

FILE

Mayor: Dean Johnston Council members: Rita Conlin Steve DeLapp Liz Johnson Anne Smith	Lake Elmo City Council Tuesday October 18, 2005	3800 Laverne Avenue No. Lake Elmo, MN 55042 777-5510 777-9615 (fax)
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Please read:

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

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

****6:30 p.m. CLOSED SESSION:Administrator Performance Review****

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda		
2. Minutes:	July 5, 2005, September 6, 2005, October 4, 2005	
3. <u>PUBLIC INQUIRIES/INFORMATIONAL:</u> A. PUBLIC INFORMATIONAL:	Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.	
4. <u>CONSENT AGENDA</u> A. Resolution No. 2005-0 :Approving claims B. Resolution No. 2005-00 :Approving Stonegate Street Vacation	Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.	
5. <u>FINANCE</u>		
A. Monthly Operating Report		
6. <u>NEW BUSINESS</u>		
A. Administrator Performance/Salary Adjustment		
7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u>		
A. Fire Department:Appoint Captain		
B. Update on Building Dept. Activities:Jim McNamara		

8. <u>CITY ENGINEER'S REPORT:</u> A.	Tom Prew	
9. <u>PLANNING, LAND USE & ZONING:</u> A. Appeal Park Dedication; Escrow Reduction – Cardinal View B. Fazzone Variance OHWM C. Oakdale Gun Club – CUP Amendment D. Farms of Lake Elmo Final Plat	C. Dillerud	
10. <u>CITY ATTORNEY'S REPORT:</u> A.		
11. <u>CITY ADMINISTRATOR'S REPORT:</u> A.		
12. <u>CITY COUNCIL REPORTS:</u> A. Mayor Johnston B. Council Member Conlin C. Council Member DeLapp D. Council Member Johnson E. Council Member Smith		
Buckthorn Project, October 22, 7:30 a.m. Kleis Park	October 26 th , 7 p.m., Environmental Commission Meeting	

ADDITIONS TO MINUTES ARE IN BOLD
LAKE ELMO CITY COUNCIL MINUTES

SEPTEMBER 20, 2005

1. AGENDA
2. MINUTES: July 5, 2005, September 6, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries
 - B. Public Informational
4. CONSENT AGENDA:
 - A. Resolution No.2005-097:Aproving Claims
 - B. Resolution No.2005-098:Partial Payment No. 3 for Water System Interconnect- Phase I
5. FINANCE:
 - A. Monthly Operating Report
 - B. Health Insurance
6. NEW BUSINESS:
 - A. Council Committee Procedures
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Fire Department:Appoint Doug Pepin and Brad Winkels as District Fire Chiefs
 - B. Update on Building Dept. Activities:Jim McNamara
8. CITY ENGINEER'S REPORT:
 - A. Update: Confirmation of Sessing Drainfield Size
 - B. Resolution No. 2005-099: Award Bid for Public Works Facility
 - C. Resolution No. 2005-100: Award Bid for Water System Interconnect – Phase III
 - D. Resolution No. 2005-101: Award Bid for Hilltop Avenue Project
9. PLANNING, LAND USE & ZONING:
 - A. Deer Glen Amended Op Concept Plan: Resolution No. 2005-102
 - B. CDBG – Contract for Services
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Extending Public Water Supply—3M
12. CITY COUNCIL REPORTS:

Mayor Johnston called the meeting to order at 7:00 p.m. in the Council Chambers.
PRESENT: Conlin, Smith, Johnston, Johnson, DeLapp, City Engineer Prew, City Planner Dillerud, Building Official McNamara (departed 8:35 p.m.), Fire Chief Malmquist, Finance Director Tom Bouthilet and Administrator Rafferty.

1. AGENDA

Add: 5B. Health Insurance, 6A. Discussion of council committee general procedures and policies, Change 11A. to 6B. for early discussion.

M/S/P Johnson/DeLapp - to approve the September 20, 2005, City Council agenda as amended. (Motion passed 5-0).

2. MINUTES: July 5, 2005

M/S/P Smith/DeLapp - to postpone action on the July 5, 2005 City Council Minutes until October 4, 2005. (Motion passed 5-0).

MINUTES: September 6, 2005

M/S/P Johnson/DeLapp - to approve the September 6, 2005 City Council Minutes, as amended. (Motion passed 5-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

- A. Public Inquiries - NONE
- B. Public Informational

4. CONSENT AGENDA:

- A. Resolution No. 2005-097: Approving Claims

M/S/P Johnson/Smith - to adopt Resolution No. 2005-097, A Resolution approved Claim Numbers 280, 281, DD517 through DD528, 27803 through 27935, which were used for Staff Payroll dated September 15, 2005; claims 27936 through 27982, in the total amount of \$411,353.12. (Motion passed 5-0).

- B. Resolution No. 2005-098: Partial Payment No. 3 for Water System Interconnect- Phase I

M/S/P Johnson/Smith - to adopt Resolution No. 2005-098, A Resolution Approving Partial Payment No. 3 to Chris Riley Utilities, Inc. for Water System Interconnect - Phase I in the amount of \$135,676.36, as recommended by the City Engineer. (Motion passed 5-0).

5. FINANCE:

- A. Monthly Operating Report:

The Finance Director provided the Monthly Operating Report. He reported that in heading into the 4th quarter expenditures are holding their own with the exception of the fuel and utility category and the comprehensive plan which is \$51,000 over budget, but money has been pulled out of the reserve to make budget.

- B. Health Insurance Proposal:

The Finance Director reported that after receiving an initial quote of 19% increase in the existing health rates, staff investigated several health insurance options in an effort to control rising premiums. Additional quotes were received from three major carriers. Staff recommended changing to Blue Cross/Blue Shield (pool) program based on the elimination of age rating quote structure from Medica which did not account for premium increases throughout the year.

M/S/P Johnson/DeLapp - to approve the Blue Cross/Blue Shield Pool Health Insurance Plan effective October 1, 2005, as recommended by Staff. (Motion passed 5-0.)

6. NEW BUSINESS:

A. Discussion of Council Committee Policies and Procedures

In regard to the Council Committee Meetings, Council member DeLapp explained the City needs a notification process, a complete agenda with topic identification and direct notification of affected people for all Council Committee meetings. He suggested cabling the committee meeting to inform residents on what is happening.

Mayor Johnston stated there are benefits for a Council in discussing strategy and that all decisions made by the Council are at a well publicized Council meeting and on camera.

Council member Smith stated she has received calls on Committee agendas and would like to alert all affected residents of agenda items. Smith said she didn't want the people to think decisions have been made, but wanted people to come to the meetings for their input and discussion.

Council member Johnson stated the committee should decide who needs to know and should they be informed.

Council member Conlin suggested that they not add things to the agenda, but these items should be brought on to the next meeting.

Administrator Rafferty noted that the informality adds to provide good insight. He said there has never been intent to keep the people out and that the public is encouraged to attend the meetings.

M/S/P Johnston/DeLapp - to add this subject to the Council agenda and if Council or staff wants to make a specific change submit it in the council packet, items will not be added to the committee agenda, and agenda items will be clearly specified. (Motion passed 5-0.)

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Fire Department: Appoint Doug Pepin and Brad Winkels as District Fire Chiefs

The City Administrator reported that at the September 6th Council meeting, step 1 of the selection/hiring process was completed, with the City Council's confirmation of the Interview Panels recommendation to appoint Chief Malmquist as the LE Fire Chief. The Fire Chief formed a new interview panel of the same individuals (Mayor Johnston, Council Member Johnson and Administrator Rafferty) as well as the Chief to interview and selects for confirmation the two District Fire Chiefs. Doug Pepin and Brad Winkels were interviewed for the two positions. The interview panel recommended Doug Pepin and Brad Winkels for the open District Fire Chief positions.

M/S/P DeLapp/Johnson - to confirm Doug Pepin and Brad Winkels as District Fire Chiefs for their fine service in the past as recommended by the Interview Panel and consistent with the process adopted in Ordinance 97-141. (Motion passed 5-0).

Chief Malmquist announced the Fire Department raffle will be on Firefighters Day, October 8, ^{at} the Washington County Fairgrounds.

B. Update on Building Dept. Activities: Jim McNamara

The Building Official reported there were three new residential building permits issued for August, 2005. He reminded residents to change their smoke detector battery, check their wood burners and properly take care of their chimneys, change filters in their HVAC units, and make sure there is nothing close to your gas logs and do not burn your trash in the gas fireplace.

8. CITY ENGINEER'S REPORT:

A. Update: Confirmation of Sessing Drainfield Size

The City Engineer and Building Official reported they looked at the end of the trenches today, checked original design, and required 68 feet of added drain field. Mr. Sessing has pulled a permit and the contractor is MPCA is licensed. DeLapp asked how did the trenches get to be 40' plus, were they installed incorrectly or missed by the inspector. Smith added if this happens again, a penalty of some sorts should be applied. DeLapp agreed that the City should always penalize people who come in for after-the-fact variances, permits, etc.

Council member Smith asked if there is a setback from the retaining wall. Prew responded there is only a setback from a building foundation, not from a wall.

B. Resolution No. 2005-099: Award Bid for Public Works Facility

Terry Olsen, Project Manager/Project Architect, reported in her memo, dated September 16, 2005, that bids and the response to the AIA A305 Contractor Statement of Qualifications were received and reviewed. Olsen recommended that the City award the Contract to the lowest bidder, Gen-Con Construction for their base bid of \$2,299,000.00. In addition, a recommendation was made to accept alternates #1, #2, #5A, #5B, #10 and #12 for a total contract sum of \$2,371,400.00

M/S/P Johnson/Smith -- to adopt Resolution No. 2005-099, A Resolution Awarding the Bid for the Public Works Facility to the lowest bidder, Gen-Con Construction for their based bid of \$2,299,000. In addition to accept alternates #1, #2, #5A, #5B, #10 and #12 for a total contract sum of \$2,371,400.00. (Motion passed 5-0.)

C. Resolution No. 2005-100: Award Bid for Water System Interconnect -- Phase III

In his memo dated September 15, 2005, the City Engineer reported the bids for this project was received on September 9. He recommends that the City award the contract to the lowest bidder, Chris Riley Utilities, Inc. for their base bid of \$612,000.00.

M/S/P Johnson/DeLapp - to adopt Resolution No. 2005-100, A Resolution Awarding the Bid for the Water System Interconnect -- Phase III project to Chris Riley Utilities, Inc. for their base bid of \$612,000.00. (Motion passed 5-0).

D. Resolution No. 2005-101: Award Bid for Hilltop Avenue Project

In his memo dated September 15, 2005, the City Engineer reported bids for this project were received on September 9, 2005. He recommended that the City award the contract to the lowest bidder, Tower Asphalt, for their based bid of \$117,249.40.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-101, A Resolution Awarding the Bid for the Hilltop Avenue Street Repairs to the lowest bidder, Tower Asphalt, for their base bid of \$117,249.40. (Motion passed 5-0).

9. PLANNING, LAND USE & ZONING:

A. Deer Glen Amended Op Concept Plan: Resolution No. 2005-102

The City Planner explained at the September 6th meeting, the Council tabled this (with the applicant's concurrence) to the meeting of September 20. The purpose of the deferral was to enable the applicant to submit a complete Concept plan application reflecting the partial materials introduced to the Council on September 6th. The Planner indicated that all the submittal requirements have been received.

Paul Danielson stated they will be proceeding as shown by the graphics dated September 6th. The Council agreed to amend Condition #1, stated in Resolution 2005-102, eliminating the easterly access to the Bergmann property.

M/S/P Smith/Johnson - to adopt Resolution No. 2005-102, A Resolution Approving the Amended OP Concept Plan of Deer Glen, as amended in Condition 1. Compliance with the recommendations of the City Engineer and City Attorney except with respect to Road B as shown on plans. (Motion passed 5-0.)

B. CDBG - Contract for Services

The City Planner reported the City has been approved for a Community Development Block Grant (CDBG) for a Gas Line Replacement Program within the Cimarron Manufactured Housing Neighborhood. Individual residents may qualify, based on their income, for a portion of the grant money on a first come, first served basis to pay for gas line repairs or replacement. Income eligibility standards are determined by the Department of Housing and Urban Development (HUD). The Consultant, Molly Krakowski, will be hired to perform prescreening and interviewing of applicants to determine whether they meet HUD income standards.

The Council thanked staff for a great job done on the brochure for the Cimarron Gas Line Replacement Program.

M/S/P Smith/Johnson - to authorize the City Planner to enter into a Professional Services Agreement with Molly Krakowski, an independent consultant, for determining HUD income eligibility for CDBG Grant applicants under the Gas Line Replacement Program in the Cimarron Manufactured Home Neighborhood. The cost of this contact is part of the CDBG Grant. (Motion passed 5-0.)

10. CITY ATTORNEY'S REPORT:

11. CITY ADMINISTRATOR'S REPORT:

A. Extending Public Water Supply—3M

The City Administrator reported that at their September 14th meeting, the Public Works Committee recommended to the Council as a whole a 3.3 million dollar commitment letter from 3M to reimburse the City for all costs associated with the planning/design and construction of a municipal water system to serve the Lake Elmo Heights and Tablyn Park neighborhoods. The Council was asked to accept the grant from 3M for expenses incurred, authorize the City Engineer to prepare the feasibility report on the project and set up a public hearing,

M/S/P Johnson/DeLapp – to authorize TKDA to prepare the feasibility report to complete a feasibility report on the project. (Motion passed 5-0.)

The Minnesota Department of Health will be holding an informational meeting scheduled for October 25, 2005, at Oakland Junior High School beginning at 6:00 p.m. The Lake Elmo City Engineer will prepare a feasibility report to complete the project in the 2006 construction season.

M/S/P Johnson/Conlin – to set up a November 1st informational public hearing notifying the benefiting property owners. (Motion passed 5-0.)

M/S/P DeLapp/Smith - to accept 3M's generous 3.3 million dollar grant for the Water Extension Project for Lake Elmo Heights and Tablyn Parks neighborhoods. (Motion passed 5-0.)

Conlin
Council member ~~Council~~ noted that the new water tower is just for storage and not a municipal well. She said the City's municipal wells have been tested and are safe.

12. CITY COUNCIL REPORTS:

Mayor Johnston reported the Ramsey Center for the Arts has moved into the Siedow house, 3585 Laverne Avenue NE, and will be open Wednesday, Friday and Saturdays from 10 a.m. until 2 p.m.

Council member DeLapp suggested that the City Council send representatives to the Council meeting of surrounding cities that are reviewing the Lake Elmo Comprehensive Plan to encourage them to recognize the full impact of a partial urbanization of our City. He stated that they should be discussing the impacts of our increased surface water runoff on downstream cities, on municipal well impacts on downstream aquifers, impact on their schools and substantial competition for job growth with our requirement for 13,000 new professional positions in a new business park.

Council member Smith stated she attended the West Lakeland Township meeting and a council member had the plan so she believes we will get a response from them.

Town Board Meeting

Council member Johnson thanked the Lake Elmo residents for their calls received following information received from a current council member on a proposal from Two Rivers Land Trust that was not accurate. She said she appreciated calls to clarify information which would alleviate innuendoes and tactics used.

Adjourn the meeting at 8:50 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-097 Approve Claims
Resolution No. 2005-098 Partial Payment #3 for Water System Interconnect-Phase I
Resolution No. 2005-099 Award Bid for Public Works Facility
Resolution No. 2005-100 Award Bid for Water System Interconnect-Phase III
Resolution No. 2005-101 Award Bid for Hilltop Avenue Project
Resolution No. 2005-102 Deer Glen Amended OP Concept Plan

DRAFT

Note: Additions to minutes are in **BOLD**

LAKE ELMO CITY COUNCIL MINUTES

JULY 5, 2005

1. AGENDA
2. MINUTES: June 21, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries:
 - B. Public Informational
4. CONSENT AGENDA:
 - A. (1) Resolution No. 2005-068: Approving Claims
(2) Resolution No. 2005-069: Approving Claims
 - B. Feasibility Report for Water Systems Interconnect; Supplemental Authorization No. 1 for Professional Services
 - C. Phase II Construction -- Extension of Completion Date
5. FINANCE
6. NEW BUSINESS:
 - A. Xcel Fly Ash Committee: Add two alternates -- Mayor Johnston
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Parks Department: Washington County Cooperative Deer Hunt
 - B. Fire Department Report and Job Description -- Verbal
8. CITY ENGINEER'S REPORT:
 - A. Resolution No. 2005-070: Feasibility Report for Hilltop
9. PLANNING, LAND USE & ZONING:
 - A. Farms of Lake Elmo: OP Stage Plan/Preliminary Plat, Conditional Use Permit; Resolution No. 2005-071
 - B. Request for Safety Street Light: Tapestry Project
 - C. Lake Elmo Development Company: OP Concept -- Bergman, Resolution No. 2005-072 -- **TABLED until July 19th**
 - D. Village Area Master Planner
10. CITY ATTORNEY'S REPORT:
 - A. Legislative, Finance, Legal, Personnel Committee Report -- Sessing/Ziertman
11. CITY ADMINISTRATOR'S REPORT:
 - A. Library -- Mayor to discuss possible action.
 - B. Calendar for Comprehensive Plan
12. CITY COUNCIL REPORTS:

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council chambers. PRESENT: Conlin, Smith, Johnston, Johnson, DeLapp, City Engineer Prew, City Attorney Filla, Fire Chief Malmquist, Public Works Supervisor Mike Bouthilet, Finance Director Tom Bouthilet, and City Administrator Rafferty.

1. AGENDA

Remove 9B. per the request of the developer.

M/S/P Smith/Johnson- to approve the July 5, 2005 City Council as amended. (Motion passed 5-0.)

2. **MINUTES:** June 21, 2005

M/S/P Conlin/Johnson - to approve the June 21, 2005 City Council minutes, as amended. (Motion passed 5-0).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. Public Inquiries:

Bob Johnson, 10327 47th Street N., asked if the City would blacktop the rest of 50th Street and Kimbro Avenue. The City Engineer responded this road construction is forecasted for 2009.

B. Public Informational

4. **CONSENT AGENDA:**

A. (1) Resolution No. 2005-068: Approving Claims

M/S/P Smith/DeLapp - to adopt Resolution No. 2005-068, A Resolution Approving Claim Numbers 265, 266, 267, DD453 through DD462, 27522 through 27539, which were used for Staff Payroll dated June 23, 2005 claims 27540 through 27576, in the total amount of \$228,960.58. (Motion passed 5-0).

(2) Resolution No. 2005-069: Approving Claims

M/S/P Smith/DeLapp - to adopt Resolution No. 2005-069, A Resolution Approving Claims Number 27577 in the total amount of \$270.00. (Motion passed 4-0-1: Johnson reclude herself for personal issues.)

B. Feasibility Report for Water Systems Interconnect; Supplemental Authorization No. 1 for Professional Services

M/S/P Smith/DeLapp - to authorize the City Administrator to sign the Supplemental Authorization No. 1, Feasibility Report for Water Systems Interconnect which reflects compensation of \$60,000 for this Supplemental Authorization No. 1 added to the original authorized amount of \$18,000. (Motion passed 5-0).

C. Phase II Construction – Extension of Completion Date

In his memo dated June 30, 2005, the City Engineer reported the contractor for Phase II work is requesting an extension of the completion date for the project from August 1, 2005 to September 1, 2005. This is an extension request due to the wet weather we have been experiencing. The City Engineer recommended the City process a Change Order to extend the completion date to September 1, 2005 which will allow the contractor an adequate amount of time to safely complete the Project.

M/S/P Smith/DeLapp – to approve the extension of the completion date from August 1, 2005 to September 1, 2005 for the Phase II Construction, per the City Engineer's recommendation. (Motion passed 5-0).

9. PLANNING, LAND USE & ZONING:

A. Farms of Lake Elmo: OP Stage Plan/Preliminary Plat, Conditional Use Permit; Resolution No. 2005-071

The City Planner reported the Planning Commission adopted a recommendation to approve the OP Development Stage Plan, OP Conditional Use Permit and Preliminary Plat of the "Farms of Lake Elmo". The Plan designates 30 SFD lots, but also designated three outlots that could become SFD lots should the OP ordinance be amended in the future from 0.40 to 0.45 dwelling units per buildable acre. The calculations and mapping regarding Preserved Open Space must be adjusted to comply with OP ordinance standards as well. In all other respects the Development Stage Plan and Plat reflects the approved Concept Plan and conditions of approval.

The Parks Commission reviewed the Plan and recommended the Public trail link running east/west through the site as consistent with the Trail System Plan. Credit for that trail construction (and easement dedication) as a Public trail will be credited to the Park Dedication calculation of \$143,460.

Tim Freeman, Folz Freeman, Erickson, Inc, provided a memo that addressed the City Engineer's report. The following were items of concern:

Plat – The plat states that a driveway easement thought the Outlot should be platted for the exception parcel in case the property owner wants to abandon their existing driveway. He has had conversations with this property owner, and they like their driveway as it is. The other issue is putting an easement between two of the new homes or behind the new homes is intrusive.

Streets – We strongly disagree with the engineer's assessment of the code requiring concrete curb and gutters. The lot widths in this development make installing concrete curb and gutter cost prohibitive. The City has never required concrete curb and gutter in OP Developments in the past.

M/S/ Johnston/DeLapp - to change concrete curbs to asphalt curbs in the OP developments. Council members Conlin, Smith, and Johnson would like to look at the whole package, not just OP developments. (Motion Withdrawn)

Council member DeLapp said he didn't like the double road coming into the development and the trail already exceeded the trail requirements.

Mike Bouthilet said there has been preliminary discussion with Washington County who had not made a decision if there would be a trail into the Regional Park. He said it was important to do the segment out to 31st Street and the money would come out of the park dedication requirement.

M/S/P Johnston/Johnston – to approve placing of water stub and easement for water in both cases. (Motion passed 5-0).

Council member DeLapp suggested an amendment to request that the Minnesota Land Trust make a provision to not disallow the property owner to relocate the driveway that might be convenient. (Motion passed 5-0).

M/S/P DeLapp/Johnston – to request that the Minnesota Land Trust make a provision to not disallow the property owner to relocate the driveway that might be more convenient as determined by the property owner. (Motion passed 5-0).

M/S/P Smith, Johnston – to extend trail up to 31st Street to west of Outlot C paid for from the Parks Commission Fund. If Washington County doesn't allow an entrance to the Regional Park, then the trail extension will be eliminated. (Motion passed 5-0).

Council member Conlin asked for a parking lot because she thought it would be safer.

M/S/P Conlin/Johnson - to accept the engineer's recommendation for a parking lot for 5 spaces by the park in the neighborhood. (Motion passed 4-1: **Smith felt wider roads would accommodate any need for parking; added impervious surface is not necessary.**)

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-071, as amended by previous council actions and staff recommendations for asphalt curbs according to plan, A Resolution Approving the OP Development Stage Plan/CUP and Preliminary Plat of "Farms of Lake Elmo" per plans staff dated June 27 2005, and subject to conditions listed. (Motion passed 5-0).

B. Request for Safety Street Light: Tapestry Project: Developer Requested Agenda Item Deleted

C. Lake Elmo Development Company: OP Concept – Bergman, Resolution No. 2005-072 – NOT ADOPTED

Mayor Johnston suggested that this OP Concept Plan be sent to the Parks Commission for their review and comments.

M/S/P Johnston/Johnson – to table the Lake Elmo Development Company OP Concept Plan and send the plan to the Parks Commission for their review. (Motion passed 5-0.)

D. Village Area Master Planner

The Council directed staff to again present the Master lanner RFQ for Council consideration, which was provide. Staff has solicited the interest of Dewey Thorbeck to continue/expand/modify his earlier work as the Village Area Master Planer. The City Planner advised that Mr. Thorbeck could offer the expanded planning/coordination efforts by the City the advantage of intimate knowledge of the current Plan version. The

Planner suggested a City Council Workshop be scheduled for the Council to discuss with Mr. Thorbeck what the Council's expectations would be for the Master Planner.

The Administrator suggested two ways to do this: 1. Facilitate an RFP and 2. Look at Thorbeck Alternative.

Council member DeLapp said he didn't want to see four landowners coming up with a plan they agreed upon and suggested using Bob Engstrom as the Village Area Master Planner.

Council member Johnson stated because time is short and it is important to share more details, the City should pursue Thorbeck option which would save us a lot of time.

M/S/ Johnson/Smith – to authorize staff to move in the direction of hiring Dewey Thorbeck as the Village Area Master Planner for the process of completing the Village Area Plan.

Council member Smith said she second the motion to speak against the motion.

Council member Smith states that as Council member-elect last November, the previous Council along with the Council-elect decided to hire a Master Planner for the Old Village. She is concerned with four developers and their differing views on the perfect plan for the Old Village. She likens this to a four piece puzzle and feels that there needs to be someone to oversee this whole process.

Council member Smith said Mr. Thorbeck is an architect and said she though the City should use Bob Engstrom, or someone of his caliber who has developed The Fields, a development the City wants.

Mayor Johnston said if we really want a master planner we let six months go by. He said the landowners have indicated they will cooperate and the City is not looking for a master planner that conflict with our plan.

