

*Our Mission is to Provide Quality Public Services  
in a Fiscally Responsible Manner While  
Preserving the City's Open Space Character*

## **NOTICE OF MEETING**

**City of Lake Elmo  
3800 Laverne Avenue North  
City Council Meeting  
Tuesday, August 21, 2012 7:00 p.m.**

### **AGENDA**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. APPROVAL OF AGENDA**
- E. ORDER OF BUSINESS/GROUND RULES**
- F. ACCEPT MINUTES**
  - 1. Accept August 8, 2012 City Council minutes
- G. PUBLIC COMMENTS/INQUIRIES**
- H. PRESENTATIONS**
  - a) Quality Star to Washington County Sheriff's Deputy Andy Loehr and Family Means
- I. CONSENT AGENDA**

*Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.*

  - 2. Accept Financial Report dated July 31, 2012
  - 3. Accept Building Permit Report dated July 31, 2012

4. Approve Payment of Disbursements and Payroll
5. Approve Conditional Job Offers for Seven Probationary Firefighters
6. Resolution 2012-40 Approving State of Minnesota Joint Powers Agreements with the City of Lake Elmo on Behalf of Its City Attorney and Sheriff's Office

J. **PUBLIC HEARINGS**

7. Keats Avenue North MSA Street and Water Main Public Improvement Hearing (continued from March 6, 2012)

K. **REGULAR AGENDA**

8. Consideration of Staff Research & Analysis of the Feasibility Organized Collection
9. Authorization to Submit Comprehensive Plan Amendment for Adjacent Community Review
10. Zoning Code Update / Per Planning Commission
11. Malmquist RAD-2 Concept Plan Extension: 9424 Stillwater Boulevard
12. Approve Resolution 2012-41 Accepting the Amended Feasibility Report and Approve Resolution 2012-42 Authorizing Plans and Specifications for Keats Avenue North Street and Water Main Improvements

L. **SUMMARY REPORTS AND ANNOUNCEMENTS**

- Mayor and Council
- Administrator
- City Attorney
- City Engineer
- Planning Director
- Finance Director

M. Adjourn

**LAKE ELMO CITY COUNCIL MINUTES  
AUGUST 8, 2012**

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
AUGUST 8, 2012**

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

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

Also Present: City Administrator Zuleger, City Attorney Snyder, City Engineer Griffin, Finance Director Bendel, and Recording Secretary Luczak.

**APPROVAL OF AGENDA**

*MOTION: Council Member Pearson moved to approve the August 8, 2012 City Council Agenda as presented. Council Member Smith seconded the motion. **Motion passed 4-0.***

**ACCEPTED MINUTES**

1. The August 8, 2012 City Council minutes were approved as amended by consensus of the City Council.

**PUBLIC COMMENTS/INQUIRIES:** None

**PRESENTATIONS:** None

**CONSENT AGENDA**

2. Disbursements in the Amount of \$201,313.05
3. 2011 Seal Coat Project-Accept Improvements and Approve Pay Request No. 3 (Final-Release of Retainage following Corrective Work)
4. 2011 Street and Water Quality Improvements-Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessments, and Calling for Hearing on Proposed Assessments
5. Position Description of Taxpayer Relations/Communications Coordinator
6. Hiring of Adam Bell as Deputy Clerk
7. Water System Design Phasing Study-Authorize AE2S Task Order No. 1
8. Resolution No. 2012-37 Proclaiming September 7 and 8, 2012, as Lake Elmo Days
9. Draft Structure of the City of Lake Elmo Employee Handbook

*MOTION: Council Member Smith moved to approve the Consent Agenda as presented. Council Member Pearson seconded the motion. **Motion passed 4-0.***

**ITEM 10: COUNTRY SUN FARMS - AMENDMENT TO RESOLUTION 2009-047 CLARIFYING PERMITTED AGRICULTURAL SALES AND ENTERTAINMENT USES**

Planning Director Klatt requested the Council consider the approved activities listed with the Conditional Use Permit for an Agricultural Entertainment Use. He noted a few provisions pertaining to Agricultural Sales Business that have been superseded by code amendments and how

## LAKE ELMO CITY COUNCIL MINUTES AUGUST 8, 2012

the City Code now regulates Agricultural Sales Businesses as an Interim Use Permit, which provides flexibility.

Council Member Smith reported that she had been tasked to meet and discuss with the Bergmann's their activities and educational requests for their property, and possibly find a way to work with their business needs. Planning Director Klatt clarified that a CUP runs with the land, while an IUP is subject to Council reviews. Council Member Emmons suggested supplanting the AG Business Entertainment business be subjected to a two-year review.

Keith Bergmann, 5833 Lake Elmo Avenue, explained the process regarding the gem mining educational activity and its historical impact.

*MOTION: Council Member Smith moved to approve Resolution 2009-047 amendments and Resolution 2012-38 Amending a Conditional Use Permit with the Proposed Amendments to #5(f) Children's Activities and Games will read "include", Corn Pit, #8 and #10 changing verbiage to "unless" permitted, at 11211 60<sup>th</sup> Street North. Council Member Pearson seconded the motion. **Motion passed 5-0.***

### **ITEM 11: COUNCIL MEMBER APPOINTMENT TO LIBRARY BOARD NOMINATION COMMITTEE**

City Administrator Zuleger requested the Council to appoint a Council Member to the Library Board Nomination Committee, stating it was more of a housekeeping issue since the Council had approved to create a nominating committee, which is allowed by MN State Statute. Two three-year terms for the Lake Elmo Library Board will be opening up in 2012. He informed Council that Steve DeLapp and Sarah Linder are the board members currently up for re-election.

Council Members discussed appointing Council Member Smith, Park, and Pearson citing the members various experiences, possible conflict of interests, term length, and job duties.

*MOTION: Council Member Smith moved to appoint Council Member Park to the Lake Elmo Library Board Nominating Committee for the purposes of bringing forth two candidates to serve on the Lake Elmo Library Board for (2) three-year terms. Council Member Pearson seconded the motion. **Motion passed 5-0.***

### **SUMMARY REPORTS AND ANNOUNCEMENTS**

Council Member Emmons reported he attended a LED retrofitting lighting retrofitting meeting and forwarded the information to the administrator; volunteered at the County Fair Watershed booth.

Council Member Smith was saddened, and expressed her condolences to the family of the young man involved in the recent car accident. She expressed her concern for children to be safe and drive safely.

Council Member Park – no report



## **LAKE ELMO CITY COUNCIL MINUTES AUGUST 8, 2012**

Council Member Pearson attended a Library Board Meeting where discussion was had on the new Lake Elmo Library and a "soft opening" to coincide with Lake Elmo Days on September 7, 2012.

Mayor Johnston attended the Gateway Corridor Study where discussion was had confirming the two Park and Rides locations will be in Woodbury.

City Administrator Zuleger reported that he, along with Deputy Loperfido and several Lake Elmo Firefighters, visited four National Night Out neighborhoods; Family Means Program in Cimarron has 30-40 teens attending and crime incidents have decreased; interviewed eight Building Official applicants; Red Zone continues to be effective, utilizing two speed trailers on Lake Elmo Avenue; working on Lake Elmo Days and possible Lynx guest; sold 1985 city pickup at public auction. Dean also thanked Nick and Kyle for their hard work and meetings with the Planning Commissioners and developers addressing density and screening concerns.

City Attorney Snyder reported that Judge Eckstrom heard the Detachment Hearing and a report will be issued in 90 days. He thanked City Engineer Griffin and Planning Director Klatt for their hard work related to the Whistling Valley development.

City Engineer Griffin held a 2012 Street Improvement reconstruction meeting; notices will be mailed to affected residents this week; two remaining items to be addressed at the Whistling Valley development.

Planning Director Klatt reported that they are moving forward with the Comprehensive Plan amendments and I-94 Corridor; scheduled Public Hearing on August 13, 2012, at 7:00 pm; holding design standards for the Old Village area, preferred land use plan, densities, and work group meetings; Summit Board Shop submitted plans to expand their snowboarding demonstration area.

Finance Director Bendel reminded Council about the August 16, 2012 Budget Workshop.

**ADJOURN:** The meeting adjourned at 7:50 p.m.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Dean A. Johnston, Mayor

\_\_\_\_\_  
Sandie Thone, City Clerk



## MAYOR AND COUNCIL COMMUNICATION

DATE: August 21, 2012

**CONSENT**

ITEM #: 2

**MOTION**

**AGENDA ITEM:** July 2012 Financial Reporting

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** City Administrator and City Clerk

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, The City Council is asked to accept the July 2012 Financial Reporting Packet. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**BACKGROUND INFORMATION:** The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operations and report the financial (unaudited) statement to the City Council. City guidelines suggest the Council be updated on a regular basis.

**STAFF REPORT:** Attached please find a report for July reflecting the monthly detail supporting the year to date actual results and comparing those results to the 2012 Budget.

The most significant variances are highlighted below:

**Revenues:**

- \$1,726,629.08 was received from Washington County on 7/3/12 for our Levy funds.
- General Contractor licenses to date have exceeded the full year budget by 37.5%. It is anticipated that this trend will continue.
- Plumbing Permits to date have exceeded the full year budget by 45% and it is anticipated that this trend will also continue.
- The second installment on the Turnback Maintenance was received in July for \$43,789.
- Plan review fees continue to be strong with the new housing increased activity and on a YTD basis are 22% above the full year budget.
- Assessment searches to date continue to surpass budget due to the coordinated effort to ensure all search request fees are received. On average five searches are performed each week due to an increased volume of activity in the housing market.

### Expenses:

All departments are at or well below their 58% of budget to date as all Departments continue to strive to identify and implement any cost saving measures. A few key items to note:

- Some recurring expense items show zero for January which stands out. This is a result of moving the expense back to December when the expense was incurred for year end.
- Unemployment Benefits and Workers Compensation are expensed as those benefits are paid out to claimants.
- Although no contract services were budgeted for Administration, expenses were incurred to cover the front desk prior to being fully staffed.
- The Finance Department also used contracted services to cover the Finance department lack of full-time staff and is over budget in that category as a result. The contractor services were primarily used to prepare for the annual Financial Audit. Now that the majority of the audit is complete, those services will no longer be needed.
- The Planning Department also uses a part-time contractor to cover the Planning Assistant functions until a full-time staff person was hired. The new Planning Assistant is now on staff full-time and it is anticipated that these services will no longer be needed.

**RECOMMENDATION:** It is recommended that the City Council receive the July monthly Financial Reporting Packet *as part of tonight's Consent Agenda.*

Alternately, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and review.

### **ATTACHMENTS:**

1. July Financial Reports

REVENUE

	BUDGET	Jan	Feb	Mar	Apr	May	June	July	YTD	% of Budget	Over/ (Under)
Current Ad Valorem Taxes	2,442,903.00	0.00	0.00	0.00	0.00	0.00	0.00	1,331,398.75	1,331,398.75	54.50%	(1,111,504.25)
Mobile Home Tax	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00	3,376.22	3,376.22	42.20%	(4,623.78)
Liquor License	8,000.00	0.00	0.00	0.00	0.00	25.00	0.00	0.00	25.00	0.31%	(7,975.00)
Wastewater License	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(200.00)
General Contractor License	2,000.00	1,340.00	225.00	220.00	390.00	75.00	425.00	75.00	2,750.00	137.50%	750.00
Heating Contractor License	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(50.00)
Blacktopping Contractor License	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(50.00)
Building Permits	115,000.00	6,716.51	5,041.52	7,626.07	14,409.11	22,564.27	27,073.95	19,223.23	102,654.66	89.26%	(12,345.34)
Heating Permits	6,000.00	750.00	230.00	455.00	600.00	1,200.00	2,890.00	1,040.00	7,165.00	119.42%	1,165.00
Plumbing Permits	3,500.00	500.00	155.00	305.00	1,135.00	1,275.00	965.00	740.00	5,075.00	145.00%	1,575.00
Sewer Permits	300.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(300.00)
Animal License	2,000.00	660.00	300.00	180.00	180.00	60.00	80.00	100.00	1,560.00	78.00%	(440.00)
Utility Permits	5,000.00	0.00	291.80	330.00	185.20	0.00	670.00	1,355.00	2,832.00	56.64%	(2,168.00)
Planning Permits	1,000.00	170.00	90.00	90.00	305.00	135.00	45.00	90.00	925.00	92.50%	(75.00)
MSA Maintenance	75,000.00	43,789.00	0.00	0.00	0.00	0.00	0.00	43,789.00	87,578.00	116.77%	12,578.00
State Fire Aid	40,000.00	0.00	0.00	1,500.00	0.00	0.00	0.00	0.00	1,500.00	3.75%	(38,500.00)
PERA Aid	2,749.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(2,749.00)
Gravel Tax	1,000.00	0.00	688.63	0.00	0.00	0.00	0.00	0.00	688.63	68.86%	(311.37)
Recycling Grant	15,500.00	0.00	0.00	0.00	0.00	0.00	15,588.00	0.00	15,588.00	100.57%	88.00
Cable Franchise Revenue	36,500.00	0.00	0.00	0.00	39,949.50	0.00	0.00	0.00	39,949.50	109.45%	3,449.50
Zoning and Subdivision Fees	5,500.00	1,152.40	0.00	0.00	0.00	0.00	0.00	0.00	1,152.40	20.95%	(4,347.60)
Plan Check Fees	38,000.00	2,457.00	2,571.96	2,565.06	6,126.06	9,921.70	12,681.08	10,206.00	46,528.86	122.44%	8,528.86
Copies, books, maps	150.00	3.00	3.00	0.00	13.90	44.95	24.25	32.25	121.35	80.90%	(28.65)
Assessment Searches	200.00	15.00	45.00	120.00	135.00	45.00	40.00	135.00	535.00	267.50%	335.00
Clean up Days	3,000.00	0.00	0.00	0.00	0.00	0.00	3,256.00	0.00	3,256.00	108.53%	256.00
Cable Optn Reimbursement	2,000.00	47.50	0.00	0.00	687.50	0.00	0.00	0.00	735.00	36.75%	(1,265.00)
Fines	53,000.00	0.00	4,154.15	7,570.16	7,684.31	4,851.06	5,576.67	4,056.49	33,892.84	63.95%	(19,107.16)
Misc Revenue	6,384.00	1,648.44	0.00	4,662.63	7,146.68	3,121.00	1,925.00	56.24	18,559.99	290.73%	12,175.99
Interest Charges	0.00	298.00	348.00	98.00	76.00	86.00	100.00	58.00	1,064.00	N/A	1,064.00
Interest Earnings	20,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(20,000.00)
Donations	8,000.00	0.00	7,500.00	0.00	0.00	0.00	0.00	0.00	7,500.00	93.75%	(500.00)
Total Revenues	2,900,986.00	59,546.85	21,644.06	25,721.92	79,023.26	43,403.98	71,339.95	1,415,731.18	1,716,411.20	59.17%	(1,184,574.80)

EXPENSE BY DEPT

410-General Government	965,182.00	32,695.72	75,839.99	72,121.09	70,066.68	84,621.78	140,925.70	91,054.17	567,325.13	58.78%	397,856.87
420-Public Safety	1,081,541.00	26,340.35	32,247.14	43,972.36	33,057.62	42,287.54	51,529.53	33,891.86	262,326.40	24.25%	819,214.60
430-Public Works	482,749.00	23,080.10	44,427.22	21,205.76	29,856.45	46,604.56	61,813.60	37,808.52	264,796.21	54.85%	217,952.79
450-Culture Recreation	183,103.00	10,524.58	9,723.89	8,550.56	9,597.51	17,030.80	18,350.02	14,664.97	88,442.33	48.30%	94,660.67
460-Compensation Adj	13,411.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	13,411.00
493-Other Financing Uses	175,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	175,000.00
Total Expenses	2,900,986.00	92,640.75	162,238.24	144,849.77	142,578.26	190,544.68	272,618.85	177,419.52	1,182,890.07	40.78%	1,718,095.93
Net	0.00	(33,093.90)	(140,594.18)	(119,127.85)	(63,555.00)	(147,140.70)	(201,278.90)	1,238,311.66	533,521.13	N/A	533,521.13

Includes \$18k reimbursable MINDot expense

Good participation for clean up days  
 Apr ACH notif not rec'd; booked back to Apr in May  
 Library card svc fees; not budgeted  
 Currently interest only bkd at YE

Majority of licenses early in year

Grant monies received

DEPT 410 - GEN'L GOV'T

1110 - Mayor & Council

BUDGET	Jan	Feb	Mar	Apr	May	June	July	YTD	% of Budget	Over/ (Under)
PT Salaries	16,435.00	0.00	0.00	0.00	0.00	8,217.50	0.00	8,217.50	50.00%	(8,217.50)
FICA Contributions	1,019.00	0.00	0.00	0.00	0.00	509.49	0.00	509.49	50.00%	(509.51)
Medicare Contributions	238.00	0.00	0.00	0.00	0.00	119.14	0.00	119.14	50.06%	(118.86)
Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36.00	0.00%	36.00
Mileage	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(1,000.00)
Miscellaneous	2,000.00	0.00	0.00	0.00	565.27	0.00	(7.09)	558.18	27.91%	(1,441.82)
Dues & Subscriptions	11,200.00	3,391.00	0.00	0.00	0.00	0.00	298.19	3,689.19	32.94%	(7,510.81)
Conferences & Training	3,500.00	0.00	0.00	0.00	335.00	800.00	0.00	1,135.00	33.00%	(2,345.00)
<b>Total Mayor &amp; Council</b>	<b>35,392.00</b>	<b>3,427.00</b>	<b>0.00</b>	<b>0.00</b>	<b>920.27</b>	<b>9,646.13</b>	<b>291.10</b>	<b>14,284.50</b>	<b>40.36%</b>	<b>(21,107.50)</b>

1320 - Administration

FT Salaries	220,671.00	9,446.62	17,718.94	12,755.74	24,869.80	16,906.02	16,970.32	111,321.27	50.45%	(109,349.73)
PERA Contributions	8,617.00	684.85	1,154.12	924.79	1,607.90	1,225.68	1,230.36	7,745.11	89.88%	(871.89)
ICMA Contributions	7,382.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(7,382.00)
FICA Contributions	13,682.00	572.97	1,064.66	756.95	1,460.92	993.80	997.38	6,597.31	48.22%	(7,084.69)
Medicare Contributions	3,200.00	134.01	249.01	177.04	341.68	232.42	233.36	1,543.08	48.22%	(1,656.92)
Health/Dental Insurance	33,548.00	4,435.56	(1,445.04)	4,074.76	2,055.81	2,055.81	2,055.81	15,288.52	45.57%	(18,259.48)
Unemployment Benefits	0.00	0.00	0.00	0.00	3,582.00	0.00	0.00	3,582.00	0.00%	3,582.00
Workers Compensation	2,310.00	1,396.00	0.00	0.00	0.00	0.00	(274.88)	1,121.12	48.53%	(1,188.88)
Office Supplies	6,000.00	595.59	492.70	592.58	1,176.12	1,034.12	652.74	4,825.47	80.42%	(1,174.53)
Printed Forms	1,000.00	0.00	0.00	363.91	0.00	118.10	883.78	1,365.79	136.58%	365.79
Legal Services	65,000.00	0.00	0.00	9,739.50	1,429.50	18,513.50	6,701.00	36,383.50	55.97%	(28,616.50)
Newsletter/Website	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
Assessing Services	46,000.00	0.00	2,000.00	2,000.00	3,487.00	6,582.64	2,000.00	18,069.64	39.28%	(27,930.36)
Contract Services	0.00	0.00	2,724.14	2,243.63	2,356.00	2,718.04	2,356.00	14,759.62	0.00%	14,759.62
Postage	6,500.00	0.00	0.00	500.00	700.00	0.00	0.00	1,700.00	26.15%	(4,800.00)
Mileage	3,000.00	0.00	29.97	176.27	44.55	209.23	0.00	594.43	19.81%	(2,405.57)
Legal Publishing	0.00	0.00	0.00	0.00	0.00	165.90	0.00	165.90	0.00%	165.90
Insurance	39,500.00	380.00	500.00	(78.53)	0.00	33,966.75	0.00	34,768.22	88.02%	(4,731.78)
Cable Operation Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
Miscellaneous	6,000.00	40.00	458.17	542.99	97.23	429.05	5,106.64	6,858.64	114.31%	858.64
Dues & Subscriptions	3,500.00	0.00	0.00	58.50	141.00	0.00	125.00	442.28	12.64%	(3,057.72)
Books	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
Conferences & Training	3,500.00	0.00	0.00	66.21	220.00	4,699.66	425.74	5,901.33	168.61%	2,401.33
Staff Development	1,000.00	0.00	0.00	0.00	470.00	0.00	0.00	470.00	47.00%	(530.00)
<b>Total Administration</b>	<b>470,410.00</b>	<b>17,685.60</b>	<b>24,946.67</b>	<b>34,894.34</b>	<b>44,039.51</b>	<b>89,850.72</b>	<b>39,463.25</b>	<b>273,503.23</b>	<b>58.14%</b>	<b>(196,906.77)</b>

May includes 3 pp plus new Clerk wages

Refund check rec'd for 2011 Work Comp audit

Front desk support

Thone Education retrib not included in 2012 budget

Will hit in August

May includes Website redesign of \$3k

1410 - Elections

PT Salaries	10,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(10,000.00)
Office Supplies	250.00	0.00	0.00	0.00	0.00	0.00	132.66	132.66	53.06%	(117.34)
Printed Forms	350.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(350.00)
Miscellaneous	1,350.00	0.00	1,014.93	281.82	0.00	0.00	0.00	1,296.75	96.06%	(53.25)
<b>Total Elections</b>	<b>11,950.00</b>	<b>0.00</b>	<b>1,014.93</b>	<b>281.82</b>	<b>0.00</b>	<b>0.00</b>	<b>132.66</b>	<b>1,429.41</b>	<b>11.96%</b>	<b>(10,520.59)</b>

1450 - Communications

FT Salaries	11,117.00	229.37	654.71	614.62	697.02	643.57	855.12	4,527.27	40.72%	(6,589.73)
PERA Contributions	806.00	16.64	47.48	44.56	50.54	46.65	62.00	328.26	40.73%	(477.74)
FICA Contributions	689.00	14.21	40.60	38.10	43.21	39.90	53.02	280.68	40.74%	(408.32)
Medicare Contributions	161.00	3.33	9.49	8.90	10.11	9.33	12.40	65.64	40.77%	(95.36)
Health/Dental Insurance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
Workers Compensation	503.00	56.00	0.00	0.00	0.00	0.00	0.00	56.00	11.13%	(447.00)
Newsletter	5,400.00	0.00	0.00	0.00	2,456.02	0.00	0.00	2,517.02	46.61%	(2,882.98)
Info Technology/Web	31,500.00	1,652.08	6,298.69	2,157.71	4,652.08	1,986.68	1,652.08	20,051.40	63.66%	(11,448.60)
Public Notices	3,500.00	0.00	20.50	0.00	534.85	234.94	200.00	990.29	28.29%	(2,509.71)
Cable Operations	4,000.00	137.50	272.25	348.00	303.00	220.00	316.25	1,830.75	0.00%	(2,169.25)
Repair/Maint Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
<b>Total Communications</b>	<b>57,676.00</b>	<b>2,109.13</b>	<b>7,343.72</b>	<b>3,211.89</b>	<b>8,446.92</b>	<b>2,946.13</b>	<b>3,150.87</b>	<b>30,647.31</b>	<b>53.14%</b>	<b>(27,028.69)</b>

1520 - Finance									
FT Salaries	34,674.00	0.00	0.00	5,384.00	5,384.00	21,536.00	62.11%	(13,138.00)	Apr/May pd in May
PERA Contributions	2,514.00	0.00	0.00	390.33	390.34	1,366.17	54.34%	(1,147.83)	
FICA Contributions	2,150.00	0.00	0.00	312.52	333.81	1,271.37	59.13%	(878.63)	
Medicare Contributions	503.00	0.00	0.00	73.08	78.07	297.31	59.11%	(205.69)	
Health/Dental Insurance	3,826.00	0.00	0.00	6.50	1,512.50	642.81	0.00%	(911.19)	Audit and AP/PR support
Unemployment Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	
Workers Compensation	250.00	0.00	0.00	0.00	0.00	176.00	70.40%	(74.00)	
Office Supplies	500.00	0.00	0.00	0.00	0.00	132.29	26.46%	(367.71)	
Printed Forms	500.00	0.00	0.00	0.00	0.00	0.00	0.00%	(500.00)	Refund check rec'd for 2011 Work Comp audit
Audit Services	30,000.00	0.00	4,000.00	0.00	0.00	20,035.00	66.78%	(9,965.00)	
Contract Services	30,000.00	0.00	16,126.50	7,552.50	500.00	58,366.50	194.56%	28,366.50	
Software Programs	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	
Mileage	100.00	0.00	0.00	0.00	0.00	0.00	0.00%	(100.00)	May invoice not turned in until June
Miscellaneous	2,500.00	10.00	1,563.00	0.00	0.00	1,573.00	62.92%	(927.00)	
Dues & Subscriptions	100.00	0.00	0.00	0.00	0.00	0.00	0.00%	(100.00)	
Conferences & Training	300.00	0.00	0.00	0.00	0.00	0.00	0.00%	(300.00)	
Total Finance	107,917.00	186.00	21,689.50	12,645.50	10,332.22	107,668.45	99.77%	(248.55)	
1910 - Planning & Zoning									
FT Salaries	104,109.00	4,308.90	5,773.95	8,179.05	8,046.00	47,717.19	45.83%	(56,391.81)	Refund check rec'd for 2011 Work Comp audit
PERA Contributions	7,548.00	249.33	332.44	498.66	583.34	2,911.99	38.58%	(4,636.01)	
FICA Contributions	6,455.00	256.23	343.42	485.26	474.42	2,738.97	42.43%	(3,716.03)	
Medicare Contributions	1,510.00	59.92	80.32	113.49	110.95	640.53	42.42%	(869.47)	
Health/Dental Insurance	22,566.00	2,675.70	793.61	793.61	793.61	6,202.86	27.49%	(16,363.14)	May invoice not turned in until June
Workers Compensation	749.00	0.00	0.00	0.00	0.00	425.64	56.83%	(323.36)	
Office Supplies	750.00	0.00	0.00	0.00	0.00	43.37	5.78%	(706.63)	
Printed Forms	10,000.00	0.00	0.00	0.00	0.00	0.00	0.00%	(10,000.00)	
Engineering Services	12,000.00	0.00	1,613.50	0.00	3,255.36	9,659.50	80.50%	(2,340.50)	Refund check rec'd for 2011 Work Comp audit
Contract Services	3,000.00	0.00	1,698.66	0.00	3,462.33	12,519.24	417.31%	9,519.24	
Mileage	400.00	0.00	0.00	0.00	0.00	0.00	0.00%	(400.00)	
Miscellaneous	400.00	0.00	0.00	2.96	27.00	382.92	95.73%	(17.08)	
Dues & Subscriptions	750.00	0.00	0.00	0.00	0.00	0.00	0.00%	(750.00)	May invoice not turned in until June
Books	300.00	0.00	0.00	0.00	0.00	0.00	0.00%	(300.00)	
Conferences & Training	1,300.00	0.00	255.00	0.00	0.00	255.00	0.00%	(1,245.00)	
Total Planning & Zoning	172,037.00	8,080.08	10,890.90	13,782.68	16,728.97	83,497.21	48.53%	(88,539.79)	
1930 - Engineering Services									
Engineering Services	70,000.00	0.00	6,845.06	0.00	9,074.52	37,672.01	53.82%	(32,327.99)	May invoice not turned in until June
Total Planning & Zoning	70,000.00	0.00	6,845.06	0.00	9,074.52	37,672.01	53.82%	(143,794.25)	
1940 - City Hall									
Cleaning Supplies	600.00	0.00	0.00	0.00	0.00	81.19	13.53%	(518.81)	Refund check rec'd for 2011 Work Comp audit
Building Repair Supplies	800.00	0.00	0.00	0.00	0.00	237.44	29.68%	(562.56)	
Telephone	8,600.00	564.75	627.14	824.06	85.26	4,648.96	54.06%	(3,951.04)	
Electric Utility	11,500.00	0.00	1,339.55	1,166.06	626.98	977.77	48.93%	(5,872.71)	
Refuse	1,300.00	108.32	108.32	108.32	108.32	840.96	64.69%	(459.04)	May invoice not turned in until June
Repairs/Maint Contractual Bldg	11,000.00	321.38	740.94	697.75	1,004.91	5,213.89	47.40%	(5,786.11)	
Repairs/Maint Contractual Equip	5,000.00	213.46	293.26	172.67	521.54	1,823.28	36.47%	(3,176.72)	
Miscellaneous	1,000.00	0.00	0.00	0.00	0.00	150.00	0.00%	(850.00)	
Total Planning & Zoning	39,800.00	1,207.91	3,109.21	2,207.47	2,347.01	18,623.01	46.79%	(21,176.99)	
Total General Government									
	965,182.00	32,695.72	75,839.99	84,621.78	140,925.70	567,325.13	58.78%	(509,323.12)	

