

FILE

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| Mr:<br>Jean Johnston<br>Council members:<br>Rita Conlin<br>Steve DeLapp<br>Liz Johnson<br>Anne Smith | <b>Lake Elmo City Council</b><br><b>Tuesday</b><br><b>October 4, 2005</b> | 3800 Laverne Avenue No.<br>Lake Elmo, MN 55042<br>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.

## Agenda

### City Council Meeting Convenes 7:00 PM

**Pledge of Allegiance**

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| <b>1. Agenda</b>  |   |  |
| <b>2. Minutes:</b>  | July 5, 2005, September 20, 2005  |  |
| <b>3. <u>PUBLIC INQUIRIES/INFORMATIONAL:</u></b><br>A. <b>PUBLIC INQUIRIES:</b><br>B. <b>PUBLIC INFORMATIONAL:</b>  | <b>Public Inquiries/Informational</b> 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. |  |
| <b>4. <u>CONSENT AGENDA</u></b><br>A. <b>Resolution No. 2005-103: Approving claims</b><br>B. <b>Resolution No. 2005-104: Approving Claim</b>                                      | 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.  |  |
| <b>5. <u>FINANCE</u></b><br>A.  |   |  |
| <b>6. <u>NEW BUSINESS</u></b><br>A. <b>Request for Extended Work Hours: Morreale, 785 Jasmine Avenue N.</b><br>B. <b>Peddlers, Solicitors &amp; Transient Merchants Ordinance</b> |   |  |
| <b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b><br>A.  |   |  |

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| <p><b>8. <u>CITY ENGINEER'S REPORT:</u></b></p> <p>A. Public Hearing: Assessments on Hilltop Avenue Project; Resolution No. 2005-105</p> <p>B. Accept Feasibility Report and Order Public Hearing for Water Interconnect Project-Phase IV (Will be handed out.)</p> <p>C. Advise Council of Feasibility Report/Public Hearing on Lake Elmo Heights and Tablyn Park Neighborhoods (verbal)</p> | Tom Prew    |  |
| <p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b></p> <p>A. "The Sanctuary" – OP Development Stage Plan/CUP/Preliminary Plat - Resolution No. 2005-106</p> <p>B. Amend Conditional Use Permit for Country Air Golf; Resolution No. 2005-107</p>  | C. Dillerud |  |
| <p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b></p> <p>A.</p>  |             |  |
| <p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b></p> <p>A. Public Meeting Tablyn/LE Heights (verbal)</p> <p>B. Progress at the LE Library (verbal)</p> <p>C. PW Ground Breaking Scheduled (verbal)</p>   |             |  |
| <p><b>12. <u>CITY COUNCIL REPORTS:</u></b></p> <p>A. Mayor Johnston</p> <p>B. Council Member Conlin</p> <p>C. Council Member DeLapp</p> <p>D. Council Member Johnson</p> <p>E. Council Member Smith</p>   |             |  |
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## LAKE ELMO CITY COUNCIL MINUTES

SEPTEMBER 20, 2005

1. AGENDA
2. MINUTES: July 2, 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 4<sup>th</sup> 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 in discussing strategy and all decision made by the Council are at a Council meeting and on camera. He said there is only a scheduling decision made by the committee.

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 6<sup>th</sup> 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 select 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 contact 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 6<sup>th</sup> 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 6<sup>th</sup>. 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 6<sup>th</sup>. 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 14<sup>th</sup> 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 1<sup>st</sup> public hearing notifying 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.)

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

Council member DeLapp suggested the Council go to the city council meetings that have received Lake Elmo's Comprehensive Plan and discuss how cruel the Metropolitan Council has been and how are we going to address all the water dumped, impact. He said he violently objects to what is going on.

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.

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.

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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

MINUTES APPROVED: September 20, 2005  
LAKE ELMO CITY COUNCIL MINUTES

SEPTEMBER 6, 2005

1. AGENDA
2. Minutes: August 16, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Inquiries
  - B. Public Informational:
    - (1) Deer Hunting Lottery: 6 hunters, 2 alternates
    - (2) Sessing Appeal
    - (3) Community Buckthorn Project
4. CONSENT AGENDA:
  - A. Resolution No. 2005-089: Approving Claims
  - B. Partial Payment Phase I Interconnect Water Main Project – Resolution No. 2005-090 - DELETED
  - C. Partial Payment Phase II Interconnect Water Main Project – Resolution No. 2005-090
5. FINANCE:
  - A. Adoption of Proposed Tax Levy and 2005 Budget – Resolution No 2005-091
  - B. Set Truth n' Taxation Hearing Dates: Resolution No. 2005-092
6. NEW BUSINESS:
  - A. Reschedule September 13<sup>th</sup> Council Committee Meetings to September 14<sup>th</sup>
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Fire Dept.: Recommendation to confirm Fire Chief Malmquist Appointment
8. CITY ENGINEER'S REPORT:
  - A. Resolution No. 2005-093: Approve Elevated Storage Tank #2
  - B. Resolution No. 2005-094: Order Assessment Hearing for Hilltop Avenue
9. PLANNING, LAND USE & ZONING:
  - A. Park Meadows – Resolution No. 2005-095: Comprehensive Plan Amendment; Ordinance No. 97-162: Rezoning; Resolution No. 2005-096: Preliminary Plat
  - B. Deer Glen Amended OP Concept Plan: Resolution No 2005- NOT ADOPTED
10. CITY ATTORNEY'S REPORT:
  - A. Litigation Report
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:

Mayor Johnston called the meeting to order at 7:00 p.m. in the Council chambers.  
PRESENT: Smith, Johnston, Johnson, DeLapp, City Engineer Prew, City Attorney Filla,  
Finance Director Tom Bouthilet, City Planner Dillerud and Administrator Rafferty.  
ABSENT: Council member Conlin.

### **1. AGENDA**

Delete 4B per the City Engineer.

M/S/P Johnson/DeLapp - to approve the September 6, 2005 City Council agenda, as amended. (Motion passed 4-0).

### **2. Minutes: August 16, 2005**

M/S/P Smith/Johnson - to approve the August 16, 2006 City Council Minutes, as amended. (Motion passed 3-1-0:DeLapp stated in regard to the Comp Plan he could not get three votes to provide his points so he had no reason to stay.)

### **Minutes: July 5, 2005**

The Council received the July 5, 2005 City Council minutes at the meeting.

M/S/P Smith/Johnson - to table the July 5, 2005 City Council minutes until the September 20<sup>th</sup> Council Meeting. (Motion passed 4-0).

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

#### **A. Public Inquiries: NONE**

#### **B. Public Informational:**

##### **1. Deer Hunting Lottery: 6 hunters, 2 alternates**

The Council drew names for six hunters and two alternates for the Deer Hunt in Sunfish Park. An informational meeting will be held on November 2, 7 p.m., at Lake Elmo City Hall.

The following names were drawn:

1. Michael Reinhardt, 4690 Lake Elmo Avenue N.
2. Richard Posel, 8969 36<sup>th</sup> Street
3. Don Pinz, 8309 38<sup>th</sup> Street N.
4. John Burns, 11140 20<sup>th</sup> Street
5. David W. Esch, 8032 Hill Trail N.
6. Pat Dean, 8028 Hill Trail N.

Alternates:

1. Steve Chlebech, 9018 31<sup>st</sup> Street
2. Colin Chlebech, 9018 31<sup>st</sup> Street

##### **2. Sessing Appeal**

By his letter of August 23, 2005, Rod Sessing has appealed the Administrative Determinations/Orders by Zoning Administrator McNamara regarding the property at 5699 Keats Avenue. A copy of Mr. McNamara's Determinations/Orders, Mr. Sessing's appeal letter, and a September 1 letter from Joan and Steve Ziertman regarding this Appeal was provided.

The City Council has the discretion to consider an appeal of Item Nos. 1 and 2 listed in the Building Official's letter of August 16, 2005, but the Council is required to consider the appeal of Item No. 3 pursuant to Section 700.051C (Page 700-3) of the Lake Elmo Municipal Code.

Rod Sessing summarized the installation history of his drain field and stated there were a preliminary septic as built and a final as built from the same engineering company in the file. He said the City did inspections and never notified him that the septic/drainfield was not in compliance with the code. He noted that the system has been working properly.

City Engineer Prew explained he reviewed both as built that were in the address file and determined there was not enough drainfield to match either of the as built on file. (See Item No. 3 of Jim McNamara's letter of August 16, 2005.)

Rod Sessing, referring to Tom Prew's memo dated August 9, 2005, stated Prew's figures did not take into consideration the roofline. He said the City did not request a grading permit in 1997. The grading plan which showed the drainage going to the north property line was approved by Tom Prew and Jim McNamara. He said two weeks after, the memo came out stating the runoff should slope to the south and gutters needed to be installed on the north side of the pole building. Sessing stated the City is holding \$1,000 escrow from his building/grading permit and this money should be released to him.

M/S Smith/DeLapp - to require Rod Sessing to comply with Item No. 3: The drainfield size should be increased by 50-55 feet, as stated in the Building Official's letter dated August 16, 2005 to bring the house into compliance.

M/S/P DeLapp/Johnston - to amend the motion requiring Rod Sessing to bring the drainfield size into code compliance instead of a measurement requirement. (Motion passed 3-1: Smith.)

M/S/P Smith/DeLapp - to require Rod Sessing to determine that the drainfield size will be brought into code compliance and match the original as built plan in the City's file and prove to the engineer and building official that the length of the existing trenches are added on accordingly. The staff will come back in two weeks with an update. (Motion passed 4-0)

M/S/P DeLapp/Johnston - to support staff correction items No. 1 and No. 2 listed in the Building Official's letter dated August 16, 2005. (Motion passed 4-0.)

### 3. Community Buckthorn Project

Joan Ziertman, Community Improvement Commission Chair, announced volunteers are needed to help with the Community Buckthorn Project on October 22, 2005, 7:30-11:30 a.m. at Kleis Park. She asked if anyone wanted to donate refreshments they should give her a call.

M/S/P DeLapp/Johnson – which the City will contribute up to \$50.00 for snacks and refreshments for the Community Buckthorn Project volunteers. (Motion passed 4-0).

**4. CONSENT AGENDA:**

**A. Resolution No. 2005-089: Approving Claims**

M/S/P Johnson/DeLapp – to adopt Resolution No. 2005-089, Approving Claim Numbers 275 through 278, DD485 through DD516, 27811 through 27823, 27825 through 27835 which were used for Staff Payrolls dated August 16, 2005 and September 1, 2005; claims 279, 27824, 27836 through 27902, in the total amount of \$445,442.33. (Motion passed 4-0).

**B. Partial Payment Phase I Interconnect Water Main Project – Resolution No. 2005-090 – DELETED per Request of City Engineer**

**C. Partial Payment Phase II Interconnect Water Main Project – Resolution No. 2005-090**

M/S/P Johnson/DeLapp – to adopt Resolution No. 2005-091, A Resolution Approving Partial Payment No. 1 to G.M. Contracting for Water System Interconnect – Phase II in the amount of \$325,617.58. (Motion passed 4-0).

**5. FINANCE:**

**A. Adoption of Proposed Tax Levy and 2006 Budget – Resolution No 2005-091**

The Finance Director provided Resolution No. 2005-092 adopting the proposed 2006 budget and the 2005 tax levy, collectible 2006 in the amount of \$2,154,868. He indicated that the proposed amount certified to Washington County by September 15, 2005 cannot be increased; however the City does retain the authority to lower the Levy.

M/S/P Johnson/Smith – to adopt Resolution No. 2005-091 for the proposed 2005 Tax Levy, collectible in 2006 and the 2006 Proposed Budget. (Motion passed 4-0).

**B. Set Truth in Taxation Hearing Dates: Resolution No. 2005-092**

The Finance Director recommended that the Council consider Monday, December 5<sup>th</sup> at 7:00 p.m. and a continuation hearing (if necessary) on Monday, December 12<sup>th</sup> at 5:30 p.m. for the Truth in Taxation Public Hearings.

M/S/P Johnson/DeLapp – to adopt Resolution No. 2005-092 setting the Truth in Taxation Public Hearing dates for the 2005 Tax Levy and the 2006 Budget. (Motion passed 4-0).

**6. NEW BUSINESS:**

**A. Reschedule September 13<sup>th</sup> Council Committee Meetings to September 14<sup>th</sup>**

M/S/P DeLapp/Johnson – to reschedule the September 13<sup>th</sup> Council Committee Meetings to September 14, 2005. (Motion passed 4-0).

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

**A. Fire Dept.: Recommendation to confirm Fire Chief Malmquist Appointment**

On September 24, 2004 the Council adopted Ordinance No. 97-141 relating to the organization and operation of the Fire Department. At that time the City Administrator recommended that the officers in place would remain until he had enough time and information to move forward with the officer appointment process as defined in the new Ordinance. The City Administrator indicated each Fire Department member received a written notice that all positions for officers were being open for application and inviting each member to apply if they so choose. The notice was posted on the Fire Department bulletin board and announced at the department meeting.

One application was received for Chief, two applications for District Chief and five applications for Captain. The City Administrator designed a selection/interview process for the Chief's position including the establishment of the interview panel which included the Chair of the FLLP Committee should staff the interview panel with the Mayor and the Administrator. Chief Malmquist was interviewed for the position and determined by the panel that he was well suited for the position of Fire Chief.

M/S/P Johnston/Johnson – to confirm Chief Gregory Malmquist as the Lake Elmo Fire Chief consistent with the process adopted in Ordinance No. 97-141. (Motion passed 4-0).

Chief Malmquist announced that the department purchased helmets for the Explorers out of the raffle money. He said the officers were in the process of comparing the three bids for the new fire truck.

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

**A. Resolution No. 2005-093: Approve Elevated Storage Tank #2**

The City Engineer reported that plans are completed for the Elevated Storage Tank No. 2 to be located next to the new Public Works Building. He said the schedule should allow this tank to be in operation by next fall depending on the style of tank chosen. Other than the name "Lake Elmo" no logo was included at this time. The color of the tank will be reviewed once the bids are received and a size and style is recommended.

M/S/P Smith/Johnson - to adopt Resolution No. 2005-093, A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Elevated Storage Tank No. 2. (Motion passed 4-0) (DeLapp stated this is where people come into Lake Elmo and it looks like Woodbury or Eden Prairie).

**B. Resolution No. 2005-094: Order Assessment Hearing for Hilltop Avenue**

M/S/P Johnson/DeLapp - to adopt Resolution No. 2005-094, A Resolution for a Hearing on October 4, 2005, on Proposed Assessment for the Improvement of Hilltop Avenue North. (Motion passed 4-0.)

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

### **A. Park Meadows – Resolution No. 2005-095:Comprehensive Plan Amendment; Ordinance No. 97-162:Rezoning; Resolution No. 2005- 096:Preliminary Plat**

The City Planner reported that the Planning Commission adopted a recommendation for approval of multiple applications to develop a 28 acre site adjacent to Sunfish Park for 8 single family building lots. An existing structure on the site would be removed. The concurrent applications are to allow a Residential Estates development on land currently land use guided as RAD and zoned RR. The applicants, J.P. Bush Homes and Barbara Berquist, submitted a reconfigured plat drawing and legal documents purposed to provide the City sufficient street easement to connect with the proposed public street within the plat. The Planner noted that the City Engineer has not confirmed concurrence with the details of the drainage plan.

Council member DeLapp pointed out that in the Residential Zoning Code the principal building setback from the property line is a 100 feet and Lot 8 shows only 80 feet.

Joel Anez, Land Surveyor, responded that the 80 feet setback on Lot 8 does meet the code because it is a corner lot.

The City Planner concurred that “corner lot” reference from the City Code was correct, and that he suggests that the subject lot could be considered a corner lot. Therefore, in his opinion the plat does meet Code standards of design.

M/S/P Johnson/Smith – to adopt Resolution No. 2005-095, A Resolution Approving a Comprehensive Plan Amendment to reclassify the site from RAD to RED to J.P. Bush Homes and Barbara Berquist, subject to Metropolitan Council concurrence. (Motion passed 4-0).

M/S/P Johnson/Smith – to adopt Ordinance 97-162, An Ordinance Amending Section 300.07 “Zoning District Map” of the Lake Elmo Municipal Code rezoning the J.P. Bush and Barbara Berquist site from Rural Residential (RR) to Residential Estates (RE). (Motion passed 4-0).

M/S/P Johnson/Smith – to adopt Resolution No. 2005-096, A Resolution Approving the Preliminary Plat of Park Meadows. (Motion passed 4-0).

### **B. Deer Glen Amended OP Concept Plan:Resolution No 2005-096**

The City Planner reported he received an amended OP Concept Plan for Deer Glen late Friday after the Council agenda was mailed out. He explained there is no engineering report because the city engineer has not seen the plan.

Paul Danielson, the applicant’s engineer, said he put together a plan responsive to Council and neighborhood concerns. The plan has met the minimum lot size, required

open space and a landscape plan. Slides were presented showing how the proposal worked with the land. Danielson said he did not realize they had to put together a complete submittal.

Attorney Filla noted the concept plan was submitted to the City on July 5. He said that normally a 60-day extension would bring you to September 5<sup>th</sup>, but in this case the Council granted one more day, to September 6<sup>th</sup> Council meeting. He said the Council needed to take action on the submitted original plan or reach an agreement to add time to revise the amended concept plan submitted on September 6th. Filla said the Council needs to take the time so the City Engineer, VBWD and the Fire Chief can report on the revised plan.

Joan Ziertman voiced her concern on the maintenance of the wastewater system in that the wastewater system is 100 feet from their property line.

M/S/P DeLapp/Johnson - to accept the applicants request for a two week extension for submission requirements on the revised OP Concept plan for Deer Glen which was reviewed by the Council at this September 6<sup>th</sup> meeting. (Motion passed 4-0).

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

**A. Litigation Report**

Attorney Filla gave a brief litigation report.

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

**12. CITY COUNCIL REPORTS:**

Mayor Johnston said the AMM committees he is on have become much more proactive and has seen support on issues that we as a community are experiencing. He reported he had the opportunity to take a tour of the new library building and was cautionary optimistic for opening in November.

Council member Johnson reported that because of the damage done by Hurricane Katrina there is a high need for available housing.

Council member Smith said she would like to see an action task list, a simple update every two weeks. This item will be discussed at another meeting.

The Council adjourn the meeting at 9:12 p.m.

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Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-089 Approving Claims  
Resolution No. 2005-090 Approve Partial Payment #1 to G.M. Contracting for Water System Interconnect-Phase II \$325,617.58  
Resolution No. 2005-091 Proposed 2005 Ta Levy, collective in 2006 & the 2005 Proposed Budget



Resolution No. 2005-092 Set the Truth in Taxation Public Hearing dates for the 2005 Tax Levy and the 2006 Budget

Resolution No. 2005-093 Approve Elevated Storage Tank #2

Resolution No. 2005-094 Order Assessment Hearing for Hilltop Avenue

Resolution No. 2005-095 Comp Plan Amendment

Resolution No. 2005-096 Preliminary Plat of Park Meadows

Ordinance No. 97-162 Rezoning J.P. Bush/Berquist from RR to RE

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

**RESOLUTION NO. 2005-103  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 282, 283, 284, DD529 through DD538, 27984 through 27997, were used for Staff Payroll dated September 29<sup>th</sup>, 2005; claims 27983, 27998 through 28043, in the total amount of \$336,644.61 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 4<sup>th</sup> day of October, 2005.

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Dean A. Johnston  
Mayor

ATTEST:

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Martin J. Rafferty  
City Administrator

# Accounts Payable Computer Check Proof List

User: administrator

Printed: 09/23/2005 - 12:30 PM



| Invoice No              | Description                    | Amount | Payment Date | Acct Number        | Reference         |
|-------------------------|--------------------------------|--------|--------------|--------------------|-------------------|
| Vendor: MNFIRECH        | MN State Fire Chief's Assn     |        |              |                    |                   |
| Malmquist               | Registration - 2005 Conference | 150.00 | 09/23/2005   | 101-420-2220-44370 | Check Sequence: 1 |
| Pepin                   | Registration - 2005 Conference | 150.00 | 09/23/2005   | 101-420-2220-44370 | ACH Enabled: No   |
| Winkels                 | Registration - 2005 Conference | 150.00 | 09/23/2005   | 101-420-2220-44370 |                   |
|                         | Check Total:                   | 450.00 |              |                    |                   |
| Total for Check Run:    |                                | 450.00 |              |                    |                   |
| Total Number of Checks: |                                | 1      |              |                    |                   |

# Accounts Payable Computer Check Proof List

User: administrator

Printed: 09/29/2005 - 2:33 PM

# SPRINGBROOK SOFTWARE

| Invoice No                       | Description  | Amount                   | Payment Date | Acct Number                             | Reference       |
|----------------------------------|--|--------------------------|--------------|---|-----------------|
| Vendor: 10000<br>2006 Lake Elmo  | 10,000 Lake Chapter<br>Annual Due<br>Check Total:                                      | 50.00<br>50.00           | 10/04/2005   | Check Sequence: 1<br>101-420-2400-44330 | ACH Enabled: No |
| Vendor: AmeriMar<br>13128        | AmeriMark Direct<br>Recycling - Keytags<br>Check Total:                                | 448.00<br>448.00         | 10/04/2005   | Check Sequence: 2<br>101-430-3200-42100 | ACH Enabled: No |
| Vendor: AMERTEST<br>2052788-IN   | American Test Center<br>Testing 3175, 9 ground ladders<br>Check Total:                 | 700.00<br>700.00         | 10/04/2005   | Check Sequence: 3<br>101-420-2220-44040 | ACH Enabled: No |
| Vendor: ARAM<br>629-5812012      | Aramark<br>Linen - City Hall<br>Check Total:   | 59.93<br>59.93           | 10/04/2005   | Check Sequence: 4<br>101-410-1940-44010 | ACH Enabled: No |
| Vendor: ASPENMI<br>22773         | Aspen Mills, Inc.<br>Patches - Fire Dept<br>Check Total:                               | 13.20<br>13.20           | 10/04/2005   | Check Sequence: 5<br>101-420-2220-44170 | ACH Enabled: No |
| Vendor: BOUTHTOM<br>Reim. Claim  | ThomasBouthilet<br>Membership Reimbursement<br>Check Total:                            | 125.00<br>125.00         | 10/04/2005   | Check Sequence: 6<br>101-410-1520-44330 | ACH Enabled: No |
| Vendor: CHRISRL<br>13186.000.002 | Chris Riley Utilities, Inc.<br>Water Sys Phase I - Proj. 13186.000.002<br>Check Total: | 135,676.36<br>135,676.36 | 10/04/2005   | Check Sequence: 7<br>601-494-9400-46400 | ACH Enabled: No |

| Invoice No                                      | Description   | Amount                     | Payment Date             | Acct Number  | Reference       |
|---|---|----------------------------|--------------------------|--|-----------------|
| Vendor: CUSH<br>132603                          | Cushman Motor Co., Inc.<br>Tailgate Hinges<br>Check Total:                                      | 125.61<br>125.61           | 10/04/2005               | Check Sequence: 8<br>101-450-5200-42210                        | ACH Enabled: No |
| Vendor: DILLERUD<br>03/13-09/16                 | Charles Dillerud<br>Travel Expense - Zoning Seminar D.C.<br>Check Total:                        | 1,373.45<br>1,373.45       | 10/04/2005               | Check Sequence: 9<br>101-410-1910-43310                        | ACH Enabled: No |
| Vendor: EMERGAPP<br>22786                       | Emergency Apparatus Maint.<br>Gasket - 3176<br>Check Total:                                     | 15.44<br>15.44             | 10/04/2005               | Check Sequence: 10<br>101-420-2220-44040                       | ACH Enabled: No |
| Vendor: FASTENAL<br>MNT112053                   | Fastenal<br>Brush - Public Works<br>Check Total:  | 2.51<br>2.51               | 10/04/2005               | Check Sequence: 11<br>101-430-3100-45800                       | ACH Enabled: No |
| Vendor: FXL<br>October 2005                     | FXL, Inc.<br>Assessing Services 10/2005<br>Check Total:   | 1,700.00<br>1,700.00       | 10/04/2005               | Check Sequence: 12<br>101-410-1550-43100                       | ACH Enabled: No |
| Vendor: GALLS<br>5789814700012<br>5789814700020 | Galls Incorporated<br>Mannequin, pediatric mask - Fire Dept<br>Oxygen Regulator<br>Check Total: | 113.86<br>113.95<br>227.81 | 10/04/2005<br>10/04/2005 | Check Sequence: 13<br>101-420-2220-42080<br>101-420-2220-42080 | ACH Enabled: No |
| Vendor: JOHNSTON<br>Claim 09/22                 | Dean Johnston<br>Mileage<br>Check Total:  | 84.39<br>84.39             | 10/04/2005               | Check Sequence: 14<br>101-410-1110-43310                       | ACH Enabled: No |
| Vendor: KENTRANS<br>9330                        | Kennedy Transmission<br>Transmission Service - 3190 Fire Dept.<br>Check Total:                  | 103.49<br>103.49           | 10/04/2005               | Check Sequence: 15<br>101-420-2220-44040                       | ACH Enabled: No |
| Vendor: LTLFALLS<br>00034263                    | Little Falls Machine, Inc<br>Push Bar Assembly, Seal Kit - Public Works<br>Check Total:         | 642.50<br>642.50           | 10/04/2005               | Check Sequence: 16<br>101-430-3100-42210                       | ACH Enabled: No |