Council member Smith points out that the four developers are not in agreement.

Council member Conlin wants more information on costs, would like to look at all options, and would like to get bids from all interested parties for the master Planner position.

Council member Johnson asks if we need sealed bids for an RFQ.

Attorney Filla responds no we do not.

Council member Smith asks why we would limit ourselves to one specific vision when we can look at others as well.

Administrator Rafferty says we are looking for a public and private partnership. We will look at all players and Council can hold interviews and then choose the Master Planner.

Council member Johnson withdraws previous motion to hire Thorbeck.

M/S/P Johnson/Johnston - to authorize staff to move forward for request of qualifications and adding in the items of standards, development workshop with developer and a then hold a workshop with the City Council. (Motion passed 5-0.)

10. **CITY ATTORNEY'S REPORT:**

A. Legislative, Finance, Legal, Personnel Committee Report – Sessing/Ziertman
At the Special Committee Meeting of June 30, 2005, members heard additional testimony from both parties and City staff. Mayor Johnston, Committee Chair Johnson and Council Members DeLapp and Smith attend the Special Committee Meeting. The Committee adopted the six recommendations to the City Council regarding these issues/allegations discussed by the Committee. Rod Sessing verbally responded to questions and summarized the history of the scope of activity on his property, 5699 Keats Avenue.

The Council discussed the six recommendations from the ELLP Committee and made the following motions:

Attorney Filla stated the cease and desist order was given on October 20, 2004. It is his recommendation to proceed with civil action in the Washington County Court because of the ability to discover information we don't have.

Council member Smith asked for a date of compliance for the three-sided structure.

Council member Smith suggests that had Sessings not moved cubic yards of dirt, there would be no need for the illegal retaining wall.

M/S/P Johnston/Smith – to approve the action recommended in Item No. 1. The Staff and the City Attorney be directed to proceed with execution of the Building Official's earlier Order to remove the partially complete three sided structure on the Sessing property for which no building permit was obtained, but is required. (Motion passed 5-0).

Attorney Filla noted that Resolution Number 97-37 he referred to was actually Resolution No. 99-37, which laid out the history to use fieldstone. Attorney Filla indicated he sent Attorney Snyder a copy of Resolution No. 99-37.

Attorney Filla noted that there was never a change to the ordinance.

M/S/P Johnson/Johnston – that staff be directed to research historic topographic information to determine the extent to which the grading of the Sessing property since 1980. has altered natural drainage in violation of the City regulations...delete these last words. (Motion passed)

Council member DeLapp asked to delete the words “to the detriment of the Ziertman property”.

Rod Sessing handed out a list of 17 businesses in the City where people are allegedly operating a business out of their home.

Attorney Filla indicated that the City sent out a questionnaire October of 2004 asking specific questions about their business. The Sessings admitted to operating this business. They appealed the Cease and Desist order on October 26, 2004. Council upheld the Cease and desist on November 16, 2004.

Attorney Filla expressed that the City is on firm ground regarding the Cease and Desist.

Jean Anderson, Attorney representing the Sessings, pointed out home occupations have been on the increase since September 11th and the City ordinance is too broad and needs to be amended to support small businesses so people can make a living out of their homes. She suggested placing a moratorium in order to revise the Home Occupation Ordinance to reflect reality.

Attorney Filla explained the City is saying if you are selling products and have an inventory in the house, as stated by Mr. Sessing in his literature he handed out **suggesting you can't have a fax or fax paper** is contrary to the Home Occupation definition. If the City learns of other identical businesses in the City, he would ask the staff to pursue an investigation.

Council member Conlin asked if home occupations on the Sessing's list are different than the Sessing business.

Council member Johnson said she didn't want this to become a witch hunt, but would like to have the Planning Commission work on Home Occupation and then work on compliance.

Council member Johnson believes it is inappropriate for semi-trailers to be backing in and out of residential neighborhoods.

Council member Smith pointed out that businesses like Southern Living and Partylite does not have on-site storage. She feels that if we allow this type of warehousing business, people will move to Lake Elmo to avoid renting a facility in a commercial district.

Mayor Johnston said the Council could delay this for 60 days in order for the Planning Commission to work on home occupation;

Steve Ziertman asked that the City enforce the code as written and proceed with the cease and desist order.

Council member DeLapp does not like when residents in Lake Elmo ask for forgiveness rather than ask for permission.

Council member Smith states that it is inappropriate for an attorney to suggest that this is a family issue rather than a code enforcement issue.

M/S/P Smith/Johnston – it is inappropriate for the Planning Commission to discuss this when we have a comprehensive plan to complete and is asking staff and the City Attorney to proceed with the “Cease and Desist” Order issued by the City regarding the conduct of an illegal home occupation at the Sessing Residence and uphold our code. (Motion passed 4-1: Johnson said she would like the Planning Commission to finish their work so we can deal with all home occupations as one unit.).

Rod Sessing asked Attorney Filla a question on the definition of home occupation. Attorney Filla stated that based on the information that he has this may not even fall under the home occupation designation, but rather than of a commercial business. Rod Sessing asks if this is based on information that is circulating. Attorney Filla replied that it is based mainly on information that Mr. Sessing has personally provided to the City.

M/S/P DeLapp/Conlin – to direct staff with recommendations no. 5 and 6 regarding the size of the principal structure and sizes of accessory structures confirmed relative to code and determine what uses are in there. (Motion passed 5-0.)

The Council said once the City knows what the grading issues are; the staff will look at maintenance of the retaining wall. The staff does not have topographic information. M/S/P Johnston/Johnson - to delay Item No. 2 until historic topographic information is submitted for Item No. 3. (Motion passed 5-0).

11. CITY ADMINISTRATOR'S REPORT:

A. Library – Mayor to discuss possible action.

Mayor Johnson reported he attend the Washington County Board Meeting which they would have answer within 10 to 14 days considering what to do with the library. He said the estimates have come in higher than what was placed in the budget. He will have more information in a week.

B. Calendar for Comprehensive Plan

Council member DeLapp stated he would be out of town on July 11th. He added that the landowners of RAD2 are not happy with the proposal.

Mayor Johnston suggested each council member could submit their input to the Planning Commission by e-mail or to the Administrator by Wednesday.

Council member Conlin asked that the map that was presented at the Planning Commission be sent along with the Planning Commission's rationale.

Council member Smith asked that they also discuss parcels with 3 houses per acre to use some of the sewer.

M/S/P Johnson/Smith - to approve the proposed calendar for the Comprehensive Plan. (Motion passed 4-1: DeLapp would like to submit the Comprehensive Plan the Council would approve and let the Met Council have a chance to accept it.)

12. CITY COUNCIL REPORTS:

Mayor Johnston explained he attended the Washington County workshop with neighboring cities and they have done a marvelous job with their trail plan and water runoff.

Council member Smith thanked everyone, Liz and Steve Johnson, Jeanette Behr, Vicki Grazyek who worked on the 4th of July parade.

The Council adjourns the meeting at 10:40 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-068 Approving Claims
Resolution No. 2005-069 Approving Claims
Resolution No. 2005-070 Feasibility Report for Hilltop Avenue
Resolution No. 2005-071 Farms of Lake Elmo

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

**RESOLUTION NO. 2005-108
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 285, 286, DD539 through DD550, 28045 through 28075, were used for Staff Payroll dated October 13th, 2005; claims 28076 through 28128, in the total amount of \$180,967.45 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 18th day of October, 2005.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 10/13/2005 - 4:06 PM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACTION 154083	Action Rental Rental - Concrete Saw for City Hall Check Total:	111.83 111.83	10/18/2005	Check Sequence: 1 101-410-1940-44040	ACH Enabled: No
Vendor: AIRGAS 105897160	Airgas North Central Annual Maint. - Welding Tanks Check Total:	12.99 12.99	10/18/2005	Check Sequence: 2 101-430-3100-42400	ACH Enabled: No
Vendor: AmeriMar 13289	AmeriMark Direct Recycling Supplies - Mugs Check Total:	984.82 984.82	10/18/2005	Check Sequence: 3 101-430-3200-42100	ACH Enabled: No
Vendor: ARAM 629-5821772	Aramark Linen - City Hall Check Total:	59.93 59.93	10/18/2005	Check Sequence: 4 101-410-1940-44010	ACH Enabled: No
Vendor: ASPENMI 63284 63285 63286	Aspen Mills, Inc. Patches, T-shirts - Fire Dept. Patches - Fire Dept. Patches - Fire Dept. Check Total:	72.29 13.20 35.48 120.97	10/18/2005 10/18/2005 10/18/2005	Check Sequence: 5 101-420-2220-44170 101-420-2220-44170 101-420-2220-44170	ACH Enabled: No
Vendor: AUTOGLAS MN2002202	Auto Glass Specialists Glass Replacement - 3190 Check Total:	209.03 209.03	10/18/2005	Check Sequence: 6 101-420-2220-44040	ACH Enabled: No
Vendor: BIFFS W270552 W270553	BiFF's Inc. Rental - Portable - Sunfish Lake Park Rental - Portable - Lions Park	74.26 148.52	10/18/2005 10/18/2005	Check Sequence: 7 101-450-5200-44120 101-450-5200-44120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
W270554	Rental - Portable - VFW Park	74.26	10/18/2005	101-450-5200-44120	
W270555	Rental - Portable - DeMontreville Park	74.26	10/18/2005	101-450-5200-44120	
W270556	Rental - Portable - Reid Park	74.26	10/18/2005	101-450-5200-44120	
W270557	Rental - Portable - Tablyn Park	74.26	10/18/2005	101-450-5200-44120	
W270558	Rental - Portable - Pebble Park	94.26	10/18/2005	101-450-5200-44120	
W270559	Rental - Portable - Stonegate Park	94.26	10/18/2005	101-450-5200-44120	
	Check Total:	708.34			
Vendor:BOUETHM	MichaelBouthilet			Check Sequence: 8	ACH Enabled: No
Travel Claim	Reimb. lodging - Snow Mgmt Conf.	215.66	10/18/2005	101-450-5200-43310	
	Check Total:	215.66			
Vendor:BOYER	Boyer Ford Trucks			Check Sequence: 9	ACH Enabled: No
S62861	Sterling Truck - Public Works	56,640.00	10/18/2005	410-480-8000-45400	
	Check Total:	56,640.00			
Vendor:Brimeyer	The Brimeyer Group Inc.			Check Sequence: 10	ACH Enabled: No
205	City Adm. Evaluation	750.00	10/18/2005	101-410-1320-44300	
	Check Total:	750.00			
Vendor:CARQUEST	Car Quest			Check Sequence: 11	ACH Enabled: No
11973	Adhesive - Public Works	5.34	10/18/2005	101-430-3100-42210	
13800	Air, Oil Filter, Grease Gun -Publ. Works	88.82	10/18/2005	101-430-3100-42210	
	Check Total:	94.16			
Vendor:COPYMAG	Copy Images, Inc.			Check Sequence: 12	ACH Enabled: No
65002	Monthly Copier Maint.	256.60	10/18/2005	101-410-1940-44040	
	Check Total:	256.60			
Vendor:CPTLEBCO	CP Telecom			Check Sequence: 13	ACH Enabled: No
651-207-1000	Telephone Service - City Hall	515.10	10/18/2005	101-410-1940-43210	
	Check Total:	515.10			
Vendor:DEEPRCK	Deep Rock Water Company			Check Sequence: 14	ACH Enabled: No
914359570	Water - Public Works	77.00	10/18/2005	101-430-3100-44300	
	Check Total:	77.00			
Vendor:DILLERUD	CharlesDillerud			Check Sequence: 15	ACH Enabled: No
Travel Exp.	Reimb. mileage/lodging	291.08	10/18/2005	101-410-1910-43310	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	291.08			
Vendor:DTI	DTI			Check Sequence: 16	ACH Enabled: No
105930-Sept.	Telephone Service - Fire Dept.	75.60	10/18/2005	101-420-2220-43210	
105930-Sept.	Telephone Service - Public Works	40.81	10/18/2005	101-430-3100-43210	
105930-Sept.	Telephone Service - Well	20.33	10/18/2005	101-430-3100-43210	
105930-Sept.	Telephone Service - Pump Stations	61.00	10/18/2005	101-430-3100-43210	
	Check Total:	197.74			
Vendor:FARMERS	Farmers Union Co-Op Oil			Check Sequence: 17	ACH Enabled: No
1037	Fuel - Bldg. Dept.	43.50	10/18/2005	101-420-2400-42120	
1037	Car Wash - Bldg. Dept.	7.44	10/18/2005	101-420-2400-44040	
1241	Car Wash - Bldg. Dept.	7.44	10/18/2005	101-420-2400-44040	
	Check Total:	58.38			
Vendor:FOUR	Four Seasons Service			Check Sequence: 18	ACH Enabled: No
23-040801	Supplies - City Hall	39.43	10/18/2005	101-410-1940-44300	
	Check Total:	39.43			
Vendor:HAGBERGS	Hagbergs Country Market			Check Sequence: 19	ACH Enabled: No
00100921	Supplies - City Hall	21.82	10/18/2005	101-410-1940-44300	
00120909	Supplies - Elections	32.51	10/18/2005	101-410-1410-44300	
	Check Total:	54.33			
Vendor:HAWKINS	Hawkins, Inc.			Check Sequence: 20	ACH Enabled: No
752406	Hydrofluosilicic Acid - Water	455.81	10/18/2005	601-494-9400-42160	
	Check Total:	455.81			
Vendor:INTERSTA	Interstate All Battery Ctr			Check Sequence: 21	ACH Enabled: No
MD3628	Batteries - Fire Dept.	32.00	10/18/2005	101-420-2220-42400	
	Check Total:	32.00			
Vendor:LARSON	LARSON DIESEL SERVICE			Check Sequence: 22	ACH Enabled: No
50901001	Repairs - Dump/Plow Truck	1,904.13	10/18/2005	101-430-3100-44040	
	Check Total:	1,904.13			
Vendor:LEOIL	Lake Elmo Oil, Inc.			Check Sequence: 23	ACH Enabled: No
B01203	Bulk Fuel - Public Works	2,760.12	10/18/2005	101-430-3100-42120	
S01203	Fuel - Fire Dept.	293.14	10/18/2005	101-420-2220-42120	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
S01208	Fuel - Parks Check Total:	144.59 3,197.85	10/18/2005	101-450-5200-42120	
Vendor: LERELIEF State Aid - LE State Aid - MN	Lake Elmo Fire Relief Assn. Fire State Aid - City Contribution Fire State Aid - State of MN Contribution Check Total:	2,690.00 52,676.00 55,366.00	10/18/2005 10/18/2005 10/18/2005	Check Sequence: 24 101-420-2220-44920 101-420-2220-44920	ACH Enabled: No
Vendor: MARONEYS 114693 114693 114693	Maroney's Sanitation, Inc Refuse - City Hall Refuse - Public Works Refuse - Parks Check Total:	95.89 95.89 183.96 375.74	10/18/2005 10/18/2005 10/18/2005 10/18/2005	Check Sequence: 25 101-410-1940-43840 101-430-3100-43840 101-450-5200-43840	ACH Enabled: No
Vendor: MATCO 169855 170480	Matco Tools Drills - Public Works Tools - Public Works Check Total:	136.37 303.11 439.48	10/18/2005 10/18/2005 10/18/2005	Check Sequence: 26 101-430-3100-42400 101-430-3100-42400	ACH Enabled: No
Vendor: MCLEOD 2292802	McLeod USA Telephone Line - Well House #2 Check Total:	43.74 43.74	10/18/2005	Check Sequence: 27 601-494-9400-43210	ACH Enabled: No
Vendor: MCNAM Travel Reimb.	JamesMcNamara Reimb. - Airfare, Lodging Check Total:	1,035.20 1,035.20	10/18/2005	Check Sequence: 28 101-420-2400-43310	ACH Enabled: No
Vendor: MEDTRONIC PC728392	MEDTRONIC Annual Maint. - Lifepack Batteries Check Total:	476.00 476.00	10/18/2005	Check Sequence: 29 101-420-2220-42210	ACH Enabled: No
Vendor: MENARDST 328	Menards - Stillwater Door Opener - Parks Check Total:	19.95 19.95	10/18/2005	Check Sequence: 30 101-450-5200-42230	ACH Enabled: No
Vendor: MILLEREX 10976 10976	Miller Excavating, Inc. Gravel Grading	229.95 1,022.06	10/18/2005 10/18/2005	Check Sequence: 31 101-430-3100-42240 101-430-3100-43150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	1,252.01			
Vendor:MNRURAL 2006	MN Rural Water Association City Membership 2006 Check Total:	195.00 195.00	10/18/2005	Check Sequence: 32 601-494-9400-44370	ACH Enabled: No
Vendor:MNSTATET Q3 Bldg Pmt Rpt	MN State Treasurer 3rd Q Bldg Permit Surcharge Rpt Check Total:	1,992.45 1,992.45	10/18/2005	Check Sequence: 33 101-420-2400-43060	ACH Enabled: No
Vendor:MYRONS FIRE	Myron's Service Center Light Repair - Fire Chief Car Check Total:	22.00 22.00	10/18/2005	Check Sequence: 34 101-420-2220-44040	ACH Enabled: No
Vendor:OAKDALE 1000039700 1000046000	City of Oakdale Water - North Pit Water - South Pit Check Total:	1,492.92 7,341.24 8,834.16	10/18/2005 10/18/2005	Check Sequence: 35 601-494-9400-43820 601-494-9400-43820	ACH Enabled: No
Vendor:OAKDRC 40868 40908	Oakdale Rental Center Concrete Mix - Sidewalk Repair Concrete Mix - Sidewalk Repair Check Total:	328.00 153.35 481.35	10/18/2005 10/18/2005	Check Sequence: 36 101-410-1940-42230 101-410-1940-42230	ACH Enabled: No
Vendor:ONECALL 5090516	Gopher State One-Call Concepts, Inc Line Locates - September 05 Check Total:	138.00 138.00	10/18/2005	Check Sequence: 37 101-430-3100-44300	ACH Enabled: No
Vendor:PELNAR September 05	KathiPelnar Animal Control Check Total:	426.49 426.49	10/18/2005	Check Sequence: 38 101-420-2700-43150	ACH Enabled: No
Vendor:PITNEYSU 741544	Pitney Bowes Supplies Postage Supplies Check Total:	53.23 53.23	10/18/2005	Check Sequence: 39 101-410-1320-42000	ACH Enabled: No
Vendor:PLANTH 785-05	PLANT HEALTH ASSOCIATES, INC Forestry Services	2,110.37	10/18/2005	Check Sequence: 40 101-450-5200-44030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2,110.37			
Vendor: PRAXAIR 683788	PRAXAIR DISTRIBUTION INC. Welding Tips & Supplies Check Total:	52.24 52.24	10/18/2005	Check Sequence: 41 101-430-3100-42150	ACH Enabled: No
Vendor: PRESS 10/04 10/12	StevenPress Cablecast - City Council - 10/04/05 Cablecast - Planning Comm. - 10/12/05 Check Total:	54.00 54.00 108.00	10/18/2005 10/18/2005	Check Sequence: 42 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor: QUICKSI 6254853	Quicksilver Courier Services Check Total:	131.64 131.64	10/18/2005	Check Sequence: 43 101-410-1910-43020	ACH Enabled: No
Vendor: Rivertwn 50035963 Sept	RiverTown Newspaper Group Legal Publishing - September 05 Check Total:	394.11 394.11	10/18/2005	Check Sequence: 44 101-410-1320-43510	ACH Enabled: No
Vendor: ROGERS 12963 12963 12963	Rogers Printing Services Business Cards - Bldg. Dept Business Cards - Admin Business Cards - Finance Check Total:	38.33 35.15 35.15 108.63	10/18/2005 10/18/2005 10/18/2005	Check Sequence: 45 101-420-2400-42000 101-410-1320-42000 101-410-1520-42000	ACH Enabled: No
Vendor: RUD 10/03-10/12 10/03-10/12 10/03-10/12	DianePrince-Rud Cleaning - City Hall Cleaning - City Hall Cleaning Supplies Check Total:	240.00 240.00 1.96 481.96	10/18/2005 10/18/2005 10/18/2005	Check Sequence: 46 101-410-1940-44010 101-420-2220-44010 101-410-1940-42110	ACH Enabled: No
Vendor: S&T 01KF7653 01KH1993 01KH2258 01KH2258 01KH5232	S&T Office Products, Inc. Tax for previous invoice Name Plates Envelopes for CDBG Toner, Binder Clips Toner - Copier Check Total:	7.11 38.23 24.84 75.44 55.76 201.38	10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005	Check Sequence: 47 101-410-1910-42000 101-410-1320-42000 101-410-1910-43013 101-410-1320-42000 101-410-1320-42000	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: SCHAFKIM Reimb. Claim	Schaffel, Kimberly Mileage Reimb. - Land Use Conf. Check Total:	43.65 43.65	10/18/2005	Check Sequence: 48 101-410-1910-43310	ACH Enabled: No
Vendor: SEH 0136066	Short Elliott Hendrickson, Inc Parks Comm. Workshop Check Total:	324.00 324.00	10/18/2005	Check Sequence: 49 404-480-8000-43050	ACH Enabled: No
Vendor: TWINCIT 1922	Twin City Water Clinic, Inc. Water Analysis - September 2005 Check Total:	20.00 20.00	10/18/2005	Check Sequence: 50 601-494-9400-43030	ACH Enabled: No
Vendor: VISALE Acct ..8040 Acct ..8040 Acct ..8040	VISA UPS Postage Reg. Fee ULJ Land Use Conf Reg. Fee Check Total:	13.51 35.00 50.00 98.51	10/18/2005 10/18/2005 10/18/2005	Check Sequence: 51 601-494-9400-44300 101-410-1110-44370 101-410-1320-44370	ACH Enabled: No
Vendor: WAS-REC 1301	Washington County Recorder Resolution Rec. Fee Check Total:	46.00 46.00	10/18/2005	Check Sequence: 52 101-410-1320-44300	ACH Enabled: No
Vendor: XCEL 42651470 42734696 42745479 42759263 42769355 42770167 42784112 42797831 42798392 42906104 42907568 42920053 42952373 43431187 43543009 43543009 43543009 43550093	Xcel Energy 2759 Legion Ave City Hall 11194 Upper 33rd St Traffic at 998 Inwood 11062 34th St 3585 Laverne Fire Hall 3510 Laverne Traffic at Manning & Stillwater Blvd 3675 Layton Ave 4259 Janaca - Public Works Tennis Courts Pebble Park Fire Hall 3511 Laverne City Lights Traffic at 194/Inwood Softball Field Pump Station at 8860 Hudson Wells at 3303 Langley/11975 55th St	13.02 430.83 34.28 34.58 15.48 32.66 190.59 27.15 7.43 146.22 7.43 38.34 7.43 1,630.44 27.49 48.83 53.98 1,138.32	10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005 10/18/2005	Check Sequence: 53 101-430-3100-43810 101-410-1940-43810 101-450-5200-43810 101-430-3160-43810 602-495-9450-43810 101-450-5200-43810 101-420-2220-43810 101-430-3160-43810 101-450-5200-43810 101-430-3100-43810 101-450-5200-43810 101-420-2220-43810 101-430-3160-43810 101-430-3160-43810 101-450-5200-43810 602-495-9450-43810 601-494-9400-43810	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	3,884.50			
	Total for Check Run:	146,142.97			
	Total Number of Checks:	53			

Lake Elmo City Council October 18, 2005	Agenda Section: CONSENT AGENDA	<u>No. 4B.</u>
<u>Agenda Item:</u> Stonegate Street Vacation		
<p>At its August 16, 2005 meeting, the City Council directed staff to draft a resolution to result in a vacation of the three access points as described by the City Engineer. The City Attorney has drafted a resolution vacating those portions of streets located within Stonegate Addition and the Stonegate 2nd Addition.</p>		
<u>Action items:</u> Motion Second, to adopt Resolution No. 2005-109, A Resolution Vacating Portions of Streets Located Within Stonegate Addition and Stonegate Second Addition.	<u>Person responsible:</u> S. Lumby/J. Filla	
<u>Attachments:</u> Resolution No. 2005-109	<u>Time Allocated:</u>	

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

RESOLUTION NO. 2005-109

**A RESOLUTION VACATING PORTIONS OF STREETS LOCATED WITHIN STONEGATE
ADDITION AND STONEGATE SECOND ADDITION**

WHEREAS, by document dated March 15, 2005, the City of Lake Elmo received request from property owners who reside within the Stonegate Addition and the Stonegate 2nd Addition areas of the City of Lake Elmo to vacate portions of roadways; and

WHEREAS, the request was considered by the Lake Elmo City Council at a public hearing on the 19th day of July, 2005; and

WHEREAS, at the conclusion of the public hearing, the Lake Elmo City Council determined that it was in the public's interest to vacate certain portions of Jewel Avenue North, Julep Court North and 8th Street North.

