



*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 Council Meeting

Tuesday, June 18, 2013 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

6:45 P.M. - PARKS COMMISSION INTERVIEW

AGENDA

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Order of Business**
- E. Approval of Agenda**
- F. Accept Minutes**
 - 1. Accept June 04, 2013 City Council Meeting Minutes
- G. Public Comments/Inquiries**
- H. Speak Your Peace - *Responsibility***
- I. Presentations**
 - 2. Washington County Sheriff Update
 - 3. Youth Services Bureau Update
- J. Consent Agenda**
 - 4. Approve Payment of Disbursements and Payroll
 - 5. Accept Financial Report dated May 31, 2013
 - 6. Accept Building Permit Report dated May 31, 2013
 - 7. Keats MSA Street and Trunk Watermain Improvements - Pay Request No. 1.
 - 8. Lake Elmo Avenue Infrastructure Improvements: I94 to 30th Street - Approve Plans and Specifications and Authorize Advertisement for Bids; ***Resolution 2013-47***
 - 9. Encroachment Agreement - 5747 Linden Ave

10. Order Abatement Actions – 9447 Stillwater Blvd; 9224 31st St N

K. Regular Agenda

11. Zoning Text Amendment – Sign Ordinance Update; ***Ordinance 08-082, Resolution 2013-48***

12. Zoning Text Amendment – Fence Ordinance; ***Ordinance 08-083***

13. Zoning Text Amendment – Article III: Administration and Enforcement; ***Ordinance 08-084, Resolution 2013-49***

L. Summary Reports and Announcements

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

M. Adjourn

LAKE ELMO CITY COUNCIL MINUTES

June 04, 2013

CITY OF LAKE ELMO CITY COUNCIL MINUTES June 04, 2013

Mayor Pearson called the meeting to order at 7:00 P.M.

PRESENT: Mayor Pearson, Council Members Bloyer, Nelson, and Smith.

Also Present: City Administrator Zuleger, City Attorney Snyder, Planning Director Klatt, City Engineer Griffin, Assistant City Engineer Stempski, Finance Director Bendel, and City Clerk Bell.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

*MOTION: Council Member Smith moved **TO APPROVE THE JUNE 04, 2013 CITY COUNCIL AGENDA AS PRESENTED.** Council Member Nelson seconded the motion. **Motion passed 4-0.***

ITEM 1: ACCEPT MINUTES

THE MAY 21, 2013 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

PUBLIC COMMENTS:

- a) **Ann Bucheck** spoke about the library. Spoke about summer reading program. Begins June 10th; runs for 10 weeks - ends August 17. Involves games, programs, prizes, and author visits. Story time expanded every Friday starts at 10:30. There will be a medallion hunt. Council member Park donated time at her course; Gorman's donated ice cream; Pinz donated digital bookmark and playtime; Mayor Pearson will be participating in the July 24 power up program. Participants will have the opportunity to challenge the mayor with their tricks; Target donated gift cards; Lake Elmo Bank gave 3 gift certificates; thanked the Lake Elmo Jaycees for their generosity.
- b) **Carole Colfed** 3094 Layton Court N. spoke about the petition that she delivered to the city. Problem property involves dog feces odor and loose and aggressive dogs. Hopes city can do something about the situation.
- c) **David Olson** 3124 Layton Court N- is a 48 year resident of Lake Elmo. For the last three years, loose dogs have been a problem, aggressive dogs; loud motorcycles. Speeding and volume of cars is an issue. Asked city to do something about the situation.
- d) **Bryan Kindler** 3084 Layton Court N – is new family on street. Been here for 6 mos. Grew up in Lake Elmo and has now returned. He has four children. Dog aggressive, chases his children. Doesn't want to go outside. Wants a safe place to raise kids and have neighbors behave how they should.
 - i. City Administrator Zuleger noted that the City has issued an At-Large Dog citation – asking Sheriff's Office to possibly look at escalating it to potentially dangerous dog.
- e) **David Lessard** 2890 Imperial Ave. Spoke about his neighbor at 2850 Imperial Ave. who is unemployed. He alleged that his neighbor took up auto repair business at home, and there are

LAKE ELMO CITY COUNCIL MINUTES

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now up to nine vehicles at a time present. Variance was granted to prior owner for parking his boat. Now he has to deal with upset customers and people looking for the business. Reported calling the police in May. Alleged that he sent email to [Rick] Chase.

- i. City Administrator Zuleger explained the process and assured that the property is on the list of properties the City is addressing.
- f) **Jim Blackford**, 9765 45th St. distributed his written comments (*entered into record*). He spoke about the recent boating restriction amendments. He noted that council is setting precedent. If council votes on personal ideas and ignores the population, future councils can as well. Actions speak louder than words and the recent actions disrespect a large part of city.

PRESENTATIONS

Fire Chief Malmquist gave summary report of the year to date fire department actions. Gave overview of service call breakdown. Noted that the new call.... Is working better. Explained mutual aid call numbers; provided training update. City is collaboratively developing mutual aid tender water supply program.

Fire Department working with property owner to possibly do a house burn training event. Five probationary fighters have completed all their training. Will bring to council to present soon. Revising training to focus on controllable elements. On-going evaluation of possible dry hydrant locations. Bringing donated tablets online. Annual pump testing/certification. Working closely with building official Rick Chase on inspections. Recruitment- fire department is hiring. 10 people down which translates to 2/3 of full allotment. Need recruits. Chief Malmquist clarified the joint inspections- it is whenever there is a fire aspect involved.

CONSENT AGENDA

3. Approve Payment of Disbursements and Payroll in the amount of \$128,369.43.
4. Skid Steer Trade/Upgrade
5. ~~Christ Lutheran Church Minor Subdivision – 3549 Lake Elmo Avenue~~ **Resolution 2013-46**
6. ~~Liquor License Code Amendment;~~ **Ordinance 08-081**
7. Fire Relief Association By-laws Amendment
8. Approve Special Event Permit – Go Commando Adventure Race/Team Ortho Foundation at Green Acres Recreation
9. Approve Temporary Liquor License – Team Ortho Foundation

Council Member Smith pulled consent items 5 & 6 in order to discuss items.

MOTION: Council Member Smith moved **TO APPROVE ITEMS 3, 4, 7, 8, AND 9 ON THE CONSENT AGENDA**. Council Member Nelson seconded the motion. **MOTION PASSED 4-0.**

ITEM 5. CHRIST LUTHERAN CHURCH MINOR SUBDIVISION – 3549 LAKE ELMO AVENUE RESOLUTION 2013-46 (pulled from Consent)

Council Member Nelson recounted how the council passed the previous variance, but the building has not been sold. Going forward, he recommends that the Council take a closer look at those items.

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The past actions by the council, planning commission and staff were discussed.

Council Member Smith expressed her continuing discomfort with the situation. She would prefer that the item be send back to staff for further consideration.

Planning Director Klatt explained that the variance was approved and it would now be inappropriate to deny the subdivision at this point. The application meets the City criteria. If the Council wants to go back and look at the variance, it can, but that is a separate issue. City Attorney Snyder stated that the City can look at additional conditions if Council desires.

The possible options for further consideration were discussed. Mr. Klatt noted that if the conditions for the variance were not met within a year, the variance expires and the applicants would have to start over. This would be a safeguard. The variance requires the granting of easement in the year timeframe. This granting would only come about with a sale to a third party. Mr. Snyder explained that it would be the council's discretion over whether the language used would be sufficient.

Jim Kelly from the church spoke about the church's efforts in selling the property in order to comply with variance terms. Some potential buyers and consultants have stated that the parking is adequate. He said it has been difficult to sell the property, but that splitting the lot would help sell the property.

Mayor Pearson believes the benefits outweigh the risks. Mr. Klatt said the sewer may split the lots regardless.

*MOTION: Mayor Pearson moved **TO ADOPT RESOLUTION NO. 2013-46 APPROVING A MINOR SUBDIVISION TO ALLOW THE DIVISION OF A PARCEL AT 3549 LAKE ELMO AVENUE INTO TWO LOTS.** Council Member Bloyer seconded the motion. **MOTION PASSED 3-1 (SMITH NAY)***

ITEM 6: LIQUOR LICENSE CODE AMENDMENT; ORDINANCE 08-081 (pulled from Consent)

Council Member Smith recalled that she was the sole vote against Village Wine being approved where it was. She asked why council approved another liquor establishment there when it wasn't allowed- as it has done with all the other downtown licenses that should not be there. She expressed her frustration that the City has not complied with its own code.

*MOTION: Council Member Smith moved **TO APPROVE ORDINANCE 08-081, AMENDING THE LAKE ELMO ALCOHOLIC BEVERAGES CODE AS PRESENTED.** Council Member Nelson seconded the motion. **MOTION PASSED 4-0***

REGULAR AGENDA

ITEM 10: MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT - ANNUAL PUBLIC MEETING AND ACCEPT THE 2012 MS4 ANNUAL REPORT

Assistant City Engineer Stempski presented the municipal storm water permit overview. The City is required by law to obtain this permit. This meeting constitutes the required annual public meeting. Next step is to submit the annual report to the Minnesota Pollution Control Agency. He provided an overview of the implementation of City's SWPPP in 2012.

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Minimum control measures: #1/#2 - public education , outreach , involvement & participation; #3- illicit discharge detection and elimination; construction site storm water controls; #5 - post-construction storm water management for development and redevelopment; #6 - pollution prevention/good housekeeping for municipal operations.

City Engineer Griffin gave update of the MS4 general permit status. It has been passed by MPCA, so City has 150 days to rewrite the 5 year SWPPP. It is due December 29, 2013. New SWPPP will have additional conditions. Mr. Griffin explained the new mandates from the state. Council Member Bloyer asked about which taxes pay for this program. Mr. Griffin said that it is state mandated without any funding. The league has been fighting to lessen the burden on cities. Water capturing was also discussed.

Dave Moore, 8680 Stillwater Blvd., asked about situation of runoff from adjoining communities and its impact, such as Oakdale. Mr. Moore complained about Target and McDonalds contribution to the local runoff. Mr. Griffin stated that the volume should be the same and that Oakdale and Valley Branch Watershed would have reviewed the impact. Mr. Moore's issue is the quality of the water not the volume.

Mayor Pearson asked what the cost would be of not doing the permit. Mr. Griffin said the cost would be whatever fight the City would end up in and the possible inability to develop. He said he would look into Mr. Moore's concerns.

*MOTION: Mayor Pearson moved **TO ACCEPT THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ANNUAL REPORT FOR 2012, AND AUTHORIZE STAFF TO SUBMIT THIS REPORT TO THE MPCA BY JUNE 30, 2013.** Council Member Nelson seconded the motion. **MOTION PASSED 4-0.***

ITEM 11: ZONING TEXT AMENDMENT - SIGN ORDINANCE UPDATE: ORDINANCE 08-082, RESOLUTION 2013-47

Planning Director Klatt explained the proposed amendment. New code language consists of mostly restructuring the subject matter. Major clean up of current code. Planning Commission has approved the code. Easier to administer by staff. New ordinance is actually more permissive. It is more practical and not arbitrary. Model was based on Middleton, WI sign code.

Mr. Klatt noted Mr. Bergmann's letter regarding his concerns. Two-sided signs only apply if more than a foot (12 inches) thick.

Council Member Bloyer asked about political signs and real estate advertising. First amendment issues and whether this proposal has been vetted for constitutionality were discussed.

Council Member Smith asked if there should be various sign districts. Her belief is that I94 should be different than the Village. The differing areas and flexibility was discussed. Adding a Village district language could be added later. The planning commission suggested that being added.

Mr. Bloyer asked about requirement of written consent of the owner for sign permits. It has been the typical practice of the city.

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Whether council should go through proposal line by line or refer it to a workshop was discussed. It was decided that the item be discussed at the workshop.

*MOTION: Council Member Nelson moved **TO POSTPONE SIGN ORDINANCE UNTIL WORKSHOP DISCUSSION AND BRING BACK TO COUNCIL**. Council Member Smith seconded the motion. **MOTION PASSED 4-0**.*

ITEM 12: ZONING TEXT AMENDMENT – FENCE ORDINANCE; ORDINANCE 08-083

Planning Director Klatt explained the proposed ordinance. It is a great simplification over current code. He noted light/air provisions. Intention is to be readable and enforceable. Planning commission recommended approval.

Council Member Bloyer asked about 1 ft property line restriction. Council Member Smith also had this concern. Mr. Klatt explained the reasoning for the recommendation. The purpose is to ensure that the fence is on the owner's property. Ms. Smith expressed her concerns with the proposed ordinance, especially allowing a 6 ft solid wall fence in small yards.

Mr. Klatt pointed out that any vote will require a 4/5 majority to pass.

Mr. Bloyer also asked about temporary snow fence moving to earlier in year so not to conflict with frozen ground.

*MOTION: Council Member Smith **TO POSTPONE SIGN ORDINANCE UNTIL WORKSHOP DISCUSSION AND BRING BACK TO COUNCIL**. Council Member Nelson seconded the motion. **MOTION PASSED 4-0**.*

ITEM 13: REVIEW OF 2013 LAKE ELMO PARK SURVEY

City Administrator Zuleger explained the history of the park survey and reported its status. Mr. Zuleger acknowledged Alyssa MacLeod's hard work. Mr. Zuleger reported that the staff work has saved about \$14,000.

Discussion about questions #23 and #24. Council likes the open question.

Council Member Smith concerned #7 as no option for water features; #9 concerned about lack of option of waterskiing; #10 "Lake Elmo Nature Preserve". The Parks Commission changing the name was discussed; #23-24 should they be on the survey? Wants the name of "Sunfish Lake Park" changed back.

Mayor Pearson #12/13 wants family language added. He is good with #23-24 as it is.

Discussion took place about what to call "Sunfish Lake "Park". Ms. Smith has concerns that the uses she had fought for, specifically the five acres, will not be allowed with name change. She wants to make sure the park gets used as intended.

Council Member Bloyer does not have a problem with lake issues being discussed, but he does not want the issue to continue to draw angst among neighbors.

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Ms. Smith asked that question #30 be changed back to "Sunfish Lake Park."

*MOTION: Council Member Bloyer moved **TO ADOPT THE 2013 CITY OF LAKE ELMO PARK SURVEY AND THE MAILING OF SAME, SAVING ROUGHLY \$10,000.** Council Member Nelson seconded the motion. **MOTION PASSED 4-0.***

ITEM 14: CONVERSION OF ROAD RIGHT OF WAY TO UTILITY EASEMENT ON LEGION AVENUE NORTH (KUPFERSCHMIDT/TOFT)

Planning Director Klatt gave history of the right of way and previous vacation request. A public hearing is required. He gave overview of the new request. He said the planned future sanitary sewer will eventually replace the 201 system currently in place. It was noted that the two property owners in questions were in attendance. Mr. Klatt explained that the previous plat would not meet the current plat requirements. If the vacation is granted, a survey will be required.

Council Member Bloyer asked why the City would want to deny the vacation. Mr. Klatt stated because the City does not know what will happen, it needs to be considered.

Al Kupferschmidt showed a map of the gate that PW uses to access the drainage ditch. He expressed his frustrations with using his property.

Mr. Bloyer asked if Mr. Kupferschmidt had any issues with the stipulations. He responded that he does not. He did say he has already spent \$1,000. Trying to do all he can. Council Member Smith stated she was opposed to residents paying for the surveys. It should be borne by the city.

Rod Toft 11350 12st N, expressed his concern about the setbacks. Mr. Klatt explained why it was at where it was. Mr. Toft wants all his property back that he originally purchased.

City Attorney Snyder noted that there are many unopened ROWs all over city and county. Different circumstances can explain why decisions were made. Decisions may have made sense at time. A change of circumstances does not mean a failure of council at the time, just because it now doesn't make sense presently. Current council must protect those considerations in deciding to vacate. Questions is if there will be a public use. Situation is common.

Current and future infrastructure implications on the property was discussed. City Engineer Griffin explained the difference between the ROW and Easement, mainly setbacks.

Discussion of whether property can revert back to owners after. Mr. Snyder stated he would like to look into the possibility of reversion further. He would want to discuss with the property owner and engineering. Council Member Nelson stated he would like to do everything at once- vacate ROW and grant reversion to owner. Mr. Klatt stated that staff would need to further investigate because there may be issues or development needs involved.

*MOTION: Council Member Nelson moved **TO REQUEST THAT THE AFFECTED PROPERTY OWNERS PROVIDE THE CITY WITH: 1) A SURVEY DOCUMENTING THE EXISTENCE AND LOCATION OF ALL PUBLIC INFRASTRUCTURE WITHIN THE RIGHT-OF-WAY ADJACENT TO LOT 9, BLOCK 2 AND LOT 10, BLOCK 1 OF THE MYRON ELLMAN SUBDIVISION; AND 2) UTILITY, DRAINAGE, ACCESS, OR***

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OTHER EASEMENTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE ABSENCE OF A PLATTED RIGHT-OF-WAY, PRIOR TO THE CITY MOVING FORWARD WITH A PUBLIC HEARING TO CONSIDER THE VACATION REQUEST, AND FURTHER DIRECTING STAFF TO EXPLORE OPTIONS OF REVERSION OF PROPERTY EASEMENT TO OWNERS, SUBJECT TO STAFF REVIEW, AND STAFF IS DIRECTED AND AUTHORIZED TO COME BACK TO COUNCIL WITH ANY QUESTIONS FOR FURTHER DIRECTION. Council Member Smith seconded the motion. **MOTION PASSED 4-0.**

SUMMARY REPORTS AND ANNOUNCEMENTS

Mayor Pearson reported no report.

