



*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, September 4, 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 21, 2012 City Council minutes
- G. PUBLIC COMMENTS/INQUIRIES**
- H. PRESENTATIONS**
  - a) Youth Services Bureau – Mary Planten-Krell
  - b) Proclaim Week of September 17 to 23, 2012 Constitution Week
- 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. Approve Payment of Disbursements and Payroll

3. Approve Updated 2012 Fee Schedule
4. Affirm Hiring of Building Official Rick Chase
5. 2012 Rain Garden Project - Award Contract
6. Authorization for John Shiltz to Dispense Beer and Wine Coolers at the Lake Elmo Days Community Event on September 7 and 8, 2012

J. **REGULAR AGENDA**

7. Ordinance 2012-61 Approving Zoning Text Amendment - Shoreland Standards
8. Malmquist RAD-2 Concept Plan Extension: 9424 Stillwater Boulevard
9. City of Lake Elmo Staff Retreat

K. **SUMMARY REPORTS AND ANNOUNCEMENTS**

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

L. Adjourn

**LAKE ELMO CITY COUNCIL MINUTES  
AUGUST 21, 2012**

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
AUGUST 21, 2012**

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

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

Also Present: City Administrator Zuleger, City Attorney Sicheneder, City Engineer Griffin, Finance Director Bendel, City Planner Johnson and City Clerk Thone.

**Absent: Council Member Smith**

**APPROVAL OF AGENDA**

Item 5 (Approval of Probationary Firefighters) was pulled from the Consent Agenda for discussion.

Mayor Johnston requested that Item 12 (Keats Avenue) be moved to "Item 7.5" between Items 7 (Keats Avenue Public Hearing) and 8 because they are related. The Mayor asked for a motion to approve the agenda.

Council Member Park requested that Item 11 (Extension for Preliminary Development Plan related to a Senior Living/Farm School project) be tabled until the September 4, 2012 meeting. The Mayor instructed the Council that before the agenda could be amended, there had to be a motion to approve it. Council Member Pearson moved to approve the agenda. Council Member Park seconded the motion. Council Member Park then moved to amend the Agenda by removing Item 11 and postponing it until the September 4, 2012 meeting. Council Member Emmons indicated he had some questions for discussion. He then seconded the Motion to Amend.

Council Member Emmons asked if postponing action on Item 11 would cause any timing problems for the project. Administrator Zuleger told the council that because the Council in the past has already granted two extensions, it should not be a problem to postpone the Item. He also indicated that the applicant is out of town. He explained that the last extension was granted in order to hold a neighborhood meeting.

Mayor Johnston spoke against the amendment and expressed his preference to keep the item on the current agenda due to the difficulty of successfully having five council members present. Council Member Park explained that her reason for the amendment was because she knows absent Council Member Smith wanted to speak on the matter. Council Member Pearson expressed his general support for the amendment.

*MOTION ON AMENDMENT: Council Member Park moved to amend the Agenda by removing Item 11 and postponing it until the September 4, 2012 meeting. Council Member Emmons seconded the motion. **Motion passed 3-1, Johnston Nay***

*MOTION: Council Member Pearson moved to approve the August 21, 2012 City Council Agenda as amended. Council Member Park seconded the motion. **Motion passed 4-0.***

# LAKE ELMO CITY COUNCIL MINUTES

## AUGUST 21, 2012

### ACCEPTED MINUTES

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

### PUBLIC COMMENTS/INQUIRIES:

5. Approve Conditional Job Offers to Probationary Firefighters: Dominic Jara, Christopher Supan, Alexander Hilpisch, Michael Neuman, Thomas Hilpisch, Richard Gimpel, and Dan LeVasseur.

District Chief Brad Winkels represented the Fire Department in presenting the probationary firefighters to the council.

*MOTION: Council Member Pearson moved to approve the conditional job offers to the probationary firefighters. Council member Emmons seconded the motion. **Motion passed 4-0.***

District Chief Winkels also announced two retirements: Captain Bernard Sachs retired in July after 12 years and 9 months of service. Firefighter Mark Vandemmeltraadt retired in March after 18 years and 10 months service.

Additionally, it was reported that Captain Mike Cornell and Firefighter Tom Steinman attended and passed the Century College Fire Apparatus Operator course. As soon as they complete the Emergency Apparatus Defensive Driving course, they will be brought to the council for approval as Engineers on the Lake Elmo Fire Department.

Lastly, District Chief Winkel publically acknowledged that Recruit Thomas Hilpisch was recently honorably discharged from the United States Marine Corps and thanked him for his service.

Judy Gibson of 10684 10<sup>th</sup> St. Ct. N. spoke in her capacity as Volunteer Coordinator for the library and the Friends of the Library on the Library Volunteer Appreciation Party. She reported that the party was a success. The Council thanked the volunteers for all their hard work. Mayor Johnston specifically acknowledged that all the work performed at the new library was accomplished by volunteers.

### PRESENTATIONS:

#### EMPLOYEE QUALITY STAR RECOGNITION:

City Administrator Zuleger presented two recognition awards for building community from the bottom up: Washington County Sheriff's Deputy Andy Loehr and Family Means. Deputy Loehr for his commitment to the quality of life for the youth of the Cimarron neighborhood; Family Means for its commitment to the quality of life for the youth of the Cimarron neighborhood by organizing after school and summer programs for children and at-risk teens. Representatives Jamie and Katie accepted the award on behalf of Family Means.

**LAKE ELMO CITY COUNCIL MINUTES**  
**AUGUST 21, 2012**

**CONSENT AGENDA**

2. Accept Financial Report dated July 31, 2012
3. Accept Building Permit Report dated July 31, 2012
4. Approve Payment of Disbursements and Payroll in the amount of \$ 392,818.96
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

*MOTION: Council Member Pearson moved to approve the Consent Agenda Items 2, 3, 4 and 6 as presented. Council Member Park seconded the motion. **Motion passed 4-0.***

**ITEM 7: KEATS AVENUE NORTH MSA STREET AND WATER MAIN PUBLIC IMPROVEMENT HEARING (CONTINUED FROM MARCH 6, 2012)**

Engineer Jack Griffin presented the feasibility report. He gave a brief history of the process and actions taken thus far as well as an overview of the project and subject property. He explained that the water main portion was included in the street project to save costs instead of doing both projects separately. Mr. Griffin also reported the past study findings and reiterated that this connection was needed in the long term anyway.

Mr. Griffin explained how the properties with direct driveway access to Keats Ave. N. were included in proposed assessment. He again mentioned the proposed option of obtaining easements from several property owners near the existing water main and running the line across the properties instead of along 47<sup>th</sup> Street in order to increase cost savings. The financial reasons to change from a Rural Reconstruction to an Urban Reconstruction plan, which includes curbs and gutters, after the variance was denied, were reported.

Mr. Griffin reported the total project cost of \$1,028,000. He also explained the proposed costs for a property owner including the assessment as well as the costs to connect to the water system. Those costs were: Assessment of \$5,800; individual contractor fees for connection costs; Water Availability Charge (2012 WAC): \$3,900; and Connection Permit Meter Fee (2012): \$440.

Council Member Emmons asked Mr. Griffin what the cost of the project would be if MSA was not used and the original rural plan was used. Mr. Griffin reported \$1,142,000. He explained that if the water main project was not included, there would be an additional \$220,000 due to not being able to split the restoration costs between the two projects. There was back and forth discussion between Messrs. Emmons and Griffin that there was not much cost savings between the pavement versus gravel shoulders, road width, and road make up. Mayor Johnston asked if the City could use the MSA funds on another road. Mr. Griffin said that the funds can be used elsewhere; however, the City would still have to make up any difference for the Keats Avenue project.

Council Member Emmons asked what the next MSA road projects on the horizon were. Mr. Griffin said that the next project would be 20<sup>th</sup> Street from Lake Elmo Ave. east towards West Lakeland Township.

## LAKE ELMO CITY COUNCIL MINUTES AUGUST 21, 2012

Council Member Pearson asked for confirmation that reclamation was not an option due to the soil boring test results. Mr. Griffin confirmed that reclamation was not an option. He indicated that this proposal was rechecked with the geotechnical engineer.

Council Member Park asked for a reminder as to the importance and justification for the project. Mr. Griffin explained that this connection must be made before the water system can grow and take on more users.

Mayor Johnston reported an email he received regarding the installation of curbs and gutters. The email was in opposition to the additional cost of the curbs and gutters. Again Mr. Griffin explained that due to the rejection of the variance request, the curb and gutter option is the least expensive. Mr. Griffin made it clear that the City did not jump straight to the curb and gutter option, but this was a reluctant decision.

Mayor Johnston stated the normal assessment policy where contiguous property owners are assessed 30% of the cost and the City is responsible for 70%. He and Mr. Griffin discussed how the City deviated from that formula in order to reduce the burden on the owners. For this project the property owners are only responsible for 6% and the City will be responsible for 94%. This deviation was done by factoring in the traffic volume for that road.

Council Member Park asked if the Lateral Benefit Charge was included in the Tablyn Park Project. Mr. Griffin confirmed that similar charges were included, but he distinguished that project from the Keats Ave project due to the 3M grant money included in Tablyn Park.

Council Member Emmons asked for clarification on why running the line down Lake Elmo Avenue instead of Keats was not a feasible option. Mr. Griffin again explained that in order to meet the 2030 growth targets, the Keats Avenue line would still need to be completed eventually. Mr. Griffin reiterated the fluid dynamics issues with the two line location options and the benefits of the Keats Avenue option.

### ***Mayor Johnston reopened the continuation of the public hearing at 8:00PM.***

Peter Eggen of 5250 Keats Ave. N. spoke in opposition of the high costs being assessed to him. He stated that at the last meeting all the residents in attendance were opposed to the project and did not desire water access. He also stated he felt that he did not have any input on the project at all. He said he understood that as a resident of Lake Elmo, he is subject to what Lake Elmo decides. However, he told the council that if the City had to do this project, all the residents of Lake Elmo should be responsible for the costs.

Mr. Griffin responded to the assessment issue and stated that assessments were always difficult, but this is the only practicable time to collect payment for the benefits provided to the property owners.

Mr. Eggen also stated that there were three cul-de-sacs that should be included in this project but are not being included.

## **LAKE ELMO CITY COUNCIL MINUTES**

### **AUGUST 21, 2012**

Mr. George Crocker of 5093 Keats Ave. N. spoke in opposition to the project. He disputed the reported traffic volume. He stated that he has been doing his own traffic survey of the road since February. He threatened litigation if the City continues to use its statistics in calculating the assessment.

Mr. Crocker also took issue with the water system improvements. He said that the water system problems are due to 3M pollutants. He said that 3M should pay for any improvements. Mayor Johnston announced that the City is a party to litigation with 3M for \$25 Million. Mr. Crocker said that no assessments should be levied pending that litigation. In closing, Mr. Crocker warned that "there may be trouble" if the citizens of Lake Elmo are burdened with the costs.

Ms. Lea Foushee of 5093 Keats Ave. N. expressed her concerns regarding the proposed widening of the road. She stated that she has a large investment in trees, landscaping, and gardens that would be destroyed by the proposed widening. She also stated her displeasure with the impact from past road improvements.

Council Member Emmons clarified for Ms. Foushee that Mr. Griffin does not recommend the widening plan that Ms. Foushee referred to.

***Mayor Johnston closed the Public Hearing at 8:10PM***

#### **ITEM 12(A): APPROVAL OF RESOLUTION 2012-41 ACCEPTING THE AMENDED FEASIBILITY REPORT**

Council Member Park requested Mr. Griffin provide clarification on the Lateral Benefit charge. Mr. Griffin explained how by assessing the property owners at the time, the city is able to recover the cost of the later benefits.

Council Member Pearson asked for clarification on the typical property owner/City liability percentages. Mr. Griffin again stated that typically the property owner is liable for 30% and the City is liable for 70%. For this project, the City is liable for approximately 94% and the property owners are liable for 6%.

Mr. Pearson then asked for information on the three cul-de-sacs that Mr. Eggen referred to. Mr. Griffin explained that those properties would be responsible for 100% of each future project to provide access to the water system. That 100% equates to the \$5,800.

Mayor Johnston asked what impact the 3M litigation would have on the project. Mr. Griffin said there would be impact, but he was not able to answer how much or when.

Council Member Emmons asked Mr. Griffin if he has any experience in delaying the incurred cost assessments. Mr. Griffin explained that the two assessment plans are either the split way proposed or to charge all costs at the time of connection. The risk of collecting at the time of connection is that those costs may never be recouped.

## LAKE ELMO CITY COUNCIL MINUTES

### AUGUST 21, 2012

Mayor Johnson also reiterated the benefit to the value of the affected properties regardless of connection to the system. Council Member Pearson noted that the City Assessor Frank Langer attested to the improved values realized by the properties with this improvement.

Council Member Emmons asked why increasing utility rates were not being discussed to help pay for these projects. Administrator Zuleger stated that the current rates were actually high in comparison to the area rates. By factoring future growth, potential litigation settlements, and system connectivity charges, the water and sewer access charges should go down as more users help share the burden of supporting the system and possibly affect the monthly usage rates as well.

Council Member Park asked if the Lateral Benefit charge was comparable. Mr. Griffin said that it is actually based on a 2006 figure that the City of Lake Elmo determined and has not been increased since then.

Council Member Pearson asked if the assessment charge was inflated because some savings, such as using smaller pipes, could be realized. Mr. Griffin explained that the assessment charge can go down if savings are found later during the project, but it cannot go up, so the figure is the maximum.

Council Member Emmons stated that he sympathizes with the affected residents and feels that the City is possibly taking on too much with the water project. Council Member Pearson responded by stating he believes this is a solution for the problem that the City has found itself in.

Council Member Park wanted to make sure everyone knows that the assessment charge payments can be made over time. Mr. Griffin stated that the Road Improvement bond can be over 10 years and the Water can be over 15 years. Council Member Pearson also pointed out that there are hardship provisions available.

