigh Creek, the flat topography and the culvert, ice continues to form in and behind the culvert and causes flooding on the northern property as well as on other properties upstream.

Both properties have noteworthy, but manageable slopes on the west side, near the 27th Street North cul-de-sac. Review by the City Engineer confirms that driveways could be added off the cul-de-sac and have less than a ten percent grade.

The property is just north of the Lake Elmo Regional Park Reserve, a significant park owned and managed by Washington County.

Both properties are located within School District 622.

Review Comments:

**Planning
Issues:**

Comprehensive Plan, Existing Neighborhood

The two properties are currently zoned RR – Rural Residential, but are guided for NC – Neighborhood Conservation in the Comprehensive Plan. This land use coincides with the R-1 zoning district, which is being requested by the applicant. Therefore, the rezoning of the properties from RR to R-1 would be in conformance with the Comprehensive Plan.

The R-1 zoning is also consistent with the properties directly to the west and in the neighborhood to the east of the two properties. The two nearby neighborhoods are on generally smaller lots and are developed with single family residential homes.

Site Access

As more thoroughly described on page four of this report, the Valley Branch Watershed District (VBWD) and city staff are interested in having the access for the two properties removed from 28th Street North and instead be located off of 27th Street North (the end of a cul-de-sac).

The removal of the culvert (currently allowing the driveway/access off of 28th Street North) would reduce the flooding north of the culvert onto private properties. Because the existing driveway is located in a floodway and has flooded in past years, city staff

is interested in seeing this driveway removed and placed on higher ground which would be accomplished by the relocation to 27th Street. If the current driveway is utilized by one or two homes in the future and in the event the existing driveway is flooded, it is a concern that public safety vehicles may not be able to access the home(s) in cases of emergency. In addition, the relocation of the driveways to 27th Street North would be beneficial to school district 622 for bussing purposes, should that service be used in the future.

Existing city improvements such as a fire hydrant and the current configuration of a neighbor's driveway are existing conditions that need to be considered if and when two driveways would be added to serve the two properties. Although a shared driveway is something the city does not encourage due to potential future neighbor conflicts, it may be something the city would like to further explore with the applicant. This may mean requiring an easement and maintenance agreement or an extension of the city's road right-of-way.

Although not an option preferred by city staff or the VBWD, if the existing driveway were to be left as-is, an access easement would be needed as it must cross through the northern property and a city owned property to reach 28th Street North. The southern property has no road frontage on 28th Street North. This is a situation not preferred by city staff.

Land Exchange

City staff is suggesting consideration of a land exchange between the city, the VBWD and the property owner. The northern property has a portion of land that is located within FEMA identified floodplains and is therefore unbuildable. In addition, Raleigh Creek flows through the eastern side of this property. Staff is suggesting the city request that area of the property be turned over to the city so as to leave an option for a possible future trail connection between Tablyn Park and the Lake Elmo Regional Park Reserve.

The city currently owns a 0.35 acre parcel directly adjacent to the northern property. Staff has speculated that property may have been acquired at some point with the intention of someday connecting 27th and 28th Streets, to add a cul-de-sac onto 28th Street or for a turnaround to be constructed at the end of 28th Street. In speaking with the City Engineer, he does not believe any of those scenarios would occur. Therefore, a portion of that land may be of interest to the current or future landowner. The two land areas identified are roughly similar in size. Staff would suggest retaining a small portion of the city owned property for snow storage purposes.

The VBWD may also be interested in exchanging, selling, or giving land currently owned by them for additional land or easements to other more sensitive areas. Again, this is discussed in more detail on page four of this report.

Engineer Comments:

A summary of the City Engineer's comments are below:

- Engineering would be in support of moving the access to the properties to 27th Street North.
- Water service to the second lot would need to be addressed.

After discussing the application and considering the input received during the meeting, the Planning Commission recommended approval of the Zoning Map Amendment, but altered the conditions of approval suggested by staff to the following:

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The applicants shall provide a driveway access easement on the northern property and city-owned property to allow access for the southern property to 28th Street North.
- 4) The applicants or future property owners are encouraged to work with the City and the Valley Branch Watershed District on a potential land trade.

Conclusion:

The applicant is seeking approval of a zoning map amendment request for two properties located at the end of 27th Street North and 28th Street North from RR to R-1.