Council Member Bloyer no report.

Council Member Smith reported reading letter from John Schiltz. It is refreshing. Thanked him for his comments. Ms. Smith read the letter into the record; thanked Alyssa for write-up on her husband in the recent issue of *Fresh* for his coaching.

Council Member Nelson seconded Anne's comments on the Schiltz letter.

Council Member Park was not present.

City Administrator Zuleger reported working on drainage report with Mr. Griffin; Fleet replacement plan; refining the CIP; appraisal on two buildings ordered. Keats/Rotary entry Sign; MnDOT roundabout clean up; Speed trailer up; upcoming workshop will be on 4 issues.

City Attorney Snyder reported administrative matter with staff; acquisition of south of 10th property easements; working 9447 Stillwater blvd. is in code enforcement litigation. Property owner brought an unlawful detainer against tenant. Tenant has moved out. Dumpsters are being filled. Issues are being resolved.

Planning Director Klatt reported planning staff working with MAC. Re: airport zoning. Working with MnDOT aeronautics on adopting ordinance that allows development; Lennar EAW comment period ended. Eight comments back from agencies. No individuals. Will be reviewed by staff. Will bring back to council in near future. Engaged with meeting with land owners regarding development; Commission will be looking at zoning code; receiving many variance requests; Comp Plan will be sent to Met Council for review.

City Engineer Griffin reported Keats Ave project has been problem free and progressing; contractor back out finishing 2012 street improvement projects; meeting with SRF for preliminary layouts for Hwy 36 project.

Finance Director Bendel reported enhancing CIP reports in preparation for the 5/28 workshop; dealing with some auditor transition issues.

City Clerk Bell working on data requests, performing legal and property research on public land.

Meeting adjourned at 9:56 P.M.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

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Adam R. Bell, City Clerk

Youth Service Bureau, Inc.
Services Provided - Lake Elmo

REFERRAL TYPE:	2011		2012	
	Referrals	%	Referrals	%
Wash Cty Corrections	27	27.8%	33	21.7%
Wash Cty Social Services	1	1.0%	3	2.0%
Wisconsin Municipal Courts	0	0.0%	1	0.7%
Police Departments				
Maplewood PD	3	3.1%	2	1.3%
Oakdale PD	1	1.0%	0	0.0%
Stillwater PD	3	3.1%	6	3.9%
Wash Cty Sherriff	6	6.2%	9	5.9%
Woodbury PD	0	0.0%	8	5.3%
Parent/Family/Guardian	3	3.1%	5	3.3%
Youth Self-Referred	17	17.5%	22	14.5%
School Staff	33	34.0%	58	38.2%
Medical/Human Service Organization	3	3.1%	5	3.3%
TOTAL	97		152	

SERVICES PROVIDED	# Services	Cost	# Services	Cost
Awareness Classes				
Bullying Awareness	New in 2012		1	\$138
Chemical Awareness	10	\$1,125	10	\$1,375
Fire Awareness	0	\$0	3	\$330
Peaceful Alternatives to Conflict	4	\$450	4	\$550
Tobacco Awareness	0	\$0	3	\$158
Theft Awareness	6	\$660	10	\$1,375
General Assessment	22	\$2,970	27	\$4,455
Community Work Service	21	\$1,418	24	\$1,980
Restorative Justice	5	\$1,350	3	\$990
Teen Intervene	0	\$0	1	\$550
Counseling	11	\$6,750	16	\$11,880
Chemical Health Support	37	\$14,800	45	\$18,000
YCAPP (Suspension Alternative).	12	\$3,600	35	\$10,500
START (Anger Mangement)	N/A		N/A	
Girl Talk	N/A		N/A	
Camp (Scholarships)	N/A		N/A	
TOTAL	128	\$33,123	182	\$52,143

Note: Data set is all youth under the purview of the jurisdiction, including residents, those attending school within the jurisdiction's boundaries and those cited within the jurisdiction.

N/A refers to services not currently available in this jurisdiction.

Youth Service Bureau, Inc.

Better Choices, Brighter Futures

Youth Service Bureau (YSB) is a community based nonprofit agency committed to helping youth and families learn the skills they need to be more successful at home, in school and throughout the community.

At YSB, we address a wide range of concerns and provide services that are respectful, affordable and accessible to all clients. We believe that youth and families should not be denied quality mental health services based on income or lack of insurance and provide the same quality of service to all youth and families.

Thanks to a shared commitment with area United Ways, local communities, Washington County and other supporters a sliding fee scale available for all services. Community partnerships have been an important part of our success over the years and continue to be a significant and much needed source of funding.

In 2013, we expect over 2,000 youth and families to participate in our programs. Many of these youth and families are referred to YSB by law enforcement, their school, the court and court services staff, and other community agencies.

Our goals are to help youth ages 5-18 take responsibility for their actions, develop the skills they need to better handle challenging situations, make amends to those injured by their actions and give back to their community.

To achieve these goals, we continue to use a variety of prevention and early intervention programs including youth focused family counseling, community justice and school-based programs.

Programs

Counseling Services

YSB's youth-focused family counseling services are intended to help youth who are just beginning to struggle with challenges in their lives. Parents or caregivers are involved in counseling sessions and receive support and encouragement along the way.

Our therapy staff are all fully licensed mental health professionals with a Master's level education with specialized training in working with children, youth and families.

General Assessment (GA)

During a GA the client, parent(s), and YSB staff participate in a meeting to determine appropriate services that fit a particular situation. A diversion plan is designed that may include community work service, awareness classes, individual/family counseling, AODA assessment/counseling, 90-day no-use contract, apology letters, etc.

Peaceful Alternatives to Conflict (PAC)

PAC is a two-session program intended to provide a consequence and resource for youth who have assaulted or threatened assault with their peers, family members or others. This educational opportunity helps youth understand reasons for their behavior, consequences for their actions and acceptable alternatives to resolving conflicts. Parents are required to attend the first session with their child.

Restorative Justice Conferencing

Supported in part by Washington County Court Services, restorative justice conferencing is a new way to look at crime that emphasizes the ways in which crime damages relationships between people. Crime harms victims, communities and offenders. Through conferencing, this approach brings together those responsible for, and those affected by, crime to repair harm caused by the crime. This gives victims a larger role than in the traditional system and allows offenders to take responsibility for their actions and make amends to their victims. For several years we have been incorporating this philosophy in the delivery of our traditional services and the design of new interventions.

Teen Intervene

Teen Intervene is an evidence-based harm-reduction model developed through Hazelden. The program seeks to help adolescents reduce their use of chemicals with the ultimate goal of cessation. This service is available to youth who are determined to be a good fit after a screening process.

Theft Awareness Program (TAP)

TAP is a diversion alternative that addresses minor theft behavior. Generally the arresting officer, bypassing the court process, refers youth. Parents are required to attend this three-hour program with their child.

Tobacco Awareness Class (TAC)

TAC provides a consequence for young people who are engaging in the illegal use of tobacco products. The program provides information regarding the health and legal consequences of tobacco use and diverts the youth from formal legal consequences.

Combining follow-up data for all youth who participate in the behavior specific programs (i.e., BAP, CAP, CSP, FAP, PAC, TAC, and TAP), we consistently find



Better Choices, Brighter Futures

Helping youth and families learn the skills they need to be more successful at home, in school and throughout the community.

What We Do

At YSB we help youth who are just beginning to struggle with challenges in their lives and give parents and caregivers support and encouragement along the way.

Our programs focus on early intervention. Youth and families may participate in counseling, chemical health, awareness and community work service programs. We also offer a girl-to-girl mentorship program in the Woodbury area and an alternative to suspension program in Stillwater Area Schools.

For a complete list of programs visit www.ysb.net

Why It Works

When youth understand the impact of their actions they often make better choices in the future.

Youth and families who attend our programs learn more about the underlying reasons for their behavior and how to make better decisions, solve problems, manage their anger and communicate better with each other and others.

As a result, youth stay in school and out of court, improve school performance and health outcomes, and know how to reach out for help when they need it. And parents get the support they need too.

We're effective and we have the data to prove it!

We're in your neighborhood!

Cottage Grove

7064 West Point Douglas Road
Cottage Grove, MN 55016
651-458-5224

Stillwater

101 West Pine Street
Stillwater, MN 55082
651-439-8800

Woodbury

1976 Wooddale Drive
Woodbury, MN 55125
651-735-9534



Improving young lives

YSB Introduces a Bullying Awareness Program

YSB knows kids! And, we know that when youth understand the impact of their actions they often make better choices in the future.

That's why we're excited to announce the **Bullying Awareness Program** – the latest addition to our well-known awareness classes.

What is the Bullying Awareness Program?

This one-evening class is designed to be an early intervention for youth who show signs of bullying behavior.

By raising awareness about bullying, this program will:

- Define bullying behaviors
- Explain why bullying occurs
- Outline the impact bullying has on both the youth and others
- Provide ways to handle pressures
- Offer practical information to support parents

Who should attend?

Youth who show signs of bullying behavior will attend with their parent or guardian. This class is not for those who are being bullied unless they are bullying too.

How much does it cost to attend?

The class fee is \$55.

Learn more!

To learn more, call your local YSB Community Justice Coordinator today!

Jennifer Rockhill

Vanessa Schulte

Amber Marko

Cottage Grove

7064 W. Pt. Douglas Rd.
Cottage Grove, MN 55016
651-458-5224

Woodbury

1976 Wooddale Dr.
Woodbury, MN 55125
651-735-9534

Stillwater

101 W. Pine St.
Stillwater, MN 55082
651-439-8800



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/18/2013

CONSENT

ITEM #: 4

AGENDA ITEM: Approve Disbursements in the Amount of \$191,957.94

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$191,957.94. 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	\$ 11,394.34	Payroll Taxes to IRS & MN Dept of Revenue 6/13/13
ACH	\$ 5,518.74	Payroll Retirement to PERA 6/13/13
DD4669- DD4714	\$ 33,868.89	Payroll Dated (Direct Deposits) 6/13/13
1988-2003	\$ 960.00	Library Card Reimbursements 6/18/13
39963-40016	\$ 140,215.97	Accounts Payable 6/18/13
TOTAL	\$ 191,957.94	

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 \$191,957.94

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 June 18, 2013, Disbursements as

Presented *[and modified]* herein.”

ATTACHMENTS:

1. Accounts Payable Dated 6/18/2013

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: denise

Printed: 06/13/2013 - 12:10 PM

Batch: 015-06-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ADVANCED Advanced Eng & Environ Svs Inc										
34285	05/17/2013	12,349.50	0.00	06/18/2013	Production Well #4		-	No		0000
601-494-9400-43030	Engineering Services	12,349.50								
	34285 Total:	12,349.50								
	ADVANCED Total:	12,349.50								
ALEXAIR Alex Air Apparatus, Inc										
23835-23839	05/30/2013	625.00	0.00	06/18/2013	Annual Inspect of Breath Air Compressor		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt	623.91								
23835-23839	05/30/2013	623.91	0.00	06/18/2013	Replacement straps for SCBA Masks		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt	1,248.91								
	23835-23839 Total:	1,248.91								
	ALEXAIR Total:	1,248.91								
AMERICAN American Eng and Testing, Inc.										
58177	04/30/2013	6,500.00	0.00	06/18/2013	Infrastructure Impr I-94 to 30th Street		-	No		0000
409-480-8000-43030	Engineering Services	6,500.00								
	58177 Total:	6,500.00								
	AMERICAN Total:	6,500.00								
ARAM Aramark, Inc.										
629-7745158	06/12/2013	10.36	0.00	06/18/2013	City Hall- Floor Mats & Linen Services		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	10.36								
	629-7745158 Total:	10.36								
	ARAM Total:	10.36								
BENSONRO Benson Roofing 7 Restoration										
06/12/2013	06/12/2013	5,000.00	0.00	06/18/2013	Refund of Escrow 12362 Marquess Way#8577		-	No		0000
803-000-0000-22900	Deposits Payable	5,000.00								
	06/12/2013 Total:	5,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
<hr/>										
	BENSONRO Total:	5,000.00								
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BIFFS Biff's Inc.										
0407901	05/29/2013	1,216.17	0.00	06/18/2013	Portable Restrooms for 10 City Parks		-		No	0000
101-450-5200-44120	Rentals - Buildings									
	0407901 Total:	1,216.17								
	BIFFS Total:	1,216.17								
<hr/>										
BOLTONME Bolton & Menk, Inc										
0156562	05/20/2013	13,043.00	0.00	06/18/2013	Feasibility Report Section 34 Lennar		-		No	0000
203-490-9070-43030	Engineering Services									
0156562	05/20/2013	6,490.00	0.00	06/18/2013	Plans & Specifications Section 34 Lennar		-		No	0000
203-490-9070-43030	Engineering Services									
	0156562 Total:	19,533.00								
	BOLTONME Total:	19,533.00								
<hr/>										
BRAUN Braun Intertec Corporation										
369172	05/29/2013	943.21	0.00	06/18/2013	Keats MSA Street		-		No	0000
409-480-8000-43030	Engineering Services									
369172	05/29/2013	711.54	0.00	06/18/2013	Keats Trunk Watermain		-		No	0000
601-494-9400-43030	Engineering Services									
	369172 Total:	1,654.75								
	BRAUN Total:	1,654.75								
<hr/>										
BURBBLAC Burberl Black Dirt, Inc.										
14815	05/06/2013	64.13	0.00	06/18/2013	5 Yards of Black Dirt - May 2013		-		No	0000
101-430-3125-42250	Landscaping Materials									
	14815 Total:	64.13								
	BURBBLAC Total:	64.13								
<hr/>										
C A C Companion Animal Control, LLC										
5	06/01/2013	500.00	0.00	06/18/2013	Animal Control Services - May		-		No	0000
101-420-2700-43150	Contract Services									
5	06/01/2013	210.00	0.00	06/18/2013	Dog-Cat Pick Up/Impoundment - May		-		No	0000
101-420-2700-43160	Impounding									
	5 Total:	710.00								
	C A C Total:	710.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PLine #
CARDMEMB Cardmember Service										
5/22/2013	05/22/2013	115.79	0.00	06/18/2013	Misc Meals 4/24-4/25 & 5/1 D Zulager		-			No 0000
101-410-1320-44300	Miscellaneous									
5/22/2013	05/22/2013	145.00	0.00	06/18/2013	Annual Mbrship -Int'l Inst of Muni Clk		-			No 0000
101-410-1320-44300	Miscellaneous									
5/22/2013	05/22/2013	163.90	0.00	06/18/2013	DollarTree -Baskets & Supplies LE		-			No 0000
204-450-5200-44300	Miscellaneous				Days					
5/22/2013	05/22/2013	228.00	0.00	06/18/2013	*MPCA NPDES Permits Keats MSA		-			No 0000
409-480-8000-43030	Engineering Services				St 57%					
5/22/2013	05/22/2013	172.00	0.00	06/18/2013	*MPCA NPDES Permits Keats Trk Wt		-			No 0000
601-494-9400-43030	Engineering Services				43%					
5/22/2013	05/22/2013	61.48	0.00	06/18/2013	VISTAprint-Business Cards		-			No 0000
101-410-1450-42000	Office Supplies									
5/22/2013	05/22/2013	95.00	0.00	06/18/2013	IRC&Reference Standards Event Fee-		-			No 0000
101-410-1910-44370	Conferences & Training				Chase					
5/22/2013	05/22/2013	71.99	0.00	06/18/2013	International Building Code Book -		-			No 0000
101-410-1910-44350	Books				Chase					
5/22/2013	05/22/2013	185.00	0.00	06/18/2013	NCS Pearson Prof Fire Inspector II-		-			No 0000
101-410-1910-44370	Conferences & Training				Chase					
5/22/2013	05/22/2013	108.33	0.00	06/18/2013	2006 Int'l Fuel Code & Mech Cd -		-			No 0000
101-410-1910-44350	Books				Chase					
5/22/2013	05/22/2013	69.00	0.00	06/18/2013	BMI Online Training - R Chase		-			No 0000
101-410-1910-44370	Conferences & Training									
5/22/2013	05/22/2013	135.18	0.00	06/18/2013	Hydraulic Kit- Order 3685716 - VISA		-			No 0000
601-494-9400-44030	Repairs/Maint Imp Not Bldgs									
5/22/2013	05/22/2013	173.95	0.00	06/18/2013	Drinking Fountain Repair Parts - VISA		-			No 0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
5/22/2013	05/22/2013	209.70	0.00	06/18/2013	Swing Set Seats - VISA		-			No 0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
5/22/2013	05/22/2013	658.21	0.00	06/18/2013	DuraPatch Rock - VISA		-			No 0000
101-430-3120-42240	Street Maintenance Materials									
5/22/2013	05/22/2013	73.07	0.00	06/18/2013	Mower Deck Paint - VISA		-			No 0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
5/22/2013	05/22/2013	2,665.60								
CARDMEMB Total:		2,665.60								
CENCOLLE Century College										
504126	06/05/2013	960.00	0.00	06/18/2013	Fire Apparatus Oper x 2 L		-			No 0000
101-420-2220-44370	Conferences & Training				Cornell/Ziemer					
504126		960.00								
CENCOLLE Total:		960.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PLine #
COMCAST Comcast										
05272013	05/27/2013	7.92	0.00	06/18/2013	Monthly Service - Fire Department		-		No	0000
101-420-2220-44300	Miscellaneous									
	05272013 Total:	7.92								
	COMCAST Total:	7.92								
CTYBLOOM City of Bloomington										
May - 13	06/03/2013	84.00	0.00	06/18/2013	Lab Bacteria Testing - May 2013		-		No	0000
601-494-9400-42270	Utility System Maintenance									
	May - 13 Total:	84.00								
	CTYBLOOM Total:	84.00								
CTYOAKDA City of Oakdale										
043013-060313	05/31/2013	7,883.05	0.00	06/18/2013	Water Service I-94		-		No	0000
601-494-9400-43820	Water Utility									
	043013-060313 Total:	7,883.05								
	CTYOAKDA Total:	7,883.05								
CTYROSEV City of Roseville										
217484	06/04/2013	1,652.08	0.00	06/18/2013	Monthly IT Services Billing June 2013		-		No	0000
101-410-1450-43180	Information Technology/Web									
217484	06/04/2013	337.06	0.00	06/18/2013	Monthly Telephone - Administration		-		No	0000
101-410-1320-43210	Telephone									
217484	06/04/2013	45.06	0.00	06/18/2013	Monthly Telephone - Building Inspection		-		No	0000
101-420-2400-43210	Telephone									
217484	06/04/2013	51.18	0.00	06/18/2013	Monthly Telephone - Communication		-		No	0000
101-410-1450-43210	Telephone									
217484	06/04/2013	45.06	0.00	06/18/2013	Monthly Telephone - Engineering		-		No	0000
101-410-1930-43210	Telephone									
217484	06/04/2013	90.12	0.00	06/18/2013	Monthly Telephone - Finance		-		No	0000
101-410-1520-43210	Telephone									
217484	06/04/2013	132.08	0.00	06/18/2013	Monthly Telephone - Planning		-		No	0000
101-410-1910-43210	Telephone									
217484	06/04/2013	361.53	0.00	06/18/2013	Monthly Telephone - Public Works		-		No	0000
101-430-3100-43210	Telephone									
	217484 Total:	2,714.17								
	CTYROSEV Total:	2,714.17								
ENVENTIS Enventis										
Acct 738507	06/01/2013	53.85	0.00	06/18/2013	Telephone/Data Service-City Hall June		-		No	0000
101-410-1940-43210	Telephone									
	Acct 738507 Total:	53.85								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ENVENTIS Total:		53.85								
HULSBROT Huls Bros Trucking, Inc										
CIT 52813	05/28/2013	313.83	0.00	06/18/2013	Road Rock (dura patch) Trucking		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
CIT 52813 Total:		313.83								
HULSBROT Total:		313.83								
JOHNSO Johnson Kevin										
Cable Operator	06/11/2013	55.00	0.00	06/18/2013	Cable Operations	6/10/13 PZ Meeting	-		No	0000
101-410-1450-43620	Cable Operations				4hr					
Cable Operator Total:		55.00								
JOHNSO Total:		55.00								
JOHNSON& Johnson & Turner Attorneys										
28962-275 - 280	05/01/2013	6,082.50	0.00	06/18/2013	Legal Services - Civil Inv 29275-277-		-		No	0000
101-410-1320-43040	Legal Services				27					
28962-275 - 280	05/01/2013	4,250.00	0.00	06/18/2013	Legal Services - Prosecution Inv 28962		-		No	0000
101-420-2150-43045	Attorney Criminal									
28962-275 - 280	05/01/2013	1,358.50	0.00	06/18/2013	Legal Services - Detachment Petition		-		No	0000
101-410-1320-43040	Legal Services				280					
28962-275 - 280	05/01/2013	266.50	0.00	06/18/2013	Legal Services - 3M Inv 29279		-		No	0000
601-494-9400-43040	Legal Services									
28962-275 - 280 Total:		11,957.50								
JOHNSON& Total:		11,957.50								
KAMCO Kamco, Corp										
3369	06/07/2013	1,100.00	0.00	06/18/2013	Three large Tree & Stumps removal		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
3369 Total:		1,100.00								
KAMCO Total:		1,100.00								
LARSON Larson Diesel Service, Corp										
130524008	05/24/2013	288.23	0.00	06/18/2013	Brake Repairs 98-2 Dump Plow Truck		-		No	0000
101-430-3120-44040	Repairs/Maint Eqpt									
130524008 Total:		288.23								
LARSON Total:		288.23								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LEAGMN League of MN Cities										
182768	05/01/2013	99.00	0.00	06/18/2013	2013 Annual Conference - A MacLeod		-		No	0000
101-410-1450-44370	Conferences & Training									
182768	05/01/2013	99.00	0.00	06/18/2013	2013 Annual Conference - B Gumatz		-		No	0000
101-410-1320-44370	Conferences & Training									
	182768 Total:	198.00								
	LEAGMN Total:	198.00								
LEOIL Lake Elmo Oil, Inc.										
05-31-2013	05/31/2013	153.50	0.00	06/18/2013	Fuel - Fire Department May 2013		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
	05-31-2013 Total:	153.50								
	LEOIL Total:	153.50								
Lillie Newspapers Inc. Lillie Suburban										
007148	05/31/2013	66.00	0.00	06/18/2013	5/29 Ordinance #08-075		-		No	0000
101-410-1320-43510	Legal Publishing									
007148	05/31/2013	15.40	0.00	06/18/2013	5/29 Ordinance #08-076		-		No	0000
101-410-1320-43510	Legal Publishing									
007148	05/31/2013	33.00	0.00	06/18/2013	5/8 Notice - Massage Therapy		-		No	0000
101-410-1450-43510	Public Notices									
	007148 Total:	114.40								
	Lillie Total:	114.40								
LINNER Linner Electric Company, Inc.										
23034	05/28/2013	366.30	0.00	06/18/2013	Outlet Installation PW Garage dura		-		No	0000
101-430-3120-43150	Contract Services				patch					
	23034 Total:	366.30								
	LINNER Total:	366.30								
LOFF Loffler Companies, Inc.										
1577135	06/03/2013	504.39	0.00	06/18/2013	Copy Machines Overage & Base 6/10-		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt				7/9					
	1577135 Total:	504.39								
	LOFF Total:	504.39								
MARONEYS Maroney's Sanitation, Inc										
481414	06/05/2013	108.32	0.00	06/18/2013	Waste Removal - City Hall		-		No	0000
101-410-1940-43840	Refuse									
481414	06/05/2013	47.68	0.00	06/18/2013	Waste Removal - Fire		-		No	0000
101-420-2220-43840	Refuse									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
481414	06/05/2013	207.82	0.00	06/18/2013	Waste Removal - Public Works		-		No	0000
101-430-3100-43840	Refuse									
481414	06/05/2013	207.82	0.00	06/18/2013	Waste Removal - Parks		-		No	0000
101-450-5200-43840	Refuse									
481414	06/05/2013	48.12	0.00	06/18/2013	Waste Removal - Library		-		No	0000
206-450-5300-43840	Refuse									
	481414 Total:	619.76								
	MARONEY'S Total:	619.76								
MARV'S Marv's Professional Tools										
261214	05/30/2013	21.07	0.00	06/18/2013	Tools - Worx Handle, Impact Oil		-		No	0000
101-430-3100-42400	Small Tools & Minor Equipment									
	261214 Total:	21.07								
	MARV'S Total:	21.07								
MENARDSO Menards - Oakdale										
19318	06/05/2013	108.99	0.00	06/18/2013	Misc Pipe Fittings		-		No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	19318 Total:	108.99								
	MENARDSO Total:	108.99								
METCOU Metropolitan Council										
1019020	06/05/2013	1,484.55	0.00	06/18/2013	Monthly Wastewater Service- July		-		No	0000
602-495-9450-43820	Sewer Utility - Met Council									
	1019020 Total:	1,484.55								
	METCOU Total:	1,484.55								
MILLEREX Miller Excavating, Inc.										
17061	05/31/2013	315.00	0.00	06/18/2013	Grading Gravel Roads		-		No	0000
101-430-3120-43150	Contract Services									
17061	05/31/2013	90.00	0.00	06/18/2013	Grading Sunfish Drive		-		No	0000
101-450-5200-44030	Repairs\Maint Imp Not Bldgs									
	17061 Total:	405.00								
	MILLEREX Total:	405.00								
MNDOH MN Department of Health										
5/21/2013	05/21/2013	1,508.00	0.00	06/18/2013	2nd Quarter Water Supply Connection Fee		-		No	0000
601-494-9400-43820	Water Utility									
	5/21/2013 Total:	1,508.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MNDOH Total:		1,508.00								
PIONEER Pioneer Press										
513520397	06/07/2013	452.80	0.00	06/18/2013	City Notices/Public Hearings 5/1 - 5/29		-		No	0000
101-410-1450-43510 Public Notices										
513520397 Total:		452.80								
PIONEER Total:		452.80								
PLUNKETT Plunkett's Pest Control										
3295726	05/22/2013	104.98	0.00	06/18/2013	Pest Control - City Hall & 34852 Upper33		-		No	0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
3295726 Total:		104.98								
PLUNKETT Total:		104.98								
POMPS Pump's Tire Service, Inc.										
980000192-348	06/07/2013	448.56	0.00	06/18/2013	Replace 2 Tires on B2 Fire Department		-		No	0000
101-420-2220-44040 Repairs/Maint Eqpt										
980000192-348	06/07/2013	376.56	0.00	06/18/2013	Replace 2 Tires on B2 Fire Department		-		No	0000
101-420-2220-44040 Repairs/Maint Eqpt										
980000192-348 Total:		825.12								
POMPS Total:		825.12								
PRIMARY Primary Products Company										
50365	04/02/2013	133.59	0.00	06/18/2013	Medical Gloves - Fire Department		-		No	0000
101-420-2220-42080 EMS Supplies										
50365 Total:		133.59								
PRIMARY Total:		133.59								
RENLUND Renlund Terry										
06032013	06/06/2013	411.75	0.00	06/18/2013	Building Inspector Services - 5/31-6/3		-		No	0000
101-420-2400-43150 Inspector Contract Services										
06032013	06/06/2013	50.28	0.00	06/18/2013	Building Inspector Mileage - 5/31-6/3		-		No	0000
101-420-2400-43310 Mileage										
06032013 Total:		462.03								
RENLUND Total:		462.03								
RIVR COOP River Country Cooperative										
05/31/2013	05/31/2013	637.26	0.00	06/18/2013	Fuel - Fire Department - May		-		No	0000
101-420-2220-42120 Fuel, Oil and Fluids										
05/31/2013 Total:		637.26								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
RIVRCOOP Total:		637.26								
S&T S&T Office Products, Inc.										
01PU7644	05/24/2013	104.77	0.00	06/18/2013	Office Supplies - Administration		-		No	0000
101-410-1320-42000 Office Supplies										
01PU7644 Total:		104.77								
01PU9643	05/30/2013	48.09	0.00	06/18/2013	Office Supplies - Administration		-		No	0000
101-410-1320-42000 Office Supplies										
01PU9643	05/30/2013	48.10	0.00	06/18/2013	Office Supplies - Planning		-		No	0000
101-410-1910-42000 Office Supplies										
01PU9643 Total:		96.19								
01PV0700	06/06/2013	21.20	0.00	06/18/2013	Office Supplies - Administration		-		No	0000
101-410-1320-42000 Office Supplies										
01PV0700 Total:		21.20								
01PV2597	06/06/2013	28.75	0.00	06/18/2013	Office Supplies - Planning		-		No	0000
101-410-1910-42000 Office Supplies										
01PV2597 Total:		28.75								
S&T Total:		250.91								
SRFCONSUSRF Consulting Group, Inc										
08078.00-1	05/17/2013	3,054.74	0.00	06/18/2013	State Highway 5 Safety Improvements		-		No	0000
409-480-8000-43030 Engineering Services										
08078.00-1 Total:		3,054.74								
SRFCONSUSRF Total:		3,054.74								
SW/WC SW/WC Service Cooperatives										
5/29/2013	05/29/2013	21,168.00	0.00	06/18/2013	July 2013 Insurance Premiums		-		No	0000
101-000-0000-21706 Medical Insurance										
5/29/2013 Total:		21,168.00								
SW/WC Total:		21,168.00								
TASCH T.A. Schifsky & Sons Inc										
54873	05/29/2013	1,110.44	0.00	06/18/2013	AC Fine Asphalt - 5/14 - 5/16		-		No	0000
101-430-3120-42240 Street Maintenance Materials										
54873 Total:		1,110.44								
TASCH Total:		1,110.44								
TKDA TKDA, Inc.										
002013001191	05/07/2013	12,124.93	0.00	06/18/2013	LE Infra Imp 194-30th Plan & Spec		-		No	0000
409-480-8000-43030 Engineering Services					4/27					
002013001191 Total:		12,124.93								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
002013001464	06/04/2013	375.15	0.00	06/18/2013	General Eng - GIS CIP Mapping	5/25	-			
101-410-1930-43030	Engineering Services									0000
	002013001464 Total:	375.15								
002013001465	06/04/2013	7,294.88	0.00	06/18/2013	LE Infra Imp I94-30th Plan & Spec	5/25	-			0000
409-480-8000-43030	Engineering Services									
	002013001465 Total:	7,294.88								
	TKDA Total:	19,794.96								
TOWNCTRY Town & Country Cleaning Co										
613 124	06/01/2013	245.81	0.00	06/18/2013	June Janitorial Services - City Hall		-			0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	613 124 Total:	245.81								
613 156	06/01/2013	187.47	0.00	06/18/2013	June Janitorial Services - Library		-			0000
206-450-5300-44010	Repairs/Maint Bldg									
	613 156 Total:	187.47								
	TOWNCTRY Total:	433.28								
TRKUTI Truck Utilities Inc.										
254697	05/31/2013	42.58	0.00	06/18/2013	Wash Bay Hose		-			0000
101-430-3100-42230	Building Repair Supplies									
	254697 Total:	42.58								
	TRKUTI Total:	42.58								
VANCEBRO Vance Brothers , Inc										
24369	05/30/2013	184.26	0.00	06/18/2013	Basketball Court Surfacing Supplies		-			0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	24369 Total:	184.26								
2606	05/30/2013	204.07	0.00	06/18/2013	Basketball Court Surfacing Supplies		-			0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	2606 Total:	204.07								
	VANCEBRO Total:	388.33								
VANGADOR Vang Adora										
Cable Oper 05	05/29/2013	55.00	0.00	06/18/2013	Cable Operations - 5/29/13 PC Meet		-			0000
101-410-1450-43620	Cable Operations									
	Cable Oper 05 Total:	55.00								
Cable Oper 06	06/04/2013	55.00	0.00	06/18/2013	Cable Operations - 6/4/13 CC Meet 4hr		-			0000
101-410-1450-43620	Cable Operations									
	Cable Oper 06 Total:	55.00								
Cable Operator	05/29/2013	48.12	0.00	06/18/2013	Cable Operations - 5/28/13 PC Meet		-			0000
101-410-1450-43620	Cable Operations									
	Cable Operator Total:	48.12								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
VANGADOR Total:		158.12								
WASH-REC Washington County										
75664	06/05/2013									
101-410-1320-43040	Legal Services	500.00	0.00	06/18/2013	Recorder/Registrar		-		No	0000
75664 Total:		500.00								
P225413	06/03/2013	46.00	0.00	06/18/2013	Recorder/Registrar Encroa agree Kennedy		-		No	0000
101-410-1910-42030	Printed Forms	46.00								
P225413 Total:		46.00								
WASH-REC Total:		546.00								
WASHTAX Washington County										
02013-2004	02/15/2013	35.00	0.00	06/18/2013	Top 25 Taxpayers 2012-City of Lake Elmo		-		No	0000
101-410-1520-44300	Miscellaneous	35.00								
02013-2004 Total:		35.00								
2013-2004	02/15/2013	35.00	0.00	06/18/2013	Tax Levy Book Report - 2012		-		No	0000
101-410-1520-44300	Miscellaneous	35.00								
2013-2004 Total:		35.00								
WASHTAX Total:		70.00								
XCEL Xcel Energy										
51-0117417-0	06/25/2013	23.74	0.00	06/18/2013	425 Keats Welcome Sign		-		No	0000
101-430-3160-43810	Street Lighting	23.74								
51-0117417-0 Total:		23.74								
51-0630620-5	06/25/2013	386.43	0.00	06/18/2013	3537 Lake Elmo Ave Library		-		No	0000
206-450-5300-43810	Electric Utility	386.43								
51-0630620-5 Total:		386.43								
51-4504807-7	06/25/2013	80.12	0.00	06/18/2013	3509 Laverne Lights at Legion Park		-		No	0000
101-450-5200-43810	Electric Utility	80.12								
51-4504807-7	06/25/2013	36.21	0.00	06/18/2013	8860 Hudson Lift Station		-		No	0000
602-495-9450-43810	Electric Utility	36.21								
51-4504807-7	06/25/2013	78.68	0.00	06/18/2013	100 Inwood Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting	78.68								
51-4504807-7 Total:		195.01								
51-4572945-7	06/25/2013	62.33	0.00	06/18/2013	3014 Jamley Street Lights		-		No	0000
101-430-3160-43810	Street Lighting	62.33								
51-4572945-7 Total:		62.33								
51-4576456-3	06/25/2013	318.16	0.00	06/18/2013	4259 Jamaca Fire Station 2		-		No	0000
101-420-2220-43810	Electric Utility	318.16								
51-4576456-3 Total:		318.16								
51-4580376-5	06/25/2013	335.59	0.00	06/18/2013	3800 Laverne City Hall - 302429100		-		No	0000
101-410-1940-43810	Electric Utility	335.59								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-4580376-5	06/25/2013	34.51	0.00	06/18/2013	100 Keats Traffic Lights		-			No 0000
101-430-3160-43810	Street Lighting									
51-4580376-5	06/25/2013	398.42	0.00	06/18/2013	3800 Laverne - City Hall 304124969		-			No 0000
101-410-1940-43810	Electric Utility									
51-4733556-8	06/25/2013	768.52	0.00	06/18/2013	3510 Laverne Tennis Courts		-			No 0000
101-450-5200-43810	Electric Utility									
51-4733556-8	06/25/2013	15.04	0.00	06/18/2013	11194 Upper 33rd Parks Bldg		-			No 0000
101-450-5200-43810	Electric Utility									
51-5044219-0	06/25/2013	127.92	0.00	06/18/2013	8170 Lake Jane Trl Pebble Park		-			No 0000
101-450-5200-43810	Electric Utility									
51-5275289-3	06/25/2013	36.29	0.00	06/18/2013	3303 Langley & 11975 55th Wells 1 & 2		-			No 0000
101-450-5200-43810	Electric Utility									
51-5356323-8	06/25/2013	1,862.07	0.00	06/18/2013	998 Inwood Traffic Lights		-			No 0000
601-494-9400-43810	Electric Utility									
51-5522332-2	06/25/2013	44.96	0.00	06/18/2013	3585 Laverne Arts Center		-			No 0000
101-430-3160-43810	Street Lighting									
51-5747685-4	06/25/2013	57.55	0.00	06/18/2013	11062 34th Street Lift Station		-			No 0000
101-450-5200-43810	Electric Utility									
51-5916043-7	06/25/2013	21.40	0.00	06/18/2013	2759 Legion Ave Lift Station		-			No 0000
602-495-9450-43810	Electric Utility									
51-6429583-8	06/25/2013	17.30	0.00	06/18/2013	3510 Laverne Station #1		-			No 0000
602-495-9450-43810	Electric Utility									
51-6433976-2	06/25/2013	290.84	0.00	06/18/2013	3511 Laverne Legion Park		-			No 0000
101-420-2220-43810	Electric Utility									
51-6625457-1	06/25/2013	70.00	0.00	06/18/2013	Street Lights		-			No 0000
101-450-5200-43810	Electric Utility									
51-6736544-2	06/25/2013	2,065.26	0.00	06/18/2013	Traffic Manning & Stillwater Blvd		-			No 0000
101-430-3160-43810	Street Lighting									
51-6928283-3	06/25/2013	31.47	0.00	06/18/2013	VFW Ballfield Lts 303400517		-			No 0000
101-430-3160-43810	Street Lighting									
51-6928283-3	06/25/2013	12.27	0.00	06/18/2013	VFW Ballfield Lts 303895169		-			No 0000
101-450-5200-43810	Electric Utility									
51-6956201-4	06/25/2013	276.10	0.00	06/18/2013			-			No 0000
101-450-5200-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-6956201-4 Total:										
51-7538112-1	06/25/2013	288.37								
101-430-3100-43810	Electric Utility	1,238.38	0.00	06/18/2013	3400 Ideal Public Works		-		No	0000
51-7538112-1 Total:										
51-8126093-5	06/25/2013	1,238.38								
601-494-9400-43810	Electric Utility	48.01	0.00	06/18/2013	3445 Ideal Water Tower 2		-		No	0000
51-8126093-5 Total:										
51-8711719-3	06/25/2013	48.01								
101-430-3160-43810	Street Lighting	12.52	0.00	06/18/2013	10901 Stillwater Blvd Speed Sign Hwy 5		-		No	0000
51-8711719-3 Total:										
XCEL Total:		7,981.57								
ZACK Zack's, Inc.										
28684	06/06/2013	93.78								
601-494-9400-42270	Utility System Maintenance		0.00	06/18/2013	Marking Paint & Wire-		-		No	0000
28684 Total:										
ZACK Total:		93.78								
ZULEGER Zuleger Dean										
June 5 - 7 - 9	06/09/2013	76.60								
101-410-1320-43310	Mileage		0.00	06/18/2013	Reimburse Mileage 6/5, 6/7 & 6/9 DZuleger		-		No	0000
June 5 - 7 - 9 Total:										
ZULEGER Total:		76.60								
Report Total:		139,639.02								