*MOTION: Council Member Pearson moved to approve Resolution 2012-41 accepting the Amended Feasibility Report. Mayor Johnston seconded the motion. **Motion did not pass 3-1, Emmons nay. This decision/approval does require a four-fifths super majority vote per State Statute 429.031.***

#### **ITEM 12(B): APPROVAL OF RESOLUTION 2012-42 AUTHORIZING PLANS AND SPECIFICATIONS FOR KEATS AVENUE NORTH STREET AND WATER MAIN IMPROVEMENTS**

Council Member Emmons again asked the council if it was willing to entertain the discussion of adjusting water rates. Administrator Zuleger confirmed that as soon as the Pro Forma is completed, it will be brought to the Council and rates and charges will be discussed.

Mr. Griffin asked the Council if because the project was not brought by petition, whether a 4/5 supermajority vote is needed. City Attorney Sicheneder and Administrator Zuleger both stated it did not.



**LAKE ELMO CITY COUNCIL MINUTES**  
**AUGUST 21, 2012**

*MOTION: Council Member Pearson moved to approve Resolution 2012-42 ordering plans and specifications for Keats Avenue North Street and Water Main Improvements. Mayor Johnston seconded the motion. **Motion did not pass 3-1, Emmons nay. This decision/approval does require a four-fifths super majority vote per State Statute 429.031.***

**ITEM 8: CONSIDERATION OF STAFF RESEARCH & ANALYSIS OF THE FEASIBILITY ORGANIZED COLLECTION**

City Administrator Zuleger recommended that due to the volume and scope of current projects in which the City is already involved, the Council should wait to move forward with the Organized Collection issue until Fiscal Year 2014.

Mayor Johnston stated his position that he considers it a public policy matter. He believes that action on the issue should not be delayed as the potential benefits would impact the tax-payer. Administrator Zuleger confirmed that there would be potential cost savings to the tax-payer. Mr. Zuleger did note that the Maplewood conversion took a toll on the community.

Council Member Pearson suggested that with all the current projects it would be better if individual homeowners and associations could handle the matter on their own. He is in favor of holding off moving forward until 2014. Council Member Park said she agreed with Mr. Pearson and felt like 2014 was not that far away.

Council Member Emmons stated that while he agrees with the Mayor that the matter should be addressed now, he would be more comfortable with addressing it if the entire Council was more enthusiastic about discussing it. He has concerns about the lack of "appetite" on the council and in the community to take on this additional project. Council Member Pearson noted that Lake Elmo is different from Maplewood and the results may be different.

Mayor Johnston pointed out that the chair of the Environmental Projects Commission is eager to take on this project. He also noted that he has spoken to many people supportive of the potential savings to the City and residents this project could provide. Council Member Parks is concerned that despite the Environmental Projects Commission's willingness to head up this project, the City staff will still be overburdened.

Council Member Pearson brought up the fact that the Environmental Projects Commission recommended moving forward with the issue back in 2011 but action was not taken. He also reiterated that with the number of current projects and the new staff this addition would be too much.

Council Member Emmons asked for clarification on the Environmental Projects Commission's involvement. Administrator Zuleger indicated that they undertook a cursory review of the issue. Mr. Emmons suggested that perhaps the Commission be instructed to work on the project with the expectation that the Council will take the issue up in 2014. City Staff would have minimal involvement. Administrator Zuleger added that there are many resources available, such as the

## LAKE ELMO CITY COUNCIL MINUTES

### AUGUST 21, 2012

Maplewood data that do not need staff involvement to evaluate. Mr. Zuleger also noted that Maplewood is the first metro city in the past 20 years to successfully move to organized collection.

Mayor Johnston asked what information Maplewood would have in a year-and-a-half that it does not have now. Administrator Zuleger said that because the Maplewood just started the collection, it would be premature to look at the data. A year and a half or two years should provide sufficient data.

Council Member Pearson again reiterated that he would like home owners and associations to voluntarily investigate the issue on a smaller scale. Council Member Park agreed with Mr. Pearson's suggestion. She recommended that Administrator Zuleger suggest this approach to the various associations when next meeting with them.

Mayor Johnston stated that he was troubled by waiting until 2014 to start the investigative process with the timing restrictions already required by law. Council Member Pearson repeated his position that he believed City staff could be better used elsewhere. He continued to question why action on this issue was being pursued now after being tabled for so long. Mayor Johnston explained that he is now moving on it because he did not have the cost savings figures until recently. Council Member Park said she wants to put off discussing the issue because she does not believe they will be able to decide even by 2014.

Justin Bloyer of 881 Jane Road North spoke in support of tabling the issue until 2014 in order to thoroughly discuss the issue. Citing an admittedly unnamed study, Mr. Bloyer asked how the cost per capita for road construction is the same for organized and non-organized cities. He also asked why if organized collection resulted in such great cost savings, the policy is not being extended to other areas, such as sewer pumping and grocery purchasing. Administrator Zuleger responded by citing data from Oakdale and Roseville of realized savings in road maintenance. He also said that in every study that he has seen there are general savings shown.

Council Member Pearson acknowledged that there are potential savings, but wants more time to verify the claimed benefits.

Council Member Park does not support the motion having the Commission perform any work on the issue during 2013 because of the staff time and resources required. Council Member Emmons clarified that the motion would limit any staff time or resources.

Christopher Delaforest, representative for the National Solid Waste Management Association, voiced concern over the reported data and already completed work. He also requested that the process be open and involve public hearings

*MOTION: Council Member Pearson moved to hold off on any further consideration, study, or use of staff resources on the issue of organized collection until 2014 while allowing the Environmental*

## LAKE ELMO CITY COUNCIL MINUTES

### AUGUST 21, 2012

*Projects Commission to investigate the issue. Council Member Emmons seconded the motion. **Motion passed 3-1, Park nay.***

#### **ITEM 9: AUTHORIZATION TO SUBMIT COMPREHENSIVE PLAN AMENDMENT FOR ADJACENT COMMUNITY REVIEW**

*A Brief Five-Minute Recess was observed*

*Reconvened Meeting*

City Planner Johnson presented the current Comprehensive Plan as approved by the Planning Commission at the August 13, 2012 meeting. He summarized the next steps in the Zoning Amendment process. Mr. Johnson provided an overview of the Planned Land Use revisions.

Mayor Johnston sought clarification on the acreage of the proposed greenbelt. Planner Johnson indicated that it was roughly 40 acres. They both discussed how this portion would be counted toward the total park land dedication. Council Member Emmons asked what impact this fact would have on the potential reduction to pre-existing park plans. Mr. Johnson confirmed that the Commission acknowledged this during discussion and did not have readily available numbers for this impact.

Mr. Johnson stated the existing land use map has remained virtually the same with a few minor changes. 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 sewer 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

## LAKE ELMO CITY COUNCIL MINUTES

### AUGUST 21, 2012

proposed will be acceptable as long as the overall densities throughout the future sewer area with the I-94 Corridor planning area achieve a minimum density of 3.5 units per acre.

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 sewer 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.

He shared the Staging plan which identifies growth areas; utilities, sewer and water and highlights what areas the city will be able to serve and in what order. It defines and protects the city from developers wishing to extend infrastructure. He explained the details of the housing plan stating with regard to future plans – no revisions were made by the planning commission. Statistics show 2779 home owner occupied properties in Lake Elmo at a 95% ownership rate. The average residential property cost: \$396K for Lake Elmo and \$265K for Washington County; Persons per household down in Lake Elmo to 2.9; Population over 65 years of age: 11% in 2010, showing we have an aging population; Gap of 20-39 year old demographic in city; study of adjacent communities is significantly lower compared to adjacent communities/jurisdictions. The following goals were identified:

- 1) Support Family Neighborhoods
- 2) Walk-Ability
- 3) Expand Senior Housing Options
- 4) Greater Variety of Housing/Price Points/Rental Options

He stated the process would include the submission of the comp plan for adjacent community review, submission to the Met Council within 60 to 120 days and the final approval back to the City Council anticipated in December 2012 or January 2013.

Council Member Pearson explained and attested to the level of work that was put into the comprehensive plan document in front of council. Council Member Emmons inquired who would be purchasing these larger lots and inquired whether we are missing the 20-39 age group demographic. Planner Johnson responded there are areas included in the plan where the housing has targeted this demographic. Council Member Emmons inquired about the Forest neighborhood and asked whether we had received feedback on the higher density housing from homeowners. Planner Johnson explained the feedback has been positive for the compromised medium density

## LAKE ELMO CITY COUNCIL MINUTES

### AUGUST 21, 2012

housing and stated the biggest concerns were about tall multi-family housing which is not planned for the area. Council Member Park explained the southern Forest area has a view of commercial development and encouraged in the future to ensure a good buffer between residential and commercial structures. Council Member Pearson explained he would support a concrete way of handling these types of decisions in the future.

Council Member Emmons inquired about the Forest neighborhood and the buffers and Planner Johnson stated the design standards cover much of the landscaping buffer areas and the expectations of the developers. Council Member Emmons asked for clarification on densities. Planner Johnson explained the density ranges and explained base densities and density ranges and how they are applied to areas within the zoning districts. He stated they are flexible therefore are a more effective way to work out future development. He added Staff plans to work closely with developers in the future and all of these types of decisions will come before the public in the way of a public hearing. Council Member Emmons supported the mixed use and especially supported the interdependence and walk-ability components and expressed his concern not to limit mixed-use areas as they support a community feel. Discussion was had by Council Members discussing these and additional details and general consensus was in support of the plan proposed.

Wayne Prowse of 697 Julep Avenue, located in the Stonegate neighborhood approached the council and explained people in Stongate basically just have one issue: the high density housing and the previously developed language with regard to screening and buffering which has been replaced by the green belt around Stongate which is a compromise to put it mildly. He expressed concerns regarding the number of people the project will support residing south of 10<sup>th</sup> Street and how all of the people proposed would fit into one area. He expressed concerns with thousands of residents utilizing just one park path in the neighborhood. He expressed concerns for giving up the original language the neighborhood residents proposed in exchange for the 100 foot buffer – although he stated they are happy with the 100 foot buffer but are concerned over the lack of park land in the area included in the plan. He expressed they are happy about the requirements of 2.5 versus the previous 3.5 but wanted to verify that it is in fact 2.5 and that 4 units will not be allowed in some areas.

Planner Johnson stated there will be parkland dedicated to this area and the neighborhoods to the east will contribute also. Council Member Park inquired whether design standards for south of 10<sup>th</sup> Street would support each community having its own park and whether this would be included in all neighborhoods. Planner Johnson explained this open space will be included in the plans.

Planner Johnson explained in answer to Mr. Prowse's question 2.5 is an average and will be the lowest it may come in at but may include various requirements such as 2.3 in one area and 2.7 in another averaging out to 2.5 overall. He stated Staff will continue to track rec units to not over extend the commitment to Met Council. Mayor Johnston inquired if 7.5% was the current standard for dedicated park land could we discuss raising this amount to 10%, stating there needs to be additional park space. Planner Johnson stated that yes – it is currently 7.5% but that other communities have raised this dedication amount to 10% and that would be an option for the city as well to discuss in the future.

Bruce Miller with MFC Properties, one of the property owners along the I-94 Corridor and a member of the I-94 Workgroup approached council and expressed his appreciation for staff, council and the I-94 workgroup and all the work they have done. He stated the plan has been vetted well and is an example of a positive compromise meeting the requirements of the MOU. Work with the

## LAKE ELMO CITY COUNCIL MINUTES

### AUGUST 21, 2012

neighborhood groups and developers has been positive and the plan will come before the public again in the future. He expressed his support for acknowledging in the plan that the 27-39 age group is a little light in the community and commented the commercial mixed-use would be a great addition – it allows much flexibility and is positive but he does not however support single family residential along the freeway (I-94). He inquired whether super majority vote was needed to pass this phase of the comp plan to which Ms. Sicheneder – Acting Counsel, replied that it would not require super majority vote but a simple majority vote and added this action was simply an approval to submit the plan for adjacent community review. Discussion ensued regarding the preliminary nature of this plan to submit for review and the chance to make changes to the plan in the future. Planner Johnson encouraged moving this phase of the process along and explained minor changes to the plan would be considered during the additional phases of the process. Council expressed their trust for staff and the planning commission and supported the plan to approve the submission to review. Council Member Emmons specifically noted for the record that approving this submission for review still allowed for council and staff to make changes to the comprehensive plan if necessary in the future.

*MOTION: Council Member Pearson moved to approve **Authorization for Staff to Submit Comprehensive Plan Amendment for Adjacent Community Review**. Mayor Johnston seconded the motion. **Motion passed 4-0.***

#### **ITEM 10: ZONING CODE UPDATE: APPROVED BY PLANNING COMMISSION**

Planner Johnson presented the amendments proposed to the Zoning Code which include new sewer residential and commercial zoning districts in the I-94 Corridor that eventually will be implemented with the proposed Comprehensive Plan Amendment. He added 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.

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 in July and August of 2012 to receive public comment and review. The proposed amendments to the Zoning Ordinance were recommended for approval by the Planning Commission on August 13, 2012.

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

**LAKE ELMO CITY COUNCIL MINUTES**  
**AUGUST 21, 2012**

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. Districts related to future sewer overlay will be included in future revisions. Numbering will provide greater flexibility to vet out new standards in the zoning code. He noted the existing code will remain in effect until the new code can be incorporated and implemented.

The Planning Commission is recommending that the City Council approve five amendments to the Zoning Ordinance to add new sections as follows:

Article 1 – Introduction: current zoning code is weak in severability and validity and this addition would ensure that if one portion was invalidated it would ensure the code valid for other properties within the community.

Article 2 – Definitions: expounds on the definitions and allows for definitions within various chapters of the code.

Article 6 – Not included: will be amended at a later date.

Article 8 – Zoning Districts: Outlining the new zoning districts and those replacing the general commercial district which include commercial (standard-large scale) and convenience commercial (smaller scale).