NOW, THEREFORE,

BE IT RESOLVED, that the Lake Elmo City Council hereby vacates the following street segments:

1. That part of the existing right-of-way of Jewel Avenue North, according to the plat of Stonegate 2nd, Washington County, Minnesota, which lies southerly of a line lying 5.00 feet northerly of and parallel to the southerly line of said Stonegate 2nd Addition and which southerly line of Stonegate 2nd Addition is also the south line of the North ½ of the Northeast ¼ of Section 34, Township 29, Range 21.
2. That part of the existing right-of-way of Julep Court North, according to the plat of Stonegate 2nd, Washington County, Minnesota, which lies easterly of a line lying 5.00 feet westerly of and parallel to the easterly line of said Stonegate 2nd Addition, which easterly line of said Stonegate 2nd Addition is also the east line of the Northwest ¼ of Section 34, Township 29 North, Range 21 West.
3. All of the existing right-of-way of 8th Street North within the plat of Stonegate Addition, Washington County, Minnesota.

BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby vacates the above described street segments subject to the condition that public utility and drainage easements over the vacated street segments be conveyed to the City of Lake Elmo by the benefiting property owners without cost to the City of Lake Elmo.

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Its: Mayor

ATTESTED BY:

Martin J. Rafferty
Its: City Administrator

F:\users\Janice\Jerry\LE\Stonegate - Resolution re vacation.doc

Monthly Operating Report - Revenue

5A

As of October 2005	Description	Budget	Amount	Variance
	Current Ad Valorem Taxes	1,923,989	961,029	962,960
	Fiscal Disparities	12,838	55,523	-42,685
	Liquor License	9,000	0	9,000
	Waste hauler License	420	100	320
	General Contractor License	175	6,671	-6,496
	Heating Contractor License	1,000	860	140
	Building Permits	176,000	108,953	67,047
	Surcharge	10,154	0	10,154
	Heating Permits	9,000	0	9,000
	Plumbing Permits	7,000	10,788	-3,788
	Sewer Permits	4,000	0	4,000
	Animal License	1,500	1,454	46
	Utility Permits	1,500	1,965	-465
	Burning Permit	1,200	1,190	10
	Local Government Aid	1,375	4,794	-3,419
	MSA - Maintenance	0	9,068	-9,068
	State Fire Aid	25,000	52,676	-27,676
	PERA Aid	1,500	1,375	126
	Gravel Tax	4,000	3,063	937
	Recycling Grant	15,000	32,994	-17,994
	Cable Franchise Revenue	0	17,164	-17,164
	Zoning & Subdivision Fees	25,000	27,372	-2,372
	Plan Check Fees	62,000	35,741	26,259
	Sale of Copies, Books, Maps	1,200	1,106	94
	Assessment Searches	500	270	230
	Clean Up Days	5,000	5,591	-591
	Cable Operation Reimbursement	1,920	1,786	134
	Fines	65,000	42,534	22,466
	Miscellaneous Revenue	22,000	8,200	13,800
	Interest Earnings	60,000	49,443	10,557
	Interfund Operating Transfers	64,752	0	64,752
	General Fund Total	2,512,023	1,441,708	1,070,315
	Water Sales	202,500	175,203	27,297
	Tower Rent	26,500	28,100	-1,600
	Total Water Enterprise	229,000	203,303	25,697
	Total Sewer Enterprise Fund	7,020	1,300	5,720
	Total Surface Enterprise Fund	75,000	105	74,895
	Total Report	2,823,043	1,646,416	1,176,627

Monthly Operating Report

As of 10/18/2005 (Period 10)	Budget	Amount	Variance	Comments
Mayor & Council				
Part-time Salaries	12,100	6,050	6,050	
FICA Contributions	875	375	500	
Medicare Contributions	204	88	116	
Travel Expense	4,000	84	3,916	
Miscellaneous	8,500	4,894	3,606	
Dues & Subscriptions	8,000	8,376	-376	Annual League of Mn Cities=5687.00 +Assoc.of Metro Muni= 2634.00
Conferences & Training	5,000	489	4,511	
Sub-Total	38,679	20,356	18,323	
Administration				
Full-time Salaries	128,235	\$97,209.73	31,025	
PERA Contributions	7,091	\$4,516.06	2,575	
FICA Contributions	7,951	\$6,069.53	1,881	
Medicare Contributions	1,859	\$1,419.65	439	
Health/Dental Insurance	19,132	\$13,577.54	5,554	
Workers Compensation	1,740	\$1,721.92	18	Annual Premium Paid
Office Supplies	7,000	\$4,480.94	2,519	
Printed Forms	800	\$417.48	383	
Newsletter/Website	15,000	\$14,670.25	330	
Postage	9,500	\$6,313.20	3,187	
Travel Expense	4,200	\$827.35	3,373	
Legal Publishing	6,000	\$5,396.50	604	
Insurance	35,000	\$30,962.62	4,037	Annual Premium Paid
Cable Operation Expense	1,200	\$1,866.04	-666	Reimbursed by Cable Commission
Miscellaneous	7,200	\$24,809.06	-17,609	Code Codification \$12,487 (not Budgeted), Use Tax, Christmas Lights.
Dues & Subscriptions	2,250	\$2,333.00	-83	
Books	500	\$0.00	500	
Conferences & Training	2,500	\$152.00	2,348	
Professional Development	2,000	\$160.00	1,840	
Transfer Out	195,032	0	195,032	
Sub-Total	454,190	216903	237,287	
Elections				
Part-time Salaries	1,100	0	1,100	
FICA Contributions	68	0	68	
Medicare Contributions	16	0	16	
Office Supplies	50	0	50	
Printed Forms	100	0	100	
Travel Expense	100	0	100	
Miscellaneous	250	274	-24	
Conferences & Training	500	0	500	
Other Equipment	350	340	10	Accuvote Equipment Annual Maint. Paid
Sub-Total	2,534	614	1,920	

	Budget	Amount	Variance	Comments
Finance				
Full-time Salaries	61,798	40,534	21,264	
PERA Contributions	3,417	2,210	1,207	
FICA Contributions	3,831	2,517	1,314	
Medicare Contributions	896	588	308	
Health/Dental Insurance	7,969	5,558	2,411	
Workers Compensation	839	830	9	Annual Premium Paid
Office Supplies	700	760	-60	
Printed Forms	809	657	152	
Software Support	8,995	13,904	-4,909	Annual Accounting Software Maintenance Paid (note: Incl. support-all Dept.)
Hardware Support	3,701	1,283	2,418	
Software Programs	1,560	0	1,560	
Travel Expense	2,000	54	1,946	
Miscellaneous	700	721	-21	Spec. Assessment Billing By Wash Cty \$450.00
Dues & Subscriptions	100	265	-165	
Books	200	0	200	
Conferences & Training	1,000	40	960	
Sub-Total	98,515	69,922	28,593	
Accounting Services	22,000	26,082	-4,082	New Annual State Reporting requirements
Assessing Services	38,000	31,066	6,935	
City Attorney - Civil	26,000	32,470	-6,470	
City Attorney - Criminal	45,000	34,057	10,943	
Planning & Zoning				
Full-time Salaries	64,631	53,601	11,030	
PERA Contributions	3,574	4,970	-1,396	
FICA Contributions	4,007	3,346	661	
Medicare Contributions	937	783	154	
Health/Dental Insurance	7,962	11,250	-3,288	
Workers Compensation	877	868	9	Annual Premium Paid
Office Supplies	500	1,844	-1,344	Comp Plan Materials
Printed Forms	500	437	63	
Zoning Ordinance Dev - CDBG	5,000	0	5,000	
Cimarron Study - CDBG	24,000	416	23,584	
Comprehensive Planning	10,000	70,764	-60,764	Comp Plan Amendment - Expenditure funded by reserves.
Engineering Services	0	0	0	
Travel Expense	2,700	2,526	174	
Cable Operation Expense	1,200	979	221	
Miscellaneous	200	360	-160	
Dues & Subscriptions	500	800	-300	
Books	200	467	-267	
Conferences & Training	2,000	565	1,435	
Sub-Total	128,788	153,975	-25,187	
Engineering Services	27,861	28,443	-582	

	Budget	Amount	Variance	Comments
Attorney Fees	25,000	1,466	23,534	
Gov't Building				
Cleaning Supplies	300	291	9	
Building Repair Supplies	500	939	-439	
Telephone	5,100	4,905	195	
Insurance	0	277	-277	
Electric Utility	6,500	5,982	518	Anticipated Electric Rates exceeded Budgeted Estimate
Refuse	2,000	1,022	979	
Repairs/Maint Contractual Bldg	10,000	8,979	1,021	
Repairs/Maint Contractual Eqpt	7,000	3,578	3,422	
Miscellaneous	500	709	-209	City Hall Supplies
Sub-Total	31,900	26,683	5,217	
Law Enforcement Services	327,633	339,857	-12,224	
Fire				
Full-time Salaries	12,999	11,941	1,058	
Part-time Salaries	117,200	97,606	19,594	
PERA Contributions	719	2,416	-1,697	
FICA Contributions	8,034	6,795	1,239	
Medicare Contributions	1,879	1,589	290	
Health/Dental Insurance	1,677	1,791	-114	
Workers Compensation	3,580	3,543	37	Annual Premium Paid
Office Supplies	1,000	570	430	
Printed Forms	500	34	466	
EMS Supplies	1,500	1,390	110	
Fire Prevention	4,000	1,237	2,764	
Fuel	4,500	2,769	1,731	
Equipment Parts	500	1,051	-551	
Building Repair Supplies	200	315	-115	
Small Tools & Equipment	1,200	1,310	-110	
Physicals	4,000	3,391	609	
Telephone	3,500	3,965	-465	
Radio	7,500	3,232	4,268	
Internet	700	0	700	
Travel Expense	3,000	3,340	-340	
Vehicle Insurance	14,850	13,197	1,653	Annual Premium Paid
Electric Utility	5,700	4,022	1,678	Anticipated Electric Rates exceeded Budgeted Estimate
Repairs/Maint Contractual Bldg	7,000	8,502	-1,502	
Repairs/Maint Contractual Eqpt	25,000	32,855	-7,855	
Rentals - Building	1,080	1,080	0	
Uniforms	9,500	10,727	-1,227	
Miscellaneous	1,300	19,152	-17,852	17,521 For Fire Survey
Dues & Subscriptions	2,500	2,377	124	
Books	200	25	175	
Conferences & Training	15,000	6,859	8,141	

	Budget	Amount	Variance	Comments
Pension Contribution	2,690	2,690	0	
Fire State Aid	25,000	66,414	-41,414	Offset by State Aid Revenue
Equipment	10,000	5,110	4,890	
Transfer Out	40,000	0	40,000	
Sub-Total	338,008	321,294	16,714	All fire accounts need close monitoring for remainder of year.
Building Inspection				
Full-time Salaries	125,415	94,907	30,508	
PERA Contributions	6,935	4,612	2,323	
FICA Contributions	7,776	5,898	1,878	
Medicare Contributions	1,819	1,379	440	
Health/Dental Insurance	18,845	14,330	4,515	
Workers Compensation	1,702	1,684	18	Annual Premium Paid
Office Supplies	1,100	388	712	
Printed Forms	1,000	171	829	
Fuel	3,000	322	2,678	
Engineer Serv Utility Permits	2,000	0	2,000	
Plan Review Charges	5,000	0	5,000	
Surcharge Payments	13,500	7,401	6,099	
Telephone	400	361	39	
Travel Expense	1,000	1,826	-826	
Insurance	1,200	964	236	
Repairs/Maint Contractual Eqpt	500	934	-434	
Rentals - Building	4,500	3,195	1,305	
Uniforms	600	187	413	
Miscellaneous	400	218	182	
Dues & Subscriptions	800	565	235	
Books	300	2	298	
Conferences & Training	2,500	1,140	1,360	
Equipment	0	157	-157	Noise Meter
Transfer Out	5,000	0	5,000	
Sub-Total	205,292	140,640	64,652	
Civil Defense	9,000	0	9,000	
Animal Control				
Printed Forms	250	0	250	
Contract Services	8,800	5,740	3,060	
Impounding	7,000	6,391	609	
Miscellaneous	200	76	124	
Sub-Total	16,250	12,207	4,043	

	Budget	Amount	Variance	Comments
Public Works				
Full-time Salaries	115,938	72,716	43,222	
Part-time Salaries	5,160	0	5,160	
PERA Contributions	6,697	4,021	2,676	
FICA Contributions	7,508	4,511	2,997	
Medicare Contributions	1,756	1,055	701	
Health/Dental Insurance	21,187	15,619	5,568	
Workers Compensation	6,740	6,670	70	Annual Premium Paid
Office Supplies	300	53	247	
Fuel, Oil and Fluids	12,000	15,065	-3,065	Increased Fuel Prices
Shop Materials	2,500	1,751	749	
Equipment Parts	5,000	2,846	2,154	
Building Repair Supplies	1,000	68	932	
Street Maintenance Materials	12,000	3,356	8,644	
Landscaping Materials	2,500	0	2,500	
Sign Repair Materials	4,000	767	3,233	
Sand/Salt	25,000	9,592	15,408	
Small Tools & Minor Equipment	1,500	1,851	-351	
Engineering Services	4,000	0	4,000	
Sealcoating & Crack Sealing	35,000	0	35,000	
Contract Services	45,000	34,552	10,448	
Telephone	2,750	1,565	1,185	
Travel Expense	750	45	705	
Insurance	16,000	9,018	6,982	Annual Premium Paid
Electric Utility	9,300	5,000	4,300	Anticipated Electric Rates exceeded Budgeted Estimate
Refuse	1,300	1,022	279	
Repairs/Maint Contractual Bldg	2,000	1,133	867	
Repairs/Maint Imp Not Bldgs	2,500	29	2,471	
Repairs/Maint Contractual Eqpt	8,000	4,499	3,501	
Uniforms	1,200	1,084	116	
Miscellaneous	2,500	2,122	378	
Dues & Subscriptions	500	125	375	
Conferences & Training	500	595	-95	
Clean-up Days	12,000	9,368	2,633	
Other Equipment	7,380	1,816	5,564	
Transfer Out	199,488	0	199,488	
Sub-Total	580,954	211,914	369,040	
Street Lighting	18,000	14,118	3,882	Anticipated Electric Rates exceeded Budgeted Estimate
Sanitation				
Recycling Supplies	6,000	4,316	1,684	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	1,045	6,055	
Sub-Total	18,100	5,361	12,739	

	Budget	Amount	Variance	Comments
Parks				
Full-time Salaries	52,660	34,974	17,686	
Part-time Salaries	25,658	13,031	12,627	
PERA Contributions	4,331	2,348	1,983	
FICA Contributions	4,856	2,982	1,874	
Medicare Contributions	1,136	697	439	
Health/Dental Insurance	7,241	5,540	1,701	
Workers Compensation	2,585	2,558	27	Annual Premium Paid
Office Supplies	250	0	250	
Fuel, Oil and Fluids	2,200	721	1,479	
Shop Materials	500	53	447	
Chemicals	1,000	950	50	
Equipment Parts	4,000	1,495	2,505	
Building Repair Supplies	500	104	396	
Landscaping Materials	5,000	1,312	3,688	
Small Tools & Minor Equipment	1,000	117	883	
Telephone	1,000	650	350	
Travel Expense	0	306	-306	
Insurance	3,500	2,078	1,422	Annual Premium Paid
Electric Utility	7,600	4,016	3,584	
Refuse	2,400	1,840	560	
Repairs/Maint Contractual Bldg	2,000	0	2,000	
Repairs/Maint Imp Not Bldgs	30,000	10,308	19,692	
Repairs/Maint Contractual Eqpt	1,000	1,564	-564	New tires for trailer, repairs to Tractor
Rentals - Buildings	3,000	4,984	-1,984	
Uniforms	200	0	200	
Miscellaneous	200	1,875	-1,675	\$760.00 Property Taxes for 3585 Laverne
Dues & Subscriptions	100	125	-25	
Transfer Out	18,000	0	18,000	
Sub-Total	181,917	94,630	87,287	
Total General Fund	2,633,621	1,756,084	851,564	Current estimated projections should meet General Fund Budget for this- 2005 fiscal year.

	Budget	Amount	Variance	Comments
Water Enterprise Operating				
Full-time Salaries	70,119	72,720	-2,601	Payroll Coding issue- See Surface water utility
PERA Contributions	3,878	3,767	111	
FICA Contributions	4,347	4,522	-175	
Medicare Contributions	1,017	1,058	-41	
Health/Dental Insurance	8,618	8,891	-273	
Workers Compensation	2,137	2,115	22	Annual Premium Paid
Office Supplies	200	314	-114	Invoices printed
Printed Forms	1,500	77	1,423	
Chemicals	3,000	1,554	1,446	
Utility System Maintenance	3,000	974	2,026	
Water Meters & Supplies	17,500	3,819	13,681	
Small Tools & Minor Equipment	500	150	350	
Engineering Services	8,000	175,305	-167,305	Water System Study/Mapping - \$66,919.00 (To be reclassified into Capital)
Software Support	6,500	1,000	5,500	
Telephone	2,000	916	1,084	
Postage	1,120	0	1,120	
Travel Expense	1,400	874	526	
Insurance	3,433	6,449	-3,016	Annual Premium Paid
Electric Utility	15,806	10,731	5,075	
Water Utility	85,000	66,839	18,161	
Repairs/Maint Imp Not Bldgs	8,000	11,795	-3,795	Water Main Breaks
Miscellaneous	10,000	4,350	5,650	
Conferences & Training	1,020	955	65	
Other Equipment	2,000	1,468	532	
Sub-Total	260,095	380,640	-120,545	
Sewer Operating Enterprise				
Full-time Salaries	11,993	17,175	-5,182	Payroll Coding issue- See Surface Water Utility
PERA Contributions	663	886	-223	
FICA Contributions	744	1,069	-325	
Medicare Contributions	174	250	-76	
Health/Dental Insurance	1,401	2,171	-770	
Workers Compensation	463	458	5	Annual Premium Paid
Utility System Maint Supplies	500	51	449	
Small Tools & Minor Equipment	500	0	500	
Engineering Services	6,000	1,987	4,013	
Telephone	2,000	1,116	884	
Travel Expense	0	63	-63	
Electric Utility	2,123	651	1,472	
Sewer Utility - Met Council	0	825	-825	
Repairs/Maint Imp Not Bldgs	4,000	1,802	2,198	
Miscellaneous Expenses	600	0	600	
Conferences & Training	500	0	500	
Sub-Total	31,661	28,504	3,157	

	Budget	Amount	Variance	Comments
Surface Water Utility				
Full-time Salaries	29,523	0	29,523	Payroll Coding issue- See Sewer & Water Operating Enterprise
PERA Contributions	1,633	0	1,633	
FICA Contributions	1,830	0	1,830	
Medicare Contributions	428	0	428	
Health/Dental Insurance	4,346	0	4,346	
Workers' Compensation	900	891	9	Annual Premium Paid
Office Supplies	500	0	500	
Utility System Maint Supplies	2,500	0	2,500	
Small Tools & Minor Equipment	1,000	71	929	
Engineering Services	10,000	9,147	853	
Erosion Control	5,000	0	5,000	
Software Support	4,000	0	4,000	
Postage	1,110	0	1,110	
Contract Services	2,500	3,382	-882	Excav Work - Miller Excavating
Repairs/Maint Not Bldg	2,500	500	2,000	
Miscellaneous Expenses	750	213	537	
Transfer Out	30,315	0	30,315	
Sub-Total	98,835	14,204	84,631	

Lake Elmo City Council October 18, 2005	Agenda Section: NEW BUSINESS	<u>No. 6A.</u>
<u>Agenda Item:</u> Administrator Performance/Salary Adjustment		
<p>The Council has completed the City Administrator's performance review with the assistance of Jim Brimeyer, Brimeyer Group. The Council is formally accepting the City Administrator's performance review, which meets or exceeds the expectations of the Council, and approves the recommended salary adjustment based on the results of the closed session.</p>		
<u>Action items:</u> Motion Second, to approve the related salary adjustment based on the results of the City Administrator's performance review that meets or exceeds the expectations of the City Council.	<u>Person responsible:</u>	
<u>Attachments:</u>	<u>Time Allocated:</u>	

**Lake Elmo
City Council
Oct. 18, 2005**

Agenda Section: Building/Fire/Maintenance

No. 78.

Agenda Item: Building Department Monthly Update

Background Information for Oct. 18, 2005

- A. Construction Activity Report.
- B. Miscellaneous

Action Items:

Informational. No action needed.

Person responsible:

J. McNamara

Attachments:

Summary Building Report

**City of Lake Elmo
Building Department**

Building Permit Detail Summary

September 01, 2005 Through September 30, 2005

Occupancy B

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4761	fence	9/13/2005	Commercial	7,500
4772	instal septic	9/20/2005	Commercial	2,500
4789	interior buildout	9/29/2005	Office Building	50,000
4788	interior buildout	9/29/2005	Office Building	40,000
4787	Sign	9/27/2005	Office Building	500
4771	instal septic	9/20/2005	Commercial	2,500
Totals for Class Of Work: Add				Sum of Valuation = 103,000

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4756	window replacement	9/9/2005	Commercial	37,500
Totals for Class Of Work: Remodel				Sum of Valuation = 37,500

Totals for Occupancy: B **Number of Permits = 7**

Sum of Valuation = 140,500

Occupancy U-1

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4779	Deck	9/23/2005	Accessory Building	2,400
4776	Fireplace	9/22/2005	Single Family Dwelling	1,100
4783	Garage	9/27/2005	Single Family Dwelling	29,000
Totals for Class Of Work: Add				Sum of Valuation = 32,500

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4752	Remodel (including plmg&Htg)	9/8/2005	Single Family Dwelling	57,000
4747	window replacement	9/6/2005	Single Family Dwelling	25,843
Totals for Class Of Work: Remodel				Sum of Valuation = 82,843

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4762	accessory structure	9/14/2005	Accessory Building	7,500
Totals for Class Of Work: New				Sum of Valuation = 7,500

Totals for Occupancy: U-1		Number of Permits = 6	Sum of Valuation = 122,843
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Occupancy R-3

Class Of Work:

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4749	mobile home setup	9/6/2005	Single Family Dwelling	3,000
4748	mobile home setup	9/6/2005	Single Family Dwelling	3,000
4760		9/12/2005	Single Family Dwelling	0
4778		9/22/2005	Single Family Dwelling	0
Totals for Class Of Work:		Number of Permits = 4		Sum of Valuation = 6,000

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4790	Other	9/29/2005	Single Family Dwelling	5,000
4792	addition	9/30/2005	Single Family Dwelling	12,000
4768	septic	9/16/2005	Single Family Dwelling	5,000
4793	septic	9/30/2005	Single Family Dwelling	9,000
4773	Gasline	9/21/2005	Single Family Dwelling	600
4782	Deck /concrete slab	9/26/2005	Single Family Dwelling	9,000
4775	septic	9/22/2005	Single Family Dwelling	10,000
4785	Fireplace	9/27/2005	Single Family Dwelling	3,895
4791	driveway	9/29/2005	Single Family Dwelling	4,500
Totals for Class Of Work: Add		Number of Permits = 9		Sum of Valuation = 58,995

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4758	window replacement	9/12/2005	Single Family Dwelling	41,248
4759	Fireplace	9/12/2005	Single Family Dwelling	1,100
4774	Remodel	9/21/2005	Single Family Dwelling	9,300
4767	Basement finish (includes plng&htg)	9/15/2005	Single Family Dwelling	35,000
4745	window replacement	9/1/2005	Single Family Dwelling	9,990
4769	Deck	9/16/2005	Single Family Dwelling	6,000
4763	Roof Replacement	9/14/2005	Single Family Dwelling	6,400
4780	window replacement	9/23/2005	Single Family Dwelling	3,000
Totals for Class Of Work: Remodel				Number of Permits = 8
Sum of Valuation =				112,038

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4765	New House	9/14/2005	Single Family Dwelling	317,283
4746	Gasline	9/2/2005	Mobile Home	135
4770	New House and accessory structure	9/19/2005	Single Family Dwelling	625,000
Totals for Class Of Work: New				Number of Permits = 3
Sum of Valuation =				942,418

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4781	reroof	9/23/2005	Single Family Dwelling	12,685
4755		9/8/2005	Single Family Dwelling	0
4754	driveway	9/8/2005	Single Family Dwelling	4,000
Totals for Class Of Work: Repair			Sum of Valuation =	16,685

Class Of Work: Alter

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4757		9/12/2005	Single Family Dwelling	0
4766	septic	9/15/2005	Single Family Dwelling	500
Totals for Class Of Work: Alter			Sum of Valuation =	500

Class Of Work: Demolition

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4784	demolition	9/27/2005	Mobile Home	2,100
4786	demolition	9/27/2005	Mobile Home	1,000
Totals for Class Of Work: Demolition			Sum of Valuation =	3,100

Totals for Occupancy: R-3**Number of Permits = 31****Sum of Valuation =****1,139,736****Grand Total for All Permits Issued:****Number of Permits 44****Total Valuation = 1,403,079**

City of Lake Elmo
Building Department

Plumbing Permit Detail Summary

September 01, 2005 Through September 30, 2005

Permit #	Description of Work	Date Issued	Valuation
4750	Septic exsisting	9/6/2005	6,500
4766	alter septic	9/15/2005	500
4765	Hookup city water and sewer and plumb new house	9/15/2005	30,000
4768	alter septic	9/16/2005	5,000
4770	new resd plmg & sewer/septic	9/19/2005	35,000
4771	Install New Septic	9/20/2005	2,500
4772	Install New Septic	9/20/2005	2,500
4775	Install Septic	9/22/2005	10,000
4778	alter resd plmg	9/22/2005	400
4793	Install New Septic	9/30/2005	9,000