**Planning
Commission
Rec:**

See page four and five above.

Staff Rec:

Staff recommends approval of the Zoning Map Amendment request based on the following:

- 1) The proposed zoning is in conformance with the guidance of the Comprehensive Plan.
- 2) The neighborhoods adjacent to and nearby the two properties are already zoned R-1. The rezoning of the properties to R-1 to allow single family residential homes would be in conformance with the existing neighborhood.

Provided the following conditions are met

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The existing driveway must be removed from the northern property. All future access for both properties shall be from 27th Street North.
- 4) The applicants shall provide a driveway access easement for a proposed shared

driveway, which shall include any ancillary snow storage areas deemed necessary to by the Public Works Director.

- 5) The applicants shall work with the City and the Valley Branch Watershed District on a potential land trade.

**Council
Options:**

The City Council may consider the following options for taking action on this request:

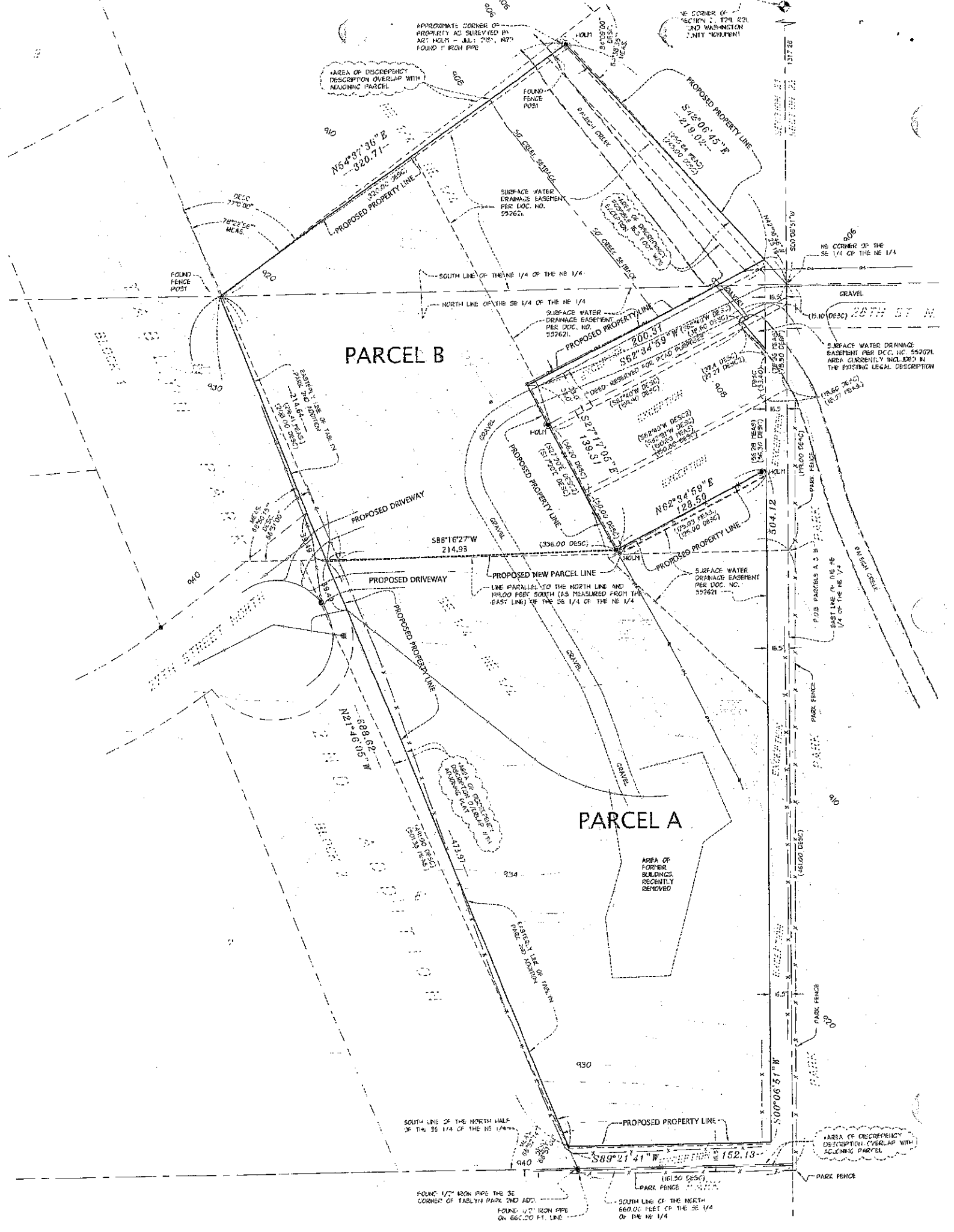
- A) Approve Resolution 2011-005 approving the Zoning Map Amendment based on the findings drafted by Staff or other additional information that is presented at the public hearing with conditions;
- B) Approve Resolution 2011-005 approving the Zoning Map Amendment based on the findings drafted by Staff or other additional information that is presented at the public hearing with conditions as outlined by City Staff; or
- C) Deny the request based on findings (...cite findings...)