Accounts Payable To Be Paid Proof List

User: demise
Printed: 06/13/2013 - 1:18 PM
Batch: 016-06-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WASHTAX Washington County 75510 101-410-1520-44300 Miscellaneous	05/16/2013	576.95	0.00	06/18/2013	2013 Truth in Taxation Notice		-			No 0000
75510 Total:		576.95								
WASHTAX Total:		576.95								
Report Total:		576.95								



MAYOR AND COUNCIL COMMUNICATION

DATE: June 18, 2013

CONSENT

ITEM #: 5

MOTION

AGENDA ITEM: May 2013 Financial Reporting

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, The City Council is asked to accept the May 2013 Financial Reporting Packet. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

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

STAFF REPORT: Attached please find a report for May reflecting the monthly detail supporting the year to date actual results and comparing those results to the 2013 Budget.

Although the reports show that the results are behind budget by 5.9%, this is due to the payment of the annual insurance of \$73.7k in May. The 2013 budget reflected this payment in July based on the prior year payment cycle. Removing the impact of this payment brings the results to 4.9% ahead of budget.

The most significant other variances are highlighted below:

Revenues:

- Building Permit revenue for the month were 35% below budget. On a year to date basis actual activity is still above plan by 15%. It is believed that the weather caused numerous building delays for 2013. As reported on the building activity report, the new homes in 2013 are tracking very close to 2012 on a year to date basis.
- Plan review fees continue to be steady bringing the year to date revenue to 56% above budget.

Expenses:

Most departments are below budget for the month as all Departments continue to be very cost conscious. A few key items to note:

- As mentioned earlier, the annual insurance premium of \$73.7k was paid to the League of Minnesota cities in May but was budgeted in July.
- The Mayor and City Council salaries were paid in May that were budgeted for June.
- The dues and subscription expense reflected for the Mayor & Council represents the annual cost for memberships in the League of Minnesota Cities (\$6,958). This membership cost was budgeted later in the year based on when it was paid in 2012.
- Due to coordinating initial audit fieldwork earlier than last year, the initial interim billing expense for audit hit earlier than budgeted for 2013 in the Finance Department budget.
- The Planning Department has incurred expenses above the amounts budgeted for many expense items due to the City expansion initiative. The majority of the expenses were related to Engineering support and Contractor expenses.
- Please note that the salary expenses are based on more accurate departmental allocations than we had in August 2012 when the 2013 budget was initially compiled. As a result, some departments are above budget, while others are under but overall, personnel expenses are below budget.

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

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

ATTACHMENTS:

1. May Financial Reports

2013 By Month
Budget to Actual Comparative
As of May 31, 2013
101-General Fund Detail
By Department

DEPT 410 - GEN'L GOV'T

REVENUE

DEPT 410 - GEN'L GOV'T	MONTH				YTD			
	BUDGET		ACTUAL		BUDGET		ACTUAL	
	Month	Month	Variance (\$)	Variance (%)	YTD	YTD	Variance (\$)	Variance (%)
REVENUE								
Current Ad Valorem Taxes	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Delinquent Ad Valorem Taxes	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Mobile Home Tax	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Fiscal Disparities	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Penalty & Interest on Taxes	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Liquor License	25.00	0.00	(25.00)	0.00%	25.00	500.00	475.00	0.00%
Wastehauler License	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
General Contractor License	0.00	0.00	0.00	0.00%	0.00	165.00	165.00	0.00%
Heating Contractor License	75.00	200.00	125.00	166.67%	2,250.00	3,150.00	900.00	40.00%
Blacktopping Contractor License	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Building Permits	15,000.00	9,655.09	(5,344.91)	-35.63%	52,000.00	59,652.97	7,652.97	14.72%
Heating Permits	1,200.00	1,920.00	720.00	60.00%	6,000.00	6,925.00	925.00	15.42%
Plumbing Permits	1,000.00	1,320.00	320.00	32.00%	3,100.00	5,905.00	2,805.00	90.48%
Sewer Permits	0.00	0.00	0.00	0.00%	0.00	485.00	485.00	0.00%
Animal License	40.00	80.00	40.00	100.00%	1,360.00	1,341.00	(19.00)	-1.40%
Utility Permits	600.00	1,235.00	635.00	105.83%	3,000.00	2,033.00	(967.00)	-32.23%
Burning Permit	200.00	525.00	325.00	162.50%	800.00	1,715.00	915.00	114.38%
Massage Therapy Permits	0.00	658.00	658.00	0.00%	0.00	658.00	658.00	0.00%
Homestead Credit Aid	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
MSA-Maintenance	0.00	0.00	0.00	0.00%	49,011.00	49,011.00	0.00	0.00%
State Fire Aid	0.00	0.00	0.00	0.00%	1,500.00	3,000.00	1,500.00	100.00%
PERA Aid	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Gravel Tax	0.00	0.00	0.00	0.00%	688.63	0.00	(688.63)	-100.00%
Recycling Grant	0.00	15,588.00	15,588.00	0.00%	0.00	15,588.00	15,588.00	0.00%
Misc State Grant/Surcharge Rev	0.00	0.00	0.00	0.00%	0.00	1,179.72	1,179.72	0.00%
Cable Franchise Revenue	0.00	0.00	0.00	0.00%	40,000.00	39,851.98	(148.02)	0.00%
Zoning & Subdivision Fees	0.00	0.00	0.00	0.00%	1,000.00	0.00	(1,000.00)	0.00%
Plan Check Fees	5,000.00	4,333.59	(666.41)	-13.33%	23,000.00	35,861.68	12,861.68	55.92%
Sale of Copies, Books, Maps	44.95	95.85	50.90	0.00%	64.85	206.10	141.25	217.81%
Assessment Searches	45.00	195.00	150.00	333.33%	360.00	585.00	225.00	62.50%
Clean Up Days	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Cable Operation Reimbursement	0.00	0.00	0.00	0.00%	735.00	0.00	(735.00)	0.00%
Fines	5,000.00	3,820.34	(1,179.66)	-23.59%	25,000.00	20,575.16	(4,424.84)	-17.70%
Miscellaneous Revenue	1,500.00	308.78	(1,191.22)	-79.41%	7,500.00	2,542.99	(4,957.01)	-66.09%
Internal Charges	50.00	56.00	6.00	12.00%	250.00	704.00	454.00	181.60%
Interest Earnings	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Donations	0.00	0.00	0.00	0.00%	7,500.00	0.00	(7,500.00)	-100.00%
Total Revenue	29,779.95	39,990.65	10,210.70	34.29%	225,144.48	251,635.60	26,491.12	11.77%

EXPENSE

1110 - Mayor & Council

PT Salaries	0.00	12,845.00	(12,845.00)	0.00%
FICA Contributions	0.00	796.39	(796.39)	0.00%
Medicare Contributions	0.00	186.27	(186.27)	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%
Mileage	0.00	0.00	0.00	0.00%
Miscellaneous	565.27	55.11	510.16	0.00%
Dues & Subscriptions	0.00	0.00	0.00	0.00%
Conferences & Training	500.00	599.00	(99.00)	-19.80%
Total Mayor & Council	1,065.27	14,481.77	(13,416.50)	-1259.45%

1320 - Administration

FT Salaries	24,869.80	19,014.07	5,855.73	23.55%
PERA Contributions	1,607.90	1,334.11	273.79	17.03%
ICMA Contributions	0.00	0.00	0.00	0.00%
FICA Contributions	1,460.92	1,095.88	365.04	24.99%
Medicare Contributions	341.68	256.30	85.38	24.99%
Health/Dental Insurance	3,127.60	2,611.00	516.60	16.52%
Unemployment Benefits	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%
Office Supplies	1,176.12	412.90	763.22	64.89%
Printed Forms	0.00	0.00	0.00	0.00%
Legal Services	4,000.00	4,844.50	(844.50)	-21.11%
Newsletter/Website	0.00	0.00	0.00	0.00%
Assessing Services	3,500.00	3,296.00	204.00	5.83%
Contract Services	0.00	0.00	0.00	0.00%
Telephone	0.00	337.06	(337.06)	0.00%
Postage	300.00	0.00	300.00	100.00%
Mileage	150.00	212.85	(62.85)	-41.90%
Legal Publishing	0.00	35.20	(35.20)	0.00%
Insurance	0.00	35,286.00	(35,286.00)	0.00%
Cable Operation Expense	0.00	0.00	0.00	0.00%
Miscellaneous	100.00	72.90	27.10	27.10%
Dues & Subscriptions	100.00	125.00	(25.00)	-25.00%
Books	0.00	0.00	0.00	0.00%
Conferences & Training	220.00	983.32	(763.32)	-346.96%
Staff Development	470.00	0.00	470.00	0.00%
Total Administration	41,424.02	69,917.09	(28,493.07)	-68.78%

	0.00	12,845.00	(12,845.00)	0.00%
	0.00	796.39	(796.39)	0.00%
	0.00	186.27	(186.27)	0.00%
	36.00	215.80	(179.80)	-499.44%
	0.00	0.00	0.00	0.00%
	565.27	1,634.36	(1,069.09)	0.00%
	3,391.00	10,339.00	(6,948.00)	-204.90%
	1,155.00	1,586.00	(431.00)	-37.32%
	5,147.27	27,602.82	(22,455.55)	-436.26%

	77,444.93	71,531.02	5,913.91	7.64%
	5,289.07	5,141.54	147.53	2.79%
	0.00	0.00	0.00	0.00%
	4,606.13	4,124.45	481.68	10.46%
	1,077.30	964.63	112.67	10.46%
	15,638.00	13,055.00	2,583.00	16.52%
	0.00	0.00	0.00	0.00%
	1,396.00	728.39	667.61	47.82%
	3,138.61	2,593.17	545.44	17.38%
	363.91	0.00	363.91	0.00%
	20,000.00	23,615.67	(3,615.67)	-18.08%
	0.00	0.00	0.00	0.00%
	11,500.00	9,296.00	2,204.00	19.17%
	0.00	0.00	0.00	0.00%
	0.00	337.06	(337.06)	0.00%
	1,500.00	1,941.79	(441.79)	-29.45%
	750.00	630.48	119.52	15.94%
	157.74	1,065.68	(907.94)	0.00%
	800.00	35,339.30	(34,539.30)	-4317.41%
	0.00	0.00	0.00	0.00%
	500.00	594.78	(94.78)	-18.96%
	500.00	805.99	(305.99)	-61.20%
	0.00	0.00	0.00	0.00%
	775.93	2,168.32	(1,392.39)	-179.45%
	470.00	0.00	470.00	0.00%
	145,907.62	173,933.27	(28,025.65)	-19.21%

1410 - Elections

PT Salaries	0.00	0.00	0.00	100.00	(100.00)	0.00%
Office Supplies	0.00	0.00	150.00	0.00	150.00	0.00%
Legal Publications/Notification	2,000.00	0.00	2,000.00	0.00	2,000.00	0.00%
Election Equipment	0.00	0.00	0.00	0.00	0.00	0.00%
Equipment Repair	150.00	0.00	150.00	0.00	300.00	100.00%
County Election Fees	0.00	0.00	940.00	0.00	940.00	100.00%
Printed Forms	150.00	0.00	300.00	0.00	300.00	0.00%
Miscellaneous	0.00	0.00	100.00	0.00	100.00	100.00%
Total Elections	2,300.00	0.00	3,790.00	100.00	3,690.00	97.36%