Article 10 – Urban Residential Districts: Containing use charts of what is allowed for these residential districts. Includes allowances for commercial uses in our high density residential districts which support mixed-use. He noted lot standards have been lowered with the allowance to provide open space for the developments, allowing for smaller residential lots provided the developer provides for open space within the development.

Article 12 – Commercial Districts: Commercial district design standards come from existing code for the new commercial zoning districts. New components include the GB district will be replaced as stated above by the convenience commercial and commercial districts and the BP district will allow for light manufacturing.

## LAKE ELMO CITY COUNCIL MINUTES

### AUGUST 21, 2012

Planner Johnson recommended council approval of the preliminary zoning amendments presented this evening and recommended by the planning commission and for staff to bring back the actual ordinance amending the zoning code at a later date.

Council Member Emmons inquired whether this was a work in progress and asked specifically about design standards. Planner Johnson stated the process that will include design standards will occur at the August 27, 2012 Planning Commission meeting and will be brought back to council in September. Mayor Johnston explained until this is actually approved as an ordinance, there is still opportunity to alter the language, although significant changes would require it to go back to the planning commission. Planner Johnson explained in answer to Council Member Emmons inquiries the process of how staff and the planning commission create zoning code ordinance amendments and utilization of neighboring community standards, taking into consideration the city's goals. Council expressed their appreciation for Planner Johnson's work.

***MOTION: Council Member Pearson moved to Approve Section 1, 2, 8, 10 and 12 Zoning Amendments and for Staff to Bring Back an Ordinance Amending the Zoning Code as Recommended by the Planning Commission. Mayor Johnston seconded the motion. Motion passed 4-0.***

#### SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Emmons reported the I-94 Workgroup is moving forward.

Council Member Park – no report.

Council Member Pearson reported he attended a Fire Relief meeting, two Planning Commission meetings, expressing his appreciation of their work, a County shared services meeting looking at ideas to collaborate with them in the future, and a fire truck meeting.

Mayor Johnston reported he attended a meeting with Council Member Pearson in appreciation for library volunteers and in recognition of their contributions. He attended not as mayor but part of the demolition crew. He attended a meeting with various County and City appointed and elected officials to discuss and set the stage for collaboration with them in the work that Lake Elmo will encounter in the next few years time.

City Administrator Zuleger reported staff is working on the final touches for the budget, developer inquiries are on the rise, nineteen code enforcement issues have been resolved, staff made a formal offer to a new building official today, hired a communications coordinator which should help to resolve the extended timeline of the website, along with Mike Bouthilet been the staff liaison for the Parks Commission, which is going smoothly and lastly, will be moving this coming weekend to MN.



**LAKE ELMO CITY COUNCIL MINUTES**  
**AUGUST 21, 2012**

City Attorney Representative Sicheneder reported their office appreciated the approval of the JPA and CDJN agreements approved at tonight's meeting to provide counsel resources that will improve service levels for the city.

City Engineer Griffin reported council has his report and he would be happy to answer any questions they may have and will be focusing on Trunk Highway 35 Corridor to pursue funding with regard to the project.

Planner Johnson reported four new items for planning including the resignation of Planning Commissioner Joan Ziertman leaving two vacancies on the commission, a zoning amendment to planning on shore land standards consistent with DNR standards, Summit Board Shop pursuing a CUP for a demo ski hill, working on design standards and an update on the Village.

Finance Director Bendel reported working on proformas with Northland, challenges in providing concrete usage data hoping to present at next meeting, working on budget, reviewing investment schedule and stepping bonds/interest income.

**ADJOURN:** The meeting adjourned at 10:49 p.m.

**LAKE ELMO CITY COUNCIL**

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

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



## MAYOR AND COUNCIL COMMUNICATION

DATE: 09/4/2012

**CONSENT**

ITEM #: 2

**MOTION** Consent Agenda

**AGENDA ITEM:** Approve Disbursements in the Amount of \$71,068.54

**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 \$71,068.54. 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	\$ 8,322.48	Payroll Taxes to IRS & MN Revenue 8/23/2012
ACH	\$ 4,379.60	Payroll Retirement to PERA 8/23/12
DD4139 – DD4157	\$ 23,798.01	Payroll Dated 8/23/12 (Direct Deposit)
38807-38809	\$ 1,006.42	Payroll Dated 8/23/2012 (Payroll Paper Checks)
1569-1577	\$ 540.00	Accounts Payable Dated 9/4/12 (Library Checks)
38743-38806	\$ 31,331.84	Accounts Payable Dated 9/4/12
38891-38900	\$ 1,690.19	Accounts Payable Manual 8/30/12
<b>TOTAL</b>	<b>\$ 71,068.54</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 \$71,068.54.

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 September 4, 2012, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 9/4/2012

**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: 08/30/2012 - 1:18 PM

Batch: 007-08-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALERTALL Alert-All Corp 212080214 08/20/2012 101-420-2220-42090 Fire Prevention 212080214 Total: ALERTALL Total:		949.50 949.50 949.50	0.00	09/04/2012	Fire Prevention Supplies		-	No		0000
AMERTEST American Test Center, corp 2122669 08/21/2012 101-430-3100-44010 Repairs/Maint Bldg 2122669 Total: AMERTEST Total:		200.00 200.00 200.00	0.00	09/04/2012	Hoist and Lift Inspections		-	No		0000
ARAM Aramark, Inc. 629-7561309 08/30/2012 101-430-3100-44170 Uniforms 629-7561309 Total: 629-7563072 08/20/2012 101-410-1940-44010 Repairs/Maint Contractual Bldg 629-7563072 Total: ARAM Total:		23.78 23.78 38.22 38.22 62.00	0.00	09/04/2012	Uniforms Linen City Hall		-	No		0000
BENDEL Bendel Cathy Chk Req 08/27/2012 101-410-1520-42000 Office Supplies Chk Req Total: BENDEL Total:		84.06 84.06 84.06	0.00	09/04/2012	Office Supplies - Finance		-	No		0000
CARQUEST Car Quest Auto Parts 6971-267272 08/20/2012 101-430-3100-44040 Repairs/Maint Eqpt		7.94	0.00	09/04/2012	Fuel Cap		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
6971-267272	08/20/2012	26.02	0.00	09/04/2012	Misc Shop		-			No 0000
101-430-3100-42150	Shop Materials									
	6971-267272 Total:	33.96								
6971-267337	08/20/2012	9.37	0.00	09/04/2012	Diesel Fuel Cap 09-1		-			No 0000
101-430-3100-44040	Repairs/Maint Eqpt									
	6971-267337 Total:	9.37								
	CARQUEST Total:	43.33								
CENTURYL CenturyLink										
00365318	08/29/2012	120.19	0.00	09/04/2012	Phone Service - Library		-			No 0000
206-450-5300-43210	Telephone									
00365318	08/29/2012	35.95	0.00	09/04/2012	Internet Service - Library		-			No 0000
206-450-5300-43250	Internet									
	00365318 Total:	156.14								
	CENTURYL Total:	156.14								
DELTA Delta Dental Of Minnesota										
4922940	08/15/2012	1,080.10	0.00	09/04/2012	September 2012 Dental Coverage		-			No 0000
101-000-0000-21706	Medical Insurance									
	4922940 Total:	1,080.10								
	DELTA Total:	1,080.10								
DEMCO Demco										
4706163	08/21/2012	80.27	0.00	09/04/2012	White Paper Labels - Library		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	4706163 Total:	80.27								
	DEMCO Total:	80.27								
DPCINDUS DPC Industries, Inc.										
82701343-12	08/06/2012	305.25	0.00	09/04/2012	Flouride		-			No 0000
601-494-9400-42160	Chemicals									
	82701343-12 Total:	305.25								
	DPCINDUS Total:	305.25								
EJ-BATTA Battah Abdallah										
Primary	08/08/2012	90.00	0.00	09/04/2012	Election Judge - Primary		-			No 0000
101-410-1410-43150	Contract Services									
	Primary Total:	90.00								
	EJ-BATTA Total:	90.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EJ-BBJOR Bjorkman Barb Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-BBJOR Total:		90.00 90.00 90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-BHOLM Holm Barb Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-BHOLM Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-BKIEL Kiesling Barb Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-BKIEL Total:		170.00 170.00 170.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-BURES Burress Michael Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-BURES Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge-Primary		-	No		0000
EJ-BWACK Wacker Bill Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-BWACK Total:		95.00 95.00 95.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-BWEEK Weeks Bruce Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-BWEEK Total:		90.00 90.00 90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-CARJA Carlson Janet Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total:		90.00 90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	EJ-CARJA Total:	90.00								
EJ-CARLJ Carlson James Primary 08/08/2012		100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services		100.00								
Primary Total:		100.00								
EJ-CARLJ Total:		100.00								
EJ-DALLE Allen Diane Primary 08/08/2012		225.50	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services		225.50								
Primary Total:		225.50								
EJ-DALLE Total:		225.50								
EJ-DMEYE Meyer Don Primary 08/08/2012		100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services		100.00								
Primary Total:		100.00								
EJ-DMEYE Total:		100.00								
EJ-GDEGE Dege George Primary 08/08/2012		100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services		100.00								
Primary Total:		100.00								
EJ-GDEGE Total:		100.00								
EJ-HANSE Hansen Susan Primary 08/08/2012		100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services		100.00								
Primary Total:		100.00								
EJ-HANSE Total:		100.00								
EJ-HELSS Hels Shannon Primary 08/08/2012		90.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services		90.00								
Primary Total:		90.00								
EJ-HELSS Total:		90.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EJ-HERMA Hermanson Tom Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-HERMA Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-JALLE Allen Jim Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-JALLE Total:		203.50 203.50 203.50	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-JBROC Brockway Judy Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-JBROC Total:		90.00 90.00 90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-JKIEG Kieffner Jan Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-JKIEG Total:		80.00 80.00 80.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-JKRUE Krueger Jan Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-JKRUE Total:		95.00 95.00 95.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-JMEHS Mehsikomer Joyce Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-JMEHS Total:		187.00 187.00 187.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-JPIER Pierre Jackie Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total:		95.00 95.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	EJ-JPIER Total:	95.00								
EJ-KMEIS Meister Karen										
Primary	08/08/2012	100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services										
Primary Total:		100.00								
EJ-KMEIS Total:		100.00								
EJ-LUMBY Lumby Sharon										
Primary	08/08/2012	100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services										
Primary Total:		100.00								
EJ-LUMBY Total:		100.00								
EJ-LWAGN Wagner Linda										
Primary	08/08/2012	90.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services										
Primary Total:		90.00								
EJ-LWAGN Total:		90.00								
EJ-MEYJO Meyer JoAnne										
Primary	08/08/2012	100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services										
Primary Total:		100.00								
EJ-MEYJO Total:		100.00								
EJ-MGRUN Grunden Mary										
Primary	08/08/2012	100.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services										
Primary Total:		100.00								
EJ-MGRUN Total:		100.00								
EJ-NHANS Hansen Nancy										
Primary	08/08/2012	269.50	0.00	09/04/2012	Election Judge - Primary		-		No	0000
101-410-1410-43150 Contract Services										
Primary Total:		269.50								
EJ-NHANS Total:		269.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EJ-OGREN Ogren James Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-OGREN Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-Oling Olinger Jean Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-Oling Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-PAULC Paul Carol Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-PAULC Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-PODON O'Donnell Pat Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-PODON Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-PPAUL Paulson Phyllis Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-PPAUL Total:		110.00 110.00 110.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-QUINN Quinn Lisa Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-QUINN Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
EJ-RANED Raney Edwin Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total:		100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	EJ-RANED Total:	100.00								
EJ-RANJA Ranev Jacqueline										
Primary	08/08/2012	90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
101-410-1410-43150 Contract Services		90.00								
Primary Total:		90.00								
EJ-RANJA Total:		90.00								
EJ-ROTHJ Roth Janice										
Primary	08/08/2012	100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
101-410-1410-43150 Contract Services		100.00								
Primary Total:		100.00								
EJ-ROTHJ Total:		100.00								
EJ-SARKI Sarkissian Sheryl										
Primary	08/08/2012	90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
101-410-1410-43150 Contract Services		90.00								
Primary Total:		90.00								
EJ-SARKI Total:		90.00								
EJ-SDURA Durand Shirley										
Primary	08/08/2012	90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
101-410-1410-43150 Contract Services		90.00								
Primary Total:		90.00								
EJ-SDURA Total:		90.00								
EJ-SHAUG Haugen Suzanne										
Primary	08/08/2012	88.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
101-410-1410-43150 Contract Services		88.00								
Primary Total:		88.00								
EJ-SHAUG Total:		88.00								
EJ-SLING Slinger Donald										
Primary	08/08/2012	100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000
101-410-1410-43150 Contract Services		100.00								
Primary Total:		100.00								
EJ-SLING Total:		100.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
EJ-VAND VanDemmeltrandt Gloria Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-VAND Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000	
EJ-VWAGO Wagoner Violet Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-VWAGO Total:		187.00 187.00 187.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000	
EJ-WACKE Wacker Sallyann Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-WACKE Total:		90.00 90.00 90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000	
EJ-WHIRS Hirsch Wil Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-WHIRS Total:		100.00 100.00 100.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000	
EJ-WLOOS Loos Wendy Primary 08/08/2012 101-410-1410-43150 Contract Services Primary Total: EJ-WLOOS Total:		90.00 90.00 90.00	0.00	09/04/2012	Election Judge - Primary		-	No		0000	
EMMONS A Emmons Alex 08/23/2012 101-410-1450-43620 Cable Operations 08/23/2012 Total: EMMONS A Total:		55.00 55.00 55.00	0.00	09/04/2012	Cable Operations - 8/16/12		-	No		0000	
FASTENAL Fastenal MNOAK1092 02/10/2012 101-430-3125-44040 Repairs/Maint Eqpt MNOAK1092 Total:		36.63 36.63	0.00	09/04/2012	Hyd Valve Plows		-	No		0000	