**Approval
Motion
Template:**

To approve the request, the Planning Commission is asked to use the following motion as a guide:

I move to approve Resolution 2011-005 approving the Zoning Map Amendment request from the Lake Elmo Bank to rezone two properties off of 27th Street North from Rural Residential to R-1.

cc: Dan Raleigh, Lake Elmo Bank
Bob Clark, Lynsky & Clark



APPROXIMATE CORNER OF PROPERTY AS SURVEYED BY A.C. HOLBY - JULY 21ST, 1877 FOUND 1" IRON PIPE

AREA OF DISCREPANCY DESCRIPTION OVERLAP WITH ADJACENT PARCEL

NE CORNER OF SECTION 1, T29 N21 E21 AND WASHINGTON COUNTY "MOUNTAIN"

$N54^{\circ}03'36'' E$
320.71

PROPOSED PROPERTY LINE
 $S12^{\circ}06'45'' E$
1219.02

PROPOSED PROPERTY LINE
 $S30^{\circ}00'20'' W$
320.00

SURFACE WATER DRAINAGE EASEMENT PER LOC. NO. 552621

NE CORNER OF THE SE 1/4 OF THE NE 1/4

FOUND FENCE POST

SOUTH LINE OF THE NE 1/4 OF THE NE 1/4

NORTH LINE OF THE SE 1/4 OF THE NE 1/4

PARCEL B

PROPOSED PROPERTY LINE
 $S62^{\circ}34'59'' W$
200.37

GRAVEL

SURFACE WATER DRAINAGE EASEMENT PER D.C. NO. 552621 AREA CURRENTLY INCLUDED IN THE EXISTING LEGAL DESCRIPTION

PROPOSED PROPERTY LINE
 $S57^{\circ}12'05'' E$
139.37

PROPOSED PROPERTY LINE
 $N62^{\circ}34'59'' E$
128.50

PROPOSED DRIVEWAY

$S88^{\circ}16'27'' W$
214.93

PROPOSED DRIVEWAY

PROPOSED NEW PARCEL LINE
LINE PARALLEL TO THE NORTH LINE AND 194.00 FEET SOUTH (AS MEASURED FROM THE EAST LINE) OF THE SE 1/4 OF THE NE 1/4

PROPOSED PROPERTY LINE
 $S50^{\circ}06'57'' W$
152.13

SURFACE WATER DRAINAGE EASEMENT PER LOC. NO. 552621

28TH STREET NORTH

PROPOSED PROPERTY LINE

$N21^{\circ}18'03'' W$
688.92

PARCEL A

AREA OF FORMER BUILDINGS RECENTLY REMOVED

SOUTH LINE OF THE NORTH HALF OF THE SE 1/4 OF THE NE 1/4

PROPOSED PROPERTY LINE

FOUND 1/2" IRON PIPE THE SE CORNER OF PARCEL B (2ND ADD.)
FOUND 1/2" IRON PIPE ON 666.20 FT. LINE

SOUTH LINE OF THE NORTH 666.00 FEET OF THE SE 1/4 OF THE NE 1/4

AREA OF DISCREPANCY DESCRIPTION OVERLAP WITH ADJACENT PARCEL

Zoning Map Amendment



Tablyn Park

27th Street North

28th Street North

Floodplain

Lake Elmo Regional Park Reserve

Aerial Photo from 2005



MAYOR & COUNCIL COMMUNICATION

DATE: 2/15/2011
REGULAR
ITEM #: 5
DISCUSSION

AGENDA ITEM: Update on Discussions Regarding Location of the ECFC in Lake Elmo

SUBMITTED BY: May & City Council Request

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

REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to receive a brief update from the City Administrator regarding recent discussions relating to potential location of the Stillwater Area School District's Early Childhood & Family Center in Lake Elmo.