Number of Permits 10

Total Valuation = 101,400

**City of Lake Elmo
Building Department**

HVAC Permit Detail Summary

September 01, 2005 Through September 30, 2005

Permit #	Description of Work	Date Issued	Valuation
4744	air conditioning	9/1/2005	8,100
4746	Gasline	9/2/2005	135
4751	alter commercial	9/7/2005	1,200
4753	Gasline	9/8/2005	150
4755	Install Heating Unit in garage	9/8/2005	2,000
4757	alter resd hvac	9/12/2005	2,400
4760	alter resd hvac	9/12/2005	2,400
4765	HVAC-residential	9/15/2005	10,000
4770	HVAC-residential	9/19/2005	12,000
4773	Gasline	9/21/2005	600
4790	air conditioning	9/29/2005	5,000

Number of Permits 11

Total Valuation = 43,985

**City of Lake Elmo
Building Department**

Building Permit Fees

September 01, 2005 Through September 30, 2005

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
9/1/2005	4744	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/1/2005	4745	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/2/2005	4746	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/6/2005	4747	\$401.85	\$12.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/6/2005	4748	\$100.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/6/2005	4749	\$100.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/6/2005	4750	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/7/2005	4751	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2005	4752	\$692.75	\$28.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2005	4754	\$50.00	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2005	4755	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/9/2005	4756	\$523.05	\$18.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/12/2005	4757	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/12/2005	4758	\$563.45	\$20.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/12/2005	4759	\$41.80	\$0.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/12/2005	4760	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/13/2005	4761	\$153.25	\$3.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/14/2005	4762	\$153.25	\$3.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/14/2005	4763	\$139.25	\$3.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/14/2005	4765	\$2,214.55	\$158.64	\$1,439.46	\$50.50	\$0.00	\$0.00	\$75.00	\$3,000.00	\$400.00	\$0.00
9/15/2005	4766	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/15/2005	4767	\$492.75	\$17.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Monday, October 03, 2005

City of Lake Elmo
Building Department

Building Permit Fees

September 01, 2005 Through September 30, 2005

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
9/16/2005	4768	\$0.00	\$0.00	\$0.00	\$100.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/16/2005	4769	\$125.25	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/19/2005	4770	\$3,827.50	\$312.50	\$2,487.88	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/20/2005	4771	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/20/2005	4772	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2005	4773	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2005	4774	\$181.25	\$4.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/22/2005	4775	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/22/2005	4776	\$41.80	\$0.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/22/2005	4777	\$23.50	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/22/2005	4778	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/23/2005	4779	\$83.25	\$1.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/23/2005	4780	\$83.25	\$1.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/23/2005	4781	\$223.25	\$6.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/26/2005	4782	\$167.25	\$4.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/27/2005	4783	\$432.15	\$14.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/27/2005	4784	\$0.00	\$0.00	\$0.00	\$100.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/27/2005	4785	\$97.25	\$1.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/27/2005	4786	\$0.00	\$0.00	\$0.00	\$100.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/27/2005	4787	\$0.00	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2005	4788	\$543.25	\$20.00	\$352.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2005	4789	\$644.25	\$25.00	\$418.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Monday, October 03, 2005

**City of Lake Elmo
Building Department**

Building Permit Fees

September 01, 2005 Through September 30, 2005

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
9/29/2005	4790	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2005	4791	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/30/2005	4792	\$209.25	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/30/2005	4793	\$0.00	\$0.00	\$0.00	\$100.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals:		\$12,489.65	\$676.62	\$4,698.57	\$653.50	\$0.00	\$0.00	\$75.00	\$3,000.00	\$400.00	\$0.00
Grand Total of Building Related Fees Collected:											\$21,993.34

*City of Lake Elmo
Building Department*

HVAC Permit Fees

September 01, 2005 Through September 30, 2005

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
9/1/2005	4744	\$50.00	\$0.50
9/2/2005	4746	\$50.00	\$0.50
9/7/2005	4751	\$150.00	\$0.50
9/8/2005	4753	\$50.00	\$0.50
9/8/2005	4755	\$50.00	\$0.50
9/12/2005	4757	\$50.00	\$0.50
9/12/2005	4760	\$50.00	\$0.50
9/15/2005	4765	\$125.00	\$0.50
9/19/2005	4770	\$125.00	\$0.50
9/21/2005	4773	\$50.00	\$0.50
9/29/2005	4790	\$50.00	\$0.50
Totals:		\$800.00	\$5.50

<i>Grand Total of HVAC Fees Collected:</i>	<i>\$805.50</i>
---	------------------------

88.

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

October 18, 2005

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Award Bid
Elevated Storage Tank No. 2
City of Lake Elmo, Minnesota
TKDA Project No. 13253.000

Dear Mayor and City Council:

Bids were received last week for Elevated Storage Tank No. 2. A tabulation of the bids is attached.

After reviewing the bids the staff recommends that we accept the bid for a 750,000 gallon tank, composite (concrete base) style.

The rationale for this recommendation is that the cost difference between the 500,000 gallon tank and the 750,000 gallon tank is actually very reasonable. Also, the City continues to see the per capita summer peak water use rising. We feel that this additional water storage capacity will be necessary in a few years.

We are recommending the concrete base because the cost difference between it and the steel base is \$70,000. The cost to repaint the exterior of the base is about \$75,000. Considering the base would need to be repainted every 15 years, you can see that the cost savings over the life of the tank in painting would be enormous.

We are also recommending that 3 of the alternate bids be accepted. The first one is for the mezzanine. The mezzanine would house telecommunication equipment. We would lease this space to the users of it, so that over time the cost of the paid by others. There is very little room on-site to place this telecommunication equipment.

The second alternate is for additional paint colors. The design of which is yet to be determined.

The final alternate is to delete the below grade valve vault. An above grade heated room would be built inside the column to house the valves.

Award of Elevated Tank Bid.
City of Lake Elmo, Minnesota
October 18, 2005
Page 2

City Council Action Requested.

Award the contract for Elevated Tank No. 2 to Chicago Bridge and Iron Constructors in the amount of \$1,169,000.00. This includes acceptance of Alternate Bid Items A4.1, A4.3, and A4.4.

Sincerely,

Thomas D. Prew, P.E.
City Engineer

Attachment

TDP

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-114

A RESOLUTION AWARDING THE BID FOR THE ELEVATED TANK NO. 2

WHEREAS, pursuant to an advertisement for bids for the Elevated Tank No. 2, bids were received, opened, and tabulated according to law, and the attached bids were received complying with the advertisement.

AND WHEREAS, Chicago Bridge and Iron Constructors is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

1. The mayor and clerk are hereby authorized and directed to enter into a contract with Chicago Bridge and Iron Constructors in the amount of \$1,169,000.00 and includes acceptance of Alternate Bid Items A4.1, A4.3 and A4.4., in the name of the City of Lake Elmo for the elevated tank no. 2 according to the plans and specifications therefore approved by the City Council and on file in the office of the city clerk.
2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposit made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall retained until a contract has been signed.

ADOPTED, by the Lake Elmo City Council this 18th day of October, 2005.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

ELEVATED STORAGE TANK NO. 2
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 13253.000

BIDS OPENED: October 12, 2005 at 2:00 PM
*DENOTES ERROR IN BIDDERS CALCULATION



CALDWELL TANKS, INC. CB&I CONSTRUCTORS, INC. LANDMARK STRUCTURES I, L.P.

ITEM NO.	DESCRIPTION	CALDWELL TANKS, INC. LUMP SUM	CB&I CONSTRUCTORS, INC. LUMP SUM	LANDMARK STRUCTURES I, L.P. LUMP SUM
	BASE BID NO. 1- 0.5 MG Steel Fluted Column Style	\$ 1,020,000.00	\$ 926,000.00	\$ -
1	ALTERNATE BID ITEM NO. A1.1	\$ 90,000.00	\$ 76,000.00	\$ -
2	ALTERNATE BID ITEM NO. A1.2	\$ 105,000.00	\$ 77,000.00	\$ -
3	ALTERNATE BID ITEM NO. A1.3	\$ 10,000.00	\$ 1,000.00	\$ -
4	ALTERNATE BID ITEM NO. A1.4	\$ (7,000.00)	\$ (25,000.00)	\$ -
5	ALTERNATE BID ITEM NO. A1.5	\$ (55,200.00)	\$ -	\$ -
6		\$ 1,162,800.00	\$ 1,055,000.00	\$ -
7	BASE BID NO. 2- 0.50 MG Composite Style	\$ -	\$ 1,017,000.00	\$ 1,069,700.00
8				
9	ALTERNATE BID ITEM NO. A2.1	\$ -	\$ 73,000.00	\$ 40,500.00
10	ALTERNATE BID ITEM NO. A2.2	\$ -	\$ 74,000.00	\$ 43,500.00
11	ALTERNATE BID ITEM NO. A2.3	\$ -	\$ 1,000.00	\$ 4,000.00
12	ALTERNATE BID ITEM NO. A2.4	\$ -	\$ (27,000.00)	\$ (21,000.00)
13	ALTERNATE BID ITEM NO. A2.5	\$ -	\$ -	\$ (20,000.00)
			\$ 1,138,000.00	\$ 1,116,700.00
14	BASE BID NO. 3- 0.75 MG Steel Fluted Column Style	\$ 1,187,100.00	\$ 1,045,000.00	\$ -
15				
16	ALTERNATE BID ITEM NO. A3.1	\$ 95,000.00	\$ 90,000.00	\$ -
17	ALTERNATE BID ITEM NO. A3.2	\$ 110,000.00	\$ 86,000.00	\$ -
18	ALTERNATE BID ITEM NO. A3.3	\$ 15,000.00	\$ 1,000.00	\$ -
19	ALTERNATE BID ITEM NO. A3.4	\$ (3,000.00)	\$ (25,000.00)	\$ -
20	ALTERNATE BID ITEM NO. A3.5	\$ (60,000.00)	\$ -	\$ -
		\$ 1,344,100.00	\$ 1,198,000.00	\$ -
21	BASE BID NO. 4- 0.75 MG Composite Style	\$ -	\$ 1,116,000.00	\$ 1,187,000.00
22	ALTERNATE BID ITEM NO. A4.1 Mezz #1	\$ -	\$ 79,000.00	\$ 41,500.00
23	ALTERNATE BID ITEM NO. A4.2 Mezz #2	\$ -	\$ 75,000.00	\$ 44,500.00
24	ALTERNATE BID ITEM NO. A4.3 Additional Paint	\$ -	\$ 1,000.00	\$ 4,500.00
25	ALTERNATE BID ITEM NO. A4.4 Above Grade Valves	\$ -	\$ (27,000.00)	\$ (31,000.00)
26	ALTERNATE BID ITEM NO. A4.5 Late Completion Date	\$ -	\$ -	\$ (20,000.00)
			\$ 1,244,000.00	\$ 1,226,500.00

BIDS OPENED: October 12, 2005 at 2:00 PM
*DENOTES ERROR IN BIDDERS CALCULATION

[illegible]

ELEVATED STORAGE TANK NO. 2
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 13253.000

BIDS OPENED: October 12, 2005 at 2:00 PM
*DENOTES ERROR IN BIDDERS CALCULATION

[illegible]

Lake Elmo
City Council
October 18,
2005

Agenda Section: Planning, Land Use and Zoning

No. 9A

Agenda Item: Shoreland Overlay Variance – 8148 Hill Trail (Fazzone)

Background Information for October 18, 2005:

At its meeting October 12, 2005 the Planning Commission conducted a Public Hearing and subsequently adopted a recommendation to approve this application for a variance from the OHW setback standards of the zoning ordinance. The applicant proposes to remodel and construct living area and garage (there is no garage at the present time) additions to this structure that was originally constructed several decades ago – well prior to the City adopting Shoreland standards. The existing structure is entirely located within the 100 foot OHW setback – extending to within 37 feet of the OHW at the closest point. Most of the house and garage addition will be located within the OHW setback as well, but no additional encroachment (beyond the present 37 feet) will result from the proposal.

The attached Resolution includes the Findings recommended by the Planning Commission as well as a Condition that the applicant comply with the Valley Branch recommendations regarding mitigation.

Action items:

Motion to adopt Resolution #2005-¹¹⁰, approving a variance from Ordinary High Water setback standards of the zoning ordinance per plans staff-dated October 6, 2005, as recommended by the Planning Commission.

Person responsible:

City Planner 

Attachments:

1. Resolution #2005 -¹¹⁰, Approving Variance
2. Draft Planning Commission Minutes of October 12, 2005
3. Planning Staff Report
4. Applicant's Documentation and Graphics

Time Allocated:

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-110
A RESOLUTION APPROVING A ZONING VARIANCE FOR JAMES AND
MELISSA FAZZONE LOCATED AT 8148 HILL TRAIL NORTH

WHEREAS, James and Melissa Fazzone, 8148 Hill Trail North, has made application for a variance to Section 325.06 Shoreland Standards, Subd. 4. A. Setback from Ordinary High Water Level of Lake Demontreville to reconstruct an existing deck and construct a bedroom addition and 2.5 car attached garage approximately 37 feet from the Ordinary High Water Level where 100 feet are required.

WHEREAS, at its October 12th meeting, the Planning Commission reviewed and recommended approval of the variance from the OHW setback standards of the zoning ordinance at 8148 Hill Trail North, per the plans staff-dated October 6, 2005 based on the following findings:

1. The property cannot be put to reasonable use without the granting of the variance requested.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of Shore land Regulations; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, at its October 18th meeting, the Lake Elmo City Council reviewed the variance to Shore land OHW setback standards at 8148 Hill Trail to permit expansion of the home and addition of a garage within the OHW setback based on the findings of the Planning Staff Report of October 6, 2005 and plans staff dated October 6, 2005, and subject to the following condition:

1. That the applicant comply with the recommendations of the Valley Branch Watershed District dated September 15, 2005.

ADOPTED BY THE Lake Elmo City Council the 18th day of October, 2005.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Resol. Fazzino

PUBLIC HEARING: VARIANCE - Shoreland Setback – Fazzone – 8148 Hill Trail

The Planner explained the application for a variance from shoreland from Lake DeMontreville for remodel of an existing residential structure and construction of a garage. The original house was built before 1963. The septic system is the 201 constructed in 1986. The existing garage was converted to bedrooms around 1984 but no building permit for it exists in the address file. There is no garage on the site now, and the applicant proposes a 2.5 car garage. The deck has structural problems and would be rebuilt. The shoreland is being restored. All other setbacks would be maintained. The application is for a 1,000 square feet addition plus the garage. No additional encroachment to the OHW is proposed. The present encroachment is about 63 feet. DNR and VBWD were notified and have no objections. There are modifications and conditions suggested by VBWD in the staff report. The Planner said the application appears to be a reasonable use and reasonable scale.

Findings

1. The property can not be put to reasonable use without the granting of the variance requested.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of Shoreland Regulations; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

The Planner recommends approval of the variance subject to compliance with VBWD recommendations per their memo of September 15, 2005.

Commissioner Ptacek asked for distance to the north property line. Mr. Fazzone said 55 feet from the addition to the north lot line. The existing setback of 15 feet will be maintained from the southerly line.

The Planner said the septic system is going to be replaced though the city has not found it to be non-compliant.

Mr. Fazzone said the house is bright yellow and it will be changed to tan color. There are no trees between the house and the lake, and 30 feet of shoreland buffer will be reestablished with indigenous species which the DNR believes will mitigate runoff. The deck is falling apart.

Commissioner Deziel asked if the house can be darker still. The applicant said the trim will be off white or ivory and the base color will be like taupe.

OPENED THE PUBLIC HEARING AT 7:16 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:17 P.M.

M/S/P, Van Zandt/Ptacek to recommend approval of the variance for 8148 Hill Trail to construct a home addition and garage and reconstruction of an existing deck in accordance with plans staff dated September 28, 2005 and with conditions to the landscaping plan per Valley Branch Memo from John Hanson dated September 15 to include the construction of shallow swales adjacent to the driveway and planting of deep-rooted vegetation into those swales.

Variance: 8148 Hill Trail North - Fazzone

The applicant said he was agreeable to those landscaping conditions. He said they are creating larger guttering to 4-5 inches to direct runoff away from the lake, roadside of the lot will have more trees. He said DNR and VBWD were helpful at every step of the way.

VOTE: 9:0.

The Chairman thanked the applicant for the completeness of his presentation materials.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: October 6, 2005 for the Meeting of October 12, 2005

Applicant: F azzone

Location: 8148 Hill Trail North

Requested Action: Expansion of a Non-conforming Structure

Land Use Plan Guiding: SRD

Existing Zoning: R-1 (Shoreland Overlay)

Site History and Existing Conditions:

This 35,000 square foot tax parcel is the combination of 8 of the "shotgun" lots created adjacent to Lake Demontreville decades ago. The earliest City records reveal a remodeling in 1963 – likely to what was previously a lake cabin. Another permit for remodeling was issued in 1973; for 300 square feet of deck in 1974; and, for a 201-funded septic system in 1986 (said by the applicant to be in need of replacement). The applicant refers to a 1984 conversion of the garage to living area, but there is no evidence that a City permit was issued for that work. There are no garage facilities on site today.

The site is wooded with steep topography falling 18 feet from home site to the lake, and 12 feet from home site to Hill Trail. The existing home/deck is located 37 feet from the Lake Demontreville Ordinary High Water (OHW) level. Shoreland Overlay regulations – adopted by the City many years after the home was constructed – require a 100 foot setback to the OHW.

The Valley Branch Watershed District issued a Permit on September 15, 2005 that allows the applicant to reconstruct the deteriorated retaining walls along the lake front. No City permit was required due to the limited amount of grading that will occur; and, the DNR has advised that they were aware of the shoreline improvements, and had suggested many of the restoration features to the applicant.

Discussion and Analysis:

The applicant proposes to remodel the existing structure/deck; construct an approximately 1,000 square foot addition to the north; and, construct an approximately 1,000 square foot 2.5 car garage to the west (street side). The home would remain 3 bedroom. Virtually all of those improvements would be within the 100 foot OHW setback, but no additional encroachment toward the OHW (beyond the present 63 foot encroachment) is proposed. A Shoreland overlay district variance would be required to accommodate the proposed increase in structure located within the OHW setback.

As noted, both the Valley Branch Watershed and Minnesota DNR have been advised of this application, and neither agency offers objections. Both agencies have suggested mitigation measures, which we understand the applicant is prepared to incorporate in this construction plans.

Findings and Recommendations:

The applicant's variance request is similar in circumstances, scale and claimed hardship to several variances approved by the City in recent years where mid-20th Century lakeside houses/cabins originally constructed prior to Shoreland standards are proposed to be brought up to 21st Century standards resulting in conflict with those standards.. In some cases these have been garage additions and some cases they have been home additions. In this case both are proposed.

In each of the prior cases the City addressed a Finding as to whether the applicant's proposed improvements/expansion constituted a "reasonable use" of the site given contemporary housing design/features and the scale of the resulting structures in relation to other contemporary structures on the subject lakefront and/or neighborhood. In some cases the City required modifications to applicant plans to reduce scale and/or mitigate lakefront impact of the expansion. In at least one recent case the City denied the variance based on scale, and the Court upheld the City's decision at subsequent litigation by the applicant.

In the subject case staff suggests to the Commission that the applicant's plans for home expansion and a garage – both within the OHW setback – can be found by the City to qualify for the variance applied for. A hardship would result if the variance is not approved since the applicant's reasonable use of the property by 21st Century standards would be denied, and the scale of the proposed expansion is in keeping with that of similar projects in this neighborhood that is slowly transitioning from the mid-20th Century to the 21st Century in terms of housing scale and features. This observation applies to the garage proposal as well. Not only is a garage considered a requirement in the Minnesota climate, the proposed scale of garage is close to the "norm" for new construction garage space in Lake Elmo.

Based on the foregoing discussion staff suggest the following Findings regarding this application for variance are suggested as follow:

1. The property can not be put to reasonable use without the granting of the variance requested.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of Shoreland Regulations; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

Planning Commission Actions Requested:

Motion to recommend approval of the variance to Shoreland OHW setback requirements at 8148 Hill Trail to permit expansion of the home and addition of a garage within the OHW setback based on the Findings of the Planning Staff Report of October 6, 2005 and plans staff-dated October 6, 2005, and subject to the condition that the applicant comply with the recommendations of the Valley Branch Watershed District dated September 15, 2005.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Valley Branch Permit – September 15, 2005
3. DNR Comment Email
4. Applicant's Documentation and Graphics

Kimberly Schaffel

From: John Hanson [jhanson@barr.com]
Sent: Thursday, September 29, 2005 10:15 AM
To: Chuck Dillerud
Cc: Kimberly Schaffel; Travis Germundson
Subject: Frazzone Variance Request

Chuck-

At their September 22, 2005 meeting, the Valley Branch Watershed District Board of Managers approved Mr. Jim Frazzone's request to re-construct his retaining walls adjacent to Lake DeMontreville. The City should be receiving a copy of the approved permit soon.

Last week, Kim dropped off a packet regarding Mr. Frazzone's variance request. The variance is apparently needed for him to construct his proposed deck, bedroom addition, and garage. The features of this proposed project are above the 100-year flood level of Lake DeMontreville, they will not create 6,000 square feet of impervious surfaces, and they trigger no other Valley Branch Watershed District permit requirement. Therefore, no Valley Branch Watershed District permit is needed for the project.

Some features could be added to the project to protect the water quality of Lake DeMontreville. If possible, Mr. Frazzone should construct shallow swales adjacent to the driveway and plant the swales with deep-rooted vegetation to capture and infiltrate runoff. The proposed "planting buffer zone" should also be vegetated with deep-rooted vegetation. No or very minimal mowing should be done on the steep slope down to the lake.

Let me know if you have questions, or would like a formal comment letter.

John

John P. Hanson, P.E.
Barr Engineering Company
4700 West 77th Street
Minneapolis, MN 55435-4803

952.832.2622 phone
952.832.2601 fax
651.748.4230 VBWD project office

www.barr.com <<http://www.barr.com>>
www.vbwd.org <<http://www.vbwd.org>>



Barr Engineering Company
4700 West 77th Street • Minneapolis, MN 55435-4803
Phone: 952-832-2600 • Fax: 952-832-2601

Minneapolis, MN • Hibbing, MN • Duluth, MN • Ann Arbor, MI • Jefferson City, MO

VBWD Permit Review Memorandum

Subject: Jim Fazzone Fill on Lake DeMontreville, Permit 2005-21
Date: September 15, 2005
Project: 23/82-016 6320 007

✓ Address File

LOCATION	Southwest side of Lake DeMontreville, 8148 Hill Trail North Lake Elmo
SECTION/TOWNSHIP/RANGE	Northeast quarter of Section 9, T29N, R21W
PROJECT PURPOSE	Reconstruct retaining wall at shoreline

The landowner wishes to reconstruct his retaining walls that abut the Lake DeMontreville shoreline. The issues related to this proposal are fill being placed within the 100-year floodplain (below Elevation 931.5) of Lake DeMontreville and erosion control.

Floodplain Fill

The VBWD limits the amount of fill that can be placed within the floodplain of a water body so that the cumulative impact of all possible filling will not increase the 100-year flood level by 0.1 foot. For Lake DeMontreville, the limit is 1.7 cubic yards per linear foot of shoreline over the lifetime of the property. The applicant plans to place about 16 cubic yards of fill within the floodplain of the property. With 160 feet of shoreline, the proposed fill is below the VBWD fill limit.