1450 - Communications

FT Salaries	2,916.67	2,179.38	14,583.33	7,522.64	7,060.69	48.42%
PERA Contributions	211.46	158.01	1,057.29	545.41	511.88	48.41%
FICA Contributions	180.83	130.85	904.17	451.79	452.38	50.03%
Medicare Contributions	42.29	30.58	211.46	105.62	105.84	50.05%
Health/Dental Insurance	0.00	272.00	0.00	1,360.00	(1,360.00)	0.00%
Workers Compensation	0.00	0.00	56.00	85.23	(29.23)	-52.20%
Newsletter	0.00	1,577.00	3,061.00	4,485.18	(1,424.18)	-46.53%
Office Supplies	0.00	56.55	50.00	104.41	(54.41)	0.00%
Info Technology/Web	2,000.00	1,755.42	10,000.00	15,724.88	(5,724.88)	-57.25%
Telephone	250.00	51.18	1,250.00	309.55	940.45	75.24%
Public Notices	200.00	1,087.46	1,000.00	3,226.56	(2,226.56)	-222.66%
Cable Operations	275.00	333.44	1,375.00	1,196.84	178.16	12.96%
Conferences	0.00	0.00	0.00	249.00	(249.00)	0.00%
Repair/Maint Equipment	0.00	0.00	0.00	56.50	(56.50)	0.00%
Total Communications	6,076.25	7,631.87	33,548.25	35,423.61	(1,875.36)	-5.59%

1520 - Finance

FT Salaries	4,576.40	10,358.97	22,882.00	36,090.60	(13,208.60)	-57.72%
PERA Contributions	331.79	751.02	1,658.95	2,616.57	(957.63)	-57.72%
FICA Contributions	283.74	610.96	1,418.68	2,127.60	(708.92)	-49.97%
Medicare Contributions	66.36	142.87	331.79	497.54	(165.75)	-49.96%
Health/Dental Insurance	718.02	1,088.00	3,590.09	5,440.00	(1,849.91)	-51.53%
Unemployment Benefits	0.00	0.00	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	405.18	(405.18)	0.00%
Office Supplies	0.00	146.92	100.00	201.55	(101.55)	-101.55%
Printed Forms	150.00	0.00	300.00	0.00	300.00	100.00%
Audit Services	0.00	6,775.00	500.00	12,650.00	(12,150.00)	-2430.00%
Contract Services	0.00	0.00	5,000.00	8,983.64	(3,983.64)	-79.67%
Software Programs	0.00	0.00	0.00	128.54	(128.54)	0.00%
Telephone	0.00	90.12	0.00	90.12	(90.12)	0.00%
Mileage	0.00	0.00	0.00	44.40	(44.40)	0.00%
Miscellaneous	0.00	44.40	1,500.00	45.48	1,454.52	96.97%
Dues & Subscriptions	0.00	0.00	100.00	0.00	100.00	0.00%
Conferences & Training	100.00	0.00	500.00	225.00	275.00	55.00%
Total Finance	6,226.30	20,008.26	37,881.51	69,546.22	(31,664.71)	-83.59%

1910 - Planning & Zoning

FT Salaries	8,278.95	19,013.81	(10,734.86)	-129.66%	41,394.75	60,944.06	(19,549.31)	-47.23%
PERA Contributions	600.22	1,378.52	(778.30)	-129.67%	3,001.12	4,418.48	(1,417.36)	-47.23%
FICA Contributions	513.29	1,112.15	(598.86)	-116.67%	2,566.47	3,604.97	(1,038.50)	-40.46%
Medicare Contributions	120.04	260.13	(140.09)	-116.69%	600.22	843.20	(242.98)	-40.48%
Health/Dental Insurance	886.48	1,656.00	(769.52)	-86.81%	4,432.42	8,280.00	(3,847.58)	-86.81%
Workers Compensation	0.00	0.00	0.00	0.00%	500.00	751.34	(251.34)	-50.27%
Office Supplies	50.00	132.64	(82.64)	-165.28%	250.00	2,114.31	(1,864.31)	-745.72%
Printed Forms	0.00	46.00	(46.00)	0.00%	0.00	263.85	(263.85)	0.00%
Engineering Services	1,500.00	916.50	583.50	38.90%	7,500.00	12,812.31	(5,312.31)	-70.83%
Contract Services	0.00	0.00	0.00	0.00%	0.00	10,969.24	(10,969.24)	0.00%
Telephone	0.00	132.08	(132.08)	0.00%	0.00	132.08	(132.08)	0.00%
Postage	0.00	18.15	(18.15)	0.00%	0.00	18.15	(18.15)	0.00%
Mileage	30.00	0.00	30.00	100.00%	150.00	0.00	150.00	100.00%
Miscellaneous	20.00	32.09	(12.09)	-60.45%	100.00	402.99	(302.99)	-302.99%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00	270.00	(270.00)	0.00%
Books	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Conferences & Training	0.00	295.00	(295.00)	0.00%	1,600.00	295.00	1,305.00	81.56%
Total Planning & Zoning	11,999.00	24,993.07	(12,994.07)	-108.29%	62,094.99	106,119.98	(44,024.99)	-70.90%

1930 - Engineering Services

Engineering Services	5,000.00	2,599.67	2,400.33	48.01%	25,000.00	12,596.76	12,403.24	49.61%
Total Engineering Services	5,000.00	2,599.67	2,400.33	48.01%	25,000.00	12,596.76	12,403.24	49.61%

1940 - City Hall

Cleaning Supplies	50.00	7.48	42.52	85.04%	250.00	7.48	242.52	97.01%
Building Repair Supplies	75.00	0.00	75.00	100.00%	375.00	36.53	338.47	90.26%
Telephone	700.00	53.81	646.19	92.31%	3,700.00	775.89	2,924.11	79.03%
Utilities	900.00	950.03	(50.03)	-5.56%	4,500.00	4,477.12	22.88	0.51%
Refuse	108.32	108.32	0.00	0.00%	541.60	541.60	0.00	0.00%
Repairs/Maint Contractual Bldg	700.00	631.51	68.49	9.78%	3,500.00	3,294.84	205.16	5.86%
Repairs/Maint Contractual Equip	400.00	356.50	43.50	10.88%	2,000.00	1,671.42	328.58	16.43%
Miscellaneous	75.00	25.89	49.11	65.48%	375.00	73.81	301.19	80.32%
Total City Hall	3,008.32	2,133.54	874.78	29.08%	15,241.60	10,878.69	4,362.91	28.63%

Total General Government

Total General Government	77,099.16	141,765.27	(64,666.11)	-83.87%	328,611.24	436,201.35	(107,590.11)	-32.74%
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DEPT 420 - PUBLIC SAFETY

2100 - Police

Law Enforcement Contract

Total Police

0.00	0.00	634.22	(634.22)	0.00%
0.00	0.00	634.22	(634.22)	0.00%

2150 - Prosecution

Attorney Criminal

Total Prosecution

4,250.00	17,000.00	4,250.00	4,250.00	20.00%
4,250.00	17,000.00	4,250.00	4,250.00	20.00%

2220 - Fire

FT Salaries

PT Salaries

PERA Contributions

FICA Contributions

Medicare Contributions

Health/Dental Insurance

Unemployment Benefits

Workers Compensation

Office Supplies

EMS Supplies

Fire Prevention

Fuel, Oil & Fluids

Small Tools & Equip

Physicals

Telephone

Radio

Mileage

Vehicle Insurance

Electric Utility

Refuse

Repair/Maint Bldg

Repair/Maint Equip

Uniforms

Miscellaneous

Dues & Subscriptions

Books

Conferences & Training

Total Fire

9,050.40	8,552.22	498.18		5.50%
11,000.00	9,629.10	1,370.90		12.46%
1,453.65	1,416.16	37.49		2.58%
1,243.12	532.46	710.66		57.17%
290.73	254.51	36.22		12.46%
1,276.70	1,142.00	134.70		10.55%
0.00	0.00	0.00		0.00%
0.00	0.00	0.00		0.00%
0.00	1,478.80	(1,478.80)		0.00%
858.00	0.00	858.00		100.00%
0.00	50.00	(50.00)		0.00%
1,122.00	1,145.55	(23.55)		-2.10%
15,300.00	3,164.36	12,135.64		79.32%
858.00	0.00	858.00		100.00%
250.00	139.52	110.48		44.19%
100.00	122.91	(22.91)		-22.91%
0.00	0.00	0.00		0.00%
0.00	5,237.00	(5,237.00)		0.00%
900.00	995.47	(95.47)		-10.61%
47.68	47.68	0.00		0.00%
15,376.30	1,135.66	14,240.64		92.61%
0.00	2,261.03	(2,261.03)		0.00%
150.00	708.80	(558.80)		-372.53%
75.00	456.48	(381.48)		-508.64%
0.00	0.00	0.00		0.00%
0.00	0.00	0.00		0.00%
950.00	0.00	950.00		100.00%
60,301.59	38,469.71	21,831.88		36.20%

2250 - Fire Relief

Fire State Aid

Total Fire Relief

0.00	0.00	0.00	0.00	0.00%
0.00	0.00	0.00	0.00	0.00%

2400 - Building Inspection

FT Salaries	8,621.04	10,033.62	(1,412.58)	-16.39%	31,610.48	36,290.98	(4,680.50)	-14.81%
PERA Contributions	498.66	727.44	(228.78)	-45.88%	1,734.47	2,631.14	(896.67)	-51.70%
FICA Contributions	414.02	584.16	(170.14)	-41.09%	1,439.71	2,113.14	(673.43)	-46.78%
Medicare Contributions	96.82	136.59	(39.77)	-41.08%	336.72	494.18	(157.46)	-46.76%
Health/Dental Insurance	767.49	0.00	767.49	100.00%	3,837.45	5,656.00	(1,818.55)	-47.39%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	1,000.00	397.88	602.12	60.21%
Office Supplies	0.00	133.64	(133.64)	0.00%	0.00	747.44	(747.44)	0.00%
Printed Forms	0.00	0.00	0.00	0.00%	0.00	146.61	(146.61)	0.00%
Fuel, Oil & Fluids	0.00	51.36	(51.36)	0.00%	0.00	106.04	(106.04)	0.00%
Engineering	500.00	1,215.00	(715.00)	-143.00%	2,500.00	3,673.00	(1,173.00)	-46.92%
Surcharge Pmts	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Inspector Contract Services	0.00	0.00	0.00	0.00%	0.00	881.50	(881.50)	0.00%
Telephone	18.00	45.06	(27.06)	-150.33%	90.00	245.32	(155.32)	-172.58%
Mileage	0.00	0.00	0.00	0.00%	0.00	179.36	(179.36)	0.00%
Insurance	0.00	340.00	(340.00)	0.00%	0.00	340.00	(340.00)	0.00%
Repairs/Maint Equip	0.00	0.00	0.00	0.00%	250.00	0.00	250.00	100.00%
Uniforms	0.00	0.00	0.00	0.00%	0.00	86.38	(86.38)	0.00%
Miscellaneous	250.00	300.00	(50.00)	-20.00%	250.00	300.00	(50.00)	-20.00%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	90.00	0.00	90.00	100.00%
Books	0.00	6.96	(6.96)	0.00%	0.00	108.24	(108.24)	0.00%
Conferences & Training	0.00	125.00	(125.00)	0.00%	0.00	500.00	(500.00)	0.00%
Total Building Inspections	11,166.03	13,698.83	(2,532.80)	-22.68%	43,138.83	54,897.21	(11,758.38)	-27.26%

2500 - Emergency Communications

Contract Services	6,000.00	0.00	6,000.00	0.00%	6,000.00	0.00	6,000.00	0.00%
Total Emergency Communications	6,000.00	0.00	6,000.00	0.00%	6,000.00	0.00	6,000.00	0.00%

2700 - Animal Control

Printed Forms	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Contract Services	600.00	842.08	(242.08)	-40.35%	2,800.00	2,342.08	457.92	16.35%
Miscellaneous	0.00	0.00	0.00	0.00%	0.00	240.00	(240.00)	0.00%
Total Animal Control	600.00	842.08	(242.08)	-40.35%	2,800.00	2,582.08	217.92	7.78%
Total Public Safety	82,317.62	57,260.62	25,057.00	30.44%	288,716.31	233,855.34	54,860.97	19.00%

DEPT 430 - PUBLIC WORKS

3100 - Public Works

FT Salaries	15,000.00	17,760.65	(2,760.65)	-18.40%	56,800.00	67,496.44	(10,696.44)	-18.83%
PT Salaries	0.00	245.57	(245.57)	0.00%	0.00	1,106.77	(1,106.77)	0.00%
PERA Contributions	1,087.50	1,305.46	(217.96)	-20.04%	4,118.00	4,969.39	(851.39)	-20.67%
FICA Contributions	930.00	1,040.42	(110.42)	-11.87%	3,521.60	3,989.46	(467.86)	-13.29%
Medicare Contributions	217.50	243.34	(25.84)	-11.88%	823.60	933.06	(109.46)	-13.29%
Health/Dental Insurance	2,893.14	2,899.00	(5.86)	-0.20%	14,465.71	14,495.00	(29.29)	-0.20%
Unemployment Benefits	0.00	0.00	0.00	0.00%	2,500.00	0.00	2,500.00	100.00%
Workers Compensation	0.00	0.00	0.00	0.00%	6,000.00	7,399.76	(1,399.76)	-23.33%
Office Supplies	50.00	83.12	(33.12)	-66.24%	250.00	196.70	53.30	21.32%
Shop Materials	150.00	0.00	150.00	100.00%	750.00	436.77	313.23	41.76%
Building Repair Supplies	0.00	0.00	0.00	0.00%	0.00	186.67	(186.67)	0.00%
Small Tools and Minor Equip	250.00	201.57	48.43	19.37%	1,250.00	945.61	304.39	24.35%
Engineering Services	150.00	703.00	(553.00)	-368.67%	750.00	2,773.00	(2,023.00)	-269.73%
Contract Services	400.00	96.89	303.11	75.78%	2,000.00	259.03	1,740.97	87.05%
Telephone	650.00	638.43	11.57	1.78%	3,450.00	1,935.53	1,514.47	43.90%
Radio	300.00	0.00	300.00	100.00%	1,500.00	309.06	1,190.94	79.40%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	0.00	19,772.00	(19,772.00)	0.00%	0.00	19,772.00	(19,772.00)	0.00%
Electric Utility	2,000.00	2,218.26	(218.26)	-10.91%	10,000.00	10,673.23	(673.23)	-6.73%
Refuse	207.82	207.82	0.00	0.00%	1,039.10	831.28	207.82	20.00%
Fuel, Oil, Fluids (ALL depts)	3,000.00	6,722.56	(3,722.56)	-124.09%	15,000.00	19,212.09	(4,212.09)	-28.08%
Repair/Maint Bldg	250.00	25.00	225.00	90.00%	1,250.00	3,905.97	(2,655.97)	-212.48%
Repair/Maint NOT Bldg	40.00	38.38	1.62	4.05%	220.00	153.38	66.62	30.28%
Repair/Maint Equip (out)	500.00	0.00	500.00	100.00%	2,500.00	140.73	2,359.27	94.37%
Equipment Parts	500.00	0.00	500.00	100.00%	2,500.00	0.00	2,500.00	100.00%
Uniforms	175.00	76.62	98.38	56.22%	875.00	547.35	327.65	37.45%
Miscellaneous	75.00	96.49	(21.49)	-28.65%	375.00	242.15	132.85	35.43%
Landscaping Material	85.00	0.00	85.00	100.00%	425.00	0.00	425.00	100.00%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	60.00	56.00	4.00	6.67%
Conferences & Training	0.00	0.00	0.00	0.00%	619.60	160.00	459.60	74.18%
Clean up Days	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Total Public Works	28,910.96	54,374.58	(25,463.62)	-88.08%	133,042.61	163,126.43	(30,083.82)	-22.61%

3120 - Streets

Equipment Parts	0.00	521.48	(521.48)	0.00%	0.00	886.81	(886.81)	0.00%
Street Maintenance Materials	1,000.00	1,271.89	(271.89)	-27.19%	5,000.00	1,640.29	3,359.71	67.19%
Sign Repair Materials	250.00	0.00	250.00	100.00%	1,250.00	0.00	1,250.00	100.00%
Contract Services	850.00	270.00	580.00	68.24%	4,250.00	270.00	3,980.00	93.65%
Repairs/Maint Equipment	0.00	432.04	(432.04)	0.00%	0.00	432.04	(432.04)	0.00%
Total Streets	2,100.00	2,495.41	(395.41)	-18.83%	10,500.00	3,229.14	7,270.86	69.25%