BACKGROUND INFORMATION & STAFF REPORT: In August 2010, on November 3rd, 2010, and on February 1st, 2011, the City Council directed the City Administrator to actively seek to formulate a proposal to potentially locate the Stillwater Area School District's Early Childhood & Family Center in Lake Elmo.

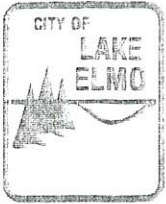
Since that time, significant effort and conversation has taken place regarding this potentiality, leading to recent efforts to craft a specific proposal for City and School District consideration. Tonight's presentation will serve as a final "check-in" with the City Council to ensure the efforts undertaken, are on target and consistent with previous Council direction to develop a viable location proposal.

RECOMMENDATION: It is respectfully recommended that the City Council receive a brief presentation by the City Administrator regarding recent discussions and efforts relating to potential location of the Stillwater Area School District's Early Childhood & Family Center in Lake Elmo.

ATTACHMENTS: Materials will be presented at the Council Meeting.

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... City Administrator
- Questions from Council Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Council Discussion/Direction Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: 2/15/2011

REGULAR

ITEM #: 6

MOTION

AGENDA ITEM: Approve Budget Adjustment/Designation and Donation for Maintenance of Historic District 12 School House

SUBMITTED BY: Oakdale Lake Elmo Historical Society

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider a Budget Adjustment and disbursements as a donation to the Oakdale Lake Elmo Historical Society for annual maintenance of the Historical District 12 School House. The specific motion suggested is as follows:

“Move to Approve Budget Adjustment 2011-001 in the amount of \$ _____ from Mayor and Council Discretionary to Oakdale Lake Elmo Historical Society.”

BACKGROUND INFORMATION: The City Council of Lake Elmo has allocated certain monies in its approved 2011 Annual Budget for discretionary spending. Support for the Oakdale Lake Elmo Historical Society - and maintenance of the Historic District 12 School House, in particular - has been supported by the City on an annual basis. Accordingly, the 2011 Annual Budget and Council Discretionary account was constructed with such support in mind.

STAFF REPORT: City staff has reviewed the attached request and finds it generally to be in order and consistent with City budgetary and fiscal policies and past Council action. In 2009, the Oakdale Lake Elmo Historical Society requested \$1,200 in support from the City. The City Council approved a donation of \$1,100. In 2010, the City Council approved a \$500 donation.

Affirmative Council action on this, as requested would result in the following Budget Adjustment:

Account #	Amount	Description
101-410-1110-44330	\$ 2,000.00	Council Discretionary
	(\$ 1,100.00)	- Less Donation to Oakdale Lake Elmo Historical Society
	\$ 900.00	Remaining Council Discretionary

RECOMMENDATION: In accordance with past practice and applicable State laws and City policies and procedures, it is recommended that the City Council approve as part of its Consent Agenda a Budget Adjustment/Designation and Donation in an amount - to be determined by the Council - to the Oakdale Lake Elmo Historical Society for annual maintenance of the Historical District 12 School House. The suggested motion to do so is:

“Move to Approve Budget Adjustment 2011-001 in the amount of \$ _____ from Mayor and Council Discretionary to Oakdale Lake Elmo Historical Society.”

Alternatively, the City Council does have the authority to further discuss, modify and deliberate 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 and Donation, as Presented [and modified] herein.”