Erosion Control

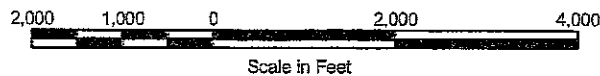
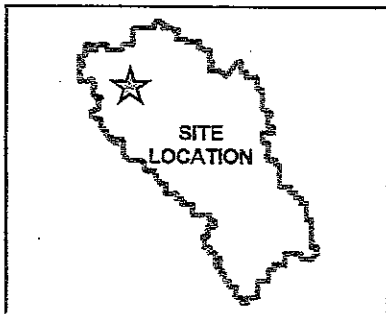
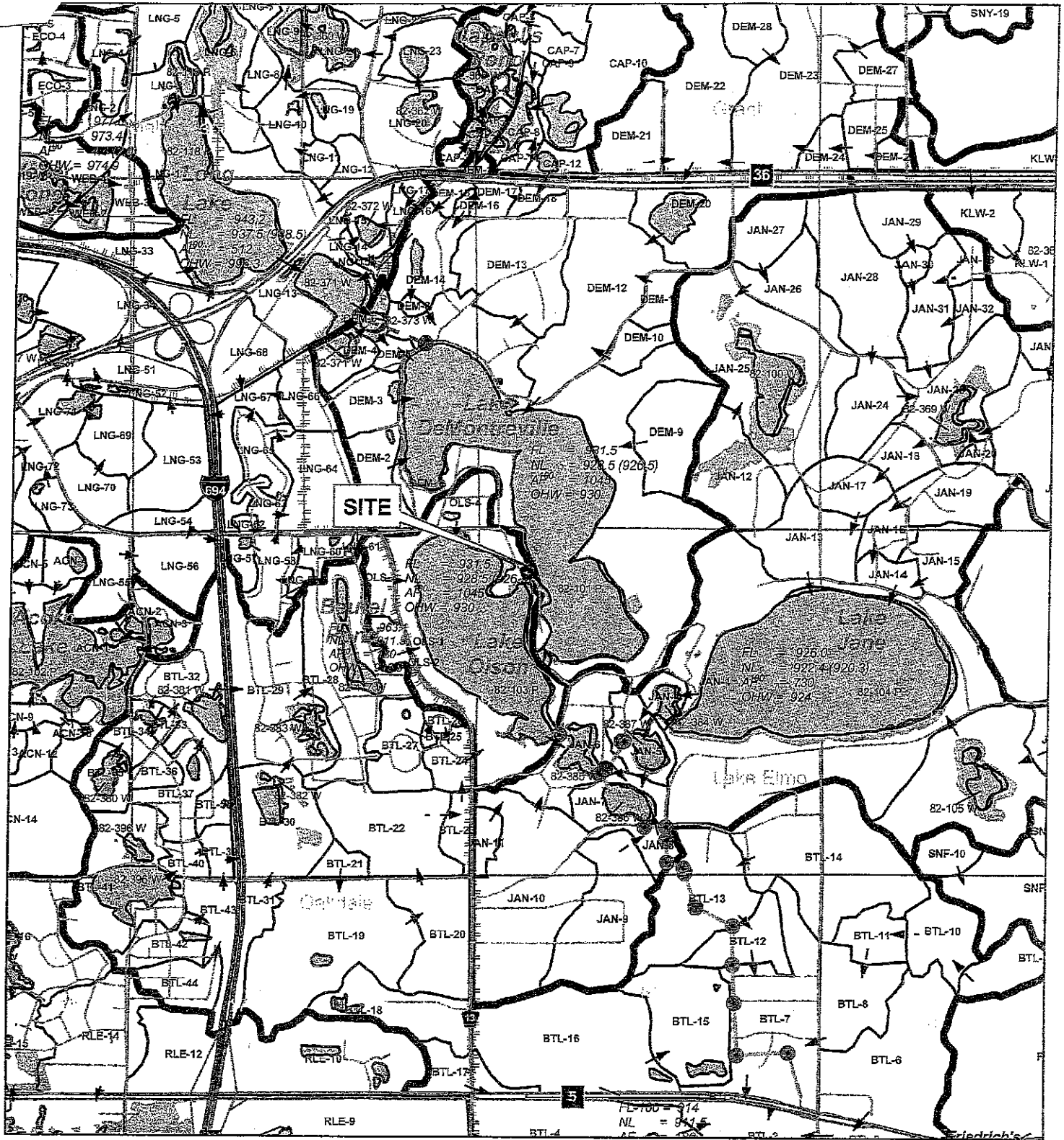
A floating silt curtain should be installed prior to removing the existing retaining wall and re-grading the area. The curtain should remain in place until the area is stabilized and re-vegetated. The area should be vegetated within 14 days of final grading. Silt fencing might also be needed to prevent erosion.

SUGGESTED SITE SPECIFIC CONDITIONS

1. The permit fee and cash surety are waived.
2. A buffer of unmowed vegetations shall be established and maintained around Lake DeMontreville. The buffer shall be at least 16.5 feet from the OHW (Elevation 930).
3. The applicants should review and consider incorporating suggestions outlined in the document, *Lakescaping for Wildlife and Water Quality* by the Minnesota Department of Natural Resources.
4. A floating silt curtain shall be installed prior to removing the existing retaining wall and re-grading the area. The curtain shall remain in place until the area is stabilized and re-vegetated.

STANDARD CONDITIONS

1. The VBWD Engineer and Inspector shall be notified at least three days prior to commencement of work.
2. Erosion controls shall be installed prior to the commencement of grading operations and be maintained throughout the construction period until turf is established. Additional erosion controls may be required, as directed by the VBWD Inspector or VBWD Engineer.
3. All disturbed areas shall be vegetated within 14 days of final grading.
4. This permit is not transferable.
5. The required drainage easements and access easements shall be recorded with the Washington County Recorder's Office.
6. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including a NPDES permit).
7. The applicant is responsible for removal of all erosion control measures including silt fence and hay bales upon establishment of permanent vegetation at the project site as determined by the VBWD Engineer and/or Inspector.



Figure

SITE MAP
JIM FAZZONE FILL
ON LAKE DEMONTREVILLE
Valley Branch Watershed District

Kimberly Schaffel

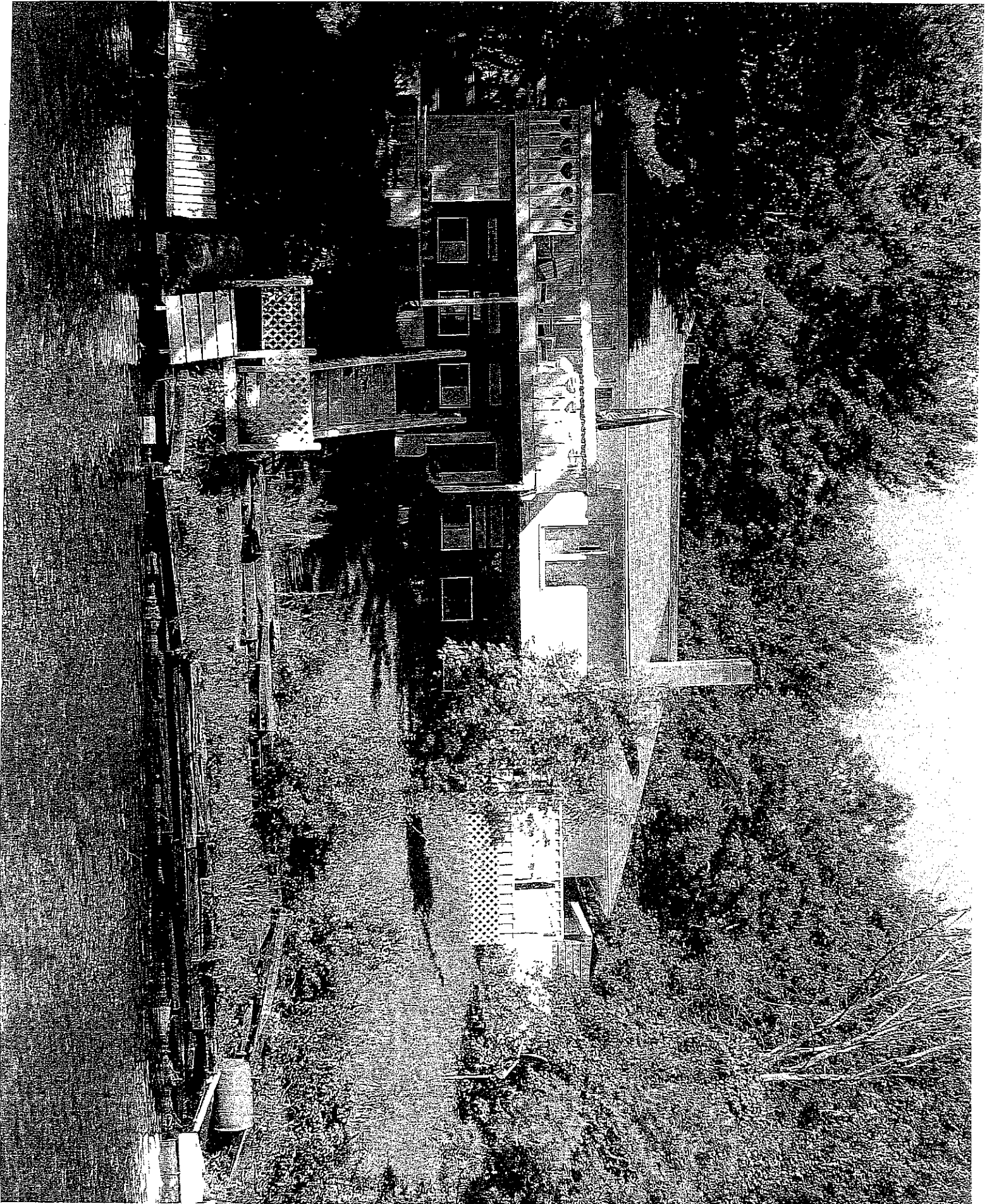
From: Travis Germundson [travis.germundson@dnr.state.mn.us]
Sent: Wednesday, September 28, 2005 12:57 PM
To: Kimberly Schaffel
Subject: 8148 Hill Trail North

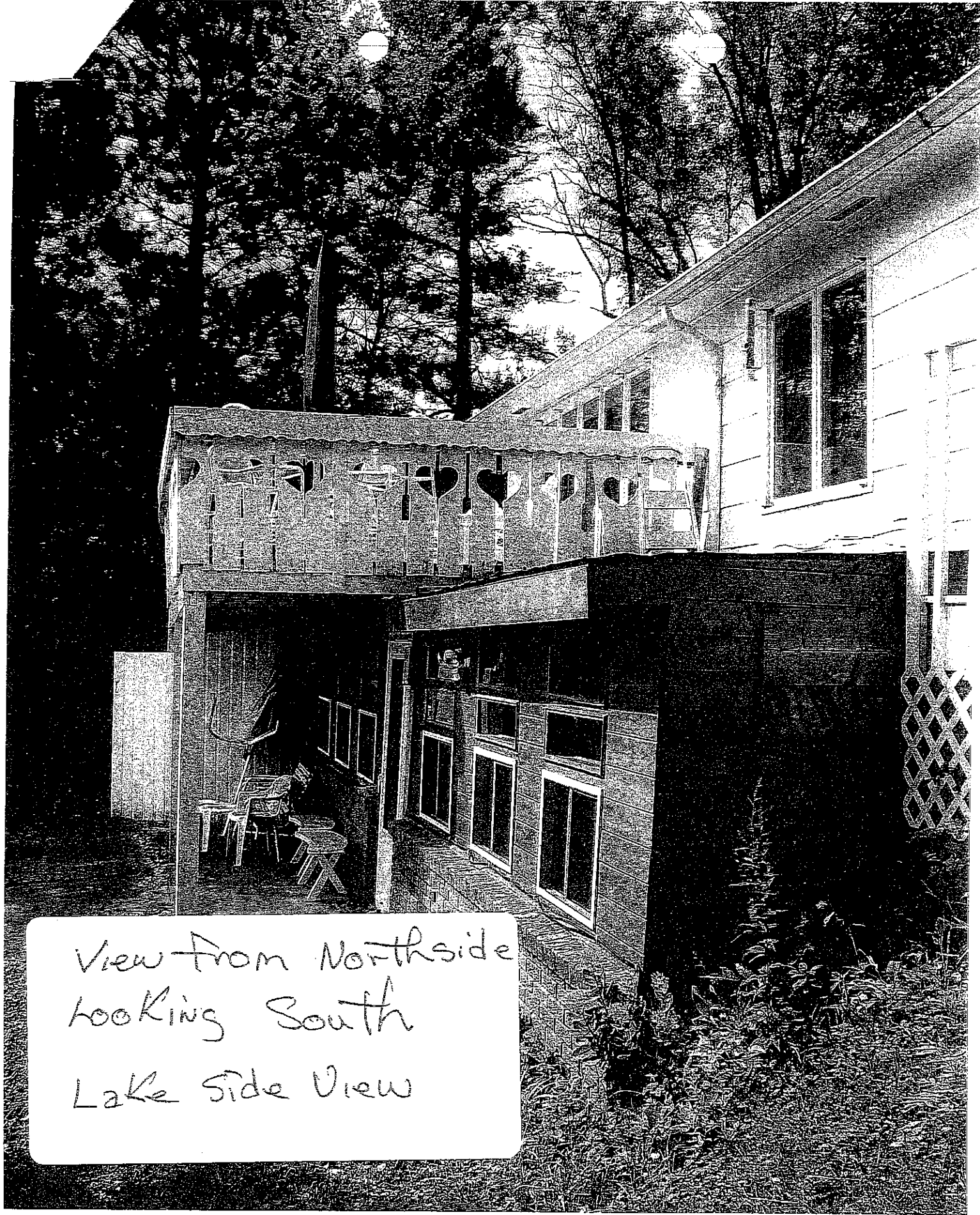
A majority of the improvements (directing the gutters away from the lake, buffer zone/native plantings, and replacing the retaining wall with riprap for shoreline erosion control) were suggestions I presented to the landowner Jim Fazzone at the time they purchased the property.

The proposed addition/expansion is off to the north side and to the back of the main structure, which should not increase the nonconformity. Therefore, the request appears to be reasonable.

Travis Germundson
Area Hydrologist
DNR Waters
1200 Warner Rd.
St. Paul, MN 55106
651-772-7914

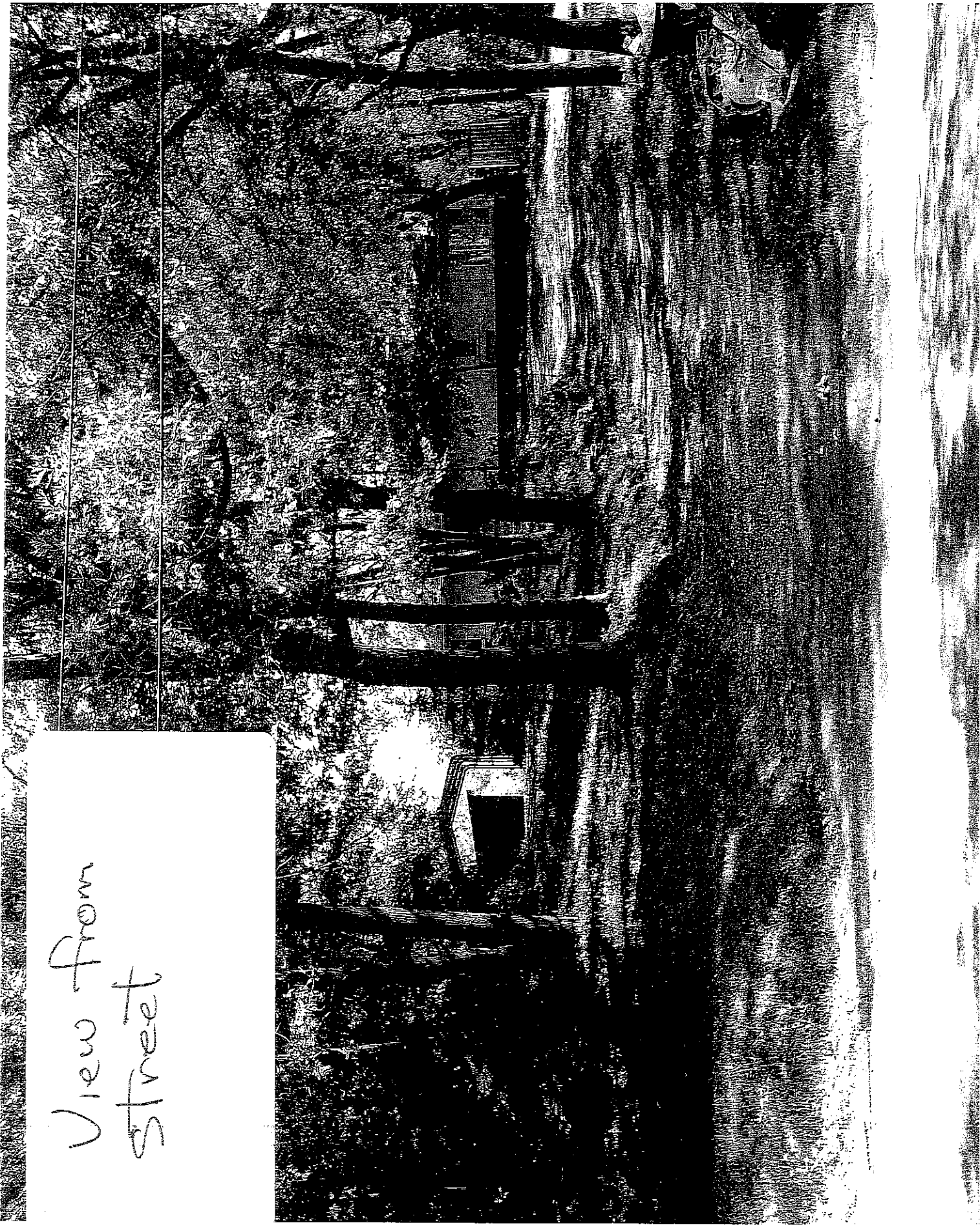
8143 Hill Trail No

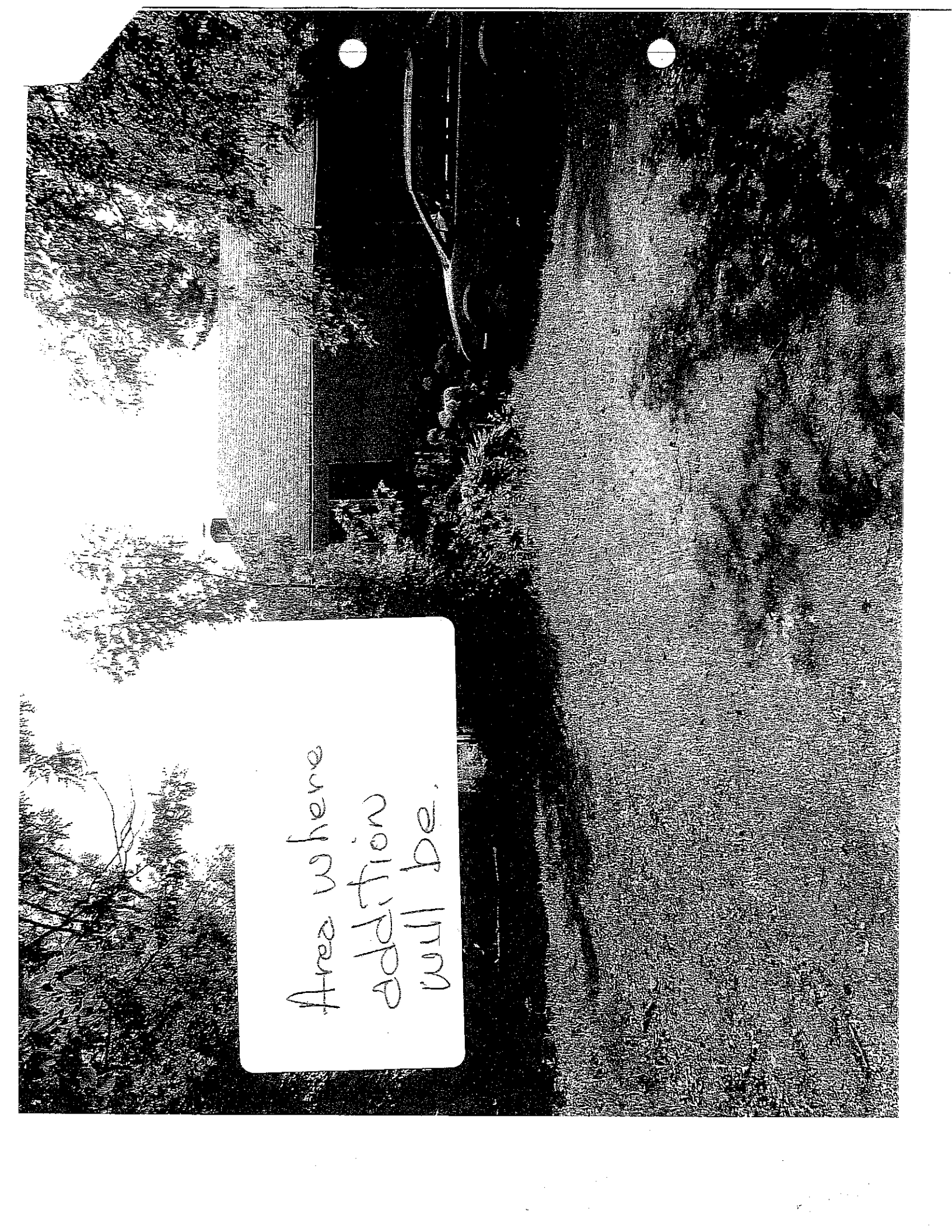




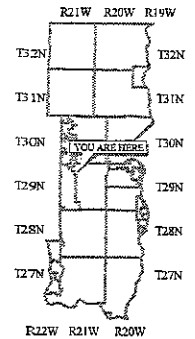
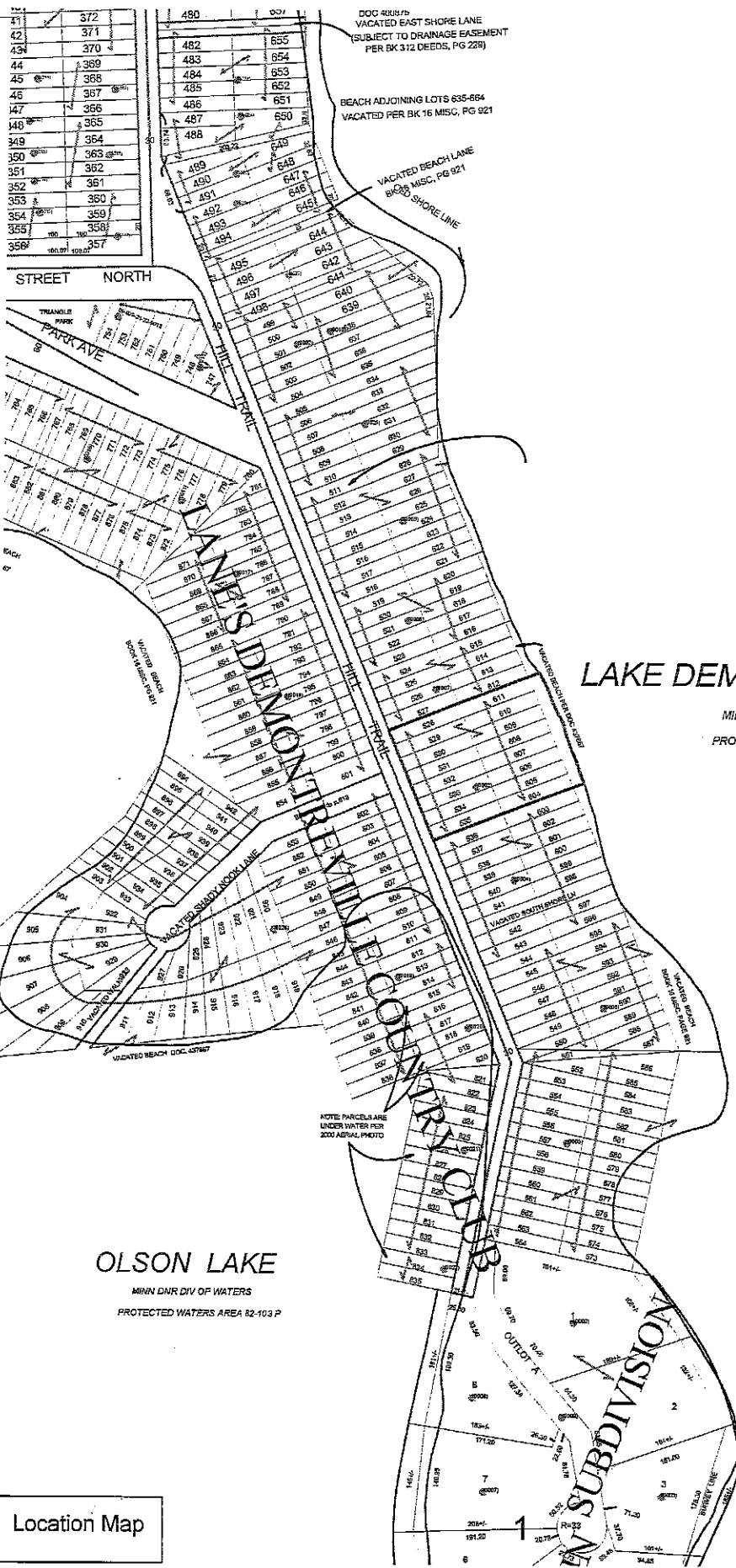
View from Northside
Looking South
Lake Side View

View from
Street

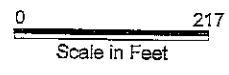
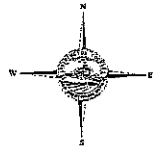




Area where
addition
will be.