DEPT 450 - CULTURE, RECREATION

5200 - Parks & Recreation

FT Salaries	12,875.74	9,836.79	3,038.95	23.60%	47,211.58	38,491.93	8,719.65	18.47%
PT Salaries	1,050.00	1,391.58	(341.58)	-32.53%	9,250.00	6,271.67	2,978.33	32.20%
PERA Contributions	933.49	814.06	119.43	12.79%	3,422.84	3,297.77	125.07	3.65%
FICA Contributions	863.40	653.78	209.62	24.28%	3,500.62	2,684.64	815.98	23.31%
Medicare Contributions	201.92	152.87	49.05	24.29%	818.69	627.79	190.90	23.32%
Health/Dental Insurance	1,084.57	290.16	794.41	73.25%	5,422.87	2,696.00	2,726.87	50.28%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	3,000.00	4,105.81	(1,105.81)	-36.86%
Shop Materials	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Chemicals	50.00	0.00	50.00	100.00%	250.00	0.00	250.00	100.00%
Equipment Parts	150.00	0.00	150.00	100.00%	750.00	23.50	726.50	96.87%
Building Repair Supplies	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Landscaping Materials	200.00	0.00	200.00	100.00%	1,000.00	0.00	1,000.00	100.00%
Small Tools and Minor Equip	75.00	0.00	75.00	100.00%	375.00	1,609.01	(1,234.01)	-329.07%
Telephone	100.00	0.00	100.00	100.00%	500.00	331.49	168.51	33.70%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	0.00	3,683.00	(3,683.00)	0.00%	0.00	3,683.00	(3,683.00)	0.00%
Electric Utility	750.00	617.83	132.17	17.62%	3,750.00	3,704.15	45.85	1.22%
Refuse	207.82	207.82	0.00	0.00%	1,039.10	1,039.10	0.00	0.00%
Repair/Maint Bldg	25.00	0.00	25.00	100.00%	125.00	246.25	(121.25)	-97.00%
Repair/Maint NOT Bldg	50.00	41.82	8.18	16.36%	250.00	69.07	180.93	72.37%
Repair/Maint Equip	100.00	0.00	100.00	100.00%	500.00	0.00	500.00	100.00%
Rental Buildings	400.00	0.00	400.00	100.00%	2,000.00	0.00	2,000.00	100.00%
Miscellaneous	0.00	0.00	0.00	0.00%	0.00	195.00	(195.00)	0.00%
Total Parks & Recreation	19,116.94	17,689.71	1,427.23	7.47%	83,165.70	69,076.18	14,089.52	16.94%

DEPT 460 - COMP ADJ

	0.00	0	0	0.00%	0.00	0.00	0.00	0.00%
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DEPT 490 - CONTINGENCY FUND

	0.00	0	0	0.00%	0.00	0.00	0.00	0.00%
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DEPT 493 - OTH FINANCING

	0.00	0	0	0.00%	0.00	0.00	0.00	0.00%
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GRAND TOTAL ALL DEPTS

	<u>229,794.68</u>	<u>279,651.92</u>	<u>(49,857.24)</u>	<u>-21.70%</u>	<u>909,435.86</u>	<u>975,460.35</u>	<u>(66,024.49)</u>	<u>-7.26%</u>
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Net Income over Expenses

	<u>(200,014.73)</u>	<u>(239,661.27)</u>	<u>(39,646.54)</u>	<u>19.82%</u>	<u>(684,291.38)</u>	<u>(723,824.75)</u>	<u>(39,533.37)</u>	<u>5.78%</u>
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MAYOR AND COUNCIL COMMUNICATION

DATE: 6/18/2013

CONSENT

ITEM #: 6

AGENDA ITEM: May Permit Report

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Rick Chase, Building Official

REVIEWED BY: Cathy Bendel, Finance Director

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

STAFF REPORT: Below is the year to date key statistics for May 2013:

	<u>2013</u>	<u>2012</u>	<u>2011</u>
Total Building permits:	102	100	121
Total Building valuation:	\$7,180,849	\$7,196,791	\$6,350,808
New homes	12	11	10
Total valuation	\$5,121,742	\$4,568,112	\$4,369,800
Avg home value	\$426,812	\$415,283	\$436,980



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/18/2013

CONSENT

ITEM #: 7

AGENDA ITEM: Keats MSA Street and Trunk Watermain Improvements – Pay Request No. 1
SUBMITTED BY: Chad Isakson, Project Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

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

- 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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 1 for the Keats MSA Street and Trunk Watermain Improvements.

STAFF REPORT:

T.A. Schifsky and Sons, Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 1 in the amount of \$330,780.12. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$17,409.48.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 1 for the Keats MSA Street and Trunk Watermain Improvements. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to approve Pay Request No. 1 to T.A. Schifsky & Sons in the amount of \$330,780.12,
for the Keats MSA Street and Trunk Watermain Improvements”*

ATTACHMENT(S):

1. Partial Pay Estimate No. 1.

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. 1

FOCUS ENGINEERING, inc.

KEATS MSA STREET AND TRUNK WATERMAIN IMP.
PROJECT NO. 2012.129

PERIOD OF ESTIMATE
FROM 5/8/2013 TO 5/31/2013

PROJECT OWNER:
CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO, MN 55042
ATTN: CHAD ISAKSON, P.E., PROJECT ENGINEER

CONTRACTOR:
T.A. SCHIFSKY & SONS
2370 E. HIGHWAY 36
NORTH ST. PAUL, MN 55109
ATTN: CHRIS GRIMES

CONTRACT CHANGE ORDER SUMMARY

No.	Approval Date	Amount	
		Additions	Deductions
1	5/21/2013	\$0.00	\$0.00
TOTALS		\$0.00	\$0.00
NET CHANGE		\$0.00	

PAY ESTIMATE SUMMARY

1. Original Contract Amount	\$1,606,833.47
2. Net Change Order Sum	\$0.00
3. Revised Contract (1+2)	\$1,606,833.47
4. *Work Completed	\$348,189.60
5. *Stored Materials	\$0.00
6. Subtotal (4+5)	\$348,189.60
7. Retainage* 5.0%	\$17,409.48
8. Previous Payments	\$0.00
9. Amount Due (6-7-8)	\$330,780.12

*Detailed Breakdown Attached

CONTRACT TIME

START DATE: 5/8/2013
SUBSTANTIAL COMPLETION: 8/30/2013
FINAL COMPLETION: 10/4/2013

ORIGINAL DAYS 149
REVISED DAYS 0
REMAINING 126

ON SCHEDULE

YES ☒

NO ☐

ENGINEER'S CERTIFICATION:

The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

FOCUS Engineering, inc.

OW. dL

ENGINEER

6/10/2013

DATE

CONTRACTOR'S CERTIFICATION:

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

CONTRACTOR

[Signature]

6/10/13

DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY _____

DATE _____

BY _____

DATE _____

PARTIAL PAY ESTIMATE NO. 1

KEATS MSA STREET AND TRUNK WATERMAIN IMP.
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2012.129

FOCUS ENGINEERING, inc.

ITEM	MN/DOT NO.	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
				QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 1 - GENERAL										
1	2021.501	MOBILIZATION	LS	1.0	\$53,000.00	\$53,000.00	0.5	\$26,500.00	0.5	\$26,500.00
2	2101.502	CLEARING	TREE	1.0	\$400.00	\$400.00	0.0	\$0.00	0.0	\$0.00
3	2101.507	GRUBBING	TREE	1	\$100.00	\$100.00	0.0	\$0.00	0.0	\$0.00
4	2105.525	TOPSOIL BORROW (CV)	CY	2,744	\$5.00	\$13,720.00	0.0	\$0.00	0.0	\$0.00
5	2453.61	EXPLORATORY DIGGING	HR	8	\$300.00	\$2,400.00	0.0	\$0.00	0.0	\$0.00
6	2563.601	TRAFFIC CONTROL	LS	1	\$24,000.00	\$24,000.00	0.5	\$12,000.00	0.5	\$12,000.00
7	2573.502	SILT FENCE	LF	5,880	\$1.00	\$5,880.00	5,482.0	\$5,482.00	5,482.0	\$5,482.00
8	2573.530	INLET PROTECTION	EA	9	\$60.00	\$540.00	3.0	\$180.00	3.0	\$180.00
9	2573.602	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	2	\$200.00	\$400.00	0.0	\$0.00	0.0	\$0.00
10	2573.602	CULVERT PROTECTION	EA	14	\$75.00	\$1,050.00	13.0	\$975.00	13.0	\$975.00
11	2575.505	SODDING (SALT RESISTANT)	SY	213	\$7.00	\$1,491.00	0.0	\$0.00	0.0	\$0.00
12	2575.523	EROISION CONTROL BLANKET, CAT. 3	SY	16,465	\$1.03	\$16,958.95	0.0	\$0.00	0.0	\$0.00
13	2575.605	SEEDING (SEED MIXTURE 250 AND FERTILIZER TYPE, 3)	AC	3.36	\$525.00	\$1,764.00	0.0	\$0.00	0.0	\$0.00
14	2575.605	SEEDING (SEED MIXTURE 328 AND FERTILIZER TYPE, 4)	AC	0.23	\$1,545.00	\$355.35	0.0	\$0.00	0.0	\$0.00
SUBTOTAL - DIVISION 1				\$122,059.30			\$45,137.00		\$45,137.00	
DIVISION 2 - WATERMAIN										
1	2504.602	12" WATERMAIN OFFSET	EA	2	\$3,811.00	\$7,622.00	0	\$0.00	0	\$0.00
2	2504.602	CONNECT TO EXISTING WATERMAIN	EA	2	\$3,399.00	\$6,798.00	0	\$0.00	0	\$0.00
3	2504.602	6" HYDRANT	EA	13	\$3,244.50	\$42,178.50	2	\$6,489.00	2	\$6,489.00
4	2504.602	6" GATE VALVE & BOX	EA	13	\$1,236.00	\$16,068.00	4	\$4,944.00	4	\$4,944.00
5	2504.602	8" GATE VAVLE & BOX	EA	3	\$1,627.40	\$4,882.20	1	\$1,627.40	1	\$1,627.40
6	2504.602	12" GATE VAVLE & BOX	EA	15	\$2,811.90	\$42,178.50	4	\$11,247.60	4	\$11,247.60
7	2504.602	1" CORPORATION STOP	EA	3	\$278.10	\$834.30	2	\$556.20	2	\$556.20
8	2504.602	1.5" CORPORATION STOP	EA	18	\$607.70	\$10,938.60	4	\$2,430.80	4	\$2,430.80
9	2504.602	2" CORPORATION STOP	EA	1	\$741.60	\$741.60	0	\$0.00	0	\$0.00
10	2504.602	1" CURB STOP AND BOX	EA	3	\$566.50	\$1,699.50	2	\$1,133.00	2	\$1,133.00
11	2504.602	1.5" CURB STOP AND BOX	EA	18	\$690.10	\$12,421.80	4	\$2,760.40	4	\$2,760.40
12	2504.602	2" CURB STOP AND BOX	EA	1	\$844.60	\$844.60	0	\$0.00	0	\$0.00
13	2504.603	1" TYPE K COPPER WATER SERVICE PIPE	LF	135	\$20.60	\$2,781.00	77	\$1,586.20	77	\$1,586.20
14	2504.603	1.5" TYPE K COPPER WATER SERVICE PIPE	LF	548.00	\$23.69	\$12,982.12	116	\$2,748.04	116	\$2,748.04
15	2504.603	2" TYPE K COPPER WATER SERVICE PIPE	LF	45.00	\$30.90	\$1,390.50	0	\$0.00	0	\$0.00
16	2504.603	6" DIP CL. 52 WATERMAIN	LF	303	\$27.81	\$8,426.43	65	\$1,807.65	65	\$1,807.65
17	2504.603	8" DIP CL. 52 WATERMAIN	LF	52	\$32.96	\$1,713.92	34	\$1,120.64	34	\$1,120.64
18	2504.603	12" DIP CL. 52 WATERMAIN	LF	5,954	\$43.00	\$256,022.00	1,875	\$80,625.00	1,875	\$80,625.00
19	2504.603	12" HDPE DR. 11(DIPS), BY HDD	LF	2,435	\$58.00	\$141,230.00	2,235	\$129,630.00	2,235	\$129,630.00
20	2504.608	MJ DIP COMPACT FITTINGS	LBS	4,294	\$4.74	\$20,353.56	742	\$3,517.08	742	\$3,517.08
21	2564.551	OFF ROAD STRUCTURE MARKER	EA	2	\$170.00	\$340.00	0	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 2				\$592,447.13			\$252,223.01		\$252,223.01	
DIVISION 3 - STORM SEWER										
1	2104.501	REMOVE PIPE CULVERTS (ALL TYPES & SIZES)	LF	1,016	\$7.00	\$7,112.00	259	\$1,813.00	259	\$1,813.00
2	2104.521	SALVAGE CONCRETE PIPE CULVERT (ALL TYPES & SIZES)	LF	85	\$13.00	\$1,105.00	0	\$0.00	0	\$0.00
3	2501.515	15" RCP FES W/ TRASH GUARD	EA	4	\$1,163.90	\$4,655.60	0	\$0.00	0	\$0.00
4	2501.515	18" RCP FES W/ TRASH GUARD	EA	4	\$1,215.40	\$4,861.60	0	\$0.00	0	\$0.00
5	2501.515	21" RCP FES W/ TRASH GUARD	EA	6	\$1,421.40	\$8,528.40	0	\$0.00	0	\$0.00
6	2501.521	22" SPAN RCP CL. 5 STORM SEWER PIPE	LF	47	\$50.00	\$2,350.00	0	\$0.00	0	\$0.00
7	2501.521	28" SPAN RCP CL. 5 STORM SEWER PIPE	LF	49	\$60.00	\$2,940.00	0	\$0.00	0	\$0.00
8	2501.521	36" SPAN RCP CL. 5 STORM SEWER PIPE	LF	60	\$82.40	\$4,944.00	60	\$4,944.00	60	\$4,944.00
9	2501.525	22" SPAN RCP FES W/ TRASH GUARD	EA	2	\$1,287.50	\$2,575.00	0	\$0.00	0	\$0.00
10	2501.525	28" SPAN RCP FES W/ TRASH GUARD	EA	2	\$1,565.60	\$3,131.20	0	\$0.00	0	\$0.00
11	2501.525	36" SPAN RCP FES W/ TRASH GUARD	EA	2	\$2,183.60	\$4,367.20	2	\$4,367.20	2	\$4,367.20
12	2501.571	INSTALL SALAVAGED CONCRETE PIPE CULVERT (ALL TYPES & SIZES)	LF	85	\$21.63	\$1,838.55	0	\$0.00	0	\$0.00
13	2502.521	15" CMP DRIVEWAY CULVERT W/ APRON	LF	326	\$28.84	\$9,401.84	159	\$4,585.56	159	\$4,585.56
14	2502.521	18" CMP DRIVEWAY CULVERT W/ APRON	LF	120	\$33.99	\$4,078.80	28	\$951.72	28	\$951.72
15	2503.511	15" RCP CL. 5 STORM SEWER PIPE	LF	126	\$26.78	\$3,374.28	0	\$0.00	0	\$0.00
16	2503.511	18" RCP CL. 5 STORM SEWER PIPE	LF	61	\$29.87	\$1,822.07	0	\$0.00	0	\$0.00
17	2503.511	21" RCP CL. 5 STORM SEWER PIPE	LF	226	\$34.00	\$7,684.00	0	\$0.00	0	\$0.00
18	2506.502	48" DIAMETER MANHOLE, TYPE 406S	EA	6	\$2,266.00	\$13,596.00	0	\$0.00	0	\$0.00
19	2506.601	INFILTRATION BASIN	EA	6	\$600.00	\$3,600.00	0	\$0.00	0	\$0.00
20	2511.501	CL. 3 RIPRAP W/ GEOTEXTILE FILTER FABRIC	CY	94.2	\$100.00	\$9,420.00	10.8	\$1,080.00	11	\$1,080.00
21	2511.501	CL. 4 RIPRAP W/ GEOTEXTILE FILTER FABRIC	CY	16.2	\$105.00	\$1,701.00	0	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 3				\$103,086.54			\$17,741.48		\$17,741.48	