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| Vendor:MALMQ<br>7056   | GregMalmquist<br>Beverages - Fire Dept<br>Check Total:  | 69.94<br>69.94                                      | 10/04/2005   | Check Sequence: 17<br>101-420-2220-44300   | ACH Enabled: No |
| Vendor:MENARDSO<br>20123   | Menards - Oakdale<br>Sawdust Repair Materials<br>Check Total:   | 43.90<br>43.90                                      | 10/04/2005   | Check Sequence: 18<br>101-410-1940-42230   | ACH Enabled: No |
| Vendor:MENARDST<br>97536<br>98320  | Menards - Stillwater<br>Batteries - Fire Dept<br>Long Chuck - Fire Dept<br>Check Total:   | 5.54<br>1.97<br>7.51                                | 10/04/2005<br>10/04/2005   | Check Sequence: 19<br>101-420-2220-44300<br>101-420-2220-42400   | ACH Enabled: No |
| Vendor:METROCA<br>A03180761  | Metrocall<br>Pagers - Fire Dept.<br>Check Total:  | 80.94<br>80.94                                      | 10/04/2005   | Check Sequence: 20<br>101-420-2220-43210   | ACH Enabled: No |
| Vendor:MYRONS<br>09/16 FIRE  | Myron's Service Center<br>Oil Change - Fire Dept<br>Check Total:  | 25.38<br>25.38                                      | 10/04/2005   | Check Sequence: 21<br>101-420-2220-44040   | ACH Enabled: No |
| Vendor:Natl Wat<br>2698146<br>2739408  | National Waterworks<br>Water Meters<br>Water Meter<br>Check Total:  | 719.77<br>394.40<br>1,114.17                        | 10/04/2005<br>10/04/2005   | Check Sequence: 22<br>601-494-9400-42300<br>601-494-9400-42300   | ACH Enabled: No |
| Vendor:NEXTEL<br>761950227-030<br>761950227-030<br>761950227-030<br>761950227-030<br>761950227-030 | Nextel Communications<br>Cellular Service - Administration<br>Cellular Service - Fire Dept<br>Cellular Service - Bldg Dept<br>Cellular Service - Public Works<br>Cellular Service - Parks<br>Check Total: | 76.46<br>75.06<br>33.10<br>49.65<br>16.55<br>250.82 | 10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005 | Check Sequence: 23<br>101-410-1940-43210<br>101-420-2220-43210<br>101-420-2400-43210<br>101-430-3100-43210<br>101-450-5200-43210 | ACH Enabled: No |
| Vendor:NORTHIOO<br>0261102914  | HSBC Business Solutions<br>Blade Metal<br>Check Total:  | 4.48<br>4.48  | 10/04/2005   | Check Sequence: 24<br>101-430-3100-42150   | ACH Enabled: No |

| Invoice No   | Description  | Amount   | Payment Date   | Acct Number  | Reference       |
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| Vendor:OFFICEMX<br>402414  | OfficeMax<br>Binders, dividers - Planning<br>Check Total:  | 114.64<br>114.64   | 10/04/2005   | Check Sequence: 25<br>101-410-1910-42000   | ACH Enabled: No |
| Vendor:PETERSO<br>11135M<br>11140M<br>11150M<br>11155M<br>11161M | Peterson Fram & Bergman<br>Administration<br>Continental Pros<br>Community Dev - Farms, PK Med., DN<br>Civil Litigation - Ziertman/Sessing Prop<br>Auto Forfeiture<br>Check Total: | 2,592.19<br>4,530.31<br>352.00<br>865.07<br>590.61<br>8,960.09 | 10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005 | Check Sequence: 26<br>101-410-1610-43040<br>101-410-1610-43045<br>803-490-9070-43040<br>101-410-1610-43040<br>101-410-1610-43045 | ACH Enabled: No |
| Vendor:PITNEY<br>2817997-SP05                                    | Pitney Bowes<br>Postage Machine Rental<br>Check Total:   | 693.00<br>693.00   | 10/04/2005   | Check Sequence: 27<br>101-410-1940-44010   | ACH Enabled: No |
| Vendor:POSTOFF<br>09/29/05                                       | POSTMASTER<br>Postage - Newsletter<br>Check Total:   | 378.30<br>378.30   | 10/04/2005   | Check Sequence: 28<br>101-410-1320-43220   | ACH Enabled: No |
| Vendor:PRESS<br>09/20/05<br>09/26/05                             | StevenPress<br>Cable Cast - Council Meeting<br>Cable Cast - Planning Meeting<br>Check Total:   | 54.00<br>54.00<br>108.00                                       | 10/04/2005<br>10/04/2005   | Check Sequence: 29<br>101-410-1320-43620<br>101-410-1910-43620   | ACH Enabled: No |
| Vendor:QUANTUM<br>36956<br>37081                                 | Quantum Digital Imaging<br>Maps - Comp Plan<br>Brochures - CDBG Cimarron<br>Check Total:   | 182.16<br>240.79<br>422.95                                     | 10/04/2005<br>10/04/2005   | Check Sequence: 30<br>101-410-1910-43020<br>101-410-1910-43013   | ACH Enabled: No |
| Vendor:QUICKSI<br>6253166  | Quicksilver<br>Courier - Met Council<br>Check Total:   | 21.29<br>21.29   | 10/04/2005   | Check Sequence: 31<br>101-410-1910-43020   | ACH Enabled: No |
| Vendor:RAFFERTY<br>09/15 LAND<br>Q4 Rotary                       | Martin Rafferty<br>Mileage - Monticello Land Use Conf.<br>Quarterly Membership Rotary Club<br>Check Total:   | 53.35<br>125.00<br>178.35                                      | 10/04/2005<br>10/04/2005   | Check Sequence: 32<br>101-410-1320-43310<br>101-410-1320-44330   | ACH Enabled: No |

| Invoice No   | Description   | Amount                                       | Payment Date                           | Acct Number  | Reference       |
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| Vendor: REED<br>3018056<br>3023463                             | Reed Business Information<br>Bid - Water Tank<br>Water Tank Bid<br>Check Total:                                   | 185.84<br>185.84<br>371.68                   | 10/04/2005<br>10/04/2005               | Check Sequence: 33<br>101-410-1320-43510<br>101-410-1320-43510                       | ACH Enabled: No |
| Vendor: RENNESEC<br>Discover Xing<br>Park Meadows<br>Sanctuary | Scott Renne<br>Appraisal - Discover Crossing<br>Appraisal - Park Meadows<br>Appraisal - Sanctuary<br>Check Total: | 1,100.00<br>1,100.00<br>1,100.00<br>3,300.00 | 10/04/2005<br>10/04/2005<br>10/04/2005 | Check Sequence: 34<br>803-490-9070-44300<br>803-490-9070-44300<br>803-490-9070-44300 | ACH Enabled: No |
| Vendor: Reserve<br>20313037<br>20313037                        | Pitney Bowes Reserve Account<br>Postage - metered<br>Postage - metered<br>Check Total:                            | 350.00<br>150.00<br>500.00                   | 10/04/2005<br>10/04/2005               | Check Sequence: 35<br>101-410-1320-43220<br>101-410-1910-43013                       | ACH Enabled: No |
| Vendor: RUD<br>09/19-09/28<br>09/19-09/28                      | Diane Prince-Rud<br>Cleaning City Hall<br>Cleaning Fire Hall<br>Check Total:                                      | 240.00<br>240.00<br>480.00                   | 10/04/2005<br>10/04/2005               | Check Sequence: 36<br>101-410-1940-44010<br>101-420-2220-44010                       | ACH Enabled: No |
| Vendor: S&T<br>01KF6917<br>01KF7653                            | S&T Office Products, Inc.<br>Paper<br>Name Plates - Planning Comm.<br>Check Total:                                | 98.17<br>109.45<br>207.62                    | 10/04/2005<br>10/04/2005               | Check Sequence: 37<br>101-410-1320-42000<br>101-410-1910-42000                       | ACH Enabled: No |
| Vendor: SATELLITE<br>24180626                                  | Satellite Shelters, Inc.<br>Bldg Dept Trailer Office Rental<br>Check Total:                                       | 319.50<br>319.50                             | 10/04/2005                             | Check Sequence: 38<br>101-420-2400-44120   | ACH Enabled: No |
| Vendor: Sherm<br>SHERMAN 09/12                                 | Robert Sherman<br>Reimb. - Film Processing, Tr. Videos<br>Check Total:  | 48.45<br>48.45                               | 10/04/2005                             | Check Sequence: 39<br>101-420-2220-44300   | ACH Enabled: No |
| Vendor: SPRINT<br>0526076028-3                                 | Sprint<br>Data Card - Fire Dept<br>Check Total:   | 51.18<br>51.18                               | 10/04/2005                             | Check Sequence: 40<br>101-420-2220-43210   | ACH Enabled: No |

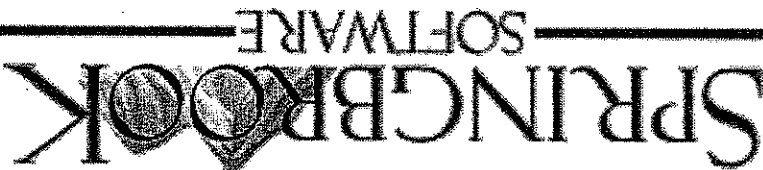


| Invoice No   | Description  | Amount  | Payment Date   | Acct Number  | Reference       |
|--|--|---|--|--|-----------------|
| Vendor: TKDA<br>000200503471<br>000200503472<br>000200503473<br>000200503474<br>000200503474<br>000200503474<br>000200503474<br>000200503474<br>000200503474<br>000200503475<br>000200503497<br>000200503500 | TKDA, Inc.<br>SW Mgmt Plan & MS4<br>Water Sys Interconnection<br>Water Tank Design<br>Comp Plan Review and Updates<br>Ut. Permits, Meetings, Reviews<br>New City Hall<br>Water Sys Interconnect<br>51st St Drainage, MS4 Workshop<br>Tapestry, LE Farm, Serenity, Disc. Xing<br>Council Meetings<br>PW Facility Design<br>2005 Hilltop Repairs<br>Check Total: | 323.54<br>27,092.75<br>2,448.93<br>8,554.07<br>3,985.51<br>1,361.25<br>737.74<br>53.96<br>8,203.66<br>200.00<br>75,755.46<br>1,445.21<br>130,162.08 | 10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005 | Check Sequence: 41<br>603-496-9500-43030<br>601-494-9400-43030<br>601-494-9400-43030<br>101-410-1910-43020<br>101-410-1930-43030<br>410-480-8000-43030<br>601-494-9400-43030<br>603-496-9500-43030<br>803-490-9070-43030<br>101-410-1930-43030<br>410-480-8000-43030<br>409-480-8000-43030 | ACH Enabled: No |
| Vendor: Universi<br>Horning  | University of Minnesota<br>Workshop - Karl Horning<br>Check Total:   | 285.00<br>285.00  | 10/04/2005   | Check Sequence: 42<br>101-420-2400-44370   | ACH Enabled: No |
| Vendor: WASHTAX<br>24221   | Washington County<br>Property Tax Cloverdale Add.<br>Check Total:  | 760.00<br>760.00  | 10/04/2005   | Check Sequence: 43<br>101-450-5200-44300   | ACH Enabled: No |
| Vendor: WORKWELL<br>057919   | Workwell Occupational Health<br>Physicals - L. Olson<br>Check Total:   | 176.00<br>176.00  | 10/04/2005   | Check Sequence: 44<br>101-420-2220-43050   | ACH Enabled: No |
| Vendor: WORLDPT<br>267129  | World Point ECC, Inc.<br>Baby Mannequin - Fire Dept<br>Check Total:  | 98.63<br>98.63  | 10/04/2005   | Check Sequence: 45<br>101-420-2220-42080   | ACH Enabled: No |
| Vendor: XCEL<br>40248091<br>40248091<br>40248091<br>40303069<br>40442677<br>42261580   | Xcel Energy<br>Traffic at I94 & Inwood<br>Softball Field<br>Lift Station at 8860 Hudson<br>City Lights<br>Wells at 3303 Langley & 11975 55th<br>3014 Jamley - Public Works<br>Check Total:   | 27.29<br>177.42<br>56.07<br>1,678.59<br>1,716.40<br>25.17<br>3,680.94   | 10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005<br>10/04/2005   | Check Sequence: 46<br>101-430-3160-43810<br>101-450-5200-43810<br>602-495-9450-43810<br>101-430-3160-43810<br>601-494-9400-43810<br>101-430-3100-43810   | ACH Enabled: No |

| Invoice No | Description | Amount | Payment Date | Acct Number | Reference |
|------------|-------------|--------|--------------|-------------|-----------|
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|                         |  |            |  |  |  |
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| Total for Check Run:    |  | 294,262.53 |  |  |  |
| Total Number of Checks: |  | 46         |  |  |  |

# Accounts Payable Computer Check Register



User: administrator  
 Printed: 09/29/2005 - 14:31  
 Bank Account: APPR

| Check | Vendor No | Vendor Name | Date | Invoice No | Amount |
|-------|-----------|-------------|------|------------|--------|
|-------|-----------|-------------|------|------------|--------|

|     |  |                                  |            |  |  |
|-----|--|----------------------------------|------------|--|--|
| 284 |  | REVENUE MN Department of Revenue | 10/04/2005 |  |  |
|-----|--|----------------------------------|------------|--|--|

|  |  |                 |          |
|--|--|-----------------|----------|
|  |  | Sales Tax 09/05 | 231.00   |
|  |  | Sales Tax 09/05 | 1,282.00 |

Check 284 Total: 1,513.00

Report Total: 1,513.00

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

**RESOLUTION NO. 2005-104  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Number 28044, in the total amount of \$270.00 is hereby approved.

ADOPTED, by the Lake Elmo City Council on the 4<sup>th</sup> day of October, 2005.

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Dean A. Johnston  
Mayor

ATTEST:

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Martin J. Rafferty  
City Administrator

Accounts Payable  
Computer Check Proof List

User: administrator

Printed: 09/29/2005 - 2:47 PM



| Invoice No                      | Description   | Amount           | Payment Date | Acct Number                             | Reference       |
|---------------------------------|---|------------------|--------------|---|-----------------|
| Vendor: Johnson<br>Oct-Dec 2005 | Johnson Construction<br>Storage Rental - Fire Dept Oct-Dec 05<br>Check Total: | 270.00<br>270.00 | 10/04/2005   | Check Sequence: 1<br>101-420-2220-44120 | ACH Enabled: No |
| Total for Check Run:            |   | 270.00           |              |   |                 |
| Total Number of Checks:         |   | 1                |              |   |                 |

**CITY OF LAKE ELMO**

**2005 BILLING SUMMARY**

| <b>MONTH</b>  | <b>11135<br/>Administration</b> | <b>11140<br/>Criminal Pros</b> | <b>11145<br/>Public Imp. Proj</b> | <b>11150<br/>Community Dev</b> | <b>11155<br/>Civil Litigation</b> | <b>11161<br/>Auto Forfeiture</b> | <b>TOTAL</b>       |
|---------------|---------------------------------|--------------------------------|-----------------------------------|--------------------------------|-----------------------------------|----------------------------------|--------------------|
| Jan           | \$4,443.11                      | \$3,456.17                     | \$66.00                           | \$673.71                       | \$210.00                          | \$464.00                         | \$9,312.99         |
| Feb           | \$2,439.99                      | \$2,868.68                     | \$544.36                          | \$198.00                       |                                   | \$94.50                          | \$6,145.53         |
| March         | \$3,375.41                      | \$3,562.62                     |                                   | \$1,956.61                     | \$99.00                           | \$318.50                         | \$9,312.14         |
| April         | \$1,979.81                      | \$3,328.76                     | \$77.00                           | \$2,753.61                     | \$954.77                          | \$307.00                         | \$9,400.95         |
| May           | \$3,779.92                      | \$3,329.95                     | \$297.00                          | \$390.50                       | \$354.32                          | \$518.00                         | \$8,669.69         |
| June          | \$3,795.88                      | \$3,777.44                     | \$165.86                          | \$363.00                       | \$1,261.00                        | \$40.50                          | \$9,403.68         |
| July          | \$3,690.32                      | \$3,349.44                     |                                   | \$333.50                       | \$132.54                          | \$40.50                          | \$7,546.30         |
| Aug           | \$2,602.10                      | \$4,550.31                     |                                   | \$352.00                       | \$865.07                          | \$590.61                         | \$8,960.09         |
| Sept          |                                 |                                |                                   |                                |                                   |                                  | \$0.00             |
| Oct           |                                 |                                |                                   |                                |                                   |                                  | \$0.00             |
| Nov           |                                 |                                |                                   |                                |                                   |                                  | \$0.00             |
| Dec           |                                 |                                |                                   |                                |                                   |                                  | \$0.00             |
| <b>Totals</b> | <b>\$26,106.54</b>              | <b>\$28,223.37</b>             | <b>\$1,150.22</b>                 | <b>\$7,020.93</b>              | <b>\$3,876.70</b>                 | <b>\$2,373.61</b>                | <b>\$68,751.37</b> |

uite 300  
50 Fifth Street East  
St. Paul, MN 55101-1197

PETERSON  
FRAMBERGMAN  
PROFESSIONAL ASSOCIATION

(651) 291-8955  
(651) 228-1753 facsimile  
Federal Tax ID #41-0991098

CITY OF LAKE ELMO  
3800 Laverne Avenue North  
Lake Elmo MN 55042

Page: 1  
08/31/2005  
ACCOUNT NO. 11135M

|   | FEES            | EXPENSES    | ADVANCES    | BALANCE           |
|---|-----------------|-------------|-------------|-------------------|
| 11135-000008 Comp. Plan Update 2000-2020                    | 429.00          | 0.00        | 0.00        | \$429.00          |
| 11135-040009 PURCHASE OF SIEDOW/LEASE PROPERTY              | 187.00          | 0.00        | 0.00        | \$187.00          |
| 11135-040010 VACATION OF 55TH STREET                        | 0.00            | 0.00        | 0.00        | \$0.00            |
| 11135-050003 3M - TOWER/PUBLIC WORKS BUILDING SITE DONATION | 0.00            | 0.00        | 0.00        | \$0.00            |
| 11135-050004 NEXTEL - WATER TOWER LEASE                     | 55.00           | 0.00        | 0.00        | \$55.00           |
| 11135-920001 Administration                                 | 1,925.00        | 6.10        | 0.00        | \$1,931.10        |
|   | <u>2,596.00</u> | <u>6.10</u> | <u>0.00</u> | <u>\$2,602.10</u> |

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.  
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CITY OF LAKE ELMO  
3800 Laverne Avenue North  
Lake Elmo MN 55042

Page: 1  
08/31/2005  
ACCOUNT NO. 11140M

|  | FEES     | EXPENSES | ADVANCES | BALANCE    |
|--|----------|----------|----------|------------|
| 11140-030001 Misc Prosecutions                                       | 3,972.50 | 35.31    | 0.00     | \$4,007.81 |
| 11140-040161 Kanyi, Nelson Wahjohi<br>fail to yield                  | 10.00    | 0.00     | 0.00     | \$10.00    |
| 11140-040232 Ruz, Jose Luis Cabello<br>DAR                           | 5.00     | 0.00     | 0.00     | \$5.00     |
| 11140-040278 Stafki, Joseph Michael<br>issued dishonored checks      | 5.00     | 0.00     | 0.00     | \$5.00     |
| 11140-050042 Lynch, Dennis Jr.<br>no insurance, no proof of ins.     | 30.00    | 0.00     | 0.00     | \$30.00    |
| 11140-050068 Kleinvachter, Robert M.<br>2nd degree DUI, test refusal | 145.00   | 0.00     | 0.00     | \$145.00   |
| 11140-050132 Schrodtt, Harry Michael<br>disobey semiphore            | 30.00    | 0.00     | 0.00     | \$30.00    |
| 11140-050138 Guplen, Julia Kyeong<br>liable for crimes of another    | 5.00     | 0.00     | 0.00     | \$5.00     |

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CITY OF LAKE ELMO

Page: 2  
08/31/2005  
ACCOUNT NO: 11140M

|   | FEES  | EXPENSES | ADVANCES | BALANCE |
|---|-------|----------|----------|---------|
| 11140-050146 Weiler, Richard Lawrence<br>3rd degree DUI, 3rd degree .10                       | 50.00 | 0.00     | 0.00     | \$50.00 |
| 11140-050151 Van Overbeke, Ross<br>3rd degree DUI, no proof of ins.                           | 45.00 | 0.00     | 0.00     | \$45.00 |
| 11140-050161 Leafblad, Korey Allen<br>liability for crimes of another                         | 5.00  | 0.00     | 0.00     | \$5.00  |
| 11140-050163 Marlow, Daniel Thomas<br>2nd degree DUI, 2nd degree .10                          | 32.50 | 0.00     | 0.00     | \$32.50 |
| 11140-050164 Hudak, William Erik<br>GM-no insurace, speed 67/55,<br>falsely display insurance | 40.00 | 0.00     | 0.00     | \$40.00 |
| 11140-050170 Rutledge, Brandi N.<br>loud muffler, no mn DL, expired DL                        | 5.00  | 0.00     | 0.00     | \$5.00  |
| 11140-050171 Wallgren, Courtney<br>GM-DAC-IPS   | 10.00 | 0.00     | 0.00     | \$10.00 |
| 11140-050172 O'Brian, Michael John<br>4th degree DUI, theft of services<br>marijuana in mv    | 5.00  | 0.00     | 0.00     | \$5.00  |
| 11140-050176 Norring, Dustin Lawrence<br>no proof of insurance, violate limited DL            | 30.00 | 0.00     | 0.00     | \$30.00 |

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CITY OF LAKE ELMO

Page: 3  
08/31/2005  
ACCOUNT NO. 11140M

|   | FEES            | EXPENSES     | ADVANCES    | BALANCE           |
|---|-----------------|--------------|-------------|-------------------|
| 11140-050177 Driscoll, Scott Allen<br>assault, domestic assault   | 5.00            | 0.00         | 0.00        | \$5.00            |
| 11140-050180 Finley, Travis Nikita<br>DAS, no proof of insurance  | 10.00           | 0.00         | 0.00        | \$10.00           |
| 11140-050181 Remmen, Howard Lester<br>2nd degree DUI, DAS         | 10.00           | 0.00         | 0.00        | \$10.00           |
| 11140-050182 Adams, Lynn Marie<br>3rd degree DUI, DAS             | 10.00           | 0.00         | 0.00        | \$10.00           |
| 11140-050184 Crepeau, Amanda Jane<br>permit illegal operation     | 45.00           | 0.00         | 0.00        | \$45.00           |
| 11140-050187 Wodaszewski, Peter Neil<br>fail to stop at stop sign | 10.00           | 0.00         | 0.00        | \$10.00           |
|   | <u>4,515.00</u> | <u>35.31</u> | <u>0.00</u> | <u>\$4,550.31</u> |

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CITY OF LAKE ELMO  
3800 LAVERNE AVENUE NORTH  
LAKE ELMO MN 55042

ACCOUNT NO.

Page: 1  
08/31/2005  
11150M

|  | FEE'S         | EXPENSES    | ADVANCES    | BALANCE         |
|--|---------------|-------------|-------------|-----------------|
| 11150-040005 LAKEWOOD EVANGELICAL FREE CHURCH - REZONING - SUP | 66.00         | 0.00        | 0.00        | \$66.00         |
| 11150-050004 FARMS OF LAKE ELMO O.P. DEVELOPMENT               | 110.00        | 0.00        | 0.00        | \$110.00        |
| 11150-050006 DISCOVERY CROSSING OP DEVELOPMENT                 | 77.00         | 0.00        | 0.00        | \$77.00         |
| 11150-050009 PLAT, REZONING AND COMP PLAN - PARK MEADOWS       | 44.00         | 0.00        | 0.00        | \$44.00         |
| 11150-050012 L. HARDEY VARIANCE-FREDERICH HISTORIC HOUSE       | 55.00         | 0.00        | 0.00        | \$55.00         |
|  | <u>352.00</u> | <u>0.00</u> | <u>0.00</u> | <u>\$352.00</u> |

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Page: 1  
08/31/2005  
ACCOUNT NO. 11155M

|  | FEES   | EXPENSES | ADVANCES | BALANCE         |
|--|--------|----------|----------|-----------------|
| 11155-040002 ZIERTMAN/SESSING PROPERTY |        |          |          |                 |
|  | 711.00 | 4.07     | 150.00   | <u>\$865.07</u> |

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CITY OF LAKE ELMO  
3800 LAVERNE AVENUE NORTH  
LAKE ELMO MN 55042

Page: 1  
08/31/2005  
ACCOUNT NO. 11161M

|  | FEES          | EXPENSES    | ADVANCES    | BALANCE         |
|--|---------------|-------------|-------------|-----------------|
| 11161-050001 Brama, Angela<br>vehicle forfeiture-2005 Escalade | 541.50        | 1.61        | 0.00        | \$543.11        |
| 11161-050005 Marlow, Daniel Thomas<br>vehicle forfeiture       | 47.50         | 0.00        | 0.00        | \$47.50         |
|  | <u>589.00</u> | <u>1.61</u> | <u>0.00</u> | <u>\$590.61</u> |

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|   |                                     |  |
|---|-------------------------------------|--|
| <b>Lake Elmo<br/>City Council<br/>10-04-2005</b>  | <b>Agenda Section: NEW BUSINESS</b> | <b><u>No.</u> 6A</b>                                 |
| <b><u>Agenda Item:</u> Mr. Morreale Extended Working Hours in Stonegate</b>   |                                     |  |
| <p><b><u>Background:</u></b> Mr. Morreale will be present at the Council Meeting</p> <p>Re: As requested and written by Mr. Jay Morreale for an exception to City Ordinance working hours; in Stonegate neighborhood:</p> <p>Due to a major structural failure in our 10 year-old stucco home, we are undergoing an extensive remediation project to replace all windows and doors, repair/replace damaged framing, sheathing and insulation and correct related structural problems associated with water intrusion. We expect to have contractors on site until October 31, 2005 to complete this work. As a result of the shortened days and impending cold weather approaching, our contractor has agreed to extend their working hours to accomplish this work before the weather prohibits it.</p> <p>The purpose of this letter is to request an exception to the current Lake Elmo Outdoor Ordinance requiring work be completed on Monday – Friday from 7:00 am to 6:00 pm. Our request is to extend the working hours to 7:00 pm Monday- Friday as well as Saturday from 7:00 am – 7:00 pm.</p> |                                     |  |
| <b><u>Action Items:</u></b> A motion to approve or deny the extended work hours request.  |                                     | <b><u>Person responsible:</u></b><br>Martin Rafferty |
| <b><u>Attachments:</u></b>  |                                     |  |

|  |   |                       |
|--|---|-----------------------|
| <b>Lake Elmo<br/>City Council</b><br>October 4, 2005   | <b>Agenda Section: NEW BUSINESS</b>               | <b><u>No. 6B.</u></b> |
| <b><u>Agenda Item:</u></b> Section 1335.09 - Peddlers, Solicitors and Transient Merchants  |   |                       |
| <p>At its September 14<sup>th</sup> meeting, the FLLP was informed that the current ordinance pertaining to door to door sales was not insync with state law and changes were being prepared for future Council action. The committee suggested this item be moved onto the Council when prepared.</p> <p>I have prepared a Draft of the proposed Section 1335.09 for your review and comments. An ordinance will be provided for adoption of the new Section 1335.09 and repealing the old code at the October 18<sup>th</sup> Council meeting.</p> |   |                       |
| <b><u>Action items:</u></b><br>Review and make changes on Section 1335.09 Peddlers Solicitors and Transient Merchants and direct staff to prepare an ordinance for adoption at the October 19 <sup>th</sup> Council meeting  | <b><u>Person responsible:</u></b><br><br>S. Lumby |                       |
| <b><u>Attachments:</u></b><br>Section 1335.09  | <b><u>Time Allocated:</u></b>                     |                       |

**1335.05 Dumping.**

It shall be unlawful for any person to cause or permit refuse, rubbish or garbage to be thrown or scattered upon any street, alley, highway, vacant or occupied real estate; or to fail, neglect, or refuse to remove the same from any such real estate.

**1335.06 Storing.**

It shall be unlawful for any owner or occupant of any property in the city to cause or permit refuse, rubbish or garbage to accumulate or be stored on the property, except in containers as provided by Section 800 relating to solid waste disposal.