Vicinity Map



Location Map

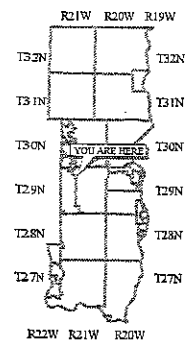
This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office.
Phone: (551) 430-6875

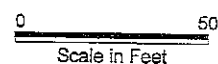
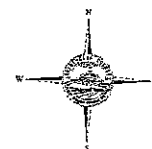
Parcel data based on AS400 Information



Location Map




Vicinity Map



This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office. Phone (501) 430-0575

Parcel data based on AS400 information

<p>Lake Elmo City Council October 18, 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p>No. 9B</p>
<p><u>Agenda Item:</u> Conditional Use Permit Amendment – Oakdale Gun Club</p>		
<p><u>Background Information for October 18, 2005:</u></p> <p>At its meeting October 12, 2005 the Planning Commission conducted a Public Hearing and unanimously adopted a recommendation to approve this application to permit an addition to an existing equipment storage structure located near the center of the west 40 acres of the Gun Club property adjacent to 10th Street. The addition would increase the storage structure area from 290 square feet to 720 square feet. No modifications to Gun Club operations would result from this amendment.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt Resolution #2005 - , approving an amendment to the Conditional Use Permit of the Oakdale Gun Club to permit an addition to an existing storage structure, as recommended by the Planning Commission and per plans staff-dated October 7, 2005.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Resolution #2005 - , Approving CUP Amendment 2. Draft Planning Commission Minutes of October 12, 2005 3. Planning Staff report 4. Applicant's Graphics 	<p><u>Time Allocated:</u></p>	

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

RESOLUTION NO. 2005-111

**A RESOLUTION AMENDING RESOLUTION NO. 88-5
GRANTING A CONDITIONAL USE PERMIT
TO THE OAKDALE GUN CLUB FOR AN OUTDOOR TARGET RANGE
IN THE AGRICULTURAL ZONING DISTRICT**

WHEREAS, by Resolution No. 88-5, the Oakdale Gun Club received approval for a Conditional Use Permit to operate an Outdoor Target Range located at 10386 N. 10th Street,

WHEREAS, by Resolution No. 95-58, the Oakdale Gun Club received approval for an amendment to allow construction of a caretaker residence and storage building,

WHEREAS, the Oakdale Gun Club has applied for an amendment to the existing Conditional Use Permit,

WHEREAS, the applicant has submitted all the required documentation and fees for the application of such expansion of use for the existing Conditional Use Permit; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on October 12, 2005 on the application for an amendment to the Conditional Use Permit to allow construction of a 36 feet by 12 feet expansion to an existing storage building, based on plans staff dated October 6, 2005; and recommended approval of the Conditional Use Permit amendment based on the following findings:

1. The proposed CUP amendment will not result in additional impact on the public health, safety, morals or general welfare of surrounding property. Operations of the gun club will not be altered as a result of the CUP amendment.
2. Traffic impacts of the use will not change as a result of the CUP amendment.
3. Effect on public utilities and school capacity are not applicable.
4. There will be no changes in visual impact of the use because the storage building is located in the center of the site.
5. The amendment has no impact on the Comprehensive Plan.

WHEREAS, at its October 18, 2005 meeting, the Lake Elmo City Council approved the amendment to the Conditional Use Permit allowing construction of a 36

feet by 12 feet expansion of an existing storage building, based on the plans staff dated October 6, 2005; subject to the following condition:

1. That the applicant continues to comply with the conditions of Resolution No. 88-5, approving the Master Conditional Use Permit.

ADOPTED, by the Lake Elmo City Council on the 18th day of October, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

PUBLIC HEARING: AMEND CUP – Oakdale Gun Club – 10386 10th Street

The Planner said the western portion of the site has no gun club activity. Gun activity is confined to the eastern portion of the site. There have been minor amendments since 1988 when the last major amendment to the Conditional Use Permit was heard. The applicant proposes to expand a storage building on the site that will also act as a retaining wall that will buttress a steep slope. The existing building is about 290 square feet and after enlargement, about 790 square feet.

Five required Findings:

1. The proposed CUP amendment will not result in additional impact on the public health, safety, morals or general welfare of surrounding property. Operations of the gun club will not be altered as a result of the CUP amendment. The structure to be expanded is located near the center of a 40 acre parcel which focuses any impacts internally to the site.
2. Traffic impacts of the use will not change as a result of the CUP amendment.
3. Effect on public utilities and school capacity are not applicable.
4. There will be no changes in visual impact of the use.
5. The amendment does not have an impact on the Comprehensive Plan.

Based on the foregoing, Staff recommends approval of the CUP amendment.

David Cox, Applicant

Mr. Cox said some equipment at the range gets used two to three months out of the year and is otherwise stored outside. The berm is eroding adjacent to the existing storage building. The addition to the storage building will clean up the problems on the site.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:26 P.M.

Brian LaPlante, 10644 10th Street Court North

Mr. LaPlante said he is an adjoining neighbor. He asked about the public hearing notice because it said something about the rifle range.

THE CHAIR CLOSED THE PUBLIC HEARING AT 7:28 P.M.

The Planner explained that the reference to the rifle range in the hearing notice is actually part of the legal description for the parcel.

M/S/P, Ptacek/Deziel, to recommend approval of the 36 X 12 expansion of the existing storage building per plans dated 10/6/2005. All conditions of Council Resolution 88-5 remain applicable.

VOTE: 9:0.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: October 7, 2005 for the Meeting of October 12, 2005

Applicant: Oakdale Gun Club

Location: 10386 10th Street North

Requested Action: Conditional Use Permit Amendment

Land Use Plan Guiding: AG (Agriculture)

Existing Zoning: AG (Subject to a Conditional Use Permit)

Site History and Existing Conditions:

The City (and East Oakdale Township) file on this 62 acre site extend back to 1965; and, the use of the site as a gun club likely extends even further back in time. There have been several actions for the City regarding the gun club, including extensive activity in 1981-1982.

The last formal renewal of the "Master" Conditional Use Permit was in 1988 (Resolution #88-5). The City approved an amendment to that CUP in 1998 (Resolution #98-58) to permit construction of a new caretaker residence, a garage related to the residence; and, an accessory storage structure.

The 62 acre site is divided into a 22 acre east portion (where no structures or formal range facilities are located); and, a 40 acre west portion (upon which all structures and formal range facilities are located). The 1998 application for an amended CUP resulted in a lengthy Planning Staff description of a zoning issue related to an earlier mass rezoning of large portions of undeveloped land in Lake Elmo to OP. (including the 22 acre east Gun Club site). While the issue appears to remain pending the general city-wide rezoning actions that will follow the activation of the new Land Use Plan, this application for CUP amendment again relates to a facility on the west 40 acres (properly zoned AG), so we will not address the OP zoning matter further at this time.

The City has no record of violations of the 1998 CUP or formal complaints regarding Gun Club operations; and, the conditions to the approval of the 1998 CUP amendment have been complied with by the applicant.

Discussion and Analysis:

The applicant proposes to amend the CUP to permit enlargement of an existing 290 square foot storage shed to 720 square feet. The shed rear wall also serves as ground slope retainage, which will be extended as well. The shed enlargement will match the existing shed siding materials and roofing. The shed location is near the center of the 40 acre (west site) of the Club, and not visible from public roads or adjoining properties.

A Public Hearing has been properly Noticed, and should be conducted by the Planning Commission.

Findings and Recommendations:

Historically, and to this day, the Oakdale Gun Club appears to have remained a "good neighbor" in Lake Elmo. This proposal to amend the CUP to move storage of Club equipment from outdoors to an enclosure and retain an existing steep slope in the process appears to be a positive step toward the "good neighbor" strategy of the Club. As with any application for a CUP (or Amendment) this application should be addressed as to its compliance with the CUP Findings prescribed by Section 300.06, Subd. 4, Para.A of the City Code. In that regard, Staff suggests the following:

1. The proposed CUP amendment will not result in additional impact on the public health, safety, morals or general welfare of surrounding property. Operations of the gun club will not be altered as a result of the CUP amendment. The structure to be expanded is located near the center of a 40 acre parcel which focuses any impacts internally to the site.
2. Traffic impacts of the use will not change as a result of the CUP amendment.
3. Effect on public utilities and school capacity are not applicable.
4. There will be no changes in visual impact of the use.
5. The amendment does not have an impact on the Comprehensive Plan.

Based on the foregoing, Staff recommends approval of the CUP amendment.

Planning Commission Actions Requested:

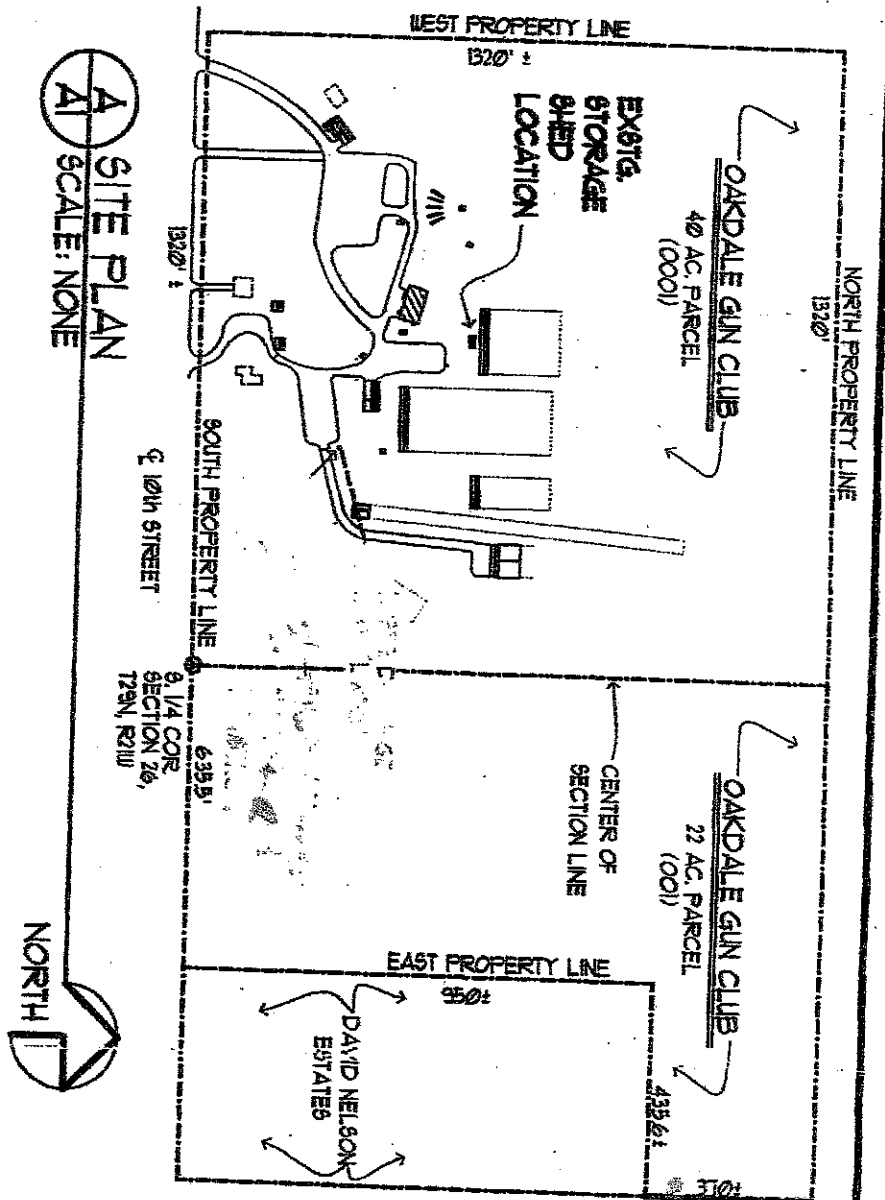
Motion to recommend approval of an amendment to the Conditional Use Permit of the Oakdale Gun Club to permit a 36 foot by 12 foot expansion of the storage building located at the center of the "west 40 acres" per plans staff-dated July 18, 2002. All conditions of City Council Resolution #88-5 remain applicable.



Charles E. Dillerud, City Planner

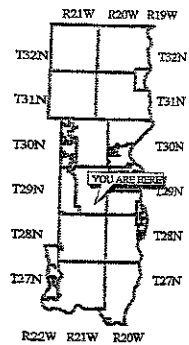
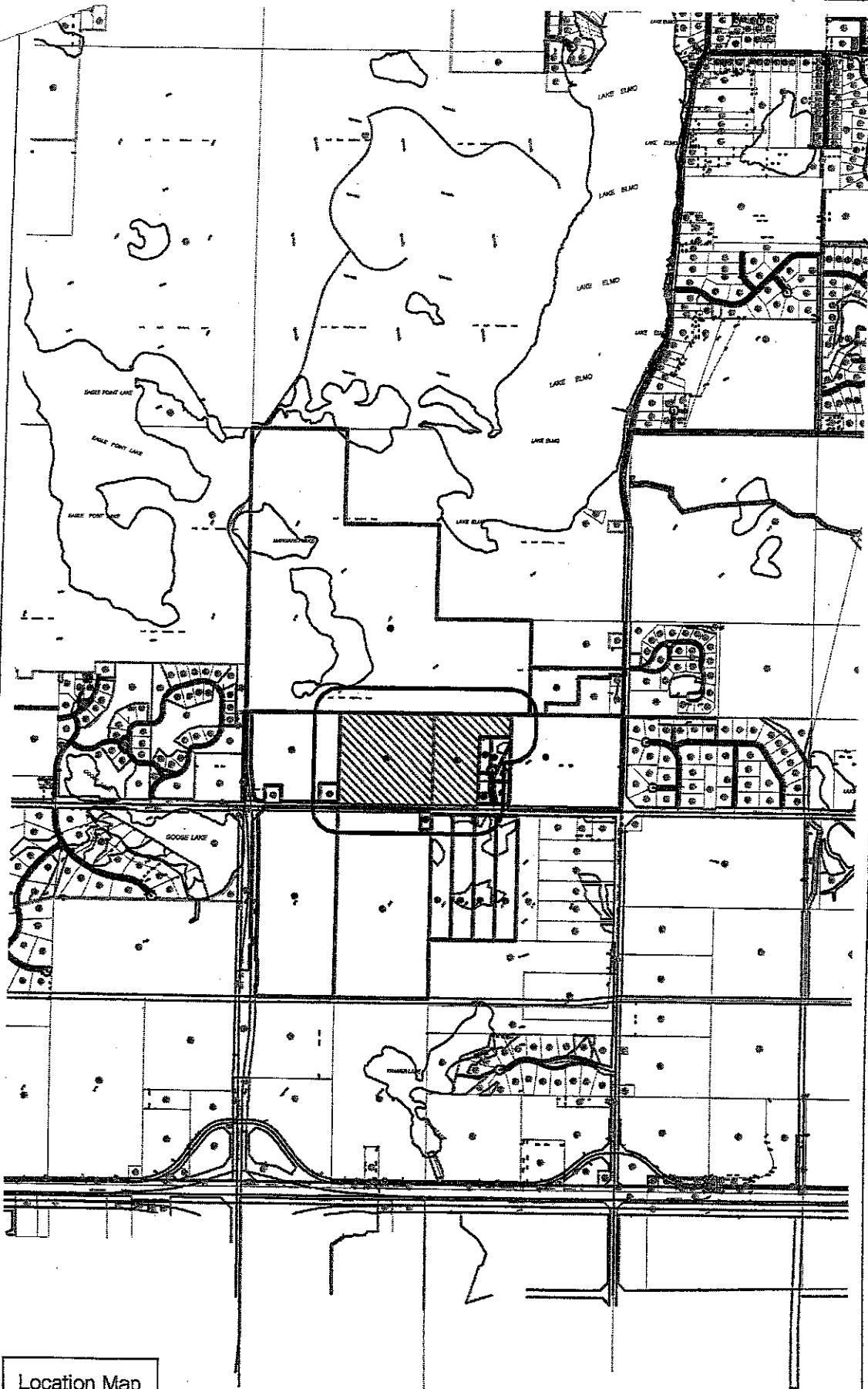
Attachments:

1. Location Map
2. Resolution #88 – 5
3. Applicant's Documentation

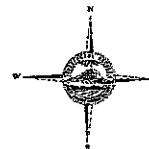


10/6/05
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RECEIVED
 SEP 21 2005



Vicinity Map



0 2066
Scale in Feet

Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office. Phone (551) 430-5875

Parcel data based on A6400 information

RESOLUTION 88-5
CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OAKDALE GUN CLUB FOR OUTDOOR TARGET RANGE IN THE AGRICULTURAL ZONING DISTRICT

WHEREAS, Oakdale Gun Club has applied for a Conditional Use Permit for an Outdoor Target Range on SE1/4 of SW1/4 of Section 26, T29, R21, subject to easement, located at 10386 North 10th Street in the City of Lake Elmo; and has submitted all required information and fees for the application for such permit; and,

WHEREAS, Section 301.070 D.b. of the Municipal Code of Lake Elmo requires a Conditional Use Permit to operate an Outdoor Target Range in the City of Lake Elmo; and,

WHEREAS, Section 1300 of the ZONING ORDINANCE of the Municipal Code of Lake Elmo sets forth the conditions under which said permit may be granted and such use permitted; and

WHEREAS, the applicant meets or exceeds all the conditions set forth above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo,

THAT, the Conditional Use Permit for Outdoor Target Range at 10386 10th Street North, Lake Elmo, Minnesota is hereby granted to Oakdale Gun Club, subject to the following conditions:

1. Fencing
 - a. Additional fencing, if any, along the north border (common border with County Park) to be accomplished per agreement between Club and County Director of Planning.
 - b. Fencing along east and west borders to be accomplished if and when adjacent properties are developed to the extent that fencing is necessary. A determination as to when the adjacent properties are sufficiently developed to require fencing will be made at the time of permit renewal in future years.
2. Weapons on the shotgun range shall be limited to fine shot (#6 shot) on the shotgun range.
3. There will be no expansion at the present location without an abatement to this permit.
4. The names of lead range officers and a schedule of events with the officer in charge shall be provided to the Washington County Sheriff.

This Conditional Use Permit will be reviewed on an annual basis, and may be rescinded, after a 2 week notice and a public hearing, if the City Council finds that the public health, safety, or welfare is jeopardized.

ADOPTED, this 5th day of January 1988, by the City Council of the City of Lake Elmo, Washington County, Minnesota.

Signed Arlyn Christ
Arlyn Christ, Mayor

Attest: Mary Kueffner
Mary Kueffner, Acting City Administrator

~~EXISTING REPORT~~

20X8" COAC RTG WITH 2 1/2" BORDO
BORDO FRONT LINE
RCOAC BLK REINFORCE NIN 6' OC
16" SQUARE BOLT 6' OC
2 1/2" REINFORC NIN 6' OC

22872 1/2 52.2000

100-764345

12:00 PM 12:00 PM

25-0

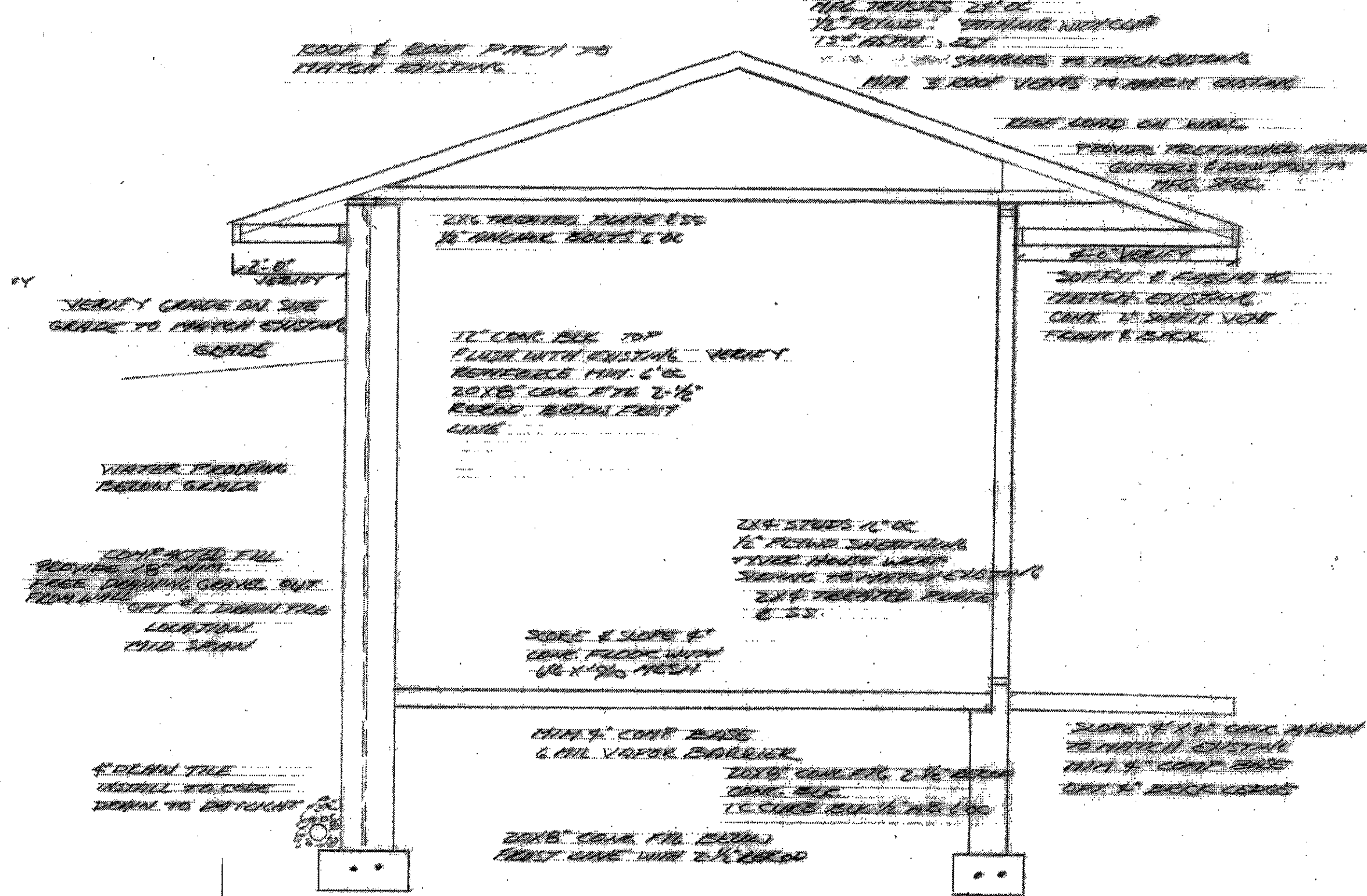
ENDING 4" WIDE CORK ARROW

2-47 10-8 14-0 9-0

~~36-0~~
~~4-0 WIFE NOT WORKING AGAIN~~

600

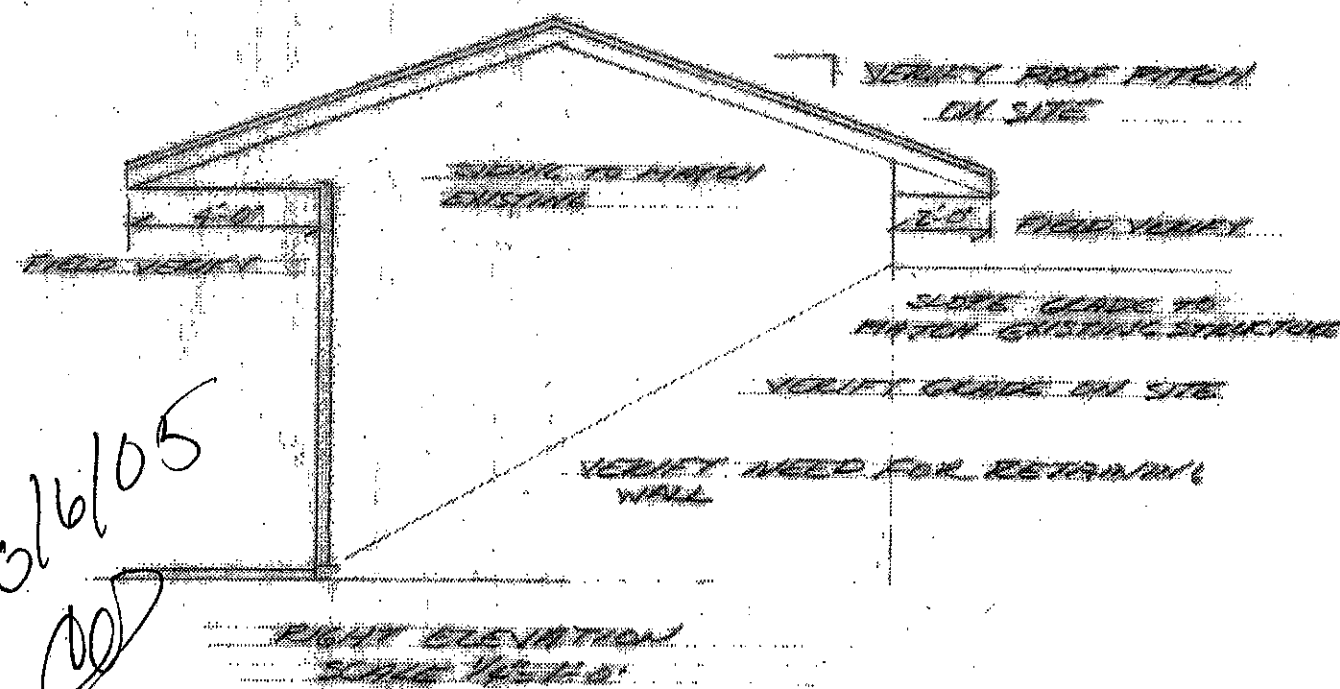
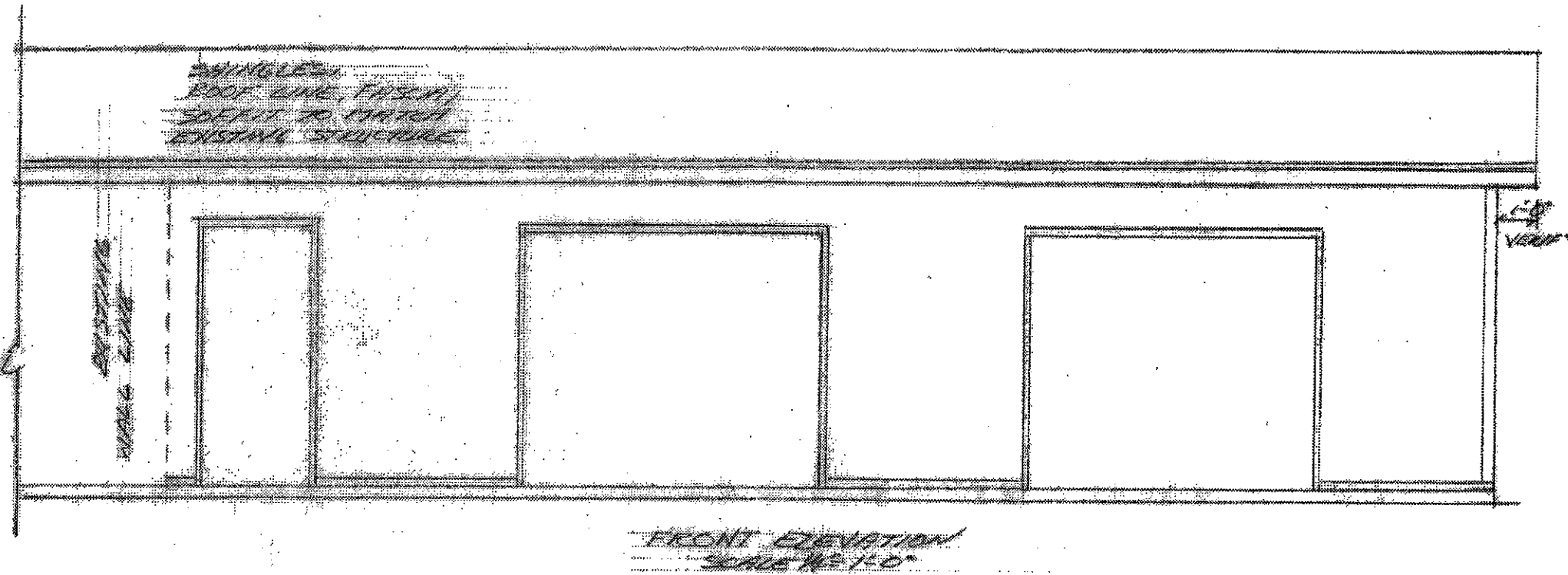
2016/05