**DEPT 420 - PUBLIC SAFETY**

2100 - Police									
Law Enforcement Contract	493,000.00	0.00	0.00	0.00	0.00	0.00	0.00%	(493,000.00)	Refund check rec'd for 2011 Work Comp audit
Total Planning & Zoning	493,000.00	0.00	0.00	0.00	0.00	0.00	0.00%	(493,000.00)	
2150 - Prosecution									
Attorney Criminal	51,000.00	0.00	0.00	4,310.00	8,677.00	25,802.00	0.00%	(25,198.00)	May invoice not turned in until June
Total Planning & Zoning	51,000.00	0.00	0.00	4,310.00	8,677.00	25,802.00	50.59%	(25,198.00)	

Refund check rec'd for 2011 Work Comp audit

DEPT 430 - PUBLIC WORKS

3100 - Public Works

FJ Salaries	127,257.00	7,352.98	10,005.83	9,669.19	9,617.31	14,796.05	10,096.98	9,617.32	71,155.66	55.91%	(56,101.34)
PT Salaries	12,573.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(12,573.00)
PERA Contributions	10,138.00	533.13	725.42	701.05	697.27	1,072.75	732.05	697.23	5,158.90	50.89%	(4,979.10)
FICA Contributions	8,670.00	425.88	581.97	561.07	557.86	858.57	587.66	557.88	4,130.89	47.65%	(4,539.11)
Medicare Contributions	2,027.00	99.59	136.12	131.23	130.48	200.80	137.41	130.44	966.07	47.66%	(1,060.93)
Health/Dental Insurance	32,694.00	4,742.44	2,590.10	2,590.10	2,590.10	2,590.10	2,590.10	2,590.10	20,283.04	0.00%	(12,410.96)
Unemployment Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
Workers Compensation	12,565.00	8,726.00	0.00	0.00	0.00	0.00	0.00	(1,718.17)	7,007.83	55.77%	(5,557.17)
Office Supplies	500.00	0.00	213.93	0.00	0.00	0.00	0.00	0.00	267.05	53.41%	(232.95)
Shop Materials	1,800.00	0.00	54.59	101.33	148.70	0.00	145.90	0.00	450.52	0.00%	(1,349.48)
Equipment Parts	1,800.00	0.00	32.60	43.65	0.00	0.00	0.00	0.00	76.25	4.24%	(1,723.75)
Building Repair Supplies	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(1,000.00)
Small Tools and Minor Equip	3,000.00	0.00	148.55	32.04	65.10	62.46	0.00	0.00	308.15	0.00%	(2,691.85)
Engineering Services	2,000.00	0.00	45.00	202.50	517.50	0.00	1,392.00	945.00	3,102.00	155.10%	1,102.00
Contract Services	6,000.00	0.00	115.95	30.55	105.85	242.15	269.70	252.50	1,016.70	16.95%	(4,983.30)
Telephone	8,000.00	496.22	862.30	684.42	531.50	677.05	233.71	1,501.00	4,986.20	62.33%	(3,013.80)
Radio	300.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(300.00)
Mileage	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(100.00)
Insurance	14,500.00	0.00	0.00	0.00	0.00	0.00	20,276.35	0.00	20,276.35	139.84%	5,776.35
Electric Utility	21,000.00	0.00	2,724.69	0.00	2,481.96	761.72	518.27	438.70	8,957.97	42.66%	(12,042.03)
Refuse	2,000.00	207.82	207.82	207.82	207.82	207.82	207.82	207.82	1,454.74	72.74%	(545.26)
Repair/Maint Bldg	3,000.00	0.00	469.01	160.69	160.69	350.00	321.38	0.00	1,461.77	48.73%	(1,538.23)
Repair/Maint NOT Bldg	500.00	0.00	0.00	0.00	0.00	0.00	18,014.14	89.78	18,103.92	3620.78%	17,603.92
Repair/Maint Equip	4,500.00	0.00	0.00	0.00	58.65	0.00	0.00	0.00	58.65	1.30%	(4,441.35)
Uniforms	1,675.00	22.86	156.72	87.92	65.01	171.37	314.09	95.12	913.09	54.51%	(761.91)
Miscellaneous	1,000.00	303.25	51.16	(139.79)	0.00	0.00	0.00	176.19	390.81	39.08%	(609.19)
Dues & Subscriptions	150.00	0.00	60.00	0.00	0.00	0.00	0.00	0.00	60.00	40.00%	(90.00)
Conferences & Training	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(1,000.00)
Clean up Days	7,500.00	0.00	0.00	0.00	0.00	0.00	0.00	5,436.40	5,436.40	72.49%	(2,063.60)
<b>Total Public Works</b>	<b>287,249.00</b>	<b>22,910.17</b>	<b>19,181.76</b>	<b>17,149.52</b>	<b>17,935.80</b>	<b>21,990.84</b>	<b>55,837.56</b>	<b>21,017.31</b>	<b>176,022.96</b>	<b>61.28%</b>	<b>(111,226.04)</b>

July included City Landscaping Project to be reimb by City

Refund check rec'd for 2011 Work Comp audit

3120 - Streets

Fuel, Oil & Fluids	28,000.00	0.00	1,822.43	91.22	5,206.41	1,732.50	0.00	1,788.11	10,640.67	38.00%	(17,359.33)
Equipment Parts	7,500.00	17.53	196.02	0.00	220.50	411.21	0.00	34.01	879.27	11.72%	(6,620.73)
Street Maintenance Materials	12,000.00	152.40	13.86	0.00	577.02	1,232.39	1,096.61	433.01	3,505.29	29.21%	(8,494.71)
Sign Repair Materials	3,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(3,000.00)
Contract Services	13,500.00	0.00	0.00	0.00	315.00	0.00	822.36	135.00	1,272.36	9.42%	(12,227.64)
Repairs/Maint Equipment	8,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(8,000.00)
<b>Total Streets</b>	<b>72,000.00</b>	<b>169.93</b>	<b>2,032.31</b>	<b>91.22</b>	<b>6,318.93</b>	<b>3,376.10</b>	<b>1,918.97</b>	<b>2,390.13</b>	<b>16,297.59</b>	<b>22.64%</b>	<b>(55,702.41)</b>

3125 - Ice & Snow Removal

Landscaping Material	1,000.00	0.00	0.00	0.00	7.45	38.48	0.00	0.00	45.93	4.59%	(954.07)
Sand/Salt	70,000.00	0.00	20,257.28	0.00	0.00	16,483.29	0.00	0.00	36,740.57	52.49%	(33,259.43)
Contract Services	7,500.00	0.00	0.00	0.00	0.00	0.00	0.00	4,432.50	4,432.50	59.10%	(3,067.50)
Repairs/Maint Equipment	2,500.00	0.00	870.43	991.04	431.00	0.00	121.09	401.56	2,815.12	112.60%	315.12
<b>Total Streets</b>	<b>81,000.00</b>	<b>0.00</b>	<b>21,127.71</b>	<b>991.04</b>	<b>438.45</b>	<b>16,521.77</b>	<b>121.09</b>	<b>4,834.06</b>	<b>44,034.12</b>	<b>54.36%</b>	<b>(36,965.88)</b>

3160 - Street Lighting

Street Lighting	24,500.00	0.00	2,085.44	2,200.38	2,175.77	2,044.43	2,017.26	2,067.02	12,590.30	51.39%	(11,909.70)
<b>Total Street Lighting</b>	<b>24,500.00</b>	<b>0.00</b>	<b>2,085.44</b>	<b>2,200.38</b>	<b>2,175.77</b>	<b>2,044.43</b>	<b>2,017.26</b>	<b>2,067.02</b>	<b>12,590.30</b>	<b>51.39%</b>	<b>(11,909.70)</b>

3200 - Recycling

Recycling Supplies	3,500.00	0.00	0.00	261.10	0.00	2,146.42	0.00	0.00	2,407.52	68.79%	(1,092.48)
Newsletter	3,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(3,000.00)
Miscellaneous	6,500.00	0.00	0.00	0.00	2,500.00	0.00	368.72	7,500.00	10,368.72	159.52%	3,868.72
<b>Total Recycling</b>	<b>13,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>261.10</b>	<b>2,500.00</b>	<b>2,146.42</b>	<b>368.72</b>	<b>7,500.00</b>	<b>12,776.24</b>	<b>98.28%</b>	<b>(223.76)</b>

Include print for 2011 svcs of \$2,500

3250 - Tree Program

Contract Services	5,000.00	0.00	0.00	512.50	487.50	525.00	1,550.00	0.00	3,075.00	61.50%	(1,925.00)
<b>Total Tree Program</b>	<b>5,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>512.50</b>	<b>487.50</b>	<b>525.00</b>	<b>1,550.00</b>	<b>0.00</b>	<b>3,075.00</b>	<b>61.50%</b>	<b>(1,925.00)</b>

Total Public Works

<b>Total Public Works</b>	<b>482,749.00</b>	<b>23,080.10</b>	<b>44,427.22</b>	<b>21,205.76</b>	<b>29,856.45</b>	<b>46,604.56</b>	<b>61,813.60</b>	<b>37,808.52</b>	<b>264,796.21</b>	<b>54.85%</b>	<b>(217,952.79)</b>
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DEPT 450 - CULTURE, RECREATION

5200 - Parks & Recreation											
FT Salaries	78,164.00	3,677.67	5,651.68	5,517.78	5,915.41	7,868.29	5,691.31	5,959.93	40,282.07	51.54%	(37,881.93)
PT Salaries	30,551.00	961.04	750.08	0.00	679.76	3,305.08	4,398.67	3,475.02	13,569.65	44.42%	(16,981.35)
PERA Contributions	7,882.00	336.28	464.12	400.20	478.13	767.53	545.61	531.54	3,523.41	44.70%	(4,358.59)
FICA Contributions	6,740.00	275.77	381.77	327.00	393.78	670.00	610.45	569.89	3,228.66	47.90%	(3,511.34)
Medicare Contributions	1,576.00	64.50	89.26	76.45	92.06	156.70	142.78	133.29	755.04	47.91%	(820.96)
Health/Dental Insurance	12,668.00	1,803.38	970.97	970.97	970.97	970.97	970.97	970.97	7,629.20	0.00%	(5,038.80)
Unemployment Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
Workers Compensation	7,522.00	3,138.00	0.00	0.00	0.00	0.00	0.00	(617.88)	2,520.12	33.50%	(5,001.88)
Shop Materials	600.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(600.00)
Chemicals	800.00	0.00	0.00	0.00	43.61	222.42	0.00	4.02	270.05	0.00%	(529.95)
Equipment Parts	2,500.00	60.12	0.00	0.00	155.16	539.14	346.54	721.37	1,822.33	72.89%	(677.67)
Building Repair Supplies	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(500.00)
Landscaping Materials	3,000.00	0.00	0.00	0.00	0.00	144.35	0.00	0.00	144.35	4.81%	(2,855.65)
Small Tools and Minor Equip	1,000.00	0.00	0.00	0.00	43.98	24.76	63.93	0.00	132.67	0.00%	(867.33)
Telephone	550.00	0.00	115.90	103.38	88.69	89.08	88.60	102.38	588.03	106.91%	38.03
Mileage	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(100.00)
Insurance	5,000.00	0.00	0.00	0.00	0.00	0.00	3,364.00	0.00	3,364.00	67.28%	(1,636.00)
Electric Utility	9,500.00	0.00	960.11	869.66	440.74	654.90	578.12	793.88	4,297.41	45.24%	(5,202.59)
Refuse	2,500.00	207.82	207.82	207.82	207.82	207.82	207.82	207.82	1,454.74	58.19%	(1,045.26)
Repair/Maint Bldg	700.00	0.00	9.60	16.01	0.00	0.00	102.09	0.00	127.70	18.24%	(572.30)
Repair/Maint NOT Bldg	4,000.00	0.00	0.00	0.00	26.11	524.43	1,216.15	471.34	2,238.03	55.95%	(1,761.97)
Repair/Maint Equip	2,000.00	0.00	0.00	0.00	0.00	0.00	22.98	0.00	22.98	1.15%	(1,977.02)
Rental Buildings	4,500.00	0.00	122.58	61.29	61.29	885.33	0.00	1,341.40	2,471.89	54.93%	(2,028.11)
Miscellaneous	750.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	(750.00)
Total Parks & Recreation	183,103.00	10,524.58	9,723.89	8,550.56	9,597.51	17,030.80	18,350.02	14,664.97	88,442.33	48.30%	(94,660.67)
DEPT 460 - COMP ADJ	13,411.00	0.00	0	0	0	0	0	0	0.00	0.00%	(13,411.00)
DEPT 493 - OTH FINANCING	175,000.00	0.00	0	0	0	0	0	0	0.00	0.00%	(175,000.00)
GRAND TOTAL ALL DEPTS	2,900,986.00	92,640.75	162,238.24	144,849.77	142,578.26	190,544.68	272,618.85	177,419.52	1,182,890.07	40.78%	(1,829,562.18)

Refund check rec'd for 2011 Work Comp audit



## MAYOR AND COUNCIL COMMUNICATION

DATE: 08/21/2012  
**CONSENT**  
ITEM #: 3  
**MOTION** Consent Agenda

**AGENDA ITEM:** Year to Date Permit Report  
**SUBMITTED BY:** Carole Luczak, Program Support Assistant  
**THROUGH:** Cathy Bendel, Finance Director  
**REVIEWED BY:** Cathy Bendel, Finance Director

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to accept the monthly permit report. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**STAFF REPORT:** Below are some key statistics for Jan 1-July 31:

	<u>2012</u>	<u>2011</u>
Total building permits:	156	197
(Ice and water damage repair)		(44)
 New homes	 22	 12
Total valuation	\$8,488,112	\$5,423,800
Avg home value	\$385,823	\$451,983

City of Lake Elmo  
Building Department

**Building Permit Detail Summary**

January 1, 2012 Through July 31, 2012

**Occupancy**

Class of Work:

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8437	fence	7/2/2012	Single Family Dwelling	5,500
8429	Sign	6/22/2012	Church	0
8438	swimming pool	7/3/2012	Single Family Dwelling	26,400

Totals for Class of Work:

Number of Permits = 3

Total Valuation =

31,900

Class of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8327	sportcourt	4/23/2012	None	30,000

Totals for Class of Work: Add

Number of Permits = 1

Total Valuation =

30,000

Class of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8300	Basement finish (includes plng&htg)	3/29/2012	Single Family Dwelling	25,000
8395	Remodel (including plng&htg)	6/6/2012	Single Family Dwelling	29,500

Totals for Class of Work: Remodel

Number of Permits = 2

Total Valuation =

54,500

Class of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
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Class of Work: New

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8444	accessory structure	7/11/2012	Residential	3,500
8449	air cond	7/16/2012	Residential	5,000
8443	Deck	7/11/2012	Residential	4,500

*Totals for Class of Work: New**Number of Permits = 3**Total Valuation = 13,000*Class of Work: Repair

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8432	reroof	6/28/2012	Single Family Dwelling	15,300
8436	reroof	6/28/2012	Residential	11,000
8439	reroof	7/5/2012	Residential	7,500
8450	reroof	7/17/2012	Single Family Dwelling	8,000
8455	reroof	7/23/2012	Residential	8,400
8460	reroof	7/27/2012	Residential	6,065
8453	reside structure	7/20/2012	Residential	18,000
8298	Roof Replacement (ice & water)	3/27/2012	Single Family Dwelling	14,300
8304	Roof Replacement (ice & water)	4/10/2012	Single Family Dwelling	16,522
8440	Shed	7/6/2012	Accessory Building	2,000
8446	Siding	7/11/2012	Commercial	3,000
8448	Siding	7/16/2012	Residential	9,800
8442	Siding & Window Replace ment	7/9/2012	Residential	24,500

*Totals for Class of Work: Repair**Number of Permits = 13**Total Valuation = 144,387**Totals for Occupancy:**Number of Permits = 22**Total Valuation = 273,787*

# Occupancy B

## Class of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8337	deck/ porch	5/2/2012	Single Family Dwelling	3,500
8261	Gasline	1/17/2012	Commercial	1,400
8400	Sign	6/8/2012	Office Building	5,000

*Totals for Class of Work: Add*      *Number of Permits = 3*      *Total Valuation = 9,900*

## Class of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8357	interior buildout incld P & H	5/19/2012	Commercial	20,000
8411	Siding & Window Replace ment	6/18/2012	Commercial	20,000

*Totals for Class of Work: Remodel*      *Number of Permits = 2*      *Total Valuation = 40,000*

## Class of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8321	Deck	4/19/2012	Single Family Dwelling	5,000

*Totals for Class of Work: New*      *Number of Permits = 1*      *Total Valuation = 5,000*

## Class of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8301	repair	4/3/2012	Commercial	2,650
8263	reroof	1/23/2012	Commercial	38,420
8255	Roof Replacement	1/6/2012	Office Building	33,800

*Totals for Class of Work: Repair*      *Number of Permits = 3*      *Total Valuation = 74,870*

Totals for Occupancy: B	Number of Permits = 9	Total Valuation = 129,770
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**Occupancy U-1**

Class of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8295	accessory structure	3/23/2012	Accessory Building	2,600
8303	accessory structure/porch overhang/kit remodel	4/9/2012	Accessory Building	33,163

Totals for Class of Work: Add	Number of Permits = 2	Total Valuation = 35,763
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Class of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8249	accessory structure	1/3/2012	Accessory Building	59,000

Totals for Class of Work: New	Number of Permits = 1	Total Valuation = 59,000
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Totals for Occupancy: U-1	Number of Permits = 3	Total Valuation = 94,763
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**Occupancy R-3**

Class of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8366	addition	5/22/2012	Single Family Dwelling	18,000
8289	addition & remodel (incl plmg & hvac)	3/13/2012	Single Family Dwelling	45,000
8297	addition & remodel (incl plmg & hvac)	3/27/2012	Single Family Dwelling	68,000
8318	addition & remodel (incl plmg & hvac)	4/17/2012	Single Family Dwelling	30,000
8392	addition & remodel (incl plmg & hvac)	6/6/2012	Single Family Dwelling	110,000
8418	addition & remodel (incl plmg & hvac)	6/20/2012	Single Family Dwelling	92,437
8425	air cond	6/21/2012	Residential	4,000

Class of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8287	Deck	3/12/2012	deck	10,000
8322	Deck	4/20/2012	Single Family Dwelling	4,000
8447	Deck	7/12/2012	deck	4,500
8315	Door Replacement	4/16/2012	Single Family Dwelling	2,869
8386	driveway	6/5/2012	Single Family Dwelling	2,000
8274	fence	2/16/2012	Single Family Dwelling	3,000
8290	fence	3/16/2012	Single Family Dwelling	3,000
8325	fence	4/20/2012	Single Family Dwelling	960
8326	fence	4/23/2012	Single Family Dwelling	2,400
8336	fence	5/1/2012	Single Family Dwelling	6,000
8365	fence	5/19/2012	Single Family Dwelling	6,000
8250	Fireplace	1/3/2012	Single Family Dwelling	3,200
8258	Fireplace	1/11/2012	Single Family Dwelling	2,000
8311	Fireplace	4/13/2012	Single Family Dwelling	3,200
8346	Fireplace	5/9/2012	Single Family Dwelling	2,000
8389	Fireplace	6/6/2012	Single Family Dwelling	3,200
8313	lawn Sprinkler	4/16/2012	Single Family Dwelling	2,800
8348	mobile home setup	5/10/2012	Mobile Home	3,000
8309	Porch	4/12/2012	Single Family Dwelling	15,000
8394	Porch	6/6/2012	Single Family Dwelling	65,000
8323	Shed	4/20/2012	Single Family Dwelling	1,500
8374	Shed	5/25/2012	Single Family Dwelling	3,762
8414	Shed	6/19/2012	Single Family Dwelling	1,600
8335	swimming pool	5/1/2012	Single Family Dwelling	30,000

**Class of Work: Add**

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8373	swimming pool	5/24/2012	Single Family Dwelling	65,000

<i>Totals for Class of Work: Add</i>	<i>Number of Permits = 32</i>	<i>Total Valuation =</i>	<i>613,428</i>
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**Class of Work: Remodel**

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8399	Basement finish (includes plng&htg)	6/8/2012	Single Family Dwelling	8,000
8406	Deck	6/12/2012	Single Family Dwelling	5,600
8266	Door Replacement	1/27/2012	Single Family Dwelling	1,741
8312	driveway	4/13/2012	Single Family Dwelling	4,000
8376	driveway	5/30/2012	Single Family Dwelling	12,000
8270	interior buildout incld P & H	2/6/2012	Single Family Dwelling	20,000
8275	Remodel	2/17/2012	Single Family Dwelling	5,000
8334	Remodel	4/27/2012	Single Family Dwelling	8,000
8355	Remodel	5/15/2012	Single Family Dwelling	46,000
8267	Remodel (including plng&htg)	2/3/2012	Single Family Dwelling	25,000
8292	Remodel (including plng&htg)	3/19/2012	Single Family Dwelling	25,000
8350	Remodel (including plng&htg)	5/14/2012	Single Family Dwelling	40,500
8358	Remodel (including plng&htg)	5/19/2012	Single Family Dwelling	62,000
8405	Remodel (including plng&htg)	6/11/2012	Single Family Attached	1,800
8272	repair	2/7/2012	Single Family Dwelling	1,525
8362	reside structure	5/19/2012	Single Family Dwelling	6,000
8388	reside structure	6/5/2012	Single Family Dwelling	30,500
8413	Roof Replacement (ice & water)	6/19/2012	Single Family Dwelling	13,200
8342	Siding	5/4/2012	Single Family Dwelling	10,000



**Class of Work: Remodel**

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8277	window replacement	2/22/2012	Single Family Dwelling	4,993
8279	window replacement	3/2/2012	Single Family Dwelling	2,600
8368	window replacement	5/22/2012	Single Family Dwelling	3,700
8381	window replacement	5/31/2012	Single Family Dwelling	1,914
8397	window replacement	6/7/2012	Single Family Dwelling	20,925
8276	window replacement/door	2/22/2012	Single Family Dwelling	5,152
8352	window replacement/door	5/14/2012	Single Family Dwelling	21,659
8401	window replacement/door	6/8/2012	Single Family Dwelling	30,810

*Totals for Class of Work: Remodel**Number of Permits = 27**Total Valuation = 417,619***Class of Work: New**

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8462	Deck	7/27/2012	deck	2,000
8461	Garage	7/27/2012	Accessory Building	15,000
8268	New House	2/3/2012	Single Family Dwelling	460,412
8269	New House	2/3/2012	Single Family Dwelling	650,000
8296	New House	3/27/2012	Single Family Dwelling	575,000
8310	New House	4/13/2012	Single Family Dwelling	437,000
8320	New House	4/18/2012	Single Family Dwelling	450,000
8331	New House	4/26/2012	Single Family Dwelling	424,000
8340	New House	5/3/2012	Single Family Dwelling	285,000
8347	New House	5/9/2012	Single Family Dwelling	268,700
8349	New House	5/14/2012	Single Family Dwelling	448,000
8356	New House	5/19/2012	Single Family Dwelling	290,000

Class of Work: New

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8378	New House	5/31/2012	Single Family Dwelling	280,000
8393	New House	6/6/2012	Single Family Attached	320,000
8420	New House	6/20/2012	Single Family Dwelling	395,000
8419	New House	6/20/2012	Single Family Dwelling	320,000
8421	New House	6/20/2012	Single Family Dwelling	400,000
8422	New House	6/20/2012	Single Family Dwelling	570,000
8423	New House	6/20/2012	Single Family Dwelling	370,000
8445	New House	7/11/2012	Residential	498,000
8458	New House	7/26/2012	Residential	680,000
8457	New House	7/26/2012	Residential	350,000

*Totals for Class of Work: New**Number of Permits = 22**Total Valuation = 8,488,112*Class of Work: Repair

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8372	Deck	5/23/2012	Single Family Dwelling	10,000
8271	Door Replacement	2/6/2012	Single Family Dwelling	3,000
8319	driveway	4/18/2012	Single Family Dwelling	6,950
8339	driveway	5/2/2012	Single Family Dwelling	9,438
8256	repair	1/11/2012	Single Family Dwelling	18,500
8426	reroof	6/22/2012	Residential	6,230
8427	reroof	6/22/2012	Residential	10,112
8404	reside structure	6/11/2012	Single Family Dwelling	14,500
8251	Roof Replacement	1/4/2012	Single Family Dwelling	2,000
8364	Roof Replacement	5/19/2012	Single Family Dwelling	21,511

### Class of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
8282	Roof Replacement (ice & water)	3/7/2012	Single Family Dwelling	13,000
8281	Roof Replacement (ice & water)	3/7/2012	Single Family Dwelling	4,900
8291	Roof Replacement (ice & water)	3/19/2012	Single Family Dwelling	9,000
8293	Roof Replacement (ice & water)	3/19/2012	Mobile Home	1,201
8294	Roof Replacement (ice & water)	3/22/2012	Single Family Dwelling	14,524
8299	Roof Replacement (ice & water)	3/28/2012	Single Family Dwelling	8,000
8305	Roof Replacement (ice & water)	4/10/2012	Single Family Dwelling	6,900
8316	Roof Replacement (ice & water)	4/16/2012	Single Family Dwelling	8,500
8317	Roof Replacement (ice & water)	4/16/2012	Single Family Dwelling	16,500
8329	Roof Replacement (ice & water)	4/23/2012	Single Family Dwelling	10,000
8330	Roof Replacement (ice & water)	4/25/2012	Single Family Dwelling	12,900
8341	Roof Replacement (ice & water)	5/4/2012	Single Family Dwelling	5,800
8343	Roof Replacement (ice & water)	5/7/2012	Single Family Dwelling	7,500
8351	Roof Replacement (ice & water)	5/14/2012	Single Family Dwelling	10,000
8354	Roof Replacement (ice & water)	5/15/2012	Single Family Dwelling	11,700
8353	Roof Replacement (ice & water)	5/15/2012	Single Family Dwelling	7,500
8363	Roof Replacement (ice & water)	5/19/2012	Single Family Dwelling	17,000
8369	Roof Replacement (ice & water)	5/22/2012	Single Family Dwelling	8,700
8380	Roof Replacement (ice & water)	5/31/2012	Single Family Dwelling	9,900
8377	Roof Replacement (ice & water)	5/31/2012	Single Family Dwelling	12,125
8387	Roof Replacement (ice & water)	6/5/2012	Single Family Dwelling	12,296
8391	Roof Replacement (ice & water)	6/6/2012	Single Family Dwelling	30,507
8379	Siding	5/31/2012	Single Family Dwelling	14,800

Class of Work: Repair

Permit # Description of Work

Date Issued

Use of Building

Valuation

Totals for Class of Work: Repair

Number of Permits = 33

Total Valuation = 355,494

Class of Work: Alter

Permit # Description of Work

Date Issued

Use of Building

Valuation

8430 Basement finish

6/27/2012

Single Family Dwelling

17,500

8428 Fireplace

6/22/2012

Residential

1,000

Totals for Class of Work: Alter

Number of Permits = 2

Total Valuation = 18,500

Class of Work: Demolition

Permit # Description of Work

Date Issued

Use of Building

Valuation

8260 demolition

1/11/2012

Single Family Dwelling

6,000

Totals for Class of Work: Demolition

Number of Permits = 1

Total Valuation = 6,000

Totals for Occupancy: R-3

Number of Permits = 117

Total Valuation = 9,899,153

Occupancy R-1

Class of Work: Remodel

Permit # Description of Work

Date Issued

Use of Building

Valuation

8412 window replacement/door

6/19/2012

Single Family Dwelling

23,636

Totals for Class of Work: Remodel

Number of Permits = 1

Total Valuation = 23,636

Totals for Occupancy: R-1

Number of Permits = 1

Total Valuation = 23,636

Occupancy S-1

Class of Work: Add

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8264	Communication Antenna	1/25/2012	Commercial	48,000
8403	Communication Antenna	6/11/2012	Commercial	12,500

*Totals for Class of Work: Add**Number of Permits = 2**Total Valuation = 60,500**Totals for Occupancy: S-1**Number of Permits = 2**Total Valuation = 60,500*Occupancy A-3Class of Work: Add

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8385	addition & remodel	5/31/2012	Church	1,370,000
1088	addition & remodel	6/4/2012	Church	1,370,000

*Totals for Class of Work: Add**Number of Permits = 2**Total Valuation = 2,740,000**Totals for Occupancy: A-3**Number of Permits = 2**Total Valuation = 2,740,000*Grand Total of All Permits Issued:*Number of Permits 156**Total Valuation = 13,221,609*



## MAYOR AND COUNCIL COMMUNICATION

DATE: 08/21/2012

**CONSENT**

ITEM #: 4

**MOTION** Consent Agenda

**AGENDA ITEM:** Approve Disbursements in the Amount of \$392,818.96

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Joan Ziertman, Finance Consultant

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$392,818.96. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**BACKGROUND INFORMATION:** The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operation. Below is a summary of current claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 9,740.46	Payroll Taxes to IRS & MN Revenue 8/9/2012
ACH	\$ 4,566.85	Payroll Retirement to PERA 8/9/12
DD4102 – DD4138	\$ 31,115.38	Payroll Dated 8/9/12 (Direct Deposit)
38740-38742	\$ 1,145.69	Payroll Dated 8/9/2012 (Payroll Paper Checks)
1556-1568	\$ 780.00	Accounts Payable Dated 8/21/12 (Library Checks)
38743-38806	\$ 344,967.91	Accounts Payable Dated 8/21/12
ACH	\$ 502.67	Accounts Payable Reliance 8/21/12
<b>TOTAL</b>	<b>\$ 392,818.96</b>	