**1335.07 Improper Ground Disposal.**

It shall be unlawful for any person to pump or empty the effluent from any sewage disposal system on to or allow the contents of it to flow on to the surface of any public or private ground including that of the owners.

**1335.08 Nuisance Disposal.**

It shall be unlawful to dispose of any liquid or solid wastes when the result of such disposal shall be a nuisance, a source of filth, a cause of obnoxious odors, or a cause of sickness.

**1335.09 Peddling and Soliciting.**

**Subd. 1 Entering Private Property.**

The practice of going in and upon private residences or residential properties in the City by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants, of the private residences, for the purpose of soliciting orders for sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling the same, is declared to be a nuisance, except as provided in this section.

**Subd. 2 Exceptions.**

The provisions of this section shall not apply to the sale, or soliciting of orders for the same of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of the commodities named in this section is authorized by law.

**\*Subd. 3 Charitable Organizations Exempted.**

The provisions of subsection 1335.09 shall not apply to any charitable, religious, patriotic, or philanthropic organization, society, association or corporation desiring to sell or distribute any items of literature or to sell or distribute any goods, wares, and merchandise, for which a fee is charged or solicited from the persons other than members of the organization upon the streets, in office or business buildings, by house to house canvass, or in public places, for a charitable religious, patriotic or philanthropic purpose.

**1335.10 Miscellaneous Nuisances.**

**Subd. 1. Prohibition.**

No person, firm, corporation or association shall cause, suffer or permit any nuisance as defined in this section to exist or to be maintained upon property situated in the whole or in part within the limits of the City of Lake Elmo.



## **Section 1335.09 – Peddlers, Solicitors and Transient Merchants**

**Subd .01 Purpose.** This section is not intended to interfere with the legitimate business activities of peddlers, solicitors or transient merchants. These provisions are intended only to, as nearly as possible, regulate and control all those who would use their unique presence on property within the City to create nuisances, commit theft, or engage in other unlawful activities.

**Subd .02 Definitions.** For the purpose of this section, the terms used herein are defined as follows:

- A. "Peddler" means any person who goes from place to place; conveying or transporting goods, wares or merchandise; offering the goods, wares or merchandise for sale; making sales; and delivering goods, wares and merchandise. It does not include vendors of milk, bakery products or groceries who distribute their products to regular customers on established routes.
- B. "Solicitor" means any person who goes from place to place soliciting donations or taking orders for the sale of goods, wares or merchandise for future delivery or for services to be performed in the future.
- C. "Transient Merchant" means any person who engages in a temporary business, either in one locality, or in any traveling from place to place, selling goods, wares and merchandise; and who, for purpose of carrying on such temporary business, hires, leases, occupies or uses a building, shelter, vacant lot, vehicle, trailer, tent, boat, public room in a hotel, motel or lodging house, apartments or any other place within the City for the exhibition and sale of such wares, goods and merchandise.

**Subd. .03 Application for Certificate of Registration.** Except as provided in Section 1335. Subd. 7, peddlers, solicitors and transient merchants shall not conduct business in the City of Lake Elmo without a certificate of registration. An application for a certificate of registration shall be submitted to the City Administrator or designee, on forms provided by the City, at least twenty one (21) days before the applicant desires to conduct business within the City. A completed application shall include the following:

A. Sworn Statement. The sworn statement shall provide:

1. Applicant's full legal name, date of birth, and the social security number.
2. The permanent home address of the applicant, the address of the place of business or the firm or occupation which the applicant represents, and, in the case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the business and the goods to be sold.
4. If employed, the name and address of the employer.
5. The length of time for which the right to do business is desired.
6. The place or location where the goods proposed to be sold are manufactured, stored, and the manner in which goods shall be delivered to the customer.
7. A photograph of the applicant taken within sixty (60) days immediately prior to the date of filing the application. The picture shall be approximately two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
8. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations and the nature of the offense and the punishment or penalty assessed therefore.
9. A list including the name, address, phone number and age (if under 18 years) of all persons working for or assisting in the described activity.
10. A transient merchant must also provide:
  - (a) Proof of appropriate permission to operate on proposed site.

(b) A copy of the form or individual's sales tax permit. The sales tax permit must be posted at the site.

(c) Proof that the transient merchant sales are permitted within the zoning district where the business will be conducted.

11. A list of the last five (5) municipalities wherein the applicant has conducted business as a transient merchant.

B. Fees. The application fee as adopted from time to time by City Council ordinance. The application fee is to cover the administrative costs of processing and investigating the application.

**Subd. .04 Investigation and Issuance.**

A. Upon receipt of a completed application, it shall be referred to the Washington County Sheriff's Department for a background investigation of the applicant's business and moral character as deemed necessary for the protection of the public good.

B. If the applicant has been convicted of a violation within the past five years from the date of the application for any Federal or State statutes or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the certificate of registration is being sought in an honest and legal manner or that will not adversely affect the health, safety and welfare of the residents of the City. Such violations shall include but not be limited to: burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

C. Upon successful completion of the registration process and investigation, the City Administrator or designee shall issue to the applicant a certificate of registration. The certificate of registration is non-transferable.

**Subd. .05 Regulations.** The registrant and its employees shall comply with the following regulations:

- A. Signs. No peddler, solicitor, or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor, or transient merchant when the property is marked with a sign or placard at least three and three quarter (3-3/4) inches long and three and three quarter (3-3/4) inches wide with print of a least 48 points in size stating "Peddlers, Solicitors, and Transient Merchants Prohibited", or other comparable statements. No person, other than the property owner or tenant, shall remove, deface, or otherwise tamper with any sign.
- B. Refusing to Leave. It shall be unlawful for any peddler, solicitor or transient merchant to enter upon premises owned, leased or rented by another and refuse to leave such premises after having been notified by such owner or occupant to leave.
- C. Misrepresentation. It shall be unlawful for any peddler, solicitor or transient merchant to make false or fraudulent statements concerning the quality of the goods or services which are being offered for sale.
- D. Hours of Operation. It shall be unlawful for any peddler or solicitor to conduct business within the City between 7:00 p.m. and 9:00 a.m. the following morning, except by specific appointment with and invitation from the perspective customer.
- E. False Information. It shall be unlawful for any reason to give any false or misleading information in connection with the application for a certificate of registration.
- F. Display of Permit. Registrants are required to exhibit their permit at the request of a citizen.

**Subd. .06 Duration of Certificate of Registration.** Every certificate of registration shall be valid for the period of time stated thereon, but in no event shall any such certificate be issued for a period of time in excess of thirty (30) days.

**Subd. .07 Exempt Organizations.**

- A. Exempt List. The provisions of Section 1335.03 shall not apply to the following organizations:
1. Bona fide residents of the state selling farm and/or garden produce cultivated by themselves, provided that such sales can be conducted without creating traffic hazards.
  2. Children age eighteen or younger, soliciting for school sponsored activities.
  3. Garage sales, flea market and estate sales.
  4. The acts of merchants or their employees in delivering goods in the regular course of business.
  5. Solicitations by organizations for philanthropic religious, political, charitable, non-profit or educational causes.
- B. Application for Exemption. An application for exemption shall be submitted to the City Administrator or designee on forms provided by the City at least ten (10) days before the applicant desires to conduct business within the City. A completed application shall include the following information:
1. Name and purpose of the cause for which the exemption is sought;
  2. Name of the individual in the organization responsible for the solicitations;
  3. Names and addresses of the individuals who will actually be doing the solicitation;
  4. Period during which solicitation is to be carried on; and
  5. Certificate of non-profit status, if applicable, from the state where organized.

- C. Political Organizations. Political organizations that request permission to canvass in the City are required to complete a legal affidavit and file it with the City Administrator or designee.

**Subd. .08 Revocation.** Certificates of registration may be revoked by the City Administrator for a violation of any provision of this section. The decision of the City Administrator shall be final.

City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, MN 55042  
Phone: 651.777-5510  
Fax: 651.777-9615  
www.lakeelmo.org

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| License No. | SOL05- |
| Receipt No. |        |
| Amount Paid |        |
| Date Recvd. |        |
| Ins. Cert.  |        |
| Fee         |        |

## 2005 Solicitors, Peddlers, Transient Merchants Application for Exemption Form-

\*A copy of your organizations Certificate of Non-Profit Status must be presented to the City for record keeping purposes-

### Business Information

Organization's Name

\_\_\_\_\_

Address of Non-Profit Organization

\_\_\_\_\_

\_\_\_\_\_

Name of Event Organizer

\_\_\_\_\_

Address of Event Organizer:

\_\_\_\_\_

\_\_\_\_\_

Business Phone Number:

\_\_\_\_\_

Fax Number:

\_\_\_\_\_

Date(s) of the Event:

\_\_\_\_\_

Describe the Nature of Your Business:

\_\_\_\_\_

\_\_\_\_\_

Description of Goods to be sold:

\_\_\_\_\_

\_\_\_\_\_

Manner in which the goods will be delivered to the customer: \_\_\_\_\_

### Other Requirements:

- Name and addresses of the individuals who will be doing the solicitation.
- The applicant may be subject to a background check that will be completed by the Washington County Sheriffs Department.
- If the City approves the permit request, the following requirement must be met by the permit holder at all times:
  1. Must have a City Provided Permit in his/her possession at all times while working in the City of Lake Elmo.
  2. If applicable, a copy of your State of Minnesota Certificate of Non-Profit Status.

City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, MN 55042  
Phone: 651.777-5510  
Fax: 651.777-9615  
www.lakeelmo.org

For Office Use  
Only

|             |        |
|-------------|--------|
| License No. | SOL05- |
| Receipt No. |        |
| Amount Paid |        |
| Date Recvd. |        |
| Ins. Cert.  |        |
| Fee         |        |

## 2005 Solicitors, Peddlers, Transient Merchants Certificate of Registration Application Form

Annual Fees: \$150.00-Background Check Per Sales person  
\$100.00-Per Month Permit Fee

### Business Information

Business Name \_\_\_\_\_

Applicant's Full Legal Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Social Security Number \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Address of Employer \_\_\_\_\_

Business Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

List of municipalities wherein the applicant/company has worked in before coming to the City of Lake Elmo:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Describe the Nature of Your Business: \_\_\_\_\_

Description of Goods to be sold: \_\_\_\_\_



Address where goods are manufactured: \_\_\_\_\_

Address where goods are stored: \_\_\_\_\_

Manner of which the goods shall be delivered to customer: \_\_\_\_\_

Requested dates for working within the City of Lake Elmo: \_\_\_\_\_

Other Requirements:

- A photograph of the applicant taken within 60 days immediately prior to the date of filing the application. The picture shall be approximately two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- The applicant is subject to a background check that will be completed by the Washington County Sheriff's Department.
- If the City approves the permit request, the following requirement must be met by the permit holder at all times:
  1. Must have a City Provided Permit in his/her possession at all times while working in the City of Lake Elmo.
  2. If applicable, a copy of the permit holder's sales tax permit must be posted at the work site.
  3. Proof that the transient merchant sales are permitted within the zoning district where business will be conducted.

Transient Merchants must also provide the following information:

- Proof of appropriate permission to operate on the proposed site.
- A copy of your individual sales tax permit. The sales tax permit must be posted at the site.
- Proof that the transient merchant sales are permitted within the zoning district where the proposed business will be conducted.

# Applicant Information

Full Legal Name of Each Solicitor: \_\_\_\_\_

Known Aliases: \_\_\_\_\_

Has applicant ever been convicted of any crime? Yes No

If yes, please explain: \_\_\_\_\_

Description of vehicle which the applicant will use while engaged in the business of a peddler or solicitor within the City of Lake Elmo:

Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Color \_\_\_\_\_

License No. \_\_\_\_\_ State of Issuance: \_\_\_\_\_

I hereby authorize and grant my informed consent to permit you to release to and make available to the City of Lake Elmo, Minnesota, and/or its agents and/or representatives data classified as private which concerns me and which may be in your possession. The data which I authorize to be released consists of private data as defined by Minnesota Statute 13.02, Subd. 12, and has been collected by you as a result of my contacts and associations with you and/or your representatives. The information for which release is authorized includes all data which has been collected, created, received, retained, or disseminated in whatever form which in any way relates to my dealings with you or your agency. I understand that the purpose of permitting the City of Lake Elmo to have access to this information is to determine my suitability for solicitation within the City. I further understand that this information may subsequently be utilized for other purposes relating to solicitation within the City.

By signing this authorization, I hereby release the Bureau of Criminal Apprehension from any and all liability which otherwise may or does accrue as a result of the release of any and all data, regardless of its accuracy. I also release the City of Lake Elmo from any and all liability for its receipt and use of data received pursuant to this consent. This authorization shall be valid for a period of one year, but I reserve the right to, at any time prior to that expiration, cancel the written authorization by providing written notice to the City of Lake Elmo or to you of that fact. I have read Section 340 – Peddlers, Solicitors and Transient Merchants – of the Municipal Code. (Term of license is 30 days from date of authorization. No more than one 30 day license can be granted per calendar year.)

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Printed Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Driver's License No. \_\_\_\_\_ State of Issue: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Subscribed and sworn to before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_, Notary Public

**\*Photocopy of current driver's license must be attached to this form.**

**\*This form must be filled out by each individual soliciting within the City of Lake Elmo.**

**CITY OF LAKE ELMO**

**GENERAL AUTHORIZATION AND RELEASE  
PURSUANT TO MINNESOTA STATUTES 13.05, SUBD. 4,  
MINNESOTA DATA PRACTICES ACT**

To: City of Lake Elmo

I, \_\_\_\_\_, hereby authorize and grant my informed consent to permit you to release to and make available to the City of Lake Elmo, Minnesota, and/or its agents and/or representatives data classified as private which concerns me and which may be in your possession. The data which I authorize to be released consists of private data as defined by Minnesota Statue 13.02, Subd. 12, and has been collected by you as a result of my contacts and associations with you and/or your representatives. The information for which release is authorized includes all data which has been collected, created, received, retained, or disseminated in whatever form which in any way relates to my dealings with you or your agency. I understand that the purpose of permitting the City of Lake Elmo to have access to this information is to determine my suitability for operating a peddler, solicitors, transient merchant, and/or political canvassing operation within the City.

By signing this authorization, I hereby release the Bureau of Criminal Apprehension from any and all liability which otherwise may or does accrue as a result of the release of any and all data, regardless of its accuracy. I also release the City of Lake Elmo from any and all liability for its receipt and use of data received pursuant to this consent.

This authorization shall be valid for a period of one year, but I reserve the right to, at any time prior to that expiration, cancel the written authorization by providing written notice to the City of Lake Elmo or to you of that fact.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Full Name - Printed

\_\_\_\_\_  
Date of Birth

Subscribed and sworn to be before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary Public

**Please return to:**

Sharon Lumby, City Clerk  
City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, MN 55042

**APPLICANT: PLEASE RETURN FORM TO  
CITY OF LAKE ELMO, 3800 LAVERNE AVENUE N., LAKE ELMO, MN 55042**

## POLITICAL CANVASSING

- 1.0 \_\_\_\_\_ is the \_\_\_\_\_ for the Insert organizations name. My office is located at \_\_\_\_\_ and my telephone number is \_\_\_\_\_.
- 2.0 Between the \_\_\_\_ day of \_\_\_\_\_, 2005 and the \_\_\_\_ day of \_\_\_\_\_, 2005, the individuals identified on the attached spreadsheet ("Canvassers") will be contacting residents within the City of Lake Elmo on behalf of the insert organizations name, and will be involved in the following activities:
- 3.0 All of the Canvassers have current photo identifications or photo driver's licenses, and copies of such identification are attached to the spreadsheet.
- 4.0 None of the Canvassers have been convicted of a crime other than traffic violations, except those whose names are marked with an "\*" on the spreadsheet. As to those individuals, I have attached an exhibit which identifies the nature of the crime, the punishment and the penalty assessed.
- 5.0 On behalf of myself and the insert organizations name, I attest to the accuracy of the information provided herewith.

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
Name: \_\_\_\_\_

STATE OF MINNESOTA     )  
  ) SS  
COUNTY OF WASHINGTON )

The foregoing instrument was executed by \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2005, who executed the same by his/her own free hand and will.

\_\_\_\_\_  
Notary Public

**CITY OF LAKE ELMO**  
City Hall Contact: Martin Rafferty, City Administrator  
City Hall Phone: 651.777-5510

**INVESTIGATION REQUEST**  
**WASHINGTON COUNTY SHERIFF'S DEPARTMENT: Records/Patrol Division**

THE CITY OF LAKE ELMO requests a background check for:

|                          |                                |                                     |  |
|--------------------------|--------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | Liquor Licensing Application   | <input type="checkbox"/>            | Gambling/Pull-Tab Application  |
| <input type="checkbox"/> | Liquor Licensing Annual Review | <input type="checkbox"/>            | Employment – Criminal  |
| <input type="checkbox"/> | Background Investigation       | <input checked="" type="checkbox"/> | Peddlers, Solicitors, Transient Merchants, or<br>Political Canvassing Operations-<br>Background Checks |

Applicant Name:

\_\_\_\_\_  
Last First Full Middle Name

Other Names:

(Other names by which applicant has been known, including maiden name,  
names form previous marriages or aliases):

\_\_\_\_\_  
Last First Full Middle Name

\_\_\_\_\_  
Last First Full Middle Name

Date of Birth: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Race: \_\_\_\_\_

Driver's License No.: \_\_\_\_\_ State of Issue: \_\_\_\_\_

Name of establishment or organization where business will be conducted pursuant to the permit  
application:

\_\_\_\_\_  
Location or area where the organization will be conducting business pursuant to the permit application:

\_\_\_\_\_  
City Hall to forward request to: WASHINGTON COUNTY SHERRIF'S DEPARTMENT

**APPLICANT: PLEASE RETURN FORM TO**  
**CITY OF LAKE ELMO, 3800 LAVERNE AVENUE N., LAKE ELMO, MN 55042**

8A.

## MEMORANDUM

**To:** Lake Elmo City Council  
**Copies To:** \_\_\_\_\_  
\_\_\_\_\_  
**From:** Thomas Prew, P. E.  
**Date:** September 30, 2005

**Reference:** Assessment Hearing  
Hilltop Avenue Street Project  
City of Lake Elmo, Minnesota  
**Proj. No.:** 13403.000  
**Routing:** \_\_\_\_\_  
\_\_\_\_\_

Attached is the Final Assessment Roll for the Hilltop Avenue Project.

In accordance with City policy we are assessing each lot \$1,259.00. Appraisals were done 2 years ago. At that time the maximum amount we could assess the property for a street project of this nature was estimated at \$1,500.00.

We recommend that the City Council pass a Resolution adopting the Final Assessment roll for this project. The recommended interest rate is 5.25% over a period of 5 years.

Assessments would be placed on the 2006 tax roll.

The project is under contract and actual work should start this week.

# FINAL ASSESSMENT ROLL

CITY OF LAKE ELMO, MINNESOTA  
2005 STREET REPAIRS - HILLTOP AVENUE  
TKDA PROJECT NO. 13403.001

DATED: September 29, 2005

| No. | Name                          | Address                   | Geocode       | Units | Preliminary Assessment |
|-----|-------------------------------|---------------------------|---------------|-------|------------------------|
| 1   | JOHN V & NANCY L OLKER        | 5500 HILLTOP AVENUE NORTH | 0502921130001 | 1     | \$ 1,259.00            |
| 2   | DAVID J & JEAN A BENDEL       | 5480 HILLTOP AVENUE NORTH | 0502921420019 | 1     | \$ 1,259.00            |
| 3   | DENNIS J & CAROL A SCHULTZ    | 5471 HILLTOP AVENUE NORTH | 0502921420020 | 1     | \$ 1,259.00            |
| 4   | RANDY J & LAURIE A POST       | 5460 HILLTOP AVENUE NORTH | 0502921420018 | 1     | \$ 1,259.00            |
| 5   | DAVID P & MARY K LANG         | 5451 HILLTOP AVENUE NORTH | 0502921420021 | 1     | \$ 1,259.00            |
| 6   | MARK G EDLUND                 | 5431 HILLTOP AVENUE NORTH | 0502921420022 | 1     | \$ 1,259.00            |
| 7   | JOSEPH T & PAMELA J CONNOLLY  | 5440 HILLTOP AVENUE NORTH | 0502921420017 | 1     | \$ 1,259.00            |
| 8   | LONNIE A & DENISE M PROECHTEL | 5420 HILLTOP AVENUE NORTH | 0502921420016 | 1     | \$ 1,259.00            |
| 9   | WALLACE L & JANET L OLSON     | 5361 HILLTOP AVENUE NORTH | 0502921420008 | 1     | \$ 1,259.00            |
| 10  | MICHAEL J & MARY E EGGERT     | 5350 HILLTOP AVENUE NORTH | 0502921420003 | 1     | \$ 1,259.00            |
| 11  | JOAN M KANOWITZ &             | 5321 HILLTOP AVENUE NORTH | 0502921420007 | 1     | \$ 1,259.00            |
| 12  | BRIAN J STEFFENSON            | 5291 HILLTOP AVENUE NORTH | 0502921420006 | 1     | \$ 1,259.00            |
| 13  | MARK R & JOAN E RIVARD        | 5290 HILLTOP AVENUE NORTH | 0502921420002 | 1     | \$ 1,259.00            |
| 14  | CHARLES A & PAMELA STICKLER   | 5261 HILLTOP AVENUE NORTH | 0502921420005 | 1     | \$ 1,259.00            |
| 15  | LYNNE C & BRUCE L BECK        | 5260 HILLTOP AVENUE NORTH | 0502921420001 | 1     | \$ 1,259.00            |
| 16  | ROBERT L & DIANE F MCDONOUGH  | 5231 HILLTOP AVENUE NORTH | 0502921420004 | 1     | \$ 1,259.00            |
| 17  | STEVEN M & SUSAN M SEMLAK     | 5230 HILLTOP AVENUE NORTH | 0502921430025 | 1     | \$ 1,259.00            |
| 18  | MARK L & ANDREA G SANDSTROM   | 5201 HILLTOP AVENUE NORTH | 0502921430026 | 1     | \$ 1,259.00            |
| 19  | DAVID W & BRENDA L FORCIEA    | 5200 HILLTOP AVENUE NORTH | 0502921430024 | 1     | \$ 1,259.00            |
| 20  | DAVID A & JUDITH A SEIFERT    | 5171 HILLTOP AVENUE NORTH | 0502921430016 | 1     | \$ 1,259.00            |
| 21  | ROGER L KAPSNER &             | 5170 HILLTOP AVENUE NORTH | 0502921430022 | 1     | \$ 1,259.00            |
| 22  | DANIEL T JOHNSON              | 5151 HILLTOP AVENUE NORTH | 0502921430028 | 1     | \$ 1,259.00            |
| 23  | MIKE LEHMAN/KRISTIN CONNELLY  | 5150 HILLTOP AVENUE NORTH | 0502921430021 | 1     | \$ 1,259.00            |
| 24  | CLIFTON J & SHARO LIVINGSTON  | 5131 HILLTOP AVENUE NORTH | 0502921430013 | 1     | \$ 1,259.00            |
| 25  | SID A & FAYE A OAKES          | 5130 HILLTOP AVENUE NORTH | 0502921430020 | 1     | \$ 1,259.00            |
| 26  | BRYAN J BLAHA                 | 5111 HILLTOP AVENUE NORTH | 0502921430012 | 1     | \$ 1,259.00            |
| 27  | JAMES B & DEBRA J MARTIN      | 5110 HILLTOP AVENUE NORTH | 0502921430019 | 1     | \$ 1,259.00            |
| 28  | ALFRED O & SUSAN LY WILLIAMS  | 5091 HILLTOP AVENUE NORTH | 0502921430011 | 1     | \$ 1,259.00            |
| 29  | PATRICIA A LARKIN             | 5090 HILLTOP AVENUE NORTH | 0502921430018 | 1     | \$ 1,259.00            |
| 30  | DEBRA RAE ORLOFF-TRUST        | 5071 HILLTOP AVENUE NORTH | 0502921430010 | 1     | \$ 1,259.00            |
| 31  | OTIS W & VIRGINIA M STADLER   | 5070 HILLTOP AVENUE NORTH | 0502921430017 | 1     | \$ 1,259.00            |
| 32  | JERRY A & MARY G PARROTT      | 5051 HILLTOP AVENUE NORTH | 0502921430009 | 1     | \$ 1,259.00            |
| 33  | GERALD G & COLETTE WALLGREN   | 5040 HILLTOP AVENUE NORTH | 0502921430008 | 1     | \$ 1,259.00            |
| 33  |                               |                           |               |       | \$ 41,547.00           |

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-105  
A RESOLUTION ADOPTING ASSESSMENT FOR THE 2005 STREET REPAIRS  
HILLTOP AVENUE NORTH

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the improvement of Hilltop Avenue North in Lake Elmo, Minnesota.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of five (5) years, the first of the installments to be payable on or before the first Monday in January, 2006, and shall bear interest at the rate of 5.25 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2005. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Lake Elmo, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City of lake Elmo the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.
4. The Finance Director shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.



ADOPTED, by the Lake Elmo City Council on the 4<sup>th</sup> day of October, 2005.

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

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Lake Elmo  
City Council  
October 4, 2005

**Agenda Section: Planning, Land Use and Zoning**

**No. 9A**

**Agenda Item: "The Sanctuary" – OP Development Stage Plan/CUP/Preliminary Plat**

**Background Information for October 4, 2005:**

At its meeting September 26, 2005 the Planning Commission conducted a Public Hearing and then unanimously adopted a recommendation for approval of this OP application to divide 153 acres into a maximum of 62 single family detached building lots, and 76 acres of Preserved Open Space. Initially (based on the current zoning ordinance), 55 lots would be final platted, and 7 potential lots would appear as outlots pending an anticipated future amendment to the zoning ordinance increasing OP density from 0.40 units/acre to 0.45 units per acre. The Preserved Open Space proposed responds in area to the ultimate 62 lot configuration. One proposed lot (of either the 55 or the 62) is proposed in return for restoration of the historic dairy barn by expenditure of at least \$25,000. The OP Final Plan will be required to include specific plans and cost estimates for that barn restoration.

The Development Stage Plan generally reflects the Concept Stage Plan approved by the City Council on July 19, 2005. Planning Commission discussion and resulting conditions of approval primarily address roadway issues raised by the City Engineer and two conditions of the Resolution approving the Concept Plan. The Commission determined the sketch plan presented by the applicant for two 10+ acre RR lots on the 23 acre exception parcel complied with the related condition of Concept approval; and that the applicant's report regarding contact with the Minnesota Land Trust (and promise to continue that contact post-Preliminary Plat ) satisfies the related condition of the Concept Plan approval.

The Commission does not agree with the City Engineer's suggestions for two roundabout intersections or 26 foot wide street sections (except where the north/south street must meet MSA design standards), but does concur with the balance of the City Engineer's recommendations.