10/6/05
 [Signature]


WALL SECTION
 SCALE 1/2"=1'-0"

RECEIVED
 SEP 21 2005



VERIFY DIMENSIONS ON SITE
ALL MATERIALS & SUPPLIES TO
BE INSTALLED TO MEET SPEC &
LOCAL CODES

10/6/05
001

Lake Elmo City Council October 18, 2005	Agenda Section: Planning, Land Use and Zoning	No. 9C
Agenda Item: Final Plat and Development Agreement – “Farms of Lake Elmo”		
<p><u>Background Information for October 18, 2005:</u></p> <p>The OP Preliminary Plat and Development Agreement for this 33 lot neighborhood was approved by the City Council at the July 5, 2005 meeting. Subsequent to that action, and upon the approval of the City Engineer of final infrastructure construction and grading plans (and issuance of the Grading Permit by the City and Valley Branch), the developer has proceeded with grading and pipe installation (at the developer's sole risk) – a common practice with prior developments. The City has prepared a Development Agreement and the developer has now submitted the Final (Record) Plat for City Council approval. No Planning Commission review of a Final Plat is required since the actual plat design has been approved at the Prelim. Plat Stage.</p> <p>The City review at Final Plat stage is to ensure compliance with the approved preliminary plat (and any conditions attached), City Engineer and review of all construction plans/specs and the Development Agreement. The City Engineer's plans certification is attached along with the plat record drawing and the proposed Development Agreement.</p> <p>Note that only a single house building permit can be issued pending the <u>recording</u> of the Final Plat at Washington County by the developer – subject to removal of the existing farm house from the foundation (which has been accomplished).</p>		
<p><u>Action items:</u></p> <p style="text-align: center;">113</p> <p>Motion to adopt Resolution #2005 - , approving the Final Plat/OP Final Plan and Development Agreement for “Farms of Lake Elmo”.</p>	<p><u>Person responsible:</u></p> <p style="text-align: center;">  City Planner </p>	
<p><u>Attachments:</u></p> <p style="text-align: center;">113</p> <ol style="list-style-type: none"> 1. Resolution #2005 – Approving Final Plat and DA 2. City Engineers Memo on plans 3. Record (Final) Plat Graphic 4. Proposed Development Agreement 5. Resolution Approving Preliminary Plat 	<p><u>Time Allocated:</u></p>	

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

RESOLUTION NO. 2005-112

**A RESOLUTION APPROVING THE FINAL PLAT
AND DEVELOPMENT AGREEMENT OF FARMS OF LAKE ELMO**

WHEREAS, M & K Development, LLC, ("Applicant") submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Final Plat and Development Agreement to be known as FARMS OF LAKE ELMO. The parcel is located southerly of Highway 5 and 31st Street North and northwesterly of Lake Elmo Park Reserve and is legally described as follows.

Parcel Legal Description

That part of the North Half of the Northwest Quarter of Section 22, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota described as follows:

Beginning at the northeast corner of said North Half of the Northwest Quarter; thence westerly along the north line thereof to the east line of the west 690.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 215.00 feet of said North Half of the Northwest Quarter; thence westerly along said south line to the east line of the west 440.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 675.00 feet of said North Half of the Northwest Quarter; thence westerly along said south line to the east line of the west 240.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 875.00 feet of said North Half of the Northwest Quarter; thence easterly along said south line to the east line of the west 440.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of said North Half of the Northwest Quarter; thence easterly along said south line to the southwest corner of said North Half of the Northwest Quarter; thence northerly along the east line thereof to the point of beginning.

Excepting therefrom the parcel described as follows:

Commencing at said northeast corner of the North Half of the Northwest Quarter; thence westerly along the north line thereof a distance of 700.00 feet to the point of beginning of the parcel to be excepted; thence south on a line parallel with the east line of said North Half of the Northwest Quarter a distance of 208.70 feet; thence westerly, parallel with the north line of said North Half of the Northwest Quarter, a distance of 208.70 feet; thence northerly, parallel with the east line of said North Half of the Northwest Quarter, a distance of 208.70 feet to the north line of said North Half of the Northwest Quarter; thence easterly along said north line to the point of beginning.

This property is subject to various easements and restrictions of record.

ALSO

That part of the Southwest Quarter of Section 15, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:

Beginning at a point on the south line of said Southwest Quarter distant 690.00 feet easterly of the southwest corner of said Southwest Quarter; thence northerly along a line parallel with the west

line of said Southwest Quarter to a point 185.00 feet southerly of the center line of the old so-called Stillwater and St. Paul Road as measured along said parallel line extended to said center line; thence easterly along a line parallel with the south line of said Southwest Quarter a distance of 185.00 feet; thence northerly along a line parallel with the west line of said Southwest Quarter to said center line of the old so-called Stillwater and St. Paul Road; thence easterly along said center line to the west line of the east 925.20 feet of said Southwest Quarter; thence southerly along said west line a distance of 555.60 feet; thence easterly a distance of 225.20 feet to the west line of the east 700.00 feet of said Southwest Quarter; thence southerly along said west line to the south line of said Southwest Quarter; thence westerly along said south line to the point of beginning.

Excepting therefrom the following two parcels:

The parcel of land described in the Warranty Deed recorded in Book 212 of Deeds, on Page 184 in the Office of the County Recorder, Washington County, Minnesota.

The parcel of land described in the Warranty Deed recorded in Book 225 of Deeds, on Page 243 in the Office of the County Recorder, Washington County, Minnesota.

This property is subject to various easements and restrictions of record.

WHEREAS, at its July 5, 2005 meeting, the City Council reviewed and unanimously recommended approval of the Preliminary Plat of FARMS OF LAKE ELMO for the division of that parcel into 33 residential lots.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby:

Approves the Open Space Final Plat and Development Agreement for FARMS OF LAKE ELMO as illustrated on an M& K Development, LLC plat prepared by Folz, Freeman, Erickson, Inc., staff dated October 14, 2005.

ADOPTED, by the Lake Elmo City Council on the 18th day of October, 2005.

Dean Johnston, Mayor

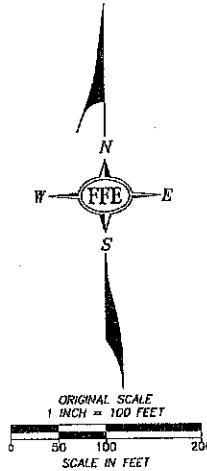
ATTEST:

Martin Rafferty, City Administrator

FARMS OF LAKE ELMO

PART OF THE SOUTHWEST QUARTER SECTION 15 AND PART OF
THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 22,
ALL IN TOWNSHIP 29 NORTH, RANGE 21 WEST, CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
FEE 5620 MEMORIAL AVENUE NORTH
STILLWATER, MINNESOTA 55082
Phone (651) 439-8833 Fax (651) 430-9331

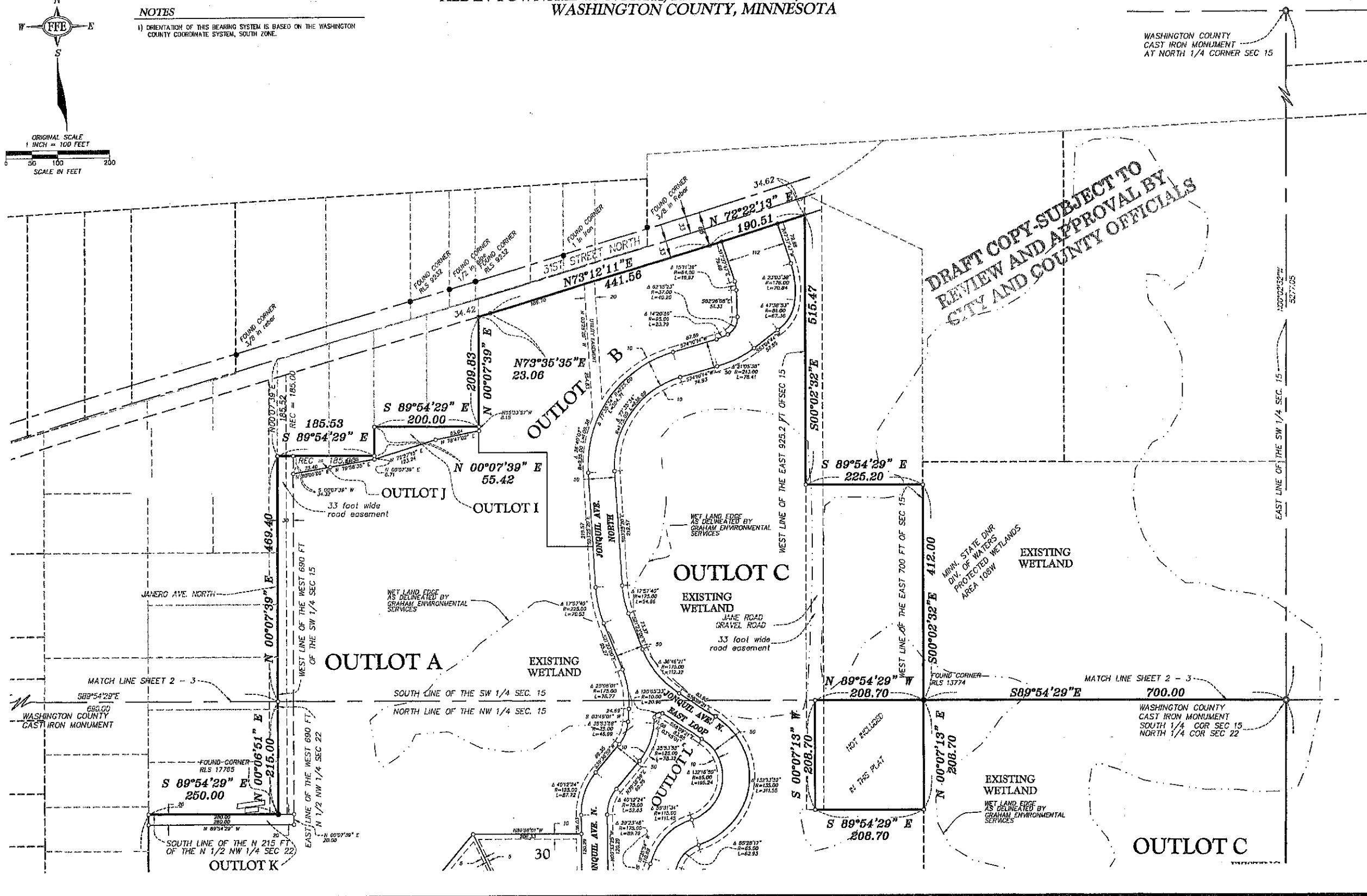


LEGEND

- DENOTES 1/2 INCH PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16889", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED

NOTES

- 1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, SOUTH ZONE.



WASHINGTON COUNTY
CAST IRON MONUMENT
AT NORTH 1/4 CORNER SEC 15

DRAFT COPY SUBJECT TO
REVIEW AND APPROVAL BY
CITY AND COUNTY OFFICIALS

RECEIVED
OCT 14 2005

FARMS OF LAKE ELMO

Folz, Freeman, Erickson, Inc.

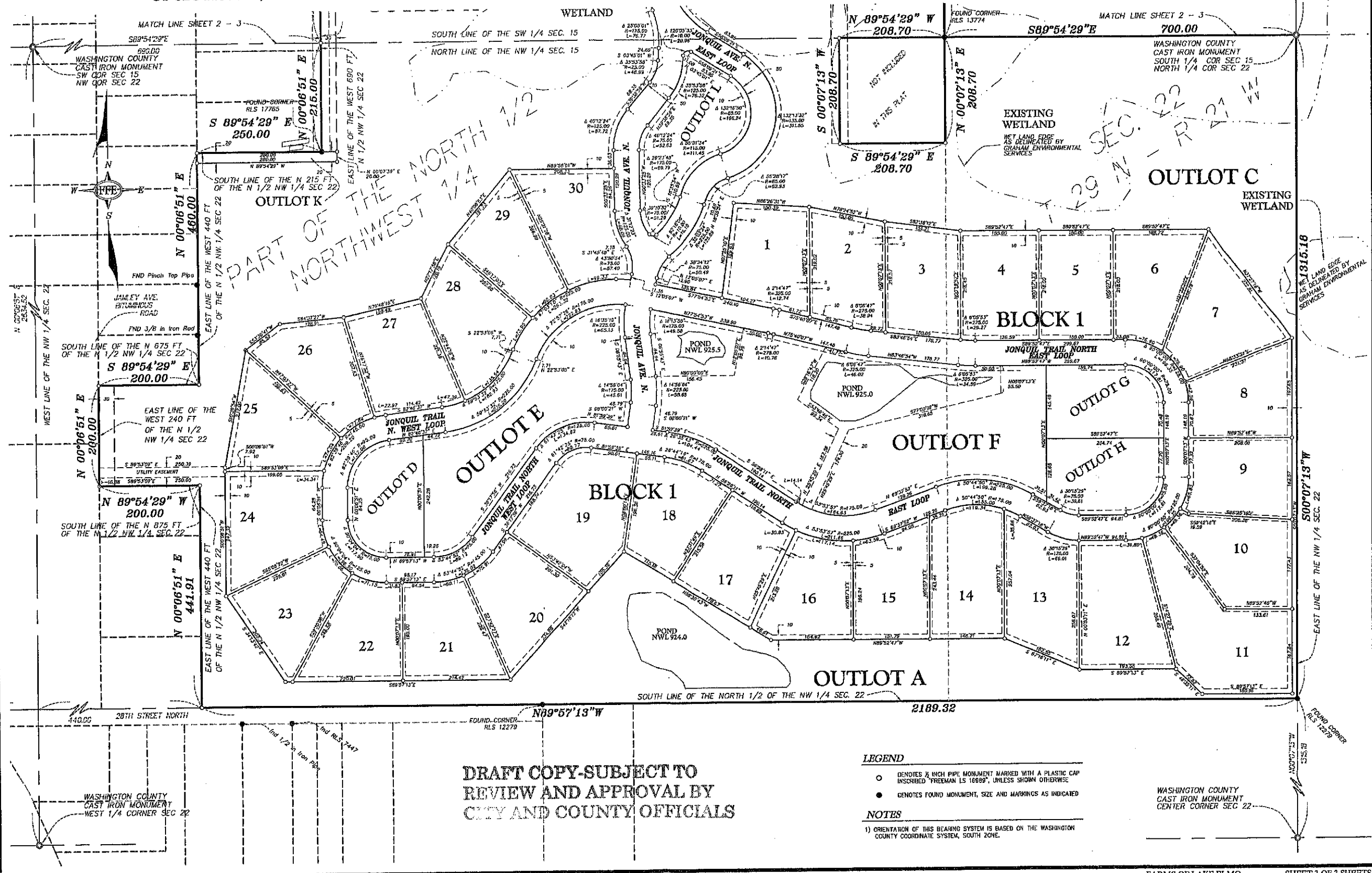
LAND PLANNING • SURVEYING • ENGINEERING



5620 MEMORIAL AVENUE NORTH
STILLWATER, MINNESOTA 55082
Phone (651) 439-8833 Fax (651) 430-9331

ORIGINAL SCALE
1 INCH = 100 FEET
SCALE IN FEET

PART OF THE SOUTHWEST QUARTER SECTION 15 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 29 NORTH, RANGE 21 WEST, CITY OF LAKE ELMO WASHINGTON COUNTY, MINNESOTA



RECEIVED
OCT 14 2005

DEVELOPMENT AGREEMENT

CITY OF LAKE ELMO

Farms of Lake Elmo

- 1.00 Parties. This Agreement is dated the day of 2005, and is entered into by and between City of Lake Elmo, a Minnesota municipal corporation (herein "City"); and M & K Development, a Minnesota limited liability company (herein "Developer").
- 2.00 Property Description. The Developer represents that it is the record fee owner of property described on **Exhibit A**, attached and incorporated herein, which will be platted as Farms of Lake Elmo.
- 3.00 Final Plat Approval. On the day of , 2005, the City Council approved the final plat of , which is attached and incorporated as **Exhibit B**. The City's approval was conditioned upon the Developer entering into this Development Contract.
- 4.00 Terms and Conditions. NOW, THEREFORE, in reliance upon the representations contained herein; in compliance with the City's Zoning and Subdivision Regulations; and in consideration of the mutual undertakings herein expressed, the parties agree as follows:
 - 4.01 Developer Improvements. The Developer shall construct the following improvements in compliance with plans and specifications which have been reviewed and approved by the City's Consulting Engineer, which are attached and incorporated herein as **Exhibit C** :
 - A. Site Grading and Turf Restoration. Site grading improvements shall include common excavation, subgrade correction, embankment and pond excavation. Turf restoration shall include seeding, mulching and erosion control.
 1. Site Grading Improvements shall be completed on or before the 30th day of November, 2005.
 2. Turf restoration improvements shall be completed on or before the 30th day of June, 2006 .

- B. Landscaping. Developer shall complete all landscaping improvements on or before the 30th day of 30th September, 2006 .
- C. Storm Sewer. Storm sewer improvements include all necessary storm sewers, catch basins, culverts, and other apparatus. Storm sewer improvements shall be completed by the 30th day of November, 2005.
- D. Street Improvements. Street improvements include subgrade preparation, gravel base, bituminous surfacing, bituminous curb and concrete curbs, where required.
1. Unusable material within the roadway shall be removed by the Developer.
 2. All subgrade excavation and filling shall be completed by the Developer in accordance with MNDOT's specifications. The City reserves the right to test as necessary, at the Developer's expense, all grading work. A test roll of the street subgrade shall be passed prior to acceptance of the subgrade by the City.
 3. Subgrade and the initial course of street improvements shall be completed by the 30th day of November, 2005. The final wear course of the street shall be completed by the 31st day of August, 2006. -
- E. Waste Water Treatment System/Drain Field. The waste water treatment system/drain field shall be comprised of a series of pipes, septic tanks, treatment ponds, drain fields and appurtenances, and shall be completed prior to the issuance of any certificates of occupancy.
- F. Street Signs. The City will order and install street signs. The Developer shall pay for all costs incurred by the City.
- G. Water Main. Water main improvements include pipes, hydrants and appurtenances and shall be completed on or before the 30th day of November, 2005. The developer shall pay the City \$9,200 as lateral water main benefit along 31st Street North.

- 4.02 Estimated Cost of Developer Secured Improvements. The estimated costs of Developer constructed improvements are as follows:

<u>Improvement</u>	<u>Estimated Cost</u>
Site Grading/Turf Restoration	\$ 0
Landscaping	\$ 80,000
Storm Sewer	\$ 155,000
Street Improvements	\$ 250,000
Sanitary Sewer Laterals	\$ 155,000
Waste Water Treatment System/Drain Fields	\$ 380,000
Street Signs	\$ 1,000
Trails (Private/Public)	90,000
Water Mains	<u>\$ 183,000</u>
Subtotal	\$1,294,000

Total Security Required (125% of
Improvements)
\$1,617,500

- 4.03 Improvement Security. Prior to the City's endorsement of approval on the final plat, the Developer shall deposit security with the City Administrator in an amount equal to 125% of the City Engineer's estimate of the cost of constructing the Developer secured improvements which have not been completed and accepted by the City prior to final plat approval. The security may be in the form of a cash escrow fund, a performance bond, or a letter of credit. The form of security shall be approved by the City Attorney.
- 4.04 Reduction of Security. Upon completion of required improvements for the Property and acceptance by the City, the City Council shall reduce the amount of security for the completed improvements provided that in no case shall the total remaining security be equal to less than 125% of the estimated costs of the incomplete improvements.
- 4.05 Administrative Fees. Developer agrees to pay an administrative fee to the City in an amount equal to 2.5% of the Developer's secured improvements. The administrative fee for this project equals \$32,350.
- 4.06 Utility Company Improvements. The utility improvements include underground gas, electric, and telephone service as installed by the appropriate utility company at the direction of the Developer. The Developer shall arrange for the installation of underground gas, electric,

telephone and cable television before the final lift is started. Utility improvements shall be completed by the 31st day of December, 2005.

4.07 Recording Requirements. Prior to the conveyance of any of the lots in Farms of Lake Elmo, and except as hereinafter provided, prior to the issuance of any development permits, the Developer shall provide the City with evidence that the following documents have been recorded.

- A. Plat.
- B. A Declaration of Covenants in a form approved by the City's Attorney. The Declaration of Covenants shall include the following provisions:
 - 1. Require the Homeowner Association to be responsible for the Owner's obligations as contained in the appropriate Conservation or Open Space Easements.
 - 2. Require the Homeowner Association to maintain and operate the waste water treatment system/drain field.
 - 3. Provide that, in the event of a failure by the Homeowner Association to satisfy the obligations defined in Section 4.07B and its subdivisions of this Development Agreement, as determined by the City's Consulting Engineer, the City may undertake such obligations and assess all costs incurred to the Homeowner Association; and in such event, the Developer for itself and for the Homeowner Association hereby waives the requirements otherwise imposed by MS 429.
 - 4. Provide that any provisions in the Covenants relating to the obligations defined in Section 4.07B and its subdivisions of this Development Agreement may not be repealed or amended without consent of the City.
- C. Homeowner Association Articles of Incorporation.
- E. A Conservation Easement from the land owner to the City, attached and incorporated as herein ***Exhibit D***
- F. The public railway easement attached and incorporated herein as ***Exhibit E*** .

G. Valley Branch Watershed District Permit.

4.08 Public Use Dedication. The Developer's public use dedication requirement for Farms of Lake Elmo shall consist of the following:

- A. a payment in the amount of \$102,454;
- B. the dedication or conveyance of the public trail easement; and
- C. the construction of approximately 4132 lineal feet of public trailway per plans approved by the City Engineer at a cost to the Developer of \$40,906.

4.09 Inspection. The City, through its City Engineer, shall provide for competent inspection during construction of publicly dedicated infrastructure and private waste water treatment systems/drain fields. The Developer shall pay the City the amount of \$33,000 to compensate the City for construction inspection services. The City Engineer shall provide continuous inspections at the site to ensure that the Developer and its contractors are in compliance with the terms of this Agreement, and with the infrastructure design standards of the City. The City Engineer shall be provided a minimum of 24 hours notice prior to the commencement of underground pipe laying; and prior to subgrade, gravel base, and bituminous surface construction. Developer's failure to comply with the terms of this section shall permit the City Engineer to issue a stop work order which may result in rejection of the work and which shall obligate the Developer to take all reasonable steps, as directed by the City's Engineer, to insure that the improvements are constructed and inspected pursuant to the terms of this Agreement; and shall further result in the assessment of a penalty in an amount equal to 1%, per occurrence, of the amount of security required in Section 4.03 of this Agreement.