**STAFF REPORT:** City staff has complied and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction.

**RECOMMENDATION:** It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$392,818.96.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to approve the August 21, 2012, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 8/21/2012

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

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

# Accounts Payable To Be Paid Proof List

User: joan z  
Printed: 08/16/2012 - 3:00 PM  
Batch: 003-08-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
ACEHARD Ace Hardware, Inc.											
125753	08/03/2012	50.23	0.00	08/21/2012	2 Window Repairs - Arts Building		-		No		0000
101-450-5200-44010	Repairs/Maint Bldg										
125753	Total:	50.23									
ACEHARD Total:											
		50.23									
ADVGR Advanced Graphics, Inc.											
186105	07/31/2012	14.90	0.00	08/21/2012	Equipment ID's		-		No		0000
410-480-8000-45400	Heavy Machinery										
186105	Total:	14.90									
ADVGR Total:											
		14.90									
AMERWATE WORKS ASSOCIATION AMERICAN WATER											
7000528598	07/31/2012	74.00	0.00	08/16/2012	AWWA Membership		-		No		0000
601-494-9400-44370	Conferences & Training										
7000528598	Total:	74.00									
AMERWATE Total:											
		74.00									
ARAM Aramark, Inc.											
629-7551752	08/02/2012	23.78	0.00	08/21/2012	Uniforms		-		No		0000
101-430-3100-44170	Uniforms										
629-7551752	Total:	23.78									
629-7553545	08/06/2012	156.02	0.00	08/21/2012	Monthly Rug Service, Station #2		-		No		0000
101-420-2220-44010	Repairs/Maint Bldg										
629-7553545	Total:	156.02									
629-7553546	08/06/2012	38.22	0.00	08/21/2012	Linen City Hall		-		No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
629-7553546	Total:	38.22									
629-7553547	08/06/2012	154.25	0.00	08/21/2012	Monthly Rug Service, Station #1		-		No		0000
101-420-2220-44010	Repairs/Maint Bldg										
629-7553547	Total:	154.25									



Invoice #	Inv Date	Amount	Quantity	Print Date	Description	Reference	Task	Type	PO #	Close	PO Line #
629-755643	08/16/2012	23.81	0.00	08/21/2012	Uniforms		-		No		0000
101-430-3100-44170	Uniforms										
629-755643	Total:	23.81									
629-7558383	08/13/2012	31.62	0.00	08/21/2012	Monthly Rug Service - Annex		-		No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
629-7558383	Total:	31.62									
ARAM	Total:	427.70									
<hr/>											
BENDEL Bendel Cathy	08/14/2012	154.04	0.00	08/21/2012	Food For Elections		-		No		0000
08/14/2012	Miscellaneous										
101-410-1410-44300	08/14/2012	154.04									
BENDEL	Total:	154.04									
<hr/>											
CARQUEST Car Quest Auto Parts	08/08/2012	29.13	0.00	08/21/2012	Wire Set Lift Gate 98-1		-		No		0000
2055-266126	Equipment Parts										
101-450-5200-42210	2055-266126	29.13									
2055-266222	Shop Materials										
101-450-5200-42150	2055-266222	3.42	0.00	08/21/2012	9 Volt Battery Pack		-		No		0000
6971-265506	08/01/2012	280.02	0.00	08/21/2012	Woodchipper belts 98-4		-		No		0000
101-430-3100-44040	Repairs/Maint Eqpt										
6971-265506	Total:	280.02									
6971-265684	08/03/2012	44.21	0.00	08/21/2012	Misc Shop Supplies		-		No		0000
101-430-3100-44040	Repairs/Maint Eqpt										
6971-265684	08/03/2012	22.26	0.00	08/21/2012	Oil Filter Mini Lamps		-		No		0000
101-430-3100-42210	Equipment Parts										
6971-265684	Total:	66.47									
CARQUEST	Total:	379.04									
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COMCAST COMCAST	07/27/2012	7.90	0.00	08/21/2012	Monthly Service		-		No		0000
07/27/2012	Miscellaneous										
101-420-2220-44300	07/27/2012	7.90									
COMCAST	Total:	7.90									
<hr/>											
COMPENSA Compensation Consultants, Ltd	08/01/2012	40.00	0.00	08/21/2012	Monthly FSA Admin Fee August 2012		-		No		0000
August 2012	Miscellaneous										
101-410-1320-44300	August 2012	40.00									
COMCAST	Total:	40.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
COMPENSA Total:		40.00									
CTYBLOOM City of Bloomington											
July 2012	07/31/2012	30.00	0.00	08/21/2012	Lab Bacteria Tests		-		No		0000
601-494-9400-42270	Utility System Maintenance										
July 2012 Total:		30.00									
CTYBLOOM Total:		30.00									
CTYHUGO City of Hugo											
August 12	08/03/2012	4,364.50	0.00	08/21/2012	Building Inspector Services		-		No		0000
101-420-2400-43150	Inspector Contract Services										
August 12	08/03/2012	651.02	0.00	08/21/2012	Building Inspector - Mileage		-		No		0000
101-420-2400-43310	Mileage										
August 12	08/03/2012	7,703.06	0.00	08/21/2012	Building Inspector - Plan Review		-		No		0000
101-420-2400-43050	Plan Review Charges										
August 12 Total:		12,718.58									
CTYHUGO Total:		12,718.58									
CTYOAKDA City of Oakdale											
10000460-01	07/31/2012	13,656.44	0.00	08/21/2012	Water Service I-94		-		No		0000
601-494-9400-43820	Water Utility										
10000460-01 Total:		13,656.44									
CTYOAKDA Total:		13,656.44									
CTYROSEV City of Roseville											
216307	08/02/2012	1,652.08	0.00	08/21/2012	Monthly IT Services August 2012		-		No		0000
101-410-1450-43180	Information Technology/Web										
216307 Total:		1,652.08									
CTYROSEV Total:		1,652.08									
EMBROIDM Embroidine of Roseville											
E 18972	08/07/2012	618.00	0.00	08/21/2012	Staff Polo Shirts		-		No		0000
101-410-1320-44300	Miscellaneous										
E 18972 Total:		618.00									
EMBROIDM Total:		618.00									
EMERGAP Emergency Apparatus Maint. INC											
62679	08/08/2012	657.28	0.00	08/21/2012	Repair Lights on L1		-		No		0000
101-420-2220-44040	Repairs/Maint Eqpt										
62679 Total:		657.28									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
62933	08/08/2012	1,678.94	0.00	08/21/2012	Repairs to L1		-		No		0000
101-420-2220-44040	Repairs/Maint Eght										
62933 Total:		1,678.94									
62937	08/08/2012	512.10	0.00	08/21/2012	Repairs to T2		-		No		0000
101-420-2220-44040	Repairs/Maint Eght										
62937 Total:		512.10									
62985	08/08/2012	327.37	0.00	08/21/2012	Repairs to E1		-		No		0000
101-420-2220-44040	Repairs/Maint Eght										
62985 Total:		327.37									
EMERGAPP Total:		3,175.69									
EMERGALT Emergency Automotive tech, Inc											
20840	08/07/2012	270.00	0.00	08/21/2012	Repair Emergency Lights on L1		-		No		0000
101-420-2220-44040	Repairs/Maint Eght										
20840 Total:		270.00									
EMERGALT Total:		270.00									
ENVENTIS ENVENTIS											
737500	08/01/2012	443.75	0.00	08/16/2012	Telephone/Data Service - PW July		-		No		0000
101-430-3100-43210	Telephone				2012						
737500 Total:		443.75									
738507	08/01/2012	555.06	0.00	08/16/2012	Telephone/Data Service - CH July		-		No		0000
101-410-1940-43210	Telephone				2012						
738507 Total:		555.06									
ENVENTIS Total:		998.81									
HAGBERGS Hagbergs County Market											
08/11/2012	08/11/2012	47.49	0.00	08/16/2012	Election Food 8/14/12		-		No		0000
101-410-1410-44300	Miscellaneous										
08/11/2012 Total:		47.49									
HAGBERGS Total:		47.49									
JOHNSON& Johnson & Turner Attorneys											
July 2012	08/07/2012	325.00	0.00	08/21/2012	Legal Services - Civil		-		No		0000
101-410-1320-43040	Legal Services										
July 2012	08/07/2012	715.00	0.00	08/21/2012	Legal Services - Well #4		-		No		0000
601-494-9400-43040	Legal Services										
July 2012	08/07/2012	4,250.00	0.00	08/21/2012	Legal Services - Prosecution		-		No		0000
101-420-2150-43045	Attorney Criminal										
July 2012	08/07/2012	227.50	0.00	08/21/2012	Legal Services - Whistling Valley		-		No		0000
101-410-1910-43040	Legal Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
July 2012	08/07/2012	5,647.86	0.00	08/21/2012	Legal Services - Detachment Petition		-	No		0000
101-410-1320-43040	Legal Services							No		0000
July 2012	08/07/2012	630.50	0.00	08/21/2012	Legal Services - 3M		-	No		0000
601-494-9400-43040	Legal Services							No		0000
July 2012	08/07/2012	78.00	0.00	08/21/2012	Legal Services - Library		-	No		0000
206-450-5300-43040	Legal Services							No		0000
July 2012 Total:		11,873.86								
JOHNSON& Total:		11,873.86								
KRIEGLER Carol Kriegler										
08/14/2012	08/14/2012	124.48	0.00	08/21/2012	Frames for Signs		-	No		0000
204-450-5200-44300	Miscellaneous							No		0000
08/14/2012 Total:		124.48								
KRIEGLER Total:		124.48								
LEOIL Lake Elmo Oil, Inc.										
07/31/2012	07/31/2012	193.02	0.00	08/21/2012	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids							No		0000
07/31/2012 Total:		193.02								
Multiple	07/31/2012	4,399.10	0.00	08/16/2012	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids							No		0000
Multiple Total:		4,399.10								
LEOIL Total:		4,592.12								
Lillie Newspapers Inc. Lillie Stuburban										
07/31/2012	07/31/2012	159.40	0.00	08/16/2012	Legal Publications		-	No		0000
101-410-1320-43510	Legal Publishing							No		0000
07/31/2012	07/31/2012	159.40	0.00	08/21/2012	Legal Publications		-	No		0000
101-410-1320-43510	Legal Publishing							No		0000
07/31/2012 Total:		318.80								
Lillie Total:		318.80								
LOFF Lofter Companies, Inc.										
1423745	07/02/2012	638.67	0.00	08/16/2012	Copy Machine Overages & Base		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt				8/31/12			No		0000
1423745 Total:		638.67								
LOFF Total:		638.67								
MARBYCOM Marby Companies										
413	08/12/2012	80.00	0.00	08/21/2012	Lawn Mowing for foreclosed Property		-	No		0000
101-420-2400-43150	Inspector Contract Services							No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
		413 Total:									
		MARBYCOM Total:	80.00								
MARONEY'S Maroney's Sanitation, Inc											
442381	08/07/2012	108.32	0.00	08/16/2012	Waste Removal - City Hall		-	No		0000	
101-410-1940-43840	Refuse										
442381	08/07/2012	47.68	0.00	08/16/2012	Waste Removal - Fire		-	No		0000	
101-420-2220-43840	Refuse										
442381	08/07/2012	207.82	0.00	08/16/2012	Waste Removal - Public Works		-	No		0000	
101-430-3100-43840	Refuse										
442381	08/07/2012	246.45	0.00	08/16/2012	Waste Removal - Parks		-	No		0000	
101-450-5200-43840	Refuse										
		442381 Total:	610.27								
		MARONEY'S Total:	610.27								
MENARDSDO Menards - Oakdale											
22248	07/30/2012	9.04	0.00	08/21/2012	Hardware		-	No		0000	
101-430-3100-44300	Miscellaneous										
		22248 Total:	9.04								
22386	07/30/2012	3.20	0.00	08/21/2012	Hardware		-	No		0000	
101-430-3100-44300	Miscellaneous										
		22386 Total:	3.20								
24668	08/06/2012	24.03	0.00	08/21/2012	Ballast for Interim Library		-	No		0000	
206-450-5300-44300	Miscellaneous										
		24668 Total:	24.03								
25689	08/09/2012	137.95	0.00	08/21/2012	Paint & Supplies - Park Shelter		-	No		0000	
101-450-5200-44010	Repairs/Maint Bldg										
		25689 Total:	137.95								
26006	08/10/2012	37.16	0.00	08/21/2012	Supplies for training Burn house		-	No		0000	
101-420-2220-44370	Conferences & Training										
		26006 Total:	37.16								
		MENARDSDO Total:	211.38								
MENARDSDT Menards - Stillwater											
96812	08/03/2012	369.55	0.00	08/21/2012	Tools for FF's		-	No		0000	
101-420-2220-42400	Small Tools & Equipment										
		96812 Total:	369.55								
		MENARDSDT Total:	369.55								
MIES Municipal Emergency Services											
00333727	08/03/2012	4,036.96	0.00	08/21/2012	2 set of turnout gear		-	No		0000	
703-420-2220-45800	Other Equipment										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
00334343	08/03/2012	4,036.96									
101-420-2220-42400	Small Tools & Equipment	858.76	0.00	08/21/2012	Hose & Strainer		-	No		0000	
00334343	Total:	858.76									
MES	Total:	4,895.72									
METCOU Metropolitan Council											
995721	08/02/2012	1,081.28	0.00	08/21/2012	Monthly Wastewater Service - August		-	No		0000	
602-495-9450-43820	Sewer Utility - Met Council	1,081.28			12						
995721	Total:	1,081.28									
METCOU	Total:	1,081.28									
MFRA McCombs Frank Roos Assoc Inc.											
70974	08/01/2012	934.20	0.00	08/21/2012	Planning Services - July 2012		-	No		0000	
101-410-1910-43150	Contract Services	934.20									
70974	Total:	934.20									
MFRA	Total:	934.20									
MILLEREX Miller Excavating, Inc.											
16462	07/27/2012	180.00	0.00	08/21/2012	Grading Gravel Roads		-	No		0000	
101-430-3120-43150	Contract Services	180.00									
16462	Total:	180.00									
MILLEREX	Total:	180.00									
MN Fall MN Fall Expo											
Registration	08/15/2012	75.00	0.00	08/16/2012	Equipment & Maint Expo (3 People)		-	No		0000	
101-430-3100-44170	Uniforms	75.00									
Registration	Total:	75.00									
MN Fall	Total:	75.00									
MNLABOR DEPT of LABOR & INDUSTRY											
ABR00514071	08/03/2012	10.00	0.00	08/21/2012	Pressure Vessel Permit		-	No		0000	
601-494-9400-44300	Miscellaneous	10.00			#ABR00514071						
ABR00514471	08/03/2012	10.00	0.00	08/21/2012	Pressure Vessel Permit		-	No		0000	
101-420-2220-44300	Miscellaneous	10.00			#ABR00514471						
ABR00517441	08/03/2012	10.00	0.00	08/21/2012	Pressure Vessel Permit		-	No		0000	
101-430-3100-44300	Miscellaneous	10.00			#ABR00517441						
ABR00517441	Total:	10.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
ABR00518641	08/03/2012	10.00	0.00	08/21/2012	Pressure Vessel Permit		-	No		0000	
101-430-3100-44300	Miscellaneous				#ABR00518641						
	ABR00518641 Total:	10.00									
	MNLABOR Total:	40.00									
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MNPLAYGR Minnesota Playground Inc.											
2012213	08/06/2012	3,977.51	0.00	08/21/2012	Rubber Surface Replacement Lions Park		-	No		0000	
404-480-8000-45300	Improvements Other Than Bldgs										
	2012213 Total:	3,977.51									
	MNPLAYGR Total:	3,977.51									
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MNSECRET Minnesota Secretary of State											
08/14/2012	08/14/2012	120.00	0.00	08/21/2012	Notary Application Fee - Adam Bell		-	No		0000	
101-410-1320-44330	Dues & Subscriptions										
	08/14/2012 Total:	120.00									
	MNSECRET Total:	120.00									
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OAKDRC Oakdale Rental Center											
10083928	07/31/2012	261.84	0.00	08/21/2012	Excavator Rental Stormwater Ditch		-	No		0000	
603-496-9500-44030	Repairs/Maint Not Bldg										
	10083928 Total:	261.84									
	OAKDRC Total:	261.84									
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ONECALL Gopher State One Call											
43409	08/01/2012	172.65	0.00	08/21/2012	Line Locates - July 2012		-	No		0000	
101-430-3100-43150	Contract Services										
	43409 Total:	172.65									
	ONECALL Total:	172.65									
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PINKY Pinky's Sewer Service, Inc.											
08/02/2012	08/02/2012	285.00	0.00	08/21/2012	Pump Septic tank - City Hall		-	No		0000	
101-410-1940-44010	Repairs/Maint Contractual Bldg										
	08/02/2012 Total:	285.00									
	PINKY Total:	285.00									
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PRESSA Anastasia Press											
08/13/2012	08/13/2012	68.75	0.00	08/16/2012	Planning Commission Meeting 8/13/12		-	No		0000	
101-410-1450-43620	Cable Operations										
	08/13/2012 Total:	68.75									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
PRESSA Total:		68.75									
PROSTAFF PROSTAFF											
102-863110	07/08/2012	620.00	0.00	08/21/2012	Temp Service W/E 6/24/12		-	No		0000	
101-410-1320-43150	Contract Services										
102-863110	Total:	620.00						No		0000	
101-410-1320-43150	Contract Services	620.00	0.00	08/21/2012	Temp Service W/E 7/29/12		-	No		0000	
102-867225	08/12/2012	620.00									
101-410-1320-43150	Contract Services	620.00	0.00	08/21/2012	Temp Service W/E 8/5/12		-	No		0000	
102-868460	08/19/2012	620.00									
101-410-1320-43150	Contract Services	620.00									
102-868460	Total:	1,860.00									
PROSTAFF Total:		1,860.00									
QUALAIR Quality Air Inc.											
08/06/2012	08/06/2012	272.00	0.00	08/21/2012	Fix Air Conditioning Unit at City Hall		-	No		0000	
101-410-1940-44010	Repairs/Maint Contractual Bldg	272.00									
08/06/2012	Total:	272.00									
QUALAIR Total:		272.00									
RELIANC Reliance Standard Life											
07/01/12	06/16/2012	93.19	0.00	08/21/2012	Life Insurance		-	No		0000	
101-000-0000-21706	Medical Insurance										
07/01/12	06/16/2012	13.31	0.00	08/21/2012	AD & D Insurance		-	No		0000	
101-000-0000-21708	Other Benefits	193.50	0.00	08/21/2012	LTD Insurance		-	No		0000	
07/01/12	06/16/2012	134.67	0.00	08/21/2012	STD Insurance		-	No		0000	
101-000-0000-21708	Other Benefits	434.67									
07/01/12	Total:	434.67									
RELIANC Total:		434.67									
RIVERCTY RIVER CITY SERVICES											
1137	08/12/2012	180.00	0.00	08/21/2012	Playground Border Disposal -		-	No		0000	
101-450-5200-44030	Repairs/Maint Imp Net Bldgs	180.00			Demontrev						
1137	Total:	180.00									
RIVERCTY Total:		180.00									
RIVRCOOP River County Cooperative											
07/31/2012	07/31/2012	726.29	0.00	08/21/2012	Fuel		-	No		0000	
101-420-2220-42120	Fuel, Oil and Fluids										



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
	07/31/2012 Total:	726.29									
	RIVRCOOP Total:	726.29									
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ROGERS Rogers Printing Services, Corp											
18823	08/1/2012	44.89	0.00	08/16/2012	Business Cards - Adam Bell		-		No		0000
101-410-1320-42030	Printed Forms										
	18823 Total:	44.89									
ROGERS Total:		44.89									
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S&T S&T Office Products, Inc.											
01PH6273	08/02/2012	9.49	0.00	08/16/2012	Election Supplies		-		No		0000
101-410-1410-42000	Office Supplies										
	01PH6273 Total:	9.49									
01PH8425	08/02/2012	27.57	0.00	08/16/2012	Name Plate & Badge - Adam Bell		-		No		0000
101-410-1320-42000	Office Supplies										
	01PH8425 Total:	27.57									
01PH8938	08/02/2012	430.46	0.00	08/16/2012	Office Supplies		-		No		0000
101-410-1320-42000	Office Supplies										
01PH8938	08/02/2012	98.47	0.00	08/16/2012	Election Supplies		-		No		0000
101-410-1410-42000	Office Supplies										
	01PH8938 Total:	528.93									
S&T Total:		565.99									
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SACHSJM James Sachs											
CK Copy	07/23/2012	23.00	0.00	08/21/2012	Waste Water Certification Renewal		-		No		0000
601-494-9400-44370	Conferences & Training										
	CK Copy Total:	23.00									
SACHSJM Total:		23.00									
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SAMSCLUB Sam's Club											
08/03/2012	08/03/2012	150.19	0.00	08/21/2012	Camera for CV2 @ Scenes		-		No		0000
101-420-2220-42230	Building Repair Supplies										
	08/03/2012 Total:	150.19									
08/10/2012	08/10/2012	100.90	0.00	08/16/2012	Station Supplies		-		No		0000
101-420-2220-44300	Miscellaneous										
	08/10/2012 Total:	100.90									
08/13/2012	08/13/2012	136.91	0.00	08/21/2012	Elections - Food		-		No		0000
101-410-1410-44300	Miscellaneous										
	08/13/2012 Total:	136.91									
SAMSCLUB Total:		388.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
STANTEC Stantec Consulting Services	07/30/2012	1,465.44	0.00	08/21/2012	2012 Street & Water Quality Improve		-	No		0000	
419-480-8000-43030 Engineering Services	07/30/2012	1,465.44									
STANTEC Total:		1,465.44									
STATE OF State of MN Dept of Public	08/12/2012	25.00	0.00	08/21/2012	Hazardous Chemical Inventory Fee		-	No		0000	
2011 M-53744											
101-430-3100-44330 Dues & Subscriptions	2011 M-53744	25.00									
STATE OF Total:		25.00									
STILLMED Stillwater Medical Group	08/09/2012	1,483.38	0.00	08/21/2012	Physicals and Vaccinations		-	No		0000	
101-420-2220-43050 Physicals	08/09/2012	1,483.38									
STILLMED Total:		1,483.38									
TASCH T.A. Schiffsky & Sons Inc	07/17/2012	70.97	0.00	08/21/2012	Asphalt		-	No		0000	
53510											
101-430-3120-42240 Steel Maintenance Materials	53510	70.97									
53609	07/30/2012	141.92	0.00	08/21/2012	Asphalt		-	No		0000	
101-430-3120-42240 Steel Maintenance Materials	53609	141.92									
TASCH Total:		212.89									
TDS TDS METROCOM - LLC	08/13/2012	183.16	0.00	08/21/2012	Analog Lines - Fire		-	No		0000	
651-779-8882											
101-420-2220-43210 Telephone	08/13/2012	183.63	0.00	08/21/2012	Analog Lines - Public Works		-	No		0000	
651-779-8882											
101-430-3100-43210 Telephone	08/13/2012	129.42	0.00	08/21/2012	Analog Lines - Lift Station Alarms		-	No		0000	
651-779-8882											
602-495-9450-43210 Telephone	08/13/2012	45.34	0.00	08/21/2012	Alarm - Well House #2		-	No		0000	
651-779-8882											
601-494-9400-43210 Telephone	651-779-8882	541.55									
TDS Total:		541.55									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
TESSMAN Tessman Company Corp											
S164298-IN	08/09/2012	115.25	0.00	08/21/2012	Herbicide		-		No		0000
603-496-9500-44030	Repairs/Maint Not Bldg								No		0000
S164298-IN	08/09/2012	44.75	0.00	08/21/2012	Field Marking Chalk		-		No		0000
101-450-5200-42250	Landscaping Materials								No		0000
S164298-IN	Total:	160.00							No		0000
TESSMAN	Total:	160.00							No		0000
THONESAN Thome Sandie											
08/01/2012	08/01/2012	1,640.00	0.00	08/21/2012	Tuition Reimbursement - Coursework		-		No		0000
101-410-1320-44370	Conferences & Training								No		0000
08/14/2012	08/01/2012	1,640.00							No		0000
101-410-1410-44300	Miscellaneous	155.38	0.00	08/21/2012	Election Supplies and Mileage		-		No		0000
08/14/2012	08/14/2012	155.38							No		0000
THONESAN	Total:	1,795.38							No		0000
TOWNCTRY Town & County Cleaning Co											
812318	08/01/2012	245.81	0.00	08/21/2012	August Janitorial Service		-		No		0000
101-420-2220-44010	Repairs/Maint Bldg								No		0000
812318	Total:	245.81							No		0000
TOWNCTRY	Total:	245.81							No		0000
TREGILGA Tregilgas Michael											
08/08/2012	08/08/2012	55.00	0.00	08/16/2012	City Council Meeting 8/8/12		-		No		0000
101-410-1450-43620	Cable Operations								No		0000
08/08/2012	08/08/2012	55.00							No		0000
TREGILGA	Total:	55.00							No		0000
UNITEDPR NorthMary											
06/30/2012	06/30/2012	145.00	0.00	08/21/2012	First Half 2012 OEA costs		-		No		0000
101-410-1320-44300	Miscellaneous								No		0000
06/30/2012	06/30/2012	145.00							No		0000
UNITEDPR	Total:	145.00							No		0000
VISALE40 VISA											
8040	08/14/2012	44.00	0.00	08/21/2012	Lake Elmo Days License		-		No		0000
204-450-5200-44300	Miscellaneous								No		0000
8040	08/14/2012	491.70	0.00	08/21/2012	10" Sliding Miter Saw		-		No		0000
101-450-5200-42400	Small Tools & Minor Equipment								No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
8040	08/14/2012	398.75	0.00	08/21/2012	Landscape Material		-	No		0000	
101-450-5200-42250	Landscaping Materials										
8040	08/14/2012	551.67	0.00	08/21/2012	3 GPS Navigator		-	No		0000	
101-420-2229-42400	Small Tools & Equipment										
8040	08/14/2012	6.00	0.00	08/21/2012	Scribble Service		-	No		0000	
101-410-1320-42000	Office Supplies										
8040	Total:	1,492.12									
VISALE40	Total:	1,492.12									
<hr/>											
WAS-SHER Washington County											
73000	08/01/2012	244,733.20	0.00	08/21/2012	Law Enforcement Services - Jan-June		-	No		0000	
101-420-2100-43150	Law Enforcement Contract				2012						
73000	Total:	244,733.20									
WAS-SHER	Total:	244,733.20									
<hr/>											
XCEL Xcel Energy											
51-4504807-7	08/16/2012	81.41	0.00	08/21/2012	Lights @ Legion Park		-	No		0000	
101-450-5200-43810	Electric Utility										
51-4504807-7	08/16/2012	91.44	0.00	08/21/2012	Lift Station		-	No		0000	
602-495-9450-43810	Electric Utility										
51-4504807-7	08/16/2012	34.94	0.00	08/21/2012	Traffic Lights		-	No		0000	
101-430-3160-43810	Street Lighting										
51-4504807-7	Total:	207.79									
51-4580376-5	08/16/2012	648.83	0.00	08/21/2012	City Hall		-	No		0000	
101-410-1940-43810	Electric Utility										
51-4580376-5	08/16/2012	32.56	0.00	08/21/2012	Traffic Lights		-	No		0000	
101-430-3160-43810	Street Lighting										
51-4580376-5	08/16/2012	468.00	0.00	08/21/2012	City Hall		-	No		0000	
101-410-1940-43810	Electric Utility										
51-4580376-5	Total:	1,149.39									
51-5356323-8	08/16/2012	3,434.66	0.00	08/21/2012	Wells 1 & 2		-	No		0000	
601-494-9400-43810	Electric Utility										
51-5356323-8	Total:	3,434.66									
51-5522332-2	08/16/2012	42.39	0.00	08/21/2012	Traffic Lights		-	No		0000	
101-430-3160-43810	Street Lighting										
51-5522332-2	Total:	42.39									
51-6736544-2	08/16/2012	1,867.19	0.00	08/21/2012	Street Lights		-	No		0000	
101-430-3160-43810	Street Lighting										
51-6736544-2	Total:	1,867.19									
51-6956201-4	08/16/2012	346.95	0.00	08/21/2012	VFW Ballfield Lights		-	No		0000	
101-450-5200-43810	Electric Utility										
51-6956201-4	Total:	346.95									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
XCEL Total:		7,048.37									
YALEMECH Yale Mechanical	07/30/2012										
132033		528.60	0.00	08/21/2012	Fix Heating & Cooling Unit in Annex		-	No		0000	
101-410-1940-44010	Repairs/Maint Contractual Bldg										
132033	Total:	528.60									
YALEMECH Total:		528.60									
ZAWADSKI Zawadski Homes, Inc	08/16/2012	15,000.00	0.00	08/21/2012	Refund of Building Permit Escrow		-	No		0000	
Chk Req					#8245						
803-000-0000-22900	Deposits Payable	15,000.00									
Chk Req	Total:	15,000.00									
ZAWADSKI Total:		15,000.00									
ZIERTMAN Joan Ziertman	08/15/2012	53.55	0.00	08/21/2012	Printer - Utility Billing		-	No		0000	
601-494-9400-42000	Office Supplies										
08/15/2012	Total:	53.55									
ZIERTMAN Total:		53.55									
ZULEGER Zuleger Dean	08/15/2012	261.80	0.00	08/16/2012	Mileage		-	No		0000	
101-410-1320-43310	Mileage										
08/15/2012	Total:	261.80									
ZULEGER Total:		261.80									
Report Total:		344,967.91									



## MAYOR AND COUNCIL COMMUNICATION

DATE: 08/21/2012

**CONSENT**

ITEM #: 5

**MOTION**

**AGENDA ITEM:** Conditional Job Offer to Probationary Firefighters: Dominic Jara, Christopher Supan, Alexander Hilpisch, Michael Neuman, Thomas Hilpisch, Richard Gimpel and Dan LeVasseur.