**(Sanctuary – Continued on Page 2)**

**Action items:**

106  
Motion to adopt Resolution #2005 – approving the OP Development Stage Plan, OP Conditional Use Permit, and Preliminary Plat as recommended by the Planning Commission per plans staff-dated September 7, 2005, including conditions of approval.

**Person responsible:**

City Planner

**Attachments:**

- 106
1. Draft Resolution #2005- Approving Plan/CUP/Plat
  2. Draft Planning Commission Minutes of 9/26/05
  3. Planning Staff Report
  4. Resolution #2005-078 – Concept Plan Approval
  5. Approved Concept Plan
  6. Applicant's Graphics and Documentation

**Time Allocated:**

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-106

A RESOLUTION APPROVING THE OP DEVELOPMENT STAGE PLAN,  
CONDITIONAL USE PERMIT, AND PRELIMINARY PLAT OF THE SANCTUARY

WHEREAS, at its July 19, 2005 meeting, the City Council approved the Concept Plan for THE SANCTUARY,

WHEREAS, Lake Elmo Development Company, Richard and Eileen Bergmann, and Trustees for the Alvin and Helen Bergmann Trust, made application for an OP Development Stage Plan, Conditional Use Permit, and Preliminary Plat, THE SANCTUARY, to create 62 residential building lots and seven outlots on a parcel of 152.9 acres legally described as follows:

The property is generally located south of Highway 36 and westerly of Manning Avenue. The subject properties lie easterly and southerly of Country Sun Farm. The parcels included are legally described as follows:

**Parcel I.D. Numbers**

01.029.21.11.0001  
01.029.21.11.0002  
01.029.21.11.0003  
01.029.21.11.0005  
01.029.21.11.0007  
01.029.21.12.0001  
01.029.21.13.0001  
01.029.21.13.0002  
01.029.21.21.0006 (the easterly 23 +/- acres)  
06.029.20.23.0001

WHEREAS, at its September 26, 2005 meeting, the Planning Commission reviewed and 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 THE SANCTUARY was presented to the City Council at its October 4, 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 THE SANCTUARY, per plans staff dated September 7, 2005, as the same on file with the City Administrator, based on the following Conditions:

1. Compliance with recommendations of the City Attorney and the City Engineer's recommendations, excluding the roundabouts.

2. To incorporate a T intersection on the east/west road at the south end of the plat into the future MSA road.
3. Roads are to be constructed at 22 feet in width except where MSA standards will require 26 feet in width.
4. Compliance with the recommendation of Browns Creek Watershed District as found to be practical and/or applicable by the City Engineer.
5. Compliance with the recommendations of the Park Superintendent and Parks Commission regarding park and trail development by the developer and park dedication fees in lieu of land.
6. The OP Final Plan submission shall include construction details and cost estimates for the restoration of the historic barn on site. Plans and costs shall be concurred in by the Building Official as to structural integrity and compliance with the \$25,000 minimum restoration expenditure.

ADOPTED, by the Lake Elmo City Council on the 4<sup>th</sup> day of October, 2005.

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

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Resol Sanctuary OP

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of September 26, 2005**

Vice Chairman Sedro called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Fliflet, Deziel, Roth, Schneider, Pelletier, (7:04) Van Zandt, (7:06) Armstrong, and (8:07) Chairman Helwig. STAFF PRESENT: Planner Dillerud, Administrator Rafferty, and Recording Secretary Schaffel.

**AGENDA**

The Planner asked to include Regulatory Taking Discussion. It became Item 5a. M/S/P, Roth/Deziel, To accept the Agenda as amended. VOTE: 7:0

**MINUTES OF AUGUST 9, 2005**

Vice Chairman Sedro asked for an amendment to the 1<sup>st</sup> Page of the Minutes of August 9, 2005 to read, "Commissioner Sedro asked about storing the farmhouse on a corner of the original property." M/S/P, Fliflet/Deziel, To accept the Minutes of August 9, 2005 as amended. VOTE: 6:0:1 Abstain: Roth – Absence.

**MINUTES OF AUGUST 22, 2005**

M/S/P, Roth/Deziel, To accept the Minutes of August 22, 2005 as presented. VOTE: 6:0:1 Abstain: Pelletier – Absence.

**PRELIMINARY PLAT/DEVELOPMENT STAGE PLAN ~ SANCTUARY**

Tim Freeman of Folz, Freeman, Erickson explained the history and revisions of this 62 residential lot open space subdivision. Their trails and park proposal changed since the Concept Stage so they were submitted again to the Parks Commission. Total trail length is in excess of city ordinance requirements. Streets have some realignments. Open Space Easements will be granted to the Minnesota Land Trust if the easements are acceptable to the Land Trust following Preliminary Plat approval.

Mr. Freeman introduced a sketch of the residual 23 acres being retained by the Bergmann Family. The parcel is zoned Rural Residential. Freeman advised that in the future, if developed, that parcel would be split into two residential lots. Mr. Freeman's sketch reflected two lots.

Mr. Freeman said that streets are proposed at 22 feet wide though the City Engineer recommends them at 26 feet wide. He continued that the Engineer said that State Aid Streets should be 26 feet wide, and the Engineer also recommended roundabout intersections at two locations. Freeman observed that the advantage to roundabouts is that they increase traffic flow and speed, but, the developer's goal is to slow traffic. Mr. Freeman then acknowledged that the City well #2 is off the plat to the southeast, and the plat includes a segment of the trail/driveway to the well that is indicated at 12 feet wide but the City Engineer wants that segment of trail to be 14 feet wide. Mr. Freeman said that people might think it is a driveway or even a street.

The Planner said that 14 foot width is necessary to have vehicular access to the well by Public Works Crews, which will be a daily occurrence. He noted that when the well and pump need major maintenance, large equipment must have access via the trail/drive – hence the requirement for a 14 foot width.

Commissioner Schneider said that one of the graphics show the streets with five feet stamped paths within the roadway – like proposed, but rejected by the City at Discover Crossing..

Mr. Freeman said were a mistake on the plan and should be disregarded.

Planner Dillerud said the City Council wanted to know if the Land Trust would consider taking easements on some of these parcels of Open Space in order to determine the best design. He said he is not sure the sketch for the residue parcel responds to City concerns for expansion of the owners' business but it is a plan for the future, and required by the Concept Plan approval Resolution. The Planner said he agrees with Mr. Freeman that 22 feet is enough street if it is not a State Aid Road, and he agrees with the City Engineer regarding design of the north/south road portion be to State Aid System standards.. He said he would like to talk to the developer about redesign of the trail in order to connect it up to Highway 36 because Manning north of Highway 36 is getting a parallel trail system so Lake Elmo may interconnect with that community's trail system.

Commissioner Deziel said he was surprised to see the City Engineer recommendation for roundabouts. He said there would have to be further discussion before the Commission could make that recommendation

Mr. Freeman said the street grade leading into the north intersection and wetland issues at that intersection do not leave enough land for a roundabout there. They will look at a trail link to Highway 36.

Commissioner Schneider asked why City Public Works doesn't just use the gravel road to access the well site.

The Planner said that gravel is difficult for maintenance, and there may be an opportunity to abandon that roadway altogether in the future.

Commissioner Sedro asked if the road connected to Highway 36 will need to deal with greater traffic in the future that would require some sort of design modification.

The Planner said he does not think there will be volume on that road beyond that anticipated by State Aid design standards..

Commissioner Fliflet suggested that where those maintenance trails intersect with the developer should put a skirt on the corner because trucks never make the corner.

Commissioner Schneider asked about the location and preservation of a cluster of trees some neighbors called him about.

Mr. Freeman said they are preserving as many trees as possible. The cluster of trees he is referring to will be in the open space.

The Planner said the most significant clump of trees is where the park will be.

Commissioner Schneider asked about distances of homes from the wetland.

The Planner said that Outlot B is a DNR protected water body, and that Valley Branch will require a 15 feet vegetative buffer from the wetland in order to trap nutrients before surface water off lots enters the pond.

THE VICE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:57 P.M.

THE VICE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:58 P.M.

M/S/P, Armstrong/Deziel, To recommend approval of the Open Space Subdivision Preliminary Plat, Development Stage Plan and OP Conditional Use Permit for SANCTUARY, subject to:

1. Compliance with recommendations of the City Attorney and the City Engineer's recommendations excluding the roundabouts.
2. To incorporate a T intersection at the south end of the plat for the future MSA road.
3. Roads are constructed at 22 feet in width except where MSA standards will require 26 feet in width.
4. Compliance with the recommendations of Browns Creek Watershed District as found to be practical and/or applicable by the City Engineer.
5. Compliance with the recommendations of the Park Superintendent and Parks commission regarding park and trail development by the developer and park dedication fees in lieu of land.

VOTE: 9:0

### **CONDITIONAL USE PERMIT ~ COUNTRY AIR GOLF**

The Planner reminded the Commission about the previously reviewed and tabled application for construction of a Tee Box Facility at the driving range. He reported that the applicant has returned with a structurally engineered design for the structure that will house the tee boxes. He noted that the Building Official has found that the new plans are of sufficient detail and certified by a structural engineer.

Nicole Park, the applicant, said that Phase One will construct just the coverings, Phase Two will extend the facility further north, and that Phase Three has been put on hold for now. She said they selected a simpler roofing material and displayed a sample. The current roof will be removed and replaced with the all weather material that lets in light. They might choose the lightest, most transparent of the colors presented.

M/S/P, Roth/Deziel, To recommend approval of the amended Site Plan and Conditional Use Permit Amendment to allow construction of a tee box structure in two phases in accordance with plans drafted by Ulteig Engineers. VOTE: 9:0.

The Commission recessed at 8:10 p.m. and reconvened at 8:15 p.m.

### **REGULATORY TAKING**

The Planner introduced three mock case studies addressing "Regulatory Taking". The exercise he presented was intended to help Commissioners determine when the Regulatory Taking line is crossed by City zoning actions resulting in a need for property owner compensation.

The Planner said a City can down zone without it being a taking short of significant investment by a property owner and actual issuance of City permits relying on the previous zoning. He noted that a taking may not even be found until the property owner "moves dirt" responsive to City-issued permits based on the prior zoning. A simple diminution of land value by rezoning is not a Taking" or compensable.

Commissioner Armstrong said the City down zoned the entire city to "Present Use" in the 1970's which has resulted in the rural character that remains today. That action clearly was not a "taking".

Commissioner Armstrong said the state says there is no vested right in zoning. An individual has to prove a major investment and a significant financial loss in order to win such a case.

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** September 21, 2005 for the Meeting of September 26, 2005

**Applicant:** Bergmanns/Arkell

**Location:** SW Quadrant of Manning Avenue and State Highway 36

**Requested Action:** OP Development Stage Plan/CUP and Preliminary Plat

**Land Use Plan Guiding:** RAD

**Existing Zoning:** RR

**Site History and Existing Conditions:**

The proposed OP site consists of 155 acres including all or a portion of 4 existing tax parcels. The site contains an existing farmstead with several accessory agricultural buildings (Bergmann Estate) and an additional farm structure not related to the farmstead. The site is gently rolling, with 80 feet of topographic relief and approximately 20 acres of existing wetlands. The majority of the site is open farm land interspersed with tree groupings at several locations. The site is presently accessed via unimproved (gravel) Manning Avenue from the signalized intersection with State Highway 36.

The 225 foot wide power line easement running west to east adjacent to Highway 36 is a major site feature influencing the design of the proposed project. The presence of that easement precludes any manner of development over the north 500+ feet of the site. A second utility easement (for natural gas pipeline) also impacts that extreme west portions of the site.

The City Council approved an OP Concept Plan for this site by Resolution 2005-078 on July 19, 2005 subject to several conditions. Review of the Development Stage Plan and Preliminary Plat is based on the approved Concept Plan, compliance with the conditions of Concept Plan approval, project design compliance with the standards of Section 300/400 of the City Code and such comments/recommendations of the City Engineer/City Attorney and outside agencies as may be relevant.

**Discussion and Analysis:**

Concept Plan/City Code Compliance

The proposed Development Stage Plan/Plat is similar in design and layout to the approved Concept Plan. Some street alignments have been modified but the general street layout and potential interconnection to the south and west are maintained per the approved Concept Plan. The Development Stage Plan proposes (maximum) 62 unit lot count per the approved Concept with lot areas and Preserved Open Space remaining in compliance with OP Ordinance standards. Proposed lot areas and lot configuration also comply with OP standards.

The approved Concept Plan provided for both a portion of a City Neighborhood Park at the extreme southwest corner of the site and for a public trail corridor along the south site border – both as recommended by the Park Commission. The Development Stage Plan generally retains



both features but with some modification. On September 19 the Park Commission again reviewed the Sanctuary plans, and adopted two related recommendations:

1. To approve the relocation of the east/west Public trail corridor from the previously approved site south border to a location through the common Open Space at the center of the site.
2. To request the City Park Superintendent to review and make recommendations regarding which (if any) improvements should be made by the developer (as has been requested and depicted) to the (partial) neighborhood park site – in lieu of a portion of the park dedication fees. Pending the Superintendents report and the Commission's recommendations in this regard, the applicant's graphic depictions as to "City Park" improvements in the Development Stage documents are not considered a part of this application, nor should they be considered by the Commission or City Council.

Two conditions of the Concept Plan approval resolution have not been addressed by the applicant as of this writing:

1. Minnesota Land Trust comments on the proposed Preserved Open Space.
2. Presentation of a "sketch plan" regarding the 23 acres included in the parent tax parcels of the site, but not included in the Concept or Development Stage plans.

#### Outside Reviews

Several outside agencies, as well as the City Engineer and City Attorney, have been solicited for comments and recommendations regarding these plans. To date we have received comments from DNR ("Protected Wetlands"), Washington Conservation (review of the "Wetlands Delineation") and the City Engineer – all communications attached. No further report has been received from MnDOT beyond that from the Concept Stage. The applicant has not provided draft HOA documentation for City Attorney review.

#### **Findings and Recommendations:**

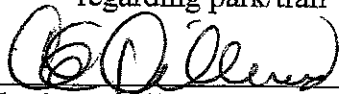
There are issues that the applicant should have addressed with Development Stage documentation that have not been as this is written. While the HOA documentation is usually handled internally by staff/City Attorney (not by the Planning Commission/Council) and is not of consequence to the Commission, the (to date) lack of response by the applicant to the 23 acre sketch plan and Minnesota Land Trust review/comments on the Preserved Open Space appear to constitute non-compliance with the Concept Plan approval resolution. Both matters were clearly important enough to the City Council to become conditions of Concept approval. Staff suggests that this Development Stage/Preliminary Plat application should not proceed out of the Planning Commission without recommendations on those matters.

The City received the application on September 7, 2005. The statutory 60 day review window for the City extends to November 5, 2005. Should the Commission decide to table these applications (following closure of the Public Hearing) to the October 12 (Wednesday, due to Columbus Day) the City Council would still have two subsequent meetings (October 18 and November 1) prior to the 60 day review period ending. The Commission may wish to table these applications until information from the applicants regarding the two Concept Plan conditions is forthcoming.

### **Planning Commission Actions Requested:**

Should the Commission decide to proceed with a recommendation either because the applicant has provided satisfactory documentation regarding the Concept Plan conditions, or because the Commission finds compliance with the conditions to be unnecessary, the OP Development Stage Plan/Conditional Use Permit/Preliminary Plat for "The Sanctuary" per plans staff-dated September 21, 2005 could be recommended for approval subject to the following conditions, and such others as the Commission may specify:

1. Compliance with the recommendations of the City Engineer and City Attorney.
2. Compliance with the recommendations of the Browns Creek Watershed District, as found to be practical and/or applicable by the City Engineer.
3. Compliance with the recommendations of the Park Superintendent and Park Commission regarding park/trail development by the developer and park dedication fees-in-lieu.

  
\_\_\_\_\_  
Charles E. Dillerud, City Planner

### **Attachments:**

1. Location Map
2. Washington Conservation Memo on Wetland Delineation
3. DNR Memo on Protected Wetlands
4. City Engineer's memo
5. MnDOT Concept Plan Review Letter
6. Resolution #2005-078
7. Approved OP Concept Plan
8. Applicant's Documentation/Graphics

## Chuck Dillerud

---

**From:** Jyneen Thatcher [jethatc@mnwcd.org]  
**Sent:** Wednesday, September 21, 2005 6:06 PM  
**To:** Chuck Dillerud; karen.kill@mnwcd.org  
**Cc:** daniel.j.seemon@mvp02.usace.army.mil; les.lemm@bwsr.state.mn.us;  
wayne.barstad@dnr.state.mn.us; tullom@mfra.com  
**Subject:** Wetland delineation, The Sanctuary

On behalf of the City, I have reviewed the wetland delineation for The Sanctuary, located in Section 1 of Lake Elmo. Based on the submitted report and a spot check of selected basins, I would recommend the City accept this delineation as presented. I also concur that the two areas labeled in the report as "Area A" and "Area B" fail to meet wetland criteria. No wetland impacts are anticipated in the preliminary plans presented for our review. The basins all appear to be isolated basins, or connected via culverts to one other basin.

It should also be noted that most of the Type 2 wetlands (the non-open water basins) could benefit from some vegetative enhancement. As many of these wetlands and the surrounding uplands are in public outlots, I would encourage the developer to continue working with a natural resource consultant in restoring the native plant communities on these outlots. Our office will be happy to review and discuss any proposals for vegetative enhancement that are presented.

This memo is also being sent to the members of the WCA Technical Evaluation Panel to serve as notice of the wetland delineation findings.

Jyneen Thatcher  
Wetland Specialist  
Washington Conservation District  
1380 W. Frontage Rd; Hwy 36  
Stillwater, MN 55082  
651-275-1136 X 25  
jyneen.thatcher@mnwcd.org

## Kimberly Schaffel

---

**From:** Travis Germundson [travis.germundson@dnr.state.mn.us]  
**Sent:** Wednesday, September 14, 2005 9:48 AM  
**To:** Kimberly Schaffel  
**Subject:** The Sanctuary

Kim

The only comment I have is that Outlot B contains an Unnamed Public Water Wetland 82-316W (no shoreland classification) as identified in the Plat. The basin outlets via culvert under Manning Ave North to a non-inventoried basin. The OHWL for 82-316W was determined to be 928.1'. This number should be illustrated on the Plat. Any activity below the OHWL of the Unnamed Wetland that alters the course, current or cross-section of the public water is under the jurisdiction of the DNR and may require a Public Waters Work Permit. This would include upgrades to Manning Ave North in addition to the proposed stormwater outfall structures.

**Note:**

Back in 1997 our Survey Crew documented several obstructions along the outlet ditch of the non-inventoried basin. This may have been corrected, however at that time due to the obstructions there was no outflow from either basin which caused localized flooding.

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

## MEMORANDUM

|                   |                            |                   |                                |
|-------------------|----------------------------|-------------------|--------------------------------|
| <b>To:</b>        | <u>Planning Commission</u> | <b>Reference:</b> | <u>Preliminary Plat Review</u> |
| <b>Copies To:</b> | <u></u>                    |                   | <u>Sanctuary</u>               |
|                   | <u></u>                    |                   | <u>City of Lake Elmo</u>       |
|                   | <u></u>                    | <b>Proj. No.:</b> | <u>13267.000</u>               |
| <b>From:</b>      | <u>Thomas Prew, P. E.</u>  | <b>Routing:</b>   | <u></u>                        |
| <b>Date:</b>      | <u>September 23, 2005</u>  |                   | <u></u>                        |

I have reviewed the Preliminary Plat dated September 6, 2005, and have the following comments:

### *Plat*

The existing street right-of-way as it passes by the large wetland and down to 55th Street should be vacated, as it will function as a driveway, and it will no longer serve a public purpose. This will be a cost saving measure for the City, as maintenance on this portion of roadway is expensive for the City.

### *Streets*

A detailed design of the TH 36/ Manning Avenue intersection will be necessary. The one shown appears to be undersized. It should match the County's proposed alignment north of TH 36. Some signal modification work will be necessary for this intersection to function properly. It is recommended that this developer pay the cost of this signal modification work.

We recommend that the north-south road be classified as a collector route and be placed on our State Aid System. The southern extension of this route will intersect with 50<sup>th</sup> Street north, through the Goetchel property. This road should therefore be designed to meet State Aid Standards. This would include a 9-ton design, minimum 26-foot width and 25 MPH design speed. The one-way streets past the median islands shall be a minimum width of 16 feet.

To promote traffic calming on this route, we recommend that the two intersections on the north-south route be constructed as roundabouts.

The cul-de-sac road on the west end of the plat and Road 1 should form an intersection that includes a roundabout.

All streets shall be a minimum of 26 feet wide.

The access to Well House No. 2 shall be 14-feet wide and have the same strength as the roads. A separate trail shall be built so pedestrian traffic does not conflict with the City's use of this road.

***Watermain***

A 16-inch watermain is required from our City well on 55th Street, to the west end of the plat. At the west end of the plat, it shall turn north and then west within Outlot E to the western end of Outlot E. The developer shall secure permission from Xcel for placement of the watermain in their easement.

***Sanitary Sewer***

There is planned to be a wetland treatment system similar to many we have in the City now. The MPCA will permit this facility. An operation, mitigation, and monitoring plan will be required as part of the approval process.

A pressurized sewer system will be constructed to deliver sewage to the treatment area.

***Trails***

Trails should be reviewed by the Parks Commission. We would recommend adding trail from TH 36 to the south end of the plat along the road be included. This will match up with a future trail on CSAH 15, north of TH 36.

***Drainage***

A number of infiltration basins are shown on the plan. We are reviewing the drainage plan in conjunction with the Browns Creek Watershed District. At this time there appears to be no issues with the drainage plan.



**Minnesota Department of Transportation**

**Metropolitan District**

Water's Edge  
1500 West County Road B-2  
Roseville MN 55113-3174

**RECEIVED**  
JUL 18 2005

July 14, 2005

Chuck Dillerud  
City Planner/City Administrator  
City of Lake Elmo  
3800 Laverne Ave. North  
Lake Elmo, MN 55042

**SUBJECT:** Lake Elmo Project, Mn/DOT Development Review #S05-059  
Southwest Quadrant of TH 36 and Manning Avenue  
Lake Elmo, Washington County  
Control Section 8204

Dear Mr. Dillerud:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above referenced plat in compliance with Minnesota Statute 505.03, subdivision 2, Plats. Before any further development, please address the following issues:

***Traffic***

- The Trunk Highway (TH) 36 Corridor Management Plan shows that improvements to Manning Avenue include adding an interchange, implementing access management and building Manning Avenue supporting roadway connections.
- There are many issues regarding this proposed development. First, TH 36 and Manning Avenue has been identified as a folded diamond interchange (east side) in the future. That means that any backage connection to these properties must be adjusted to fit the footprint for the interchange. Secondly, in the short term, the inplace gravel road must be upgraded to a three lane paved roadway. Likewise, as the fourth leg to the intersection, loop detectors and signal modifications will be needed. Also, a Signal Justification Report must be written and approved by Mn/DOT Traffic. Please note that all improvements made are the responsibility of the City, or whomever the city assigns responsibility for paying and implementing these improvements. Please call Wayne Lemaniak, Mn/DOT Metro Traffic Support, at 651-634-2147, if you have any questions regarding these issues.
- Because Washington County is studying expanding Manning Ave from TH 36 to CSAH 12 in 2007-2008, (after selecting a preferred alternative and doing the design and right-of-way), a public open House was held by Washington County on June 22, 2005 at Aamodt's Apple Farm from 3:30 to 7:00. Contact Joe Lux at Washington County at 651-430-4312 for more information about the results of this meeting.
- We recommend that access to this development is off of Manning to assist traffic operations on TH 36. If you have any questions about the above issues, please contact Todd Clarkowski, Mn/DOT Metro Area Engineer, at 651-582-1169.

### *Drainage*

- A Mn/DOT drainage permit may be required. Current drainage rates to Mn/DOT right-of-way must not be increased. Please provide a grading plan and drainage area maps for the proposed project showing existing and proposed contours. The drainage area maps should include arrows indicating the direction of flow. If the project drains to Mn/DOT right-of-way, the maps should be accompanied by drainage computations for pre- and post-construction conditions during 10 and 100 year events. Please contact Rusty Nereng at MnDOT Water Resources Engineering (651-634-2111) or ([rusty.nereng@dot.state.mn.us](mailto:rusty.nereng@dot.state.mn.us)) with any questions.

### *Other*

- Mn/DOT has access control along north side of site, except for a 60-foot opening located approximately 1320 feet west of northeast corner of Section 1-29-21. This opening should be closed as a part of the development of this site. If you have any questions about this issue, please contact: Steven R. Channer, Mn/DOT Metro Right of Way Section, 651-582-1272.
- A Mn/DOT permit will be required for the intersection work. Detailed grading, drainage and utility plans are also needed before final comments can be made on this development. Permit forms are available from MnDOT's utility website at [www.dot.state.mn.us/tecsup/utility](http://www.dot.state.mn.us/tecsup/utility). Please direct any questions regarding permit requirements to Keith Van Wagner (651-582-1443), or Buck Craig (651-582-1447) of MnDOT's Metro Permits Section.
- As a reminder, Manning Avenue is County State Aid Highway (CSAH) 15. Any work on a CSAH route must meet State Aid rules and policies so that they stay within its system limitations. You may obtain additional information regarding State Aid rules and policies in any of the following ways:
  - a) <http://www.dot.state.mn.us/stateaid/> shows or has links to the applicable forms and the Mn/DOT State Aid Manual.
  - b) Refer to the Mn/DOT State Aid Manual, Chapter 5-892.200 for information regarding standards and policies.
  - c) Please go to <http://www.revisor.leg.state.mn.us/arule/8820/> for information regarding State Aid Operations Rules Chapter 8820. For driveway standards, the designer is directed to refer to the Mn/DOT Road Design Manual (English) Table 5-3.04A and Figure 5-3.04A for guidance and policies. Please contact Jim Deeny in our State Aid section at (651) 582-1389 with any additional questions.
- Please send a copy of the final plat for Mn/DOT review to the following address:

Brad Canaday  
Mn/DOT – Metro East Surveys  
3485 Hadley Ave. N.  
Oakdale, Minnesota 55128  
Phone: (651) 779-5007



As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

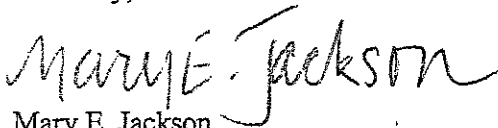
Development Review Coordinator  
Mn/DOT - Metro Division  
1500 West County Road B-2  
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require three (3) complete copies of plats and two (2) copies of other review documents including site plans. Failure to provide three (3) copies of a plat and/or two (2) copies of other review documents will make a submittal incomplete and delay Mn/DOT's review and response to development proposals. We appreciate your anticipated cooperation in providing the necessary number of copies, as this will prevent us from having to delay and/or return incomplete submittals.

As our request, could you please send an electronic .pdf file copy of your plan submittal for our record keeping purposes to [mary.jackson@dot.state.mn.us](mailto:mary.jackson@dot.state.mn.us) Please refer to **Lake Elmo Project, Mn/DOT Review S05-059** when emailing the .pdf file.