ITEM	MN/DOT NO.	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
				QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 4 - STREETS AND RESTORATION										
1	2104.501	REMOVE & DISPOSE OF EXIST. CONCRETE CURB & GUTTER	LF	213	\$3.09	\$658.17	0	\$0.00	0	\$0.00
2	2104.501	REMOVE & DISPOSE OF EXIST. FLUME (ALL TYPES)	EA	6	\$360.50	\$2,163.00	0	\$0.00	0	\$0.00
3	2104.505	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	SY	19,710	\$1.00	\$19,710.00	6,534	\$6,534.00	6,534	\$6,534.00
4	2104.509	REMOVE SIGN	EA	18	\$30.00	\$540.00	18	\$540.00	18	\$540.00
5	2104.523	SALVAGE MAILBOX	EA	20	\$25.00	\$500.00	20	\$500.00	20	\$500.00
6	2104.523	SALVAGE POST & SIGN	EA	9	\$30.00	\$270.00	9	\$270.00	9	\$270.00
7	2105.501	COMMON EXCAVATION (P)	CY	19,252	\$8.00	\$154,016.00	1,907	\$15,256.00	1,907	\$15,256.00
8	2105.522	SELECT GRANULAR BORROW (CV), SPEC 3149.2B	CY	8,527	\$8.29	\$70,688.83	305	\$2,528.45	305	\$2,528.45
9	2105.604	GEOTEXTILE FOR ROAD STABILIZATION; MnDOT TYPE V	SY	300	\$1.00	\$300.00	900	\$900.00	900	\$900.00
10	2106.607	SUBGRADE CORRECTION	CY	100	\$15.00	\$1,500.00	244	\$3,660.00	244	\$3,660.00
11	2112.501	SUBGRADE PREPARATION (ROADWAY)	RS	65	\$100.00	\$6,500.00	3	\$300.00	3	\$300.00
12	2211.501	CL5 AGGREGATE BASE	TN	7,534	\$8.50	\$64,039.00	99.96	\$849.66	100	\$849.66
13	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GA	1,044	\$3.00	\$3,132.00	0	\$0.00	0	\$0.00
14	2360.501	SPWEA240B BITUMINOUS WEARING COURSE (STREETS)	TN	1,867	\$66.00	\$123,222.00	0	\$0.00	0	\$0.00
15	2360.501	SPWEA240B BITUMINOUS WEARING COURSE (DRIVES)	TN	115	\$80.00	\$9,200.00	0	\$0.00	0	\$0.00
16	2360.502	SPNVB230B BITUMINOUS NON-WEARING COURSE (STREETS)	TN	3,111	\$58.00	\$180,438.00	0	\$0.00	0	\$0.00
17	2502.501	4" PRECAST CONCRETE HEADWALL	EA	6	\$412.00	\$2,472.00	0	\$0.00	0	\$0.00
18	2502.541	4" PERFORATED PVC EDGE DRAIN W/BACKFILL & WRAP	LF	6,083	\$3.50	\$21,290.50	500	\$1,750.00	500	\$1,750.00
19	2502.602	DRAINTILE CLEANOUT (INCL. PIPE, FITTINGS, & STEEL CAP)	EA	26	\$155.00	\$4,030.00	0	\$0.00	0	\$0.00
20	2502.602	DRAINTILE CONNECTION INTO CATCH BASIN	EA	10	\$250.00	\$2,500.00	0	\$0.00	0	\$0.00
21	2531.501	B418 CONCRETE CURB & GUTTER	LF	12,650	\$8.34	\$105,501.00	0	\$0.00	0	\$0.00
22	2531.602	CONCRETE PEDESTRIAN RAMP	EA	1	\$400.00	\$400.00	0	\$0.00	0	\$0.00
23	2531.602	CONCRETE CURB CUT	EA	38	\$10.00	\$380.00	0	\$0.00	0	\$0.00
24	2531.602	6" CONCRETE FLUME	SY	82	\$36.00	\$2,952.00	0	\$0.00	0	\$0.00
25	2531.618	CAST IRON TRUNCATED DOME PANELS	SF	8	\$50.00	\$400.00	0	\$0.00	0	\$0.00
26	2540.602	INSTALL SALVAGED MAILBOX	EA	20	\$10.00	\$200.00	0	\$0.00	0	\$0.00
27	2554.602	PERMANENT BARRICADE	EA	1	\$400.00	\$400.00	0	\$0.00	0	\$0.00
28	2564.531	INSTALL SIGN PANELS, TYPE C (INCLUDING POSTS & ASSEMBLY)	EA	18	\$55.00	\$990.00	0	\$0.00	0	\$0.00
29	2564.531	INSTALL SALVAGED SIGN	EA	9	\$50.00	\$450.00	0	\$0.00	0	\$0.00
30	2564.533	FURNISH SIGN PANELS, TYPE C	SF	117	\$24.00	\$2,808.00	0	\$0.00	0	\$0.00
31	2582.502	4" SOLID DOUBLE LINE YELLOW - EPOXY	LF	4,720	\$0.62	\$2,926.40	0	\$0.00	0	\$0.00
32	2582.502	4" SOLID LINE WHITE - EPOXY	LF	12,240	\$0.32	\$3,916.80	0	\$0.00	0	\$0.00
33	2582.502	4" SOLID LINE YELLOW - EPOXY	LF	755	\$0.31	\$234.05	0	\$0.00	0	\$0.00
34	2582.502	4" BROKEN LINE YELLOW - EXPOXY	LF	1,265	\$0.10	\$126.50	0	\$0.00	0	\$0.00
35	2582.502	24" SOLID LINE YELLOW - EPOXY	LF	25	\$15.45	\$386.25	0	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 4						\$789,240.50		\$33,088.11		\$33,088.11

TOTALS

\$1,606,833.47

\$348,189.60

\$348,189.60



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/18/2013

CONSENT

ITEM #: 8

RESOLUTION

AGENDA ITEM: Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street
– Approve Plans and Specifications and Order Advertisement for Bids

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk
Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

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

- 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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the plans and specifications and ordering the advertisement for bids for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to approve Resolution No. 2013-47, Approving the plans and specifications
and ordering the advertisement for bids for the Lake Elmo Avenue Sewer
Infrastructure Improvements: I-94 to 30th Street.”*

STAFF REPORT:

Plans and Specifications have been completed for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street. The project is the first phase of a multi-phase plan to bring municipal sewer service to the Village area by constructing a lift station, forcemain and trunk gravity sewer line. The improvements are necessary to convey wastewater from the Village area, along Lake Elmo Avenue to the MCES meter station located on Hudson Boulevard. Trunk gravity sewer pipe will be installed in the area south of 10th Street to make sewer service available to future development in the I94 east corridor area. The project need is documented in

the city's 2030 Comprehensive Plan and has been programmed in the 2013 Capital Improvement Program.

The improvements include:

- The Village lift station located just north of 30th Street and east of Reid Park, consisting of a 12-foot diameter concrete wet well, two 1,200 gallon per minute submersible pumps, electrical/SCADA control panel, chemical feed odor control system, standby generator, and lift station site work.
- Directional drilling (trenchless installation) of 16,250 feet of 16-inch forcemain along 30th Street and Lake Elmo Avenue to a location just south of Cimarron.
- Open trench installation of 4,140 feet of 24 inch diameter trunk sewer pipe from the southern edge of Cimarron to Hudson Boulevard.

The Engineer's opinion of probable construction cost is \$3.3 million (to be compared to contractor bids). The total "post-design" engineer's estimate of project cost is \$4.5 million vs. a CIP project budget amount of \$4.9 million.

The preparation of plans and specifications was ordered at the March 19, 2013 council meeting. With council's approval a bid date is scheduled for July 23, 2013. The City Engineer will receive and review bids and present a recommendation for award of the construction contract for council consideration on August 6, 2013 (see attached schedule).

FUNDING:

The project will be partially funded from the \$1.0 million DEED Sewer Grant. The state's obligation to fund the DEED Grant shall terminate if the entire Grant has not been disbursed by December 31, 2014. The remaining project costs will be funded through the issuance of bonds with the debt retirement to be funded through the collection of Sewer Availability and Sewer Connection charges established by the city.

RECOMMENDATION:

Staff is recommending the City Council approve, as part of the *Consent Agenda*, Resolution No. 2013-47, thereby approving the plans and specifications and ordering the advertisement for bids for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street. If removed from the consent agenda, the recommended motion for this action is as follows:

"Move to approve Resolution No. 2013-47, Approving the plans and specifications and ordering the advertisement for bids for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street."

ATTACHMENT(S):

1. Resolution No. 2013-47
2. Project Exhibit
3. Project Schedule

(Project Plans and Specifications available for review at City Hall)

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

RESOLUTION NO. 2013-47

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS FOR THE
LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS:
I-94 TO 30TH STREET**

WHEREAS, pursuant a resolution passed by the city council on the 19th day of March, 2013, the city engineer, together with TKDA has prepared plans and specifications for the Lake Elmo Avenue Infrastructure Improvements from I-94 to 30th Street and has presented such plans and specifications to the council for approval.

NOW, THEREFORE, BE IT RESOLVED,

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in Finance & Commerce an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE EIGHTEENTH DAY OF JUNE, 2013.

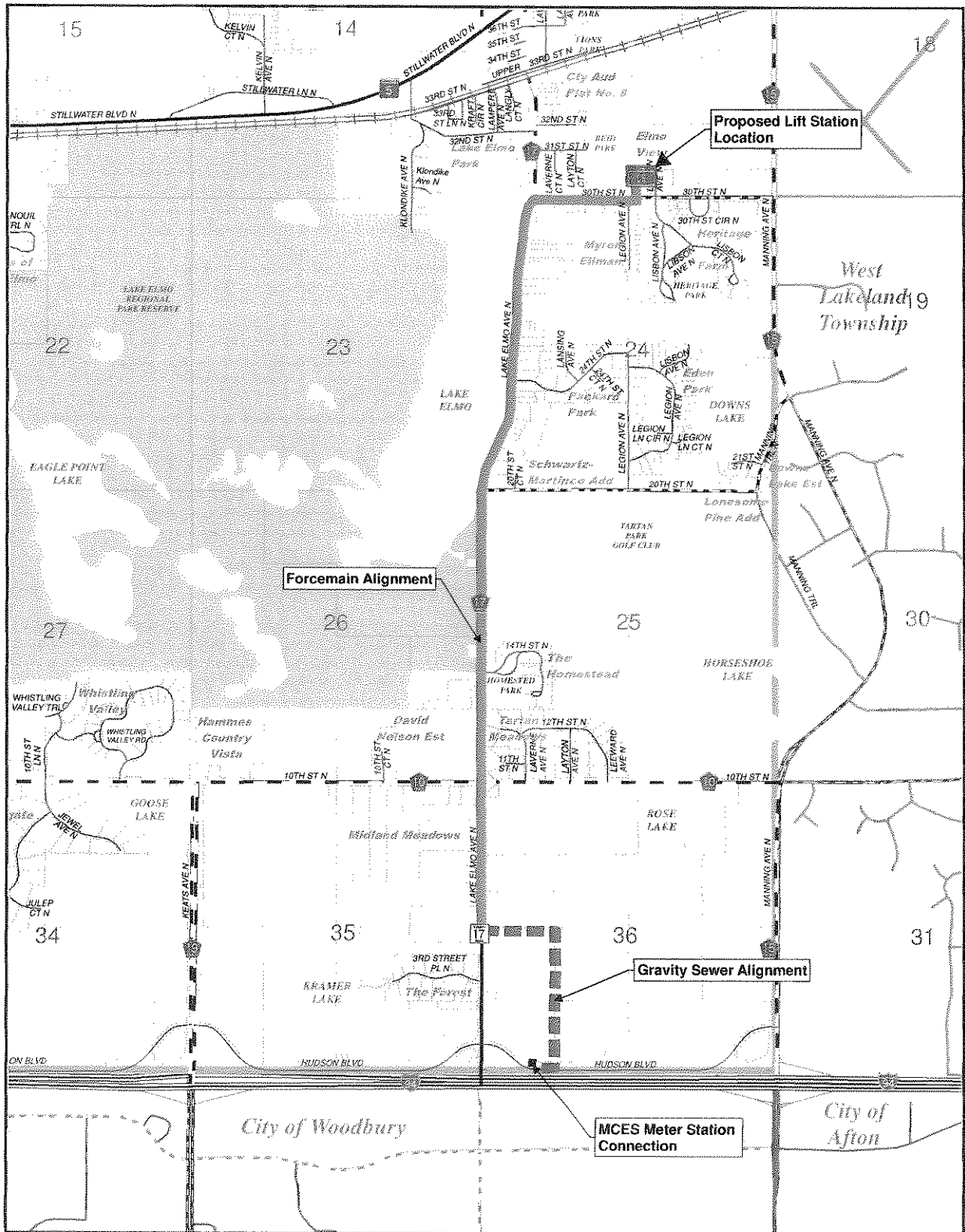
CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk



PROJECT SCHEDULE

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

DATE: March 12, 2013

City of Lake Elmo, Minnesota

Project No. 2013.123

Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street

March 19, 2013	Council Workshop – Address Scope of Improvements/Project Schedule
March 19, 2013	Council orders preparation of Plans and Specifications/approves Engineering Contract
March 26, 2013	Project kick-off meeting [8 Weeks for Design]
June 18, 2013	City Engineer presents Plans and Specifications for Council approval
June 21, 2013	Placement of Ad for Bids
July 23, 2013	Receive Contractor Bids
August 6, 2013	City Council accepts bids and awards Contract
September 9, 2013	Issue Notice to Proceed. Contractor begins Work
December 20, 2013	Substantial Completion [includes all pipe installation, Lift Station start-up, paving] 15 Weeks [8-12 week pump & control panel lead time]
June 1, 2014	Final Completion [includes restoration, and punch list items]



MAYOR AND COUNCIL COMMUNICATION

DATE: 06/18/2013

CONSENT

ITEM #: 9

AGENDA ITEM: Easement Encroachment Agreement – 5747 Linden Avenue North

SUBMITTED BY: Nick Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Rick Chase, Building Official
Adam Bell, City Clerk

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

- Introduction of Item..... Staff
- Report/Presentation..... Staff
- 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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to authorize as part of tonight's Consent Agenda the execution of an easement encroachment agreement. The City has received a request to install a fence within a drainage and utility easement area as part of a swimming pool permit at 5747 Linden Avenue North. Approval of the requested agreement would allow the property owners to construct the requested improvement within the City's drainage and utility easements located on their private property.

BACKGROUND AND STAFF REPORT:

The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the city. When a resident is interested in putting a structure within an easement, the city has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function. After that information is received, Staff reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If Staff determines that the improvement will not negatively impact the functionality of the easement, an approved building permit showing the requested work and an Easement Encroachment Agreement is needed before the work may commence.

The Easement Encroachment Agreement that has been submitted for Council consideration is for a fence and has been reviewed by planning staff. The proposed fence meets all city code requirements and Staff would have otherwise authorized construction of the fence if it did not encroach into a drainage and utility easement.

The Easement Encroachment Agreement is a legal document which has been signed by all property owners seeking to install an improvement within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

RECOMMENDATION:

Based upon the above background information and staff report, it is recommended that the City Council approve the Easement Encroachment Agreement as part of tonight's Consent Agenda.

ATTACHMENT(S):

1. Easement Encroachment Agreement – 5747 Linden Avenue North

ENCROACHMENT AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 2013, by and between the CITY OF LAKE ELMO, a Minnesota municipality (hereinafter "City"), and Jason Ligday (hereinafter "Owner") and their successors in title.

WHEREAS, the City has an easement for drainage and utility purposes over that part of the property legally described on the attached Exhibit A, located in Washington County, Minnesota;

WHEREAS, Owner is desirous of constructing a fence ("The Improvements") within the Easement; and,

WHEREAS, the permission granted herein is limited to The Improvement proposed within the easement.

NOW, THEREFORE, in consideration of the premises and for good and valuable consideration, the receipt of which is acknowledged, the City will permit the encroachment on its easement area as set forth herein and subject to the conditions set forth below:

1. Owner and successors in title may install and maintain The Improvements in the configuration directed by the City and in accordance herewith.

2. Owner must notify the City at least forty-eight (48) hours before construction, repair and/or maintenance work commences within the easement. No such work shall take place without the City staff being given the opportunity to be present at the site. Further, if the City determines in its reasonable estimation that any proposed work may potentially cause an unsafe condition or damage or impair the City's easement area, the City shall have the authority to prevent such work from being done by giving notice to Owner; notwithstanding the foregoing, in

the event of an emergency situation and/or the existence of an unsafe condition of Owner's land, the prescribed forty-eight (48) hour notice requirement shall be waived by the City. However, in the event of such situation, said waiver shall not relieve Owner from their obligation to notify the City in a timely and practical manner. The City shall have no obligation to notify Owner of their intent to do work.

3. To the fullest extent permitted by law, Owner, their successors and assigns agree to release, defend, protect, indemnify, save and hold harmless the City, its agents, directors, employees and contractors against any and all claims, costs and liabilities, including the costs of defense for damages, injury or death arising from or in any way connected to the installation, maintenance, repair, removal and/or presence of The Improvements permitted hereunder, regardless of whether such harm is to Owner, the City, the employees or officers of either or any other person or entity, except shall not be liable under this paragraph for loss or damage to the extent resulting from the negligence or intentional acts of the indemnified parties.

4. The permission granted herein is limited exclusively to the proposed improvement within the City's easement. Owner shall not alter the grade, perform any other site disturbing activities, or permit such alteration anywhere upon the land upon which the City has reserved its easement without proper express written consent of the City. Owner shall construct and maintain The Improvements in compliance with all applicable laws and in good repair.

Owner shall, at all times, use best efforts to conduct all of activities on said easement area in such a manner as to not interfere with or impede the operation of the City's easement and related activities in any manner whatsoever and shall remove The Improvements at no cost to the City when directed by the City. The work shall be done and The Improvements maintained in conformance with the direction of the City.