**SUBMITTED BY:** Greg Malmquist, Fire Chief

**THROUGH:** Dean A. Zuleger, City Administrator

**SUMMARY AND ACTION REQUESTED:** The City Council is requested to make conditional job offers to Dominic Jara, Christopher Supan, Alexander Hilpisch, Michael Neuman, Thomas Hilpisch, Richard Gimpel and Dan LeVasseur as Probationary Firefighters in the department contingent on their passing physicals and psychological screening as well as any other unresolved requirements.

**STAFF REPORT:** Prior to the physical and psychological screening, they must have met the following requirements; background check, attended three meetings, ability test and interview process. Upon successful completion of the physical and screening they shall be placed on probation status with the fire department.

**RECOMMENDATION:** Chief Greg Malmquist recommends approval of the conditional job offers.



## MAYOR AND COUNCIL COMMUNICATION

DATE: 08/21/2012

**CONSENT**

ITEM #: 6

**MOTION** Consent Agenda

**AGENDA ITEM:** Resolution 2012-40 Approving State of Minnesota Joint Powers Agreements with the City of Lake Elmo on Behalf of its City Attorney and Sheriff's Office

**SUBMITTED BY:** Sandie Thone, City Clerk

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Dave Snyder, City Attorney

### **SUMMARY AND ACTION REQUESTED:**

As part of the Consent Agenda the City Council is requested to consider approval of Resolution 2012-40 Approving State of Minnesota Joint Powers Agreements with the City of Lake Elmo on Behalf of its City Attorney and Sheriff's Office. The approval is inclusive of the State of Minnesota Joint Powers Agreement Criminal Justice Agency and the Court Data Services Subscriber Amendment to CJDN Subscriber Agreement.

### **STAFF REPORT:**

The City of Lake Elmo on behalf of its Prosecuting Attorney and Sheriff's Office desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the city is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

Washington County Sheriff, William M. Hutton, or his successor, is designated the Authorized Representative for the Sheriff's Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State. City Attorney, David K. Snyder, or his successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State. To assist the Authorized Representative

with the administration of the agreement, Mayor Dean Johnston is appointed as both Representatives designee. Dean Johnston, the Mayor for the City of Lake Elmo, and Sandie Thone, the City Clerk for the City of Lake Elmo, are authorized to sign the State of Minnesota Joint Powers Agreements.

**RECOMMENDATION:**

*Staff recommends the City Council approve Resolution 2012-40 Approving State of Minnesota Joint Powers Agreements with the City of Lake Elmo on Behalf of its City Attorney and Sheriff's Office. This approval is inclusive of the State of Minnesota Joint Powers Agreement Criminal Justice Agency and the Court Data Services Subscriber Amendment to CJDN Subscriber Agreement.*



# JOHNSON / TURNER

ATTORNEYS AT LAW & MEDIATION CENTER

July 25, 2012

Dean Zuleger  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Re: *City of Lake Elmo - Prosecution*

Dear Dean:

Enclosed, please find the following documents that are required to allow our firm to utilize and access the State's Criminal Justice Data Communications Network ("CDJN") electronically:

1. State of Minnesota Joint Powers Agreement Criminal Justice Agency (6 copies);
2. Court Data Services Subscriber Amendment to CDJN Subscriber Agreement (6 copies); and
3. Sample Resolution Approving State of Minnesota Joint Powers Agreement with the City of Lake Elmo on Behalf of Its City Attorney and Arresting Agency.

I kindly request that you obtain signatures to the Joint Powers Agreement and Court Data Services Amendment (6 copies of each) from the Mayor and City Clerk, pursuant to Minn. Stat. § 412.201.

Additionally, the Bureau of Criminal Apprehension requires that we provide them with a signed Resolution approving the Joint Powers Agreement, a sample of which is attached.

Please return these documents to our office in the self-addressed stamped envelope. If you have any questions regarding this matter, please do not hesitate to contact me. Thank you.

*mlc*


56 E. Broadway Ave. #206 Forest Lake, MN 55025	12425 55th Street N. Lake Elmo, MN 55042	539 Bielenberg Dr., #200 Woodbury, MN 55125	p 651.464.7292 f 651.464.7348
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[www.johnsonandturner.com](http://www.johnsonandturner.com)

Dean Zuleger  
City of Lake Elmo  
July 25, 2012  
Page 2

Sincerely,

JOHNSON/TURNER  
ATTORNEYS AT LAW

A handwritten signature in black ink, appearing to read "Sarah B. Sicheneder". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Sarah B. Sicheneder  
SBS/mah

Enclosures



## MAYOR & COUNCIL COMMUNICATION

DATE: August 21, 2012

**REGULAR**

ITEM #: 8

**MOTION**

**\*\*\*NOTE: This Memo was provided to the Council on July 17, 2012. The issue was tabled for consideration when a full Council was present.**

**AGENDA ITEM:** Administrator's Report: Organized Collection Feasibility & Proposed 2014 Plan of Work Schedule

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** Mayor Johnston

**REVIEWED BY:** Dean Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** To approve a schedule to commence planning to transition the City of Lake Elmo from open collection of residential solid waste to organized collection of solid waste in FY 2014.

**BACKGROUND INFORMATION:** Currently the City of Lake Elmo is served by (5) different residential licensed trash haulers and (2) additional commercial trash haulers based on individual or homeowner's association preference / choice. Each of these trash haulers also provides varying degrees of recycling services to their customers. In an effort to understand the impact of multiple haulers, the City of Lake Elmo began exploring the possibility of organized collection in 2011 through the acquisition of data, observation of the City of Maplewood's transition from open source to organized collection (the only MN municipality to convert in 20 years), and taxpayer / HOA input. The reasons for the investigation were four-fold;

1. Reduce the impact / maintenance costs on the local road system;
2. Provide a cost savings to Lake Elmo Residents;
3. Environmental Stewardship; and
4. Improved trash collection and recycling.

After further review, a fifth reason emerged in the form of liability protection / indemnification of the individual waste generator (homeowner).

**STAFF REPORT:** Since early 2012, City staff has been concentrating specifically on the structural impact open source collection has on Lake Elmo's road system. It is generally reported in the literature (MN DOT) that one garbage truck is the equivalent of 1,000 car trips on a roadway per day. Add in recycling trucks and the impact can be as much as 1,500 car trips per

day. In some neighborhoods, where haulers are on local streets (5) days per week this is an extra 5,000-6,500 car trips per week or 260,000 -380,000 per year. Recent studies conducted by neighboring Roseville notes that organized collection would add an estimated five to ten years in the useful life of a street and potentially save up to \$376,000 in street maintenance cost per year, subsequently saving taxpayers \$20-\$40 per year (MPCA, Feb. 2012). Similarly, Oakdale's engineering staff projects that reducing the number of haulers from five to one hauler would conservatively reduce street maintenance costs by 4 percent per year. With Lake Elmo's street system lagging in general maintenance, the impact of five haulers on road conditions could be exponentially higher.

In recent weeks, analysis and data gleaned from communities using open source collection vs. organized collection have shown considerable savings to the average resident in an organized community. The Maplewood experience has yielded a \$1.6 million in city-wide residential savings or over a 50% decrease in annual costs to residents – including recycling fees. Based on MPCA analysis presented at the recent League of Minnesota Cities Annual Conference (June 2012), residents can expect to see a 30-35% reduction in their monthly fee by switching to organized collection.

Staff had recently begun to analyze the environmental benefits and collection / recycling improvements that result from organized collection, so no general conclusions can be made at this time. On the issue of hold harmless liability protection or indemnification, staff has just begun an evaluation of each hauler's terms of agreement.

Based on preliminary data analysis, the City Administrator believes that there are significant potential benefits and cost savings in switching from an open source collection system to an organized system. Therefore, it was recommended that the City of Lake Elmo adopt the following schedule (per MN State Statutes) to transition to organized collection:

1. Report on Impacts of Organized Collection on City Road System --- February 2014
2. Economic Analysis on Taxpayer Benefits to Organized Collection - May 2014
3. Recycling / Environmental Analysis – July 2014
4. Adoption of Resolution (per State Statute) to begin Official Planning Process for Reviewing Options for Trash Collection – September 2014
5. Determination of Method of Organized Collection (universal vs. sector based organized collection, separate recycling providers et al) – November 2014
6. RFP Development and Distribution – December 2014 (90 day response period)
7. Selection of Organized Collection Purveyors – March 2015

After considerable discussion, the City Council decided that it might be best, based on current workload, to postpone any work on organized collection until the beginning of fiscal year 2014. Since that time there has been an offer from the MN Chapter of the National Solid Wastes Management Association to provide resources in the City's study of organized collection. The NSWMA has also made a data records request to be informed of any or all matters concerning the contemplation of organized collection.

**RECCOMENDATION:**

**“To hold off on any further consideration, study, or the use of staff resources on the issue of organized collection until 2014”.**

**SUGGESTED ORDER OF BUSINESS:**

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



## MAYOR AND COUNCIL COMMUNICATION

DATE: 8/21/2012

**REGULAR**

ITEM #: 9

**MOTION**

**AGENDA ITEM:** Authorization to Submit Comprehensive Plan Amendment for Adjacent Community Review

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Planning Director

### SUMMARY AND ACTION REQUESTED:

Staff is seeking authorization from the City Council to distribute the City's proposed Comprehensive Plan Amendment to adjacent communities and jurisdictions for official review. Comprised of the Land Use and Housing chapters, the proposed amendment to the Comprehensive Plan is a result of a long planning process, involving significant public engagement and review. The Planning Commission recommended approval the Comprehensive Plan Amendment with some minor revisions at a meeting on August 13, 2012. Submitting the proposed Comprehensive Plan Amendment for adjacent community review is a required step in the process to amend the City's Comprehensive Plan. After this step has been completed, the application for a Comprehensive Plan Amendment is deemed complete and may be submitted to the Metropolitan Council for review.

### BACKGROUND INFORMATION:

The current draft of the proposed Comprehensive Plan Amendment is the result of significant work, engagement, review and revision by many dedicated members of the Lake Elmo City Council, Planning Commission, and community as a whole. More specifically, the proposed Land Use Plan for the I-94 Corridor is the product of the I-94 Corridor Work Group, a group that was formed in May of 2011 and charged with making specific land use recommendations to the City Council. Since the formation of the work group, the process to complete this proposed Comprehensive Plan Amendment has included the following meetings/public engagement efforts:

- 8-12 Work Group Meetings;
- 8 Stakeholder Meetings;
- 1 Technical Group Meeting; and

- 1 Public Open House

To support these efforts, all property owners within the I-94 Corridor have been notified of important meetings via mailed notices.

In addition, the Planning Commission has undergone significant review of the proposed Comprehensive Plan Amendment, including a public hearing and review conducted over the course of two Planning Commission meetings on 7-23-12 and 8-13-12. At the conclusion of the last meeting, the Planning Commission approved the Comprehensive Plan Amendment with minor revisions.

#### **STAFF REPORT:**

Throughout the process to draft this Comprehensive Plan Amendment, significant consensus has been built around the I-94 Corridor Land Use Plan. However, some revisions have been necessary to achieve the best possible outcome for all parties involved, as well as to ensure consistency within the plan. These revisions of the plan include the following:

- Refinement of the base densities of the proposed residential zones (LDR: 3.5 to 2.5, MDR: 4.0 to 4.5, and HDR: 7.0 to 7.5 units per acre) in keeping with the requirements of the revised MOU with the Metropolitan Council.
- Addition of a mixed-use designation to some parcels to provide added flexibility to areas that may develop with different land uses.
- Reduction of housing density near the Forest neighborhood to lower development intensity near an existing residential area.
- Revisions to the guided land use of an existing property involved in light manufacturing (Trans-City Investments), designating this property with a planned land use of Business Park.
- Significant efforts to better install buffer provisions, providing transition areas between rural and sewerred residential development near the Stonegate neighborhood, resulting in a proposed 100' green belt including a public multi-use trail financed through parkland dedication from development.

The proposed plan allows for a much greater range of housing densities than the City's existing plan, and the Met Council has indicated that the lower-density residential district that has been proposed will be acceptable as long as the overall densities throughout the future sewerred area with the I-94 Corridor planning area achieve a minimum density of 3.5 units per acre.

Please note that the section pertaining to the Memorandum of Understanding (MOU) has also been updated to reflect the update to this document that was recently approved. Under the revised MOU the City was granted an extension of five years to meet the minimum Residential Equivalent Connection (REC) unit counts that were included as part of this agreement. Staff has created a new development staging chart to reflect the extension and to further reflect the revised land use plan. The numbers included in Table 3-C in the plan meet the requirements of the MOU for total REC units and also are consistent with the density ranges specified in the future land use map. As development moves forward within the City's sewerred development areas, it is Staff's intent to track all future sewer connections and to document all of these connections as contributing towards the City's required REC units.

In addition to the proposed Land Use Plan, the Comprehensive Plan Amendment includes a new Housing Plan as well. By making significant changes to the Land Use Plan, the City is required to provide an updated Housing Plan that reflects the proposed changes in land use. The Planning Commission thoroughly reviewed the Housing Plan, and revisions to this section were completed to reflect the recommendations of the Planning Commission.

**RECOMMENDATION:**

The Planning Commission is recommending that the City Council authorize distribution of the proposed Comprehensive Plan Amendment, which includes major updates to Chapter III – Land Use and Chapter IV – Housing, to adjacent communities and jurisdictions for official review.

**ATTACHMENTS:**

1. Comprehensive Plan Amendment
  - a. Chapter III – Land Use
  - b. Chapter IV – Housing

**SUGGESTED ORDER OF BUSINESS:**

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



## DRAFT LAND USE PLAN

### Introduction

The City of Lake Elmo is a unique gem within the metropolitan region given its overall rural character, significant natural resources and abundance of agricultural lands. The land use plan herein represents a series of significant steps the City is taking to preserve and protect these treasured characteristics while simultaneously responding to its fiscal and regional responsibilities. The plan is a culmination of a new vision for Lake Elmo that was forged over seven years of debate, discussion, deliberation and the hard work of many dedicated citizens.

### Purpose

The land use plan is prepared and presented for the following purposes:





1. **The Land Use Plan is intended to be a management tool for City officials, City staff and other parties involved in land development and growth management in Lake Elmo.** Land use planning is the most directly tangible evidence of a community's comprehensive planning objectives. Lake Elmo's land use plan indicates the basic location, density and types of land uses in the City that are considered to be compatible with the competing goals of maintaining rural character and allowing for necessary growth. Goals and policy statements are outlined herein to assist officials in making decisions on various development proposals anticipated as a result of this plan.
2. **The Land Use Plan is intended to be a guide for future development which reinforces the City's commitment to preserving a rural character.** By focusing required and necessary growth into targeted and logical areas based on historical and transportation system factors, the City can ensure a vast majority of the community can and will retain its agricultural feel. The plan is responsive to development patterns in neighboring communities by focusing a majority of the proposed urbanized development South of 10<sup>th</sup> Street near or adjacent to similar developments in Oakdale and Woodbury. Rural boundaries with neighboring communities are also maintained.
3. **The Land Use Plan is intended to advise the Metropolitan Council and our municipal neighbors of Lake Elmo's planning and growth management programs.** The Land Use Plan is a convenient medium to illustrate and coordinate the various goals and policies of all the elements of the City's Comprehensive Plan. Facility plans, transportation plans and other plan components are directly linked to the land use policies contained herein. The most significant description of Lake Elmo's planning intentions is the designations of urban and rural development areas as depicted on Map 3-1.



Sources: MetroGIS  
7-6-12

## Urban/Rural Areas & Surface Waters

Lake Elmo Comprehensive Plan 2030

-  Municipal Boundary
-  Rural
-  Urban (I-94)
-  Urban (Old Village)



This map was created using MIRA's Geographic Information Systems (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MIRA is not responsible for any inaccuracies contained herein.

4. **The Land Use Plan is intended to be used as a basis for public facilities planning.** A major function of municipal government is planning for and establishment of public facilities such as sewer, water, roads, stormwater facilities, and parks. These physical improvements require extensive initial investment and a long term maintenance commitment that can become a financial burden when such systems are overbuilt or prematurely installed. The Land Use Plan therefore plays an important role in determining each neighborhood's ultimate population, the required capacity of public facilities, and an appropriate capital improvements program. The level of services and facilities required by this Plan are consistent with the existing or planned capacity of the applicable regional systems.
5. **The Land Use Plan is intended to be used as the basis for developing responsible ordinances for land use management.** Development according to the land use plan, especially in a community like Lake Elmo, is almost totally accomplished by private development forces, many times on the scale of individual homeowners. To ensure all parties are working towards the common goals of the community, it is incumbent upon the city to provide reasonable regulations to properly guide development. Zoning, licensing and subdivision controls have been and will continue to be established to implement the intent of this Land Use Plan.
6. **The Land Use Plan is intended to clearly delineate how Lake Elmo complies with the memorandum of understanding between the City and the Metropolitan Council.** Ensuring the City's legal obligations are ultimately met for residential equivalency units, households, employment, etc, is another important purpose behind the land use plan. Maps, tables and text within this chapter fully outline how all objectives are to be met.

#### Plan Timeframe

The time framework of the Land Use Plan is intended to be consistent with the regional planning period of 2008 through 2030.

#### Land Use Plan

Lake Elmo's land use plan is guided by its core vision of creating and maintaining a rural community within the Metropolitan region. The plan itself provides guidance for a desired land use pattern, mix of uses, range of densities, and site/building designs. To ultimately ensure future development adds to the overall quality and uniqueness of the community and builds upon the existing foundation that defines Lake Elmo, the plan is centered on the following core set of principles:

1. The preservation of rural lands;
2. Promotion of open space and green corridors;
3. A rebirth of the historic village center;
4. Enhancement of the community's rural sense of place (through design standards); and
5. Establishment of a sustainable planned growth pattern which strikes a balance between providing municipal services and local/regional fiscal responsibility.

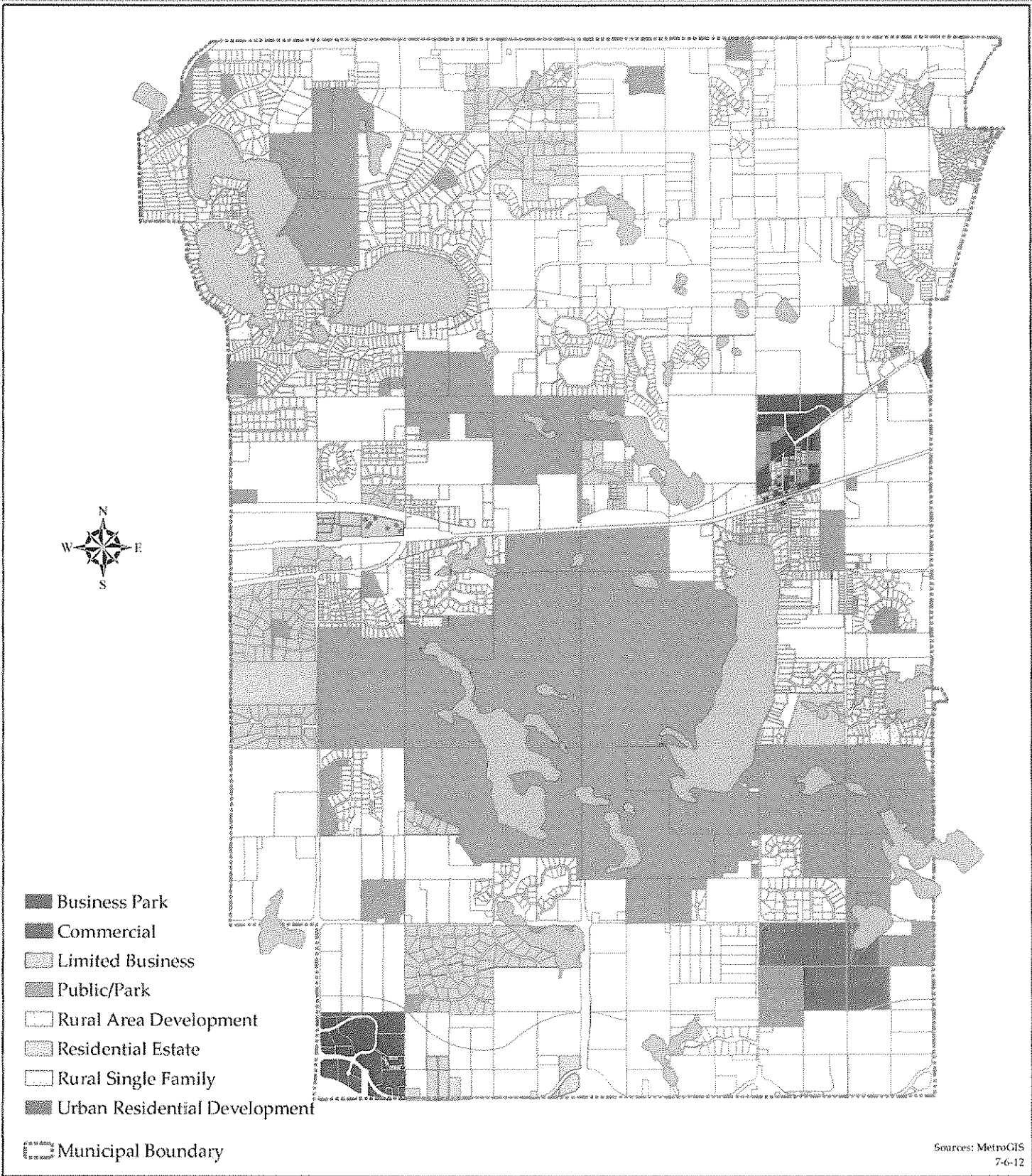
Whenever possible, the guiding principles should be kept in mind to guide individual development at all scales: community, neighborhood, street, block front and individual parcel.

### Existing Land Use

An examination of Lake Elmo in 2012 clearly shows a community with a rich history of agricultural use, open space development, and preservation of significant park lands. Lake Elmo Regional Park and Sunfish Lake Park, covering 2,165 and 284 acres respectfully, are at the heart of the community and provide significant natural and recreational opportunities not generally available in the metropolitan area. Single-family homes on lots measured in acreages rather than square feet dominate the residential housing stock throughout the community, and the City's 30+ open space cluster/rural neighborhoods established Lake Elmo as a local, regional and national leader in this type of development. Non-residential uses are largely restricted to a few scattered focal points along Highway 5, Highway 36, and Interstate 94.

A total of approximately 3400 parcels covering 15,584 acres (24.35 square miles) are currently found within the municipal boundary. The distribution of existing land uses in this area is shown on Map 3-2 and is summarized in Table 3-A:

Table 3-A Existing Land Use				
Land Use		Existing Permitted Residential Density (units/acre)		Existing Land Use (acres)
		Min	Max	
Residential	Rural Area Development	n/a	0.1	7094.27
	Residential Estates	0.1	0.4	771.26
	Rural Single Family	0.66	2.0	1665.92
	Urban Medium Density	3.5	7.2	176.08
Commercial	Business Park	na	na	120.65
	Commercial	na	na	99.86
	Limited Business	na	na	111.41
Public/Semi Public	Public/Park	na	na	3298.94
	Road ROWs	na	na	890.93
Undeveloped	Open Water	na	na	1355.29
TOTAL:				15,584.61



**Existing Land Use**  
*Lake Elmo Comprehensive Plan 2030*



This map was created using MFR's Geographic Information Systems (GIS); it is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFR is not responsible for any inaccuracies contained herein.

*Existing Land Use Category Definitions*

The existing land use types within the City are defined as follows:

- **Rural Area Development** – This category represents the large areas of rural residential development and agricultural uses within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Preserved Open Space regulations.
- **Residential Estates** – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land.
- **Rural Single Family** – This category defines a large portion of the City that was platted for conventional subdivision prior to 2005, but is largely serviced by private on-site well and septic systems.
- **Urban Medium Density** – This category current defines areas within Lake Elmo dedicated to manufactured home parks. The Cimarron development is currently the only such area within Lake Elmo.
- **Business Park** – This category provides for a wide variety of professional businesses including medical and research facilities, offices and corporate headquarters. Uses specifically excluded from existing business park areas include warehousing, manufacturing, distribution, assembly and truck terminals. Retail sales of goods and services are allowable uses by conditional use permit provided such uses are goods and services to the employees of the permitted business use.
- **Commercial** – This category is includes areas that have been used for retail business land uses, and primarily covers lands within or near the Village Area. Small pockets of commercial land can also be found where retail goods and services are integrated within and are demonstrably designed to provide retail goods and services to employees of Business Park lands or sewer residential properties.
- **Limited Business** – This category defines areas within the City that are allowed to host commercial land uses at a more restricted level than would typically be allowed within a commercially guided area.
- **Public/Park** – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on public/park lands are controlled by the city's conditional use permit process.
- **Road ROWs** – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing land use table.

- **Open Water** – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory.

#### *Existing Land Use Dichotomy*

Unlike most communities within the Minneapolis-St. Paul metropolitan area, Lake Elmo is and will continue to be a city which supports two very different land use types. The City's predominant land use has always focused on agricultural uses and settings. Large working farms, significant public parks, open space developments and large-lot single family neighborhoods have historically combined to form the agricultural setting Lake Elmo is known for throughout the region. In contrast, the higher density old-town area referred to as the Old Village provides the community an urban focal point that supports its rural uses.

The split between urban and rural has always been significantly slanted towards rural uses throughout Lake Elmo's history. The Old Village first took form in the late 1800's following the construction of Highway 5, a post office, and ultimately the establishment of the St. Paul, Stillwater & Taylor's Falls Railroad (later the Omaha RR). To support the "resort" area around Bass Lake (renamed "Lake Elmo" in 1879), the Old Village was home to a store, a saloon, a "flat" grain house where farmers could unload wagons directly onto trains, a blacksmith, and a wagon repair shop. By the 1920s, the Old Village was viewed regionally as a substantial shipping point and dairy center which included a creamery, grain elevator, two grocery stores, hardware and implement stores, a private hospital, a bank, a garage, and even a roller skating rink. Changes to the regional streetcar transportation system in the early 1900's, however, resulted in traffic being diverted away from the Old Village and its growth (but not its importance to the Community) has been curtailed since that time ensuring that rural uses continued to be the predominant focus of the community.

Today the Old Village stands as a unique example of a classic urban setting within rural America. While the future land use plan anticipates resurgence within this area following nearly a century of limited growth, the City has no intent of losing the characteristics which make the existing Old Village special. Future growth plans will require adherence to specific design standards reminiscent of the Old Village's last period of growth, and a defined development boundary will ensure expansion of the Old Village is contained to avoid the typical "sprawl" development pattern seen in many suburbs throughout the region.

#### *Planned Land Use*

Per the memorandum of understanding with the Metropolitan Council initially adopted by the City in 2005 and subsequently amended, urbanized growth must be part of Lake Elmo's future. To that end, the next chapter in the evolution of Lake Elmo will include resurgence within and around the Old Village, and the establishment of a new urbanized zone between Interstate Highway 94 and 10<sup>th</sup> Street. The remainder of the community north of 10<sup>th</sup> Street and surrounding the Old Village will continue Lake Elmo's long tradition of providing rural living opportunities within the Metropolitan area.



This section of the Land Use chapter establishes the City's official land use categories and the official Future Land Use Map. The map assigns planned land use types to all parcels within the community to guide current and future planning and development through the year 2030, and is the official land use designation map for the City. The assigned land use designations are intended to shape the character, type and density of future development according to sound planning principles. Any new development, redevelopment, change in land use or change in zoning is required to be consistent with the official land use guidance for each parcel.