ATTACHMENTS:

1. Request from the Oakdale Lake Elmo Historical Society
2. Budget Adjustment

SUGGESTED ORDER OF BUSINESS:

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



Oakdale Lake Elmo Historical Society

1584 Hadley Avenue North
Oakdale, MN 55128

Duane Ellertson Pres. 739-7152 Richard Eder Vice President
Carol Houck Secretary 777-7937 & Treasurer 773-9483

Restored District 12 school house located at
4444 Hadley Ave. N. Oakdale
Next to Oakdale Nature Center Building

July 14, 2010

Mr. Bruce Messelt City Manager
City Lake Elmo Minnesota
3800 Laverne Ave. North
Lake Elmo, Minnesota 55042

Dear Mr. Messelt:

The Oakdale Lake Elmo Historical Society is requesting the City of Lake Elmo for a donation of Eleven Hundred Dollars (\$1100.00) to help defray the cost of maintaining the Historic District 12 School House.

Thank you for your consideration of this request and the past support of the history of Oakdale Township.

Yours truly

A handwritten signature in cursive script that reads "Duane Ellertson".

Duane Ellertson President
Oakdale Lake Elmo Historical Society



BUDGET ADJUSTMENT - 2010

DATE: February 15th, 2011 ACTIVITY # 2011-001

DESCRIPTION: 2011 Donation to Oakdale Lake Elmo Historical Society

TYPE OF ACTIVITY:

TRANSFER OF FUNDS

FROM ACCOUNT # _____ AMOUNT: _____

TO ACCOUNT # _____ AMOUNT: _____

PURPOSE: _____

BUDGET ADJUSTMENT/DESIGNATION

FROM ACCOUNT # 101-410-1110-44330 AMOUNT: \$ _____

PURPOSE: Annual support for Maintenance of Historic District 12 School House

DESIGNATION/NEW ACCOUNT# Designation: Oakdale Lake Elmo Historical Society

OTHER

FROM ACCOUNT # _____ AMOUNT: _____

PURPOSE: _____

City Approval:

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

Bruce Messelt, Administrator
(Attest)

DSI Development
-REO Asset Managers-

February 17, 2011

City of Lake Elmo
Dean Johnson, Mayor
Mike Pearson, Council Member
Brett Emmons, Council Member
Nichole Park, Council Member
Anne Smith, Council Member

Re: Endorsement of Sanitary Sewer Project for Lake Elmo Old Village by Large Property Owner

Dear Honorable Mr. Mayor and Honorable City Council Members:

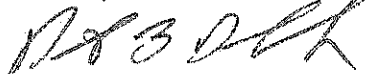
JIB LLC is the owner of approximately 192 acres of land located within the Lake Elmo Old Village Area. As the owner of this property we recognize the importance of creating and following through on a plan for future development that is consistent with the adopted Old Village Plan yet is achievable in today's challenging economic environment. In addition, it is critical to JIB LLC that the final plan for future development in the Old Village Area maximizes property values of the impacted parcels.

We believe the sanitary sewer infrastructure proposal to facilitate the development of the Stillwater School Board's proposed Early Childhood Family Center achieves the goals of JIB LLC as outlined above. Further, the timing of the sanitary sewer project assures the future development of the Old Village Area by creating real opportunities for calculated and methodical growth.

JIB LLC is prepared to cooperate with the City of Lake Elmo's staff and consultants to expedite the feasibility, pre-development planning and logistics necessary to achieve the expeditious schedule as currently proposed for the installation and completion of the sanitary sewer to facilitate the Old Village Area and the Early Childhood Family Center. This public/private cooperation will help a great plan to become a future reality for the City of Lake Elmo.

Although much work is yet to be accomplished with the current sanitary sewer proposal, JIB LLC as an owner of 192 acres located within the impacted area, endorses the City Council approving and moving forward with the current sanitary sewer proposal.