If you have any questions concerning this review, please contact me at 651-582-1724.

Sincerely,



Mary E. Jackson  
Transportation Planner

Copy: Wayne Sandberg, Washington County  
Joe Lux, Washington County  
Kathleen O'Connell, MFRA, Inc.  
Michael J. Glair, MFRA, Inc.  
Sue Tarasar, Sunde Land Surveying, LLC.



Department of Transportation and  
Physical Development

Donald J. Theisen, P.E.  
Director/County Engineer

Wayne H. Sandberg, P.E.  
Deputy Director/Ass't. County Engineer

RECEIVED  
SEP 28 2005

September 23, 2005

Chuck Dillerud  
City Planner  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

**PRELIMINARY PLAT OF THE SANCTUARY, SECTION 1, TOWNSHIP 29 NORTH, RANGE 21 WEST**

Dear Chuck:

We have reviewed the preliminary plat of the Sanctuary and have the following comments:

- The geometry shown for the southern leg of the Manning Avenue (CSAH 15 north of Highway 36)/Trunk Highway 36 intersection appears appropriate. Traffic signal modifications will be necessary to accommodate the improved approach and it may be necessary to do a new Signal Justification Report, subject to MN/DOT approval and County concurrence. We recommend contacting Wayne Lemaniak, of MN/DOT (651-634-2147) for requirements.
- Various transportation studies have recommended an interchange to replace the at-grade Manning Avenue/Trunk Highway 36 intersection. Though there is nothing in this development plan that we can see that would preclude interchange construction in the future, we strongly encourage the City to preserve right of way for an interchange.
- We recommend that the intersection of the streets represented by centerlines 1 and 2 in the plat be realigned so that there is a continuous east-west centerline. This could serve as a future east-west collector street for the City and provide a connection should the lands west of this plat develop.
- We have had some discussions with adjacent property owners about development. Consideration should be given to access to that property when reviewing the design of Manning Avenue south of Trunk Highway 36.
- Washington County plans to reconstruct Manning Avenue (CSAH 15) north of Trunk Highway 36 in 2007. We do not anticipate any incompatibility between that design and the design shown in these plans for Manning Avenue south of Trunk Highway 36, but please keep us informed of changes and provide us with as-built drawings upon completion, if possible.

Please call me if you have any questions or comments. We appreciate the opportunity to comment.

Sincerely,

Joseph Lux  
Senior Transportation Planner

C: Paul Czech, MN/DOT Development Review Coordinator  
Mike Welling, Washington County Surveyor  
Tom Prew, TKDA, Lake Elmo City Engineer  
Todd Erickson, Folz, Freeman, & Erickson

N:\WORD\Plat Review- Lake Elmo\The Sanctuary Preliminary Plat, TH 36 & Manning Ave..doc

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

**RESOLUTION NO. 2005-078**

**A RESOLUTION APPROVING THE OPEN SPACE PRESERVATION  
DEVELOPMENT CONCEPT PLAN BY LAKE ELMO DEVELOPMENT**

**WHEREAS**, on the 7<sup>th</sup> day of June, 2005, the Lake Elmo Development Company, ("Applicant") submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Concept Plan; and

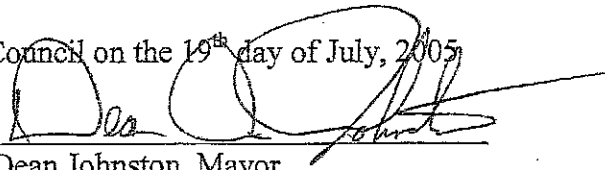
**WHEREAS**, on the 27<sup>th</sup> day of June, 2005, at a public hearing, the Lake Elmo Planning Commission reviewed the Development Application, the City Planner's reports and comments, the comments of the Applicant and the Applicant's representatives, and recommended approval of the Development Application with conditions.

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

Approves the Open Space Concept Plan for the application by Lake Elmo Development Company as illustrated on an MFRA Concept Plan, staff dated June 7, 2005 with the following conditions:

1. Compliance with recommendations for a neighborhood park as determined by the Lake Elmo Parks Commission,
2. Compliance with recommendations of the city engineer,
3. Compliance with the city trail system plan, and
4. Compliance with VBWD recommendations that the city engineer finds to be practical or applicable.
5. The applicant shall provide written documentation from the Minnesota Land Trust evidencing its review of and comments regarding the location, design and quality of the proposed Preserved Open Space concurrent with the Development Stage application.
6. The applicant shall be required to comply with the provisions of Section 400.07, Subd. 6E of the City Code regarding submission with the Preliminary Plat of a "sketch plan" depicting future uses and layout of the 23 acres owned by the applicant but excluded from the OP Plan. Approval by the City of the OP Development Stage Plan and Preliminary Plat shall be, in part, based on City Council satisfaction with the content and design of the sketch plan.

**ADOPTED**, by the Lake Elmo City Council on the 19<sup>th</sup> day of July, 2005

  
Dean Johnston, Mayor

ATTEST

  
Martin Rafferty, City Administrator

Approved Concept Plan

RECEIVED



15050 23rd Avenue North • Plymouth, Minnesota • 55447  
phone 763/476-6010 • fax 763/476-8532  
E-Mail: mfra@mfra.com

Client

Lake Elmo  
Development Company  
Lake Elmo, MN

Project

Lake Elmo Project

Lake Elmo, MN

Sheet Title

Open Space  
Preservation Plat Concept

I hereby certify that this plan was prepared by  
me or under my direct supervision and that  
I am a duly Licensed Professional Engineer  
under the laws of the State of Minnesota.

Signature  
Name  
Date License #

Designed  
Drawn  
Date

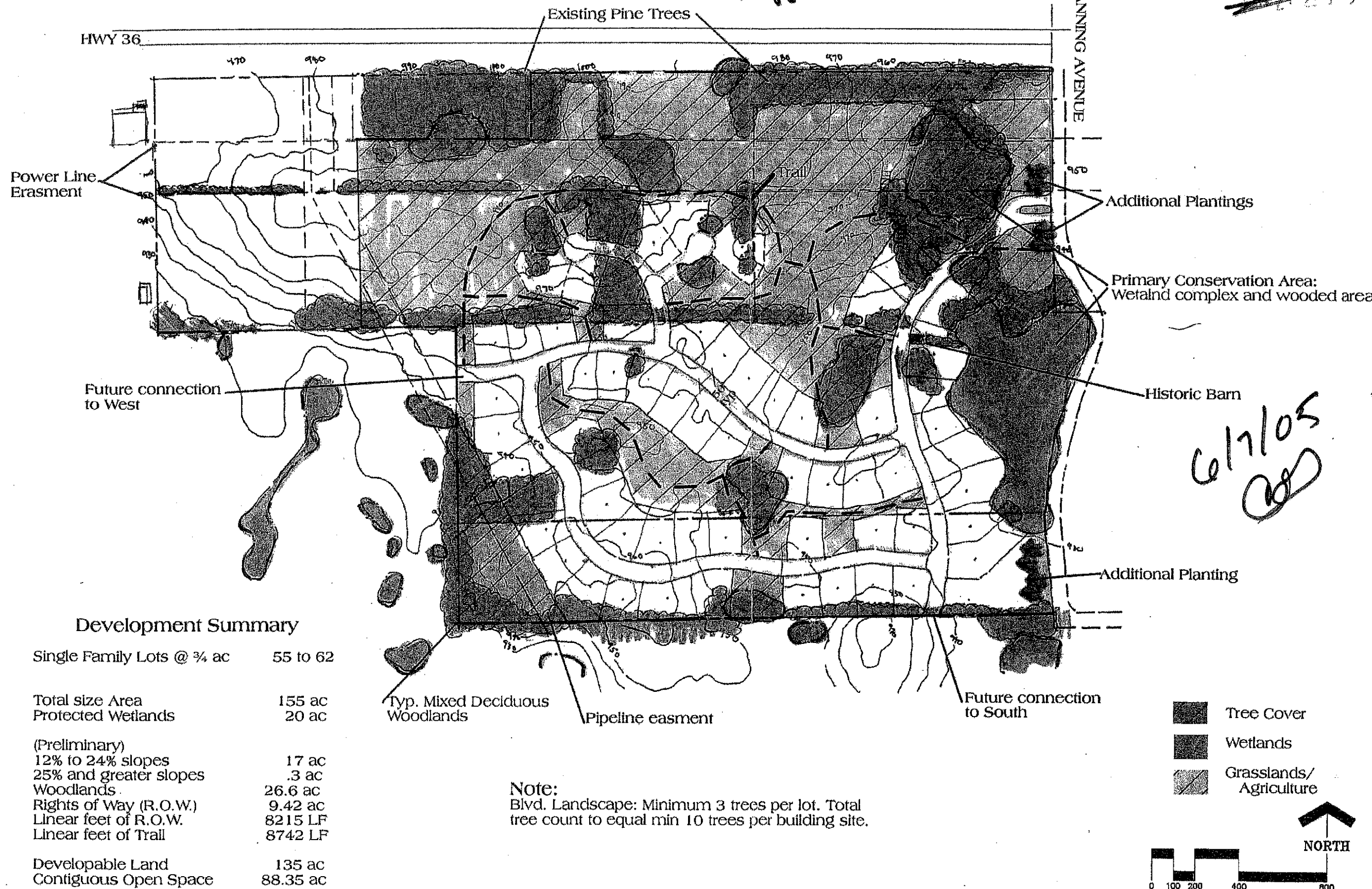
Checked  
Approved

Revisions

| No. | Date | By | Remarks |
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| Sheet | Revision |
|-------|----------|
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MFRA FILE NO.: 16215



### Development Summary

|                           |          |
|---------------------------|----------|
| Single Family Lots @ ¾ ac | 55 to 62 |
| Total size Area           | 155 ac   |
| Protected Wetlands        | 20 ac    |
| (Preliminary)             |          |
| 12% to 24% slopes         | 17 ac    |
| 25% and greater slopes    | .3 ac    |
| Woodlands                 | 26.6 ac  |
| Rights of Way (R.O.W.)    | 9.42 ac  |
| Linear feet of R.O.W.     | 8215 LF  |
| Linear feet of Trail      | 8742 LF  |
| Developable Land          | 135 ac   |
| Contiguous Open Space     | 88.35 ac |

Note:  
Blvd. Landscape: Minimum 3 trees per lot. Total  
tree count to equal min 10 trees per building site.



## **SANCTUARY PRELIMINARY PLAT NARRATIVE**

*September 6, 2005*

This property is the Bergmann land. The property consists of several properties equaling 152.95 gross acres with 135.73 acres being buildable. This project is proposed as an Open Space Preservation Development with 75.8 acres being preserved in permanent Open Space with a Conservation Easement in favor of the City of Lake Elmo.

The overall density and unit count is detailed on the Second Sheet of the Layout Plan (Figure D) and results in 62 new homesites. The unit count is based upon the recommended change to the ordinance of 18 units per 40 acres (from the current 16/40). If the ordinance is not changed prior to Final Plat, the additional units will be converted to Outlots, pending the final ordinance adoption. Included in the unit calculation is the credit of one unit for restoration of a historic structure. The dairy barn that exists on the property was destroyed by a tornado in the late 1950's, and later rebuilt... however, the original milking operation and foundation of the historic barn are well preserved. The structure will be renovated on the upper floor that was rebuilt, along with some improvements to the dairy production area down below. The two existing homes on the property are being removed.

This project is sensitive to the existing neighborhood that borders it on the east. There is a larger expansive buffer of open space area for these existing homes. The existing homes on the east side of Manning Avenue should not be impacted by this project. The properties south and west of this project are eligible for OP Development in the future. We propose to utilize the existing vegetative buffer on the south and west sides, along with some additional introduced vegetation to help screen this neighborhood from the potential new neighborhoods.

The preserved Open Spaces will be owned and managed for neighborhood recreation and open spaces by a newly created Homeowner's Association. Outlot E will be leased back to the Bergmann family to be farmed. The passive recreation areas are envisioned as gathering areas for the community. The extensive trail system will help promote a walking community and bring the residents closer to the natural features of the project. The neighborhood water feature area and canoe launch will promote gatherings by the community.

The park dedication for this project is proposed to be a combination of land, Public Park and trail improvements and additional "cash in lieu" of land to cover the required 7% of

the appraised predevelopment land value. The Park Commission has reviewed the Concept Plan for this project. The Public Park improvements and Public Trail location has been modified slightly, and we anticipate the Park Board will review this new proposal and make their recommendations. The Public and private gathering areas provided in the open spaces should be sufficient for the more passive uses in this development. There is over two miles of paved walking trails (off street), for the enjoyment of the community at large, as well as this new neighborhood. There are several trail extensions proposed for connection to existing trails (i.e. 55<sup>th</sup> Street vacation) as well as potential new trail systems. This should help promote the vision of creating a larger walking community for the City of Lake Elmo.

The homesites that will be built in this community will need to be of a uniform type and style. The architecture being promoted in this project will include Prairie Style, Craftsman Style, and Classic American Farmhouse. These are not the only designs allowed, but any other styles will be closely scrutinized by newly created Architectural Control Committee. This committee will be charged with the review and approval of all structures to be built in Sanctuary. The other major review of the Architectural Control Committee will be each individual homesite. The grading and tree removal will be closely watched to preserve the natural beauty of the site. Of course, City of Lake Elmo ordinances and building codes will have to be followed as well.

CITY OF GRANT  
CITY OF LAKE ELMO

60TH STREET NORTH

CITY OF GRANT  
CITY OF LAKE ELMO

HIGHWAY 36

STATE HIGHWAY 36

STATE HIGHWAY 36

1 2

LOT 1  
10.7 ACRES

LOT 2  
10.7 ACRES

225 FT WIDE NORTHERN STATES POWER CO

NE 1/4 OF NW 1/4  
SEC 1, T 29, R 21


100 FT WIDE  
NORTHERN NATURAL GAS COMPANY PIPELINE EASEMENT

NSP EASEMENT

NW 1/4 OF NE 1/4

SANCTUARY



|   |   |               |
|---|---|---------------|
| Lake Elmo<br>City Council<br>October 4, 2005  | Agenda Section: Planning, Land Use and Zoning   | <u>No.</u> 9B |
| <b>Agenda Item:</b> Conditional Use Permit/Site Plan Amendment – Country Air Golf   |   |               |
| <p><b><u>Background Information for October 4, 2005:</u></b></p> <p>At its meeting September 26 the Planning Commission unanimously adopted a motion to recommend approval of this application to install driving range tee box enclosures on a portion of the existing driving range tee boxes. The applicant had initiated the project early in 2005 without the required approvals and permits. Construction was halted by the City and the CUP/Site plan amendment application was originally filed in April, 2005. Following the Hearing and a subsequent Planning Commission meeting the application was tabled pending the applicant providing plans certified by an architect or structural engineer as to the structural integrity of the proposed construction. Those plans were presented to the City in early September, 2005. The applicant advised the Commission that the actual construction details have been revised per the recommendation of the engineer, but the concept and scale of the project remains essentially as presented in April. The Planning Staff Report to the Commission provides additional details of the proposal.</p> |   |               |
| <p><b><u>Action items:</u></b></p> <p>107<br/>Motion to adopt Resolution #2005 - , to approve n amendment to the Conditional Use Permit and Site Plan of "Country Air Golf" to install tee box enclosures on a portion of the existing driving range tee boxes as recommended by the Planning Commission and per plans staff-dated September 9, 2005. All conditions of Resolution #2001-88 shall be continued and remain valid.</p>  | <p><b><u>Person responsible:</u></b></p> <p><br/>City Planner</p> |               |
| <p><b><u>Attachments:</u></b></p> <p>107</p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2005 - Approving CUP/Site Plan Amendment</li> <li>2. Planning Commission Minutes</li> <li>3. Staff Reports</li> <li>4. Location Map</li> <li>5. Applicants Graphics and Documentation</li> </ol>   | <p><b><u>Time Allocated:</u></b></p>  |               |

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-107

A RESOLUTION AMENDING CONDITIONAL USE PERMIT NO. 2001-088 GRANTED TO  
COUNTRY AIRE GOLF, LLC.

WHEREAS, on July 23, 1993 the Lake Elmo City Council granted a Conditional Use Permit to Raymond and Jane Salus/Country Aire Golf Driving Range for the purpose of operating a golf driving range on the property described as follows:

Sect-36 TWP 029 Range 021 NW1/4-SW1/4 362921 exc the following. Beg at SW cor of SD NW1/4 of SW1/4 & run thence east on south line of SD NW1/4 of SW1/4 16 rods to a pt then north on a line par with W line thereof 10 rods to a pt run thence west on a line par with south line thereof 16 rods to a pt in west lie thereof run thence south along SD West line 10 rods to place of Deg. Exc beg at a pt in W lie of NW1/4 of SW1/4 I SD Sec 36 T29N R21W 36 rods N of SW Cor of SD NW 1/4 of SW1/4 running then E on a line par with S line of SD NW1/4 of SW 1/4 160 ft. to a pt running then N on a line par with W lin of NW 1/4 of SW1/4 90 ft to a pt running then W on a line par with S line of SD NW1/4 of SW1/4 160 ft to W ln then S on W line of SD 36 of SD sec 36 90 ft. to place of beg. Exc 3410, described as follows: Sect 36 Twp 029 Range 21 Part NE 1/4-SW1/4 S36T29R21 the N 474.06Ft of NW1/4-SW1/4 of S36 T29 R21 This parcel is Subject to R/W of Lake Elmo Ave N. (AKA as Co Hwy #17)

WHEREAS, said Conditional Use Permit was amended by City Council Resolution 93-19 on May 4, 1993.

WHEREAS, Section 301.070 D.1.b.(4) of the Lake Elmo Municipal Code allows Commercial Recreation of a Rural Nature in the City of Lake Elmo by Conditional Use Permit; and

WHEREAS, on September 24, 2001 the Lake Elmo Planning Commission held a public hearing to consider the request of Raymond and Jane Salus/Country Aire Golf Driving Range for an amendment to the existing conditional use permit to allow the substitution of an eighteen hole practice/training golf course for three hole practice/training golf course.

WHEREAS. The Lake Elmo Planning Commission recommended the City Council approve the amendment to the existing Conditional Use Permit No. 93-19 to permit an eighteen-hole practice/training golf course subject to the following conditions:

1. All conditions of Resolution 93-19 shall remain intact.
2. Only if there is a demonstrated need shall the applicant construct additional off-street parking spaces.
3. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
4. Any additional run-off created by the eighteen-hole range shall be contained on the property.
5. The applicant shall work with Washington County to see if an additional turn lane is necessary for any new proposed parking area.

WHEREAS, at its September 26, 2005 meeting, the Planning Commission reviewed and recommended approval of the application to install a driving range tee box enclosures on a portion of the existing driving range tee boxes.

WHEREAS, at its October 4, 2005 meeting, the City Council reviewed the application by Country Aire Golf for an amendment to the Conditional Use Permit and Site Plan of "Country Aire Golf" to install tee box enclosures on a portion of the existing driving range tee boxes as recommended by the Planning Commission and per plans staff-dated September 9, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA that an amendment to Conditional Use Permit No. 93-19, 2001-088 for a Golf Driving Range and Eighteen hole Practice/Training Course, to install tee box enclosures on a portion of the existing driving range tee boxes is hereby granted to Country Aire Golf, LLC, on the aforementioned property (described by site plan dated September 9, 2005) is hereby granted subject to the following conditions.

1. Existing road frontage be left in its current rural condition with the addition of conifers such as blue spruce to provide additional screening of business;
2. To be consistent with the rural character, a variance will be granted to allow an unpaved driveway and parking lot;
3. Exterior lighting is prohibited except on the east side of the office, and said lighting shall not reflect off of the property;
4. A sign will be allowed by the entrance with a maximum of 20 sq.ft. using natural colors. Trees and shrubs shall be used to reduce the visibility of the site from residential property across the street;
5. A berm shall be constructed to block the view of the cars and tee positions from residential property across County Road 17.
6. An office 45' x 30', one story is permitted.
7. Parking for a maximum of 35 cars is permitted.
8. Maximum hours of operation are 7 a.m. to Sunset;
9. Two rows of shrubs shall be planted in conifers with 8' x 8' spacing on the north, south, and east sides of the range. Dead trees shall be replaced and trees shall attain an average height of at least 24" in 5 years;
10. The entrance driveway will be in accordance with the recommendation and direction of Washington County;
11. A public address system will not be allowed;
12. No liquor license will be permitted.
13. All conditions of Resolution 93-19 shall remain intact.
14. Only if there is a demonstrated need shall the applicant construct additional off -street parking spaces.
15. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
16. Any additional run-off created by the eighteen-hole range shall be contained on the property.
17. The applicant shall work with Washington County to see if an additional turnlane is necessary for any new proposed parking area.

ADOPTED, this 4th day of October, 2005 by the City Council of the City of Lake Elmo, Washington County, Minnesota.

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

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

THE VICE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:58 P.M.

M/S/P, Armstrong/Deziel, To recommend approval of the Open Space Subdivision Preliminary Plat, Development Stage Plan and OP Conditional Use Permit for SANCTUARY, subject to:

1. Compliance with recommendations of the City Attorney and the City Engineer's recommendations excluding the roundabouts.
2. To incorporate a T intersection at the south end of the plat for the future MSA road.
3. Roads are constructed at 22 feet in width except where MSA standards will require 26 feet in width.
4. Compliance with the recommendations of Browns Creek Watershed District as found to be practical and/or applicable by the City Engineer.
5. Compliance with the recommendations of the Park Superintendent and Parks commission regarding park and trail development by the developer and park dedication fees in lieu of land.

VOTE: 9:0

### **CONDITIONAL USE PERMIT ~ COUNTRY AIR GOLF**

The Planner reminded the Commission about the previously reviewed and tabled application for construction of a Tee Box Facility at the driving range. He reported that the applicant has returned with a structurally engineered design for the structure that will house the tee boxes. He noted that the Building Official has found that the new plans are of sufficient detail and certified by a structural engineer.

Nicole Park, the applicant, said that Phase One will construct just the coverings, Phase Two will extend the facility further north, and that Phase Three has been put on hold for now. She said they selected a simpler roofing material and displayed a sample. The current roof will be removed and replaced with the all weather material that lets in light. They might choose the lightest, most transparent of the colors presented.

M/S/P, Roth/Deziel, To recommend approval of the amended Site Plan and Conditional Use Permit Amendment to allow construction of a tee box structure in two phases in accordance with plans drafted by Ulteig Engineers. VOTE: 9:0.

The Commission recessed at 8:10 p.m. and reconvened at 8:15 p.m.

### **REGULATORY TAKING**

The Planner introduced three mock case studies addressing "Regulatory Taking". The exercise he presented was intended to help Commissioners determine when the Regulatory Taking line is crossed by City zoning actions resulting in a need for property owner compensation.

The Planner said a City can down zone without it being a taking short of significant investment by a property owner and actual issuance of City permits relying on the previous zoning. He noted that a taking may not even be found until the property owner "moves dirt" responsive to City-issued permits based on the prior zoning. A simple diminution of land value by rezoning is not a Taking" or compensable.

Commissioner Armstrong said the City down zoned the entire city to "Present Use" in the 1970's which has resulted in the rural character that remains today. That action clearly was not a "taking".

Commissioner Armstrong said the state says there is no vested right in zoning. An individual has to prove a major investment and a significant financial loss in order to win such a case.

**MEMO**

(September 21, 2005 for the Meeting of September 26, 2005)

To: Lake Elmo Planning Commission

From:  Chuck Dillerud

Subject: Country Air Golf – CUP Amendment/Site Plan

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The first Commission considered this application to install weather roofing over some of the driving range tee boxes in April, 2005. At that time the Commission expressed concern with the structural integrity of the proposed improvements. Plans that had then been submitted were incomplete and not certified to by a structural engineer or architect. On April 25 the Commission unanimously acted to table the application pending submission by the applicant of complete plans – primarily plans that are certified by an architect or engineer as to structural integrity.

The applicant has now (early September, 2005) submitted additional plans certified to by a licensed engineer that address the structural integrity of the improvement. Several modifications from the previous plans for footings and structural members are recommended by the engineer. There do not appear to be any significant modification proposed from the last set of plans presented by the applicant in April as to the size, location, phasing, and exterior appearance of the proposed improvement. Phase 1 would essentially be what was constructed – 50 feet of roofing centered on the existing building. Phase 2 would extend the roofing 71 feet to the north. No Phase 3 (proposed by the April submissions) – extending roofing about 20 feet to the south from Phase 1 – is now depicted by the plans submitted in September.

The City Building Official has reviewed the September plan submission and has advised that these plans provide sufficient structural detail by a certified engineer to ensure structural integrity of the proposed improvement.

We have attached the September plans as well as the staff report and April plans. Please carefully note the dates on the respective plans. The Public Hearing has been concluded. A recommendation by the Commission is now requested.

**PUBLIC HEARING: AME CUP FOR COUNTRY AIR GOLF**

4/25/05

The Planner explained the history of this site and Conditional Use Permit. The applicant proposes to construct covered tee boxes for twelve tees. He said that when he went out for an inspection of the site, he saw a similar structure. There was no building permit applied for. The Planner recommends tabling until the violation is corrected. If it is completed by the next meeting, he will bring it back. If it does not come back by the second meeting, he will then ask for it to be rejected before the 60 day application period ends.

The Planner offered options for the how the commission can handle this application tonight.

Joe Park Owner and Golf Professional

The structure was created for weather conditions. The structure was to determine size, adequate space for a golf swing, height and width. They tested with a temporary plastic shelter. Timing is very important because of weather. Requested contingent approval. He will need the parts to use on the permanent structure.

Nicole Park distributed a graphic of what the permanent structure will look like.

His business relies on the weather as the park is currently constructed. He is ready to go. The temporary structure is an eyesore. Mr. Park displayed a sample of cedar siding that matches the clubhouse on the site. The roofing material is a clear rippled fiberglass for the lighting.

Commissioner Roth asked the maximum height of the roof. Width is 10 feet and height is 15 feet which will handle wind load with enough room in back. In winter it is heated. The stall would be shared in the wintertime.

Sits high.

No higher than clubhouse.

Commissioner Roth said the temporary is taller than the clubhouse. Visually impacting the neighborhood.

Mr. Park said that Ray Salas criteria was to build berms high to reduce visibility from the road at 50 mph. The only time it can be seen if you turn into the facility. It will look like a house you will not know its purpose. Twelve stations, two for teaching and ten for customers. 120 feet wide.

Commissioner Roth coming out of his development across the street, it will be 25 feet above the grade of Lake Elmo Avenue.

Park said the siting of the building is important to the plan unless it was a last resort.

Commissioner Schneider will it be open on the side.

No only on the front. He has to heat it. Wants it to look nice. It will not be an ugly view.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:05 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:06 P.M.

Has a couple of clients from the Forest, he would be willing to get their approval.

4/25/03

Planner recommended against doing that.

Commissioner Deziel said he would be willing to consider but process must be respected.

Deziel/Ptacek, Enforce code and rules. To table pending COMPLIANCE WITH THE CODE.

VOTE: 9:0.



**CUP AMENDMENT – COUNTRY AIR GOLF (Continued)**

M/S, Armstrong/Sedro, To take the CUP Amendment application off the Table.

4/11/05

The Planner said the violation was partially removed and the applicant has a modification to their site plan. They now wish to construct some of the tee boxes in front of the administration building on the site, with less extension of the covered tees to the north, substituting extension to the south.

**Nicole Park**

The applicant distributed site plans and photographs demonstrating that the tee boxes will be moved further south than originally requested. She reported that they did not tear down the model completely due to their staff and financial considerations. They would like to re-purpose some of that structure. She showed samples of the cedar siding and fiberglass roof.

Commissioner Schneider asked if there are rules regarding roofing materials in the AG Zoning District.

The Planner said there are no restrictions in that zone. This is AG with a conditional use permit.

Chairman Helwig said the Building Official will not be able to sign off on something he did not see built.

Commissioner Ptacek arrived at 7:18 p.m.

Commissioner Fliflet said the second plan is more attractive.

Commissioner Armstrong asked for the actual dimensions of the three phases.

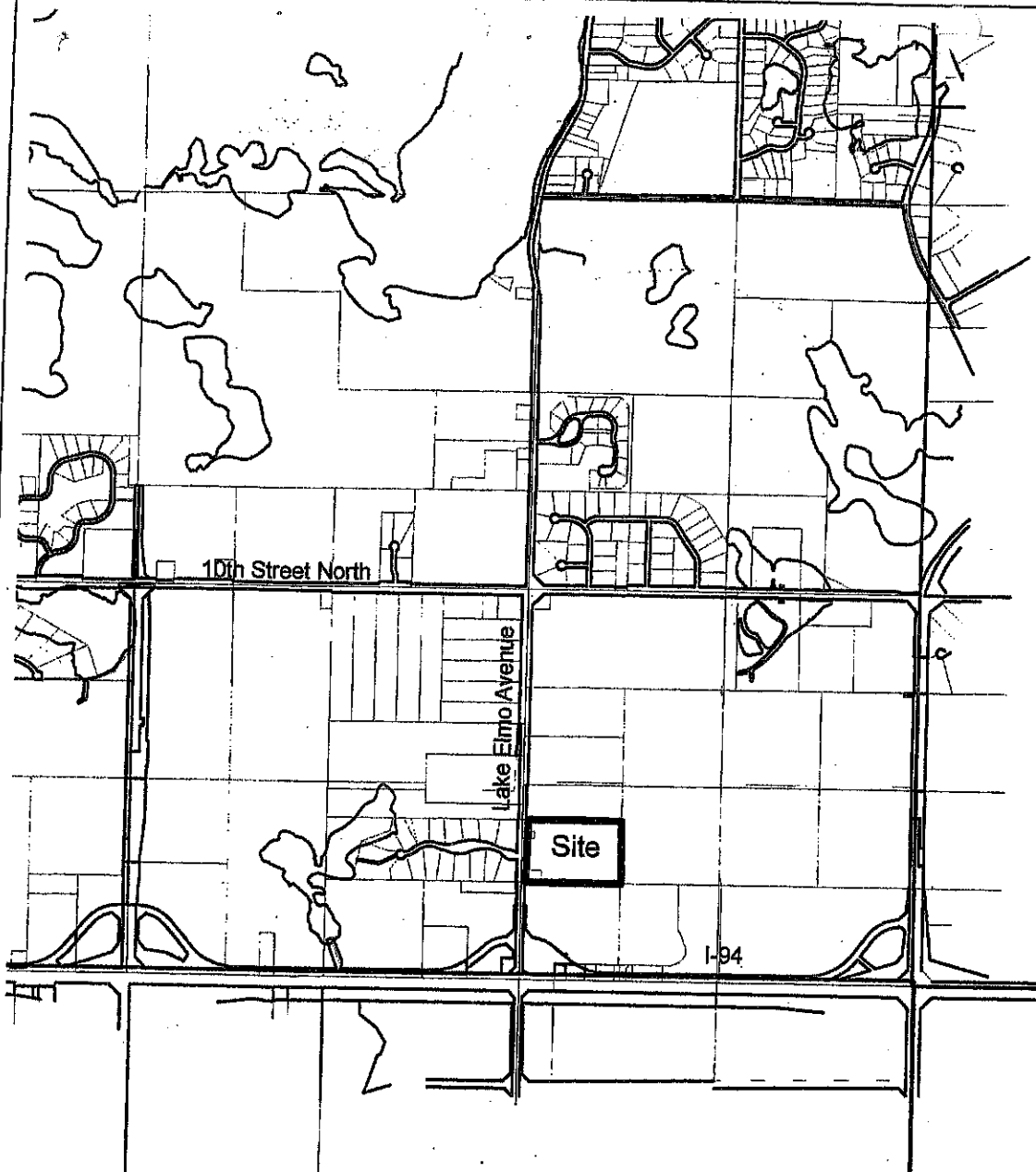
Nicole Park said the height remains the same and overall, the length will be approximately the same. 10 feet per station, 120 feet long altogether.

Commissioner Fliflet asked if the breezeway would be extended in all three phases.

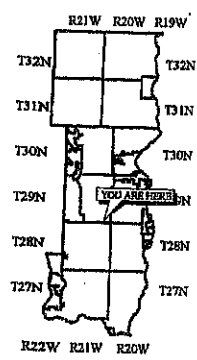
Commissioner Armstrong said he was concerned about the engineering of the new design. The original plan called for a steel structure and now it shows wood frame. He would like to see a complete set of specific plans and detailed drawings.

**M/S/P, Armstrong/Sessing, To extend the CUP Amendment Application for Country Air Golf for sixty days for the applicant to submit a complete set of specific plans and detailed drawings because the application has changed and there is not enough detail and the application was incomplete.**  
**VOTE: 9:0.**

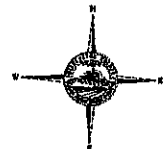
The Chairman recommended that the applicant talk to our Building Official about construction plans



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 (851) 430-6676

Parcel data based on A6400 information

**MEMO**

(April 22, 2005 for the Meeting of April 25, 2005)

To: Lake Elmo Planning Commission

From: Chuck  Dillerud

Subject: CUP Amendment – Country Air Golf

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The Commission tabled this application on April 11 with direction to staff and the applicant to remove the existing illegal structure on the site (no CUP Amendment nor Building Permit ) prior to further consideration of a CUP amendment to construct a similar structure. On April 21 the City received the attached letter from the applicant, but no graphics. Staff will inspect the site immediately prior to the Commission meeting on April 25 to determine if the illegal structure has been removed as directed.

I have attached the original Staff Report and applicant's original graphics.

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** April 7, 2005 for the Meeting of April 11, 2005

**Applicant:** Country Air Golf LLC

**Location:** 404 Lake Elmo Avenue

**Requested Action:** Conditional Use Permit Amendment

**Land Use Plan Guiding:** PF

**Existing Zoning:** PF

**Site History and Existing Conditions:**

The original Conditional Use Permit for this facility was issued for a driving range only in 1990. In 1993 that Permit was amended to permit the addition of a 3 hole pitch/putt. In 2001 that Permit was again amended to increase the pitch/putt course to 198 holes. That 18 hole improvement appears to be completed as of 2005.

The site is gently rolling and 24+ acres in area, with trees surrounding the former home site along Lake Elmo Avenue, and at the south and (partial) east property lines.

**Discussion and Analysis:**

This application is to again amend the Conditional Use Permit to construct a roofed shelter over 12 of the driving range tee stations – of the approximately 35 tee stations depicted by earlier plans. The applicant has provided structural drawings which provide details of the construction, but fail to specify roofing materials or any proposed color schemes for the improvements.

A site inspection by staff on April 7, 2005 reveals that the applicant has – without Conditional Use Permit approval, or even a building permit – constructed what was described to staff as a “temporary” or “experimental” roof tee shelter attached to the clubhouse. We are advised by the applicant that this shelter will be removed when the new shelters are constructed. From an administrative perspective, the unapproved shelter should be removed immediately – regardless of the City decision, or timing of that decision regarding the “permanent” shelter.

**Findings and Recommendations:**

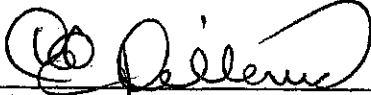
While staff suggests that the Conditional Use Permit amendment proposed could be found in compliance with the required Conditional Use Permit Findings of the City Code, we do not suggest the Commission adopt a recommendation to the City Council on this application until the illegal structure is removed from the site. The date of this application for CUP amendment is March 20, 2005. If the illegal structure on the site is not removed by the applicant by the Planning Commission meeting of May 10, we recommend the Commission advise the City Council to deny the amendment on May 17, 2005. Adequate Findings for denial will be provided to the Commission should this be required. Should the illegal structure be removed prior to the

Commission's April 25 meeting, staff will bring the application back for Commission consideration at that date.

**Note that a Public Hearing has been properly Noticed and should be conducted by the Commission on April 11.**

**Planning Commission Actions Requested:**

Motion to table the applicant of Country Air LLC for an amendment to its Golf Facility Conditional Use Permit until no later than May 10, 2005.



Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Resolution #2001-088
3. Applicant's Graphics

RESOLUTION NO. 2001-088

A RESOLUTION AMENDING CONDITIONAL USE PERMIT NO. 90-25 AND 93-19 GRANTED TO RAYMOND AND JANE SALUS, COUNTRY AIRE GOLF DRIVING RANGE TO INCLUDE AN EIGHTEEN HOLE PRACTICE/TRAINING GOLF COURSE.

WHEREAS, on July 23, 1993 the Lake Elmo City Council granted a Conditional Use Permit to Raymond and Jane Salus/Country Aire Golf Driving Range for the purpose of operating a golf driving range on the property described as follows:

Sect-36 TWP 029 Range 021 NW1/4-SW1/4 362921 exc the following. Beg at SW cor of SD NW1/4 of SW1/4 & run thence east on south line of SD NW1/4 of SW1/4 16 rods to a pt then north on a line par with W line thereof 10 rods to a pt run thence west on a line par with south line thereof 16 rods to a pt in west lie thereof run thence south along SD West line 10 rods to place of Deg. Exc beg at a pt in W lie of NW1/4 of SW1/4 I SD Sec 36 T29N R21W 36 rods N of SW Cor of SD NW 1/4 of SW1/4 running then E on a line par with S line of SD NW1/4 of SW 1/4 160 ft. to a pt running then N on a line par with W lin of NW 1/4 of SW1/4 90 ft to a pt running then W on a line par with S line of SD NW1/4 of SW1/4 160 ft to W ln then S on W line of SD 36 of SD sec 36 90 ft. to place of beg. Exc 3410, described as follows: Sect 36 Twp 029 Range 21 Part NE 1/4-SW1/4 S36T29R21 the N 474.06Ft of NW1/4-SW1/4 of S36 T29 R21 This parcel is Suj to R/W of Lake Elmo Ave N. (AKA as Co Hwy #17)

WHEREAS, said Conditional Use Permit was amended by City Council Resolution 93-19 on May 4, 1993.

WHEREAS, Section 301.070 D.1.b.(4) of the Lake Elmo Municipal Code allows Commercial Recreation of a Rural Nature in the City of Lake Elmo by Conditional Use Permit; and

WHEREAS, on September 24, 2001 the Lake Elmo Planning Commission held a public hearing to consider the request of Raymond and Jane Salus/Country Aire Golf Driving Range for an amendment to the existing conditional use permit to allow the substitution of an eighteen hole practice/training golf course for three hole practice/training golf course.

WHEREAS. The Lake Elmo Planning Commission recommended the City Council approve the amendment to the existing Conditional Use Permit No. 93-19 to permit an eighteen-hole practice/training golf course subject to the following conditions:

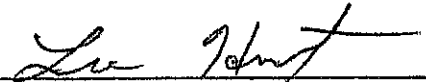
1. All conditions of Resolution 93-19 shall remain intact.
2. Only if there is a demonstrated need shall the applicant construct additional off-street parking spaces.
3. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
4. Any additional run-off created by the eighteen-hole range shall be contained on the property.
5. The applicant shall work with Washington County to see if an additional turn lane is necessary for any new proposed parking area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA that an amendment to Conditional Use Permit No. 93-19 a Golf Driving Range and Eighteen hole Practice/Training Course is hereby granted to Raymond and Jane Salus - Country Air Golf Driving Range, on the aforementioned property (described by site plan dated 9-19-01) is hereby granted subject to the following conditions.

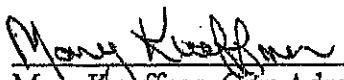
1. Existing road frontage be left in its current rural condition with the addition of conifers such as blue spruce to provide additional screening of business;
2. To be consistent with the rural character, a variance will be granted to allow an unpaved driveway and parking lot;
3. Exterior lighting is prohibited except on the east side of the office, and said lighting shall not reflect off of the property;
4. A sign will be allowed by the entrance with a maximum of 20 sq.ft. using natural colors. Trees and shrubs shall be used to reduce the visibility of the site from residential property across the street;
5. A berm shall be constructed to block the view of the cars and tee positions from residential property across County Road 17.
6. An office 45' x 30', one story is permitted.
7. Parking for a maximum of 35 cars is permitted.
8. Maximum hours of operation are 7 a.m. to Sunset;
9. Two rows of shrubs shall be planted in conifers with 8' x 8' spacing on the north, south, east sides of the range. Dead trees shall be replaced and trees shall attain an average height of at least 24" in 5 years;
10. The entrance driveway will be in accordance with the recommendation and direction of Washington County;
11. A public address system will not be allowed;
12. No liquor license will be permitted.
13. All conditions of Resolution 93-19 shall remain intact.
14. Only if there is a demonstrated need shall the applicant construct additional off -street parking spaces.
15. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
16. Any additional run-off created by the eighteen-hole range shall be contained on the property.
17. The applicant shall work with Washington County to see if an additional turnlane is necessary for any new proposed parking area.

This Conditional Use Permit may be rescinded, after a two-week notice and a public hearing, if the City Council finds that the public health, safety, or welfare is jeopardized.

ADOPTED this 2<sup>nd</sup> day of October, 2001 by the City Council of the City of Lake Elmo, Washington County, Minnesota.

  
\_\_\_\_\_  
Lee Hunt, Mayor

ATTEST:

  
\_\_\_\_\_  
Mary Kueffner, City Administrator

Country Air Golf Park  
404 Lake Elmo Ave. N.  
Lake Elmo, MN. 55042

RECEIVED  
APR 21 2005

To: City of Lake Elmo  
Attn: Chuck Dillerud  
April 21, 2005

RE: A Change to the current Amendment to our CUP

Dear City of Lake Elmo,

We would like to modify our original amendment request due to a concern raised by a member of the Planning Commission at the Meeting on April 11th, 2005.

The modification is to move the 12 covered stations further south on the Driving Range. This would make the new stations less visible from Lake Elmo Ave., since only 5 of them would be off to the north end of the clubhouse rather than all 12 in our original request. The other 7 stations would be straight out in front of the Clubhouse(5) and further south (2).

We would be building the 12 stations in 3 phases as the financial resources become available.

The first phase would be to reconstruct the 5 stations that would be straight out in front of the Clubhouse. They would be in the same location of the 5 temporary stations that were partly torn down on April 20th and 21st, 2005. The reason they were 'partly' torn down and not completely was to try to salvage some of the structure to save time and money.

The second phase would include 5 stations and would be attached directly to the north end of the first 5.

The third phase would include 2 stations and would be attached directly to the south of the first 5.

We would like to attend the Planning Commission Meeting on April 25th to ask the commission to approve our request to add these 12 stations in these 3 phases.

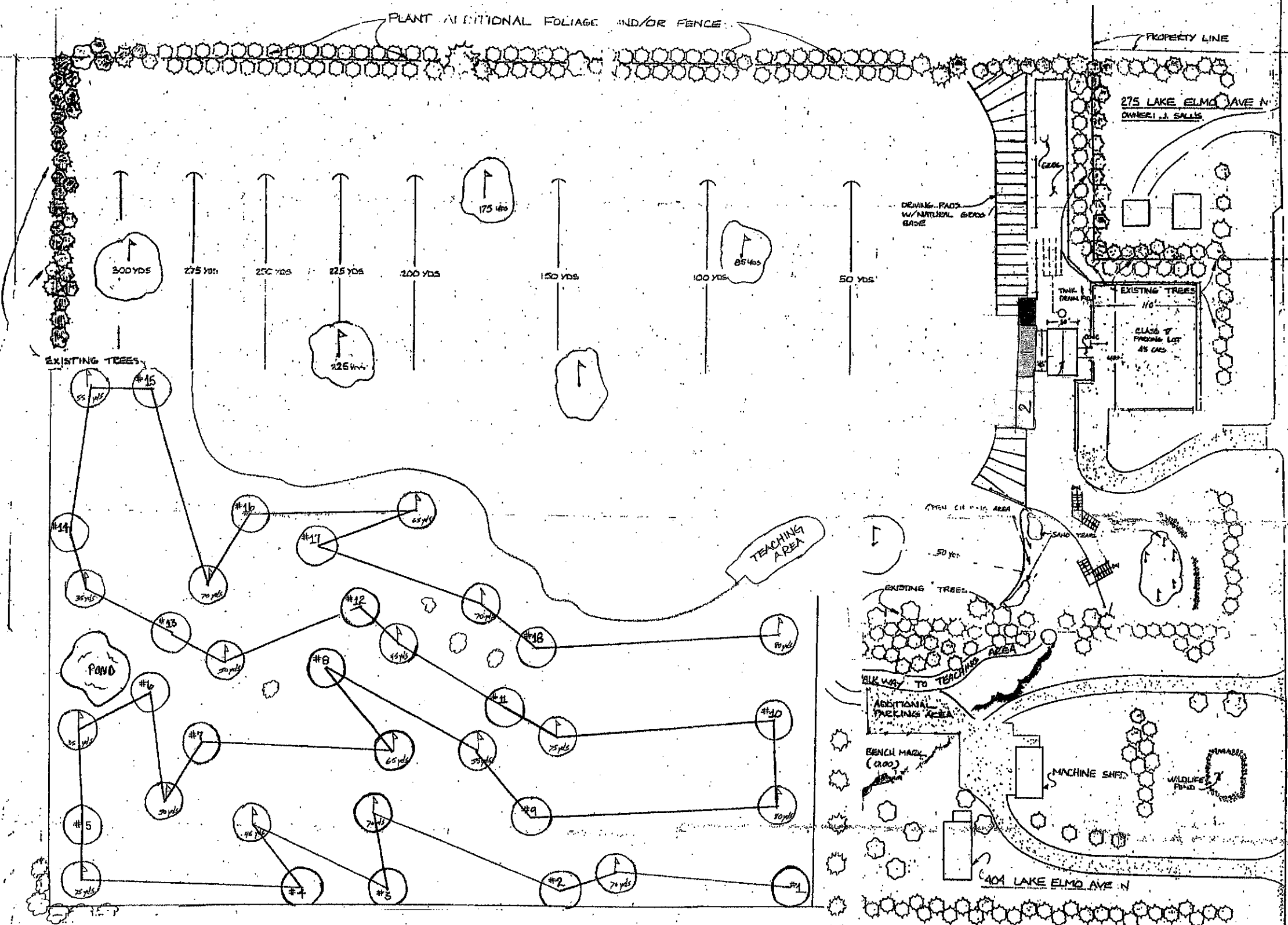
We plan to bring a new site map to the meeting which will show where these stations will be.

Thank you for considering these modifications. We are trying our best to accommodate both the needs of our customers and the City of Lake Elmo.

Sincerely,

*Country Air Golf Park*  
Country Air Golf Park





ADDITIONAL FOLIAGE WILL BE PUT ALONG THE NORTH AND EAST PROPERTY AS WELL AS AROUND GREENS AND TEE BOX AREAS AS NEEDED

YARDAGE = 1090 total yards

- |       |        |
|-------|--------|
| 1) 70 | 10) 75 |
| 2) 70 | 11) 45 |
| 3) 45 | 12) 50 |
| 4) 75 | 13) 35 |
| 5) 35 | 14) 55 |
| 6) 50 | 15) 70 |
| 7) 65 | 16) 65 |
| 8) 55 | 17) 70 |
| 9) 80 | 18) 80 |

- = TEE
- = GREEN
- = WALKING PATH

SCALE: 1" = 50'

- ⊙ DENOTES EXISTING TREE
- ⊙ DENOTES TREES TO BE PLANTED

= 545 yards = 545 yards

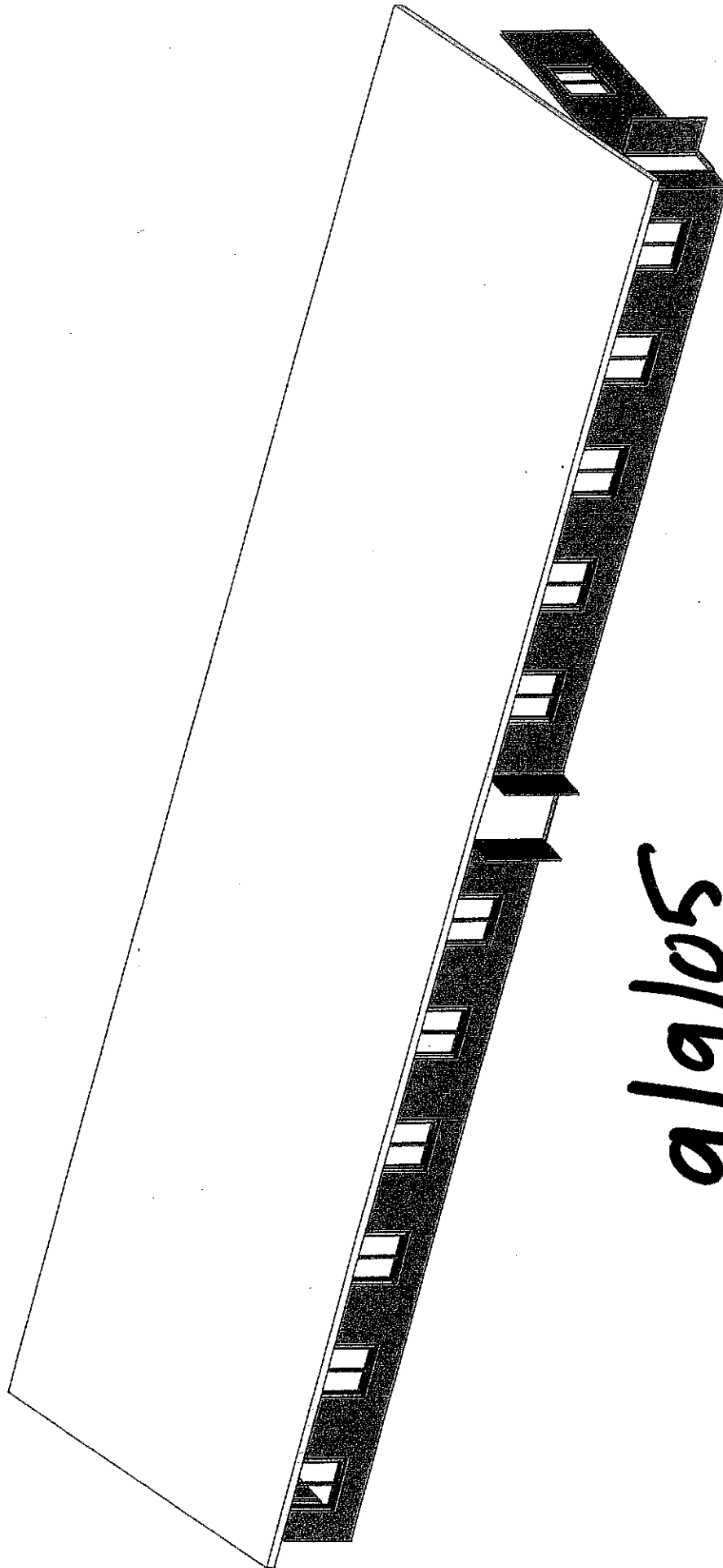
COVERED STATIONS  
1st PHASE = 5 stations  
2nd " = 5 stations  
3rd " = 5 stations  
9/19/05

9/19/05

"COUNTRY AIR"  
DRIVING RANGE

OWNER: RAYMOND SALLIS  
RAYMOND R. SALLIS  
404 LAKE ELMO AVE N.  
LAKE ELMO, MINN.

| REV. | DATE     | BY  | DESCRIPTION    |
|------|----------|-----|----------------|
| 1    | 9-19-05  | MSH | INITIAL DESIGN |
| 2    | 9-29-05  | MSH | REVISIONS      |
| 3    | 10-20-05 | MSH | REVISIONS      |
| 4    | 10-20-05 | MSH | REVISIONS      |



9/9/05  
CJD

Rec'd  
4/11/05  
KAB

**Country Air Golf Park Fall 2005**

9/9/05  
00

**Additions to All Season Structure (Phase 1):**

**1. Footings**

Front- Expand concrete footings from 12 inches to 18 inches in diameter and 4 ft. in depth.

Back- Add concrete pad underneath original concrete floor slab measuring 24" x 24" x 10".

**2. Upper roof rafter**

Add a second roof rafter to each existing rafter.

**3. Lower roof rafter**

Add a second rafter to each existing rafter and add hurricane clips.

**4. Upper roof beam**

At front of roof, add a second 2 x 10 x 16 at the inside face in three sections.

Add three 2 x 6 - 3 foot long bearing blocks directly below beam.

**5. Upper roof knee brace / Y brace**

Connect each of the 6 columns to the roof rafter with a 2 x 6 knee brace. Add a plywood gusset to the front of each of the 6 columns.

**6. Back support - upper roof**

Add 2 x 4 kickers at 4 ft. spacing.

Add an A35 framing angle to all three points at kickers and studs.

**7. Front beam - lower roof**

Add 1 3/4 x 7 1/4 LVL ( laminated veneer lumber) to both faces of beam.

**8. Lower roof columns**

Add 2 x 4s to front and back face of existing columns.

Add a HD2A holdown to front and back of each existing column.

**9. Lower roof- sw corner column**

Add a double 2 x 4 to the existing plywood.

## SCOPE

STRUCTURAL REVIEW OF AN EXISTING GOLF DRIVING RANGE SHELTER, AND DESIGN AND DETAIL CORRECTIVE MEASURES TO BRING THE EXISTING SHELTER TO COMPLIANCE WITH THE CODE. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THESE DRAWINGS AND STANDARD INDUSTRY PRACTICE.

## NOTES

1. THESE DOCUMENTS APPLY TO STRUCTURAL ONLY.
2. PROVIDE ADEQUATE FROST PROTECTION FOR ALL FOOTINGS (MINIMUM 42" TO BOTTOM OF FOOTING) U.N.O.
3. ALL DIMENSIONS ARE APPROXIMATE. CONTRACTOR & OWNER ARE TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO WORK. CONTACT ENGINEER IF ANY DISCREPANCIES ARISE.