**The official land use plan categories are as follows:**

**RURAL AREA DEVELOPMENT** – This category represents the large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City's Open Space Preservation regulations. Densities are allowed up to 0.45 dwelling units per buildable acre when planned as part of an Open Space Preservation development. No new areas of rural area development are being established by the official land use plan. [Corresponding Zoning District(s): A, RR, OP]

**RURAL AREA DEVELOPMENT – ALTERNATE DENSITY** – This land use category represents a subset of land guided for Rural Area Development and provides for an increase in the densities allowed through an Open Space Preservation development of up to 2.0 dwelling units per buildable acre. Further increases in the base density may be allowed through a Planned Unit Development through incentives for density bonuses that are permitted as part of a PUD and that maintain the open space character of a development. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district. [Corresponding Zoning District(s): A, RR, OP-2]

**RESIDENTIAL ESTATE** – This category defines areas developed specifically for large lot single family detached housing typically on 2+ acres of land. No new areas of residential estate are being established by the official land use plan. [Corresponding Zoning District(s): RE]

**RURAL SINGLE FAMILY** – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

**URBAN LOW DENSITY** – The Urban Low Density land use category is intended primarily for single-family detached housing serviced by public sewer and water. This category allows net residential densities from two and one-half (2.5) to four (4) units per acre. Significant new areas of urban low density are guided both within the Old Village and along I-94. [Corresponding Zoning District: LDR]

**URBAN MEDIUM DENSITY** – The Urban Medium Density land use category allows net residential densities from four and one-half (4.5) to seven (7) units per acre; with greater densities only allowed if deemed appropriate and approved through the PUD process and that meet incentives for density bonus



as allowed under the PUD ordinance . This category allows for a variety of housing types including single-family detached, duplexes, townhomes, and small two- and three-story apartment buildings and/or senior living centers. Significant new areas of urban medium density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): R-3, MDR]

**URBAN HIGH DENSITY** – The Urban High Density land use category is intended for higher density, compact urban residential development. This category allows for a net residential density range of seven and one-half (7.5) to fifteen (15) units per acre; however zoning may allow a greater net density if approved through the PUD process. The appropriate building height will vary by development and depend upon the characteristics of the development and its surroundings. In addition to residential development, a small proportion of supportive retail and service is also appropriate in this land use category. Retail, service and office beyond those supporting the residential development would only be permitted as part of a mixed-use planned unit development. Significant new areas of urban high density are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): HDR]

**LIMITED BUSINESS** – This category defines areas within the City that are allowed to host commercial land uses at a more restricted level than would typically be allowed within a commercially guided area and in areas that are not planned for public sanitary sewer services. No new areas of limited business are being established by the official land use plan. [Corresponding Zoning District(s): LB, LC]

**COMMERCIAL** – This category is intended to accommodate a wide range and scale of commercial uses (such as retail, service, entertainment, and office) throughout the City's planned urban centers. Commercial uses can range from small neighborhood convenience nodes, to community retail areas along major roadways, to large shopping centers, to auto-related commercial uses along freeways. Residential uses are also appropriate as part of a mixed-use commercial development where allowed, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate by a planned unit development process. Significant new areas of commercial land use are guided both within the Old Village and along I-94. [Corresponding Zoning District(s): C, CC, GB]

**BUSINESS PARK** – The Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center. In addition to the Eagle Point Business Park, much of the land between Manning Ave and Keats Ave adjacent to I-94 is guided for this land use classification. [Corresponding Zoning District(s): BP]

**PUBLIC/PARK** – This category defines lands that include publicly owned facilities, places of worship, public parks, and privately owned recreational facilities. The scale and types of uses allowable on

public/park lands are controlled by the city's conditional use permit process. No new areas of public/park space are currently designated by the new land use plan, but it is recognized that such areas will be created during the development process, and the land use map will need to be updated accordingly. [Corresponding Zoning District(s): P, OSP]

**ROAD R.O.W.s** – This category encompasses all areas dedicated specifically for use as road right-of-way. It should be noted that not all roads in Lake Elmo are on platted right-of-way, but are rather accommodated by easements over other land use categories. Accordingly, there is more land dedicated to use by roads than is depicted on the existing/planned land use table. New development will be required to dedicate right-of-way to accommodate the proposed road network.

**OPEN WATER** – This category includes all land area in Lake Elmo covered by open water lakes and ponds as identified in the DNR Public Waters Inventory. No new areas of open water are by the official land use plan.

The distribution of planned land uses on the official Future Land Use Map is shown on Map 3-3 and is summarized in Table 3-B:

#### Mixed Uses

Within the Old Village and in areas south of 10<sup>th</sup> Street, specific areas are targeted for potential mixed-use development; however, this designation means different things in both districts.

##### Mixed Uses within the Old Village

The mixed use designation on property within the Old Village indicates development must adhere to the specific zoning requirements established for mixed use development within the City Code. This type of development will typically see residential, commercial, office, and/or similar uses combined in complimentary ways within the same building.

##### Mixed Uses south of 10<sup>th</sup> Street

The mixed use designation on property south of 10<sup>th</sup> Street is intended to spur development by providing maximum flexibility on future land uses, thereby allowing a development proposal to cater to existing market conditions. In the areas designated as possible mixed-use on the Future Land Use Map (Map 3-3), the City's planning process has identified that either the base land use or the adjacent land use designation would be appropriate for the site. These mixed-use areas may be zoned in accordance with the base land use category, or the adjacent land use category provided that:

- Any such zoning will only be allowed if it is contiguous to property in an adjacent land use category; and
- The Urban Low Density Residential land use category will not allowed as an alternative land use within mixed-use areas.

Alternatively, a combination of the uses allowed within the base land use category and future land uses adjacent to a mixed use area may be allowed through a planned unit development process.

Table 3-B Existing and Planned Land Use Table									
Land Use	Residential Density (units/acre)		Existing Land Use (acres)	Planned Land Use (acres)	Planned Land Use Changes (anticipated acreages in 5 year increments) <sup>4</sup>				Change (acres)
	Min	Max	City wide (Village) <sup>1</sup>		2012 to 2015	2015 to 2020	2020 to 2025	2025 to 2030	
<b>RESIDENTIAL</b>									
Rural Area Development	n/a	0.1	7094.24 (854.37)	5608.75	6722.89	6351.51	5980.13	5608.75	-1485.52
Rural Area Dev. ALT	n/a	2.0	0.00 (0.0)	155.62	38.91	77.81	116.72	155.62	155.62
Residential Estates	0.1	0.4	771.26 (0.0)	793.71	776.87	782.49	788.10	793.71	22.45
Rural Single Family	0.66	2.0	1665.92 (151.36)	1689.16	1671.73	1677.54	1683.35	1689.16	23.24
Urban Low Density	2.5	4	0.0 (0.0)	496.39	124.10	248.20	372.29	496.39	496.39
Urban Medium Density	4.5	7	176.08 (0.0)	390.49	229.68	283.29	336.89	390.49	214.41
Urban High Density	7.5	15	0.0 (0.0)	157.67	39.42	78.84	118.25	157.67	157.67
<b>COMMERCIAL<sup>2</sup></b>									
Business Park	7.5	15	120.65 (0.0)	329.69	172.91	225.17	277.43	329.69	209.04
Commercial	4.5	7	99.86 (94.45)	295.68	148.82	197.77	246.73	295.68	195.82
Limited Business	—	—	111.41 (22.9)	68.99	100.81	90.20	79.60	68.99	-42.42
<b>PUBLIC/SEMI PUBLIC<sup>3</sup></b>									
Public/Park	—	—	3298.94 (59.17)	3352.24	3312.27	3325.59	3338.92	3352.24	53.3
Road ROWs	—	—	890.93	890.93	890.93	890.93	890.93	890.93	0.0
<b>UNDEVELOPED</b>									
Open Water	—	—	1355.29	1355.29	1355.29	1355.29	1355.29	1355.29	0.0
TOTALS:	—	—	15,584.61	15,584.61	15,584.55	15,584.55	15,584.55	15,584.55	0.0

<sup>1</sup> Land Use numbers in the Old Village area are called out separately as planning for land use in this area is still on-going. The Village acreages are INCLUDED in the "city wide" total shown in **bold**, and are provided to give perspective on the areas still being discussed. This table will be updated again in the future to reflect the final existing and proposed land use numbers once all Village planning has been completed. Planned Land Use numbers as shown currently assume no change within the Village area.

<sup>2</sup> Residential uses within the "Business Park" and "Commercial" land use designations can only occur in areas specifically designated for mixed use on the planned land use map

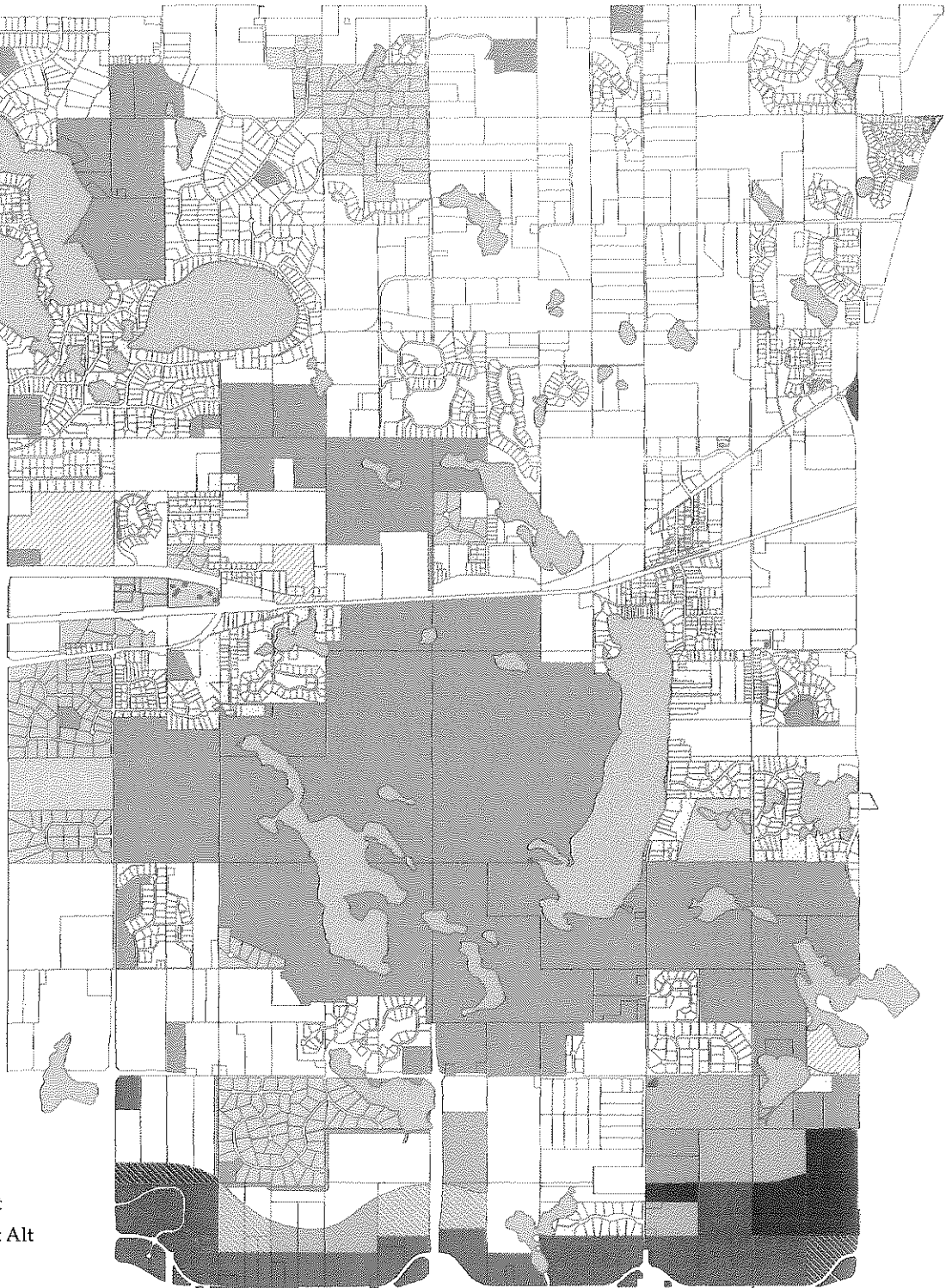
<sup>3</sup> It is recognized that both park and road ROW areas will expand as new development occurs, but such acreage is accounted for in the respective development land use types as such land areas must contribute towards required development densities.

<sup>4</sup> The staging plan for future development is fluid and will allow development to occur as market conditions dictate. Because of this, specific timing for development of any specific land use category is not possible. For the purposes of this table, the anticipated acreage changes are incrementally broken down into four periods of time showing a consistent rate of change between now and 2030.



## Planned Land Uses

- Business Park
  - Urban Low Density
  - Urban Medium Density
  - Urban High Density
  - Old Village (TBD)
  - Commercial
  - Limited Business
  - Public/Park
  - Rural Area Development
  - Rural Area Development Alt
  - Residential Estate
  - Rural Single Family
- (white hatching denotes possible mixed use areas)



Sources: MetroGIS  
8-14-12

## Planned Land Use

Lake Elmo Comprehensive Plan 2030



This map was created using MFRAS Geographic Information Systems (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFRAS is not responsible for any inaccuracies contained herein.

### **Design Standards**

Following completion of the Comprehensive Plan, the City will adopt design standards to ensure the look and feel of future development is compatible with the community vision of a small town within a rural setting. Standards for building materials, building articulation, design variety and other requirements should be upheld to ensure the quality of the built environment is distinctly Lake Elmo.

### **Preservation of Rural Character**

One of the main benefits of the official land use plan is that the long range planning objective to retain a permanent rural identity is achieved. Under the memorandum of understanding with the Metropolitan Council, a vast majority of the City will be allowed to maintain its rural character and existing land uses. Furthermore, concentrating urbanization adjacent to I-94 and within the Old Village will result in clear boundaries between the urban and rural portions of the community. Beyond that, the City's desire to protect its sensitive park lands is also achieved. Both Lake Elmo Regional Park and Sunfish Lake Park will continue to be surrounded by agricultural lands and will not be impacted by encroaching urbanization.

### **Future Land Use Boundaries**

The curved lines separating future land uses on Map 3-3 midway between I-94 and 10<sup>th</sup> Street indicate one possible alignment of a future east/west collector roadway envisioned to serve the new development in this area of the City. Future development proposals and their associated engineering studies will ultimately determine the exact alignment of this collector roadway. The final boundary between the proposed different land uses shall ultimately be set by the final location of the east/west collector roadway, whether or not this roadway deviates from the approximate location shown.

### **Buffering/Land Use Transitions**

The City's Land Use Plan calls for a diverse range of development types, from very low density agricultural and rural residential uses to high density urban residential and commercial development. In order to provide for a transition between the existing and planned rural development and future urban development, the Land Use Plan creates a lower density urban residential district. This low density urban district is planned for areas near existing rural development areas, and will provide for an area of transition between higher density residential development and either existing or planned rural development areas.

Certain areas designated as Public/Park on the Future Land Use Map (Map 3-3) have been established to provide a green belt/buffer between areas developed under a previous Comprehensive Plan at rural development densities and areas planned for residential development at higher densities. This green belt will be incorporated as part of any development plans for new development with a minimum width of 100 feet. The green belt may be incorporated as part of the greenway envisioned in the Lake Elmo Comprehensive Park and Recreation Plan (Chapter IX).

### **Open Space Preservation**

The City will encourage the preservation of open space within new developments through the dedication of public parkland and the clustering of lots within urban residential districts. The specific zoning development standards for the City's urban residential districts will allow the platting of smaller

lots that will allow open space to be set aside in each development while still achieving the overall minimum density guidance for each land use area.

### Staging Plan/Memorandum of Understanding

The City of Lake Elmo entered into a Memorandum of Understanding (MOU) with the Metropolitan Council prior to the preparation of its 2005 Land Use Plan and this MOU remains in effect to ensure the City's conformance to metropolitan system statements as required by state law. This MOU has since been revised; however, to take into account a severe downturn in the housing market and to grant the City of Lake Elmo additional flexibility in meeting the population, household, and employment targets from the original MOU. Table 3-C summarizes the updated development staging plan that will be used to measure conformance to the MOU. This table is broken down into five year increments starting in 2010 and continuing forward to the end of the planning period in 2030.

The targets from the original MOU have been moved back five years to reflect the economic downturn and the extension of time to meet the mandated REC unit counts consistent with the requirements of the revised MOU. The population and household targets at the end of the 2030 planning period have not been adjusted and reflect the numbers approved in the MOU.

<b>Table 3-C</b> <b>Housing, Population and Employment Projections 2010-2030</b>					
<b>Year</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>
<b>Total Households</b>	<b>2779</b>	<b>3519</b>	<b>5114</b>	<b>6524</b>	<b>8727</b>
<b>Sewered Households</b>					
New	0	515	1650	2700	4200
Existing	0	0	100	700	700
<b>Total Sewered Households</b>	<b>0</b>	<b>515</b>	<b>1750</b>	<b>3400</b>	<b>4900</b>
<b>Non-Residential REC Units</b>					
New	0	0	520	970	1400
Existing	100	100	250	300	300
<b>Total Non-Residential REC Units</b>	<b>100</b>	<b>100</b>	<b>770</b>	<b>1270</b>	<b>1700</b>
<b>Total REC Units</b>	<b>100</b>	<b>615</b>	<b>2520</b>	<b>4670</b>	<b>6600</b>
<b>Total Population</b>	<b>8069</b>	<b>9677</b>	<b>14064</b>	<b>17941</b>	<b>24000</b>

The density ranges specified in the Land Use Plan have been established so that development at the minimum levels will achieve the residential and non-residential REC unit counts listed in Table 3-C. A variation in development densities is expected at the level of specific development projects, but overall densities within a land use planning area must achieve the minimum levels specified in the

Comprehensive Plan. The City will also be adopting zoning district standards within the urban residential development areas that will allow the clustering of housing on smaller lots in exchange for the preservation of open space within new developments.

### *Staging Plan*

While Table 3-C provides a projected schedule for the construction of new residential and non-residential developments, the City has also adopted a general staging plan within the City's urban growth areas to help ensure that the City is able to deliver the required municipal services and public infrastructure that will be needed to support new development. The infrastructure needed to serve these developing areas is substantial and the staging plan will provide a mechanism for the City to manage this growth and to be able to adequately prepare for the City's future infrastructure needs. The objectives of the staging plan are to:

- Identify a logical pattern for future growth based on the amount of land planned for new development and the availability of infrastructure to serve this development
- Give the City additional control over the timing and location of new development to coincide with the City's ability to provide the required services.

Provide additional opportunities and an official mechanism for the City to be able to plan, budget, and set goals for future development.

The Staging Plan is document as part of Map 3-4, and identifies three separate stages for future development without a specific time period attached to these phases. Instead, growth is expected to occur at the rate documented in Table 3-C, with each of the stages being developed in the order depicted on the map and further described as follows:

- Stage I: New sewer development located west of Keats Avenue that will connect to the MCES WONE interceptor.
- Stage II: New sewer development located west of Manning Avenue and south of the Forest residential subdivision that will connect to the MCES Cottage Grove Ravine regional interceptor.
- Stage III: All remaining new sewer development south of 10<sup>th</sup> Street that will connect to the MCES Cottage Grove Ravine regional interceptor.

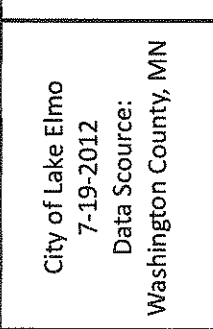
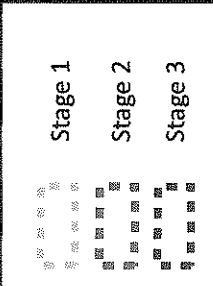
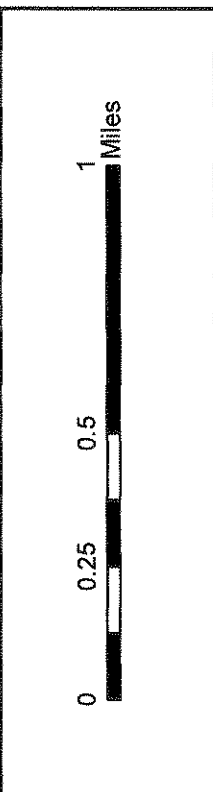
The City will monitor growth by assessing market conditions, land capacity, and the availability of public infrastructure in order to determine when development may occur in stages subsequent to the first stage. The acceleration of a development in any of the latter stages may be permitted by the City provided it is demonstrated that adequate public infrastructure exists to support this development. The availability of infrastructure and any necessary utility extensions and transportation improvements needed to support new development will be considered in deciding whether or not to open up the next staging area to development. In order to accelerate the development of latter stages, there must be a commitment that the development will pay its proportionate share of the infrastructure costs to extend services to any new development.



This is a black and white aerial photograph of a rural landscape, likely in the Midwest. The image is overlaid with a grid system. The grid lines are labeled with numbers: 10, 13, 15, 17, 19, and 2. The landscape consists of large, flat fields, some of which are divided into smaller sections by roads or fences. There are several dark, irregular shapes that appear to be ponds or wetlands. A road with a '94' shield is visible on the right side of the image. The overall scene is a mix of agricultural land and natural features.

***I-94 Corridor Development Staging Plan - Lake Elmo, MN***

Map of Lake Elmo showing three stages of development. Stage 1 is the western portion, Stage 2 is the central portion, and Stage 3 is the eastern portion. A north arrow and a scale bar (0 to 1 mile) are included.





To help ensure that public facilities needed to support new development meet or exceed an acceptable level of service, the City will consider adoption of an adequate facilities ordinance. The primary goals of this ordinance are to: 1) avoid sprawling or leapfrog development that would result in an inefficient use of the City's infrastructure and services, and 2) give priority to development opportunities that do not require the construction of significant extensions of public infrastructure. When developers build on parcels that are not contiguous to areas served by existing infrastructure, there is an expectation that the developer will pay for the added costs to serve non-contiguous development. Non-contiguous development will not be allowed if it would negatively impact the City's financial stability and capacity.

### Implementation

The following tasks will be completed by the City to facilitate the implementation of the land use plan.

#### *Zoning Code Update*

Planned development within the Old Village and south of 10<sup>th</sup> Street will introduce development styles and patterns new to the community that cannot be achieved by existing zoning classifications. The zoning code will need to be updated to include new residential, commercial and Business Park districts as needed to ensure the City's vision can be successfully carried out.

- *Creation of Design Standards*

As a supplement to the new zoning districts, the City will pursue the creation and adoption of specific design standards for areas of new development. Design standards go beyond standard zoning requirements such as area and width to specify required building materials, building articulation, architectural standards, etc. Adoption of design standards sets an overall policy for what development should look like to guide the quality of the built environment towards the community's established vision.

- *Form Based Code*

Within the Old Village area, the City will consider implementation of a form based code in lieu of standard Euclidian zoning districts. Under a form based code, requirements focus primarily on the built environment and its relation to the public realm rather than on the separation of uses. Form based codes are regulatory, not advisory like typical design standards. Specific standards for public spaces and building forms are adopted directly into code and mandate that future construction achieve the established community vision.

#### *Internal Process Evaluation*

A review of procedures for all application types will be undertaken by the City to ensure internal processes are optimized for quick turn-around and minimal delays whenever possible.

#### *Cooperation with Other Government Agencies*

The City will reach out to neighboring communities and reviewing agencies to proactively address issues that may impact future development.

## DRAFT HOUSING PLAN

### Introduction

In order to build off of Lake Elmo's treasured asset of open space, it is critical to incorporate strategies for providing housing that maintain and protect the city's natural resources. These natural resources greatly contribute to the character and vibrancy of Lake Elmo and must be accordingly preserved. For this reason, Lake Elmo's future housing needs will be provided for in the I-94 Corridor and Old Village planning districts. This plan will maintain existing open space in the rural planning district of Lake Elmo, as well as incorporate open space into the new housing development in the Old Village and I-94 Corridor.

In addition, the Housing Plan is intended to provide a greater variety of housing choice within the city, as well as fulfill Lake Elmo's obligations related to regional growth. Also, it is important to note that housing represents the foundation or fabric of a healthy community. In order to ensure Lake Elmo's continuing character and vibrancy, it is important to provide a range of housing that offers future residents access to the same amenities and levels of service which current residents have come to expect and appreciate.

### **Purpose**

The Housing Plan is prepared and presented for the following purposes:

- 1. The Metropolitan Land Planning Act requires all communities to include a housing element in their Comprehensive Plan.** State law requires that this housing element include a housing implementation program, describing the official controls and mechanisms used to implement the future land use plan, making land available for the development of low and moderate income housing.
- 2. The housing plan provides the opportunity to identify Lake Elmo's current housing needs, as well as outline the City's goals and strategies as they relate to future housing.** The current housing stock in Lake Elmo consists of mostly single-family detached housing. In the future, the City would like to encourage the development of life-cycle, workforce, and rental housing. With a greater mix of available housing types, the City hopes to give more people who work in Lake Elmo the opportunity to live within the community. In addition, greater variety and affordability should provide younger homebuyers or renters the opportunity to find housing in Lake Elmo.

## Existing Conditions

The following section is intended to report population and housing demographics based upon 2010 Census and American Community Survey data. It is important to understand the existing demographic and housing trends in order to identify Lake Elmo's future housing needs.

### Population

The city of Lake Elmo, Minnesota has been experiencing slow and steady population growth since the 1960's. Throughout this period, the greatest population growth occurred during the decade of the 1970's. During this decade, the city added 622 households, experiencing a population growth of 31.3%. Table 4A reveals the overall trends of population growth throughout the last 50 years.

Table 4A Lake Elmo, MN Population Growth						
Year	Population	Households	Total Pop Change	Change	Total HH Change	Person Per HH
1960*	550	162				3.40
1970**	4,032	1,065				3.79
1980	5,296	1,687	1,264	31.3%	622	3.14
1990	5,903	1,973	607	11.5%	286	2.99
2000	6,863	2,347	960	16.3%	374	2.92
2010	8,069	2,779	1,206	17.6%	432	2.90

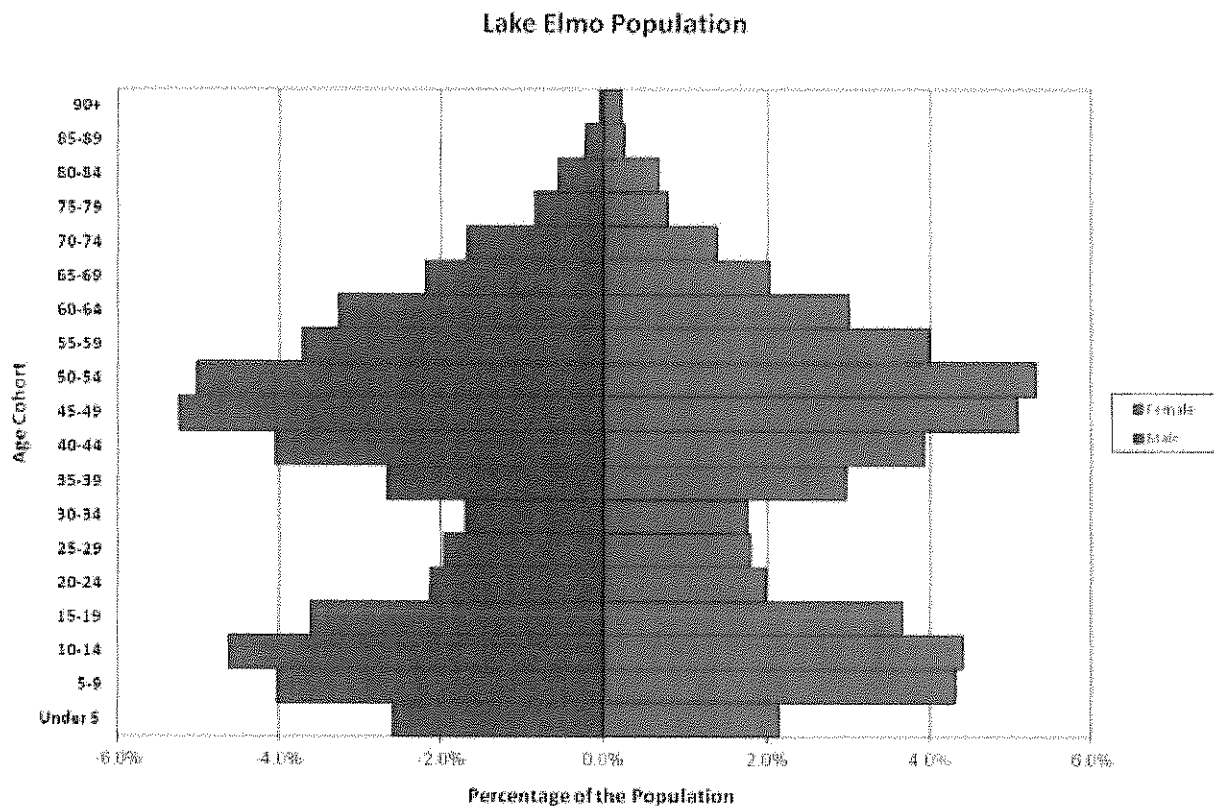
\*Population reflects original village.

\*\*Population reflects incorporation of surrounding township.

As of the 2010 Census, there are 2,779 households in the city of Lake Elmo with a population of 8,069 residents. These figures represent an average household size of 2.80 persons per household. Figure 4A shows the breakdown of this population by age and sex. It is clear from this population breakdown that the two largest segments of the Lake Elmo population are between 5-19 years old and 40-54 years old. This data indicates that there are many families with children in Lake Elmo. In addition, the population breakdown indicates that there is a gap in the Lake Elmo population between the ages of 20-39. Finally, the 2010 Census data also reveals that the Lake Elmo population is aging. Table 4B confirms this trend.

Table 4B Lake Elmo, MN Population Over Age 65				
Year	Population	Median Age	Residents Over 65	Percent Over 65
1970	4,032	23	214	5.3%
1980	5,296	27.6	270	5.1%
1990	5,903	32.7	347	5.9%
2000	6,863	37.3	481	7.0%
2010	8,069	42.4	886	11.0%

Figure 4A



The data in Table 4B reveals that 11% of the Lake Elmo population is over the age of 65. This is a significant trend indicating a likely need to provide additional senior housing in the future. In addition, the gap in the Lake Elmo population of 20-39 year olds, found in Figure 4A, may point to important trends related to housing affordability in Lake Elmo. These are important questions to consider when crafting a strategy to meet Lake Elmo's future housing needs and goals.

## Housing

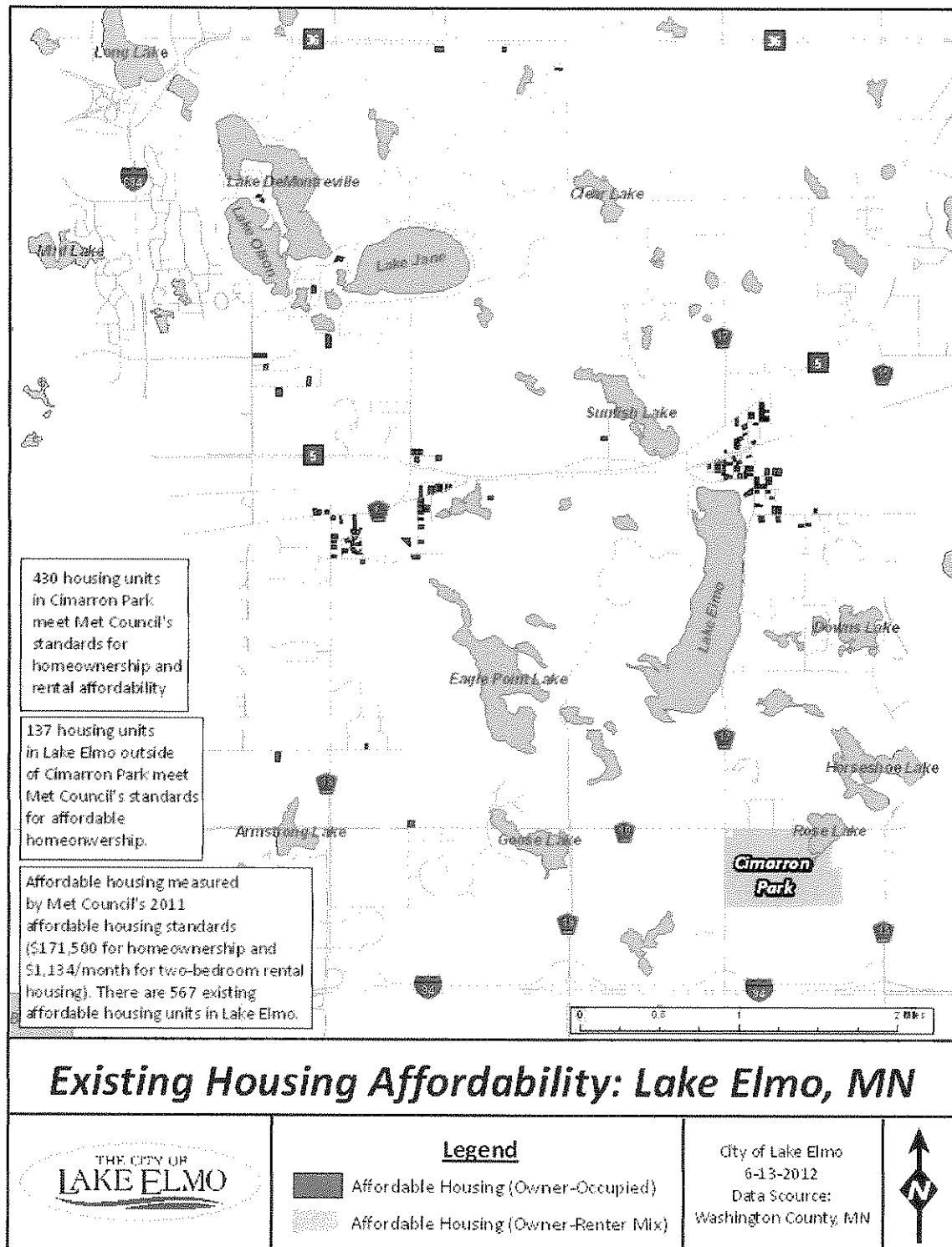
According to the Census, there were 2,779 occupied housing units in 2010. Of these 2,779 occupied housing units, 95.3% (2,648) of these units were owner-occupied. The remaining 4.7% (131) of the housing units are renter-occupied. Given these figures, it is clear that the majority of Lake Elmo residents live in owner-occupied housing units. Comparing these figures to neighboring communities, the 2010 Census reveals that the home-ownership rate in Washington County is 83%. It is quite clear Lake Elmo does not contain a significant amount of rental housing.

Regarding median home values, the housing stock in Lake Elmo remains significantly more valuable than the median values of Washington County, MN. According to American Community Survey (ACS) data,

the median home value in Lake Elmo from 2006-2010 was \$396,500, whereas the median home value in Washington County during this same period was \$264,800. This significant gap in the median home values indicates that housing affordability will be an important issue in meeting Lake Elmo's future housing needs.

Regarding the existing stock of housing that remains affordable, Lake Elmo does have some housing that meets the Metropolitan Council's standards of affordability. According to the 2011 Met Council standards, a family making 60% of the area median income (\$50,340) can afford the purchase of a home valued at \$171,500 or less. Additionally, the 2011 Met Council affordability standards deem a two-bedroom rental unit at \$1,134/month or less as affordable. Conducting an analysis of the existing housing stock in Lake Elmo reveals that there are 567 such properties that are affordable by the Met Council standards, which equates to 20.4% of the occupied housing units in the city. These properties can be found in Map 4-1. Four hundred-thirty (or just over 76% of the City's affordable units) are found in the Cimarron Manufactured Home Park where there is a mix of affordable ownership and rental opportunities. The remaining 137 affordable owner-occupied housing units are mostly located in the Western portion of Lake Elmo near County Road 6, as well as within the Old Village.

Map 4-1



## Future Housing Needs

In order for Lake Elmo to achieve balanced growth and maintain its strong sense of community, it is essential to plan and develop the future housing stock in a manner that is mindful of the city's population trends and future needs. For this reason, it is important for Lake Elmo to clearly define its goals as they pertain to housing.

### Goals

In planning for the land use and future growth of Lake Elmo, the City aims to achieve the following goals related to housing:

1. **Continue to support and develop family-friendly neighborhoods, emphasizing safety and access to open or recreation space.** Throughout its history, Lake Elmo has been lauded as a great place to raise a family. For this reason, many of Lake Elmo's future residents will be families with children. In planning future housing for these residents, it is the responsibility of the City to be cognizant of how site, building, and street design relate to safety and access to public recreation space. Promoting these principles will ensure that the future population of Lake Elmo is safe and healthy.
2. **When planning for the future residential neighborhoods in Lake Elmo, it is critical to incorporate walkability into the design of housing and streets to ensure a positive pedestrian environment in both the I-94 Corridor and Old Village.** In order to maintain a healthy and vibrant environment in Lake Elmo, safe and aesthetically pleasing pedestrian spaces within residential neighborhoods are essential. Additionally, for the Old Village land use plan to effectively support and promote walking in Lake Elmo's downtown, steps must be taken to ensure that walkability is considered when planning future housing. Creating a more walkable downtown area with more street amenities encourages nearby residents to travel by means other than the automobile, which in turn promotes pedestrian traffic and physical exercise. In addition, increased pedestrian accessibility to downtown should drive greater support and patronage of local businesses in the Old Village. Finally, greater pedestrian traffic could allow for reduction in needed parking facilities, decreasing the amount of impervious surfaces and easing the burden on storm water management systems.
3. **Expand housing opportunities for seniors in Lake Elmo, placing an emphasis on affordability and life-cycle housing.** As the data from the 2010 Census indicates, the Lake Elmo population is aging. 11.0% of the population in Lake Elmo is over the age of 65. In order to provide opportunities for these residents to remain in Lake Elmo, the City must strive to attract and develop a greater variety of housing that suits the needs of seniors, including those who require medical assistance or are disabled, requiring barrier-free housing. In addition, affordability is increasingly becoming important factor for many seniors in making housing choices. To give these residents the option to remain in Lake Elmo, developing housing options that are both senior friendly and affordable will be critical over the next 25 years and beyond.

4. **Provide a greater variety of housing in terms of cost and tenure type (ownership vs. rental) in order to give more people the opportunity to live in Lake Elmo, particularly younger residents and families.** Considering the gap in the Lake Elmo population of 20-39 year olds, it is important to be cognizant of how housing affordability relates to the current demographics of the city. If the city wishes to retain younger residents and families in Lake Elmo, then opportunities for more affordable and rental housing must be present. Adding more young residents to Lake Elmo will strengthen the social fabric of the community and encourage more unique activities and programming. Additionally, providing more options in terms of affordability will allow more employees of businesses located in Lake Elmo the option of both living and working in the community.

### Future Housing

According to Met Council forecasts, the growth of Lake Elmo will result in an increase of 5,948 households by 2030, representing an increase of 214%. In order to achieve this growth in a balanced and sustainable manner, as well as fulfill Lake Elmo's housing goals, the I-94 Corridor and Old Village land use plans provide opportunity for a wide mix of housing types and densities. These housing densities will vary with a floor range of 2.0 units per acre to 10 units per acre, allowing for a greater variety of housing in Lake Elmo. These new housing units are guided for the I-94 Corridor and Old Village at the following minimum densities:

#### I-94 Corridor

- Urban Low Density: 2.5 units/acre
- Urban Medium Density: 4.0 units/acre
- Urban High Density: 7.0 units/acre

#### Old Village

- Village Low Density: 2.0 units/acre
- Village Medium Density: 4.0 units/acre
- Village High Density: 10.0 units/acre

These densities result in meeting the Met Council expectations of adding a minimum of 4,200 new housing units to the I-94 Corridor and Old Village as outlined in the MOU. The City will work to pursue a mix of densities that are consistent with the Comprehensive Plan with the understanding that the City and Met Council will monitor growth against the expectations of the MOU. The City recognizes that development at densities above the minimum requirements may create opportunities to provide increased open space above the typical standard and other amenities considered a public benefit, thereby improving the character of these areas to better blend with the overall rural character of the community.



## Affordable Housing

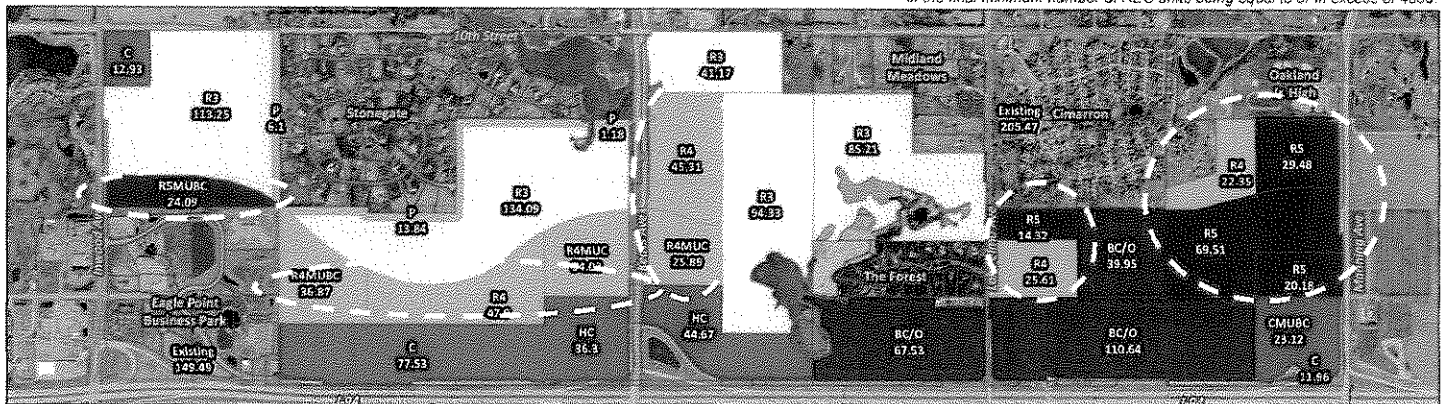
In terms of fulfilling Lake Elmo's regional obligations for affordable housing, the Metropolitan Council's allocation of affordable units within Lake Elmo for the 2011-2020 timeframe is 661 housing units. Again, affordable housing is defined as housing units that are priced at monthly payment that are no more than 30% of gross income of a household earning 60% of the Twin Cities median family income. This definition translates into a home purchase price of \$171,500 (or less), or a rental housing opportunity of \$1,134/month (or less) for a two-bedroom unit. If Lake Elmo would like to retain and attract younger residents and families, it is critical to encourage greater affordability within the future housing stock as well as provide options for rental housing.

Related to the affordability of Lake Elmo's future housing stock, several areas in the I-94 Corridor and Old Village will provide an opportunity for the development of more affordable and rental housing. Specifically, several areas of the I-94 Corridor and Old Village are currently guided for densities that would be conducive to greater affordability. In addition to areas guided for multi-family housing, the I-94 Corridor and Old Village will also make use of mixed use zoning to provide more housing options. The areas can be viewed in Map 4-2 and 4-3, highlighted by white circles.

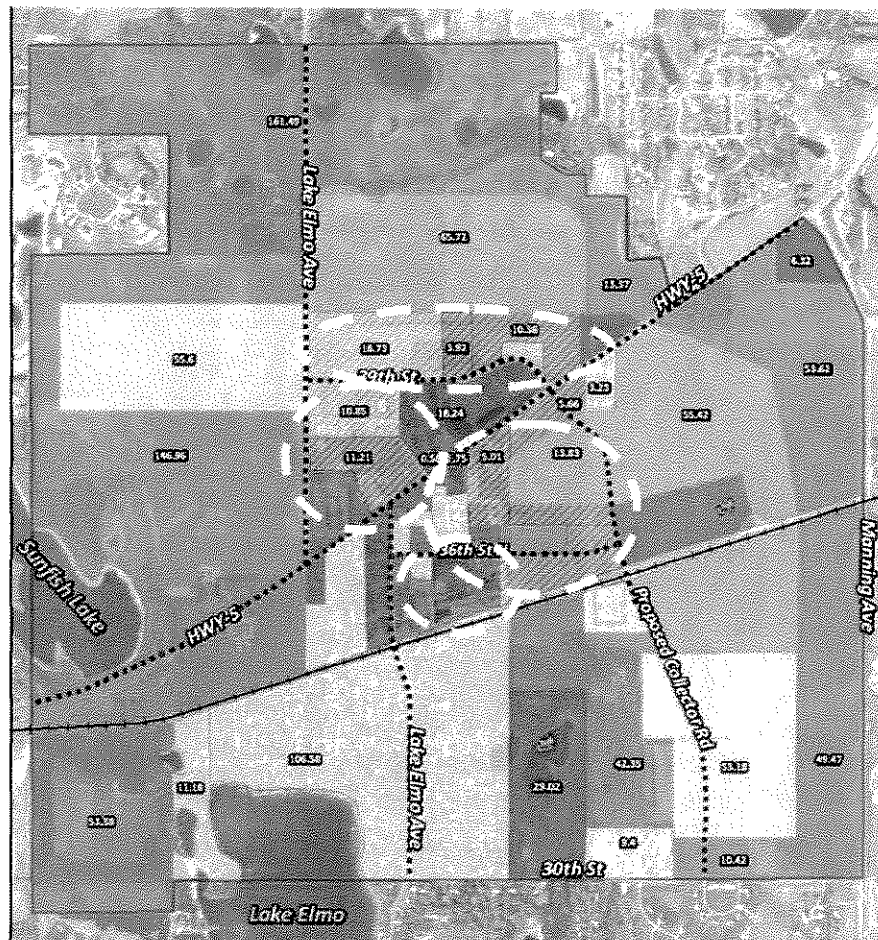
## Map 4-2

### Land Use Plan for South of 10th Street

Boundaries, densities and text subject *only* to changes which result in the final minimum number of REC units being equal to or in excess of 4500.



Map 4-3

***DRAFT- Village Area Future Land Use Concept (4-19-12)***

Regarding implementation, the City will work directly with developers to explore various funding opportunities to support greater housing variety and affordability. To support these efforts, the City of Lake Elmo will investigate working with the Washington County Housing and Redevelopment Authority (HRA). This relationship may prove valuable in working with developers of affordable and senior housing to identify additional funding opportunities. In addition, the City will explore opportunities for affordable housing when considering the disposal of excess properties. Given the stated goals related to future housing, the City would like to support efforts to diversify the current housing stock to meet the future needs of Lake Elmo.

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## MAYOR AND COUNCIL COMMUNICATION

DATE: 8/21/2012

**REGULAR**

ITEM #: 10

**MOTION**

**AGENDA ITEM:** Zoning Ordinance Update

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Planning Director

### SUMMARY AND ACTION REQUESTED:

The City Council is asked to review and approve various amendments to the Zoning Code of the Lake Elmo City Code. These updates to the Zoning Code include the new sewer residential and commercial zoning districts in the I-94 Corridor that eventually will be implemented with the proposed Comprehensive Plan Amendment. In addition to these updates, Staff is proposing to revise the current structure of the Zoning Ordinance to allow for the incorporation of the new zoning districts with the existing districts and ordinance. In order to achieve this structure, Staff is proposing to add new introductory and definitions sections to the ordinance in addition to the new zoning districts.

### BACKGROUND INFORMATION:

In order to implement the proposed Land Use Plan contained within the City's Comprehensive Plan Amendment, it is necessary to amend the Zoning Ordinance to incorporate the new zoning districts that will outline the performance standards in each district. The Planning Commission held a public hearing over the course of two meetings on 7/23/12 and 8/13/12 to receive public comment and review. The proposed amendments to the Zoning Ordinance were recommended for approval by the Planning Commission on 8/13/12.

### STAFF REPORT:

Considering the lengthy process and significant work involved in the Comprehensive Plan Amendment, Staff is proposing to update the Zoning Code in a phased approach as to not be overwhelmed with ordinance updates at the time of implementation. In addition to presenting the proposed zoning districts necessary to move the I-94 Corridor Land Use Plan forward, the

reorganization of the Zoning Ordinance will provide a framework to make the adoption of future zoning districts and performance standards more seamless. With this phased approach, the City may adopt the necessary future updates related to the Village Area and design standards at the appropriate times. It is important to understand that until the Comprehensive Plan Amendment process is complete and the City has adopted a new official zoning map, the properties in the I-94 Corridor will not be rezoned to allow for new development. In other words, these new zoning districts, if adopted, will serve as placeholders to ensure that the City is adequately prepared for growth at the appropriate time.

Throughout the period of review of these proposed amendments to the Zoning Code, Staff has worked to revise these updates to reflect discussion and comment received from the Planning Commission during the review period and during the public hearings. The bulk of these revisions were related to performance standards and allowable uses within the proposed new residential and commercial zoning districts. In addition, efforts were made to better define buffering requirements between rural and sewer development through treatments known as opacity requirements. However, these revisions have since been removed in favor of a greenbelt provision within the Comprehensive Plan Amendment. In the future, buffering through the mechanism of opacity may be revisited through either performance standards or future design guidelines for these districts.

#### **RECOMMENDATION:**

The Planning Commission is recommending that the City Council approve amendments to the Zoning Ordinance to add new sections as follows: Article 1 – Introduction, Article 2 – Definitions, Article 8 – Zoning Districts and Zoning Map, Article 10 – Urban Residential Districts and, Article 12 – Commercial Districts.

#### **ATTACHMENTS:**

1. Proposed Zoning Ordinance
  - a. Proposed Numbering/Organization of Zoning Code
  - b. Article 1 – Introduction
  - c. Article 2 – Definitions
  - d. Article 8 – Zoning Districts and Zoning Map
  - e. Article 10 – Urban Residential Districts
  - f. Article 12 – Commercial Districts

#### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....City Planner
- Questions from Council to Staff ..... Mayor Facilitates

- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**Zoning Ordinance Update – July 2012**  
**Proposed Organization**  
**(Sections in Bold are Attached)**

Section Range		Article	Title
Start	End		
<b>154.001</b>	<b>154.008</b>	<b>1</b>	<b>Introductory Provisions</b>
<b>154.009</b>	<b>154.012</b>	<b>2</b>	<b>Definitions</b>
154.100	154.149	3	Administration and Enforcement
154.150	154.199	4	Non-Conforming Uses and Structures
154.200	154.249	5	General Regulations
154.250	154.299	6	Environmental and Performance Standards
154.300	154.349	7	Specific Development Standards
<b>154.350</b>	<b>154.399</b>	<b>8</b>	<b>Zoning Districts, Zoning Map, and Uses</b>
154.400	154.449	9	Rural Districts
<b>154.450</b>	<b>154.499</b>	<b>10</b>	<b>Residential Districts</b>
154.500	154.549	11	Village Center District
<b>154.550</b>	<b>154.599</b>	<b>12</b>	<b>Commercial Districts</b>
154.600	154.649	13	Public and Semi-Public Districts
154.650	154.699	14	OP District
154.700	154.749	15	OP-Alt District
154.750	154.799	16	Future Sewer Overlay District
154.800	154.849	17	Planned Unit Development

## ARTICLE 1 - INTRODUCTORY PROVISIONS

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§154.001	Title
§154.002	Purpose
§155.003	Statutory Authorization
§155.004	Jurisdiction
§155.005	Compliance Required
§155.006	Rules of Construction and Interpretation
§155.007	Severability and Validity
§155.008	Effective Date

### **§154.001 Title**

This chapter shall be known, cited and referenced to as the City's zoning ordinance.

### **§154.002 Intent and Purpose**

This chapter is adopted for the purposes of:

- A. Protecting the public health, safety, comfort, convenience, and general welfare;
- B. Implementing the City of Lake Elmo Comprehensive Land Use Plan;
- C. Promoting orderly development of the residential, commercial, industrial, recreational and public areas
- D. Conserving the natural and scenic beauty and attractiveness of the city;
- E. Conserving natural resources in the city;
- F. Minimizing environmental pollution; and
- G. Conserving energy through the siting of buildings and encouragement of solar and earth-sheltered structures where appropriate.

### **§154.003 Statutory Authorization**

This chapter is adopted pursuant to the authorization contained in Minnesota Statutes, Chapter 462, or successor statutes.

### **§154.004 Jurisdiction**

This chapter shall be applicable to all lands and waters within the corporate limits of Lake Elmo, Minnesota.

### **§154.005 Compliance Required**

Except as in this chapter specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose in any manner which is not in conformity with this chapter.

### **§154.006 Rules of Construction and Interpretation**

The following rules of construction and interpretation apply to this chapter:

- A. *Minimum Requirements.* In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- B. *Conflict.* Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, chapter, statute, resolutions or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

### **§154.007 Severability and Validity**



It is hereby declared to be the intention that the several provisions of this chapter are severable in accordance with the following:

- A. *Severability.* If any court of competent jurisdiction shall adjudge any provisions of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter.
- B. *Validity.* If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

**§154.008 Effective Date**

This chapter shall be in full force and effect from and after its date of passage and approval by the City Council.

## ARTICLE 2 - DEFINITIONS

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§154.009	Introduction and Purpose
§154.010	Interpretation of Certain Terms
§155.011	General Definitions
§155.012	Zoning Use Type and Classifications

### **§154.009 Introduction and Purpose**

The purpose of this article is to define general terms used in this zoning ordinance, to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts, and to establish the rules for interpretation of language in this ordinance.

### **§154.010 Interpretation of Certain Terms**

In the construction of this zoning ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

- A. The present tense shall include the future.
- B. The singular number shall include the plural, and the plural the singular.
- C. The word "shall" is mandatory, and not discretionary.
- D. The word "may" is permissive.
- E. The word "should" is advisory.
- F. The word "building" includes the word "structure."
- G. The words "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- H. The word "lot" shall mean "zoning lot" unless otherwise specified in this ordinance.
- I. The words "lot," "parcel," or "premises" may be used interchangeably.
- J. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half ( $\frac{1}{2}$ ) foot or less, the integral foot next below shall be taken.

### **§154.011 General Definitions**

Unless specifically defined in this chapter, common definitions, words and phrases used in this chapter shall be interpreted as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

### **§154.012 Zoning Use Types and Classifications**

- A. Rules of Interpretation for Zoning Use Types and Classifications
  1. *Purpose of Use Types.* The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts. The Use Types section also facilitates the process of determining the applicable use type of any activity not clearly within any defined use type.
  2. *Interpretation.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the Planning Director shall have the authority to determine the appropriate use type. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as examples of Use Types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The Planning Director may also

determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this ordinance.

3. *Determinations in Writing.* The Planning director shall make such determinations of appropriate Use Types in writing, which shall include an explanation of the reasons for the determination.
4. *Appeal.* A determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures for administrative appeals outlined in §31.10.

B. Use Types and Classifications.

1. Residential and Related Uses

a. Family Living

*Live-Work Unit.* A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

*Manufactured Home Park.* A development on a site under a single ownership which consists of two or more spaces for the placement of manufactured homes for dwelling or sleeping purposes, regardless of whether or not a fee is charged for the utilization of such space.

*Multi Family Residential.* A building containing three (3) or more dwelling units. The term includes cooperative apartments and condominiums, but not condominium-hotels. (See CONDOMINIUM and CONDOMINIUM-HOTEL under §11.01.)

*Secondary Dwelling.* A residential dwelling unit, but not a manufactured home, located on the same lot as a single family dwelling unit, either within the principal structure, above a detached garage, or within a detached structure.

*Single Family Attached.* A building containing one dwelling unit attached to another building containing only one dwelling unit, with each building on a separate lot.

*Single Family Detached.* A building containing only one dwelling unit, surrounded by landscape area or yards on all sides.

*Two-Family or Duplex.* A building on a single lot or adjacent lots containing two dwelling units, either side-by-side or stacked vertically.

b. Group Living

*Congregate Housing.* A dwelling providing shelter and services for the elderly, which may include meals, housekeeping, and personal care assistance and minor medical services, but not intermediate, long term, or extended nursing care for residents.

*Correctional Facilities.* A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

*Group Home.* A residence shared by six or fewer handicapped persons in addition to resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

*Group Residential Facility.* A licensed public or private establishment, which, for gain or otherwise, regularly provides one or more dependents with twenty-four (24) hour a day substitute for the care, food, lodging, training, education, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. This term includes, but is not limited, to state institutions under the control of the Commissioner of Public Welfare, foster homes, maternity shelters, group homes as defined herein with seven or more residents, schools for handicapped children, and homes for battered children or battered spouses.

*Halfway House.* An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol, drug addiction or other similar disorders, or to persons re-entering society after being released from a correctional facility or other institution.

*Semi-Transient Accommodations.* Semi-transient accommodations include boarding houses, rooming houses, fraternity and sorority houses, or lodging rooms, as defined by this ordinance. Semi-transient accommodations do not include CONDOMINIUM-HOTELS, as defined in §11.01.

## 2. Public and Civic Uses

*Cemetery.* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

*Colleges and Universities.* Institutions of higher learning which offer courses of general or specialized study leading to a degree or certificate. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

*Community Services.* Establishments of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities may incorporate membership provisions, and are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, non-profit, or charitable nature. Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, day care uses, and athletic facilities. Examples include libraries, museums, senior centers, community centers, social service facilities, early childhood learning facilities, and other special educational services.

*Day Care Center.* Any facility operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

*Public Assembly.* Facilities owned and operated by a public or quasi-public agency accommodating public assembly for non-recreation purposes. Typical uses include auditoriums, convention facilities, exhibition facilities, convention halls, or armories.

*Religious Institutions.* Establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

*Schools, Public and Private.* Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business and Trade Schools are classified as Educational Services.

## 3. Services

**Business Center.** A building or group of buildings planned, constructed, and managed as a total entity, with common on-site parking for a group of commercial service establishments, with office uses also permitted. In the central business district, the requirement for common on-site parking need not be met in order to classify a development as a business center.

**Business Services.** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, and computer programming/data processing services.

**Commercial Kennel.** The boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

**Commercial Stable.** The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

**Communication Services.** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms. Excluded from this use type are facilities classified as Essential Services or Broadcasting and Communications Towers. Typical uses include television studios, telecommunications service centers, telegraph service offices or film and sound recording facilities.

**Educational Services.** Establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools, or secretarial schools, along with non-degree granting schools such as post secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

**Financial Institution.** Provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

**Funeral Home.** Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

**Lodging.** See Transient Accommodations

**Medical Facilities.** Establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

**Membership Organization.** Organizations operating on a membership basis for the promotion of the interests of the members included such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

**Nursing and Personal Care.** Establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

*Offices.* A building or portion of a building use for office purposes by a business, service, professional, or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music, and the like, and all other establishments similar in character.

*Personal Services.* Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as barber shops, clothing rental, salons and health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin operated laundries.

*Repair And Maintenance Shop.* Establishments engaged in miscellaneous repair services, primarily of household oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery), small engine repair, bicycles, or locksmiths.

*Self Service Storage Facility.* An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

*Trade Shop.* Any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like, where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

*Transient Accommodations, Lodging.* Establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.

*Transportation Services.* Establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of automobiles or two-axle trucks.

*Veterinary Service.* Establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming, or breeding services.

#### 4. Food Service

*Drinking and Entertainment.* Establishments primarily engaged in the selling of drinks for consumption on the premises, where entertainment may be provided and the incidental sale of prepared food for consumption on the premise is permitted. These establishments may often charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, nightclubs, taverns, and dance halls.

*Drive-In Restaurant.* An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter and a drive-up or drive through service facility or which offers curb service.

*Fast Food Restaurant.* An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter. This use type does not employ a drive-up or drive-through service facility, and does not offer curb service.

*Standard Restaurant.* An establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same

table or counter at which the food and/or beverage are consumed, 2) a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

5. Sales of Merchandise

*Garden Center (Retail Agriculture).* Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, retail greenhouses, plant stores, and lawn and garden centers.