4.10 Prior Land Occupancy. No Certificate of Occupancy shall be issued for any homes until the first course of a public street is completed and approved by the City Engineer, and the developer has provided the City a certified "as built" of the mass grading of the site which complies with the approved grading plan. If homes are occupied prior to completion of street improvements and acceptance by the City, Developer shall provide all maintenance necessary for such streets including snowplowing, until final acceptance by the City.

4.11 Binding Effect. The terms and provisions of this agreement shall be binding upon and inure to the benefit of the heirs, representatives, successors and assigns of the parties hereto and shall be binding upon all future owners of all or any part of the Property. This Agreement, at the

option of the City, shall be placed of record so as to give notice thereto to any subsequent purchasers and encumbrancers of all or any part of the Property and all recording fees, if any, shall be paid by the Developer.

- 4.12 Notices. Whenever in this Agreement notice is required to be given by one party to the other, such notice shall be delivered personally or shall be sent by certified mail, return receipt requested to the following addressees. Such notice shall be deemed timely given when delivered personally or when deposited in the mail in accordance with this section.

If to the City:

Mr. Martin Rafferty
City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

If to the Developer:

M & K Development, LLC
14791 60th Street North
Stillwater, MN 55082

- 4.13 Incorporation by Reference. All plans, special provisions, proposals, specifications and contracts for the improvements furnished and let pursuant to this Agreement shall be and hereby are made a part of this Agreement by reference as if fully set out herein.
- 4.14 Default. The occurrence of any of the following shall be considered an "event of default" in the terms and conditions contained in this Agreement:
- A. Failure of the Developer to comply with any of the terms and conditions contained in this Agreement.
 - B. The failure of the Developer to comply with any applicable ordinance or statute with respect to the development of the Property.
- 4.15 Remedies. Upon the occurrence of any event of default, the City, in addition to any other remedy which may be available to it, shall be permitted to do any of the following:

- A. City may make advances or take other steps to cure the default, and, where necessary, enter the Property for that purpose. The Developer shall pay all sums so advanced or expenses incurred by the City, upon demand, with interest from the dates of such advances or expenses at the rate of 10% per annum. No action taken by the City pursuant to this section shall be deemed to relieve the Developer from curing any such default to the extent that it is not cured by the City or from any other default hereunder. The City shall not be obligated, by virtue of the existence or exercise of this right, to perform any such act or cure any such default. The Developer shall save, indemnify, and hold harmless, including reasonable attorney fees, the City from any liability or other damages which may be incurred as a result of the exercise of the City's rights pursuant to this section.
- B. Obtain an Order from a Court of competent jurisdiction requiring the Developer to specifically perform its obligations pursuant to the terms and provisions of this Agreement.
- C. Exercise any other remedies which may be available to it including an action for damages.
- D. Withhold the issuance of any or all building permits and/or prohibit the occupancy of all building(s) for which permits have been issued.
- E. In addition to the remedies and amounts payable as set forth herein, upon the occurrence of an event of default, the Developer shall pay to the City all fees and expenses, including reasonable attorney, engineering and consulting fees, incurred by the City as a result of the event of default, whether or not a lawsuit or other action is formally taken.

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed as of the date and year first above written.

CITY OF LAKE ELMO,
a Minnesota statutory city

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2004, before me, a notary public within and for said county, personally appeared Dean Johnston and Martin Rafferty, to me known to be respectively the Mayor and City Administrator of the City of Lake Elmo, and they executed the foregoing instrument and acknowledged that they executed the same by authority of and on behalf of City of Lake Elmo.

Notary Public

[SIGNATURES CONTINUED ON FOLLOWING PAGE
REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2005, before me, a notary public within and for said county, personally appeared _____, to me known to be the of _____, a Minnesota limited liability company, and he executed the foregoing instrument and acknowledged that he executed the same by authority of and on behalf of the company.

Notary Public

[SIGNATURES PAGE TO DEVELOPMENT AGREEMENT]

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

RESOLUTION NO. 2005-071

**A RESOLUTION APPROVING THE OP DEVELOPMENT STAGE PLAN,
CONDITIONAL USE PERMIT, AND PRELIMINARY PLAT OF
FARMS OF LAKE ELMO**

WHEREAS, at its April 5, 2005 meeting, the City Council approved the Concept Plan for FARMS OF LAKE ELMO,

WHEREAS, M & K Development, LLC, made application for an OP Development Stage Plan, Conditional Use Permit, and Preliminary Plat, FARMS OF LAKE ELMO, to create 30 residential building lots and twelve outlots on a parcel of 83.8 acres legally described as follows:

LEGAL DESCRIPTION: EARL FRIEDRICH FARM – FARMS OF LAKE ELMO

That part of the North Half of the Northwest Quarter of Section 22, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota described as follows:

Beginning at the northeast corner of said North Half of the Northwest Quarter; thence westerly along the north line thereof to the east line of the west 690.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 215.00 feet of said North Half of the Northwest Quarter; thence westerly along said south line to the east line of the west 440.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 675.00 feet of said North Half of the Northwest Quarter; thence westerly along said south line to the east line of the west 240.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of the north 875.00 feet of said North Half of the Northwest Quarter; thence easterly along said south line to the east line of the west 440.00 feet of said North Half of the Northwest Quarter; thence southerly along said east line to the south line of said North Half of the Northwest Quarter; thence easterly along said south line to the southwest corner of said North Half of the Northwest Quarter; thence northerly along the east line thereof to the point of beginning.

Excepting therefrom the parcel described as follows:

Commencing at said northeast corner of the North Half of the Northwest Quarter; thence westerly along the north line thereof a distance of 700.00 feet to the point of beginning of the parcel to be excepted; thence south on a line parallel with the east line of said North Half of the Northwest Quarter a distance of 208.70 feet; thence westerly, parallel with the north line of said North Half of the Northwest Quarter, a distance of 208.70 feet; thence northerly, parallel with the east line of said North Half of the Northwest Quarter, a distance of 208.70 feet to the north line of said North Half of the Northwest Quarter; thence easterly along said north line to the point of beginning.

This property is subject to various easements and restrictions of record.

ALSO

That part of the Southwest Quarter of Section 15, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:

Beginning at a point on the south line of said Southwest Quarter distant 690.00 feet easterly of the southwest corner of said Southwest Quarter; thence northerly along a line parallel with the west line of said Southwest Quarter to a point 185.00 feet southerly of the center line of the old so-called Stillwater and St. Paul Road as measured along said parallel line extended to said center line; thence easterly along a line parallel with the south line of said Southwest Quarter a distance of 185.00 feet; thence northerly along a line parallel with the west line of said Southwest Quarter to said center line of the old so-called Stillwater and St. Paul Road; thence easterly along said center line to the west line of the east 925.20 feet of said Southwest Quarter; thence southerly along said west line a distance of 555.60 feet; thence easterly a distance of 225.20 feet to the west line of the east 700.00 feet of said Southwest Quarter; thence southerly along said west line to the south line of said Southwest Quarter; thence westerly along said south line to the point of beginning.

Excepting therefrom the following two parcels:

The parcel of land described in the Warranty Deed recorded in Book 212 of Deeds, on Page 184 in the Office of the County Recorder, Washington County, Minnesota.

The parcel of land described in the Warranty Deed recorded in Book 225 of Deeds, on Page 243 in the Office of the County Recorder, Washington County, Minnesota.

This property is subject to various easements and restrictions of record.

WHEREAS, at its June 27, 2005 meeting, the Planning Commission reviewed and unanimously recommended approval of this Development Stage Plan/CUP/Preliminary Plat with conditions.

WHEREAS, the OP Development Stage Plan, the Conditional Use Permit and Preliminary Plat of FARMS OF LAKE ELMO was presented to the City Council at its July 5, 2005 City Council Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve and accept the OP Development Stage Plan, Conditional Use Permit, and Preliminary Plat of FARMS OF LAKE ELMO, per plans that staff dated June 30, 2005, and July 1, 2005, as the same on file with the City Administrator, based on the following Conditions:

1. Approval of all plans and specifications by the City Engineer (June 14, 2005 Memo).
2. Compliance with the recommendations of the Valley Branch Watershed District, as found applicable and practical by the City Engineer.

3. Public Use/Park Dedication shall be \$143,360, with credit to that amount for Public Trail construction east to west through Outlot B and Outlot A to Jamley Avenue.
4. Realignment of the Public Trail within Outlot B to intersect the east property line at a point as close as possible to the wetland at the northeast corner of the site.
5. Final Landscape Plan shall reflect additional tree planting along the west and south site border where abutting platted lands.
6. Recalculation and reconfiguration of lots/outlots for compliance of 33 lot plat with OP Preserved Open Space standards.
7. Follow staff recommendations for asphalt curbs according to plan.

ADOPTED, by the Lake Elmo City Council on the 5th day of July, 2005.

Dean Johnston, Mayor

ATTEST:

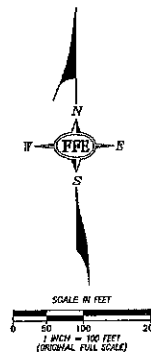
Martin J. Rafferty, City Administrator

Farms of Lake Elmo

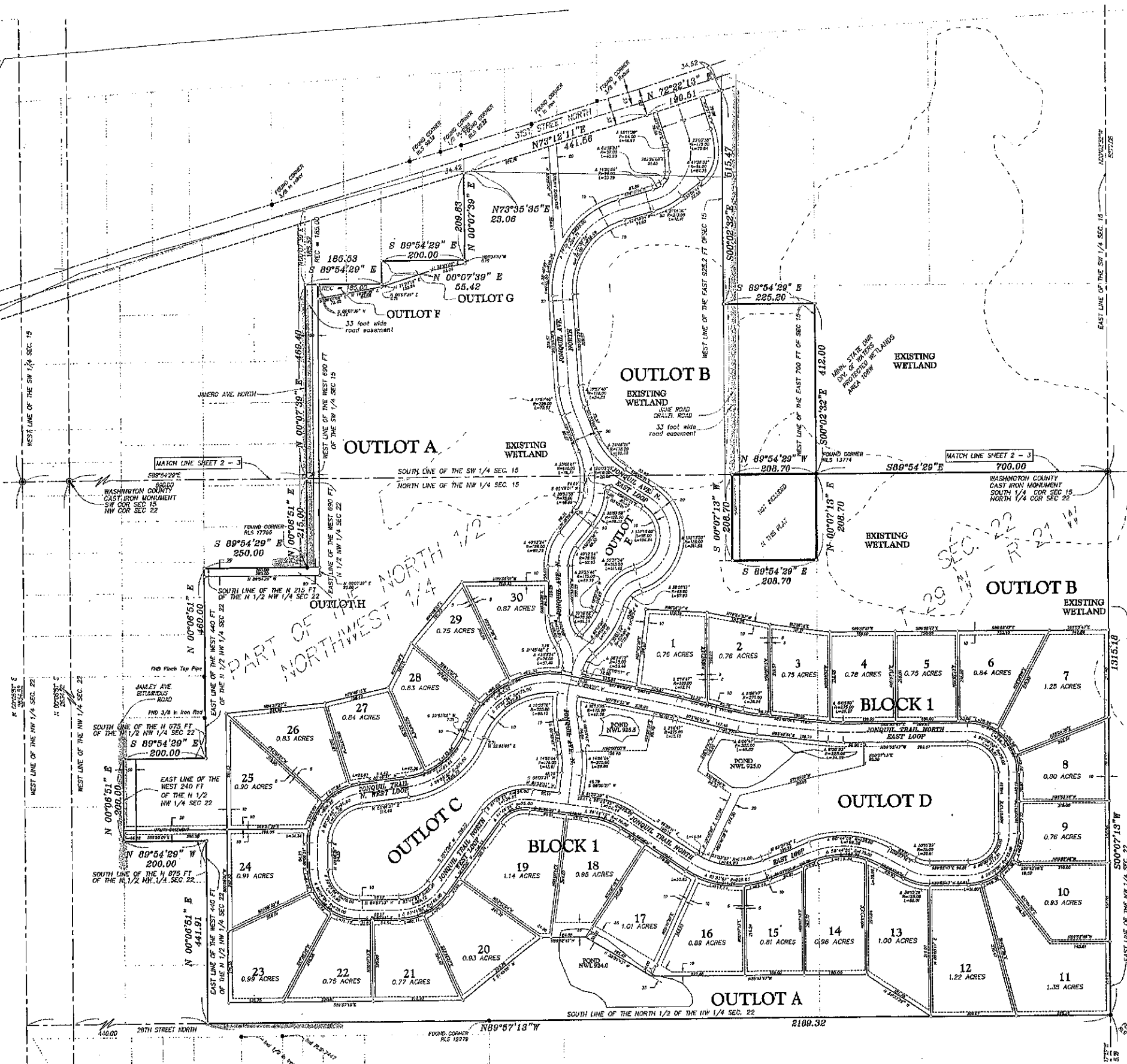
FARMS OF LAKE ELMO

PRELIMINARY PLAT

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
F F E 5620 MEMORIAL AVENUE NORTH
STILLWATER, MINNESOTA 55082
Phone (612) 439-8833 Fax (612) 430-9331



PART OF THE SOUTHWEST QUARTER SECTION 15 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 29 NORTH, RANGE 21 WEST, CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA



<p>● Lake Elmo City Council October 18 , 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9D</p>
<p><u>Agenda Item:</u> Highway 5 By-Pass Study</p>		
<p><u>Background Information for October 18, 2005:</u></p> <p>Staff was recently contacted by the Deputy County Engineer to report that the County had been in touch with MnDOT and were advised that the MnDOT portion of the estimated study costs will not be available during 2006, nor in the foreseeable future. The County is requesting concurrence from the City for the County to re-appropriate the County's study cost share to County project purposes. The on-going Village Area Planning exercise by the City is still several weeks from conclusion and, at this point of the work it does not appear that the Highway by-pass concept is consistent with the consultant's direction on the Plan.</p> <p>It is recommended by City staff that the Administrator be authorized to advise the County that the City does not object to re-appropriation of the County's share of the by-pass study estimated costs in 2006, but such re-appropriation be without prejudice to again addressing such a study at some later date. Also, the Council's direction regarding the City's portion of the study estimated costs is respectfully requested. The Council Public Works Committee recommends approval.</p>		
<p><u>Action items:</u></p> <p>Motion(s) to approve the Washington County request to re-appropriate Highway 5 by-pass study funds, and directing disposition of the City funds formerly allocated for its share of the study costs.</p>	<p><u>Person responsible:</u></p> <p>City Planner</p>	
<p><u>Attachments:</u></p> <p>1. Council Minutes Approving Study Expenditure</p>	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
Public Works
COUNCIL COMMITTEE MINUTES
Tuesday April 12, 2005
Began 6:10 P.M. – Ended 6:50 p.m.
Lake Elmo City Hall

Attendees: Committee members - Chair DeLapp, Councilmember Rita Conlin, Mayor Dean Johnston and Administrator Rafferty. Also attending Councilmember Liz Johnson, Councilmember Anne Smith, Planning Chair Bob Helwig, Finance Director Bouthilet, PW Superintendent Mike Bouthilet, Planner Dillerud and Bud Talcott – MAC Chair.

1. **Reroute HWY 5:** Per the request of the city council the engineer reported on the scope of services and progress to study the hwy 5 upgrade/reroute project. He noted that the state had not yet agreed to provide their 1/3 rd funding for the joint study and that Washing County had committed to fund their share. He reported that the reroute study concepts were limited to potential solutions in the general area of the old village and did not extend to hwy 36 or 694. He also reported that the project was on hold until the state was able to provide their share of the cost. The committee recommended that the Mayor be permitted to contact legislative representatives to determine the possibility of funding any suggested improvement.
2. **City Park land into land trust:** City Council requested the committee evaluate the need to secure Lake Elmo Park lands in a land trust. The committee suggested the consideration should be directed to the Parks Commission as part of their project to review current and future uses and evaluated methods to secure/protect the parks from future unintended uses.
3. **Regional park land opportunity:** The Administrator reported that he and the Mayor had a discussion with the County Administrator and Commissioner pertaining to acquiring 15 or more acres of regional park land, presently not being used, for the purpose of a fire station, public park and potential city hall site directly on Lake Elmo. The concept was well received and referred to the regional park comprehensive planning committee for consideration. The committee suggested the City Administrator continue to pursue the possibility. The Administrator reported that the land would not be able to be purchased but traded for city land of equal value.
4. **MAC recommendation on new plow truck:** PW Superintendent Bouthilet reported that the MAC committee had recommended the purchase of a new plow truck consistent with the CIP. The committee recommended the action for city council action.
5. **Update on water tower locations:** Engineer Prew provided the committee with an update on the remaining water tower sites; 3M along hwy 5; PW works site and the West Sunfish site. The committee suggested that staff continue with the sites identified.
6. **Adjourn: 7:45**

Lake Elmo City Council October 18, 2005	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9E
--	--	----------------------

Agenda Item: Environmental Resources Mapping – Washington County Conservation District

Background Information for October 18, 2005:

On February 27, 2004 the Council approved a “Letter of Endorsement” for and clearly intended the City to contribute at least \$7,500 toward a Conservation District project for land cover mapping of the City – finite identification of environmental features existing such as tree cover and wetlands. The balance of the mapping project costs (approximately \$7,500) were to come from a State LCMR grant. Unfortunately, the cuts to projects in the LCMR budget eliminated the match, and the project did not materialize.

The Conservation District has recently contacted City staff regarding re-starting the project, and whether the City continues to both support the project and continues to be willing to fund in a similar manner as in 2004. The matching funds would come from another source – perhaps not LCMR this time. We have advised the District that the Planning Department 2005 “Comprehensive Planning” budget line item is fully committed to the Plan amendment activities, and there is no similar line item appropriation in the 2006 budget.

If it remains the desire of the City Council to move forward with this project it, and provide the local match funding it will be necessary to either designate a portion of General Fund Surplus (for 2005) or add this expenditure to the Planning Department line item budget. The Council Public Works Committee has reviewed this matter and acted to move the same to the full City Council for consideration on October 18.

Action items:

Council direction regarding City participation and funding of the Land Cover Mapping project proposed by the Washington County Conservation District.

Person responsible:

City Planner

Attachments:

1. February 27, 2005 Council Minutes
2. Prior Letter of Endorsement to the Conservation District

Time Allocated:

PAW Com.

4. CONSENT AGENDA

A. Community Improvement Commission Application: Jill Anderson

The Council received an application from Jill Anderson, Lake Elmo Jaycees Secretary, to serve on the Community Improvement Commission. Anderson indicated she would like to see more programs for the children and for the elderly.

M/S/P Johnston/Dunn - to appoint Jill Anderson to the Community Improvement Commission. (Motion passed 5-0).

B. Resolution No. 2004-014: Approving Claims

M/S/P Dunn/Siedow - to adopt Resolution No. 2004-014, Approving Claim Numbers 187, 188, DD104 through DD112, 25132 through 25164, that were used for Fire/Staff payroll dated February 5, 2004, and Claim Numbers 25165 through 25208 dated February 17, 2004 in the total amount of \$279,861.13. (Motion passed 5-0.)

The Acting City Administrator reported that there was no budget report presented because data will not be accurate until the City closes last years books. He noted that the auditors completed the field audit on Wednesday, and should close books in a week or two.

5. FINANCE

6. NEW BUSINESS:

A. MLCCS Mapping Grant Washington County Conservation District

Jeff Berg, Washington County Conservation District, informed the Council that the District (and other metro SWCDs) is applying for a LCMR grant to conduct land cover mapping within incomplete areas of Washington County. Berg presented a fact sheet on the advantages and noted that the rule of thumb is \$1/acre to do this mapping. Using a 50-50 LCMR-Local match, the dollar amount of Lake Elmo would be approximately \$7,500.

The Planner reported that the 2004 City Operating Budget does provide \$10,000 for undesignated "Comprehensive Planning". The Planner indicated that with many of the current planning projects completed, or nearing completion, ~~the City could find the local share of this LCMR grant from that budget line item~~, particularly, if the local share could be stretched over two budget years.

~~M/S/P Dunn/Siedow - to direct the Acting Administrator to draft a letter of endorsement for the application by the Washington County Conservation District to the LCMR for MLCCS Mapping of the City. (Motion passed 5-0).~~

~~M/S/P Dunn/Delapp - to show the Council's intent to direct staff to check budget for \$15,000-\$22,000 for total City payment of the MLCCS Mapping. (Motion passed 5-0).~~

Maybe last year, but not this year! I think we need to go back to CC >?

February 19, 2004

Mr. Jeff Berg
Washington Conservation District
1380 W. Frontage Road
Highway 36
Stillwater, MN 55082

Dear Jeff:

The City of Lake Elmo supports the LCMR grant proposal, lead by the Washington Conservation District, for Application of Land Cover for Natural Resource Protection Washington County through the granting of a LCMR grant. This effort includes a significant area within our City, and would be of great benefit to the City in the following areas.

- *Updated Comprehensive Planning
- *Natural Resources feature identification within Open Space developments
- *Ordinances such as buffers and setbacks, forestry
- *Resource management/invasive species control
- *Greenways, trails, and parks planning
- *Natural areas protection/management
- *Surface water management planning
- *Information and education for landowners

The City of Lake Elmo agrees to participate with up to \$7,500 in matching funding based on grant funding approval.

Sincerely,

Charles E. Dillerud
Acting City Administrator

Mike Elmo City Council October 18, 2005	Agenda Section: CITY ADMINISTRATOR'S REPORT	<u>No. 11. A</u>
<u>Agenda Item:</u> Ordinance 97-163 Snowmobile Ordinance Modification		
<p><u>Background:</u></p> <p>At the last City Council Committee meeting, the snowmobile ordinance was reviewed for a possible change. It appears, the issue goes back a couple of years and was considered resolved until WA. CO. Deputies, this past winter, found a conflict in the code vs. an ordinance believed passed that would limit a snowmobile operation near a residential structure. City records show that no ordinance modifying the code was ever passed and finalized. Records also show that an ordinance was prepared to be passed but never finalized addressing area of concern.</p> <p>Utilizing the ordinance that was prepared, the Council Committee modified the proposed ordinance document prohibiting snowmobile operation within 50 feet of a residential structure unless the snowmobile is owned and operated by the property owner.</p> <p>Representatives from the snowmobile club were present and stated that they could live with the change. The City Administrator represented the position of the property owner where the conflict arose earlier this year. The change as proposed would now protect residential properties and prohibit snowmobile/all-terrain operators from encroaching no closer than 50 feet from the residential structure on a 24/7/365 basis.</p>		
<u>Action Items:</u> to adopt Ordinance 97-163	<u>Person responsible:</u> Martin Rafferty, Administrator	
<u>Attachments:</u> Ordinance 97-163		

CITY OF LAKE ELMO
ORDINANCE NO. 97-163

AN ORDINANCE INCORPORATING MINNESOTA STATUTES CHAPTER 84; AND
SPECIFICALLY RELATING TO THE SNOWMOBILES AND ALL-TERRAIN
VEHICLES WITHIN THE CITY OF LAKE ELMO

THE LAKE ELMO CITY COUNCIL ORDAINS THAT CHAPTER 1011 IS HEREBY
ADDED TO THE MUNICIPAL CODE TO READ AS FOLLOWS:

1011 Snowmobiles and All-Terrain Vehicles

1011.11 **Incorporation by Reference.** Provisions of Minnesota Statutes Chapter 84, as amended from time to time, shall be applicable to the City of Lake Elmo. In those cases where there is a conflict between the provisions of Minnesota Statutes Chapter 84 and this Chapter 1011, the more restrictive regulation shall apply.

1011.12 **Definitions.**

- A. **All-Terrain Vehicle.** "All-Terrain Vehicle" means a motorized flotation -- tired vehicle of not less than three (3) low pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry wet less than 900 pounds.
- B. **Snowmobile.** "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

1011.3 **Regulations.**

- A. No person shall operate a snowmobile or all-terrain vehicle on a public sidewalk or within the unimproved portion of a city street.
- B. No person shall operate a snowmobile or all-terrain vehicle on city owned property.
- C. No person shall operate a snowmobile or all-terrain vehicle between the hours of 11:00 p.m. and 7:00 a.m.
- D. No person shall operate a snowmobile or all-terrain vehicle within fifty feet (50') of a residential dwelling, which is not owned by the operator of the snowmobile or the all-terrain vehicle.

**THE LAKE ELMO CITY COUNCIL HEREBY REPEALS CHAPTER 1010 AND ITS
SUBDIVISIONS.**

The Lake Elmo City Council hereby repeals the following definitions which are not included in Chapter 1050 of the Municipal Code:

All-Terrain Vehicle ("ATV")

Owner (Snowmobile and Recreational Vehicles)

Snowmobile

ADOPTED by the Lake Elmo City Council this 18th day of October, 2005.

CITY OF LAKE ELMO

By: _____
Dean Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator