

Mayor:  
Dean Johnson  
Council members:  
Rita Conlin  
Steve DeLapp  
Liz Johnson  
Anne Smith

# Lake Elmo City Council

## Tuesday November 1, 2005

**FILE**  
3800 Laverne Avenue No.  
Lake Elmo, MN 55042  
777-5510 777-9615 (fax)

### Please read:

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

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

## **\*\*6:00 p.m.:CLOSED SESSION – Administrator Performance Review/Salary Adjustment\*\***

### **Agenda**

**City Council Meeting Convenes 7:00 PM**

#### **Pledge of Allegiance**

#### **1. Agenda**

#### **2. Minutes:**

October 18, 2005

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

##### **A. PUBLIC INQUIRIES:**

##### **B. PUBLIC INFORMATIONAL:**

(1) Senior Housing Survey: Brenda Anderson, CIC

(2) Ground Breaking Date of November 3rd for Public Works Facility

**Public Inquiries/Informational** is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.

#### **4. CONSENT AGENDA**

**A. Resolution No. 2005-114: Approving claims**

**B. Partial Payment No. 2 to G.M. Contracting: Resolution No. 2005-115**

**C. Escrow Reduction for Cardinal View**

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

#### **5. FINANCE**

#### **6. NEW BUSINESS**

**A. Request for Extended Work Hours: Hoffman, Hill Trail**

**B. Community Improvement Commission Appointments**

<b>C. Administrator Review/Salary Adjustment</b>		
<b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b>		
<b>A. Fire Department:Handbook</b>		
<b>8. <u>CITY ENGINEER'S REPORT:</u></b> <b>A. Accept Feasibility Report on Water Project for Tablyn Park/Lake Elmo Heights and Conduct Informational Hearing</b>	Tom Prew	
<b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b> <b>A. Moving Building into City:Hardy;Resolution No. 2005-116</b> <b>B. Zoning Ordinance Text Amendment – Repeal OP Conditional Use – AG/RR Zones:Ordinance No. 97-163</b> <b>C. Final Plat and Development Agreement - Park Meadows:Resolution No. 2005-117</b>	C. Dillerud	
<b>10. <u>CITY ATTORNEY'S REPORT:</u></b> <b>A.</b>		
<b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b> <b>A. Snowmobile Ordinance:Ordinance No. 97-164 - verbal</b>		
<b>12. CITY COUNCIL REPORTS:</b> <b>A. Mayor Johnston</b> <b>B. Council Member Conlin</b> <b>C. Council Member DeLapp</b> <b>D. Council Member Johnson</b> <b>E. Council Member Smith</b>		

MINUTES APPROVED: October 18, 2005  
LAKE ELMO CITY COUNCIL MINUTES

SEPTEMBER 20, 2005

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

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

**1. AGENDA**

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

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

2. **MINUTES:** July 5, 2005

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

**MINUTES:** September 6, 2005

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

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

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

4. **CONSENT AGENDA:**

A. Resolution No. 2005-097: Approving Claims

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

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

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

5. **FINANCE:**

A. Monthly Operating Report:

The Finance Director provided the Monthly Operating Report. He reported that in heading into the 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 clear topic identification and direct notification of affected people for all Council Committee meetings. He suggested cabling the committee meeting to inform residents on what is happening.

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

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

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

Council member Conlin suggested that they not add things to the agenda during the meeting, 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> informational public hearing notifying the benefiting property owners. (Motion passed 5-0.)

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

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

## **12. CITY COUNCIL REPORTS:**

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

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

Council member Smith stated she attended the West Lakeland Township meeting and a township board 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 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

MINUTES APPROVED OCTOBER 18, 2005  
LAKE ELMO CITY COUNCIL MINUTES

JULY 5, 2005

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

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

**1. AGENDA**

Remove 9B. per the request of the developer.

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

2. MINUTES: June 21, 2005

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

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Inquiries:

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

B. Public Informational

4. CONSENT AGENDA:

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

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

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

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

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

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

C. Phase II Construction – Extension of Completion Date

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

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

5. **FINANCE**

6. **NEW BUSINESS:**

A. Xcel Fly Ash Committee: Add two alternates – Mayor Johnston

Mayor Johnston suggested that the Council add two alternates to the Xcel Fly Ash Committee. Mayor Johnston, Council members Johnson and Smith indicated their interest to serve on this committee and would attend the last three Wednesday meetings.

M/S/P Johnston/Conlin – to appoint Anne Smith and Liz Johnson, as committee members and Mayor Johnston as an alternate member. There will be a meeting notice of a possible quorum of the council attending next three Fly Ash meetings. (Motion passed 5-0.)

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

A. Parks Department: Washington County Cooperative Deer Hunt

M/S/P Smith/Johnson - to authorize an antlerless only deer hunt in Sunfish Park in cooperation with Washington County for two weekends during deer hunting season in the Fall of 2005, per the recommendation of the Public Works Supervisor. (Motion passed 5-0).

B. Fire Department Report and Job Description – Verbal

The Administrator summarized Ordinance 97-141, adopted by the City Council, defines the positions, how those positions would report and the selection process. There is a clarification of job descriptions and duties of the chief and captains. The City will be advertising for a district chief and captains.

Fire Chief Malmquist reported the four new recruits, Richard Myran, Marie Duffert, Maurice "Mo" Butler and Ty Jacobson, have met the requirements to be probationary members

M/S/P Johnson/Conlin – to approve the appointment of Richard Myran, Marie Duffert, Maurice "Mo" Butler and Ty Jacobson, as probationary members on the Fire Department, per the recommendation of Fire Chief Malmquist. (Motion passed 5-0.)

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

A. Resolution No. 2005-070: Feasibility Report for Hilltop

The City Engineer presented the Council the Feasibility Report for 2005 Street Repairs, Hilltop Avenue.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-070, A Resolution Receiving the Feasibility Report and calling a Hearing on August 2nd on Street Repairs for Hilltop Avenue. (Motion passed 5-0).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Village Area Master Planner

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

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

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

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

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

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

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

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

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

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

Council member DeLapp stated he had been checking with staff at least monthly since February to get a Master Planner.

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

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

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

Attorney Filla responds no we do not.

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

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

Council member Johnson withdrew previous motion to hire Thorbeck.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##### A. Library – Mayor to discuss possible action.

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

##### B. Calendar for Comprehensive Plan

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

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

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

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

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

## **12. CITY COUNCIL REPORTS:**

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

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

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

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Respectfully submitted by Sharon Lumby, City Clerk

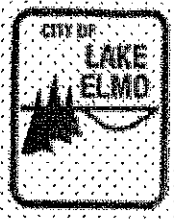
Resolution No. 2005-068 Approving Claims

Resolution No. 2005-069 Approving Claims

Resolution No. 2005-070 Feasibility Report for Hilltop Avenue

Resolution No. 2005-071 Farms of Lake Elmo

<b>Lake Elmo City Council</b> November 1, 2005	<b>Agenda Section: PUBLIC INFORMATIONAL</b>	<b><u>No. 3B(2).</u></b>
<b><u>Agenda Item:</u></b> Announce Ground Breaking Date for Public Works Facility		
The City of Lake Elmo will break ground for their new Public Works Facility and Water Tower on November 3, 2005 at 4:00 p.m. Both facilities will be constructed on the northeast corner of Highway 5 and Ideal Avenue.		
<b><u>Action items:</u></b>  Announce November 3, 2005, 4:00 p.m. as the date for the new Public Works Facility Ground Breaking	<b><u>Person responsible:</u></b>  S. Lumby	
<b><u>Attachments:</u></b>	<b><u>Time Allocated:</u></b>	



**CITY OF LAKE ELMO**  
**3800 LAVERNE AVE**  
**LAKE ELMO, MN 55042**

Phone: (651) 777-5510

Fax: 777-9615

**PRESS RELEASE**

Date: October 25, 2005  
From: Sharon Lumby, City Clerk  
To: Press  
City Officials  
City Staff  
Subject: **FOR IMMEDIATE RELEASE**

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The City of Lake Elmo will break ground for their new Public Works Facility and Water Tower on November 3, 2005 at 4:00 p.m. Members of the Lake Elmo City Council, commissioners, and staff will be on hand for this historic event.

The last time a public facility was constructed in Lake Elmo was in 1987 when city hall was built through a grass roots effort of dedicated volunteers.

The new Public Works Building of approximately 17,500 square feet will resemble an agricultural building that will house all public works vehicles and park maintenance equipment. The new water tower will hold three-quarter million gallons of water and effectively loop the City's water system. Both facilities will be constructed on the northeast corner of Highway 5 and Ideal Avenue.

-30-

WorkPhone: 651-777-5510  
Work Fax: 651-777-9615

[sharon.lumby@lakeelmo.org](mailto:sharon.lumby@lakeelmo.org)

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

**RESOLUTION NO. 2005-114  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 287, 288, DD551 through DD560, 28129 through 28143, were used for Staff Payroll dated October 27<sup>th</sup>, 2005; claims 289, 28144 through 28185, in the total amount of \$361,232.59 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 1<sup>st</sup> day of November, 2005.

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Dean A. Johnston  
Mayor

ATTEST:

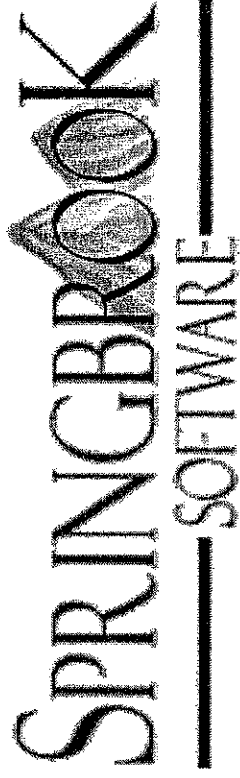
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Martin J. Rafferty  
City Administrator

# Accounts Payable Computer Check Proof List

User: administrator

Printed: 10/27/2005 - 4:05 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: GENCON 10-0266	Gen-Con Construction New Public Works Facility Check Total:	152,876.37 152,876.37	11/01/2005	Check Sequence: 1 410-480-8000-45200	ACH Enabled: No
Total for Check Run:		152,876.37			
Total Number of Checks:		1			

# Accounts Payable Computer Check Proof List

User: administrator

Printed: 10/27/2005 - 3:14 PM

# SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: MNREVEN	MN Department of Revenue				
Sales Tax Oct05	Sales Tax October 2005	71.00	11/01/2005	Check Sequence: 1	ACH Enabled: No
Sales Tax Oct05	Sales Tax October 2005	6.00	11/01/2005	101-410-1320-44300	
	Check Total:	77.00		601-494-9400-44300	
Total for Check Run:		77.00			
Total Number of Checks:		1			



# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 10/27/2005 - 2:52 PM

# SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: AN-SOREN Permit 4060	Anderson-Sorenson Return Rd Dep - 9620 Whistling Vly Rd Check Total:	1,000.00 1,000.00	11/01/2005	Check Sequence: 1 803-000-0000-22900	ACH Enabled: No
Vendor: ARAM 629-5831513	Aramark Linen - City Hall Check Total:	59.93 59.93	11/01/2005	Check Sequence: 2 101-410-1940-44010	ACH Enabled: No
Vendor: ARAMAU 58566161-1	ARAMARK Public Works - Uniforms Check Total:	149.99 149.99	11/01/2005	Check Sequence: 3 101-430-3100-44170	ACH Enabled: No
Vendor: BATTYPL 32-107746	Batteries Plus Woodbury Batteries - Fire Dept. Check Total:	156.95 156.95	11/01/2005	Check Sequence: 4 101-420-2220-42400	ACH Enabled: No
Vendor: EARLANDE 0068550-IN	Earl F. Andersen, Inc. Signs Check Total:	3,671.95 3,671.95	11/01/2005	Check Sequence: 5 101-430-3100-42260	ACH Enabled: No
Vendor: EMERGAPP 23504	Emergency Apparatus Maint. 3183 Park Brake, Inverter - FD Check Total:	805.65 805.65	11/01/2005	Check Sequence: 6 101-420-2220-44040	ACH Enabled: No
Vendor: FOUR 23-040959	Four Seasons Service Replace Coffee Maker Check Total:	133.13 133.13	11/01/2005	Check Sequence: 7 101-410-1940-44040	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:FXL November 2005	FXL, Inc. Assessing Services Check Total:	1,700.00 1,700.00	11/01/2005	Check Sequence: 8 101-410-1550-43100	ACH Enabled: No
Vendor:GENESIS IVC00811 IVC00833	Next Genesis Productions Monthly Software Support UPS Units Check Total:	900.00 1,278.00 2,178.00	11/01/2005 11/01/2005	Check Sequence: 9 101-410-1520-43180 101-410-1520-43185	ACH Enabled: No
Vendor:HERITAGE 14725 14730	Heritage Printing Paper - Fire Dept Fire prevention inserts Check Total:	31.52 127.30 158.82	11/01/2005 11/01/2005	Check Sequence: 10 101-420-2220-42000 101-420-2220-42090	ACH Enabled: No
Vendor:HUMANE 07/1-09/30	Humane Society Companion Animal Impounding/ \$3195.00 - Cars Check Total:	3,772.00 3,772.00	11/01/2005	Check Sequence: 11 101-420-2700-43160	ACH Enabled: No
Vendor:LEAGUE 1-000023543 1-000023580 1-000023612 1-000023612 1-000023612	League of Minnesota Cities HR Basics Seminar LMC Annual Conference - LJ LMC Annual Conference - Council LMC Annual Conference - Admin LMC Annual Conference - Planning Check Total:	25.00 300.00 900.00 300.00 300.00 1,825.00	11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005	Check Sequence: 12 101-410-1520-44370 101-410-1110-44370 101-410-1110-44370 101-410-1320-44370 101-410-1910-44370	ACH Enabled: No
Vendor:LTLFALLS 00034328	Little Falls Machine, Inc Seal Kit for Plow Trick - Public Works Check Total:	72.80 72.80	11/01/2005	Check Sequence: 13 101-430-3100-42210	ACH Enabled: No
Vendor:MENARDSO 40504 40504	Menards - Oakdale Tarps for Public Works Equipment Concrete Mix for Sign Posts Check Total:	84.65 14.57 99.22	11/01/2005 11/01/2005	Check Sequence: 14 101-430-3100-42210 101-430-3100-42260	ACH Enabled: No
Vendor:MENARDST 1290	Menards - Stillwater Extinguishers - Fire Prevention raffle Check Total:	28.32 28.32	11/01/2005	Check Sequence: 15 101-420-2220-42090	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:METROCA A0318076J	Metrocall Pagars - Fire Dept Check Total:	80.94 80.94	11/01/2005	Check Sequence: 16 101-420-2220-43210	ACH Enabled: No
Vendor:MONOGRAM 13519	Monogramming Plus Lettering - Public Works Uniforms Check Total:	95.00 95.00	11/01/2005	Check Sequence: 17 101-430-3100-44170	ACH Enabled: No
Vendor:NEXTEL 761950227-031 761950227-031 761950227-031 761950227-031 761950227-031	Nextel Communications Cellular Service - Admin Cellular Service - Fire Dept Cellular Service - Bldg Dept Cellular Service - Public Works Cellular Service - Parks Check Total:	76.79 75.42 33.10 50.26 16.89 252.46	11/01/2005	Check Sequence: 18 101-410-1940-43210 101-420-2220-43210 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210	ACH Enabled: No
Vendor:NORTHTOO 0562036018	HSBC Business Solutions Grab-It - Public Works Check Total:	18.09 18.09	11/01/2005	Check Sequence: 19 101-430-3100-42400	ACH Enabled: No
Vendor:OFFICEMX 217012 217012 217012	OfficeMax Scissors - Fire Dept Pens Paper, Binders, Markers Check Total:	10.42 7.52 92.85 110.79	11/01/2005	Check Sequence: 20 101-420-2220-42000 101-410-1520-42000 101-410-1320-42000	ACH Enabled: No
Vendor:PETERSO 11135M 11140M 11145M 11150M 11155M 11161M	Peterson Fram & Bergman Admin Criminal Pros Public Works Bldg Community Dev Civil Litigation Auto Forfeiture Check Total:	1,178.61 3,745.10 121.00 929.61 723.46 1,508.50 8,206.28	11/01/2005	Check Sequence: 21 101-410-1610-43040 101-410-1610-43045 410-480-8000-43040 803-490-9070-43040 101-410-1610-43040 101-410-1610-43045	ACH Enabled: No
Vendor:PETTYCI Petty Cash Petty Cash Petty Cash Petty Cash	Petty Cash Envelopes for CDBG Cable - Public Works Advance for Upcoming Elections Replacement Stamp Pad - Admin	10.55 36.99 150.00 11.70	11/01/2005	Check Sequence: 22 101-410-1910-43013 101-430-3100-42210 101-410-1410-44300 101-410-1320-42000	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	209.24			
Vendor:PRESS 10/18/05 10/24/05	StevenPress Cablecast - City Council Cablecast - Planning Comm. Check Total:	54.00 54.00 108.00	11/01/2005 11/01/2005	Check Sequence: 23 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor:Reserve Acc. 20313037	Pitney BowesReserve Account Metered Postage Check Total:	500.00 500.00	11/01/2005	Check Sequence: 24 101-410-1320-43220	ACH Enabled: No
Vendor:ROBENGST OV Project	Robert Engstrom Companies OV Project - Partial Pmt Check Total:	25,000.00 25,000.00	11/01/2005	Check Sequence: 25 803-490-9070-44300	ACH Enabled: No
Vendor:ROGERS 13036 13037	Rogers Printing Services Newsletter Envelopes Check Total:	664.56 152.30 816.86	11/01/2005 11/01/2005	Check Sequence: 26 101-410-1320-43090 101-410-1320-42000	ACH Enabled: No
Vendor:RUD 10/17-10/26 10/17-10/26	DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total:	240.00 240.00 480.00	11/01/2005 11/01/2005	Check Sequence: 27 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:SATELLIT 24180627	Satellite Shelters, Inc. Rental - Bldg Dept. Trailer Check Total:	319.50 319.50	11/01/2005	Check Sequence: 28 101-420-2400-44120	ACH Enabled: No
Vendor:SPRINT 0526076028-3	Sprint Data Card - Fire Dept. Check Total:	51.18 51.18	11/01/2005	Check Sequence: 29 101-420-2220-43210	ACH Enabled: No
Vendor:STJOSEPH SR14088	St Joseph Equipment, Inc. Backhoe Rental Check Total:	213.00 213.00	11/01/2005	Check Sequence: 30 101-430-3100-43150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: Streiche I298693	STREICHER'S Re-badging Sachs Sr., new members Check Total:	284.83 284.83	11/01/2005	Check Sequence: 31 101-420-2220-44170	ACH Enabled: No
Vendor: TKDA 200503869 200503872 200503873 200503874 200503874 200503874 200503874 200503875 200503894 200503897 200503993	TKDA, Inc. SW Mgmt & MS4 Water Sys Interconnection Water Tank Tapestry, Farms, Xing, DG, Pk Meadows Grading Rev., Staff Migs, OV, Sessing Comp Plan Water System Council Meetings New Public Works Design Hilltop Ave Repairs Leak Location EPB Check Total:	113.44 11,593.16 17,683.80 15,033.51 1,571.16 280.83 497.64 200.00 14,149.38 1,659.73 221.83 63,004.48	11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005 11/01/2005	Check Sequence: 32 603-496-9500-43030 601-494-9400-43030 601-494-9400-43030 803-490-9070-43030 101-410-1930-43030 101-410-1910-43020 601-494-9400-43030 101-410-1930-43030 410-480-8000-43030 409-480-8000-43030 601-494-9400-43030	ACH Enabled: No
Vendor: TRISTATE P51342 P51342	Tri State Bobcat, Inc. Hydraulic Fluid - Public Works Fuel Cap Check Total:	24.85 9.12 33.97	11/01/2005 11/01/2005	Check Sequence: 33 101-430-3100-42120 101-430-3100-42210	ACH Enabled: No
Vendor: TWIN SOUR 00031860	TwinSource Tissue, gloves - Public Works Check Total:	92.66 92.66	11/01/2005	Check Sequence: 34 101-430-3100-42150	ACH Enabled: No
Vendor: USBANK 33404800 33404800	US Bank Trust N.A. Water Bond 2002B - Interest Water Bond 2002B - Principal Check Total:	14,383.75 25,000.00 39,383.75	11/01/2005 11/01/2005	Check Sequence: 35 601-494-9400-46110 601-000-0000-23110	ACH Enabled: No
Vendor: WAS-REC 46695	Washington County Recorder Quick Access Parcel Updates Check Total:	1,200.00 1,200.00	11/01/2005	Check Sequence: 36 101-410-1910-43030	ACH Enabled: No
Vendor: WAS-TRAN 46935	Washington County Striping Roads	130.00	11/01/2005	Check Sequence: 37 101-430-3100-43150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	130.00			
Vendor: WORKWELL 057919	Workwell Occupational Health Physical - Yarusso	135.00	11/01/2005	Check Sequence: 38 101-420-2220-43050	ACH Enabled: No
	Check Total:	135.00			
Vendor: YOCUM 125321	Yocum Oil Company, Inc. Motor Oil - Public Works	362.79	11/01/2005	Check Sequence: 39 101-430-3100-42120	ACH Enabled: No
	Check Total:	362.79			
Vendor: ZACK 21115	Zack's, Inc. Towels, brushes, gloves, paint - PW	265.26	11/01/2005	Check Sequence: 40 101-430-3100-42150	ACH Enabled: No
	Check Total:	265.26			
Vendor: ZIERTMAN 8865	Joan Ziertman Reimb. - Buckthorn Project Refreshments	50.00	11/01/2005	Check Sequence: 41 101-410-1110-44300	ACH Enabled: No
	Check Total:	50.00			
	Total for Check Run:	157,215.84			
	Total Number of Checks:	41			

413.

# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

October 28, 2005

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Partial Payment No. 2  
Water System Interconnect - Phase II  
City of Lake Elmo, Minnesota  
TKDA Project No. 13186.000

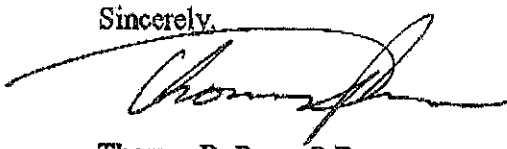
Dear Mayor and City Council:

Work is nearly complete on this project. A few punch list items remain.

*City Council Action Requested*

Approve Partial Payment No. 2 in the amount of \$24,900.36.

Sincerely,



Thomas D. Prew, P.E.  
City Engineer

TDP:art  
Enclosures

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

**RESOLUTION NO. 2005-115**

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 2  
TO G.M. CONTRACTING  
FOR WATER SYSTEM INTERCONNECT – PHASE II**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 2 to G.M. Contracting in the amount of \$24,900.36 for work improvements to the Water System Interconnect Project – Phase II, verified by the City Engineer in his memo dated October 28, 2005.

ADOPTED by the Lake Elmo City Council the 1st day of November, 2005.

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

ATTEST:

\_\_\_\_\_  
Martin Rafferty, City Administrator



**TKDA**

ENGINEERS • ARCHITECTS • PLANNERS

1600 Piper Jaffray Plaza  
444 Cedar Street  
Saint Paul, MN 55101-2140(651) 292-4400  
(651) 292-0083 Fax  
www.tkda.comProj. No. 13186.000.003 Cert. No. 2 St. Paul, MN, October 28, 2005To City of Lake Elmo, Minnesota OwnerThis Certifies that G.M. Contracting, Inc, ContractorFor Water System Interconnect - Phase IIIs entitled to Twenty Four Thousand Nine Hundred Dollars and 63/100 (\$ 24,900.63)being 2nd estimate for partial payment on contract with you dated June 7, 2005

Received payment in full of above Certificate.

TKDA

G.M. Contracting, Inc., 20  
Thomas D. Prew, P.E.

## RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 359,049.86		
All previous payments		\$ 325,617.58	
All previous credits			
Extra No.			
" "			
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 24,900.63	
Totals	\$ 359,049.86	\$ 350,518.21	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 8,531.65	
	\$ 359,049.86	\$ 359,049.86	\$ -

TKDA  
Engineers-Architects-Planners

**PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS**

Estimate No. 2 Period Ending October 28, 20 05 Page 1 of 1 Proj. No. 13186.000.003  
Contractor G.M. Contracting, Inc. Original Contract Amount \$359,049.86  
Project Water System Interconnect - Phase II  
Location City of Lake Elmo, Minnesota

Total Contract Work Completed	\$	<u>368,966.54</u>
Total Approved Credits	\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>
Approved Extra Orders Amount Completed	\$	<u>0.00</u>
Total Amount Earned This Estimate	\$	<u>368,966.54</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>5</u> % Retained	\$	<u>18,448.33</u>
Less Previous Payments	\$	<u>325,617.58</u>
Total Deductions	\$	<u>344,065.91</u>
Amount Due This Estimate	\$	<u>24,900.63</u>

Contractor G.M. Contracting, Inc.  
Engineer Thomas D. Prew, P.E.

Date \_\_\_\_\_  
Date October 28, 2005

## ESTIMATE NO. 2

PERIOD ENDING: October 28, 2005

WATER SYSTEM INTERCONNECT - PHASE II  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13186.000.003

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>SANITARY SEWER</b>						
1	MOBILIZATION	LS	1.0	1.0	\$ 5,500.00	\$ 5,500.00
2	TRAFFIC CONTROL	LS	1.0	1.0	\$ 3,652.68	\$ 3,652.68
3	REMOVE & DISPOSE OF BIT. PAVEMENT	SY	700.0	847.0	\$ 3.75	\$ 3,176.25
4	SAW CUT BIT. PAVEMENT	LF	880.0	731.0	\$ 1.25	\$ 913.75
5	PATCH BIT. PAVEMENT 4" THICK INCL. GRAVEL BASE	SY	700.0	847.0	\$ 13.91	\$ 11,781.77
6	REMOVE AND REPLACE D412 CURB AND GUTTER	LF	200.0	30.0	\$ 11.64	\$ 349.20
7	SEEDING, INCL. SEED, FERTILIZER & WOOD FIBER BLANKET	SY	1,000.0	1,722.0	\$ 2.11	\$ 3,633.42
8	SODDING TYPE LAWN	SY	1,000.0	1,370.0	\$ 4.84	\$ 6,556.80
9	CONNECT TO EXIST. WATERMAIN	EA	2.0	2.0	\$ 3,116.04	\$ 6,232.08
10	6" DIP CL-52 WATERMAIN	LF	60.0	68.0	\$ 74.28	\$ 5,051.04
11	DIRECT DRILL 16" (DIP) HDPE SDR 17	LF	4,536.0	4,536.0	\$ 51.42	\$ 233,241.12
12	6" RES. SEAT GATE VALVE & BOX	EA	7.0	7.0	\$ 1,295.63	\$ 9,069.41
13	16" BUTTERFLY VALVE & BOX	EA	3.0	3.0	\$ 2,736.85	\$ 8,210.55
14	6" HYDRANT EXTENSION	EA	3.0	-	\$ 411.97	\$ -
15	12" HYDRANT EXTENSION	EA	3.0	-	\$ 451.82	\$ -
16	6" HYDRANT (9'-6" BURY)	EA	6.0	6.0	\$ 4,663.25	\$ 27,979.50
17	MJ DIP COMPACT FITTINGS	LB	2,000.0	2,384.0	\$ 3.65	\$ 8,701.60
18	1" TYPE "K" COPPER WATER SERVICE	LF	570.0	846.0	\$ 16.82	\$ 14,229.72
19	FUSABLE SADDLE W/1" CORPORATION STOP	EA	17.0	19.0	\$ 729.10	\$ 13,852.90
20	1" CURB STOP BOX	EA	17.0	19.0	\$ 370.25	\$ 7,034.75

TOTAL ESTIMATE NO. 2

\$ 368,866.54

<b>Lake Elmo City Council</b> November 1, 2005	<b>Agenda Section: CONSENT AGENDA</b>	<b><u>No. 4C.</u></b>
<b><u>Agenda Item:</u></b> Escrow Reduction – Cardinal View		
<p>In his memo dated October 20, 2005, the City Engineer reports improvements on Cardinal View are generally complete except for the final lift of blacktop. The Final inspection of the storm sewer has not been scheduled.</p> <p>The City Engineer has certified by his October 20, 2005 memo that the required development security can be reduced from \$57,968.75 to \$23,250.00.</p>		
<b><u>Action items:</u></b>  Motion _____ Second _____ to approve the reduction of the Development Security requirement for Cardinal View from \$57,968.75 to \$23,250.00 based on the recommendation of the City Engineer in his memo dated October 20, 2005.	<b><u>Person responsible:</u></b>  T. Prew	
<b><u>Attachments:</u></b>	<b><u>Time Allocated:</u></b>	

## MEMORANDUM


**To:** Chuck Dillerud  
**Copies To:** Todd Erickson  
  
  
**From:** Thomas D. Prew, P.E.  
**Date:** October 20, 2005

**Reference:** Escrow Reduction  
Cardinal View  
City of Lake Elmo, Minnesota  
**Project No.** 13267.000  
**Routing:**

Improvements on Cardinal view are generally complete except for the final lift of blacktop. The site has been seeded, although it has only started to grow. Final inspection of the storm sewer has not been scheduled.

I would recommend that escrow be reduced to the amounts listed below:

Site Grading/ Turf Establishment	\$	-
Storm Sewer	\$	3,300.00
Streets	\$	15,000.00
Street Signs	\$	300.00
Subtotal	\$	18,600.00
125% Security	\$	23,250.00

<b>Lake Elmo City Council November 1, 2005</b>	<b>Agenda Section: New Business</b>	<b><u>No.</u> 6A</b>
<b><u>Agenda Item:</u></b> Request for Extended Construction Working Hours – Joe Hoffman		
<p><b><u>Background Information for November 1, 2005:</u></b></p> <p>The (future) resident whose new home is under construction at the NE corner of 50<sup>th</sup> Street North and CSAH 13 has requested a “special permit” from the City Council for extended working hours for his contractors pursuant to City Code, Section 1370.03B. It appears from his attached Email request that he is requesting only the weekend extension – limited by Code to the hours of 1:00 PM on Saturdays, Sundays and Holidays through December 18.</p> <p>Staff has determined that one of more residences are located within 600 feet of the construction site. Therefore no “...construction equipment, internal combustion engine or power unit.. “ would be allowed to be in operation during the extended working hours.</p> <p>The applicant has addressed the basis he offers for the application by the Email. The Code specifies that such extensions may only be approved by the Council - given the proximity of existing residences – for the time period of 1:00 PM to 5:00 PM on those weekends and holidays.</p>		
<p><b><u>Action items:</u></b></p> <p>City Council Motion to either approve or deny a special permit to Joe Hoffman to extend working hours for the construction of a home at 7805 Demontreville Trail. If the Motion is for approval it must be to permit allowable work during the hours of 1:00 PM to 5:00 PM on Saturdays, Sundays and holidays through December 18, 2005.</p>	<p><b><u>Person responsible:</u></b></p>  City Planner	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Hoffman Email of October 19, 2005</li> <li>2. Section 1370.03B.</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

## Carole Freeman

---

**From:** Sharon Lumby  
**Sent:** Thursday, October 27, 2005 4:14 PM  
**To:** Carole Freeman  
**Subject:** FW: City Counsel Meeting Agenda

-----Original Message-----

**From:** Martin Rafferty  
**Sent:** Thursday, October 20, 2005 9:11 AM  
**To:** 'xlnlife@comcast.net'  
**Cc:** Chuck Dillerud; Sharon Lumby  
**Subject:** RE: City Counsel Meeting Agenda

Thanks Joe, I passed this on to the City Clerk for the November 1st Council meeting.

I have also spoken with the City Planner about the -----Original Message----- two driveway request. He will be calling you this morning.

Marty Rafferty

233-5401

Chuck Dillerud's number (City Planner/ Assistant City Administrator) is 233-5402

**From:** xlnlife@comcast.net [mailto:xlnlife@comcast.net]  
**Sent:** Wednesday, October 19, 2005 10:27 PM  
**To:** Martin Rafferty  
**Subject:** City Counsel Meeting Agenda

Hi Marty,

I briefly spoke to you yesterday (10/19), about obtaining a variance to the city ordinance 1370.03. The variance is in regards to extending the hours allowed to operate construction equipment on the weekend. If you could please place this matter on the Lake Elmo City Counsel agenda, for the 11/01/05 meeting, I would greatly appreciate it. The weekends requested are 11/5-11/6, 11/12-11/13, 11/19-11/20, 11/26-11/27, 12/3-12/4, 12/10-12/11, and 12/17-12/18 or until the house at 7805 Demontreville Trail is either completely framed in and closed off or completed. The main reason for the variance is due to possible inclement weather that could delay completion and the availability of time and amount of time needed, by myself and the crews I employ, to complete the construction of my future residence. Please notify me as to whether this notice is acceptable and if we will be allowed to address the City Counsel, on the date in question, at your earliest convenience.

Thank you for your time and have a great day,

Joe Hoffman  
xlnlife@comcast.net  
(home) 651-771-1842  
(cell) 651-278-1597

No internal combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as set forth in this section and any sound emitted from any such engine or power unit shall not exceed eight-three (83) decibels measured along the property line.

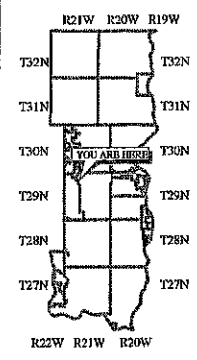
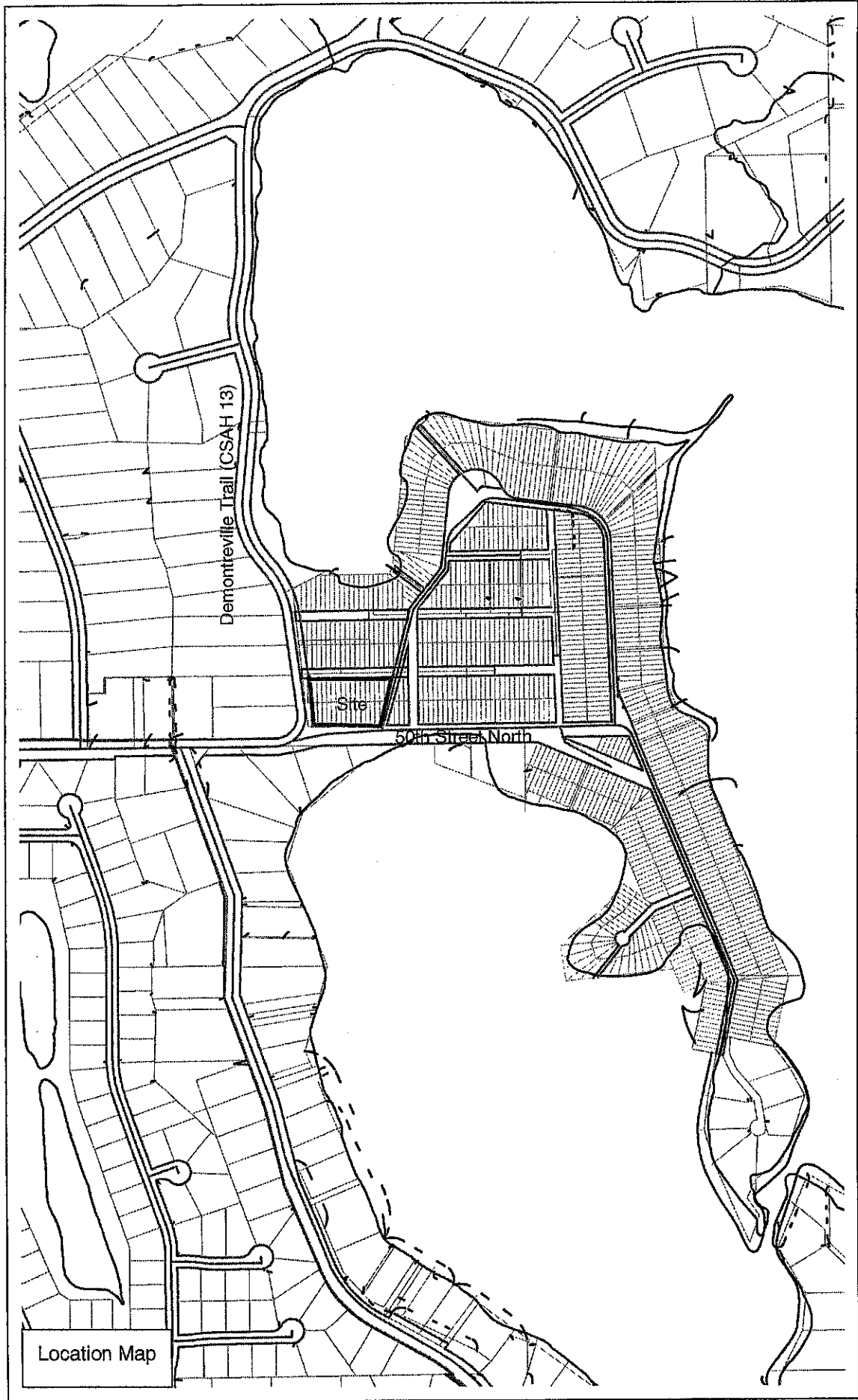
If an emergency situation exists or if substantial economic loss would result to any person unless allowed additional hours of equipment operation, a special permit may be granted for extended hours of operation of the construction equipment and internal combustion engine or power unit as follows:

- A. In the event of an emergency situation a permit may be granted for the operation during any hour of any day for a period not to exceed three (3) days or less while the emergency continues. This permit may be renewed for periods of three (3) days or less while the emergency continues.
- B. In the event of a determination of substantial economic loss to a person, a special permit may be granted for the operation throughout the hours of 7:00 A.M. to 9:30 P.M. on weekdays and throughout the hours of 1:00 P.M. to 5:00 P.M. on Saturdays, Sundays, and state and federal holidays upon the condition that while any construction equipment, internal combustion engine, or power unit is in operation, its location shall not be less than six hundred (600) feet in any direction from any dwellings, except that if while any such construction equipment, internal combustion, or power unit is in operation, its location shall be no less than one thousand two hundred (1,200) feet in any direction from any dwelling, a permit may be granted for operation during any hour of any day.

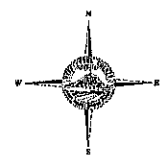
**1370.04 Outdoor Implements.**

Except as stated, any power lawn mower, snowblower, power hedge clipper, power saw, or other such implement, designed primarily for outdoor use, shall be operated only between the hours of 7:30 A.M. to 9:00 P.M. on weekdays, or between the hours of 9:00 A.M. to 9:30 P.M. on Saturdays, Sundays, and state and federal holidays. However, if the equipment conforms to the maximum allowable sound levels as stated, it may be operated during the above prohibited hours.





Vicinity Map



Location Map

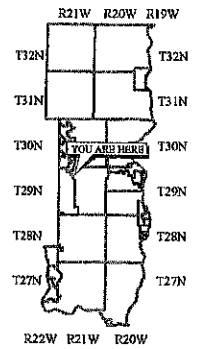
This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyors Office.  
Phone (651) 430-5876

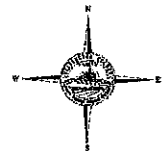
Parcel data based on AS400 information



Location Map



Vicinity Map



0 256  
Scale in Feet

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 (651) 450-6675

Parcel data based on A8400 information

<b>Mayor</b> Dean Johnston	No. <u>6B.</u>
<b>Councilmembers</b> Steve DeLapp Liz Johnson Anne Smith Rita Conlin	<b>Agenda Item:</b> Community Improvement Commission Appointments  <b>Date:</b> November 1, 2005

**Background Information for November 1, 2005.**

The Lake Elmo Ad Hoc Community Improvement Commission (CIC) was established to consist of seven members that meet quarterly or as often as required, and members serve two-year terms at the pleasure of the City Council.

City Staff recently learned that Stacy Howieson resigned her commission last August. With Commissioner Howieson's resignation, one commissioner temporarily assigned to second shift, and another commissioner's absence since May, the CIC has had difficulty forming a quorum and cancelled two meetings. The CIC currently has one vacancy and an attendance issue for another commissioner who has not responded to attempts to contact and is on leave of absence from work. The CIC attendance record for 2005 is attached. There are currently no applications on file. Staff continues to advertise for applicants.

The City Council should formally accept the resignation of Stacy Howieson.

**Motion \_\_\_\_\_, Second \_\_\_\_\_, to accept the resignation of Stacy Howieson as a member of the Community Improvement Commission, and to thank her for her service to the City.**

Staff requests Council direction with regard to Commissioner Jill Anderson's continued absence.

**Motion \_\_\_\_\_, Second \_\_\_\_\_, \_\_\_\_\_**  
\_\_\_\_\_.

Two commissioner terms are expiring November 3, 2005. Their letters requesting reappointment are attached.

**Motion \_\_\_\_\_, Second \_\_\_\_\_, to reappoint Joan Ziertman to a two-year term on the Community Improvement Commission.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_, to reappoint Gary Rieder to a two-year term on the Community Improvement Commission.**

Attached:    Letter of resignation  
                 Letters (2) requesting reappointment

**Sharon Lumby**

---

**From:** JOAN ZIERTMAN [ziertman@msn.com]  
**Sent:** Thursday, October 20, 2005 10:46 AM  
**To:** Martin Rafferty  
**Cc:** Sharon Lumby  
**Subject:** Fw: August 10 CIC meeting

Marty,

This is the email that I received from Stacy with her resignation. I thought I forwarded to Sharon. I also asked Stacy to contact Sharon direct to resign. What do you think we should do about Jill? I have called her and emailed her a number of times and I never get a response back. Should we take a vote at our next meeting to remove her from the roster for lack of attendance?

----- Original Message -----

**From:** Stacy Howieson  
**To:** JOAN ZIERTMAN  
**Sent:** Wednesday, August 10, 2005 11:03 AM  
**Subject:** RE: August 10 CIC meeting

Joan,

I regret to inform you that I will be resigning from the CIC. I don't know if I need to inform someone else or not? Please let me know. I have enjoyed my time on the commission

Thanks

Stacy Howieson  
Hometown America  
Cimarron Park and Golf  
ph. 651-436-6188  
fax 651-436-1127

---

**From:** JOAN ZIERTMAN [mailto:ziertman@msn.com]  
**Sent:** Sat 8/6/2005 1:42 PM  
**To:** Brenda Anderson; Gary Rieder; Gloria Knoblach; Jill Anderson; Stacy Howieson  
**Subject:** August 10 CIC meeting

Hi Everyone,

I would like to get a count of how many people are planning to attend our meeting next Wednesday. Nicole is unable to attend as she will be out of town. Let me know when you have a chance.

Joan

10/20/2005

Stacy Howieson  
901 Lake Elmo Ave. N.  
Lake Elmo, MN 55042

City of Lake Elmo  
City Council Members

October 26, 2005

To Whom It May Concern:

I will be resigning from the Community Improvement Commission effective immediately. I have enjoyed my time and experiences while serving on the commission.

Thank you,

Stacy Howieson

October 20, 2005

City of Lake Elmo  
3800 Laverne Ave  
Lake Elmo, MN 55042

Dear Mayor and City Council:

I would like to express my interest for reappointment to the Community Improvement Commission. I have enjoyed the time that I have spent on the Community Improvement Commission during my last term. We have worked on some very wonderful and worthwhile projects and are making great progress on them.

Coming up this weekend we have the buckthorn project and continue to work to compile the data for the Senior Survey project. We are making good progress on the gas line project. I would like the opportunity to serve another term to see the outstanding projects to completion. Thank you for your time and consideration.

Sincerely,

Joan Ziertman

## **Kimberly Schaffel**

---

**From:** Gary Rieder [riedergary@comcast.net]  
**Sent:** Tuesday, October 25, 2005 7:03 PM  
**To:** Kimberly Schaffel  
**Subject:** CIC

**To:** Lake Elmo City Council  
**From:** Gary Rieder  
**Subject:** CIC

I would like to be reappointed to the Lake Elmo Community Improvement Commission, for another two year term. Thank you for your consideration.

Sincerely, Gary Rieder

CIC Ad Hoc Committee	F/V/M	5-Jan	2-Feb	9-Mar	13-Apr	11-May	8-Jun	JUL	AUG	SEP	OCT	NOV	DEC	2005
Joan Ziertman	11/3/2003	1	1	1	1	1	1	1			1			100.0%
Anne Smith		1	1											
Gloria Knoblauch	3/15/2005				1	1	1	1			0			80.0%
Brenda Anderson	2/1/2005		0	1	1	1	1	1			1			85.7%
Nicole Park	Jun-05						1	1			1			100.0%
Bob Van Zandt						1								
Stacy Howieson		0	1	0	1	1	0							
Jill Anderson	2/17/2004	1	1	1	1	0	0	0			0			50.0%
Gary Rieder	11/3/2003	0	0	0	1	0	0	1			1			37.5%
Debbie Lyzenga		0	1	1	1									
		3	5	4	7	5	4	5	Q	Q	4			

Q = Quorum Problem - Meeting Cancelled

At will of Council, two year terms  
 Membership = 7 Members who live or work in Lake Elmo  
 Activities coordinated by Administrator or a Council member until staffing permits.  
 Quarterly meetings or as often as required  
 Lake Elmo Ad Hoc Community Improvement Commission  
 Stacy resigned 8/10/05



<b>Lake Elmo City Council</b> November 1, 2005	<b>Agenda Section: NEW BUSINESS</b>	<b><u>No. 6C.</u></b>
<b><u>Agenda Item:</u></b> Administrator Performance/Salary Adjustment		
<p>The Council has completed the City Administrator's performance review with the assistance of Jim Brimeyer. The Council is formally accepting the Administrator's performance review which meets or exceeds the expectations of the Council and approves the recommended salary adjustment based on the results of the closed session.</p>		
<b><u>Action items:</u></b> Motion      Second, to approve the related salary adjustment based on the results of the administrator's performance review meets or exceeds the expectations of the City Council.	<b><u>Person responsible:</u></b>	
<b><u>Attachments:</u></b>	<b><u>Time Allocated:</u></b>	

# FEASIBILITY REPORT



## TABLYN PARK – LAKE ELMO HEIGHTS

## WATERMAIN EXTENSION

## CITY OF LAKE ELMO, MINNESOTA

Date: October 26, 2005  
Comm. No. 13524.000

# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

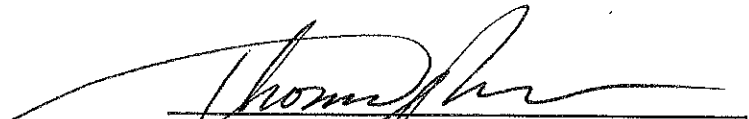
1500 Piper Jaffray Plaza  
444 Cedar Street  
Saint Paul, MN 55101-2140

(651) 292-4400  
(651) 292-0083 Fax  
[www.tkda.com](http://www.tkda.com)

OCTOBER 26, 2005

**FEASIBILITY REPORT**  
**TABLYN PARK – LAKE ELMO HEIGHTS**  
**WATERMAIN EXTENSION**  
**CITY OF LAKE ELMO, MINNESOTA**  
**TKDA PROJECT NO. 13524.000**

I hereby certify that this Feasibility 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.

  
Thomas D. Prew, P.E.  
License No. 19621

**TABLYN PARK – LAKE ELMO HEIGHTS  
WATERMAIN EXTENSION  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13524.000**

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**TABLYN PARK – LAKE ELMO HEIGHTS  
WATERMAIN EXTENSION  
CITY OF LAKE ELMO, MINNESOTA**

**I. INTRODUCTION AND INITIATION OF REPORT**

---

In recent months the City of Lake Elmo became aware that the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Health (DOH) were performing groundwater sampling to determine the extent and magnitude of PFOA/PFOS chemicals in the west-central area of Lake Elmo and in the eastern part of the City of Oakdale. The testing has continued and PFOA/PFOS chemicals have been detected in some residential wells within the Tablyn Park and Lake Elmo Heights subdivisions, and along 31st Street, Jamley Avenue, Janero Avenue, and Stillwater Boulevard. Not all of the residential wells in these areas have PFOA/PFOS chemicals present at this time. Some wells have PFOA/PFOS levels that exceed the standards for such chemicals in drinking water that have been established by the Minnesota Department of Health.

3M Corporation has agreed to provide the City of Lake Elmo with a Community Improvement Grant to extend the City's water system in order to provide Municipal water for all properties in these neighborhoods. This grant covers the installation of watermain, water services into each home, meter and permit fees, and sealing of the wells.

Sealing of the wells is an important part of this Project. Sealing of the wells will prevent:

- A. Increased contamination to other aquifers from migration through the well holes, and the possibility that continued pumping from those wells may impact the identified plume of PFOA/PFOS.
- B. Spreading of PFOA/PFOS to the topsoil from lawn watering.
- C. Inadvertent or illegal cross connections between the Municipal water supply and the private wells.
- D. Future cost to residents to repair or abandon their well.
- E. Continued water testing costs.

There is concern for residents currently on private wells about the cost of City water. The average cost in Lake Elmo for residential water is approximately \$20 per month. This cost will be offset by reduced homeowner's insurance costs due to fire hydrants being available, the elimination of repair/replacement costs to their well and pump, the costs of well testing in the future and an increase in their property value that will result from converting the homes to a public water supply.

## **II. PROPOSED IMPROVEMENTS**

---

As shown in Figure 1, watermain would be extended into this area from the north side of TH 5 at Jamaca Avenue and at Ideal Avenue. Sixteen-inch (16") to eight-inch (8") watermains would be extended to provide water service and fire protection.

The watermains would be installed by both open cut methods and directional drilling.

A portion of this work is already being constructed as part of the watermain extension to the Farms of Lake Elmo. The watermain on 31st Street should be installed during the fall of 2005. Service work would be completed in the summer of 2006 with the remainder of the Project.

A temporary booster pumping station would be built to service the southern portion of Lake Elmo Heights 3rd Addition, as it is in a higher pressure zone than the rest of the Project area. In the future, a permanent booster pump station is planned.

One-inch (1") water services would be installed for each existing home. The services would typically be directionally drilled from the road into the basement of the house to avoid disruption of yards, trees and improvements.

After the service has been extended into the basement, a plumber will install the water meter and make the final connections to the homes' water system. At that time the pressure tank will be removed.

A well contractor will perform the well sealing. The well head will be cut off below grade and lawn will be placed over it.

There are a few houses that are set back very far from the road that will require extra long and oversized services. Some may require new easements to be acquired.

### **III. RIGHTS-OF-WAY AND EASEMENTS**

---

Janero Avenue is not a public street, but rather a private driveway. The eastern 1/2 of the driveway will soon be platted right-of-way within the new Farms of Lake Elmo subdivision. An easement over the northern portion of the private driveway will be needed in order for the City to construct this Project.

There may be other lots that require easements to serve them as well.

All other work should be done in existing City of Lake Elmo rights-of-way, or by permit in County and State rights-of-way.

A Right of Entry Agreement is required from each property owner prior to water service and well abandonment.

### **IV. PERMITS**

---

A Utility Permit from the Minnesota Department of Transportation (Mn/DOT) for work in the TH 5 right-of-way.

A Utility Permit from Washington County for work in the CSAH 6 and CSAH 13 rights-of-way.

A Utility Permit from The Union Pacific Railway Company for crossing of the railroad tracks.

A permit from the Minnesota Department of Health for a watermain extension.

A permit from the Valley Branch Watershed District for erosion control.

### **V. ESTIMATED PROJECT COSTS**

---

A breakdown of the estimated Project costs is located in the Appendix.

Estimated Construction Cost	\$3,300,000
Estimated Engineering Cost	\$ 450,000
Estimated Project Costs	\$3,750,000

These prices are estimates only. The final costs will be determined through final design and the competitive bidding process.

**VI. FINANCING OF IMPROVEMENTS**

The improvements are planned to be financed entirely by the 3M Corporation's Community Improvement Grant to the City of Lake Elmo.

**VII. PROJECT ASSESSMENTS**

---

No water service assessments are proposed for this Project.

**VIII. PROPOSED PROJECT SCHEDULE**

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City Council Approves Project, and Authorizes Plan Preparation	November 1, 2005
Plans and Specifications Complete	February, 2006
Bids Received	March, 2006
Construction Begins	April, 2006
Construction Complete	Fall 2006



## **APPENDIX**

# ENGINEER'S COST ESTIMATE

TABLYN PARK - LAKE ELMO HEIGHTS WATERMAIN EXTENSION  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13524.000

ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT
1	MOBILIZATION	LS	1	\$ 18,000.00	\$ 18,000.00
2	CONNECT TO EXISTING WATERMAIN	EA	2	\$ 1,500.00	\$ 3,000.00
3	16" HDPE WATERMAIN (BY DIRECTIONAL DRILLING)	LF	5,200	\$ 55.00	\$ 286,000.00
4	12" HDPE WATERMAIN (BY DIRECTIONAL DRILLING)	LF	5,400	\$ 43.00	\$ 232,200.00
5	8" HDPE WATERMAIN (BY DIRECTIONAL DRILLING)	LF	18,000	\$ 33.00	\$ 594,000.00
6	6" DIP (CL 52) WATERMAIN	LF	510	\$ 40.00	\$ 20,400.00
7	BOOSTER PUMPING STATION	EA	1	\$ 40,000.00	\$ 40,000.00
8	FIRE HYDRANTS	EA	34	\$ 2,500.00	\$ 85,000.00
9	6" GATE VALVES	EA	34	\$ 800.00	\$ 27,200.00
10	8" GATE VALVES	EA	24	\$ 1,000.00	\$ 24,000.00
11	12" BUTTERFLY VALVES	EA	5	\$ 2,500.00	\$ 12,500.00
12	16" BUTTERFLY VALVES	EA	6	\$ 3,500.00	\$ 21,000.00
13	DIP FITTINGS	LBS	10,000	\$ 3.50	\$ 35,000.00
14	30" STEEL CASING - CARRIER CROSSING PIPE	LF	60	\$ 300.00	\$ 18,000.00
15	1" CORPORATION STOP	LF	214	\$ 350.00	\$ 74,900.00
16	1" CURB STOP	LF	214	\$ 350.00	\$ 74,900.00
17	1" TYPE K COPPER SERVICE PIPE	LF	10,700	\$ 22.00	\$ 235,400.00
18	PLUMBING WORK/ INSTALL METER	EA	214	\$ 5,000.00	\$ 1,070,000.00
19	ABANDON WELL	EA	214	\$ 1,500.00	\$ 321,000.00
20	RESTORE BITUMINOUS DRIVEWAYS AND STREETS	SY	400	\$ 30.00	\$ 12,000.00
21	RESTORATION - TURF ESTABLISHMENT (SODDING)	SY	25,000.0	\$ 3.50	\$ 87,500.00
22	EROSION CONTROL DEVICES	LS	1	\$ 3,000.00	\$ 3,000.00
23	TRAFFIC CONTROL	LS	1	\$ 5,000.00	\$ 5,000.00
				<b>TOTAL \$</b>	<b>3,300,000.00</b>



Property Owner List  
 Tablyn Park - Lake Elmo Heights  
 Watermain Extension Project  
 City of Lake Elmo, Minnesota

<b>GEOCODE</b>	<b>ADDRESS</b>					<b>PROPERTY OWNER</b>
2102921230005	8119	26TH	ST	LAKE ELMO	55042	PAO & TIA L YANG
2102921230013	8154	26TH	ST	LAKE ELMO	55042	DONALD J & ANNE M ROTH
2102921230004	8165	26TH	ST	LAKE ELMO	55042	JOHN H & DAWN A BRADY
2102921230003	8215	26TH	ST	LAKE ELMO	55042	ROBERT A & MARVEL J OLSON
2102921230014	8226	26TH	ST	LAKE ELMO	55042	PHILIP A & MARCIA L LINIEWICZ
2102921240010	8281	26TH	ST	LAKE ELMO	55042	KRAIG C & CHRISTINE M RULE
2102921240013	8284	26TH	ST	LAKE ELMO	55042	RICHARD E & MONICA D ROSS
2102921240012	8364	26TH	ST	LAKE ELMO	55042	GARRETT L & PATRICIA M GLEASON
2102921240009	8367	26TH	ST	LAKE ELMO	55042	JOSEPH R & TERRI L FRANZWA
2102921240011	8454	26TH	ST	LAKE ELMO	55042	GREGORY A & CATHERINE SALCHOW
2102921240008	8457	26TH	ST	LAKE ELMO	55042	JOHN H & WENDY T VEJTRUBA
2102921210019	8244	27TH	ST	LAKE ELMO	55042	DENNIS M & DONNA M SEIGLER
2102921210020	8247	27TH	ST	LAKE ELMO	55042	ROBERT E HELWIG
2102921210018	8282	27TH	ST	LAKE ELMO	55042	JOHN P & ROCHELE M YARUSSO
2102921210021	8301	27TH	ST	LAKE ELMO	55042	LAWRENCE & ELIZABETH MANN TRS
2102921210017	8310	27TH	ST	LAKE ELMO	55042	ROBERT A & JEANANN M SLUSS
2102921240001	8341	27TH	ST	LAKE ELMO	55042	ROBERT L & LEANNE M MEAR
2102921210016	8352	27TH	ST	LAKE ELMO	55042	PAUL H & SHARON C BERNARDY
2102921240002	8375	27TH	ST	LAKE ELMO	55042	THOMAS E & G NOREEN DILLON
2102921210015	8478	27TH	ST	LAKE ELMO	55042	DAVID W & MICHELE T BITKER
2102921240004	8483	27TH	ST	LAKE ELMO	55042	MARK E & BRENDA A ANDERSON
2102921130015	8555	27TH	ST	LAKE ELMO	55042	TIMOTHY E & JILL E MCCLELLAN
2102921130019	8570	27TH	ST	LAKE ELMO	55042	ROBERT & CHRISTINE HAGSTROM
2102921130016	8605	27TH	ST	LAKE ELMO	55042	DAVID C & THERESA H NICOLETTI
2102921130017	8623	27TH	ST	LAKE ELMO	55042	BRADLEY & BRENDA COONS
2102921130020	8639	27TH	ST	LAKE ELMO	55042	RICHARD & ANGELA LASKA
2102921130014	8644	27TH	ST	LAKE ELMO	55042	GEORGE F JR & ROBIN L HELLER
2102921130013	8650	27TH	ST	LAKE ELMO	55042	MICHAEL D & SANDRA ETLICHER
2102921130002	8655	27TH	ST	LAKE ELMO	55042	ANTHONY M & JACQUELI CARLONE
2102921130012	8656	27TH	ST	LAKE ELMO	55042	EUGENE G & DENISE J HENNEN
2102921130004	8685	27TH	ST	LAKE ELMO	55042	GEORGE E & BEVERLY M PLETSCH
2102921130005	8709	27TH	ST	LAKE ELMO	55042	JO ANN A STEDT
2102921130008	8715	27TH	ST	LAKE ELMO	55042	DONALD J & RITA M NOVAK
2102921140011	8735	27TH	ST	LAKE ELMO	55042	GARY L & MARGARET CARLSON TRS
2102921140012	8755	27TH	ST	LAKE ELMO	55042	RICHARD M BUTALA
2102921140013	8785	27TH	ST	LAKE ELMO	55042	BERNARD O & BETTY MALON
2102921140014	8815	27TH	ST	LAKE ELMO	55042	TERRY L & SHIRLEY J ARENDS
2102921140015	8845	27TH	ST	LAKE ELMO	55042	ANTHONY J & DIANE M HAIDER
2102921140016	8875	27TH	ST	LAKE ELMO	55042	THOMAS H & FLORECITA C REGAN
2102921140017	8905	27TH	ST	LAKE ELMO	55042	WARREN M & CYNTHIA K BUCK
2102921140010	8920	27TH	ST	LAKE ELMO	55042	LESLIE M & NANCY M ZELL
2102921140018	8925	27TH	ST	LAKE ELMO	55042	JAMES E & CHERYL L ARNEY
2102921140006	8770	27TH ST	CT	LAKE ELMO	55042	RICHARD & JANICE V OLSON

Property Owner List  
 Tablyn Park - Lake Elmo Heights  
 Watermain Extension Project  
 City of Lake Elmo, Minnesota

GEOCODE	ADDRESS					PROPERTY OWNER
102921140007	8780	27TH ST	CT	LAKE ELMO	55042	DENNIS J & DEBORAH PETERSON
102921110006	8790	27TH ST	CT	LAKE ELMO	55042	STEVEN J & KAREN M BRAHY
102921110007	8800	27TH ST	CT	LAKE ELMO	55042	BRYANT C & BERNADETTE PETERSON
102921110008	8810	27TH ST	CT	LAKE ELMO	55042	MARK W & BARBARA A BUSTA
102921110009	8820	27TH ST	CT	LAKE ELMO	55042	WILLIAM J & KERRY L HOOPER
102921110010	8830	27TH ST	CT	LAKE ELMO	55042	MICHAEL & DELISE CONROY
102921110011	8840	27TH ST	CT	LAKE ELMO	55042	ALBERT F & JULIE A BEVER
102921140008	8850	27TH ST	CT	LAKE ELMO	55042	PATRICK T & MARY L DAHEDL
102921140009	8860	27TH ST	CT	LAKE ELMO	55042	DENNIS DEHMER & BARBARA K LUND
102921120051	8623	28TH	ST	LAKE ELMO	55042	THOMAS P & CAROL MONETTE
102921120052	8643	28TH	ST	LAKE ELMO	55042	JANET MARY GEHRT
102921120046	8648	28TH	ST	LAKE ELMO	55042	GAYLE L HARRINGTON
102921120053	8687	28TH	ST	LAKE ELMO	55042	ALBERT J & ADLYNE A MANGINE
102921230012	9043	28TH	ST	LAKE ELMO	55042	JULIE A & LANCE M RAY
102921230009	9049	28TH	ST	LAKE ELMO	55042	RICHARD LLOYD & JODI LYNN LAW
102921230013	9065	28TH	ST	LAKE ELMO	55042	GLEN A & CONNIE L WICHELMANN
102921230002	9079	28TH	ST	LAKE ELMO	55042	RICHARD E & NANCY C LOHMANN
102921230005	9155	28TH	ST	LAKE ELMO	55042	ROBERT M SCHUMACHER
102921330034	9018	31ST	ST	LAKE ELMO	55042	STEPHEN S JR CHLEBECK &
102921330002	9038	31ST	ST	LAKE ELMO	55042	WILLIAM E & ELLEN HUGHES
102921330007	9046	31ST	ST	LAKE ELMO	55042	KEITH V & SUSAN L WEIAND
102921330005	9051	31ST	ST	LAKE ELMO	55042	SHERRY L LOHMANN
102921330015	9077	31ST	ST	LAKE ELMO	55042	JOHN A SANDSTROM
102921330012	9078	31ST	ST	LAKE ELMO	55042	BRIAN P HAUSER
102921330016	9095	31ST	ST	LAKE ELMO	55042	CHRISTOPHER W & LISA M SALAZAR
102921330001	9098	31ST	ST	LAKE ELMO	55042	THOMAS R FRIEDRICH
102921330033	9141	31ST	ST	LAKE ELMO	55042	THEODORE P STERBENK
102921330025	9148	31ST	ST	LAKE ELMO	55042	DAVID R & KAREN L ROETTGER
102921330028	9181	31ST	ST	LAKE ELMO	55042	ARTHUR JR & GLORIA KNOBLAUCH
102921330020	9198	31ST	ST	LAKE ELMO	55042	JON C & SHERRY J BERGSTROM
102921330019	9202	31ST	ST	LAKE ELMO	55042	THOMAS M & MICHELLE M ARCAND
102921330018	9240	31ST	ST	LAKE ELMO	55042	LINDA HARDY
102921340002	9260	31ST	ST	LAKE ELMO	55042	CHRISTOPHER KLEIN
102921230006	2528	IMPERIAL	AVE	LAKE ELMO	55042	JOHN R & DEBORAH A EKMAN
102921230007	2580	IMPERIAL	AVE	LAKE ELMO	55042	HEUKY & MAYSONG CHU-YANG-HEU
102921230008	2618	IMPERIAL	AVE	LAKE ELMO	55042	GEORGE T & ANTOINETT PRUDHOMME
102921230012	2655	IMPERIAL	AVE	LAKE ELMO	55042	C KEVIN & BRENDA L FOSTER
102921230009	2656	IMPERIAL	AVE	LAKE ELMO	55042	TERRY P & NANCY L FAGELY
102921230011	2677	IMPERIAL	AVE	LAKE ELMO	55042	JAMES & PAULETTE GREENGARD
102921230010	2678	IMPERIAL	AVE	LAKE ELMO	55042	RAYMOND A & PAMELA D RICHERT
102921220004	2696	IMPERIAL	AVE	LAKE ELMO	55042	PATRICK R & MADELEINE FLEMING
102921220012	2699	IMPERIAL	AVE	LAKE ELMO	55042	SCOTT & MARY M DEUTSCH
102921220005	2760	IMPERIAL	AVE	LAKE ELMO	55042	KENNETH C & MARCELA M KELTON

Property Owner List  
 Tablyn Park - Lake Elmo Heights  
 Watermain Extension Project  
 City of Lake Elmo, Minnesota

GEOCODE	ADDRESS					PROPERTY OWNER
2102921220011	2769	IMPERIAL	AVE	LAKE ELMO	55042	JAMES A STEGMEIR
2102921220010	2811	IMPERIAL	AVE	LAKE ELMO	55042	PATRICK H & JODY L O'MALLEY
2102921220009	2841	IMPERIAL	AVE	LAKE ELMO	55042	JAMES R & JODY L HERZOG
2102921220006	2850	IMPERIAL	AVE	LAKE ELMO	55042	DARIN L & HEATHER K HELLER
2102921220007	2890	IMPERIAL	AVE	LAKE ELMO	55042	DAVID J & MICHELLE L LESSARD
2102921220008	2895	IMPERIAL	AVE	LAKE ELMO	55042	GLENN J & IRENE M BODEN
2102921240006	2621	INNSDALE	AVE	LAKE ELMO	55042	WILLIAM J & MARY K LONGBEHN
2102921240003	2626	INNSDALE	AVE	LAKE ELMO	55042	THOMAS HORTON
2102921240005	2655	INNSDALE	AVE	LAKE ELMO	55042	JAMES A & JANICE H ROTH
2102921210008	2876	INNSDALE	AVE	LAKE ELMO	55042	LINDA L SCHILL
2102921210009	2895	INNSDALE	AVE	LAKE ELMO	55042	JACK W & MARIA M K LAI
2102921210007	2906	INNSDALE	AVE	LAKE ELMO	55042	GREGORY J & KATHLEEN NADEAU
2102921210006	2930	INNSDALE	AVE	LAKE ELMO	55042	JOHN R VALENTO
2102921210010	2935	INNSDALE	AVE	LAKE ELMO	55042	JOHN A & SARAH A FRANZWA &
2102921210005	2960	INNSDALE	AVE	LAKE ELMO	55042	WILLIAM FRANKLIN & SUSAN HENRY
2102921210011	2965	INNSDALE	CT	LAKE ELMO	55042	MARY P HENSCHHELL/DEAN R SKON
2102921130009	2731	INWOOD	AVE	LAKE ELMO	55042	MARK A & MARY T BUECHNER
2102921120017	2773	INWOOD	AVE	LAKE ELMO	55042	LARRY WAYNE & MARSHA A ZAFFT
2102921120016	2793	INWOOD	AVE	LAKE ELMO	55042	RICHARD M KROLL
2102921210014	2796	INWOOD	AVE	LAKE ELMO	55042	XIA PAO YANG & BAO LO
2102921210013	2816	INWOOD	AVE	LAKE ELMO	55042	RICK A & LYNETTE S BALLIS
2102921210012	2856	INWOOD	AVE	LAKE ELMO	55042	JUDITH S SOUKUP
2102921120023	2875	INWOOD	AVE	LAKE ELMO	55042	RODERICK W & JULIE MACDONALD
2102921120022	2895	INWOOD	AVE	LAKE ELMO	55042	ALAN L KLEIDOSTY
2102921120021	2915	INWOOD	AVE	LAKE ELMO	55042	CAREY L DUBBS
2102921120001	2961	INWOOD	AVE	LAKE ELMO	55042	NED & JAYNE WINDNAGEL
1602921430010	3033	INWOOD	AVE	LAKE ELMO	55042	MALY & SAKSIT VANG
1602921340019	3036	INWOOD	AVE	LAKE ELMO	55042	BORIS M BECKERT & P J BISHOP
1602921430011	3077	INWOOD	AVE	LAKE ELMO	55042	KHAMSUKE W & LEE Y MUA
1602921340018	3082	INWOOD	AVE	LAKE ELMO	55042	BRADLEY P KRANK
2102921120050	2759	IRISH	AVE	LAKE ELMO	55042	ALBERT W & ARLET FRIEDLANDER
2102921120056	2770	IRISH	AVE	LAKE ELMO	55042	DANIEL J & CHRYSTAL LEVASSEUR
2102921120049	2811	IRISH	AVE	LAKE ELMO	55042	PAUL D & JILL I MITCHELL
2102921120024	8520	IRONWOOD	TRL	LAKE ELMO	55042	DANIEL G & JUDITH A NOVAK
2102921120014	8521	IRONWOOD	TRL	LAKE ELMO	55042	LLOYD J ZERWAS
2102921120025	8540	IRONWOOD	TRL	LAKE ELMO	55042	LYLE W JR & MARC E WAGNER
2102921120057	8549	IRONWOOD	TRL	LAKE ELMO	55042	GREGORY J & TAMMY MALMQUIST
2102921120040	8580	IRONWOOD	TRL	LAKE ELMO	55042	MICHAEL G & SHARON L KOREN
2102921120027	8592	IRONWOOD	TRL	LAKE ELMO	55042	OTTO & GISELA STURZEBECHER
2102921120041	8603	IRONWOOD	TRL	LAKE ELMO	55042	DONALD M & SHIRLEY GUSTAFSON
2102921120028	8618	IRONWOOD	TRL	LAKE ELMO	55042	VERNON E & VICKY L REICHOW
2102921120029	8628	IRONWOOD	TRL	LAKE ELMO	55042	STEPHEN C & AMY L SENDER
2102921120042	8633	IRONWOOD	TRL	LAKE ELMO	55042	WILLIAM L & MARY M JAMIESON

Property Owner List  
 Tablyn Park - Lake Elmo Heights  
 Watermain Extension Project  
 City of Lake Elmo, Minnesota

GEOCODE	ADDRESS					PROPERTY OWNER
2102921120026	8650	IRONWOOD	TRL	LAKE ELMO	55042	DENNIS P & RITA B CONLIN
2102921120030	8652	IRONWOOD	TRL	LAKE ELMO	55042	BETSY ANN HALL
2102921120043	8657	IRONWOOD	TRL	LAKE ELMO	55042	DONNA A PETERS
2102921120031	8674	IRONWOOD	TRL	LAKE ELMO	55042	JOSEPH M THOMPSON
2102921120032	8690	IRONWOOD	TRL	LAKE ELMO	55042	JOSEPH A CHOULOCK
2102921120044	8695	IRONWOOD	TRL	LAKE ELMO	55042	DALE M & SUZANNE L FRIESEN
2102921120033	8702	IRONWOOD	TRL	LAKE ELMO	55042	LINDA M STROHKIRCH
2102921120034	8716	IRONWOOD	TRL	LAKE ELMO	55042	EDWARD M & DOROTHY J KLOHN
2102921120036	8722	IRONWOOD	TRL	LAKE ELMO	55042	BARBARA J & SHIRLEY HELMER &
2102921120045	8725	IRONWOOD	TRL	LAKE ELMO	55042	DARLENE A & KENNETH L VENER
2102921120038	8748	IRONWOOD	TRL	LAKE ELMO	55042	VERNON W & MARY E OLSON
2102921120039	8772	IRONWOOD	TRL	LAKE ELMO	55042	MICHAEL J & PATRICIA WEYANDT
2102921120054	8775	IRONWOOD	TRL	LAKE ELMO	55042	LONA C JOHNSON
2102921130010	8780	IRONWOOD	TRL	LAKE ELMO	55042	JAMES J & BERNADINE KAUFHOLD
2102921130011	8785	IRONWOOD	TRL	LAKE ELMO	55042	JOHN H HENKE
2102921140002	2742	IVY	AVE	LAKE ELMO	55042	DAVID J & LINDA L HARDY
2102921110001	2819	IVY	AVE	LAKE ELMO	55042	JOHN B PROULX
2202921220013	2751	JAMLEY	AVE	LAKE ELMO	55042	JAMES V & DIANE PETERSON
2202921220004	2798	JAMLEY	AVE	LAKE ELMO	55042	JAMES P & VIVIAN PALECEK-TRUST
2202921220003	2805	JAMLEY	AVE	LAKE ELMO	55042	DAVID R & MARLENE M KLEIN
2202921220014	2809	JAMLEY	AVE	LAKE ELMO	55042	ELIZABETH C ARCO
2202921220019	2850	JAMLEY	AVE	LAKE ELMO	55042	SCOTT L & BETH F BERDAN
2202921220010	2877	JAMLEY	AVE	LAKE ELMO	55042	KENNETH J & JANELL S BEVING
2202921220008	2904	JAMLEY	AVE	LAKE ELMO	55042	MARVIN J LEROL JR
2202921220009	2909	JAMLEY	AVE	LAKE ELMO	55042	CHAD J CARTER
2202921220005	2935	JAMLEY	AVE	LAKE ELMO	55042	CHARLES R PRIEFER
2202921220012	2940	JAMLEY	AVE	LAKE ELMO	55042	BENJAMIN L KLEIN
2202921220017	2959	JAMLEY	AVE	LAKE ELMO	55042	WILLIAM A & DAWN R HOWARD
2202921220015	2970	JAMLEY	AVE	LAKE ELMO	55042	TERRANCE ANTHONY&MAR NEEDHAM
1502921330011	2991	JAMLEY	AVE	LAKE ELMO	55042	JAMES MCDANIEL
1502921330013	2994	JAMLEY	AVE	LAKE ELMO	55042	WAYNE R MATHER / CHARLOT KLEIN
1502921330014	3004	JAMLEY	AVE	LAKE ELMO	55042	ALEX & ZENA MINICH
1502921330032	3014	JAMLEY	AVE	LAKE ELMO	55042	DANA P & HEATHER J JERDEE
1502921330010	3023	JAMLEY	AVE	LAKE ELMO	55042	SUSAN A ENDRIES
1502921330003	3052	JAMLEY	AVE	LAKE ELMO	55042	GORDON D & JEAN A LARSON
1502921330004	3053	JAMLEY	AVE	LAKE ELMO	55042	RUSSELL & LORI LOETSCHER
2202921220001	2950	JANERO	AVE	LAKE ELMO	55042	GREGORY A SALUS
1502921330022	2990	JANERO	AVE	LAKE ELMO	55042	CAROL F THOMPSON
1502921330021	3010	JANERO	AVE	LAKE ELMO	55042	BARBARA ANN PETERSON
1502921330027	3030	JANERO	AVE	LAKE ELMO	55042	SCOTT R & JANICE L GLEWWE
2102921210004	8255	STILLWATER	BLVD	LAKE ELMO	55042	MARK R & LORI A LILLEMoen
1602921340020	8268	STILLWATER	BLVD	LAKE ELMO	55042	LARRY D & KAREN S MOODY
2102921210001	8282	STILLWATER	BLVD	LAKE ELMO	55042	RICHARD F & JANET M EDER

Property Owner List  
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 City of Lake Elmo, Minnesota

GEOCODE	ADDRESS					PROPERTY OWNER
2102921210023	8308	STILLWATER	BLVD	LAKE ELMO	55042	ALLAN R MARKERT
1602921340007	8364	STILLWATER	BLVD	LAKE ELMO	55042	JONATHAN DUFFERT & MARIE A RAU
1602921340023	8384	STILLWATER	BLVD	LAKE ELMO	55042	ALBERT E JR & CAROLYN M PRICE
1602921340021	8404	STILLWATER	BLVD	LAKE ELMO	55042	OWEN C & ROBERTA A FURE
1602921340004	8428	STILLWATER	BLVD	LAKE ELMO	55042	DAVID K & PAULINE L HERDER
1602921340022	8464	STILLWATER	BLVD	LAKE ELMO	55042	WADE A & DEBORAH J WOHLWEND
1602921340002	8488	STILLWATER	BLVD	LAKE ELMO	55042	DAVID L CUBUS
2102921120011	8511	STILLWATER	BLVD	LAKE ELMO	55042	LINDA M BRUCHU
2102921120008	8567	STILLWATER	BLVD	LAKE ELMO	55042	TIMOTHY A HOLST
2102921120009	8583	STILLWATER	BLVD	LAKE ELMO	55042	PAUL E ANDERSON
1602921430009	8620	STILLWATER	BLVD	LAKE ELMO	55042	JASON J BENNETT
2102921120010	8627	STILLWATER	BLVD	LAKE ELMO	55042	TIMOTHY S COPELAND
2102921120003	8643	STILLWATER	BLVD	LAKE ELMO	55042	DONALD M & RITA M AUSEN
2102921120004	8659	STILLWATER	BLVD	LAKE ELMO	55042	DOLORES ATKISSON &
1602921430008	8680	STILLWATER	BLVD	LAKE ELMO	55042	DAVID W MOORE JR
2102921120005	8707	STILLWATER	BLVD	LAKE ELMO	55042	GLENN C & JANICE R ROESKE
1602921430007	8740	STILLWATER	BLVD	LAKE ELMO	55042	BRENT STEIN
2102921110003	8863	STILLWATER	BLVD	LAKE ELMO	55042	WILLIAM L & PATRICIA S PROULX
1602921440003	8866	STILLWATER	BLVD	LAKE ELMO	55042	DEAN BEUTEL



Lake Elmo  
City Council  
November 1,  
2005

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

**No. 9A**

**Agenda Item:** Moving Permit - Hardy

**Background Information for November 1, 2005:**

At its meeting October 24, 2005 the Planning Commission conducted the required Public Hearing and unanimously adopted a motion recommendation approval of this application to move house and detached garage structures a few hundred feet across 31<sup>st</sup> Street North adjacent to 9255 - 31<sup>st</sup> Street North. The City Council had previously approved a zoning variance to allow a dwelling unit on the 17,000 square foot parcel to which the house and garage are proposed to be moved. The Council condition to the variance requiring proof of septic system feasibility on the site was addressed by a Certified Septic Designer's report that a primary drain field of sufficient size could be constructed on the site, but any back-up drainfield would have to be of a "mound" design.

The Commission's recommendation includes a condition modifying the applicants site plan to eliminate the shared driveway with the parcel to the east

The attached Resolution provides for approval of the house/garage moves subject to the applicant providing the City with financial security guaranteeing completion all improvements related to the action within 12 months., as prescribed by Section 505.05 Subd. 4 of the City Code.

**Action items:**

116

Motion to adopt Resolution #2005 - approving a permit to Linda Hardy to move a house and garage to a vacant parcel on 31<sup>st</sup> Street North per plans staff dated October 20, 2005 subject to the applicant posting the appropriate financial security with the City to complete the move and improvements proposed within 12 months.

**Person responsible:**

City Planner

**Attachments:**

116

1. Draft Resolution # 2005 - , approving a moving permit.
2. Draft Planning Commission Minutes of 10/24/05
3. Planning Staff Report
4. Applicant's Documentation and Graphics

**Time Allocated:**

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

**RESOLUTION NO. 2005- 116**

**A RESOLUTION APPROVING A PERMIT TO LINDA HARDY  
TO MOVE A HOUSE AND GARAGE**

**WHEREAS**, Linda Hardy has made application to move a single family dwelling and detached garage structures to a vacant lot at 92xx 31<sup>st</sup> Street adjacent to 9255 31<sup>st</sup> Street North.

**WHEREAS**, at its October 24, 2005 meeting, the Lake Elmo Planning Commission reviewed and unanimously recommend approval of this application to move a single family dwelling and garage onto a non-conforming parcel per plans staff-dated October 20, 2005 based on a finding that the house and garage are compatible with the existing neighborhood.

**WHEREAS**, at its November 1, 2005 meeting, the Lake Elmo City Council reviewed the application submitted by Linda Hardy to move a single family dwelling and garage onto a non-conforming located at 92xx 31<sup>st</sup> Street per plans staff-dated October 20, 2005.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Lake Elmo does hereby approves the application of Linda Hardy to move a house and detached garage to a non-conforming vacant parcel at 92xx 31<sup>st</sup> Street North per plans staff dated October 20, 2005 subject to the following condition:

1. Submission by the applicant posting the appropriate financial security with the City to complete the move and improvements proposed within 12 months.
2. Driveway access to the garage shall be entirely on the subject site (no shared access easement), with driveway surfacing set back from the property line at least 5 feet.

ADOPTED by the Lake Elmo City Council on the 1<sup>st</sup> day of November, 2005.

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

ATTEST:

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

Resol Hardy Move

**DRAFT**

**DRAFT**

**PUBLIC HEARING:**

**BUILDING MOVING PERMIT~Hardy~92XX 31<sup>st</sup> Street**

The Planner explained the code requirements for moving a building into or within the city. Residents within 350 feet have been notified of the public hearing. The applicant proposes to move a house and garage from across the street.

A grading plan has been submitted along with a site plan and septic design. The Planner said that setbacks would be met. Generally the proposal appears to meet Code. The applicant however, proposes a shared driveway. Shared driveways are avoided because they don't always work. The Planner said he received a phone call regarding concerns for that house on that lot.

Staff recommends approval.

Commissioner Sedro asked what the City can do if the exterior finishing is not done within one year of issuance of a permit as specified in the Code. The Planner said the applicant will be asked to post a bond or Letter of Credit to secure all improvements. He said that is the City's recourse should the improvements not be done within the time constraints.

Commissioner Schneider asked if there is an easement for the driveway. The Planner said the City has not received one, and there is already a driveway on that neighboring lot.

**Linda Hardy**

Ms. Hardy said they requested the shared driveway because they did not want to have to cut down more trees. She said the mover feels he can move the house in without cutting down the large evergreen and some cottonwoods. An easement description is drafted but not recorded.

THE CHAIR THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:37 P.M.

THE CHAIR THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:38 P.M.

M/S/P, Ptacek/Deziel to approve the application by David and Linda Hardy to move a house and garage to the non-conforming parcel across the street because the house is compatible with the neighborhood with the condition that the driveway access easement on the lot to the east be eliminated and the driveway is reconfigured wholly on the subject parcel. VOTE: 9:0.

**DRAFT**

**DRAFT**

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** October 20, 2005 for the Meeting of October 24, 2005

**Applicant:** David & Linda Hardy

**Location:** Between 9240 and 9202 – 31<sup>st</sup> Street North

**Requested Action:** City Approval to Move a House/Garage

**Land Use Plan Guiding:** SFD

**Existing Zoning:** R-1

**Site History and Existing Conditions:**

Since we find no reference to platting in the long legal description for this site, we assume that it was created by metes & bounds description many years ago. We find no City records regarding the site.

The site is of a net area of 17,120 square feet less the 33 foot (from center line) street right-of-way. The site is heavily wooded across the north boundary – abutting the railroad right-of-way. There is also a handful of mature trees on the site – mostly cottonwoods. Site topography has been provided by the applicant. It appears that much or all of the site lies 2-3 feet below the roadway surface of 31<sup>st</sup> Street north.

There is what appears to be a storage shed at the northwest corner of the site as well as a stored boat and miscellaneous other items not identified by the site inspection.

On August 6, 2005 the City Council approved a zoning variance for the applicant to permit a single family dwelling to be constructed on this non-conforming parcel. Condition #2 of the approval resolution refers specifically to an existing house located south of 10<sup>th</sup> Street.

**Discussion and Analysis:**

The Hardys have now submitted an application responsive to Section 505.05 of the City Code – “Moving Buildings into the City”. The term “into” is simply less than the best Code drafting. As with every other City Code staff has seen, any movement of buildings (whether from outside the City or within) usually requires specific approval by the City.

Section 505.05 provides for Notice of any such application to property owners within 350 feet, but no Published Notice. Those Notice provisions have been complied with, and the applicants have presented complete application documentation.

The application proposes moving both the existing farm house and garage structure to the 17,120 foot parcel north of 31<sup>st</sup> Street. from the Farms of Lake Elmo site south of 31<sup>st</sup> Street north. The applicants have presented a site/grading plan for the parcel that depicts the house and garage situated such that no additional zoning variances would be required. The applicants have also presented a report from a licensed septic designer that demonstrates that a single conventional

septic drain field can be accommodated on the site, but that any backup drainfield would need to be a mound system – not surprising on a 17,000 square foot parcel. The site will be served by City water from a main to be constructed in 31<sup>st</sup> Street yet this year – if the weather cooperates.

**Findings and Recommendations:**

It appears that the applicants have complied with the documentation requirements of Section 505.05, and have thereby demonstrated that movement of the house and garage to the vacant parcel can be accomplished within the standards of the zoning ordinance. With the understanding that any back-up waste treatment site would be required to be a mound system, we also find that the house could be adequately served with water and sewer facilities.

Staff questions the need for the proposed driveway to cross the parcel to the east by easement. While we acknowledge that an 18 inch pine tree can be saved by this measure we also suggest that such arrangements can prove troublesome to future property owners of one or both of the parcels with issues of reconstruction and maintenance. The Commission's judgment in this matter is respectfully requested.

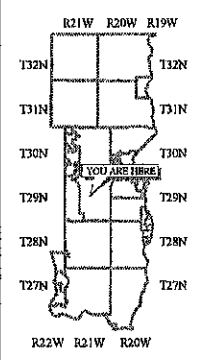
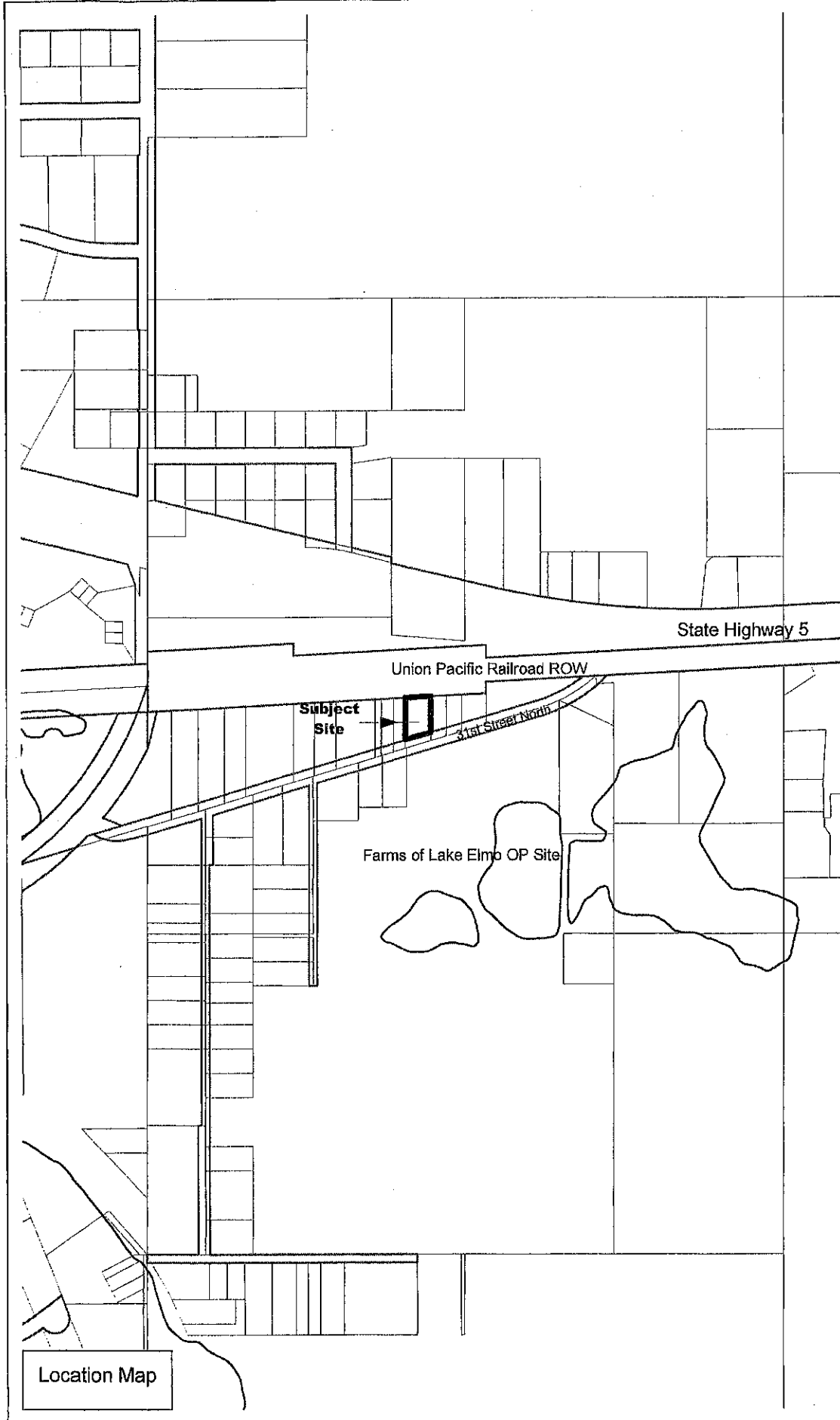
**Planning Commission Actions Requested:**

Motion to recommend approval of the application of David and Linda Hardy for City permit to move a single family dwelling and garage on to a non-conforming parcel per plans staff-dated October 20, 2005 based on a finding that the house/garage are compatible with the existing neighborhood, and will be adequately served with water and sewer utilities. The Commission should consider a condition regarding the location of the proposed driveway to the garage.

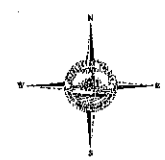
  
\_\_\_\_\_  
Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Applicant's Documentation



Vicinity Map

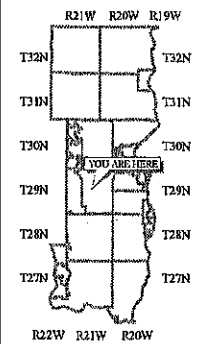
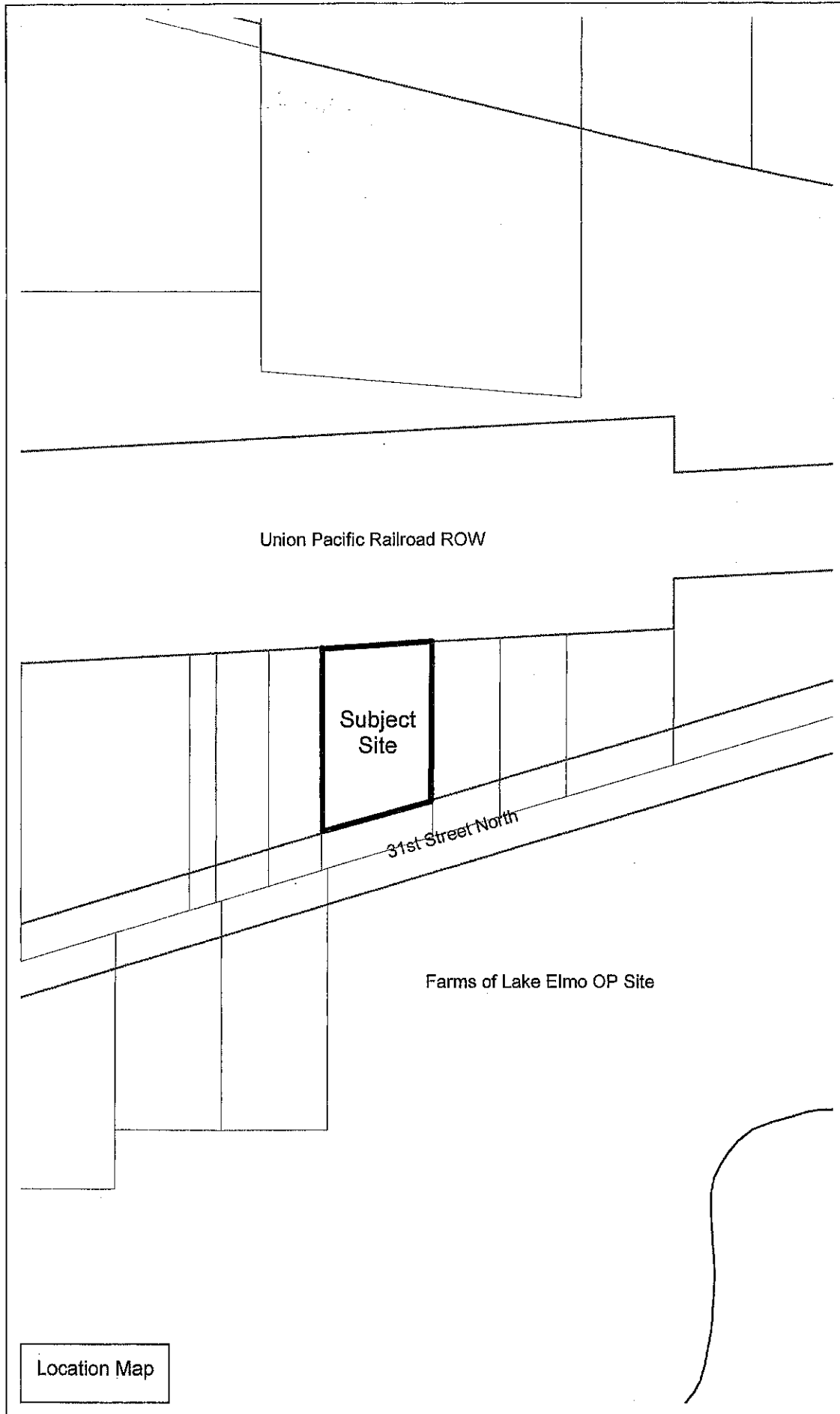


Location Map

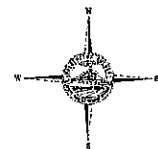
This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. This drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office.  
Phone (851) 435-6875

Parcel data based on AS400 information



Vicinity Map



0 136  
Scale in Feet

Location Map

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

Source: Washington County Surveyor's Office, Phone (851) 430-6876

Parcel data based on AS400 information

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-087  
A RESOLUTION APPROVING A ZONING VARIANCE FOR  
DAVID AND LINDA HARDY

WHEREAS, David and Linda Hardy, has made application for a variance from the zoning ordinance minimum lot area standards to permit relocation of an existing farm house on to the site from the Farms of Lake Elmo OP site across 31<sup>st</sup> Street North.

WHEREAS, at its August 9<sup>th</sup> special meeting, the Planning Commission reviewed and recommended approval of the variance from Section 300.09 Subd. 1 of the Zoning Ordinance to permit a single family detached dwelling on a lot of record of less than 1 acre area based on the following findings:

1. The variance requested results from circumstances unique to property due to the applicant preserving a 19<sup>th</sup> century farm home in keeping with the City's desire to maintain its history and rural character.
2. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, at its August 16<sup>th</sup> meeting, the Lake Elmo City Council reviewed the zoning variance from Section 300.09 Subd. 1 of the Zoning Ordinance to permit a single family detached dwelling on a lot of record of less than 1 acre area subject to conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the variance from Section 300.09 Subd. 1 of the Zoning Ordinance to permit a single family detached dwelling on a lot of record of less than 1 acre area located between 9240 and 9202 31<sup>st</sup> Street North for David and Linda Hardy, subject to the following conditions:

1. The applicant shall provide evidence to the City engineer that the parcel includes sufficient area of soil suitable for a primary and secondary septic drainfields prior to execution of the approval resolution.
2. The variance is approved on the condition that the only residential use of the parcel is as the location for the former Friedrich farm house to be moved to the parcel from the former Friedrich farmstead immediately across 31<sup>st</sup> Street North from the subject parcel.

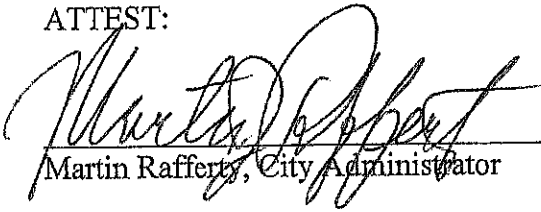


ADOPTED BY THE Lake Elmo City Council the 16<sup>th</sup> day of August, 2005.

A handwritten signature in black ink, appearing to read 'Dean Johnston', written over a horizontal line.

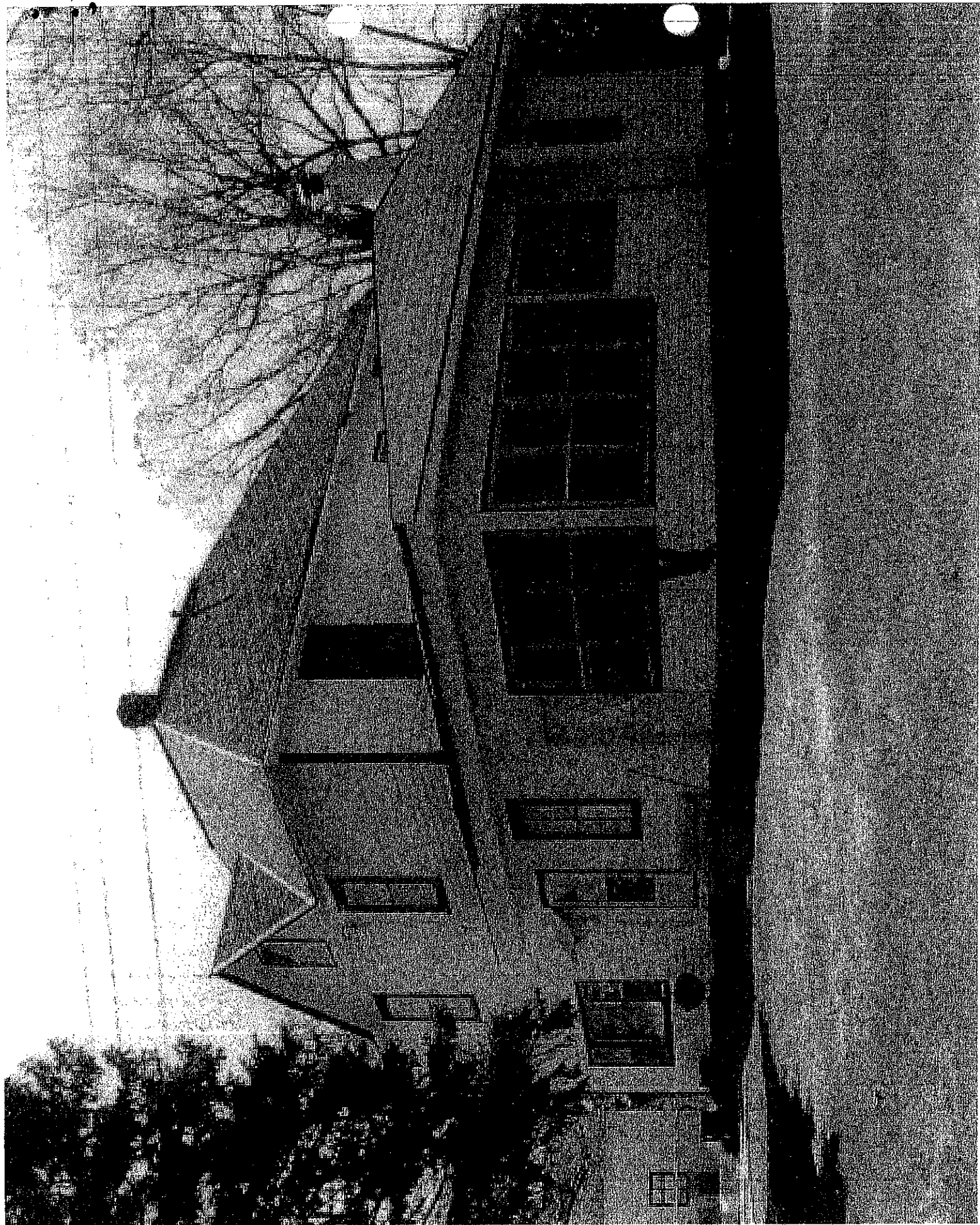
Dean Johnston, Mayor

ATTEST:

A large, stylized handwritten signature in black ink, appearing to read 'Martin Rafferty', written over a horizontal line.

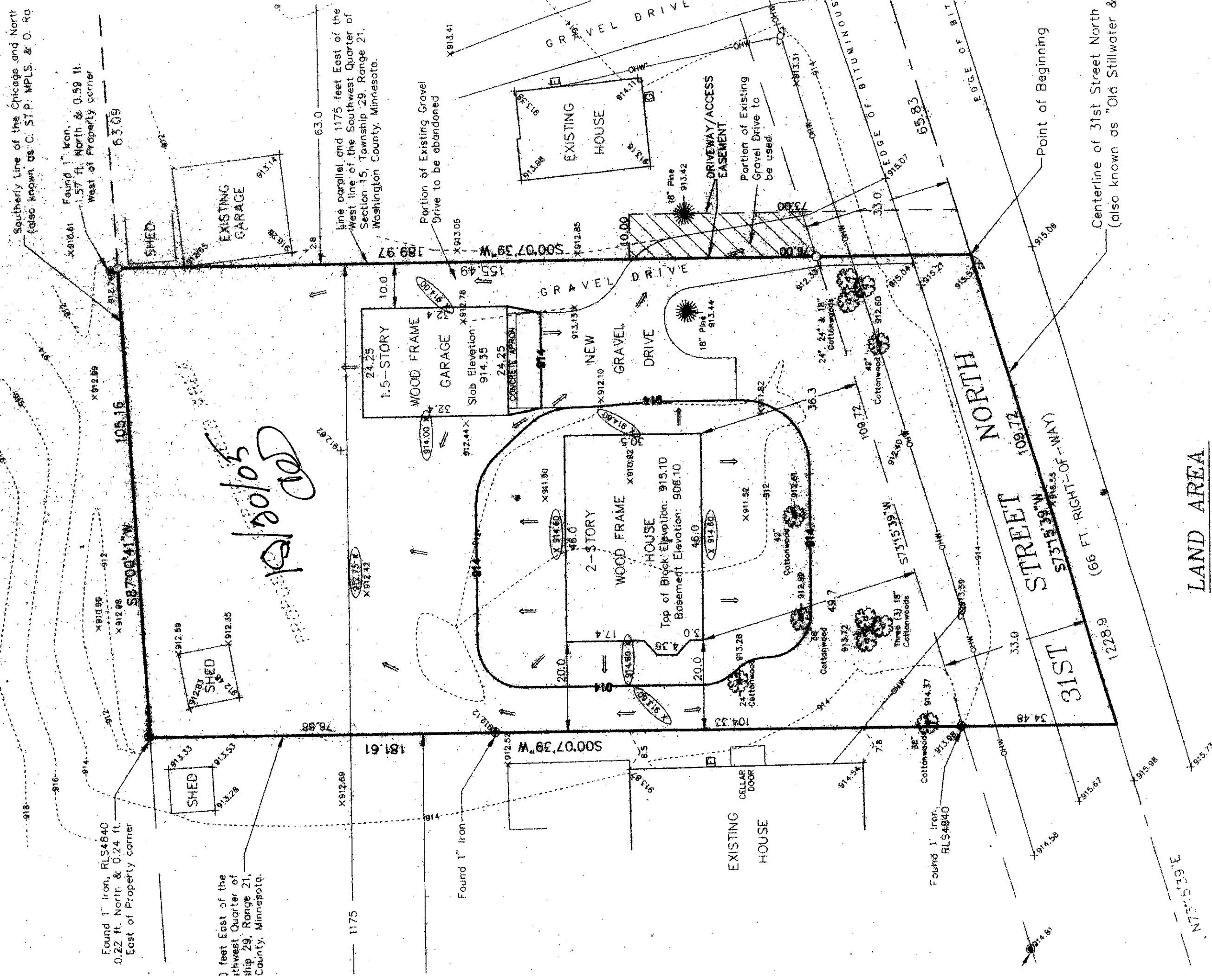
Martin Rafferty, City Administrator

Hardy Variance





# CHICAGO AND NORTHWESTERN RAILWAY (ALSO KNOWN AS "C. ST.P. MPLS. & O. RAILWAY")



TOTAL: 21,318.23 SQ. FT. / 0.4893 ACRES  
LESS RIGHT OF WAY: 17,697.47 SQ. FT. / 0.4062 ACRES

## LAND AREA

ELEVATIONS  
TOP OF BLOCK = 915.10

PLAT

<b>Lake Elmo City Council November 1, 2005</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9B</b>
<b><u>Agenda Item:</u> Zoning Ordinance Text Amendment – Repeal of OP Conditional Use – AG/RR Zones</b>		
<p><b><u>Background Information for November 1, 2005:</u></b></p> <p>At its meeting October 24, 2005 the Planning Commission conducted a Public Hearing and unanimously adopted a recommendation to amend the Zoning Ordinance text by repealing the Conditional Use Permit provisions of the RR and AG zones. This action will render the OP Ordinance (which remains in the Code) inoperative. The Commission was advised by staff that it is probable staff will recommended that these provisions be added back to the zoning ordinance at such time as the 2030 Comprehensive Plan, and any redrafted zoning ordinance/map responsive to that Plan, becomes effective – likely some time in 2006.</p>		
<p><b><u>Action items:</u></b> <span style="float: right;">163</span>          Motion to adopt Ordinance #97 – repealing the Open Space Development Conditional Use Permit from the AG and RR zoning districts.</p>	<p><b><u>Person responsible:</u></b>           City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Ordinance #97 – 163</li> <li>2. Draft Planning Commission Minutes of October 24, 2005</li> <li>3. Planning Staff Report</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

**PUBLIC HEARING:**

**ZONING TEXT AMENDMENT~AD and RR – Delete OP as a Conditional Use**

The Planner said that now as we are awaiting the Comp Plan concurrence by the Met Council and the City Council is looking at the Village Area Plan, it might be important to dispense with OP projects for at least a few months. OP is in our Comp Plan at a higher density. We have approved 180 units in the last several months, and never done more than 150 in a year before. Staff recommends making that section of the Code non-operative for several months.

Commissioners asked if the plats in progress will have to wait. The Planner said no, they already have CUPs, however, they will have to wait for the new Zoning Code to replat for the additional lots.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:44 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:45 P.M.

Commissioner Armstrong said that when OP was originally drafted, every open area was reguidd with an OP designation. Initial projects were a learning experience for the City. The Code was modified to slow projects down a little bit and to offer another reasonable use of the property. He said it might not be bad to go back to OP Zoning again because the AG, RR, and OP kind of muddled those waters. He asked if the City can just do a moratorium on lots over 10 acres. The Planner said usually those are area specific and this would be City-wide. This method might be cleaner. He said under this proposal the City cannot amend any CUP once that provision is removed from the Code. Commissioner Armstrong said he has no problem giving the City and Council more time but not sure this is the most effective method for attaining our goal.

The Planner said the goal is to avoid a stampede of development that could upset the work being performed right now. He said there is a moratorium on development below 10<sup>th</sup> Street.

The Planner said landowners still have reasonable use of the land when density is still 1 per 10 in RR and 1 per 40 in AG. However, homeowners are not likely to want to build that way with the valuable price of land.

M/S/P, Armstrong/Schneider, to repeal the CUP provisions of the OP Code for AG and RR zones until further notice.

Commissioner Sedro asked how this will affect DEER GLEN. The Planner said it will affect DEER GLEN however they still plan to build the church first. He said he would like to give this amendment six months, probably not shorter than that.

Commissioner Fliflet said she supports the amendment but not for in progress or on-hold projects. She said the church and OP affect each other. The Planner said they intend to

● proceed with the church now. They are hoping to grade for the church on the north part of the site only.

VOTE: 9:0.

Commissioner Armstrong said he supports the goal but offered an alternative method.

M/S/P, Armstrong/Ptacek, to request the City Council look into a development moratorium for OP eligible parcels or a change in density rather than rescind this section of the Code, and he suggests that the City Council direct staff to review those alternatives. VOTE: 9:0.

## MEMO

(October 21, 2005 for the Meeting of October 24, 2005)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Zoning Ordinance Text Amendment

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As of today the City is both working with the Metropolitan Council on the new City-wide Comprehensive Plan, and is under contract with a consulting team to address the Village Area Plan. The geographic areas of the City that will be most impacted by those two planning initiatives are the I-94 Corridor, and the Village Area. Pending completion of those projects the City has adopted Development Moratoriums which cover those two geographic areas of the City. The Village Area Moratorium has recently expired, and can not be further extended. The I-94 Corridor Moratorium extends to June, 2006. It can be extended by City Council action but not without procedural steps that are new to State Statutes.

Except for limited GB and LB sites in both noted geographic areas of the City, the majority of both areas are currently zoned AG (1 unit per 40 acres) or RR (1 unit per 10 acres). The RAD and AG land use guiding for the areas currently so-zoned matches that zoning classification. Therefore the current Comprehensive Plan and zoning of the majority of the undeveloped areas in both the Village Area and the I-94 Corridor are in conformity, providing the property owners "reasonable use" of the land responsive to contemporary land use regulation case law – although not necessarily the ultimate use that the land owners may have in mind.

In addition to the 1/40 or 1/10 land use permitted in AG and RR zoning districts respectively, the zoning ordinance provides for OP clustered development at a 0.40 dwelling units per acre density (roughly 1 dwelling unit per 2.5 acres) – as a Conditional Use Permit in those zones only. Staff proposes that the City repeal the OP Conditional Use Permit provisions of AG and RR until such time as the City's new Comprehensive Plan and the complimentary zoning ordinance amendments have been adopted by the City. The OP section would remain a part of the zoning code, but be inoperative until such time as the new Comprehensive Plan and zoning ordinance amendments to match are officially established.

Given the fact that at least Preliminary Plats and OP Development Stage Plans for 4 new OP neighborhoods totaling 180+ lots have been recently approved by the City (and would not be impacted by this proposed amendment since they have attained Preliminary Plat approval from the City) staff does not see how this amendment will adversely impact the housing market in Lake Elmo over the next few months. Surely OP will return as a CUP – and at a somewhat enhanced density over today – well before the local housing market experiences any significant constraint.

We recommend the Planning Commission conduct the required Public Hearing (Notice of which has been Published in the City's Official Newspaper), and adopt a recommendation to the City Council to repeal the OP Development CUP provisions of the AG and RR zones.



<b>Lake Elmo City Council November 1, 2005</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9C</b>
<b><u>Agenda Item:</u> Final Plat and Development Agreement – Park Meadows</b>		
<p><b><u>Background Information for November 1, 2005:</u></b></p> <p>The developer of this 7 lot RE subdivision has submitted Final Plat drawings and construction plans. Given the lateness of the season staff has agreed to place this application on the City Council agenda even though the final draft of the Development Agreement is still work in progress as of October 28. Note however that the Agreement for a small RE subdivision is relatively simple (no outlots and easements to deal with, for example). Staff expects to have the Agreement draft completed by the November 1 meeting and will go over it with the Council at that time.</p> <p>The proposed Final Plat complies with the approved Preliminary Plat, and the City Engineer has approved the construction plans and specifications. Subject to the Development Agreement, staff recommends the Final Plat and Development Agree be approved subject to resolution of engineering details with the City Engineer.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to adopt Resolution #2005 - <sup>116</sup>, approving the Final Plat and Development Agreement of Park Meadow.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Resolution #2005 - <sup>116</sup></li> <li>2. City Engineer's memo</li> <li>3. Development Agreement (available at the meeting)</li> <li>4. Approved Preliminary Plat</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-116

A RESOLUITON APPROVING THE FINAL PLAT AND DEVELOPMENT  
AGREEMENT OF PARK MEADOWS

**WHEREAS**, Barbara Berquist and J. P. Bush Homes, ("Applicants") submitted a completed application requests that the City of Lake Elmo approve an Open Space Preservation Development Final Plat and Development Agreement to be known as PARK MEADOWS. The parcel is legally described as follows:

Parcel Legal Description:

The Southwest Quarter of the Northwest Quarter of Section 14, Township 29 North, Range 21 West, except the Westerly 33 feet thereof, and except the North 660.00 feet of the East 660.0 feet of the Southwest Quarter of the Northwest Quarter, and also excepting a tract of land for roadway 66 feet in width (North to South), the South line of which is described as follows: Commencing at the intersection of the centerline of Old Minnesota State Trunk Highway 212 (now known as Meadowlark Lane) and the East line of the Northwest Quarter of the Southwest Quarter of said Section 14, thence North along said East line a distance of 766.9 feet to a point on the East and West Quarter line of said Section, said point being the East termination point of the said South line of said roadway, running thence West on said East and West Quarter Section line 461.2 feet to the West termination point of said South line of said roadway.

**WHEREAS**, at its September 6, 2005 meeting, the City Council reviewed and recommended approval of the Preliminary Plat of PARK MEADOWS for a seven lot (RE) Residential Estates subdivision.

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

Approves the Open Space Final Plat and Development Agreement for PARK MEADOWS as illustrated on J.P. Bush Homes survey prepared by Landmark Surveying, Inc., staff dated October 28, 2005, with the following conditions:

1. Compliance with the recommendations of the City Engineer and Valley Branch Watershed District.
2. Compliance with the recommendation of the City Attorney.

ADOPTED by the Lake Elmo City Council on the 1st day of November, 2005

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

ATTEST:

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

Resol Park Meadows

## Chuck Dillerud

---

**From:** Thomas D. Prew [prew.td@tkda.com]  
**Sent:** Friday, October 28, 2005 2:06 PM  
**To:** Chuck Dillerud  
**Subject:** Park Meadows

Chuck

Plans look pretty good. A couple of items for them to change but nothing too great. I do need to double check on the drainage on Monday.

Works costs:

Grading	\$0
Storm Sewer	\$15,000
Streets	\$98,000
Watermain	\$76,000
Landscaping	Not shown
Sewer	\$0

City cost for oversizing            \$10,025

Inspection Fee \$9,500.00

I don't recall if we decided to charge him for the lateral watermain or not.

Lateral Watermain (along park)      556 ft @ \$29 /2 = \$8,062. Based  
on his 8" watermain estimate.

If we used actual cost as bid by Chris R. it would closer to \$2,940.00 plus design and inspection so call it \$3,400.00

Tom

# PRELIMINARY PLAT OF PARK MEADOWS

Part of the Southwest Quarter of the Northwest Quarter of Section 14, Township 29 North, Range 21 West,  
City of Lake Elmo, Washington County, Minnesota

LANDMARK SURVEYING, INC.

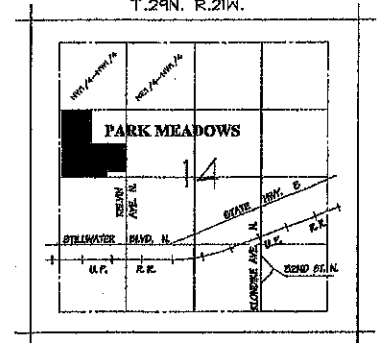
21150 Ozark Avenue North - Box 65  
Scandia, Minnesota 55073

Joel T. Anz, LS  
William Self, LSIT

Telephone 651-433-3421  
Fax 651-433-4781  
E-mail: info@landmarksurveying.net

## VICINITY MAP

Section 14  
T.29N. R.21W.



## DEVELOPER

J.P. BUSH HOMES  
c/o Joe Bush  
3537 Lake Elmo Avenue North  
P.O. Box 893  
Lake Elmo, MN 55042  
(651) 777-6162 Office

## OWNER

Barbara Berquist  
3600 Kelvin Avenue North  
Lake Elmo, MN 55042  
(651) 777-6536

## ENGINEER:

Nyhus Engineering  
561 Grove Street SW  
Hutchinson, MN 55350-2850  
1-800-446-5038

## SURVEYOR:

Landmark Surveying, Inc.  
22250 Ozark Avenue North  
Scandia, MN 55073  
651-433-3421

## SOIL TESTS

Eklin Soil Testing and Inspections  
1986 Ridgewood Avenue  
White Bear Lake, MN 55110

## WETLAND DELINEATION

Anthony Brough  
7020 Meadow Court  
Rockford, MN 55373

## LEGAL DESCRIPTION

(Warranty Deed Document No. 3054115)

The Southwest Quarter of the Northwest Quarter of Section 14, Township 29 North, Range 21 West, except the Westerly 33 feet thereof, and except the North 660.00 feet of the East 660.00 feet of the Southwest Quarter of the Northwest Quarter, and also excepting a tract of land for roadway 66 feet in width (North to South), the South line of which is described as follows: Commencing at the intersection of the centerline of Old Minnesota State Trunk Highway 212 (now known as Meadowlark Lane) and the East line of the Northwest Quarter of said Section 14, thence North along said East line a distance of 766.9 feet to a point on the East and West Quarter line of said Section, said point being the East termination point of the said South line of said roadway, running thence West on said East and West Quarter Section line 461.2 feet to the West termination point of said South line of said roadway.

**SITE ADDRESS:** 3600 Kelvin Avenue North

**PRESENT ZONING:** RR - Rural Residential (10 acres)

**PROPOSED ZONING:** RE - Residential Estates (6 units per 20 acres - 3.333 acres per lot)

**TOTAL AREA:** 28.09 acres

Total area of lots = 26.26 acres  
Area within street = 1.83 acres

**TOTAL PROPOSED LOTS:** 28.09 / 3.333 = 8.43 lots = 8 Single Family Lots

## SETBACKS:

Front: 100 feet  
Rear: 100 feet  
Side - Internal: 50 feet  
Side - Corner Lot Adjoining Street: 80 feet

**MINIMUM LOT AREA:** 2.5 acres

## LOT FRONTAGE:

Along Street: 150 feet  
On Cul-De-Sac: 70 feet

**SEWER:** All lots will be served with individual on-site septic systems. Preliminary soil analysis performed by Eklin Soil Testing and Inspections.

**WATER:** City Water

**WETLANDS:** Wetlands were delineated by Anthony Brough, wetlands specialist.

## IMPERVIOUS COVERAGE: (Maximum 15%)

Roads = 1.10 Ac.±  
Houses & Driveways = 1.6 Ac.±  
Percentage Impervious = 2.70 / 28.09 = 9.6%

**STREETS:** Approximately 1300 feet of 26 foot wide and 370 feet of 22 foot wide, face to face, bituminous roadway with concrete curb and gutter. Proposed road to be named Kelvin Court North.

**DRAINAGE AND UTILITY EASEMENTS:** 10 foot wide drainage and utility easements will be dedicated in the final plat along all right-of-way lines, along the outside boundary of the plat, and centered on all side lot lines.

**SCHOOL DISTRICT:** District 834 - Stillwater Area Schools

**WATERSHED DISTRICT:** Valley Branch Watershed District

## LOWEST FLOOR ELEVATION RESTRICTIONS:

Lots 5 - 7: 949.0  
Lot 8: 940.7 East Half - 949.0 West Half  
Lot 1: 940.7

## LEGEND

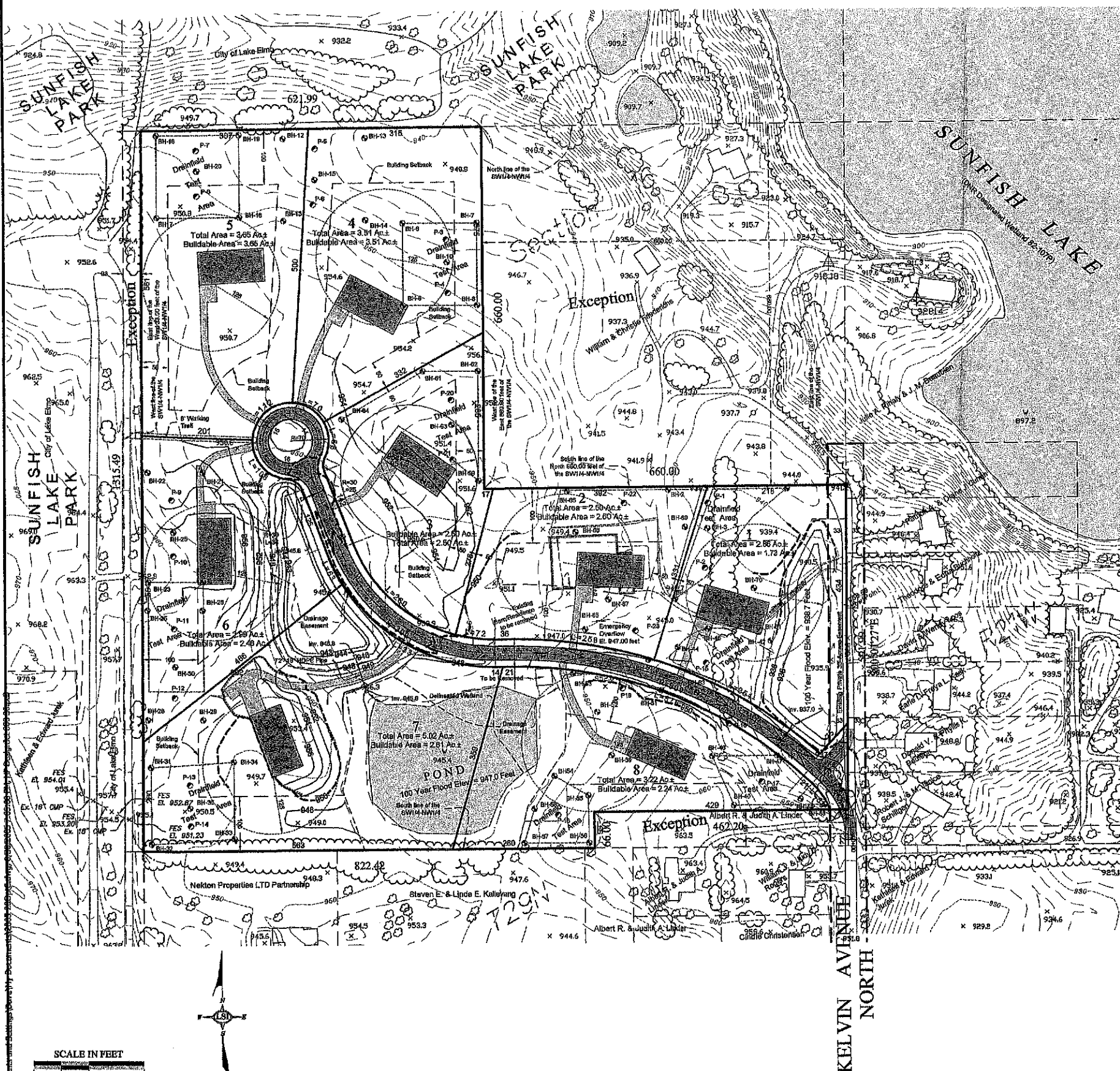
- Denotes Soil Type and Boundary per "Soils Survey of Washington County, Minnesota."
- Denotes Utility Pole
- Denotes Existing Contour
- Denotes Proposed Contour
- Denotes Septic Boring Test Hole and Number
- Denotes Percolation Test Hole and Number
- Possible Retaining Wall

L=Arc Length R=Radius FES=Flared End Section  
CMP=Corrugated Metal Pipe Inv.=Invert of Pipe  
CB=Catch Basin NAD83=North American Datum of 1983  
HDPE=Heavy Duty Poly-Ethylene  
Orientation of this boring system is the Washington County Coordinate System, NAD83.

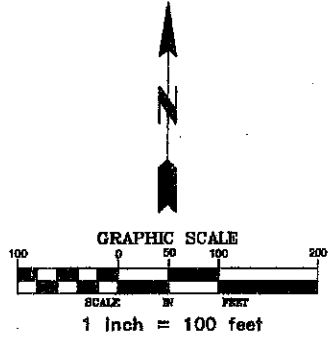
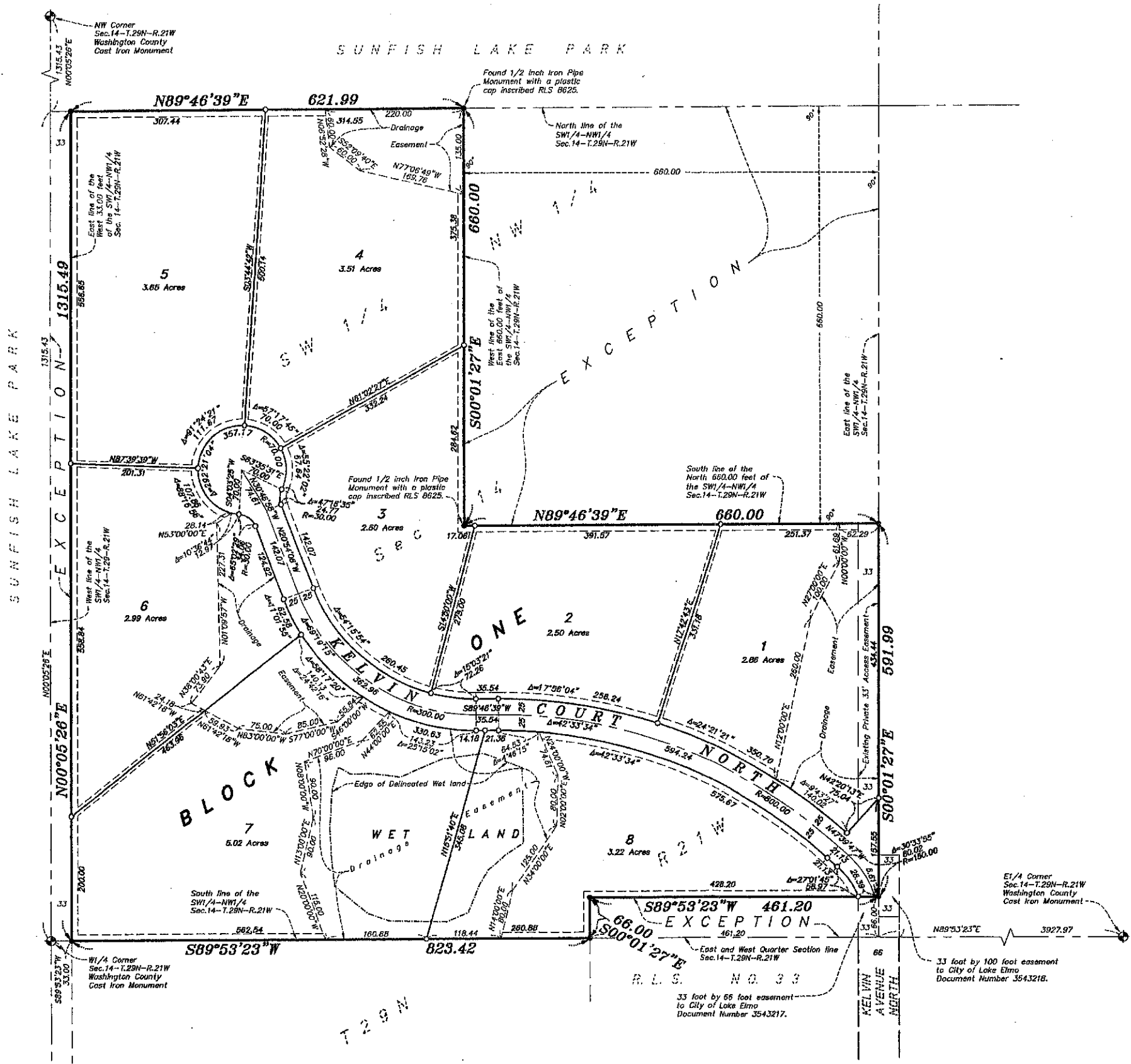
Topography is by photogrammetric methods from aerial photographs taken in April, 1996, by Markham and using ground control supplied by Fols, Freeman, Dwyer & Associates, Inc. Horizontal datum is NAD 83. Vertical datum is NGVD, 1929 adjustment. Contours are at a 2 foot interval.

Revision August 8, 2005 - Major revisions over entire plat  
Revision August 18, 2005 - Additional drainfield borings, correct labels on borings and other minor changes.  
Revision August 28, 2006 - Revise cul-de-sac and Lot layouts at cul-de-sac. Revise private road and Kelvin intersection.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
Joel T. Anz 07/05/2005  
Minnesota License No. 13775 Date



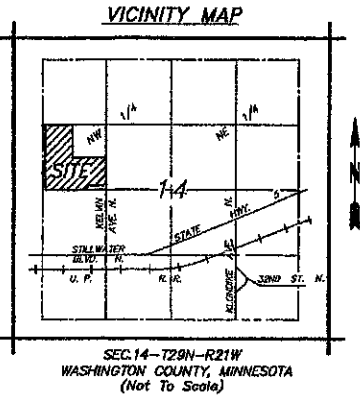
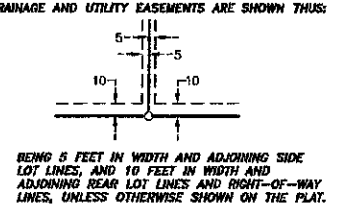
# PARK MEADOWS



**LEGEND**

ORIENTATION OF THIS BEARING SYSTEM IS BASED UPON THE WASHINGTON COUNTY COORDINATE SYSTEM, "MAD 63/1986," DISTANCES ARE IN FEET AND DECIMALS OF A FOOT.

- - DENOTES 1/2 INCH BY 18 INCH IRON PIPE MONUMENT SET, MARKED WITH A PLASTIC CAP INSCRIBED "ANEX RLS 13775."
- - DENOTES 1/2 INCH IRON PIPE MONUMENT FOUND, MARKED WITH A PLASTIC CAP INSCRIBED "ANEX RLS 13775" WHICH WAS SET BY ME IN A PREVIOUS SURVEY DATED 2-08-2005, UNLESS OTHERWISE INDICATED.
- ⊕ - DENOTES WASHINGTON COUNTY MONUMENT.



RECEIVED  
SEP 30 2005

This plat was prepared by:  
**LANDMARK SURVEYING, INC.**  
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Scandia, MN 55073  
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Lake Elmo  
City Council  
October 18, 2005  
November 1,

**Agenda Section: CITY ADMINISTRATOR'S REPORT**

**No. 11. A**

**Agenda Item: Ordinance 97-16<sup>4</sup> Snowmobile Ordinance Modification**

**Background:** for November 1, 2005: The Council postponed discussion per the request of the Snowmobile Club.

At the last City Council Committee meeting, the snowmobile ordinance was reviewed for a possible change. It appears, the issue goes back a couple of years and was considered resolved until WA. CO. Deputies, this past winter, found a conflict in the code vs. an ordinance believed passed that would limit a snowmobile operation near a residential structure. City records show that no ordinance modifying the code was ever passed and finalized. Records also show that an ordinance was prepared to be passed but never finalized addressing area of concern.

Utilizing the ordinance that was prepared, the Council Committee modified the proposed ordinance document prohibiting snowmobile operation within 50 feet of a residential structure unless the snowmobile is owned and operated by the property owner.

Representatives from the snowmobile club were present and stated that they could live with the change. The City Administrator represented the position of the property owner where the conflict arose earlier this year. The change as proposed would now protect residential properties and prohibit snowmobile/all-terrain operators from encroaching no closer than 50 feet from the residential structure on a 24/7/365 basis.

**Action Items:** to adopt Ordinance 97-16<sup>4</sup>

**Person responsible:**

Martin Rafferty, Administrator

**Attachments:** Ordinance 97-16<sup>4</sup>

**CITY OF LAKE ELMO**  
**ORDINANCE NO. 97-164**

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

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

1011 Snowmobiles and All-Terrain Vehicles

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

1011.12     **Definitions.**

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

1011.3     **Regulations.**

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



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

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

All-Terrain Vehicle ("ATV")

Owner (Snowmobile and Recreational Vehicles)

Snowmobile

ADOPTED by the Lake Elmo City Council this 1st day of November, 2005.

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean Johnston  
Mayor

ATTEST:

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