*Neighborhood Convenience Store.* Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

*Retail Trade.* Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These establishments are characterized by the following: 1) they buy and receive as well as sell merchandise, 2) they may process some products, but such processing is incidental or subordinate to the selling activities, and 3) they predominantly sell to customers for their own personal or household use. Retail trade is divided into the following subcategories for the purposes of this ordinance.

• *General Retail:*

- Antiques and collectibles store
- Art gallery
- Bicycle sales and repair
- Book store, music store
- Clothing and accessories
- Craft or needlework shop
- Drugstore, pharmacy
- Electronics and appliance sales and repair
- Florists
- Specialty food store, including bakery, butcher shop, delicatessen, etc.
- Jewelry store
- Hardware store
- News stands, magazine sales
- Pet store
- Photographic equipment and supplies
- Picture framing
- Secondhand store, thrift or consignment store
- Sporting goods store
- Stationery store
- Tobacco store

- Video rental or sales
- Building supplies sales
- Furniture and appliance sales, rental, showrooms
- Grocery, supermarket
- Liquor store
- Warehouse club sales

*Shopping Center.* A group of commercial establishments planned, constructed, and managed as a total entity with shared access, customer and employee parking provided on-site, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

*Wholesaling.* Establishments engaged primarily in selling merchandise to retailers, or to industrial, commercial, institutional, or professional business customers, or to other wholesalers, or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies.

## 6. Automotive/Vehicular Uses

*Automobile Maintenance Service.* Repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

*Automobile Parts/Supply.* Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments, which offer minor automobile repair services as an accessory use.

*Car Wash.* Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self service car washes.

*Commercial Vehicle Repair.* Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

*Gasoline Station.* Any place of business with fuel pumps and underground storage tanks that provides fuels and oil for motor vehicles. A neighborhood convenience store associated with automobile fuel sales shall be considered a gasoline station.

*Parking Facility.* Any structure associated with a non-residential use whose purpose is to provide the required off-street parking spaces for a principal use, or any site utilized for parking which constitutes the principal use on a parcel of land. This category also includes community lots, which are established to meet the parking needs in a residential area, and park + ride lots.

*Sales and Storage Lots.* Establishments engaged in the display for sale or lease of automobiles, trucks, machinery, recreational vehicles and manufactured homes, including auto dealerships or the farm commercial storage of privately owned trailers, boats, campers, or similar vehicles.

## 7. Outdoor Recreation



*Campgrounds and Trailing.* Establishments engaged in providing overnight or short-term sites for the placement of recreational vehicles or temporary housing, with or without facilities such as water and electricity.

*Golf Course.* A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as Outdoor Recreation Facilities.

*Marina.* A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

*Outdoor Entertainment.* An outdoor facility developed for entertainment, amusement, or tourist purposes which typically involve large areas of land and concentrated traffic peaks oriented towards events at the facility, including drive-in theaters, amphitheaters, outdoor concert halls, or theme parks.

*Outdoor Recreation Facility.* A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

*Parks and Open Areas.* Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses include, but are not limited to, clubhouses, maintenance facilities, concessions, caretaker's quarters, gazebos, pavilions, band shells, and parking. Examples include parks, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

*Restricted Recreation.* Commercial recreation facilities that are of greater nuisance than conventional outdoor athletic facilities because of 1) the noise and traffic volumes they may generate, 2) the glare they produce, or 3) the potential danger they may create from flying objects or the use of weapons. This category includes such uses as amusement parks, racetracks (auto, go-cart, motorcycle) or ranges (skeet, rifle, or archery).

## 8. Indoor Recreation/Entertainment

*Adult Establishment.* See §113.02.

*Indoor Athletic Facility.* A commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks, swimming pools, or gymnasiums.

*Indoor Recreation.* Establishment primarily engaged in activities intended to provide personal amusement, with the largest number of patrons typically during the evening hours or on weekends, and where food and refreshments may be provided as an incidental service, including such uses as bowling alleys, billiard, pool, or bingo parlors, amusement arcades, and indoor theaters (live or motion picture).

## 9. Agricultural and Related Uses

*Agricultural Entertainment Business.* An agricultural sales business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

***Agricultural Production.*** Establishments engaged in the production of crops, plants or vines, including agro forestry, or establishments which are engaged in the keeping, grazing, or feeding of livestock for sale, value increase, or livestock increase.

***Agricultural Sales Business.*** The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

***Agricultural Services.*** Establishments that perform services which support or assist the agricultural community, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes. This category is intended to apply where agricultural land is located, and may include buildings and other structures that provide office, warehouse, and storage areas for these establishments.

***Agricultural Support.*** Establishments engaged in farm equipment sales and repair, farm produce sales and supply (feed grain, elevators) and small-scale farm product processing, such as cider mills, dairies, poultry or meat processing.

***Forestry Operations.*** The use of land for the raising and harvesting of timber, pulpwood or other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper or grinder to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the City which shall be considered accessory to the development of the property.

***Greenhouse, Non Retail.*** A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

***Wayside Stand.*** A temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand, which is clearly a secondary use of the premises and does not change the character thereof.

#### 10. Industrial and Extractive Uses

***Heavy Industrial.*** Establishments involved in the manufacture, fabrication, processing, compounding, or assembling of materials from raw material or previously processed material. These uses have severe potential for adversely affecting surrounding land uses due to potential environmental impacts related to noise, smoke/particulate emissions, vibration, noxious gases, odor, glare/heat, fire/explosion hazards and waste disposal. In addition, these uses may generate large amounts of truck or auto traffic, may involve the use of large unenclosed production areas, or may require large, tall structures that are unsightly. Heavy industrial uses typically involve primary production processes in the area of paper products (pulp mills), food processing (slaughterhouse, meat packing plant), chemicals (manufacture of inorganic chemicals, resins, plastics, paints, fertilizers, explosives, ink), petroleum products (refineries, bulk storage), primary metals (blasting, smelting, rolling), machinery and equipment manufacture (auto assembly, engines, construction equipment), leather (storing, curing, tanning), gravel based products (manufacture of bricks, concrete, abrasives), and lumber products (saw mills).

*Landfill.* A disposal site employing an engineered method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

*Laundry Plant.* Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

*Light Industrial.* Establishments involved in the processing, fabrication, assembly, or compounding of products where the process involved is relatively clean and nuisance free, usually completely enclosed, and with limited environmental effects. These uses can be made compatible with surrounding areas through landscape screening and through separation required by yard and height limitations. Typically, these uses result in the creation of finished products for sale on a wholesale basis to retailers or directly on a retail basis, and include uses in the following areas: lumber products (millwork, cabinet-making), electronics, textiles, printing and publishing services, bottling works, carpet and rug cleaning, furniture manufacture, paper (final processing of stationery, bags, etc., from purchased bulk stock), light metal finishing and light machining, rubber and plastics (compounding processed resins, molding plastics), gravel based products (pottery, cutting, finishing granite, firing and decorating clay products), and ice manufacturing.

*Motor Freight and Warehousing.* Establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the trucks (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

*Non-Production Industrial.* Establishments that normally are considered industrial in character even though they are not involved in the manufacturing or processing of products. These uses generate negative impacts largely through their need for outside storage of equipment and materials, the large expanse of land needed for this storage, and the creation of dirt, dust and noise, along with intermittent truck traffic. These uses generally can be made compatible through landscape screening and the imposition of limited performance standards, and thus are not objectionable in most industrial or commercial districts. The types of uses categorized here include contractors yards, lumberyards, utility yards, and public maintenance shops and yards.

*Research and Testing.* Establishments or other facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products, on a contract or fee basis, and including pilot plant operation.

*Resource Extraction.* A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specially excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision.

*Salvage/Recyclable Center.* Land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled or handled on a commercial basis, including but not limited to, scrap metal, aluminum, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Any site containing two or more unregistered, inoperable motor vehicles is classified as a salvage center.

## 11. Utilities, Transportation and Communications

*Air Transportation.* Establishments engaged in domestic, emergency, or foreign transportation of passengers or goods by air, including airports, flying fields, rotorcraft terminals, as well as any associated terminal facilities.

*Broadcasting or Communication.* Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A Broadcasting or Communication Facility usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Broadcasting or communication facilities include wireless communications facilities and wireless communications towers as defined in §11.01.

*Essential Services.* Overhead, aboveground or underground electrical, gas, steam or water transmission or distribution systems and structures of collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

*Local Transit.* Establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger charter services, school buses, and terminals (including service facilities) for motor vehicle passenger transportation.

*Railroad Transportation.* Establishments engaged in domestic freight and passenger transportation by rail, and including railroad yards, freight stations and switching yards.

## 12. Accessory Uses

*Bed and Breakfast.* A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation.

*Domestic Pets.* The keeping of small domestic animals, such as dogs, cats, birds, rodents, fish, etc., not primarily for produce or value increase, but rather for show, sport, or as pets.

*Family Day Care.* A residence licensed by the Minnesota Department of Human Services in which no more than ten children at any one time receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

*Group Family Day Care.* A residence licensed by the Minnesota Department of Human Services in which at least 11 but not more than 14 children receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

*Home Occupations.* Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, that no over-the-counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing, or teaching limited to 3 students at any time, and similar uses. A home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by M.S. § 609.33, Subd. 1, as it may be amended from time to time, or similar uses. No home occupation shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces required by the occupants. Home occupations shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.

*Kennel, Private.* The keeping, breeding, raising, showing or training of 4 or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

*Merchandise Parties.* Private parties held for the purpose of soliciting sales. Merchandise parties shall include but not be limited to Tupperware, Mary Kay, and Avon parties.

*Stable, Private.* The keeping, breeding, or raising of horse or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

*Solar Equipment.* Any solar collector, skylight, or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

*Swimming Pools.* Any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.

*Temporary Sales.* Any isolated or occasional display and sale of used personal property or home-crafted items conducted on residential premises by the occupant of the residential property. Temporary sales shall include rummage sales, basement sales, yard sales, porch sales, craft sales, garage sales, and seasonal boutiques.

## ARTICLE 8 - ZONING DISTRICTS AND ZONING MAP

- §154.350 Division into Districts  
§154.351 Zoning Map  
§154.352 Consistency with Comprehensive Plan

**§154.350 Division into Districts.**

- A. *All areas zoned.* The incorporated areas of Lake Elmo are hereby divided into the following zoning districts:

**Table 8-1: Zoning Districts**

Zoning District		Reference
A	Agriculture	§154.400
RR	Rural Residential	§154.400
RS	Rural Single Family	§154.400
RE	Residential Estate	§154.400
LDR	Urban Low Density Residential	§154.450
MDR	Urban Medium Density Residential	§154.450
HDR	Urban High Density Residential	§154.450
VMX	Village Center - Mixed Use	§154.500
C	Commercial	§154.550
CC	Convenience Commercial	§154.550
LC	Neighborhood Office/Limited Commercial	§154.550
BP	Business Park/Light Manufacturing	§154.550
P	Civic/Public	§154.600
OSP	Open Space and Parks	§154.600
OP	Open Space Preservation	§154.650
OP-A	Open Space Preservation - Alternative Density	§154.700
FSO	Future Sewer Overlay	§154.750

- B. *Annexed areas.* Any land that is annexed into the city shall be included in the A Agriculture District until such time as the City Council amends the Comprehensive Plan to include the new area, and rezones it to another district.

**§154.351        Zoning Map.**

- A. The location and boundaries of the districts established by this chapter are set forth on the Official Zoning Map, which is hereby incorporated as part of this chapter, and which is on display in the Planning Department.
- B. District boundary lines recorded on the zoning map are intended to follow lot lines, the centerline of streets or alleys, the centerlines of streets or alleys projected, railroad rights-of-way lines, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this chapter.
- C. Whenever any street, alley or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way shall be automatically extended to the center of such vacated area and all area included therein shall be then and henceforth subject to all regulations of the extended district.
- D. It shall be the responsibility of the Planning Director to maintain and amend the zoning map. The Director of Planning shall make any corrections or amendments to the map after all of the procedures outlined in Section 154.020 of this chapter for the making of such revisions or amendments shall have followed by the Planning Commission and the City Council.
- E. Amendments to the Official Zoning Map shall be recorded on the map within 30 days after adoption by the Council. The copy of the Official Zoning Map shall be displayed in the office of the Planning Department and shall be open to public inspection at all times during which the office is customarily open.

**§154.352        Consistency with Comprehensive Plan**

The zoning districts in this chapter and the delineation of zoning district boundaries on the zoning map are consistent with the goals and policies of the Lake Elmo Comprehensive Plan.

## Article 10 - URBAN RESIDENTIAL DISTRICTS

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§154.450	Purpose and District Descriptions
§154.451	Permitted and Conditional Uses
§155.452	Lot Dimensions and Building Bulk Requirements
§155.453	Dimensional Requirements and Preservation of Open Space
§155.455	Site Design and Development Standards
§155.456	Accessory Uses and Structures
§155.457	Residential Accessory Structures
§155.458	Accessory Uses
§155.459	Accessory Uses and Structures Not Listed

### **§154.450 Purpose.**

The urban residential districts are established to provide areas for residential development that are served by public sewer and water services in accordance with the City's Comprehensive Plan. The objectives of these districts are to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the City's Comprehensive Plan, and to ensure adequate light, air, privacy and open space. The residential districts and their purposes are as follows:

- A. *LDR Urban Low Density Residential District.* The LDR district provides an environment of predominantly single-family dwellings on moderately sized lots, and is designed to be the most restrictive of the urban residential districts. The LDR district is intended to provide areas for lower density residential development within the City's planned sewer development areas, and may be used to provide a transition between rural development areas and the City's urban development and districts. Densities shall range from two (2) to four (4) units per acre; however, the overall density for a specific development area must be consistent with the net densities specified in the Comprehensive Plan. The lot size and other district standards allow for the creation of smaller lots with the expectation that common open space will be provided within developments that exceed the base densities (at low end of the land use density range) within the Comprehensive Plan.
- B. *MDR Urban Medium Density Residential District.* The MDR district is established to provide for a diversity of housing types in those areas where such development is consistent with the medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area. Clustering of buildings to permit more orderly development and to preserve open space within new developments is encouraged. Development within the district shall occur at densities in the range of four (4) to seven (7) dwelling units per acre, with two-family dwellings and townhouses permitted. The City will determine the allowed density for a piece of property at the time of the development application, and this determination will be based upon the site-specific characteristics of the property and the requested development. Factors to be considered in increasing or decreasing the allowed density include the existing environmental conditions such as wetlands, floodplains, steep slopes, significant trees; the specific site plan; the amount of open space preserved, and the type of housing units proposed, including whether greater density is desirable because the development contains housing that is consistent with the City's housing goals. The burden of establishing the appropriateness of the high end of the density range will be on the applicant.
- C. *HDR Urban High Density Residential District.* The HDR district is established to provide for an environment of moderate to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as conditional uses. The HDR district is appropriate as a transition between commercial or



industrial districts and surrounding neighborhoods, and in already developed higher-density areas. Development within the district may occur at densities in excess of seven (7) dwelling units per acre, provided the overall densities for within a development area are consistent with the net densities specified in the Comprehensive Plan and that a density analysis is used consistent with the purpose statement for the MDR district.

**§154.451 Permitted and Conditional Uses.**

Table 10-1 lists all permitted and conditional uses allowed in the urban residential districts. “P” indicates a permitted use, “C” a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

- A. *Combinations of uses.* Principal and accessory uses may be combined on a single parcel. A principal and secondary dwelling unit may be combined according to the standards of Section 155.137. Single-family attached or multi-family complexes designed for rental or condominium occupancy, typically include multiple units and buildings on a single parcel.

**Table 10-1: Permitted and Conditional Uses, Residential Districts**

	LDR	MDR	HDR	Standard
<b>Residential Uses</b>				
<b>Household Living</b>				
Single-family detached dwelling	P	P	P	154.454.B,H
Two-family dwelling	-	P	P	154.454.E
Single-family attached dwelling	-	P	P	154.454.F,J
Multifamily dwelling ( <i>rental or condominium</i> )	-	C	P	154.454.G,K
Secondary dwelling	C	C	C	154.454.C
Live-work unit	-	-	C	154.454.L
Manufactured home park	-	C	-	155.102.B
<b>Group Living</b>				
Group Home	P	P	P	155.102.C
Group Residential Facility	-	C	C	155.102.D
Halfway House	-	-	C	155.102.D
Congregate Housing	-	C	C	155.102.E
Semi-Transient Accommodations	-	C	C	155.102.F
<b>Public and Civic Uses</b>				
Community Services	-	-	C	155.103.C
Day Care Center	-	C	C	155.103.D
Schools, Public and Private	C	C	C	155.103.E
<b>Services</b>				
Offices	-	-	C	154.454.M
Funeral Home	-	-	C	154.454.I
Personal Services	-	-	C	154.454.M
Nursing and Personal Care	-	-	C	155.104.C

Table 10-1: Permitted and Conditional Uses, Residential Districts

	LDR	MDR	HDR	Standard
<b>Sales of Merchandise</b>				
Neighborhood Convenience Store	-	-	C	154.454.N
Wayside Stand	P	P	P	154.454.D
<b>Outdoor Recreation</b>				
Golf Course	C	-	-	155.107.B
Outdoor Recreation Facility	-	-	-	155.107.E
Parks and Open Areas	P	P	P	
<b>Transportation and Communications</b>				
Broadcasting or Communication Facility	C	C	C	155.110.B
<b>Accessory Uses</b>				
Home Occupation	P	P	P	155.111.A,B
Bed and Breakfast	-	C	C	155.111.C
Domestic Pets	P	P	P	
Family Day Care	P	P	P	155.111.G
Group Family Day Care	C	C	C	155.111.G
Temporary Sales	P	P	P	155.107.B
Parking Facility	-	-	P	
Solar Equipment	P	P	P	155.111.I
Swimming Pools, Hot Tubs, Etc.	P	P	P	155.111.J
Water-Oriented Accessory Structures	P	P	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	

*Note: Standards listed in Table 10-1 are listed by Article, Section and Subsection.*

**§154.452 Lot dimensions and building bulk requirements.**

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

**Table 10-2: Lot Dimension and Setback Requirements, Residential Districts**

	LDR	MDR	HDR
<b>Minimum Lot Area (sq. ft.)</b>			
Single Family Detached Dwelling	8,000	7,000	5,000
Two-Family Dwelling (per unit) <sup>a</sup>	5,000	4,000	3,000
Single-Family Attached (per unit) <sup>b</sup>	-	4,000	2,500
Multi-Family Dwelling (per unit)	-	4,000	1,800
Secondary Dwelling		see 155.102	
Live-Work Unit	-	-	3,600
Congregate Housing	-	see 155.102	see 155.102
Manufactured Home Park	-	see 155.102	-
<b>Minimum Lot Width (feet)</b>			
Single Family Detached Dwelling	70	60	50
Two-Family Dwelling (per unit) <sup>a</sup>	35	30	20
Single-Family Attached (per unit) <sup>b</sup>	-	25	20
Multi-Family Dwelling (per building)	-	75	60
Live-Work Unit	-	-	25
<b>Maximum Height (feet)</b>			
	35	35	50
<b>Maximum Impervious Coverage</b>			
	40%	50%	75%
<b>Minimum Building Setbacks (feet)</b>			
Front Yard	25 <sup>c</sup>	25 <sup>c</sup>	20 <sup>c</sup>
Interior Side Yard <sup>e</sup>	8	8	10 <sup>d</sup>
Corner Side Yard <sup>e,f</sup>	15	15	15
Rear Yard	20	20	20

**Notes to Urban Residential Districts Table**

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.

- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Single Family Dwellings (both attached and detached) and Two-Family Dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

#### **§154.453      Dimensional Requirements and Preservation of Open Space**

- A. *Averaging of Lot Area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- B. *Lot Dimension Reductions.* Other reductions in dimensional standards may be considered as part of a Planned Unit Development if these reductions provide for common open space within a development.
- C. *Lots Adjacent to Public Greenway Corridors.* On any lot that abuts a public greenway as depicted in the Comprehensive Plan the minimum setback for all structures, including accessory buildings, shall be the required rear yard setback for the district in which said structure is located.

#### **§154.454      Site Design and Development Standards.**

Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 5, 6 and 7. The following standards apply to specific uses, and are organized by district.

- A. *Planned Unit Developments, All Urban Residential Districts.* A planned unit development may be submitted for consideration within any residential district, subject to the requirements and standards established in Section 154.800, Planned Unit Developments.
  - 1. A residential development that exceeds 15 units per acre in an HDR Zoning District may be allowed as a Planned Unit Development in accordance with the density bonus provisions of Section 154.800, Planned Unit Developments.
- B. *Single-Family Detached Dwellings, All Urban Residential Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.

- C. *Secondary Dwelling, All Urban Residential Districts.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.
1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
  2. There shall be no more than one secondary dwelling unit on the zoning lot.
  3. At least one dwelling unit on the zoning lot shall be owner-occupied.
  4. The minimum lot area shall be two thousand five hundred (2,500) square feet greater than the minimum lot area required for a single-family detached dwelling in the zoning district.
  5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
  6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.
  7. A secondary unit within the principal structure shall not contain more than thirty (30) percent of the principal building's total floor area or eight hundred (800) square feet, whichever is less. A detached secondary unit shall not exceed one thousand (1,000) square feet in gross floor area.
  8. Impervious limits for the lot within the zoning district in question shall not be exceeded.
- D. *Wayside Stand, All Urban Residential Districts*
1. No more than one stand per lot shall be permitted.
  2. Adequate off-street parking shall be provided.
- E. *Single-Family Detached Dwelling, All Urban Residential Districts*
1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
  2. The primary entrance shall be located on the façade fronting a public street.
- F. *Two-Family Dwelling, MDR and HDR Districts*
1. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
  2. Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.
  3. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a developed block may be redeveloped as two-family units, and no further two-family or higher density development is permitted once this threshold is reached. Lineal frontage shall be measured around the entire perimeter of the block.
  4. Two-family dwellings shall be designed to reflect the general scale and character of surrounding buildings on surrounding blocks, including front yard depth, building width height and roof pitch, primary materials, façade detailing and size and placement of window and door openings.

G. *Single-Family Attached Dwelling (Townhouse), MDR District*

1. A maximum of eight (8) units shall be permitted within a single building. Buildings with more than eight (8) units may be allowed as a Conditional Use.
2. Townhouses shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
  - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a Conditional Use.
3. The primary entrance shall be located on the façade fronting a public street unless the townhouses are approved as a Conditional Use under §154.455.G.2.a above; an additional entrance may be provided on the rear or side façade.
4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.
5. Townhouse units shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, height and roof pitch, primary materials, façade detailing and size and placement of window and door openings.
6. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of five hundred (500) square feet per unit.

H. *Multi-Family Building, MDR District*

1. A maximum of eight (8) units shall be permitted within a single building. Buildings with more than eight (8) units may be allowed as a Conditional Use.
2. The multi-family building shall be designed to reflect the general scale and character of buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front façade and the street.
4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a block (measured around the entire block perimeter) may be developed as multi-family units, and no further multi-family, two-family or townhouse development is permitted on the block once this threshold is reached.
5. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.

I. *Funeral Home, HDR District.* A facility developed after the effective date of this ordinance shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two access points shall be provided.

1. Additions or new construction shall be designed to reflect the general scale and character of the existing building and surrounding neighborhood, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.

J. *Single-Family Attached Dwelling, HDR District.*

1. A maximum of ten (10) units shall be permitted within a single building. Buildings with more than ten (10) units may be allowed as a Conditional Use.

2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
    - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a Conditional Use.
  3. The primary entrance shall be located on the façade fronting a public street unless the townhouses are approved as a Conditional Use under §154.455.J.2.a above; an additional entrance may be provided on the rear or side façade.
  4. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.
- K. *Multi-Family Building, HDR District*
1. No parking shall be located in the front yard or between the front façade and the street.
  2. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of two-hundred (200) square feet per unit.
- L. *Live-Work Unit, HDR District.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.
1. The work space component shall be located on the first floor or basement of the building.
  2. The dwelling unit component shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
  3. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
  4. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.
  5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
  6. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
  7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two (2) workers on-site at any one time who live outside of the live-work unit.
- M. *Offices or Personal Services, HDR District.* The establishment shall not exceed three thousand (3,000) square feet in size, and may be located within a multi-family building or a free-standing building.
1. Additions or new construction shall be designed to reflect the general scale and character of surrounding buildings, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
  2. No parking shall be located in the front yard or between the front façade and the street.

3. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of three hundred (300) feet from any other retail or service business on the same street within the HDR District.

**N. *Neighborhood Convenience Store, HDR District.***

1. The establishment shall not exceed three thousand (3,000) square feet in size, and may be located within a multi-family building or a free-standing building.
2. Additions or new construction shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, façade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front façade and the street.
4. The use shall occupy a corner property. Any freestanding building developed on such a property shall have a minimum setback of ten (10) feet from each right-of-way line.
5. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of five hundred (500) feet from any other retail or service business on the same street within the HDR District.

**§154.455 Accessory Uses and Structures.**

Accessory uses are listed in the Urban Residential District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the urban residential districts shall comply with the following standards and all other applicable regulations of this ordinance:

- A. *Phasing.* No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use.* The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use.* The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
- D. *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- E. *Location.* The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

**§154.456 Residential Accessory Structures.**

In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

- A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
  1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
  2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages.*
  1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:



- a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
  - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or
  - c. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.
2. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
  3. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
  2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
  3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet shall be prohibited.
  4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
  5. Garage doors or openings shall not exceed fourteen (14) feet in height.

**§154.457 Accessory Uses.**

- A. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
1. Laundry drying,
  2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
  3. Agricultural equipment and materials, if these are used or intended for use on the premises.
  4. Off-street parking and storage of vehicles and accessory equipment, as regulated in Article 5, Section 155.67.
  5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
  6. Outdoor parking.
- B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

**§154.458      Accessory Uses and Structures Not Listed.**

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in Article 7, Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

## ARTICLE 12 - COMMERCIAL DISTRICTS

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§154.550	Purpose and District Description
§154.551	Permitted, Conditional and Interim Uses
§154.552	Lot Dimensions and Building Bulk Requirements
§154.553	General Site Design Considerations, Commercial Districts
§154.554	Development Standards for Specific Uses
§154.555	Commercial District Design Standards

### **§154.550 Purpose and District Descriptions.**

The commercial districts are established to provide a range of goods and services for City residents within the City's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, ensure compatibility with adjacent residential districts, to control traffic and improve the pedestrian environment. The commercial districts are as follows:

- A. *LC Neighborhood Office/Limited Commercial District.* The purpose of the LC district is to provide for the establishment of limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods in areas that are not planned for public sanitary sewer services. Office uses and other business uses are allowable on a limited scale. It is the intent of this district to promote a high quality of business design and development that produces a positive visual image and minimizes adverse effects from traffic congestion, noise, odor, glare, and similar impacts.
- B. *CC Convenience Commercial District.* The CC District is established to provide for smaller scale commercial development and attractive neighborhood shopping centers that are compatible with surrounding residential and business park development, ideally located at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots, and facilities with drive-up windows, are also allowed.
- C. *C Commercial District.* The purpose of the C District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas that are well served by collector or arterial street facilities outside the Village Area. It is intended to allow the widest range of commercial uses, especially those that are oriented towards the travelling public or that need large sites with highway access and visibility. Residential uses may be appropriate as part of a mixed-use commercial development, with unit densities being determined by either the identified range within the comprehensive plan or to a level deemed appropriate as part of a planned unit development.
- D. *BP Business Park/Light Manufacturing District.* The purpose of the BP District is to provide areas for attractive, high quality business park development primarily for office, high quality manufacturing and assembly, and non-retail uses in developments which provide a harmonious transition to residential development and neighborhoods by: 1) conducting all business activities and essentially all storage inside buildings, 2) consisting of high quality and attractive buildings which blend in with the environment, 3) providing open space, quality landscaping and berming; 4) including berming and buffering of parking, loading docks and other similar functions; and 5) protecting and enhancing the natural environment and 6) providing users with

an attractive working environment that is unique in the eastern metropolitan area with immediate access to I-94.

**§154.551 Permitted, Conditional and Interim Uses.**

Table 12-1 lists all permitted and conditional uses allowed in the commercial districts. "P" indicates a permitted use, "C" a conditional use and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

- A. *Combinations of uses.* The following use types may be combined on a single parcel:
1. Principal and accessory uses.
  2. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
  3. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article. Office or studio uses on upper stories are encouraged.