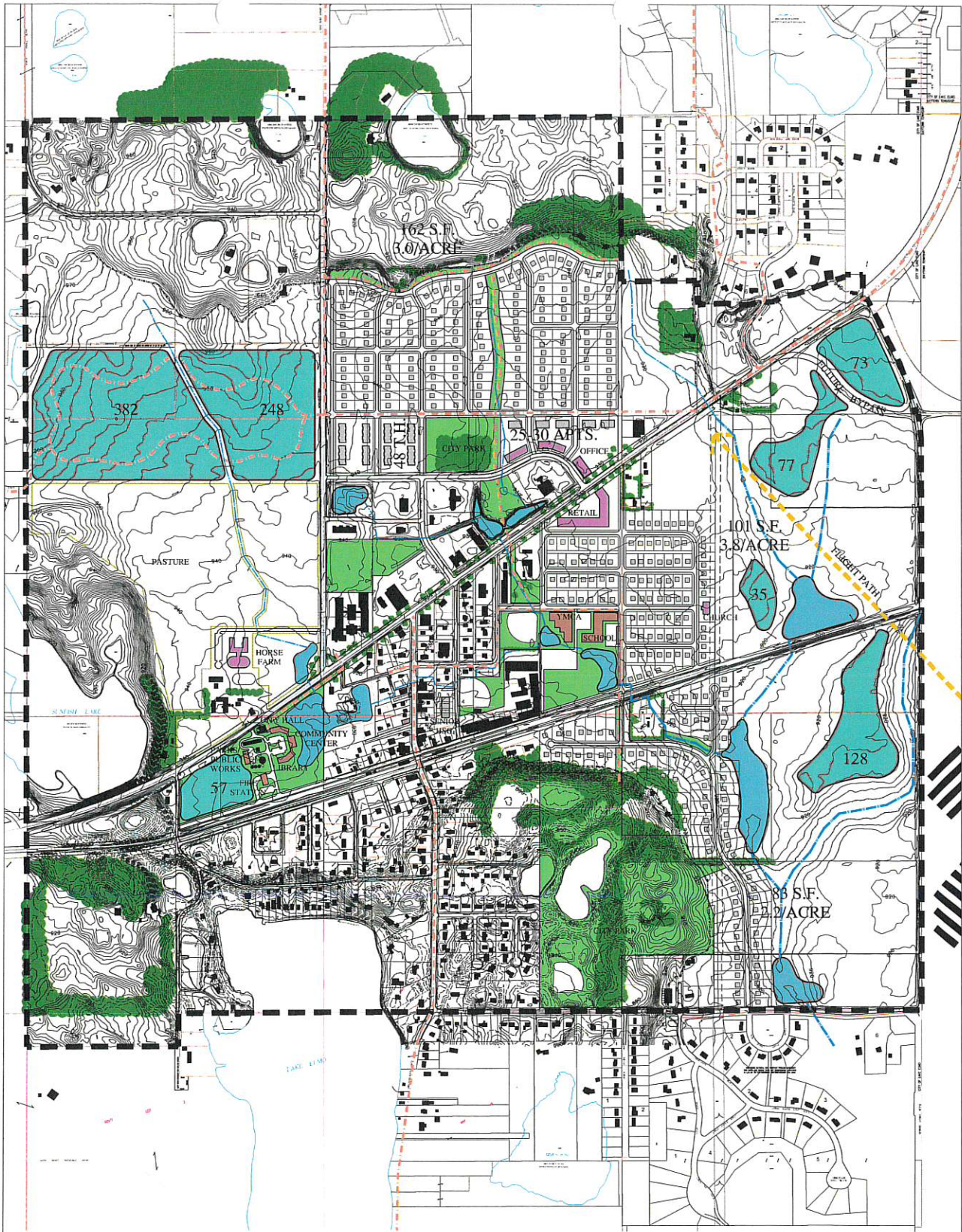
Sincerely,



David B. Deebach,
DSI Development
Owner's Representative for JIB LLC

3094 Torrey Drive
Woodbury, MN 55125

651.775.9741
deebach@comcast.net



- | | | |
|--|---|--|
| <ul style="list-style-type: none"> ■ EXISTING BUILDINGS □ NEW SINGLE-FAMILY (347) ▨ NEW MULTI-UNIT RESIDENTIAL (~75 + SENIOR HSG.) ▨ NEW COMMERCIAL/INSTITUTIONAL ▨ NEW PUBLIC FACILITIES | <ul style="list-style-type: none"> ■ EXISTING TREES/BOULEVARD PLANTING ■ PUBLIC PARKS/CONNECTED GREENWAYS — BLUFF EDGES — PEDESTRIAN/BIKE PATHS ■ BOUNDARY OF STUDY AREA | <ul style="list-style-type: none"> — STORMWATER SWALES ■ STORMWATER DETENTION PONDS ■ WASTEWATER TREATMENT WETLANDS (1000 UNIT CAPACITY INCL. EXISTING HOMES) |
|--|---|--|