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
FASTENAL Total:		36.63								
FXL FXL, Inc.	09/01/2012	2,000.00	0.00	09/04/2012	Assessing Services	- August 2012	-		No	0000
July 2012		2,000.00								
101-410-1320-43100	Assessing Services	2,000.00								
July 2012 Total:		2,000.00								
FXL Total:		2,000.00								
HOLIDAYC Holiday Credit Office		345.43	0.00	09/04/2012	Fuel		-		No	0000
08/15/2012										
101-420-2220-42120	Fuel, Oil and Fluids	345.43								
08/15/2012 Total:		345.43								
HOLIDAYC Total:		345.43								
INTERSTA Interstate All Battery Ctr		111.29	0.00	09/04/2012	Replacement Batteries for Helmet		-		No	0000
48489	08/22/2012				lights					
101-420-2220-42400	Small Tools & Equipment	111.29								
48489 Total:		111.29								
INTERSTA Total:		111.29								
L-ROTHJA Roth James		90.00	0.00	09/04/2012	Election Judge - Primary		-		No	0000
Primary	08/08/2012									
101-410-1410-43150	Contract Services	90.00								
Primary Total:		90.00								
L-ROTHJA Total:		90.00								
LEATHERM Leatherman Steve		500.00	0.00	09/04/2012	Band - Lake Elmo Days 2nd Half		-		No	0000
2nd Half	08/27/2012									
204-450-5200-43150	Contract Services	500.00								
2nd Half Total:		500.00								
LEATHERM Total:		500.00								
LINNER Linner Electric Company, Inc.		153.50	0.00	09/04/2012	Contactor Replacement - Lions Park		-		No	0000
22490	08/20/2012									
101-450-5200-44030	Repairs/Maint Imp Not Bldgs	153.50								
22490 Total:		153.50								
LINNER Total:		153.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MENARDSO Menards - Oakdale 27736 08/15/2012		211.88	0.00	09/04/2012	Park Maintenance Materials		-	No		0000
101-450-5200-44030 Repairs/Maint Imp Not Bldgs		211.88								
27736 Total:		211.88								
MENARDSO Total:										
MICHAEL Michael Lee Inc. Chk Req 08/02/2012		5,000.00	0.00	09/04/2012	Refund Escrow 11570 58th St #8050		-	No		0000
803-000-0000-22900 Deposits Payable		5,000.00								
Chk Req Total:		5,000.00								
MICHAEL Total:										
MN NATIV Minnesota Native Land, Inc. 8280 08/13/2012		1,275.00	0.00	09/04/2012	Sunfish Prairie Weed Control		-	No		0000
404-480-8000-45300 Improvements Other Than Bldgs		1,275.00								
8280 Total:		1,275.00								
MN NATIV Total:										
MNDOH MN Department of Health 08/15/2012 08/15/2012		1,508.00	0.00	09/04/2012	3rd Quarter Water Supply Connection Fee		-	No		0000
601-494-9400-43820 Water Utility		1,508.00								
08/15/2012 Total:		1,508.00								
MNDOH Total:										
MOTOROLA Motorola 13913138 08/22/2012		2,291.71	0.00	09/04/2012	Replacement Radio		-	No		0000
101-420-2220-43230 Radio		2,291.71								
13913138 Total:		2,291.71								
MOTOROLA Total:										
MTI MTI Distributing Inc. 867390-00 08/14/2012		34.63	0.00	09/04/2012	Mower Belt and Seal Kit		-	No		0000
101-450-5200-42210 Equipment Parts		34.63								
867390-00 Total:		34.63								
MTI Total:										
NATREPRO National Reprographics, LLC 78349 07/10/2012		47.94	0.00	09/04/2012	Mission Statement Signs		-	No		0000
703-430-3120-45300 Improvements Other Than Bldgs		47.94								
78349 Total:		47.94								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NATREPRO Total:		47.94								
NCPERS 566200-NCPERS MINNESOTA										
5662812	08/23/2012	80.00	0.00	09/04/2012	September 2012 Deductions	-			No	0000
101-000-0000-21708 Other Benefits		80.00								
5662812 Total:		80.00								
NCPERS Total:		80.00								
NEXTEL Nextel Communications										
761950227-108	08/18/2012	91.38	0.00	09/04/2012	Cell Phone Service - Administration	-			No	0000
101-410-1940-43210 Telephone		90.04							No	0000
761950227-108	08/18/2012	17.55	0.00	09/04/2012	Cell Phone Service - Fire Dept	-			No	0000
101-420-2220-43210 Telephone		94.16	0.00	09/04/2012	Cell Phone Service - Building Dept	-			No	0000
761950227-108	08/18/2012	88.36	0.00	09/04/2012	Cell Phone Service - Public Works Dept	-			No	0000
101-420-2400-43210 Telephone		381.49	0.00	09/04/2012	Cell Phone Service - Parks Dept	-			No	0000
101-430-3100-43210 Telephone		381.49								
761950227-108	08/18/2012									
101-450-5200-43210 Telephone										
761950227-108 Total:		381.49								
NEXTEL Total:		381.49								
OAKDRC Oakdale Rental Center										
10083683	07/16/2012	261.84	0.00	09/04/2012	Excavator Rental Stormwater Ditch	-			No	0000
603-496-9500-44030 Repairs/Maint Not Bldg		261.84								
10083683 Total:		261.84								
OAKDRC Total:		261.84								
PEARSON Pearson Bros, Inc.										
Final Pmt	08/30/2012	3,453.80	0.00	09/04/2012	2011 Seal coat Project - Final Payment	-			No	0000
409-480-8000-43030 Engineering Services		3,453.80								
Final Pmt Total:		3,453.80								
PEARSON Total:		3,453.80								
SMITHANN Anne Smith										
Check Req	08/27/2012	2,236.42	0.00	09/04/2012	Reiburse Expenses for Lake Elmo Days	-			No	0000
204-450-5200-44300 Miscellaneous		2,236.42								
Check Req Total:		2,236.42								
SMITHANN Total:		2,236.42								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SPARTAN Spartan Promotional Group, Inc 440847 08/27/2012		901.95	0.00	09/04/2012	Lake Elmo Days Volunteer T-Shirts		-		No	0000
204-450-5200-44300 Miscellaneous 440847 Total:		901.95								
SPARTAN Total:		901.95								
TASCH T.A. Schifsky & Sons Inc 53714 08/14/2012		72.41	0.00	09/04/2012	Asphalt		-		No	0000
101-430-3120-42240 Street Maintenance Materials 53714 Total:		72.41								
TASCH Total:		72.41								
TREGILGA Tregilgas Michael 08/28/2012 08/28/2012		55.00	0.00	09/04/2012	Planning Commission 8/27/12		-		No	0000
101-410-1450-43620 Cable Operations 08/28/2012 08/28/2012		55.00	0.00	09/04/2012	Planning Commission 8/28/12		-		No	0000
101-410-1450-43620 Cable Operations 08/28/2012 Total:		110.00								
TREGILGA Total:		110.00								
TRISTATE Tri State Bobcat, Inc. A90791 08/20/2012		216.60	0.00	09/04/2012	Filters and Lift Pin		-		No	0000
101-450-5200-42210 Equipment Parts A90791 Total:		216.60								
N05284 05/30/2012		173.25	0.00	09/04/2012	tiller Rental MN Landscape Partnership		-		No	0000
101-430-3250-43150 Contract Services N05284 Total:		173.25								
TRISTATE Total:		389.85								
WANOVICH Wanovich Ken 1051 08/27/2012		550.00	0.00	09/04/2012	Band - Lake Elmo Days		-		No	0000
204-450-5200-43150 Contract Services 1051 Total:		550.00								
WANOVICH Total:		550.00								
XCEL Xcel Energy 51-0117414-0 08/30/2012		35.81	0.00	09/04/2012	Speed Sign		-		No	0000
101-430-3160-43810 Street Lighting 51-0117414-0 Total:		35.81								
51-4572945-7 08/30/2012		28.07	0.00	09/04/2012	Street Lights		-		No	0000
101-430-3160-43810 Street Lighting										



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
51-4572945-7	Total:	28.07									
51-4733556-8	08/30/2012	10.26	0.00	09/04/2012	Tennis Court		-	No		0000	
101-450-5200-43810	Electric Utility										
51-4733556-8	Total:	10.26									
51-5044219-0	08/30/2012	45.26	0.00	09/04/2012	Parks Bldg		-	No		0000	
101-450-5200-43810	Electric Utility										
51-5044219-0	Total:	45.26									
51-522332-2	08/30/2012	84.44	0.00	09/04/2012	Traffic Lights		-	No		0000	
101-430-3160-43810	Street Lighting										
51-522332-2	Total:	84.44									
51-5747685-4	08/30/2012	157.75	0.00	09/04/2012	Arts Center		-	No		0000	
101-450-5200-43810	Electric Utility										
51-5747685-4	Total:	157.75									
51-5916043-7	08/30/2012	17.34	0.00	09/04/2012	Lift Station		-	No		0000	
602-495-9450-43810	Electric Utility										
51-5916043-7	Total:	17.34									
51-6429583-8	08/30/2012	15.19	0.00	09/04/2012	Lift Station		-	No		0000	
602-495-9450-43810	Electric Utility										
51-6429583-8	Total:	15.19									
51-6433976-2	08/30/2012	359.27	0.00	09/04/2012	Fire Station #1		-	No		0000	
101-420-2220-43810	Electric Utility										
51-6433976-2	Total:	359.27									
51-6625457-1	08/30/2012	97.10	0.00	09/04/2012	Legion Park		-	No		0000	
101-450-5200-43810	Electric Utility										
51-6625457-1	Total:	97.10									
51-6928283-3	08/30/2012	29.11	0.00	09/04/2012	Traffic Lights		-	No		0000	
101-430-3160-43810	Street Lighting										
51-6928283-3	Total:	29.11									
51-8711719-3	08/30/2012	11.23	0.00	09/04/2012	Speed Sign		-	No		0000	
101-430-3160-43810	Street Lighting										
51-8711719-3	Total:	11.23									
XCEL	Total:	890.83									
ZACK Zack's, Inc.											
27967	08/16/2012	62.49	0.00	09/04/2012	Toilet paper City Hall (case)		-	No		0000	
101-410-1940-42110	Cleaning Supplies										
27967	08/16/2012	62.49	0.00	09/04/2012	Bathroom Towels - Park		-	No		0000	
101-450-5200-42150	Shop Materials										
27967	08/16/2012	20.94	0.00	09/04/2012	Blue Marking paint		-	No		0000	
601-494-9400-42270	Utility System Maintenance										
27967	08/16/2012	20.94	0.00	09/04/2012	Green marking paint		-	No		0000	
602-495-9450-42270	Utility System Maint Supplies										
27967	08/16/2012	229.23	0.00	09/04/2012	Misc Shop Supplies		-	No		0000	
101-430-3100-42150	Shop Materials										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
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27967 Total: 396.09  
 ZACK Total: 396.09

Report Total: 31,331.84

# Accounts Payable To Be Paid Proof List

User: joan z

Printed: 08/30/2012 - 2:52 PM

Batch: 009-08-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POnLine #
FIRSTTEA First Team Exteriors										
Check Req	08/30/2012	251.50	0.00	08/30/2012	Refund Permit Fee #8404 - Coll in error		-		No	0000
101-000-0000-32210	Building Permits									
	Check Req Total:	251.50								
	FIRSTTEA Total:	251.50								
FOSTERCA Foster Catherine										
chk Req	08/30/2012	269.50	0.00	08/30/2012	Refund Special Assessments		-		No	0000
409-000-0000-36100	Special Assessments									
	chk Req Total:	269.50								
	FOSTERCA Total:	269.50								
KILLIAN Killian Doug & Kristi										
Chk Req	08/30/2012	347.27	0.00	08/30/2012	Refund Special Assessments		-		No	0000
317-000-0000-10700	Taxes Receivable - Delinquent									
	Chk Req Total:	347.27								
	KILLIAN Total:	347.27								
MCALLIST McAllister Pat										
chk Req	08/30/2012	500.00	0.00	08/30/2012	Band - Lake Elmo Days - 1st Half		-		No	0000
204-450-5200-43150	Contract Services									
	chk Req Total:	500.00								
	MCALLIST Total:	500.00								
Swedehil Swedehill Properties										
Chk Req	08/30/2012	321.92	0.00	08/30/2012	Refund Special Assessment		-		No	0000
319-000-0000-36100	Special Assessments									
	Chk Req Total:	321.92								
	Swedehil Total:	321.92								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
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Report Total: 1,690.19



## MAYOR AND COUNCIL COMMUNICATION

DATE: 09/04/2012

**CONSENT**

ITEM #: 3

**MOTION** *Consent Agenda*

**AGENDA ITEM:** Updated 2012 Fee Schedule and Resolution 2012-43 Revising Schedule of Fees for Services

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

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

**SUMMARY AND ACTION REQUESTED:**

As part of the Consent Agenda City Council is requested to consider approval of Resolution 2012-43 Revising Schedule of Fees for Services and the updated 2012 Fee Schedule.

**STAFF REPORT:**

Staff has reviewed the current schedule of fees adopted earlier in the year 2012. It is necessary to continually review and keep relevant the city's fee schedule regarding services the city provides. Please find the proposed 2012 Revised Fee Schedule prepared with input from staff reflecting the most current new and updated city licensing, permit fees and service costs. In addition, the fee schedule has been re-formatted and enhanced to provide for an easier to read document.

The fee schedule revisions and additions being proposed reflect the following changes from the previous 2012 Fee Schedule:

- ✦ **Copy Charges:** Staff determined the city was charging the incorrect fee for copies of .35 per copy. State law mandates municipalities may only charge .25 per copy. The fee schedule has been updated to include this change/revision.
- ✦ **Hotel/Motel Rates:** Staff added hotel/motel rates for water usage earlier this year that needed inclusion into the city's fee schedule. The fee schedule has been updated to include these new additions.
- ✦ **Assessment Searches:** Staff determined although Assessment Search fees were recorded on the 2012 Fee Schedule as \$25, the fee being charged was actually \$15/search and staff felt this fee was sufficient to cover the costs of the search. The fee schedule has been updated to include this change/revision.

- ✦ SAC (Sewer Availability Charge): Staff determined the rate had increased for the Met Council's share of municipal SAC charges from \$2230 to \$2365 during 2012. Therefore the SAC charges were increased to reflect this rate from \$5730 to \$5865.

### **RECOMMENDATION**

*Staff recommends the city council make a motion to adopt the attached **Resolution 2012-43 RESOLUTION REVISING SCHEDULE OF FEES FOR SERVICES.***

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

**RESOLUTION 2012-43**

**RESOLUTION REVISING SCHEDULE OF FEES FOR SERVICES**

**WHEREAS**, the City of Lake Elmo has established by city code that all fee requirements established be brought forth by resolution; and

**WHEREAS**, the cost of services provided escalates and additional/new services require a fee; and

**WHEREAS**, it is appropriate that fees be revised to cover the escalating costs to provide services and to cover additional fees.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Lake Elmo that the attached Revised City of Lake Elmo Fee Schedule is hereby adopted and approved.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS FOURTH DAY OF SEPTEMBER 2012.**

**CITY COUNCIL  
CITY OF LAKE ELMO**

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

ATTEST:

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

# 2012 FEE SCHEDULE

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The logo for the City of Lake Elmo is centered on the page. It consists of an oval border containing the text "THE CITY OF" in a small, serif font, and "LAKE ELMO" in a large, bold, serif font below it. A stylized wavy line representing water is positioned at the bottom of the oval.

THE CITY OF  
**LAKE ELMO**

**CITY OF LAKE ELMO FEE SCHEDULE 2012**

Adopted by the City Council on September 4, 2012



# City of Lake Elmo Fee Schedule 2012

<b>Accessory Bldg forward of Primary Structure</b>	\$80.00	
<b>Amateur Radio Antenna</b>	\$875.00	
<b>Appeal (to Board of Adjustment and Appeals)</b>	\$150.00	
<b>Assessment Search</b>	\$15.00/ search	
<b>Building Demolition</b>		
First 1000 Square Feet	\$105.00	Plus \$5.00 Surcharge (State Mandated)
Each additional 1000 Sq. Ft. or portion thereof	\$11.00	
<b>Burning Permits</b>		
Residential	\$45.00	
Commercial	\$80.00	
Illegal Burn	\$100.00	
<b>Comprehensive Plan Amendment</b>	\$1,300.00	
<b>Conditional Use Permit (CUP)</b>		
New	\$1,050.00	Wireless Communication Facilities Escrow \$6,000.00 Flood Plain Ordinance Escrow \$500.00
Amended	\$500.00	
<b>Contractor License Fees</b>		
Blacktopping	\$75.00	
Excavator License	\$75.00	
Heating and A/C	\$75.00	
Sign Installer	\$50.00	
Sign Re-Inspect Fee	\$25.00	
Solid Waste Hauler	\$120.00	
Tree Contract	\$70.00	
<b>Copy Services (Paper/Electronic)</b>		
Copies (B&W)	\$0.25	
Copies (Color)	\$0.50	
Copies (B&W) 11x17	\$1.00	
Copies (Color) 11x17	\$2.00	
City Map (Color)	\$3.15	
City Street Maps (36x40)	\$20.00	
Existing Maps	\$5.00	
Custom (Per Hour Rate)	\$70.00	
Plan Size Maps (Larger than 11x17)	\$20.00	
Development Standards Specs/Details	\$55.00	
Code Book	\$160.00	
Code Book Sections 1,2,4,6-12,14	\$12.00	
Code Book Section 3	\$52.00	
Code Book Sections 5 & 13	\$27.00	
Comprehensive Plan	\$125.00	
OP Ordinance	\$12.00	
Parks Plan	\$80.00	

# City of Lake Elmo Fee Schedule 2012

<b>Culverts in Developments with Rural Section</b>	\$160.00	
<b>Dog License</b>	\$20.00	
<b>Service Dogs License</b> (Dogs with special training to assist individuals with disabilities)	\$5.00	
<b>Duplicate License or Tag</b>	\$1.00	
<b>First Impound- Unlicensed Dog</b>	\$60.00	All Impound Fees plus \$20/day Boarding Fee
<b>First Impound- Licensed Dog</b>	\$42.00	
<b>First Impound- Cat</b>	\$42.00	
<b>Subsequent dog/ cat impound</b>	\$85.00	
<b>Driveway</b>		
Residential	\$70.00	Plus \$5.00 Surcharge (State Mandated)
Commercial	\$160.00	
<b>Easement Encroachment</b>	\$100.00	Staff & Recording Fee
<b>Electronic Fund Withdrawal/ Bill Payment</b>	Fee & Transaction Charge	
<b>Excavating &amp; Grading</b>	\$125.00	Erosion Control Bond, Escrow, or Letter of Credit: \$1,500.00 per acre
<b>False Alarms (1-3 no charge)</b>		
In excess of 3-6 false alarms within a 12 month period/Residential	\$110.00	
In excess of 3-6 false alarms within a 12 month period/Commercial	\$315.00	
In excess 6 false alarms within a 12 month period/Residential	\$185.00	
In excess 6 false alarms within a 12 month period/Commercial	\$520.00	
<b>Fire</b>		
Daycare Inspection Fee	\$60.00	Plus \$5.00 Surcharge (State Mandated) Plus 1% of Value Minimum \$100.00
Fire Alarm Systems	\$60.00	
Sprinkler System (Inspection Fee)	2% of value	
Sprinkler System (Re-inspection Fee)	\$50.00	
<b>Flood Plain District Delineation</b>	\$500.00	
<b>Fuel Tank Removal (Underground)</b>	\$100.00	Plus \$5.00 Surcharge (State Mandated)
<b>Fuel Tank Install</b>	2% of value of work	Minimum \$100.00
<b>Heating</b>		
New Residential	\$150.00	All Heating Permits Plus \$5.00 Surcharge (State Mandated)
Addition to Residential	\$75.00	
Commercial (New or Addition)	1% of Value/\$175min	

# City of Lake Elmo Fee Schedule 2012

<b>Interim Use Permit (IUP)</b>		
Fee	\$1,050.00	
Renewal	\$300.00	
AG Sales/Entertainment	\$250.00	
<b>Lawn Sprinklers</b>	\$125.00	Plus \$5.00 Surcharge (State Mandated)
<b>Liquor License</b>		
Club On-Sale Intoxicating	\$100.00	
On-Sale Intoxicating	\$1,500.00	
Off-Sale Intoxicating	\$200.00	
Off-Sale Non-Intoxicating	\$150.00	
On-Sale Intoxicating- 2 <sup>nd</sup> Building	\$750.00	
On-Sale Non-Intoxicating	\$100.00	
On-Sale Investigation	\$350.00	
On-Sale Sunday Intoxicating	\$200.00	
Temporary Non-Intoxicating	\$25.00	
Wine	\$300.00	
<b>Lot Line Adjustment</b>	\$310.00	
<b>Manufactured Home Parks</b>		
Fee	\$1,000.00	
New	\$1,200.00	Plus \$2,500.00 Escrow
Move home out of the city	\$100.00	Plus \$5.00 Surcharge (State Mandated)
Move home into the city	\$150.00	
<b>Minor Subdivision</b>	\$500.00	
<b>Moving House or Primary Structure into City</b>	\$520.00	Plus bond w/amount to be determined by the City w/recommendation from Building Official
<b>Moving Accessory Structure into City</b>	\$305.00	Plus Escrow to be determined by the City w/recommendation from Building Official
<b>New Construction Plan Review</b>	Calculation	Per 1997 UBC (65% of Building Permit Fee)
<b>Park Dedication (up to 3 lots)</b>	\$3,600.00 for each	Four or more lots per Section 400 Formula
<b>Parking Lots</b>		
New Commercial	\$175.00	Plus \$5.00 Surcharge (State Mandated)
Existing Commercial	\$100.00	

# City of Lake Elmo Fee Schedule 2012

<b>Platting</b>		
Concept (PUD or OP)	\$1,250.00	
Preliminary Plat (Development Stage)	\$1,850.00	
Final Plat (And Final Plan)	\$1,250.00	Plus 2.5% Administrative/ Development Fee
<b>Plumbing</b>		
New Residential	\$150.00	Plus \$5.00 Surcharge (State Mandated)
Addition to Residential	\$75.00	
Commercial (New or Addition)	\$175.00	Plus \$5.00 Surcharge (State Mandated)
<b>Private Roads</b> (Permitted only in AG zone)	\$150.00	Plus \$5.00 Surcharge (State Mandated)
<b>Restrictive Soils and Wetland Restoration Protection and Preservation Permit</b>	\$800.00	\$1,500.00 Escrow
<b>Right-of-Way Permit</b>		
Annual Registration (1415.05 Subd.1)	\$100.00	
Excavation (1415.11 Subd.1)	\$230.00	
Each additional Excavation	\$40.00	
Trench Fee (Boring or Open Cut)	\$0.60 per foot	
Overhead Installation Fee	\$0.60 per foot	
New Subdivisions (Alternate to per foot fee)	\$100.00	
Street Obstruction Fee (1415.11 Subd.2)	\$100.00	
Permit Extension	\$100.00	
Delay Penalty	\$25.00	
<b>Sewer Availability Charge (SAC)</b>	\$5,865.00	Per SAC Unit: \$2,365.00 to Met Council; \$3,500.00 to City
<b>Sewer</b>	\$4.50 per 1,000 Gal	
<b>Wetland Treatment</b>		
Hookup to Existing Syst	\$100.00	Plus \$5.00 Surcharge (State Mandated)
Alteration/ Repair	\$75.00	
<b>201 Off-Site Maintenance Fee</b>	\$75.00 per unit per quarter	
<b>Signs</b>		
Permanent	\$180.00	Plus \$5.00 Surcharge (State Mandated)
Temporary	\$75.00	
Temporary Renewal	\$25.00	
<b>Site Plan Review (Chapter 520)</b>	\$980.00	
<b>Special Event Permit</b>	\$75.00	Additional Services \$50.00 per hour

# City of Lake Elmo Fee Schedule 2012

<b>Street Cleaning Erosion Control</b>		
Escrow	\$5,000.00	
Re-inspection	\$50.00 per hour	Portal to Portal from City Hall-1hr/min
Processing fee	Calculation	10% of Contractor's Invoice to City
<b>Surface Water</b>		
Residential	\$50.00	
Non- Residential (Commercial, etc.)	\$50.00	Utility Rate Factor per code
<b>Tennis Courts</b>	Per 1997 UBC	Plus \$5.00 Surcharge (State Mandated)
<b>Vacations (Street or Easements)</b>		
Easements	\$515.00	\$500.00 Escrow
Streets	\$515.00	\$500.00 Escrow
<b>Variance</b>	\$750.00	
<b>Video Reproduction</b>	\$35.00	
<b>Water Equipment/ Set up</b>		
Meter	\$440.00	
Pit Locking Lid	\$100.00	
All Connection Permits	\$140.00	
Meters, MIU & Meter Installation Sets	\$300.00	
Disconnect Service	\$80.00	
Reconnect Service	\$80.00	
<b>Water Availability Charge (WAC)</b>		
Existing Structures within Old Village	\$800.00	
New Development	\$3,900.00	
<b>Water Usage</b>		
Residential - Quarterly Rate	\$25.00 Base	
Residential - Plus Rate Per 1,000 Gallons		
Plus Rate for 0 - 15,000 Gallons	\$2.14	
Plus Rate for 15,001 - 30,000 Gallons	\$2.86	
Plus Rate for 30,001 - 50,000 Gallons	\$3.77	
Plus Rate for 50,001 - 80,000 Gallons	\$5.00	
Plus Rate for 80,001 + Gallons	\$6.63	
<b>Water Usage</b>		
Commercial - Quarterly Rate	\$25.00 Base	
Commercial - Plus Rate Per 1,000 Gallons		
Plus Rate for 0 - 15,000 Gallons	\$3.11	
Plus Rate for 15,001 - 30,000 Gallons	\$3.26	
Plus Rate for 30,001 - 50,000 Gallon	\$3.77	
Plus Rate for 50,001 - 80,000 Gallons	\$5.00	
Plus Rate for 80,001 + Gallons	\$6.63	
<b>Water Usage</b>		
Hotel / Motel - Quarterly Rate	\$25.00 Base	For metered non- irrigation
Hotel / Motel - Plus Rate Per 1,000 Gallons		(domestic) consumption
Plus Rate for 0 -30,000 Gallons	\$3.11	

## City of Lake Elmo Fee Schedule 2012

Plus Rate for 30,001 – 50,000 Gallons	\$3.26	
Plus Rate for 50,001 + Gallons	\$4.00	
<b>Water Usage</b>		
Delinquent Accounts	6% per quarter	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes
<b>Service Call</b>		
Water Storage Violation	\$15.00 per day	
Bulk Water from Hydrant	\$61.20 1st 5,000 Gal	Plus \$3.26 per additional 1,000 Gal
Swimming Pool Fill	\$61.20 1st 5,000 Gal	Plus \$3.26 per 1,000 Gal and \$15.00/hr Labor
<b>Wind Generator</b>	\$850.00	\$2,000 Escrow
<b>Wireless Communication Permit</b>	\$500.00	\$2,000 Escrow
<b>Zoning Amendment (Text or Map)</b>	\$1,245.00	



## MAYOR AND COUNCIL COMMUNICATION

DATE: 09/04/2012

**CONSENT**

ITEM #: 4

**MOTION TO AFFIRM**

**AGENDA ITEM:** Approve Hiring of Rick Chase as Building Official

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

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

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

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

As part of the Consent Agenda the City Council is respectfully requested to approve the hiring of Rick Chase as the Building Official for the City of Lake Elmo.

### **STAFF REPORT:**

The City of Lake Elmo received 26 applicants for the Building Official position. The original applicants were rated on relevant education and related experience/knowledge in the following areas; administration and enforcement of State building codes, City zoning ordinance enforcement, experience in property maintenance codes, planning, developing, and implementation methods in maintaining optimum service levels in all phases of building and fire inspections, city code enforcement, experience in resolving complaints and/or concerns regarding code issues. Staff was very impressed with the level of qualifications and experience of the pool of applicants.

Nine well-qualified candidates were chosen for first-round interviews. These first-round interviews produced two finalists who were brought in for a final interview. Rick Chase was chosen by all interview panelists as the top choice for Lake Elmo's Building Official. Rick comes to the position from the City of Centerville where he has worked as the Building Inspector since 2008. Rick is a certified Building Official and Certified Fire Inspector and is certified in both erosion control and the concrete field, in addition to being a certified pipe layer. Rick has served on the Cottage Grove Environmental Commission. Especially noted during the interview process were Rick's experience, education, his positive attitude and proven commitment to taxpayer service. In addition, Mr. Chase's character was evident in the time spent during the interview process and would prove a good fit for the City of Lake Elmo's current and future organizational goals.

### **RECOMMENDATION:**

*Staff recommends the City Council affirm the hiring of Rick Chase as Building Official for the City of Lake Elmo at a starting salary of \$60,000 with a start date of September 10, 2012.*



## MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012

**CONSENT**

ITEM #: 5

**MOTION**

**AGENDA ITEM:** 2012 Rain Garden Project: Accept Quotes and Award Contract

**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer

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

**REVIEWED BY:** Sandie Thone, City Clerk  
Cathy Bendel, Finance Director

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to accept quotes and award a construction contract to St. Croix Valley Landscaping in the total amount of \$46,501.00 for the 2012 Rain Garden Project. Quotes were received from 3 qualified contractors on August 28, 2012, by the Washington Conservation District (WCD). Rusty Schmidt (WCD) has prepared the attached recommendation memorandum dated August 29, 2012.

**STAFF REPORT:** The Washington Conservation District prepared rain garden plans to improve water quality along the 2012 Street and Water Quality Improvement Project. Rain garden construction details and planting plans were prepared by WCD and approved by Lake Elmo Staff. These rain garden plans titled "Lake Elmo Roadways 2012", and dated August 6, 2012, are available for review at City Hall.

A total of 17 rain gardens will be constructed in the 2012 Rain Garden Project. The contractor will be required to provide all tasks for a complete functional rain garden (excluding the curb cut in the street to be done by others). This work includes grading, mulch, rock, edging, retaining walls, planting and restoration.

One year of maintenance will be required by the contractor for this year's rain garden installation. Maintenance includes watering as needed, removing weed invasive species twice annually, re-mulching as necessary but at least once annually, removing debris as necessary to maintain function, and plant replacement as needed to maintain the general plant population and character of the original planting. The second year of maintenance is to be coordinated by the Washington Conservation District through the use of volunteer programs. After two years of maintenance, the rain garden should be well established and require minimal maintenance. The



property owners have all signed Maintenance Agreements ensuring the rain gardens in the boulevard in front of their homes will be maintained in perpetuity.

Once the Council awards the contract and a Pre-Construction Meeting is held, a Notice to Proceed can be issued. All plantings are required to be completed by October 15, 2012, with a Final Completion Date for the project of October 31, 2012.

**FUNDING:** The contract for the 2012 Rain Garden Project is for an estimated amount of \$46,501.16. This includes an estimated \$41,000.16 in construction costs to install the rain gardens and an estimated \$5,501.00 for one year of maintenance for all 17 rain gardens. The actual quantity installed will be paid per the unit prices provided for each item. The City of Lake Elmo received a Valley Branch Watershed District (VBWD) Community Grant in 2012 for up to \$27,822.00 in matching funds for water quality improvements. The estimated post-bid total qualifying costs for water quality improvements is \$46,501.16, resulting in a \$23,250.58 VBWD grant amount. This would leave a remainder of \$23,250.58 for the City of Lake Elmo to paid from the Storm Water Utility Fund. This estimated amount is under the 2012 budgeted amount of \$35,000.

**RECOMMENDATION:** Staff is recommending that the City Council consider accepting the quotes and awarding a construction contract to St. Croix Valley Landscaping in the amount of \$46,501.16 for the 2012 Rain Garden Project, as part of the *Consent Agenda*. The recommended motion for this action is as follows:

***“Move to Accept the Quotes and Award a Contract to St. Croix Valley Landscaping in the Amount of \$46,501.16 for the 2012 Rain Garden Project per the Washington Conservation District Award Recommendation Memorandum dated August 29, 2012.”***

**ATTACHMENTS:**

1. Washington Conservation District Recommendation Memo dated August 29, 2012
2. 2012 Rain Garden Project Construction Contract



# WASHINGTON CONSERVATION DISTRICT

1380 W FRONTAGE RD  
HIGHWAY 36  
STILLWATER, MN 55082

651-275-1136 | PHONE |  
651-275-1254 | FAX |  
WWW.MNWCD.ORG

## MEMORANDUM

**TO:** City of Lake Elmo  
**FROM:** Rusty Schmidt, Washington Conservation District  
**DATE:** August 29, 2012  
**RE:** Recommended Lower Responsible Bidder for the Raingardens along the 2012 Roadway Improvement Projects

On August 17<sup>th</sup>, 2012 the WCD in cooperation with the City of Lake Elmo and Valley Branch Watershed District sent out a proposal for quotes and bids for the 2012 Raingarden Roadway Projects. This project is to place 17 gardens along the new roadways within the city limits. The raingardens are to be installed and planted by mid October. Construction will include but not limited to grading, edging, mulch, plants, drain tile and compost.

The bids were returned on August 28<sup>th</sup>, 2012 by 4 pm. Three bids were received with one bid significantly lower than the rest. All three bids were below the design estimate. The low bidder is responsible and has done many projects of similar size and scope, including last year roadway raingardens within the city of Stillwater. The previous projects have been done competently and successfully.

The following are the bid totals:

St. Croix Valley Landscaping	\$41,000.16
All Weather Services	\$50,499.50
Outdoor Labs	\$48,776.00

I, Rusty Schmidt, recommend giving the project to the lowest bidder who is St. Croix Valley Landscaping of Osceola.

Thank you,  
Rusty Schmidt

Natural Resource Specialist



Date \_\_\_\_\_

8/29/2012

scvl@stcroixvalleylandscaping.com

Terms
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Quote includes all materials, hauling and delivery. Tax is not included. If accepted, payment terms are as follows: 50% down upon start of work, 25% at 3/4 completion & balance of the contract price due at completion. This proposal is good for the next 30 days after date on quote. This quote is an estimate of the total cost of the project barring any unforeseen problems. We do our very best to stay within the project's budget. If we anticipate any changes over 10% of the proposed quote because of unexpected changes or problems in the site, we will discuss those changes with you before proceeding. We will prepare our discussion in writing for you.

Thank you for the opportunity to provide a quote for you.



## CREW COPY

Date	Estimate #
8/27/2012	449

### Name / Address

Lake Elmo Roadway RG  
Washington Conservation District  
Rusty Schmidt  
1380 W. Frontage Road, Hwy 36  
Stillwater, MN 55082

### Project

Item	Description	Qty	Rate	U/M	Total
	5715 Highlands Trail N.				
Plant install	Plant- # 1 Gal	22	10.00	ea	220.00
Plant install	Plants #2 Gal	19	28.00	ea	532.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
	5730 Hytrail Ave N				
Plant install	Plant- Plugs	36	1.60	ea	57.60
Plant install	Plant- # 1 Gal	46	10.00	ea	460.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Retaining Wall	RETAINING WALL- Glacial Field Stone 18" - 30 "	3	110.00	sqft	330.00
Bullet Edging	Install Bullet Edging	30	4.25	lf	127.50
Excavation CU YD	EXCAVATION	15	27.00	CU YD	405.00
Sod Install-SF	SOD Install sod	120	0.90	sqft	108.00
	5750 Highland Ct.				
Plant install	Plant- # 1 Gal	22	10.00	ea	220.00
		<b>Subtotal</b>			
		<b>Sales Tax (6.875%)</b>			
		<b>Total</b>			



## CREW COPY

Date	Estimate #
8/27/2012	449

### Name / Address

Lake Elmo Roadway RG  
Washington Conservation District  
Rusty Schmidt  
1380 W. Frontage Road, Hwy 36  
Stillwater, MN 55082

### Project

Item	Description	Qty	Rate	U/M	Total
Plant install	Plant- # 2 Gal	19	28.00	ea	532.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
5751 Hytrail Ave N					
Plant install	Plant- Plugs	42	1.60	ea	67.20
Plant install	Plant- # 1 Gal	89	10.00	ea	890.00
Mulching CU YD	MULCH INSTALLED	3	65.00	CU YD	195.00
compost	COMPOST- MnDOT Grade 2	3	65.00	yds	195.00
Bullet Edging	Install Bullet Edging	80	4.25	lf	340.00
Retaining Wall	RETAINING WALL- Glacial Field Stone 18" - 30 "	3	0.00	sqft	0.00
Excavation CU YD	COMMON EXCAVATION	23	27.00	CU YD	621.00
Sod Install-SF	SOD Install sod	130	0.90	sqft	117.00
5770 Hytrail Ave N.					
Plant install	Plant - Plugs	36	1.60	ea	57.60
Plant install	Plant- # 1 Gal	46	10.00	ea	460.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
Subtotal					
Sales Tax (6.875%)					
Total					



## CREW COPY

Date	Estimate #
8/27/2012	449

Name / Address
Lake Elmo Roadway RG Washington Conservation District Rusty Schmidt 1380 W. Frontage Road, Hwy 36 Stillwater, MN 55082

Project

Item	Description	Qty	Rate	U/M	Total
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
5855 Highland Trail N					
Plant install	Plant Plugs	36	1.60	ea	57.60
Plant install	Plant #1 gal	46	10.00	ea	460.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	30	4.25	lf	127.50
Retaining Wall	GLACIAL FIELD STONE RETAINING WALL- 18"- 30" Stone - 3 ton	3	110.00	sqft	330.00
Excavation CU YD	COMMON EXCAVATION	15	27.00	CU YD	405.00
Sod Install-SF	SOD Install sod	120	0.90	sqft	108.00
5870 highlands Trail N					
Plant install	Plants Plugs	36	1.60	ea	57.60
Plant install	Plants # 1 Gal	46	10.00	ea	460.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Subtotal					
Sales Tax (6.875%)					
Total					



## CREW COPY

Date	Estimate #
8/27/2012	449

### Name / Address

Lake Elmo Roadway RG  
 Washington Conservation District  
 Rusty Schmidt  
 1380 W. Frontage Road, Hwy 36  
 Stillwater, MN 55082

### Project

Item	Description	Qty	Rate	U/M	Total
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
	5875 Highlands Trail N.				
Plant install	Plants Plugs	36	1.60	ea	57.60
Plant install	Plans # 1 Gal	46	10.00	ea	460.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
	5890 Highlands Trail N				
Plant install	Plants #1 Gal	28	10.00	ea	280.00
Plant install	Plants #2 Gal	20	28.00	ea	560.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	80	4.25	lf	340.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	200	0.90	sqft	180.00
	7760 53rd Street N				
		<b>Subtotal</b>			
		<b>Sales Tax (6.875%)</b>			
		<b>Total</b>			



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### Name / Address

Lake Elmo Roadway RG  
Washington Conservation District  
Rusty Schmidt  
1380 W. Frontage Road, Hwy 36  
Stillwater, MN 55082

### Project

Item	Description	Qty	Rate	U/M	Total
Plant install	Plant plugs	36	1.60	ea	57.60
Plant install	Plants #1 Gal	46	10.00	ea	460.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
7761 53rd Street N					
Plant install	Plant plugs	36	1.60	ea	57.60
Plant install	Plants #1 Gal	46	10.00	ea	460.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
8010 Demontreville Trail Place N					
Plant install	Plants #1 Gal	42	10.00	ea	420.00
Plant install	Plants #2 Gal	11	24.00	ea	264.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
		<b>Subtotal</b>			
		<b>Sales Tax (6.875%)</b>			
		<b>Total</b>			





## CREW COPY

Date	Estimate #
8/27/2012	449

### Name / Address

Lake Elmo Roadway RG  
 Washington Conservation District  
 Rusty Schmidt  
 1380 W. Frontage Road, Hwy 36  
 Stillwater, MN 55082

### Project

Item	Description	Qty	Rate	U/M	Total
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	COMMON EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
	8065 59th street N				
Plant install	Plants #1 Gal	22	10.00	ea	220.00
Plant install	Plants #2 Gal	19	28.00	ea	532.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
	8215 59th street N				
Plant install	Plants #1 Gal	22	10.00	ea	220.00
Plant install	Plants #2 Gal	19	25.00	ea	475.00
Mulching CU YD	MULCH INSTALLED	2	65.00	CU YD	130.00
compost	COMPOST- MnDOT Grade 2	2	65.00	yds	130.00
Bullet Edging	Install Bullet Edging	60	4.25	lf	255.00
Excavation CU YD	EXCAVATION	12	27.00	CU YD	324.00
Sod Install-SF	SOD Install sod	160	0.90	sqft	144.00
		<b>Subtotal</b>			
		<b>Sales Tax (6.875%)</b>			
		<b>Total</b>			



## CREW COPY

Date	Estimate #
8/27/2012	449

### Name / Address

Lake Elmo Roadway RG  
 Washington Conservation District  
 Rusty Schmidt  
 1380 W. Frontage Road, Hwy 36  
 Stillwater, MN 55082

### Project

Item	Description	Qty	Rate	U/M	Total
Plant install	Highland Trail Park				
Plant install	Plant plugs	83	1.60	ea	132.80
Plant install	Plants #1 Gal	98	10.00	ea	980.00
Plant install	Plants #2 Gal	51	22.00	ea	1,122.00
Mulching CU YD	MULCH INSTALLED	7.5	65.00	CU YD	487.50
compost	COMPOST- MnDOT Grade 2	7.5	65.00	yds	487.50
Bullet Edging	Install Bullet Edging	80	4.25	lf	340.00
Dry Creek Bed	RETAINING WALL-Glacial Field Stone 18" - 30"	6	110.00	sqft	660.00
River Rock	RIVER ROCK	3	40.00	ton	120.00
Enviro-lok Mesh bag	Envirolok Bags	12	10.00	ea	120.00
Excavation CU YD	EXCAVATION	50	27.00	CU YD	1,350.00
Sod Install-SF	SOD Install sod	300	0.90	sqft	270.00
Plant install	3704 Kindred Court				
Plant install	Plant plugs	33	1.60	ea	52.80
Plant install	Plants #1 Gal	60	10.00	ea	600.00
Plant install	Plants #2 Gal	5	38.00	ea	190.00
Transplanting Trees	Move 2.5" Caliper Tree	1	200.00	ea	200.00
Mulching CU YD	Mulch	3	65.00	CU YD	195.00
compost	COMPOST- MnDOT Grade 2	3	65.00	yds	195.00
Bullet Edging	Install Bullet Edging	80	4.25	lf	340.00
		<b>Subtotal</b>			
		<b>Sales Tax (6.875%)</b>			
		<b>Total</b>			



## CREW COPY

Date	Estimate #
8/27/2012	449

### Name / Address

Lake Elmo Roadway RG  
 Washington Conservation District  
 Rusty Schmidt  
 1380 W. Frontage Road, Hwy 36  
 Stillwater, MN 55082

### Project

Item	Description	Qty	Rate	U/M	Total
Excavation CU YD	EXCAVATION	22	27.00	CU YD	594.00
Sod Install-SF	SOD Install sod	210	0.90	sqft	189.00
Curb Cut	Curb Cut Entrance	1	500.00	ea	500.00
	3736 Kindred Court				
Plant install	Plant plugs	26	1.60	ea	41.60
Plant install	Plants #1 Gal	41	10.00	ea	410.00
compost	COMPOST- MnDOT Grade 2	3	65.00	yds	195.00
Mulching CU YD	MULCH INSTALLED	3	65.00	CU YD	195.00
Fieldstone	Glacial Field Stone 6"-12"	1	65.00	ton	65.00
Bullet Edging	Install Bullet Edging	20	4.25	lf	85.00
Excavation CU YD	COMMON EXCAVATION	22	27.00	CU YD	594.00
Sod Install-SF	SOD Install sod	40	0.90	sqft	36.00
Curb and Gutter	Ribbon Curb	30	20.00	lf	600.00
	10684 10th St. N. Ct.				
Sod Install-SF	SOD Install sod	60	1.50	sqft	90.00
Curb Cut	Concrete Curb Cut Installation	1	500.00	ea	500.00
Mobilization	Mobilization and Deliveries.	1	*****	ea	1,900.00
		<b>Subtotal</b>			
		<b>Sales Tax (6.875%)</b>			
		<b>Total</b>			



## CREW COPY

Date	Estimate #
8/27/2012	449

Name / Address
Lake Elmo Roadway RG Washington Conservation District Rusty Schmidt 1380 W. Frontage Road, Hwy 36 Stillwater, MN 55082

Project

Item	Description	Qty	Rate	U/M	Total
	Lake Jane Raingarden Maintenance and beautification				
Plant install	Plants #1 Gal	60	10.00	ea	600.00
Plant install	Plants #2 Gal	8	25.00	ea	200.00
Maintenance Agree...	Weeding	1,080	0.25	ea	270.00T
Bullet Edging	Install Bullet Edging	36	4.25	lf	153.00
Grading Contouring	Grade area discussed	15	20.00	hr	300.00
Black Dirt Pulverized	Fill	20	23.00	yds	460.00
Sod Install-SF	SOD Install sod	270	0.90	sqft	243.00
Pretreatment cell		1	*****	sqft	1,000.00
	Sediment Strainer sub for Rain Guardian pretreatment chamber				
		<b>Subtotal</b>		\$40,981.60	
		<b>Sales Tax (6.875%)</b>		\$18.56	
		<b>Total</b>		\$41,000.16	

**CITY OF LAKE ELMO – 2012 RAIN GARDEN PROJECT  
CONSTRUCTION CONTRACT**

This Contract, made this \_\_\_\_\_ day of \_\_\_\_\_, **2012**, by the City of Lake Elmo, Minnesota (hereinafter called the "Owner") and \_\_\_\_\_ (hereinafter called the "Contractor").

WITNESSETH that the parties hereto agree as follows:

(A) The Contractor shall provide all labor, services, materials, equipment and machinery, transportation, tools, fuel, power, light, heat, telephone, water, sanitary facilities, temporary facilities, and all other facilities and incidentals, including profit and overhead, necessary for the performance, testing, start-up, and completion of the work as described herein:

**DESCRIPTION OF WORK:** The scope of work under this Construction Contract includes the complete construction of 17 rain gardens in accordance with the Lake Elmo Roadways 2012 Project Plan Set issued by the Washington Conservation District and dated August 6, 2012. The complete Plan Set consists of 21 sheets.

The complete construction of 17 rain gardens shall include the grading, mulch, rock, edging, retaining walls, envirolok bags, concrete ribbon curb, planting and restoration in the locations shown on the plans and as staked in the field. In addition, one year of maintenance is to be provided for each of the newly constructed rain gardens. Maintenance is to include watering as needed to maintain a healthy planting, removing weed invasive species twice annually, re-mulch as necessary but at least once annually, remove debris as necessary to maintain function, and plant replacement as needed to maintain the general plant population and character of the original planting. Written documentation of maintenance for each rain garden must be provided to the City of Lake Elmo prior to payment.

This Construction Contract is intended to provide for a fully completed project and shall be performed by the Contractor for the total estimated price of \$46,501.16, based upon the attached Estimate Forms for Construction and Maintenance. The quantities stated therein are approximate only. Payment will be made for the quantities of work ordered and actually installed complete. Any work items necessary to provide for a fully completed project and not listed as an itemized quantity on the Estimate Forms shall be considered incidental to the project work. *However, no work shall be allowed to proceed that will result in additional quantities for payment without the prior written authorization of the City of Lake Elmo.*

All work shall be completed within the specified time frame and under the terms and conditions provided within this Construction Contract, and in accordance with the "General Conditions" shown in this contract as follows:

Work will be performed concurrently with the Lake Elmo 2012 Street & Water Quality Improvements. The Contractor shall make every reasonable effort to complete the work prior to the paving of the bituminous wear course. The Final Completion Date is October 31, 2012, for the construction of the rain gardens, with all maintenance to be completed by October 31, 2013. Any damage done by the Contractor to the new bituminous street and/or curb shall be corrected at the Contractor's expense.

The Owner will make one payment for construction and one payment for maintenance upon acceptance by the Owner of all work required hereunder and in compliance with all the terms and conditions of this Construction Contract.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date first above written.

\_\_\_\_\_  
(Contractor)

\_\_\_\_\_  
(City of Lake Elmo)

## GENERAL CONDITIONS

- I. **CHANGES IN WORK.** - The Owner may at any time, make changes in the drawings and specifications, within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract or in the time required for its performance, an equitable adjustment will be made, and this contract will be modified accordingly by a "Contract Change Order". No charge for any extra work or material will be allowed unless the same has been ordered on such contract change order by the Owner and the price therefore stated in the order.
- II. **INSPECTION OF WORK.** - All materials and workmanship will be subject to inspection, examination, and test, by the Owner, who will have the right to reject defective material and workmanship or require its correction.
- III. **COMPLETION OF WORK.** - If the Contractor refuses or fails to complete the work within the time specified in paragraph B of this contract, or any extension thereof, the Owner may terminate the Contractor's rights to proceed. In such event the Owner may take over the work and prosecute the same to completion by contract or otherwise, and the Contractor will be liable for any excess cost occasioned the Owner thereby; and the Owner may take possession of and utilize in completing the work such materials and equipment as may be on the site of the work and necessary therefore. If the Owner does not terminate the right of the Contract to proceed, the Contractor will continue the work, in which event, actual damages for delay will be impossible to determine, and in lieu thereof, the Contractor may be required to pay to the Owner the sum of **\$100** as liquidated damages for each calendar day of delay, and the Contractor will be liable for the amount thereof: Provided, however, that the right of the Contractor to proceed will not be terminated because of delays in the completion of the completion of the work due to unforeseeable causes beyond the Contractor's control and without Contractor's fault or negligence.
- IV. **RELEASES.** - Prior to final payment, the Contractor will submit evidence that all payrolls, material bills, and other indebtedness connected with the work have been paid as required by the Owner.
- V. **OBLIGATION TO DISCHARGE LIENS.** - Acceptance by the Owner of the completed work performed by the Contractor and payment therefore by the Owner will not relieve the Contractor of obligation to the Owner (which obligation is hereby acknowledged) to discharge any and all liens for the benefit of subcontractors, laborers, material-person, or any other persons performing labor upon the work or furnishing material or machinery for the work covered by this contract, which have attached to or may subsequently attach to the property, or interest of the Owner.
- VI. **NOTICES AND APPROVAL IN WRITING.** - Any notice, consent, or other act to be given or done hereunder will be valid only if in writing.
- VII. **CLEANING UP.** - The Contractor shall keep the premises free from accumulation of waste material and rubbish and at the completion of the work shall remove from the premises all rubbish, implements and surplus materials.
- VIII. **WARRANTY.** - Contractor warrants and guarantees that title to all work, materials, and equipment covered by any Application for Payment, whether incorporated in the Project or not, will pass to Owner no later than the time of payment free and clear of all Liens. If within one year after completion of the work, any work is found to be defective, Contractor shall promptly, without cost to the Owner, correct such defective work as approved by the Owner.
- IX. **IDEMNIFICATION.** - Contractor shall defend and indemnify the city against claims brought or actions filed against the city or any of its officers, employees or agents for property damage, bodily injury or death to third persons, arising out of or relating to contractors work under the contract.
- X. **WORKERS' COMPENSATION INSURANCE.** - Contractor shall provide a certificate of insurance showing evidence of workers' compensation coverage or provide evidence of qualification as a self-insurer of workers' compensation.
- XI. **LIABILITY INSURANCE REQUIREMENTS.** - A certificate of insurance acceptable to the City shall be filed with the City prior to the commencement of the work. The certificate and the required insurance policies shall contain a provision that the coverage afforded under the contract will not be canceled or allowed to expire until at least 30 days prior written notice has been given to the city. Contractor shall maintain commercial general liability (CGL) insurance with a limit of not less than \$1,000,000 each occurrence and an aggregate limit of not less than \$2,000,000. The CGL insurance shall cover liability arising from premises, operations, independent contractors, subcontractors, products-completed operations, personal

injury and advertising injury, and contractually-assumed liability. The city shall be named as an additional insured under the CGL. Contractor shall maintain automobile liability insurance, and if necessary, umbrella liability insurance with a limit of not less than \$1,000,000 each accident and an aggregate limit of not less than \$2,000,000. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos.



MAYOR AND COUNCIL COMMUNICATION

DATE: 09/04/2012  
**CONSENT**  
ITEM #: 6  
**MOTION** *Consent Agenda*

**AGENDA ITEM:** Authorization for John Shiltz to Dispense Beer and Wine Coolers at Lake Elmo Days Community Event on September 7 and 8, 2012

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

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

**SUMMARY AND ACTION REQUESTED:**

As part of the Consent Agenda City Council is requested to consider authorization for John Shiltz, owner and operator of Lake Elmo Inn, a municipal retail on-sale liquor license holder to dispense beer and wine coolers off premises and allow for consumption within the parameters set for the City's Lake Elmo Days event being held September 7 and September 8, 2012.

**STAFF REPORT:**

Pursuant to MN State Statute 340A.404 Subdivision 4b under Special provisions; sports, conventions, or cultural facilities; community festivals: (b) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event. The City of Lake Elmo in conjunction with local businesses and the community will hold Lake Elmo Day's event on September 7 and 8, 2012. Authorization is necessary for the safe sale of alcohol at the event and to confirm the requirement of liability insurance for the municipal on-sale license holder.

**RECOMMENDATION:**

*Staff recommends city council authorize as part of the Consent Agenda for John Shiltz, owner and operator of Lake Elmo Inn, a municipal retail on-sale liquor license holder to dispense beer and wine coolers off premises and allow for consumption within the parameters set for the City's Lake Elmo Days event being held September 7 and September 8, 2012.*





## MAYOR AND COUNCIL COMMUNICATION

DATE: 9/4/2012

**REGULAR**

ITEM #: 7

**MOTION**

**AGENDA ITEM:** Ordinance 2012-61 Zoning Text Amendment – Shoreland Standards

**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 has received an application for a zoning text amendment from Mr. Jim Leonard, 3012 Lake Elmo Ave., to amend the current shoreland standards to allow for water-oriented accessory structures used solely for boat storage up to 400 square feet in size. The current standards (§150.255) allow for water-oriented structures up to 250 square feet. Amending to ordinance to allow for water-oriented accessory structures used solely for boat storage to occupy up to 400 square feet would be consistent with the State Statute regarding shoreland management, as well as the DNR Model Shoreland Ordinance.

### BACKGROUND INFORMATION:

The State of Minnesota passed its shoreland management protocol in 1989, requiring cities to adopt and enforce their own shoreland ordinance. In response, the City of Lake Elmo adopted the existing shoreland ordinance in 1993. Since that time, only minor amendments have been made to the ordinance to reflect new data, such as Ordinary High Water (OHW) marks for the various waterbodies in Lake Elmo. Within the State Statute (6120.3300), water-oriented accessory structures used solely for the storage of watercraft and watercraft-related equipment are allowed to occupy 400 square feet. This provision was not included in the Lake Elmo Shoreland Ordinance. In order to more clearly define shoreland standards, the MN DNR produced the Model Shoreland Ordinance (attached) in 1999 to be used as a guide for cities in relation to shoreland management.