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	LC	CC	C	BP	Standard
<b>Residential Uses</b>					
<b>Household Living</b>					
Single-family attached dwelling	-	-	C	-	154.554.A
Multifamily dwelling	-	-	C	-	154.554.B
Live-work unit	C	C	C	-	155.145.E
<b>Group Living</b>					
Semi-Transient Accommodations	-	-	C	-	155.102.F
Congregate Housing	-	-	C	-	
<b>Public and Civic Uses</b>					
Colleges and Universities	-	-	C	C	155.103.B
Community Service	-	C	C	C	155.103.C
Day Care Center	C	C	C	C	155.103.D
Schools, Public and Private	-	-	C	C	155.103.E
Public Assembly	-	-	C	C	155.103.F
Religious Institutions	-	-	C	-	155.103.G
<b>Services</b>					
Business Services	P	P	P	P	
Business Center	P	P	P	P	
Offices	P	P	P	P	
Commercial Kennel	-	-	C	-	
Communication Services	C	C	P	P	
Educational Services	P	P	P	P	
Financial Institution	P	P	P	P	
Funeral Home	-	C	P	-	
Lodging	-	-	P	C	154.554.C
Medical Facility	-	-	C	C	155.104.B
Membership Organization	P	P	P	-	
Nursing and Personal Care	C	C	C	-	155.104.C
Personal Services	P	P	P	-	
Repair and Maintenance Shop	-	-	P	-	154.554.D
Self-Service Storage	-	-	C	C	155.104.D
Trade Shop	-	-	P	-	154.554.E
Transportation Services	-	-	-	C	
Veterinary Services	P	P	P	C	154.554.F
<b>Food Services</b>					(154.554.K)
Standard Restaurant	-	P	P	C	154.554.L
Drive-in Restaurant	-	C	C	-	155.105.A
Drinking & Entertainment	-	C	P	-	155.105.B

	LC	CC	C	BP	Standard
Fast Food Restaurant	-	P	P	C	154.554.M
<b>Sales of Merchandise</b>					
General Retail Sales	C	P	P	C	154.554.N
Building Supplies Sales	-	-	C	-	
Warehouse Club Sales	-	-	C	-	
Furniture and Appliance Sales	-	-	P	-	
Grocery, Supermarket	-	-	P	-	
Liquor Store	-	-	P	-	
Garden Center	-	-	P	-	154.554.G
Neighborhood Convenience Store	-	P	P	-	
Shopping Center	-	P	P	-	
Wholesaling	-	-	P	-	
<b>Automotive/Vehicular Uses</b>					
Automobile Maintenance Service	-	-	C	-	154.554.H
Automobile Parts/Supply	-	-	P	-	154.554.H
Car Wash	-	-	C	-	
Commercial Vehicle Repair	-	-	-	-	155.155.J
Gasoline Station	-	C	C	-	155.106.B
Parking Facility	-	-	C	C	154.554.I
Sales and Storage Lots	-	-	C	-	
<b>Outdoor Recreation</b>					
Campgrounds and Trailing	-	-	-	-	155.107.A
Golf Course	-	-	-	-	
Marina	-	-	-	-	155.107.C
Outdoor Entertainment	-	-	-	-	155.107.D
Outdoor Recreation Facility	-	-	C	-	155.107.E
Parks and Open Areas	P	P	P	P	
Restricted Recreation	-	-	-	-	
<b>Indoor Recreation/Entertainment</b>					
Adult Establishment	-	-	-	C	Chapter 113
Indoor Athletic Facility	-	C	P	C	155.108.B
Indoor Recreation	-	-	C	-	155.108.B
<b>Agricultural and Related Uses</b>					
Agricultural Sales Business	-	I	P	-	154.110
Agricultural Services	-	-	C	-	
Agricultural Support	-	-	C	-	
Greenhouses - Non Retail	-	-	-	-	
Wayside Stand	P	P	P	P	

	LC	CC	C	BP	Standard
<b>Industrial and Extractive Uses</b>					
Heavy Industrial	-	-	-	-	
Landfill	-	-	-	-	
Light Industrial	-	-	-	C	
Non-production Industrial	-	-	-	C	154.554.J
Motor Freight and Warehousing	-	-	-	C	
Research and Testing	-	-	-	C	
Resource Extraction	-	-	-	-	
Salvage/Recyclable Center	-	-	-	-	
<b>Transportation and Communications</b>					
Broadcasting and Communications	C	C	C	C	154.110 - 154.123
<b>Accessory Uses</b>					
Bed and Breakfast	-	-	-	-	155.111.C
Drive-Through Facility	-	C	C	-	155.111.D
Family Day Care	-	-	-	-	155.111.E
Group Family Day Care	-	-	-	-	155.111.E
Home Occupation	-	-	-	-	155.111.A,B
Parking Facility	C	C	P	P	154.554.I
Outdoor Storage	-	-	C	-	
Outdoor Display	-	-	C	-	
Solar equipment	P	P	P	P	
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

<sup>1</sup> General Retail Sales shall include all of the subcategories identified in the Section 154.012.B.5 under Retail Trade with the exception of those subcategories listed separately in Table 11-1 above.

**§154.552 Lot Dimensions and Building Bulk Requirements.**

Lot area and setback requirements shall be as specified in Table 12-2 *Lot Dimension and Setback Requirements, Commercial Districts*.

**Table 12-2: Lot Dimension and Setback Requirements, Commercial Districts**

	LC	CC	C	BP
Minimum Lot Area (sq. ft.)	3.5 acres	12,000	20,000	2 acres
Minimum Lot Width (feet)	300	75	100	200
Minimum Lot Depth (feet)	400	-	-	-
Maximum Height (feet/stories)	35	35	45	50 <sup>a</sup>
Maximum Impervious Coverage	40%	60%	75%	75%
<b>Building Setback Requirements (feet)</b>				
Front Yard	100	30	30	50
Interior Side Yard	50	20	10	30
Corner Side Yard	100	25 <sup>c</sup>	25 <sup>c</sup>	30
Rear Yard	50	30 <sup>b</sup>	30 <sup>b</sup>	30
Residential Zones	150	50	50	150
<b>Parking Setback Requirements (feet)</b>				
Front Yard	50	15	15	30
Interior Side Yard	50	10	10	15
Corner Side Yard	50	15	15	30
Rear Yard	50	10	10	15
Residential Zones	100	35	35	100
Minimum Building Floor Size (sq. ft.)	4,000	-	-	5,000

**Notes to Table 11-2**

- Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- Accessory buildings must be set back 10 feet from property lines.
- Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

**§154.553 General Site Design Considerations, Commercial Districts.**

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Articles 5, 6 and 7.



- A. *Circulation.* Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
  - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.
- C. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian. All lighting shall be installed in conformance to Section §150.035 through §150.038.
- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property.

**§154.554 Development Standards for Specific Uses.**

The following standards apply to specific uses allowed within the Commercial Districts. Other specific use standards are located in Article 7.

- A. *Single-family attached dwellings, C District.* Limited to areas that are designated as mixed-use in the Comprehensive Land Use Plan.
- B. *Multi-family dwelling units, C District.* Dwelling units (both condominium and rental) are allowed as follows:
  - 1. Within those areas designated as mixed-use in the Comprehensive Plan.
  - 2. On the upper floors or rear or side ground floors of a mixed-use building approved as part of a Planned Unit Development
- C. *Lodging, BP District.* Must incorporate a full-service restaurant and rooms accessible only through interior corridors and be subordinate to a main business complex.
- D. *Repair and Maintenance Shop.* No outdoor storage is permitted.
- E. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties, by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- F. *Veterinary Services.* All activities must be conducted within an enclosed building. Crematoriums are not allowed.
- G. *Garden Center*
  - 1. The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of Article 6, Section 155.89.F.
  - 2. All loading and parking shall be provided off-street.
  - 3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- H. *Automobile Maintenance Service and Automobile Parts/Supply.*
  - 1. All vehicle repairs shall be conducted in a completely enclosed building.
  - 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet

all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.

- I. *Parking Facility, C District.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing façade shall be designed for retail, office or residential use.
- J. *Non-Production Industrial, BP District.* Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:
  - 1. The use is served by a street of sufficient capacity to handle the traffic the use will generate.
  - 2. The use includes a retail or office component equal to at least twenty-five (25) percent of the floor area of the use.
  - 3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area.
- K. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of five (5) feet of sidewalk or walkway must remain open.
- L. *Standard Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.
- M. *Fast Food Restaurant, BP District.* Must be incorporated as part of a larger business center or lodging use.
- N. *Retail Trade, BP District.* Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.
  - 1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

**§154.555 Commercial District Design Standards.**

- A. *Purpose and Intent.* It is the purpose and intent of the city, by the adoption of the performance standards of this article, to ensure commercial buildings constructed within the city are of a high quality of exterior appearance and consistent with the Comprehensive Plan. These standards shall apply to all commercial districts within the city.
  - 1. It is the finding of the city that a limited selection of primary exterior surfacing materials meets this standard of quality.
  - 2. It is the further finding of the city that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the city as to the relative quality and rural character of those respective accent materials.
- B. *Architectural and Site Plan Submittals.* New building proposals shall include architectural and site plans prepared by registered architect and shall show the following as a minimum:
  - 1. Elevations of all sides of the buildings;

2. Type and color of exterior building materials;
3. Typical general floor plans;
4. Dimensions of all structures; and
5. Location of trash containers, heating, cooling and ventilation equipment and systems.

C. *Applicability - Structure Additions and Renovation.*

1. Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing of any portion of an existing structure shall be exempt from the standards of this division where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure.
2. Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standards of this division.

D. *Performance Standards - Primary Exterior Surfacing.*

1. The primary exterior surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or thin veneer brick or stone less than nominal 4 inches thick shall not qualify as complying with this performance standard.
2. Primary exterior surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this division. Windows and glass doors shall be considered a primary surface, but the sum area of this glass shall be deducted from the wall area for purposes of the 70% primary/30% accent formulas of this chapter. Doors of any type of material, except glass, shall not be considered a primary exterior surface.
3. Each wall of the structure shall be calculated separately and, individually comply with the 70/30 formula.

E. *Performance Standards - Exterior Surfacing Accents.* Not more than 30% of the exterior wall surfacing, as defined by division (D) above, may be of the following listed accent materials, but no single accent *material*, except natural wood, may comprise more than 20% of the total of all accent materials; and, no combustible materials shall be used:

1. Cedar, redwood, wood siding;
2. Cement fiber board;
3. Standing seam metal;
4. Architectural metal;
5. Stucco;
6. Poured in place concrete (excluding "tilt-up" panels);
7. Architectural metal panels; and

8. Porcelain or ceramic tile.
- F. *Performance Standard - Accessory Structures.* All accessory structures shall comply with the exterior surfacing requirements specified by division (D) above.
- G. *Performance Standard - HVAC Units and Exterior Appurtenances.* All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the public with the primary exterior materials used on the principal structure.
- H. *Performance Standard - Visible Roofing Materials.* Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete or slate.
- I. *Applicability - New Construction.* The standards of this division shall be applicable to all structures and buildings constructed in the city, on and after the effective date of this chapter. The performance standards of this division shall not be in any manner minimized by subsequent planned unit development plans or agreement.



## MAYOR AND COUNCIL COMMUNICATION

DATE: 8/21/12

**REGULAR**

ITEM #: 11

**MOTION**

**AGENDA ITEM:** Request to extend the deadline for submission of a Preliminary Development Plan related to a Senior Living/Farm School development at 9434 Stillwater Boulevard.

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Kyle Klatt, Planning Director

### SUMMARY AND ACTION REQUESTED:

The City Council is respectfully asked to consider a request by Tammy Malmquist, 8549 Ironwood Trail North, for an additional extension to the deadline required to submit an application for a Preliminary Development Plan related to a Senior Living/Farm School project at 9434 Stillwater Boulevard. The Concept Plan for a Senior Living/Farm School project was approved on July 20, 2010. The City Code requires the submission of a Preliminary Development plan within one year of this date in order for the approved plan to remain valid. Since the initial approval of the Concept Plan, the City Council approved a one year extension for the project, which was subsequently extended out an additional 30 days in order to conduct a neighborhood meeting. Mrs. Malmquist is now requesting an additional one year extension in order continue the progress of her proposed development. The reasons for her request are detailed in the attached letter. This pending extension would allow the project to remain valid until August 21, 2013.

### BACKGROUND INFORMATION:

To provide background information regarding the approval of the Concept Plan, the resolution approving the Senior Living/Farm School project is attached. In addition, it is important to note that in order to allow the project to proceed at its current location, the City Council approved a Comprehensive Plan amendment and zoning text amendment on June 1, 2010. Should the City Council either deny the preliminary or final plans (or conversely allow the deadline for filing the

preliminary plans expire) the Comprehensive Plan amendment would no longer be valid as well due to the conditions imposed on the applicant when the amendment was approved.

**STAFF REPORT:**

The Concept Plan approval for this project included a long and detailed list of conditions associated with the approval, all of which required significant effort by the applicant to prepare. Given the unique nature and complexity of the project, Staff does not believe that it would be unreasonable to grant the requested extension.

In addition, the recent market conditions related to development have not been favorable to the applicant. As she noted in her letter, Mrs. Malmquist has now selected a new partner to assist in preparing this project. Mrs. Malmquist has noted that additional time will allow her and her partner make improvements to their plan, as well as incorporate recommendations she has received from residents and Staff.

**RECOMMENDATION:**

Based upon the above background information and staff report, Staff is recommending that the City Council grant the request to extend the deadline for filing an application for a Preliminary Development plan.

**ATTACHMENTS:**

- 1. Tammy Malmquist’s letter requesting extension of the submission deadline.
- 2. Resolution 2010-036A

**SUGGESTED ORDER OF BUSINESS:**

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

August 8, 2012

Honorable Mayor and Council Members,

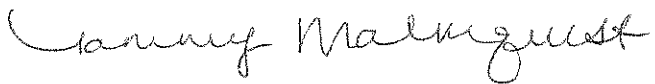
This letter is in regard to the extension currently in place for Main Street Senior Living and Farm School. During the past 12 months I have spent a significant amount of time seeking out the candidate best suited to partner with on this project. I am happy to report that I have found this partner and we have been working on an improved concept, based on the feedback I've received from both residents and city staff.

I have met with city staff on several occasions during this time and have recently participated in a neighborhood meeting to identify the current concerns of adjacent property owners. Having heard these concerns, we are currently working with MnDot to address the traffic issues identified at this meeting and refine the concept plan.

At this time, I respectfully request an extension to continue working with MnDot on the traffic concerns and with city staff regarding the RAD 2 zoning requirements as well as the concerns of the adjacent property owners.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Malmquist". The signature is written in dark ink and is positioned below the word "Sincerely,".

Tammy Malmquist

## **CITY OF LAKE ELMO**

### **RESOLUTION NO. 2010-036A**

#### *A RESOLUTION APPROVING AN OP – OPEN SPACE DEVELOPMENT CONCEPT PLAN AND PLANNED UNIT DEVELOPMENT GENERAL CONCEPT PLAN RELATED TO A SENIOR LIVING/FARM SCHOOL DEVELOPMENT*

**WHEREAS**, Tammy Malmquist, 8549 Ironwood Trail North (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for a OP – Open Space Development Concept Plan and General Concept Plan for a Planned Unit Development (PUD), a copy of which is on file in the Lake Elmo Planning Department; and

**WHEREAS**, the proposed OP – Open Space Development Concept Plan and General Concept Plan for a PUD is to construct a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings on a 24.4 acre parcel at 9434 Stillwater Boulevard North; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on May 11, 2010 and continued this hearing until its May 25, 2010 and June 14, 2010 meetings to consider the OP Development Concept Plan and General Concept Plan for a PUD; and

**WHEREAS**, on June 14, 2010 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the OP Development Concept Plan and General Concept Plan for a PUD with conditions; and

**WHEREAS**, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated July 13, 2010; and

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission and the OP Development Concept Plan and General Concept Plan for a PUD at a workshop meeting held on July 13, 2010 and at its regular meeting on July 20, 2010.

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

#### **FINDINGS**

- 1) That the procedure for obtaining approval of said OP Development Concept Plan is found in the Lake Elmo City Code, Section 150.182.
- 2) That the procedure for obtaining approval of said General Concept Plan for a PUD is found in the Lake Elmo City Code, Section 154.074.



- 3) That all the requirements of said City Code Sections 150.182 and 154.074 related to the OP Development Concept Plan and General Concept Plan for a PUD have been met by the Applicant.
- 4) That the proposed Concept Plan would allow the construction of a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings on property legally described on the attached Exhibit "A" and commonly known as 9434 Stillwater Boulevard North.
- 5) That the proposed OP – Open Space Development Concept Plan:
  - a) Is in conformance with the Comprehensive Plan for the City and that the uses proposed are consistent with the RAD2 – Rural Agricultural Development (2 units per acre) land use designation shown for the area on the official Comprehensive Land Use Plan.
  - b) Satisfies the intent and purpose of City's land use, zoning, and subdivision regulations, with certain exceptions to these regulations as permitted in accordance with the City's PUD requirements.
  - c) Would not negatively affect the public health, safety, and general welfare of occupants of surrounding lands.
- 6) That the proposed General Concept Plan for a PUD:
  - a) Is consistent with the goals, objectives, and policies of the Comprehensive Plan.
  - b) Is consistent with the purpose of Section 150.175 et seq. of the City Code.
  - c) Complies with the development standards of Section 150.175 et seq. of the City Code.
- 7) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land than if the applicant was required to conform to the standards of the existing zoning districts on this property.
- 8) That the uses proposed in the PUD will not have an adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
- 9) That the PUD is of sufficient size, composition, and arrangement that construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and open space are balanced and coordinated.

- 10) That the PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the development.
- 11) That the PUD is designed in such a manner as to form a desirable and unified environment within its own boundaries.

### **CONCLUSIONS AND DECISION**

1. Based on the foregoing, the Applicant's OP – Open Space Development Concept Plan and General Concept Plan for a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings is hereby approved, subject to the following:
  - a. The Applicant shall provide the City with a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the Applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.
  - b. The applicant shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
  - c. All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.
  - d. In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
  - e. The applicant shall provide a secondary vehicular access to the proposed development in the form of a private road connection to Jamaca Court North, to be devised and

developed in conjunction with the City Planner and City Engineer. The applicant shall also provide an easement for a future road connection to the property immediately to the north of the project site.

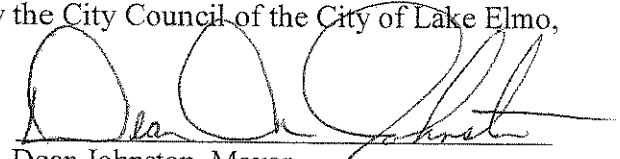
- f. The applicant shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- g. The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- h. The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:
  - 1) Front yard setbacks to the proposed roads within the development area.
  - 2) Buffering between the proposed development and open space preservation areas and neighboring properties.
  - 3) Setbacks from the proposed animal buildings and neighboring parcels.
- i. Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
- j. The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
- k. The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
- l. The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.
- m. The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
- n. The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and

construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

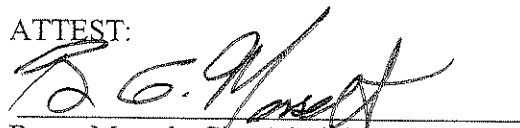
- o. A part of the preliminary (development stage) plans, the applicant will:
  - 1) Maximize the setback of the communal septic system from neighboring property lines and provide necessary fencing and an additional landscape buffer around the perimeter of the drainfield site.
  - 2) Maximize the road and structure setbacks from the property lines adjacent to the development as much as possible, focusing on the area west and southwest of the proposed townhouses and along the eastern property lines. The City will consider flexibility and variation for interior setbacks to facilitate the above exterior buffer setback minimizations.
  - 3) Augment the vegetative buffer provided along external property lines.
  - 4) Demonstrate the ability to provide adequate grazing areas for the animals that will be housed on the site in addition to providing suitable access to these areas.
- p. The maximum size permitted for the new barn structure shall be limited to 3,000 square feet consistent with the maximum accessory building size permitted in a Rural Residential zoning district.
- q. The areas surrounding the school, school accessory buildings, and new barn structure shall not be included in the residential density calculations for the site, currently estimated at 48 units plus one additional unit. Bonuses, if any, for density otherwise permitted in the City Code, including, but not limited to, flexibility allowed through a PUD submission, historic barn preservation, or other means, shall be taken into account before establishing the overall density for the project.
- r. The preliminary (development stage) plans shall include a PUD agreement that will incorporate the following provisions:
  - 1) The new barn, existing farm structures, and storm water facilities shall be permitted within open space/conservation land.
  - 2) The applicant will provide an accurate description of the proposed agricultural activities that will take place on the site.

- 3) The applicant will provide information concerning the farm school structure, the operation of the school, the state licensing requirements for preschools, the size of the proposed facility, and the qualifications for the instructors within the school.
  - 4) The overall residential density (expressed in number of dwelling units) permitted on the site shall be specified.
- s. Detailed submissions for the preliminary (sketch) plan review phase will include, but not be limited to, plans addressing architectural design and materials, lighting, landscaping, grading, and storm water and erosion control, all of which are subject to review and approval by the City of Lake Elmo.
  - t. The foregoing conditions shall be performed according to the satisfaction of the City of Lake Elmo.

Passed and duly adopted this 20<sup>th</sup> day of July 2010 by the City Council of the City of Lake Elmo, Minnesota.

  
Dean Johnston, Mayor

ATTEST:

  
Bruce Messelt, City Administrator



## MAYOR AND COUNCIL COMMUNICATION

DATE: August 21, 2012

**REGULAR**

ITEM #: 12 (Public Hearing #7)

**MOTION: RESOLUTIONS**

**AGENDA ITEM:** Keats Avenue North: MSA Street and Trunk Water Main Improvements – Resolution 2012-41 Accepting the Amended Report; continue the Public Improvement Hearing; and Resolution 2012-42 Ordering Improvement and the Preparation of Plans and Specifications

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Ryan Stempski, Assistant City Engineer  
Sandie Thone, City Clerk  
Cathy Bendel, Finance Director

**SUMMARY AND ACTION REQUESTED:** The Public Improvement Hearing for the Keats Avenue North: MSA Street and Trunk Water Main Improvements was opened on March 6, 2012 and subsequently continued until August 21, 2012.

The city council is respectfully requested to receive a presentation on the Amended Feasibility Report, then continue the Public Improvement Hearing; and following the hearing, consider adopting Resolution No. 2012-41 accepting the Amended Feasibility Report, and consider adopting Resolution No. 2012-42 thereby ordering the improvement and the preparation of plans and specifications.

**BACKGROUND INFORMATION:** Earlier this year, FOCUS Engineering, Inc. completed a Feasibility Report for the Keats Avenue North: MSA Street and Trunk Water Main Improvements consisting of the proposed street reconstruction of Keats Avenue North, a municipal state aid route, from 47th Street North to Trunk Highway 36, and the installation of a trunk water main line along Keats Avenue from Julep Avenue, easterly along 47th Street, then north along Keats Avenue to 59th Street (Rock Point Church). The city council accepted this Report on February 8, 2012 and called for a Public Improvement Hearing to be held on March 6, 2012. At the hearing the council directed staff to pursue a state aid design variance for the recommended improvements and to further review the needs and costs for the proposed trunk water main line. The hearing was continued until August 21, 2012.

**STAFF REPORT:** Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing was noticed for March 6, 2012, to consider making the following improvements:

- Street Reconstruction of Keats Avenue North, from 47th Street N. to Trunk Highway 36.

- Install 16-inch diameter Trunk Water Main from Julep Avenue (Tapestry Development) along 47th Street, then north along Keats Avenue to 59th Street (Rock Point Church).

The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be impacted by these improvements. On August 15, 2012 a friendly reminder was sent out to each property regarding the continuance of the Hearing for August 21st.

Since the March 6 Public Improvement Hearing, an Amended Feasibility Report has been completed that revises the proposed rural section road improvement to an urban section road meeting municipal state aid standards. The original Feasibility Report proposed that the city apply for a design variance to state aid standards to construct a rural section road while maintaining a 15 foot clear zone. State aid standards require a 30 foot clear zone for the daily traffic volumes experienced along Keats Avenue. The existing roadway has a 15 foot clear zone and meeting the standard would require the right-of-way to be cleared and re-graded an additional 15 feet on either side. On March 22, the State Aid Variance Committee denied the city's variance request.

An Amended Feasibility Report was completed to review the remaining improvement alternatives for the project. The following options were reviewed:

- Construct an Urban Section Road meeting state aid standards at 32 feet from back of curb to back of curb with concrete curb and gutter. Added cost is \$155,000.
- Construct a Rural Section Road meeting state aid standards with an expanded 30 foot clear zone. Added cost is \$845,000.
- Construct a Rural Section Road with a 15 foot clear zone, but use general tax levy funds to pay for the project (cannot use State Aid Funds to pay for the improvements).

At the July 17 city council meeting, council directed staff to amend the Feasibility Report proposing an Urban Section Road meeting state aid standards.

The revised Estimated Total Project Costs for the Reconstruction of Keats Avenue North for an Urban Road meeting municipal state aid standards and with a 32 foot width is \$1,297,000. Estimated Total Project Costs for the Trunk Watermain Extension remains at \$1,028,000. The detailed findings of the report, project cost details, and associated assessment impacts are included in the Feasibility Report and will be presented at the meeting. This Report is available for review at City Hall.

**FUNDING:** Should the improvements be ordered, the project will be partially financed through special assessments. The Lake Elmo City Council adopted an assessment policy, dated November 16, 2010. The proposed assessments in the Report are consistent with this assessment policy. The project can be funded using special assessments as well as lateral benefit charges, Municipal State Aid Funds, DEED Water System Grant Funds, and Water Enterprise Funds.

For the Street Improvements of Keats Avenue North, the project can be primarily funded using the city's municipal state aid construction funds. In addition, there are 22 properties that are proposed to be specially assessed with an estimated unit assessment amount of \$3,400. The City cost share for use of state aid funds is therefore \$1,222,200.

The trunk water main improvement project is being installed as a part of the community wide integrated water system. Therefore, the water main extension project will be primarily funded using the City's \$1.0 million DEED water system grant with matching funds from the city's Water Enterprise Fund. These funds must be expended prior to December 31, 2014. Similar to a collector street improvement project, a local benefit will be realized by the properties adjacent to the trunk water main line. It is recommended that the city consider assessing a water lateral benefit charge to those 20 properties.

**RECOMMENDATION:** Staff is recommending that the City Council approve Resolution No. 2012-41 accepting the Amended Feasibility Report, and consider adopting Resolution No. 2012-42 thereby ordering the improvement and the preparation of plans and specifications. The suggested motions are as follows:

***“Move to approve Resolution No. 2012-41 Accepting the Amended Feasibility Report for the Keats Avenue North: MSA Street and Trunk Water Main Improvements.”***

***“Move to approve Resolution No. 2012-42 Ordering the Improvement and the Preparation of the Plans and Specifications for the Keats Avenue North: MSA Street and Trunk Water Main Improvements.”***

**ATTACHMENTS:**

1. Resolution No. 2012-41
2. Resolution No. 2012-42
3. Notice of Hearing
4. Keats Avenue North: MSA Street and Trunk Water Main Improvements Feasibility Report, as Amended (available for review at City Hall)



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

**RESOLUTION NO. 2012-41**

**A RESOLUTION RECEIVING AND ACCEPTING THE  
AMENDED FEASIBILITY REPORT FOR KEATS AVENUE NORTH: MSA  
STREET AND TRUNK WATER MAIN IMPROVEMENTS**

**WHEREAS**, pursuant to City Council authorization, a feasibility report was prepared by FOCUS Engineering, Inc., dated February 2012 for the reconstruction of Keats Avenue North, a Municipal State Aid route, from 47<sup>th</sup> Street North to Trunk Highway 36; and to concurrently construct a Trunk Water Main connection from Julep Avenue North, easterly along 47<sup>th</sup> Street North, then north along Keats Avenue North to 59th Street North (Rock Point Church).

**WHEREAS**, the report was accepted by the City Council on February 8, 2012 and a Public Improvement Hearing was called on March 6, 2012, at which time the council continued the Hearing until August 21, 2012 and subsequently directed staff to make revisions to the report.

**WHEREAS** the amended feasibility report has been completed by FOCUS Engineering, Inc., dated August 2012, and provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**NOW, THEREFORE, BE IT RESOLVED,**

1. The City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of the Keats Avenue North MSA Street Improvements of \$1,297,000 and an estimated total project cost of the Trunk Water Main Improvements of \$1,028,000.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS TWENTY-FIRST DAY OF AUGUST, 2012.**

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Sandie Thone  
City Clerk

### **CERTIFICATION**

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 21st day of August, 2012, as shown by the minutes of said meeting in my possession.

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Sandie Thone  
City Clerk

(Seal)

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

**RESOLUTION NO. 2012-42**

**A RESOLUTION ORDERING THE IMPROVEMENT AND  
PREPARATION OF PLANS AND SPECIFICATIONS FOR THE  
KEATS AVENUE NORTH: MSA STREET AND  
TRUNK WATER MAIN IMPROVEMENTS**

**WHEREAS**, pursuant a resolution of the City Council adopted the 8th day of February, 2012, the Council ordered a hearing on Improvement for the Keats Avenue north: MSA Street and Trunk Water Main Improvements, and

**WHEREAS**, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 6th day of March, 2012, and continued on the 21st day of August, 2012, at which all persons desiring to be heard were given the opportunity to be heard thereon,

**WHEREAS**, the feasibility report, as amended and dated August 2012 states that the project is necessary, cost-effective, and feasible,

**NOW, THEREFORE, BE IT RESOLVED,**

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report as amended.
2. Such improvement is hereby ordered as proposed in the Council resolution adopted the 21st day of August, 2012.
3. The City Engineer is hereby designated as the engineer for this improvement. The engineer shall oversee the preparation of the Plans and Specifications for the making of such improvement.
4. The City Engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement, and to assist the City Engineer during the construction phase of the improvement as requested.
5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

**ADOPTED BY THE COUNCIL THIS 21ST DAY OF AUGUST, 2012.**

ATTEST:

\_\_\_\_\_  
Sandie Thone  
City Clerk

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

### **CERTIFICATION**

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 21st day of August 2012, as shown by the minutes of said meeting in my possession.

---

Sandie Thone  
City Clerk

(Seal)