## LOADS

LIVE LOAD: 35 PSF ROOF (SNOW & DRIFT)  
DEAD LOAD: 15 PSF ROOF  
WIND LOAD: 90 MPH EXPOSURE C  
PER IBC 2000

## CODES

2003 MINNESOTA STATE BUILDING  
CODE w/ AMMENDED 2000 IBC

## LEGEND

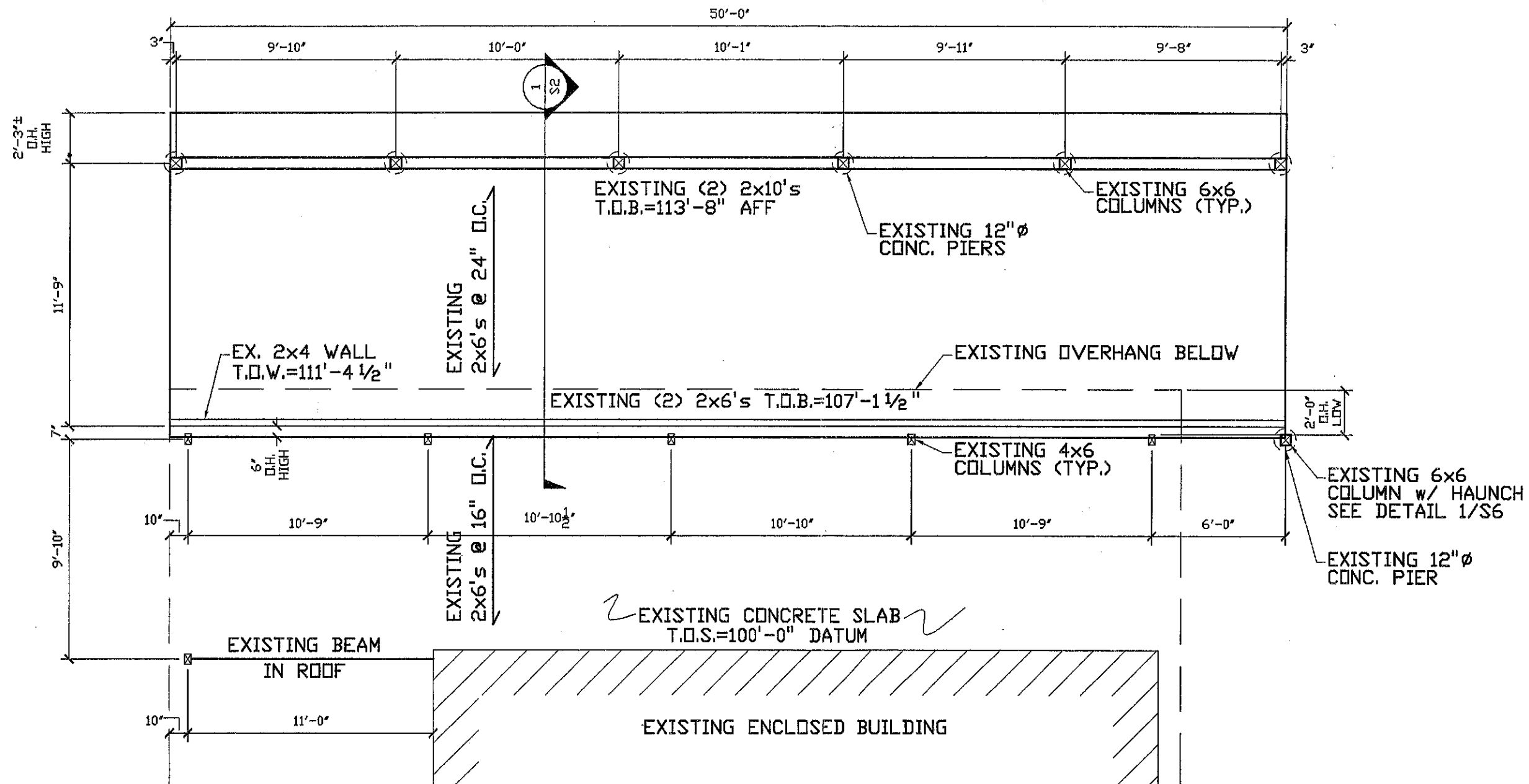
→ = JOIST SPAN DIRECTION  
T.O.W. = TOP OF WALL  
T.O.S. = TOP OF SLAB  
T.O.B. = TOP OF BEAM  
U.N.O. = UNLESS NOTED OTHERWISE  
TYP. = TYPICAL

## Country Air Golf Park

404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

| Revision | Date | Description |
|----------|------|-------------|
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EXISTING PLAN VIEW



1 S1 EXISTING LAYOUT PLAN  
SCALE: 3/16" = 1'-0"

9/9/05  
PHASE I

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Craig Oswald

Signed: *Craig Oswald*

Date: 6/14/05 License Number: 42341

Ulteigengineers

5201 East River Road Suite 308  
Minneapolis, Minnesota 55421  
Phone: 763.571.2600 Fax: 763.571.1189  
Blamack - Detroit Lakes - Fargo - Minneapolis - Sioux Falls  
Web: www.ultei.com

Drawn By: Troy DeGroot  
Checked By: Neil Groen  
Approved By: Craig Oswald

Building Under Construction  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

Project Number: 205.0591  
Date: June 14, 2005  
Sheets: 1 of 6

S1

Country Air Golf Park  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

| Revision | Date | Description |
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EXISTING CROSS  
SECTION

9/9/05  
COW

I hereby certify that this plan, specification or report  
was prepared by me or under my direct supervision  
and that I am a duly Licensed Professional Engineer  
under the laws of the State of Minnesota.

Print Name: Craig Oswell  
Signed: *Craig Oswell*  
Date: 6/14/05 License Number: 42341

**Ulteig**engineers

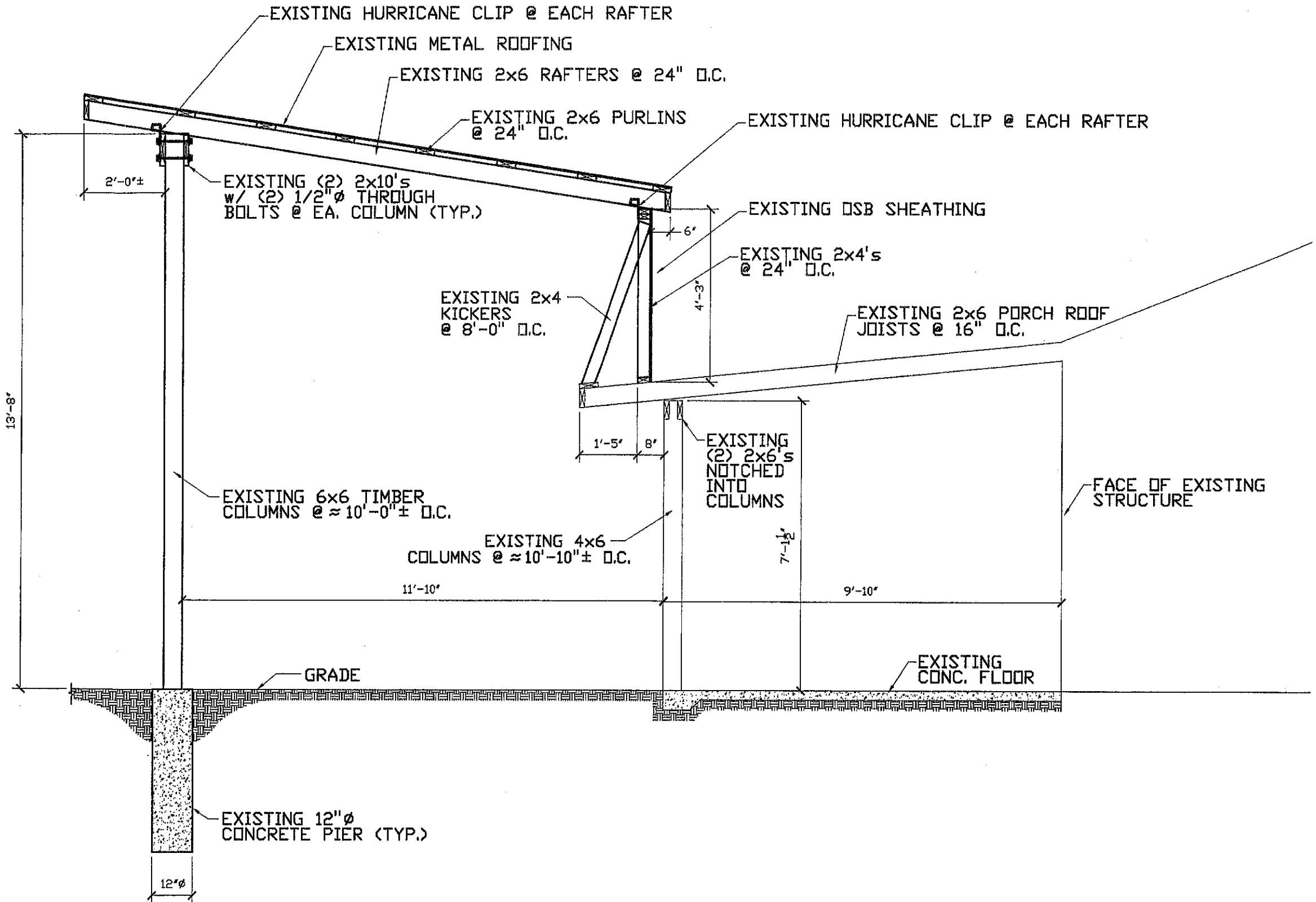
5201 East River Road Suite 308  
Minneapolis, Minnesota 55421  
Phone: 763.571.2500 Fax: 763.571.1168  
Blamack - Detroit Lakes - Fargo - Minneapolis - St. Paul  
Web: www.ultelg.com

Drawn By: Troy DeGroot  
Checked By: Neil Groom  
Approved By: Craig Oswell

Building Under Construction  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

Project Number: 205.0591  
Date: June 14, 2005  
Sheets: 2 of 6

S2



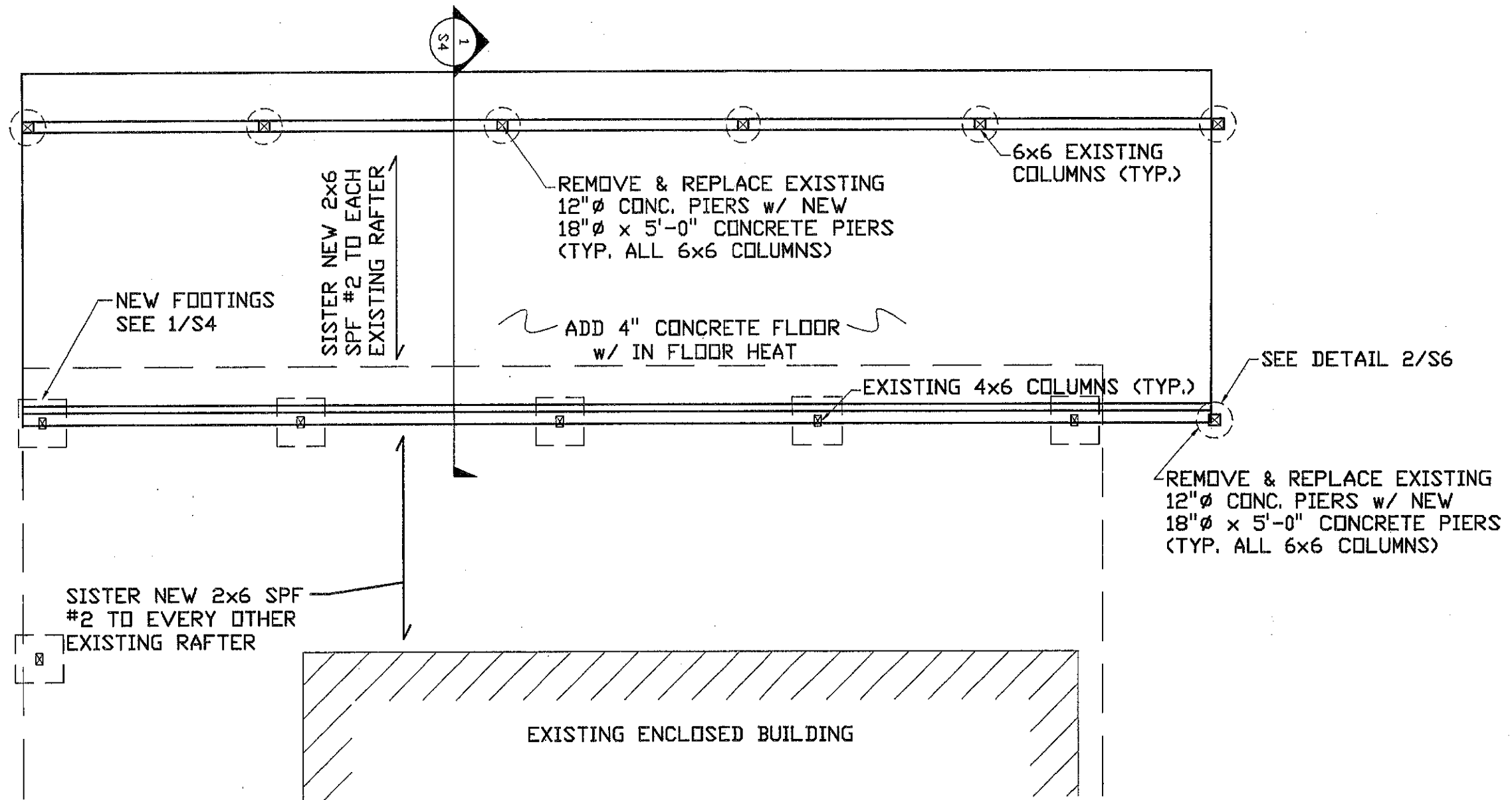
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S2 EXISTING CROSS SECTION  
SCALE: 3/8" = 1'-0"

Country Air Golf Park  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

| Revision | Date | Description |
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REVISED PLAN VIEW

9/9/05  
C.O.



1  
S3

REVISD LAYOUT PLAN

SCALE: 3/16" = 1'-0"

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Craig Oswell  
Signed: Craig Oswell  
Date: 6/14/05 License Number: 42341

**Ulteig**engineers

6201 East River Road Suite 308  
Minneapolis, Minnesota 55421  
Phone: 788.571.2800 Fax: 783.571.1188  
Bismarck • Detroit Lakes • Fargo • Minneapolis • Sioux Falls  
Web: www.ultelg.com

Drawn By: Troy DeGroot  
Checked By: Neil Groon  
Approved By: Craig Oswell

Building Under Construction  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

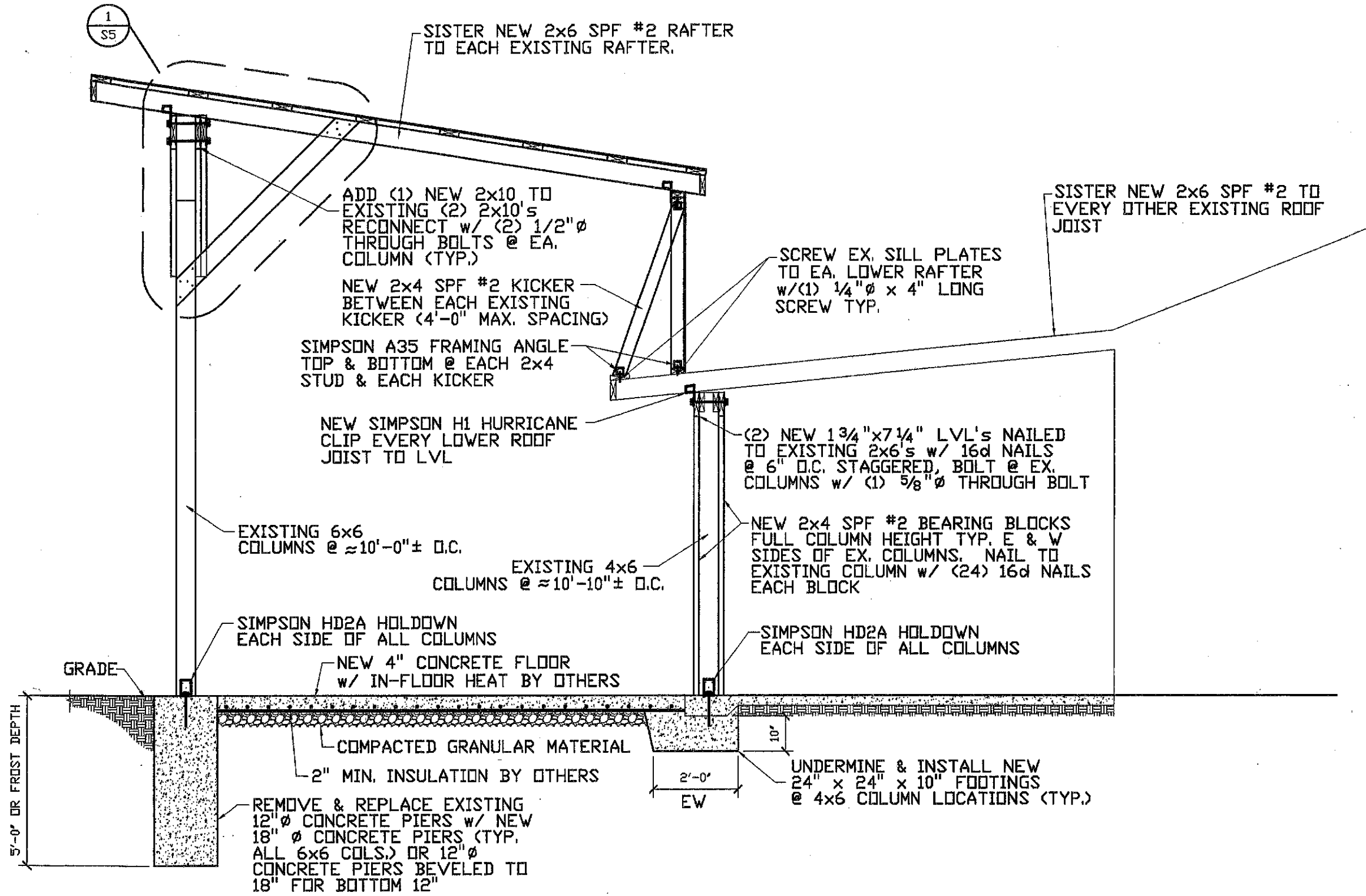
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Date: June 14, 2005  
Sheets: 3 of 3

S3

| Revision | Date | Description |
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REVISED CROSS  
SECTION

9/9/05  
COW



1  
S4

REVISED CROSS SECTION

SCALE: NOT TO SCALE

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Craig Sawell  
Signed: *Craig Sawell*  
Date: 6/14/05 License Number: 42341



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Minneapolis, Minnesota 55421  
Phone: 783.571.2500 Fax: 783.571.1168  
Blomack - Detroit Lakes - Fargo - Minneapolis - Sioux Falls  
Web: www.ulteig.com

Drawn By: Troy DeGroot  
Checked By: Neil Groon  
Approved By: Craig Sawell

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404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

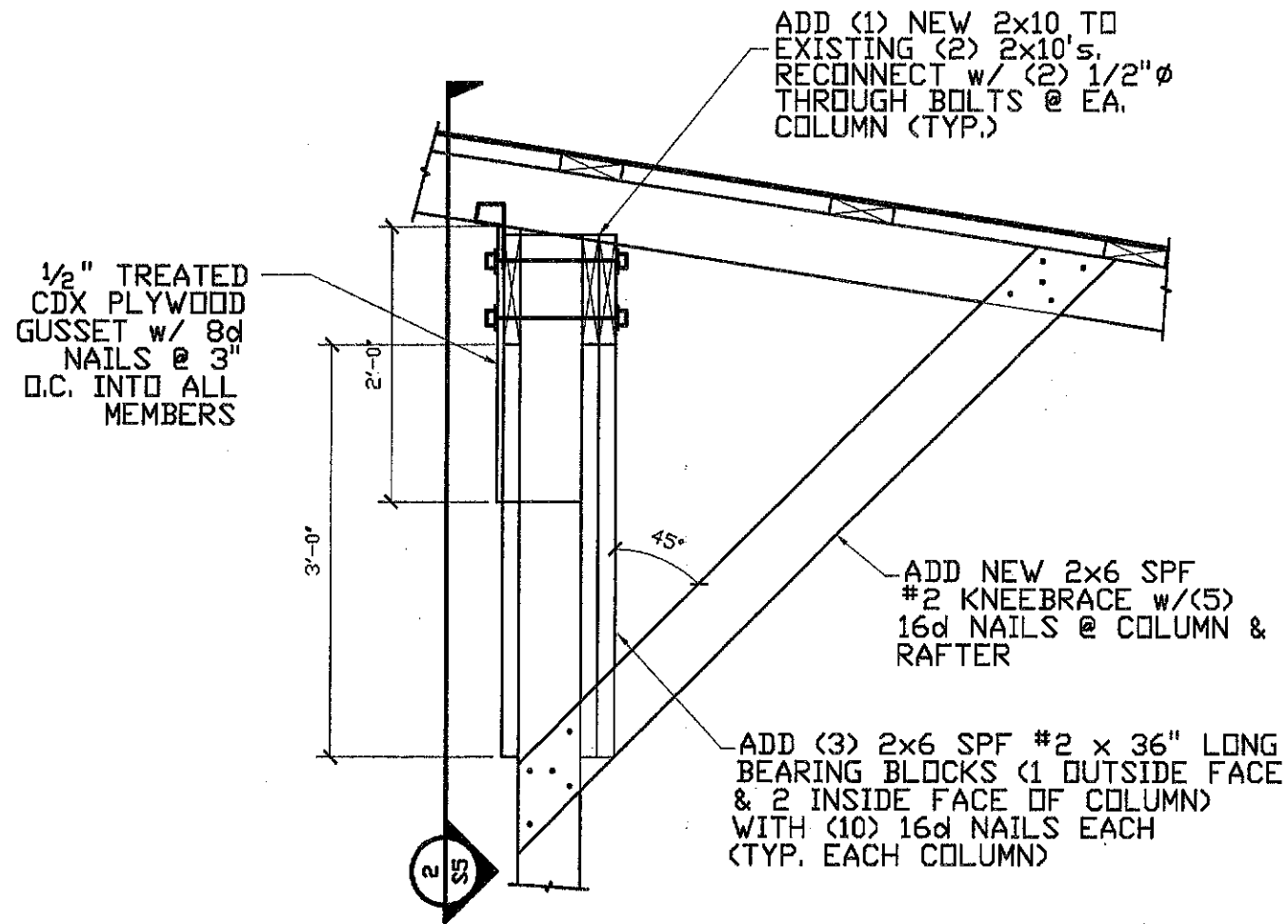
Project Number: 205.0591  
Date: June 14, 2005  
Sheets: 4 of 6

S4

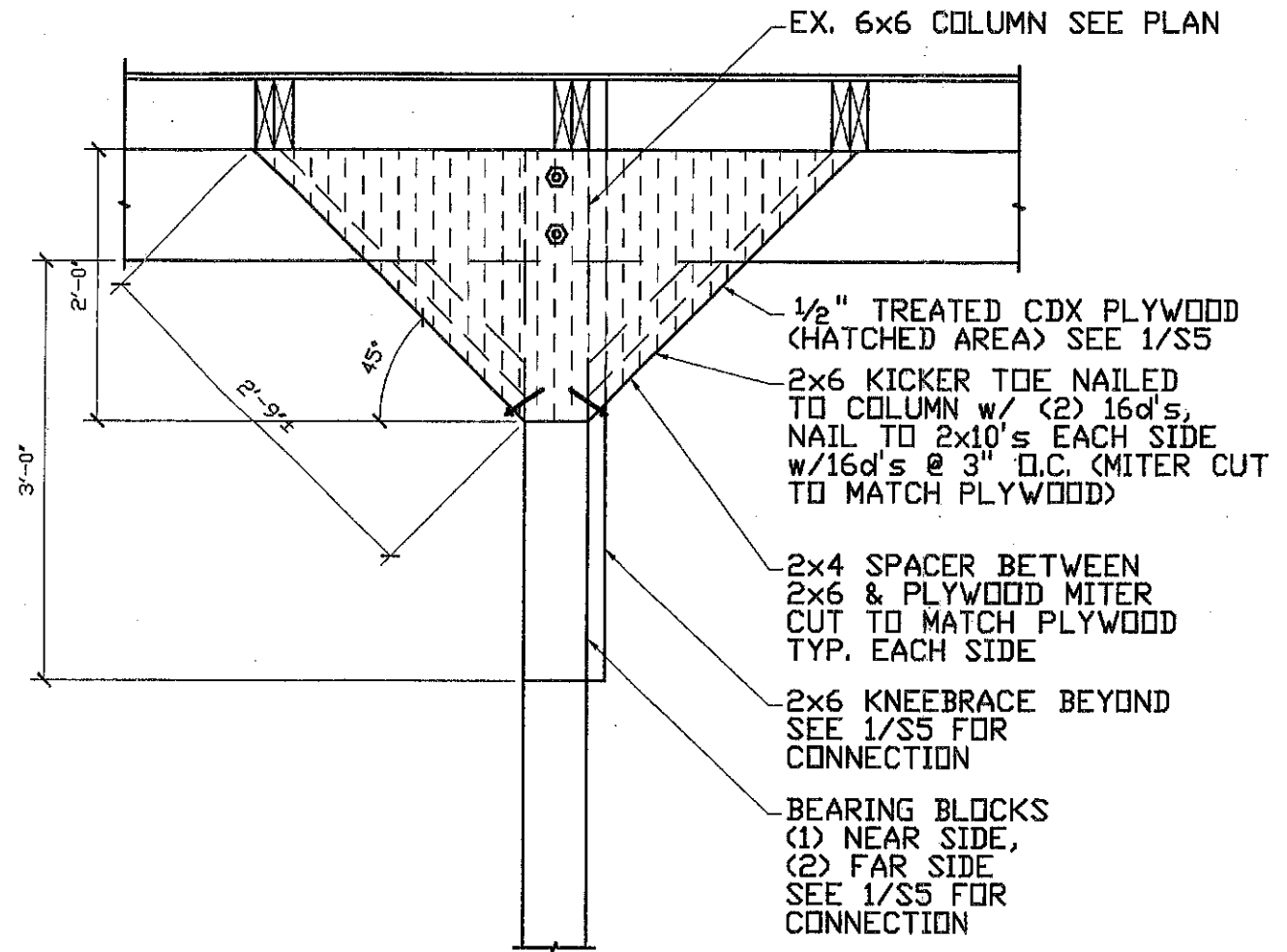
| Revision | Date | Description |
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DETAILS