### STAFF REPORT:

According to the Lake Elmo City Code, water oriented accessory structures include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. It is important to note

that if the City adopts the DNR standard as proposed in this amendment, the allowable size of 400 square feet will only apply to boathouses. In addition, all the existing performance standards governing water-oriented accessory structures, such as structure height, will remain in place. Given the changing trends of slightly larger boats on recreation waterbodies, the Planning Commission does not find it unreasonable to allow for slightly larger structures used solely for boat storage.

Finally, Staff has reached out to the DNR to provide formal review comments regarding this proposed amendment. In response, the area hydrologist, Molly Shodeen, noted that the DNR would not have any objections to the Zoning Text Amendment, as the standard would be consistent with State Statute.

Finally, the State shoreland management program also recommends a setback of 10' from the Ordinary High Water (OHW) Mark for water-oriented accessory structures, while the Lake Elmo Shoreland Ordinance requires a 20' setback. The applicant would also like to amend this portion of the Lake Elmo City Code to allow for the 10' setback from the OHW. However, a public hearing was not published for this proposed amendment, and thus it will have to come back to the Planning Commission on September 24<sup>th</sup>.

#### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommends approval of the Zoning Text Amendment by taking the following action:

*“Move to approve Ordinance 2012-61, amending §150.255, Shoreland Standards, of the Lake Elmo City Code as recommend by the Planning Commission.”*

#### **ATTACHMENTS:**

1. Ordinance 2012-61
2. Land Use Application
3. MN State Statute – Shoreland Management
4. Letter of Support from the MN DNR

#### **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

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE 2012-61

AN ORDINANCE AMENDING THE SHORELAND STANDARDS  
SECTION OF THE GENERAL PROVISIONS TO REVISE THE  
ALLOWED SQUARE FOOTAGE FOR WATER-ORIENTED  
ACCESSORY BUILDINGS USED SOLELY FOR WATERCRAFT  
STORAGE BASED ON MINNESOTA STATE STATUTES

**SECTION 1:** The City Council of the City of Lake Elmo hereby amends Title XV:  
Land Usage; Chapter 150: General Provisions, by adding the following language:

**§ 150.255 SHORELAND STANDARDS**

D) Placement, Design, and Height of Structures

(2) Design Criteria for Structures

b. Water-Oriented Accessory Structures

1. The structure or facility must not exceed 13 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed 8 feet above grade at any point.
2. The setback of the structure or facility landward from the ordinary high water level must be at least 20 feet on a recreational development lake and 50 feet on a natural environment lake.
3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions.
4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
6. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

**SECTION 2: Effective Date**

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

**SECTION 3: Adoption Date**

This Ordinance 2012-61 was adopted on this 4<sup>th</sup> day of September 2012, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Dean A. Johnston, Mayor

ATTEST:

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Sandie Thone, City Clerk

This Ordinance 2012-61 was published on the \_\_\_\_ day of \_\_\_\_\_, 2012.

## **MN State Statute – Shoreland Management**

### **6120.3300 ZONING PROVISIONS.**

H. Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. If allowed by local government controls, each residential lot may have one water-oriented accessory structure or facility located closer to public waters than the structure setback if all of the following standards are met:

(1) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.

(2) The setback of the structure or facility from the ordinary high water level must be at least ten feet.

(3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

(4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

(5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

(6) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(7) Any accessory structures or facilities not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards.

City of Lake Elmo  
DEVELOPMENT APPLICATION FORM

Fee \$ 1,245.00

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment              | <input type="checkbox"/> Variance * (See below)                      | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment                 | <input type="checkbox"/> Minor Subdivision                           | <input type="radio"/> 01 - 10 Lots                                      |
| <input checked="" type="checkbox"/> Text Amendment                 | <input type="checkbox"/> Lot Line Adjustment                         | <input type="radio"/> 11 - 20 Lots                                      |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="radio"/> 21 Lots or More                                   |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.)           | <input type="checkbox"/> Site & Building Plan Review                 | <input type="checkbox"/> Excavating & Grading Permit                    |
|  |  | <input type="checkbox"/> Appeal <input type="checkbox"/> PUD            |

APPLICANT: James Leonard 3012 Lake Elmo Ave 55042  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-1316 651-485-6000  
(Home) (Work) (Mobile) (Fax)

FEE OWNER: \_\_\_\_\_  
(Name) (Mailing Address) (Zip)

TELEPHONES: \_\_\_\_\_  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): \_\_\_\_\_

DETAILED REASON FOR REQUEST: Zoning Text Amendment for the Code of Ordinance § 150.255 Shoreland Standards. The current ordinance does not address a Water-oriented accessory structure used solely for water craft (boat) Storage.

\*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

James Leonard 8/8/12  
Signature of Applicant Date

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

**From:** Shodeen, Molly (DNR)  
**To:** Nick Johnson;  
**Subject:** RE: DNR Model Shoreland Ordinance  
**Date:** Monday, August 27, 2012 1:41:11 PM

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Nick, the DNR would not object to the text modification to allow the 400 sq. foot structures where applicable since it was in the statewide standards from 1989. I'm sure you have been in this section of our web, not sure if the 1999 model is the only one, can't believe it took 10 yrs to get a model after the 89 rules. On the left is the link to the statutes and rules, also a section that has shoreland reference materials

[http://www.dnr.state.mn.us/waters/watermgmt\\_section/shoreland/index.html](http://www.dnr.state.mn.us/waters/watermgmt_section/shoreland/index.html)

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

**From:** Nick Johnson [<mailto:NJohnson@lakeelmo.org>]  
**Sent:** Thursday, August 23, 2012 3:19 PM  
**To:** Shodeen, Molly (DNR)  
**Subject:** DNR Model Shoreland Ordinance

Hello Molly,

We previously spoke about an application to amend the shoreland standards in the Lake Elmo City Code to allow 400 sq. ft. boathouses, which would be consistent with the model DNR ordinance. After some investigation, it was discovered that the Lake Elmo shoreland ordinance was adopted in 1997, whereas the current version of the DNR model ordinance was produced in 1999. You may or may not be aware of the standards before the current model ordinance, but did the DNR have different standards before 1999? If you have any insight into this investigation, I would sincerely appreciate it. I have looked through the minutes of our previous Council meetings that addressed this ordinance and they were not very enlightening as to why Lake Elmo did not include the 400 sq. ft. standard for boathouses.

I apologize for the late notice from last week, but if you could submit formal comments regarding this proposed zoning text amendment, it would be very helpful.

Thanks Molly. Please call me if you have any questions.

Take care,

Nick M. Johnson

City Planner | City of Lake Elmo  
Email: [nick.johnson@lakeelmo.org](mailto:nick.johnson@lakeelmo.org)  
Office: 651-747-3912 | Fax: 651-777-9615





## MAYOR AND COUNCIL COMMUNICATION

DATE: 09/04/2012

**REGULAR**

ITEM #: 8

**MOTION**

### *\*Regular Agenda Item Tabled at the August 21, 2012 City Council Meeting\**

**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,

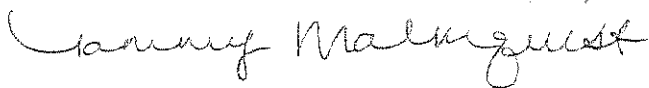
This letter is in regard to the extension currently in place for Main Street Senior Living and Farm School. During the past 12 months I have spent a significant amount of time seeking out the candidate best suited to partner with on this project. I am happy to report that I have found this partner and 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

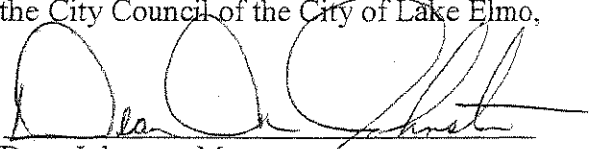
construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City 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.

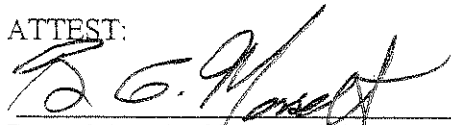


- 3) The applicant will provide information concerning the farm school structure, the operation of the school, the state licensing requirements for preschools, the size of the proposed facility, and the qualifications for the instructors within the school.
  - 4) The overall residential density (expressed 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



Mr. Mayor and Council Members,

As a longtime resident of Lake Elmo, I appreciate the uniqueness of our town. We moved here in 1983 to raise our family in a community that offers working farms, open spaces and backyard visits from friends and neighbors as well as a variety of wildlife.

The best decision I ever made was to become a licensed child care provider. In 1985, I began providing quality home child care to the families of our community. My house was filled with many children over the next few years and I quickly realized that the demand for quality care far outweighed the supply. In 1992, my husband and I bought a duplex in Lake Elmo and opened the doors of Wunder Years Child Care. My licensed staff, which has included my husband and now my daughter, provide a loving, nurturing and educational environment to every child that enters our doors. Having spent the last 27 years with children I can say that I absolutely love my job and am so blessed by my "Wunder Years family."

Wunder Years opened an unexpected and very special door, a relationship with Florence and Irvin Friedrich who lived next door. The Friedrich's were one of the first farming families in Lake Elmo. My duplex is the original farmhouse that Irvin and his siblings were born in. Many of his siblings owned farms on neighboring properties but Irv and Lehart's are the only farms left. The farming heritage of our city is the heart of my project before you today.

On the farms of yesterday, generations of families lived and worked together to produce everything necessary to survive. Side by side, children, parents and grandparents shared experiences raising farm animals, growing and harvesting vegetables, making things from wood, growing flowers and canning everything from jelly to vegetables. Each day offered opportunities to talk, laugh, learn from one another and watch the sun set. It was a simpler time, a time before video games, cell phones and television. A time when children really knew their grandparents and appreciated the wisdom of life they offered. This is what my project is about. A step back in time, to slow down and appreciate the simpler things in life. An opportunity to learn how to make a bird house, then watch the birds make it a home. To learn where food comes from and enjoy fresh fruits and vegetables grown by your own hands. To grow apples and learn how to make a homemade apple pie. To grow more than you will need so you can donate to the local food shelf.

Irv and Flo Friedrich taught me to appreciate a slower pace, to visit on the front step, to take the time to notice the geese heading south, to appreciate the beauty of peonies blooming every spring. I want to offer all of these experiences to the children and seniors of our community. Irv believed in this farm school and helped me envision what this farming community could someday be. His early involvement and influence were instrumental in helping me create this one of a kind, intergenerational living and learning community.

I believe this project will enhance our town, as it is the very essence of our early beginnings. Today, I am asking for the council's continued support by granting a 1 year extension...not because such extensions are routinely given, but because this unique project deserves the opportunity to become a reality for our community. Nothing like this exists here in Lake Elmo, the greater metro or in Minnesota, for that matter. In the timeline attached, you can view the progress we have made to date. Your support today will help ensure the project builds upon this momentum for the benefit of our seniors, families and community as a whole."

## Lake Elmo Senior Housing and Farm School Progress to Date

**July 2010 – Lake Elmo City Council granted concept plan approval**

**July 2010 to July 2011, I met with the City Planner and City Administrator on several occasions to update them of the following progress:**

- Completed interview process and assembled a project team (engineers, builder, architect, marketing)
- Completed a market study analysis
- Conducted multiple community/neighborhood meetings (2 at Christ Lutheran Church, 1 at Lake Elmo Bank, 1 at Gorman's, 2 at City Hall) to address concerns and answer questions
- Compiled a Broker Book using information from market study, community/neighborhood meetings and project team expertise to enlist potential investors

**July 2011 – I submitted a request and was granted a 1 year extension to work on project financials, neighborhood concerns and to continue tracking market trends**

**July 2011 – July 2012, I continued to meet with the City Planner and City Administrator to update them on the following progress:**

- Hired development consultants and investment experts that have three developers interested in financing the project
- As a response to staff and neighbor concerns:
- We have increased the amount open space further by eliminating the previously proposed townhomes and replaced them with the farm school buildings thereby leaving the former school buildings locations open. This will decrease “massing” in the project.
- We have increased the distance from the buildings to the south and east property border to provide further buffering from neighbors.
- We will plan for a future road to the north for connectivity, eliminating the need for a connection to the west, which was objectionable to those neighbors.
- We are proving abundant walking trails.
- The community is set back from the road and will blend in better with its surroundings.
- We will have limited impervious surfaces and thus will limit impacts on storm water management.
- We also feel that this will be looked upon favorably by the Metropolitan Council.
- We will be conserving trees, especially the oak savannah, which will provide natural buffers. We have strategically placed the buildings so that the savannah provides a natural screen for the neighbors.

**We also participated in another neighborhood meeting to address ongoing concerns with traffic and road access to Jamaca Court**

- Following neighborhood meeting, we contacted MnDot to work on traffic concerns and will work with the City on this process.

**2012 Lake Elmo Staff Retreat**  
**Wednesday, September 12, 2012**  
**Wildwood Lodge**  
**9:30 AM – 4:30 PM**

**AGENDA (Draft**

**AM – Team Building Focus**

- 9:30 AM -** “Servant Leadership” – Building Team Through Service
- 10:15 AM -** “The Big A” – Improving Our Reputation Through Accountability”
- 11:00 AM -** “Maintaining Trust During Times of Growth” – Dave Osberg, Administrator, City of Hastings
- 12:00 NOON -** Lunch / Guest Speaker from Business Community

**PM – Execution Focus**

- 1:00 PM** “Great Policy” – How to Guide Your Policy Makers to Good Decisions” – Speaker TBD
- 2:00 PM** Deliverables: Using Solid, Consistent Process to Get Things Done (Hands-On Role Playing Exercise)
- 3:15 PM** 2013 Focus: Framing Lake Elmo’s Place in the Twin Cities  
- Planning, Public Relations, & Policy
- 4:15 PM** Recap