9/9/05  
COW



1 REVISED CROSS SECTION  
SCALE: 3/4" = 1'-0"



2 REVISED CROSS SECTION  
SCALE: 3/4" = 1'-0"

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Craig Oswell  
Signed: *Craig Oswell*  
Date: 6/14/05 License Number: 42341

Ulteigengineers

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Minneapolis, Minnesota 55421  
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Blomberg - Detroit Lakes - Fargo - Minneapolis - Sioux Falls  
Web: www.ultei.com

Drawn By: Troy DeGroot  
Checked By: Neil Groen  
Approved By: Craig Oswell

Building Under Construction  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

Project Number: 205.0881  
Date: June 14, 2005  
Sheets: 5 of 8

S5



| Revision | Date | Description |
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DETAILS

9/9/05  
CD

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Craig Oswell

Signed: *Craig Oswell*

Date: 6/14/05 License Number: 42341

**Ulteigengineers**

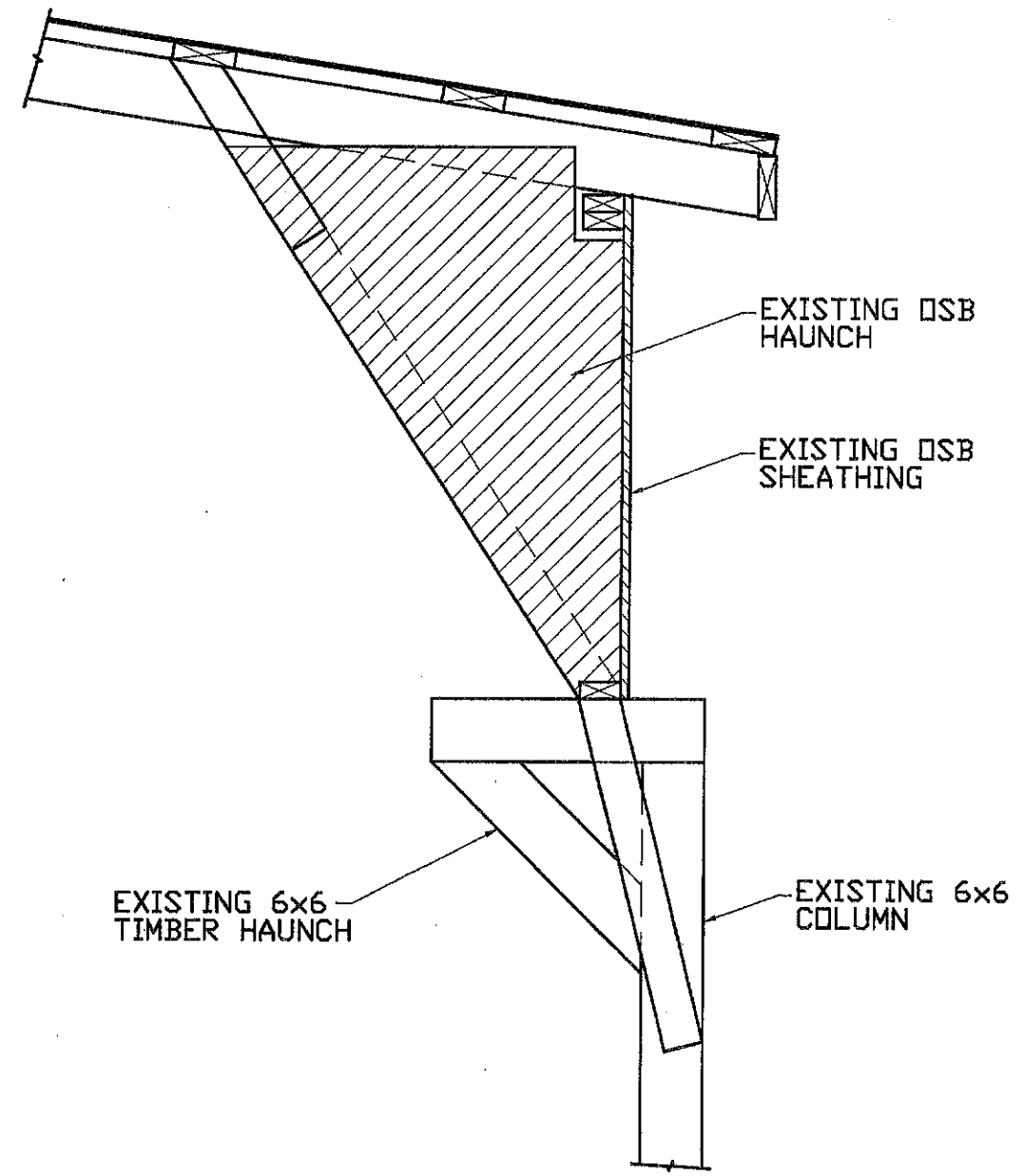
5201 East River Road Suite 308  
Minneapolis, Minnesota 55421  
Phone: 783.571.2500 Fax: 783.571.1188  
Bismarck - Detroit Lakes - Fargo - Minneapolis - Sioux Falls  
Web: www.ultieg.com

Drawn By: Troy DeGroot  
Checked By: Neil Groon  
Approved By: Craig Oswell

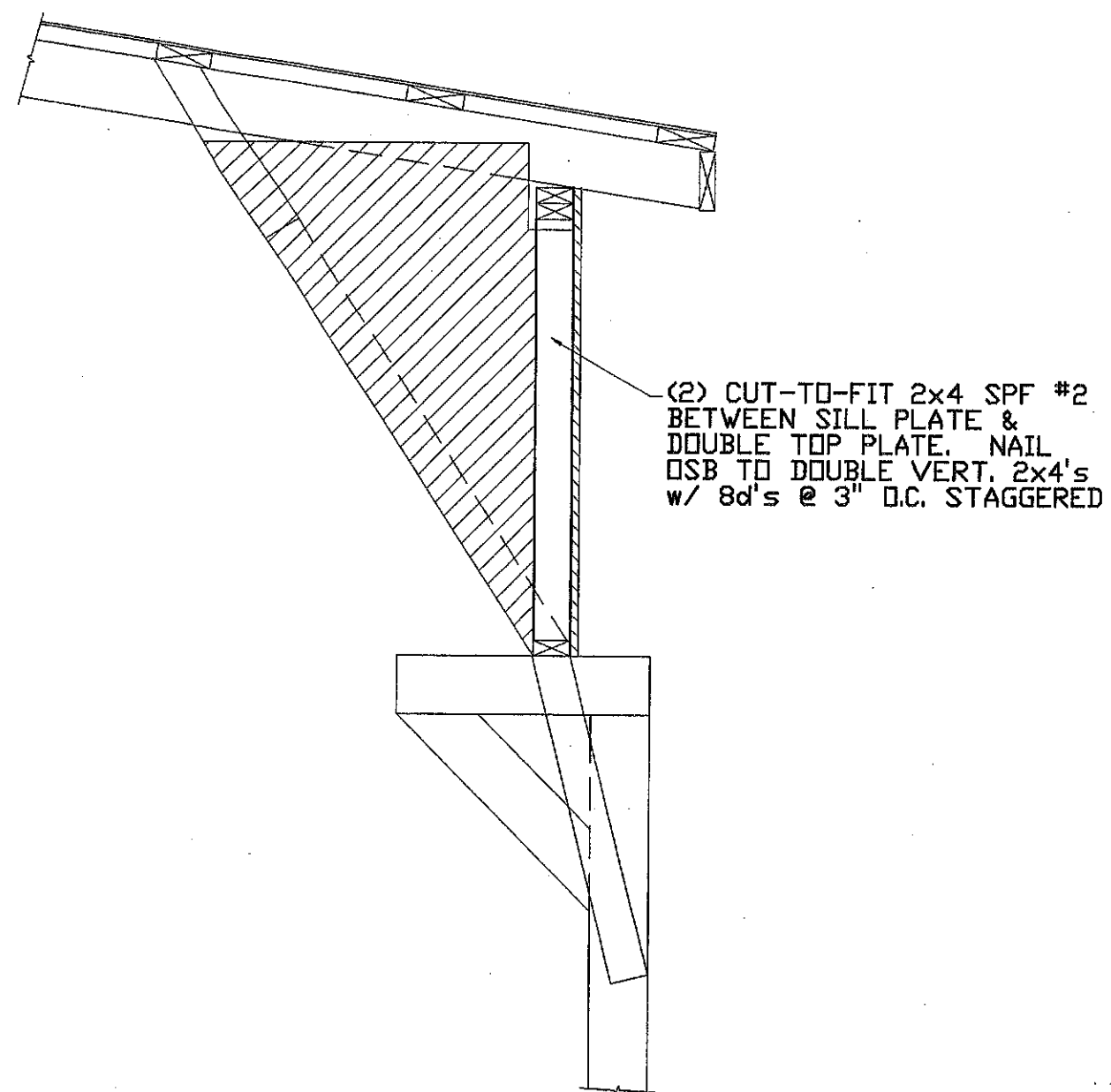
Building Under Construction  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

Project Number: 205.0591  
Date: June 14, 2005  
Sheets: 6 of 6

S6



1 EXISTING HAUNCH DETAIL  
SCALE: 3/4" = 1'-0"



2 REVISED HAUNCH DETAIL  
SCALE: 3/4" = 1'-0"

## SCOPE

STRUCTURAL DESIGN AND DETAIL OF A GOLF DRIVING RANGE STRUCTURE. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THESE DRAWINGS AND STANDARD INDUSTRY PRACTICE.

## NOTES

1. THESE DOCUMENTS APPLY TO STRUCTURAL ONLY.
2. PROVIDE ADEQUATE FROST PROTECTION FOR ALL FOOTINGS (MINIMUM 42" TO BOTTOM OF FOOTING) U.N.O.
3. ALL DIMENSIONS ARE APPROXIMATE. CONTRACTOR & OWNER ARE TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO WORK. CONTACT ENGINEER IF ANY DISCREPANCIES ARISE.

## LOADS

LIVE LOAD: 35 PSF ROOF (SNOW)  
DEAD LOAD: 15 PSF ROOF  
WIND LOAD: 90 MPH EXPOSURE C  
PER IBC 2000

## CODES

- A. INTERNATIONAL BUILDING CODE - 2000  
B. STATE OF MINNESOTA BUILDING CODE - 2003  
C. ASCE7 - 1998

## MATERIALS

CONCRETE: FOOTINGS - 3000 PSI MIN. @ 28 DAYS  
SLAB - 4000 PSI MIN. @ 28 DAYS

AGGREGATE: FOOTINGS - 1 1/2" MAX  
SLAB - 3/4" MAX

REINFORCING: ASTM A615 GR. 60

BACKFILL: SANDY/CLAY - GROUP II  
EQUIVALENT FLUID PRESSURE = 45 PCF/FT

WOOD: LVL - E = 2000 KSI, Fb = 2950 PSI  
FRAMING MEMBERS - SPF#2 OR BETTER  
UNLESS NOTED OTHERWISE

## LEGEND

→ = JOIST SPAN DIRECTION  
T.O.W. = TOP OF WALL  
T.O.S. = TOP OF SLAB  
T.O.B. = TOP OF BEAM  
U.N.O. = UNLESS NOTED OTHERWISE  
TYP. = TYPICAL

Country Air Golf Park  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

| Revision | Date | Description |
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ADDITION PLAN VIEW

9/9/05  
C.O.

PHASE II

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Craig Oswell

Signed: *Craig Oswell*

Date: 9/01/05 License Number: 42341



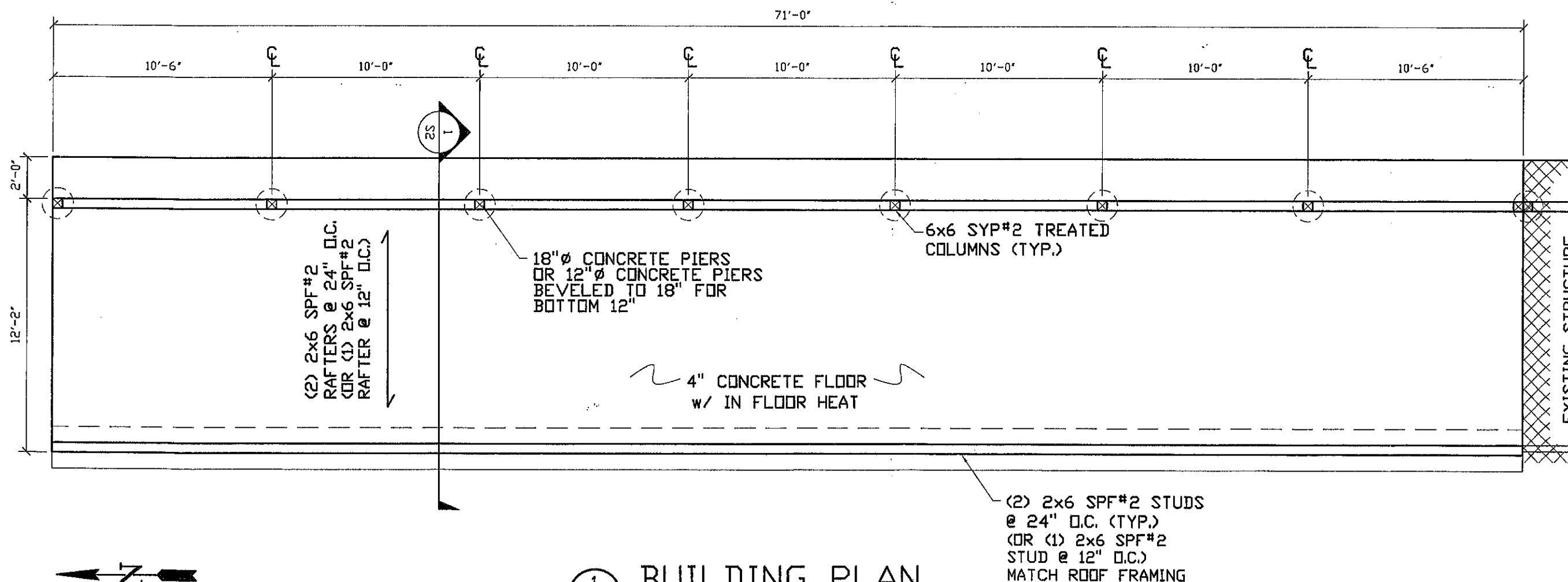
5201 East River Road Suite 308  
Minneapolis, Minnesota 55421  
Phone: 763.571.2500 Fax: 763.571.1168  
Bismarck - Detroit Lakes - Fargo - Minneapolis - Sioux Falls  
Web: www.ultelig.com

Drawn By: Neil Groon  
Checked By: Neil Groon  
Approved By: Craig Oswell

Building Under Construction  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042


Project Number: 205.0521  
Date: September 1, 2005  
Sheet: 1 of 3

S1



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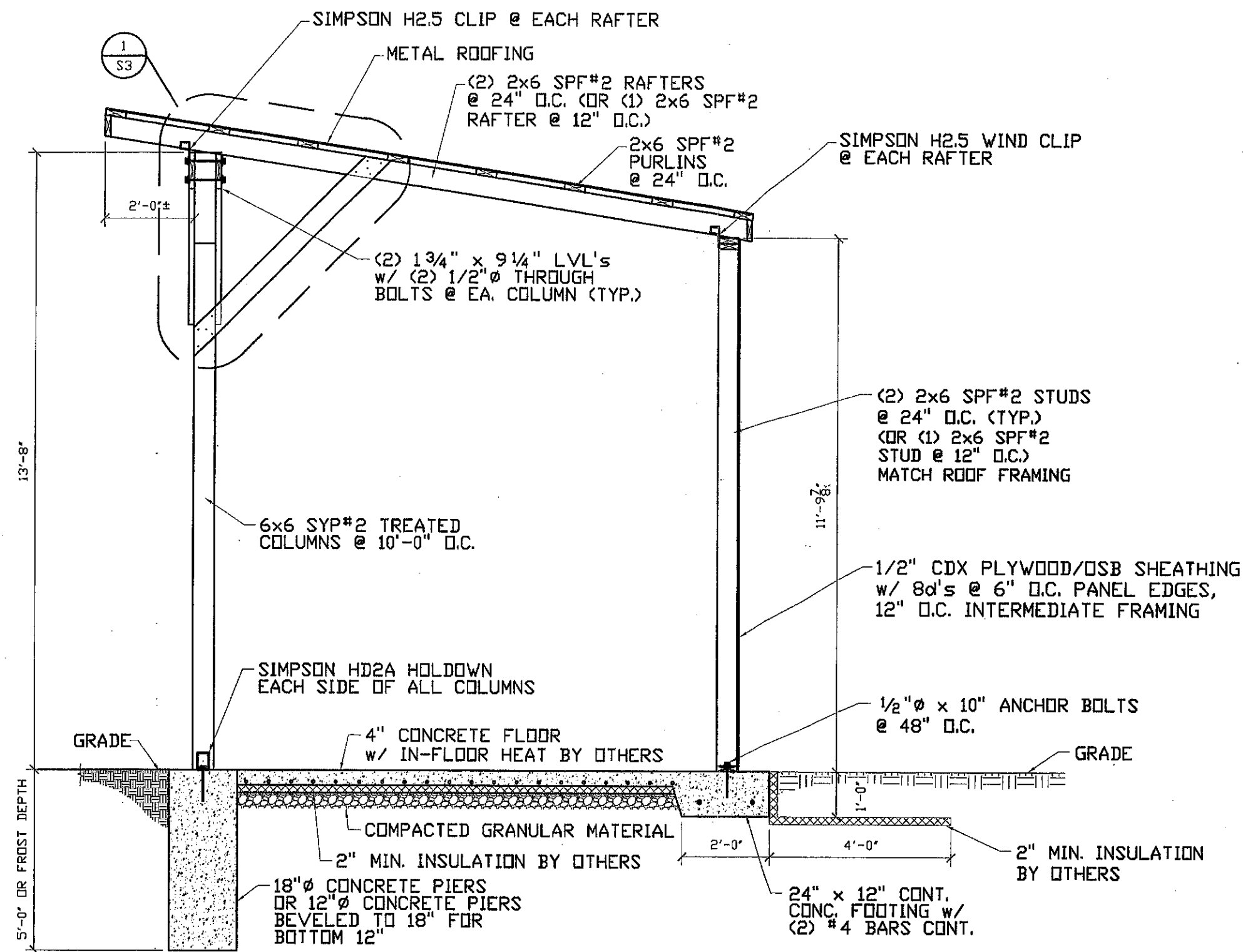
9/9/05  
10

Print Name: Craig Oswell  
Signed:   
Date: 9/01/05 License Number: 42341

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Minneapolis, Minnesota 55421  
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Bismarck - Detroit Lakes - Fargo - Minneapolis - Sioux Falls  
Web: [www.ulteq.com](http://www.ulteq.com)

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Lake Elmo, MN 55042

S2



1 CROSS SECTION  
S2 SCALE: NOT TO SCALE

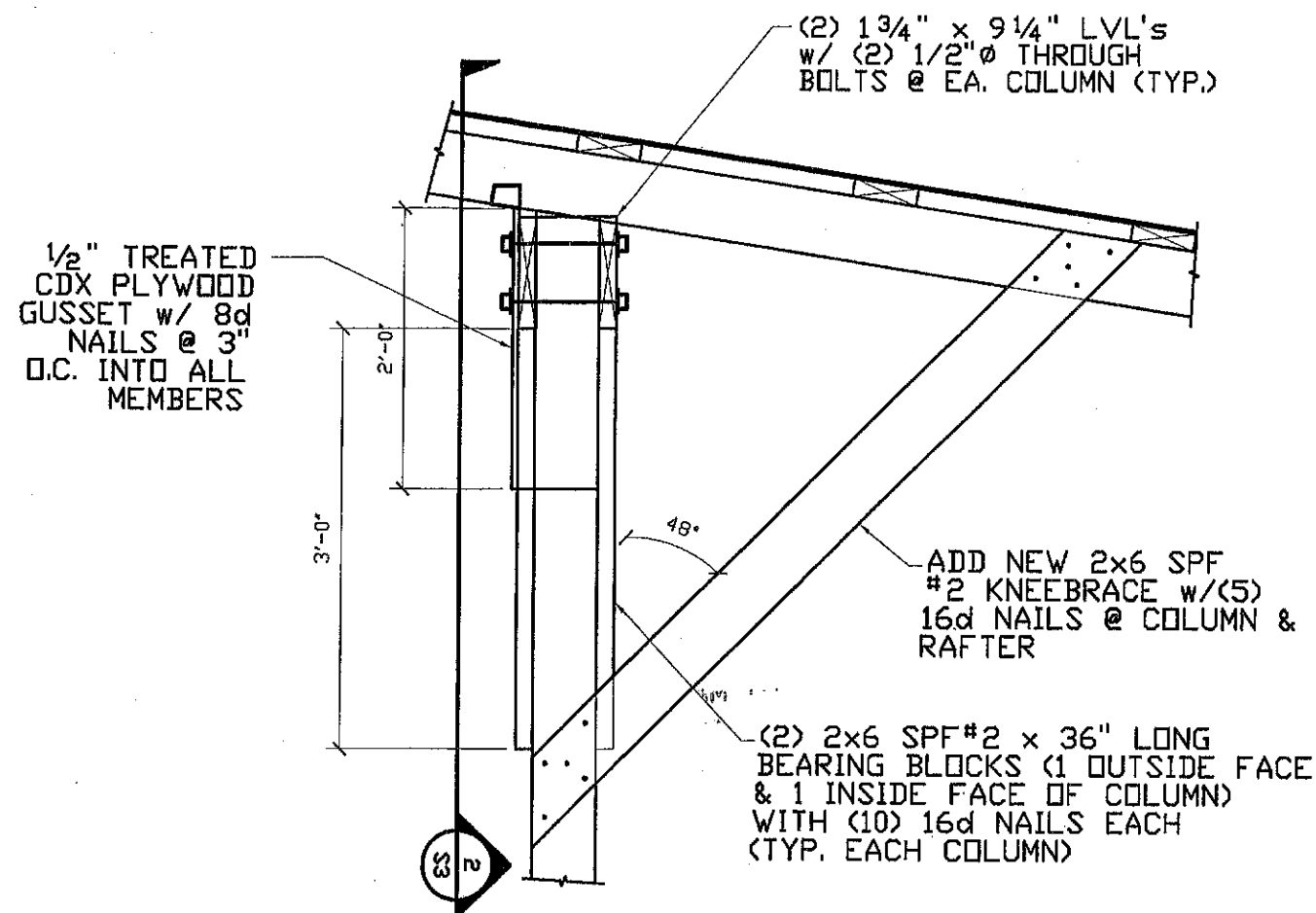
# Country Air Golf Park

404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

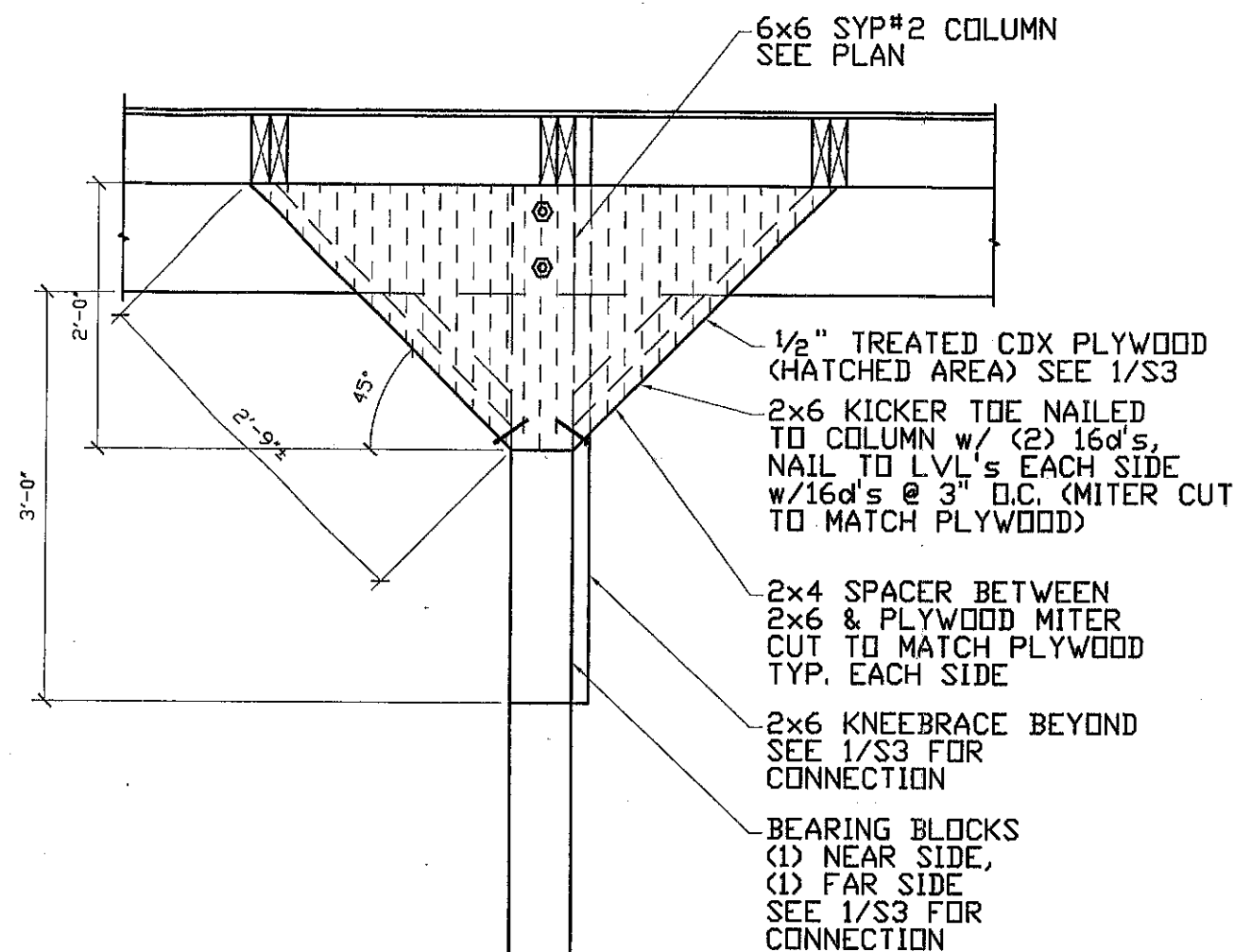
| Revision | Date | Description |
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## DETAILS

9/9/05  
CS



1  
S3  
DETAIL  
SCALE: 3/4" = 1'-0"



2  
S3  
DETAIL  
SCALE: 3/4" = 1'-0"

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Craig Osweil  
Signed: *Craig Osweil*  
Date: 9/01/05 License Number: 42341



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Drawn By: Neil Groon  
Checked By: Neil Groon  
Approved By: Craig Osweil

Building Under Construction  
404 Lake Elmo Avenue North  
Lake Elmo, MN 55042

Project Number: 205,0581  
Date: September 1, 2005  
Sheets: 3 of 3

S3