[SIGNATURES ON FOLLOWING PAGES]

By

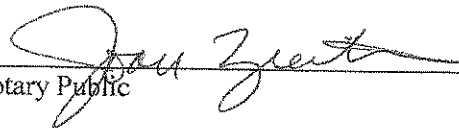

[Jason Ligday]

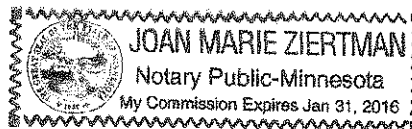
STATE OF MINNESOTA)

) ss.

COUNTY OF WASHINGTON)

On this 5 day of June, 2013, before me, a Notary Public, personally appeared Jason Ligday, property owner, who signed the foregoing instrument and acknowledged said instrument to be his free act and deed.


Notary Public



THIS INSTRUMENT DRAFTED BY:

David K. Snyder

Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.

1809 Northwestern Avenue

Stillwater, MN 55082

CITY OF LAKE ELMO

By _____
Mike Pearson, Mayor

By _____
Dean A. Zuleger, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this _____ day of _____, 2013, before me, a Notary Public, personally appeared Mike Pearson, Mayor of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City of Lake Elmo, and acknowledged said instrument to be the free act and deed of said City of Lake Elmo.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this _____ day of _____, 2013, before me, a Notary Public, personally appeared Dean A. Zuleger, City Administrator of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City of Lake Elmo, and acknowledged said instrument to be the free act and deed of said City of Lake Elmo.

Notary Public

EXHIBIT A

Lot 4, Block 1, St. Croix's Sanctuary (5747 Linden Avenue North, Lake Elmo, MN 55042)



MAYOR & COUNCIL COMMUNICATION

DATE: 6/18/2013

CONSENT

ITEM #: 10

AGENDA ITEM: Order Abatement Actions – 9447 Stillwater Blvd.; 9224 31st St. N.

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mike Pearson, Mayor

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving abatement actions for the two properties stated below.

The City of Lake Elmo has been working with two extreme nuisance properties – 9447 Stillwater Boulevard (Johnson) and 9224 31st N. (Hardy) for a better part of twelve months. The City has used all of its legal remedies to clean up both properties, including eviction and Washington County Health abatement orders. As of the writing of this memo all efforts to clean up both properties have stalled and they continue to deteriorate the quality of life for neighbors living around both properties. The staff will like to request that the City Council to enact §96.11 of municipal code and order abatement (clean up) on these two properties.

BACKGROUND INFORMATION:

§96.11 of the City Code reads:

“If any nuisance occurs as defined in §96.01, the Council may, by majority vote, order the owner, lessee, or occupant or any person having care or control of the lot or land to abate the nuisance. The Council shall issue a written notice to the person allowing 5 days after the notice is served for the person to comply.

Further, §96.12 reads:

“If any nuisance is not abated within 5 days in compliance with the notice, the Council shall cause the nuisance to be abated. The Council shall recover the actual cost of the abatement by civil action, against the person or persons served. Alternatively, if service has been made upon the record owner, as shown on the records, of the County Auditor, collection may be made by ordering the Administrator to extend the sum, plus 25% of its special assessment against the property upon which the nuisance existed. The amount shall be certified to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.”

9447 Stillwater Blvd. has been clouded in nuisance and unruly tenant behavior for at least 15 months. The landlord has formally evicted the tenants and they have left – but mounds of debris and discarded material remain on the front lawn of the residence and scattered throughout the property. Attempts to get the site cleaned up via voluntary compliance of the landlord have been unsuccessful. The current residence has been red tagged as uninhabitable.

9224 31st St. North has been a chronic problem for the City. In the spring of 2013, the Washington County Health Department issued clean up orders for nuisance / health violations on the outside of the property. No progress has been made to clean up the site. It is the City’s belief that there is no running water to the site and the residence is uninhabitable.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, the abatement actions on these two properties. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to enact §96.11 and §96.12 of the City of Lake Elmo Code to abate 9447 Stillwater Blvd. based on the definition of nuisance in § 96.01 of the city code,”

and

“Move to enact §96.11 and §96.12 of the Lake Elmo City Code to abate 9224 31st Street North based on the definition of nuisance in §96.01 of the city code.”

ATTACHMENT(S):

1. Abatement Code Provisions

§ 96.01 GENERALLY.

No person, firm, corporation, or association shall cause, suffer, or permit any nuisance as defined in §§ 96.01 et seq. to exist or to be maintained upon property situated in the whole or in part within the limits of the City of Lake Elmo.

(1997 Code, § 1335.10) Penalty, see § 10.99

§ 96.11 ABATEMENT.

If any nuisance occurs as defined in §§ 96.01 et seq., the Council may by majority vote order the owner, lessee, or occupant or any person having care or control of the lot or land to abate the nuisance. The Council shall issue a written notice to the person allowing 5 days after the notice is served for the person to comply.

(1997 Code, § 1335.12)

§ 96.12 ASSESSMENT OF COSTS.

If the nuisance is not abated within 5 days in compliance with the notice, the Council shall cause the nuisance to be abated. The Council shall recover the actual cost of the abatement by civil action against the person or persons served. Alternatively, if service has been made upon the record owner, as shown on the records, of the County Auditor, collection may be made by ordering the Administrator to extend the sum, plus 25% of it as a special assessment against the property upon which the nuisance existed. This amount shall be certified to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.

(1997 Code, § 1335.13)



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/18/2013

REGULAR

ITEM #: 11

ORDINANCE

AGENDA ITEM: Zoning Text Amendment – Sign Ordinance

SUBMITTED BY: Nick Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- 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

SUMMARY AND ACTION REQUESTED:

The City Council is asked to consider a Zoning Text Amendment, establishing new signage regulations in Lake Elmo. These signage provisions will be organized under Article 5 - General Regulations under the new organizational structure of the Zoning Code. This Zoning Text Amendment is part of the ongoing effort to reorganize and improve the Lake Elmo Zoning Code.

The Planning Commission recommends the City Council approve Ordinance 08-082 through the following motion:

“Move to approve Ordinance 08-082, establishing new signage regulations in the Lake Elmo Zoning Code.”

In addition, Staff recommends that the City Council approve Resolution No. 2013-48, authorizing summary publication of Ordinance 08-082, through the following motion:

“Move to approve Resolution No. 2013-48, authorizing summary publication of Ordinance 08-082.”

BACKGROUND AND STAFF REPORT:

Staff is continuing to progress on a large project aimed at incrementally reorganizing and improving the Lake Elmo Zoning Code in preparation of upcoming growth. One of the ordinances that was identified as needing improvement was the Sign Ordinance. More specifically, the ordinance is confusing, poorly organized and overly restrictive in some areas. In addition, there are some provisions of signage that are not adequately addressed in the existing ordinance. Therefore, Staff researched several sign ordinances from various communities to find a more comprehensive and better organized ordinance that would

address all considerations related to signage. The proposed ordinance is organized under Article 5 – General Regulations within the Zoning Code. Staff determined that it was important to incorporate best practices related to signage in advance of future growth in the community.

The Planning Commission reviewed the proposed Sign Ordinance at a regular meeting on May 13, 2013. At this meeting, the Planning Commission made several recommendations related to additional research and provisions contained within the draft ordinance. Staff responded to these recommendations by making refinements to the ordinance. The Planning Commission held a public hearing on the proposed Sign Ordinance on May 29, 2013. No one spoke in favor or against the ordinance at the public hearing. The Planning Commission recommended the proposed ordinance for approval. In addition, the motion for approval included a recommendation by the Planning Commission to investigate the creation of a sign district in downtown Lake Elmo (Vote: 4-1, with Commissioner Dorschner voting no due to his lack of support for a downtown sign district).

The City Council reviewed the proposed ordinance at a meeting on June 4, 2013. At the meeting, the ordinance was postponed for further discussion and consideration. The Council discussed the proposed sign ordinance at a City Council Workshop on June 11, 2013. At the workshop, the following amendments to the ordinance were suggested:

- The allowed signage area for multi-family residential buildings was increased to 32 square feet.
- The location standard (F.2.c.iii) pertaining to signage near intersections, hydrants, alleys and other drives was changed to apply only to ground signs.
- The design consideration limiting the amount of colors used in a sign was removed.
- One additional off-premises sign was allowed for agricultural sales businesses.
- Grass is allowed to serve as landscaping at the base of ground signs.
- The area allowance for political signs was removed to be consistent with State Statute.
- The non-conforming signs section was revised to be consistent with State Statute and the Lake Elmo Zoning Code.

It should also be noted that Staff is recommending to delete all of the existing definitions pertaining to signage in the City Code in order to not have any conflicts between existing terminology and the proposed ordinance. In addition, Staff is recommending that the term “vision triangle” be defined in the code, as it is used in the proposed ordinance and is not currently defined. These changes are also found within Ordinance 08-082.

Overall, the proposed ordinance is more comprehensive and better organized, making it easier to administer. Given the future growth that is likely to occur in the coming years, it is helpful to have signage regulations that address all of the different situations related to signage, while having an ordinance in place that is straightforward.

RECOMMENDATION:

The Planning Commission recommends the City Council approve Ordinance 08-082 through the following motion:

“Move to approve Ordinance 08-082, establishing new signage regulations in the Lake Elmo Zoning Code.”

In addition, Staff recommends that the City Council approve Resolution No. 2013-48, authorizing summary publication of Ordinance 08-082, through the following motion:

“Move to approve Resolution No. 2013-48, authorizing summary publication of Ordinance 08-082.”

ATTACHMENT(S):

1. Ordinance 08-082
2. Resolution No. 2013-48

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-082

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADOPTING NEW SIGNAGE REGULATIONS IN THE LAKE ELMO ZONING CODE.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing City Code Sections 151.115 through 151.119 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions; Section 01 Definitions by repealing the following language:

SIGN. Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

SIGN, ABANDONED. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of 1 year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 1 year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of **ABANDONED SIGN**.

SIGN, AGRICULTURAL SALES. A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises **AGRICULTURAL SALES SIGNS** shall be administered as temporary signs subject to all removal requirements outlined in code.

SIGN, AWNING. A sign or graphic printed on or in some fashion attached directly to the awning material.

SIGN, BANNER. A temporary sign typically made of cloth, plastic or vinyl materials.

SIGN, BILLBOARD. A sign structure with a surface area over 100 square feet per surface that identifies or communicates a commercial or non-commercial message.

SIGN, BUSINESS VEHICLE IDENTIFICATION. A sign that is permanently mounted or otherwise permanently affixed to a vehicle, trailer, or semitrailer which identifies the business, products, or

services with which the vehicle, trailer, or semitrailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. This definition shall also include non-permanently affixed signs that do not exceed 32 square feet erected in concert with a legally operating wayside stand. Bumper stickers and similarly sized adhesive decals shall not be considered **BUSINESS VEHICLE IDENTIFICATION SIGNS**.

SIGN, CANOPY. A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

SIGN, CHANGEABLE COPY. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

SIGN, DIRECTIONAL. An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").

SIGN, ELECTRONIC VARIABLE MESSAGE. A dynamic signs whose message are changed at reasonable intervals by electronic process or remote control and whose movement is the periodic changing of information against a solid background, engineered for maximum legibility and readability, and having a constant light level and glare reduced screens. This definition does not include static time, temperature and price displays which only change when necessary for accuracy.

SIGN, FLAG. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

SIGN, FREESTANDING. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Monument, pole, and ground signs are all **FREESTANDING SIGNS**.

SIGN, GOVERNMENTAL. A sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for other civic purposes; the size, location, and height of which is dictated by the applicable agency to fulfill the intended civic purpose.

SIGN, GROUND. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding 6 feet.

SIGN, HISTORIC. An existing sign which has a special historical, architectural, cultural, or aesthetic value to the community.

SIGN, ILLUMINATED. Any sign which contains an element designed to emanate artificial light directly or indirectly.

SIGN ILLUMINATION, BACK LIT. A direct source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

SIGN ILLUMINATION, DIRECT. A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

SIGN ILLUMINATION, EXTERNAL. Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

SIGN ILLUMINATION, INDIRECT. A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

SIGN ILLUMINATION, REVERSE LIT. A direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.

SIGN, MONUMENT. Any freestanding sign, with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding 6 feet.

SIGN, MURAL. Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect.

SIGN, OFF-PREMISES. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an **OFF-PREMISES SIGN**.

SIGN, PERMANENT. A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

SIGN, POLE. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open

SIGN, PORTABLE. A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

SIGN, PROJECTING. A sign attached to and projecting out from a building face or wall, generally at a right angle.

SIGN, ROOF. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, REAL ESTATE DEVELOPMENT. A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. **REAL ESTATE DEVELOPMENT SIGNS** shall be administered as permanent signs subject to all removal requirements outlined in code.

SIGN, SNIPE. An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other object.

SIGN, TEMPORARY. Any sign intended for display over a short period of time.

SIGN, WALL. A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall, and which displays only 1 sign surface.

SIGN, WARNING. A sign located on private property posting such property for warning or prohibitions on trespassing, hunting, or other activity.

SIGN, WINDOW. Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions; Section 01 Definitions by adding the following language:

Vision Triangle. The area created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection quadrant meet.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:

Article 5 - General Regulations

§154.212 Sign Regulations

§154.212 Sign Regulations

- A. *Purpose and Intent.* The purpose of this Ordinance is to provide standards to safeguard life, health, and property and to promote the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereunder. The City Council and Planning Commission of the City of Lake Elmo find that the visual environment has an effect on the welfare of the citizens of Lake Elmo and that careful control of signage can protect and enhance the community. To carry out this general purpose, the regulations set forth herein are intended to:
1. Protect the public from hazards that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
 2. Preserve the land value of private property by assuring the compatibility of signs with nearby land uses.
 3. Foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective sign that meet the need for business identification, advertising and communication.
 4. Encourage creative and well-designed signs that contribute in a positive way to the community's visual environment, express local character and help develop a distinctive image in the city. When appropriate, signage is encouraged to utilize design elements that are consistent with the Lake Elmo Branding and Theming Study.
 5. Recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
 6. Provide applicants with clear and consistent rules and regulations.

- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned Sign. Any sign remaining in place which for a period of ninety (90) consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this Ordinance.

Ancillary Sign. A wall sign separate from and subordinate in area to the principal sign, identifying generic services, goods or departments in the building, such as pharmacy, optical, auto repair, or garden center, but not including the identification of brand names.

Attention-Attracting Object. Any streamer, pinwheel, pennant, flag, propeller, inflatable sign, statuary, tethered balloon, bunting, beacon, or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated, or still, that is intended to attract attention to the use or business being conducted on the site. Attention-attracting object does not include the flag of any governmental entity.

Awning. A roof-like cover consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.

Banner. A suspended sign made of a flexible material such as canvas, sailcloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. A decorative banner is a banner containing no message or logo that is displayed for the purpose of adding color or interest to the surroundings or to the building to which it is attached. A flag or canopy shall not be considered a banner.

Beacon. A stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention.

Business Opening Sign. A temporary sign displayed prior or in addition to permitted permanent signs to promote the opening of a new business, a change of name or change of ownership.

Canopy. A detachable, roof-like cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign and on which the message changes less than eight times a day and less than once per hour. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall not be considered a changeable copy sign.

Commercial Message. A message that directs attention to or acts as advertising for a business, commodity, product, service or form of entertainment or tends to encourage the occurrence of a commercial transaction related thereto.

Comprehensive Sign Plan. A complete signage plan for a building or lot that has been approved by the City.

Construction Sign. A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot upon which the sign sits and/or identifying the future use of the building or lot upon which the sign sits.

Copy. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

Directional Sign, On-Premise. A sign without commercial message erected for the purpose of indicating the required or preferred direction of vehicular, bicycle, or pedestrian traffic on private property including, but not limited to “no parking,” “entrance,” “exit only,” “loading only,” and other similar signage.

Directional Sign, Off-Premise. Any sign without commercial message that is displayed for the purpose of informing people of or guiding people to a particular place for a specified event, including, but not limited to, an open house, garage sale, estate sale or other similar event.

Directly Illuminated Sign. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

Directory Sign. A sign which serves as a common or collective identification for a group of persons or businesses operating on the same lot. Such a sign commonly lists the tenants, occupants, floor plan, addresses or suite numbers of an office complex, shopping center or residential building complex.

Election Campaign Period. A period prior to a general election starting on August 1 until 10 days following the general election, or a period prior to a special election starting 13 weeks prior to the special election until 10 days following the special election.

Electronic Variable Message Sign. A changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.

Facade. Any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers usable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single facade.

Flag. A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

Frontage. The boundary of a lot that abuts a public street.

Garage Sale Sign. A sign advertising the sale of personal property including estate sales, yard sales or rummage sales used to dispose of personal household possessions.

Government Sign. Any sign erected by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.

Ground Sign. Any free-standing sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary, permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.

Hanging Sign. A sign that is suspended from the underside of a surface and is supported by such surface.

Indirectly Illuminated Sign. A sign that is illuminated from a source outside of the actual sign.

Inflatable Sign. A freestanding or moored sign expanded or inflated with air or another gas, like a balloon, and which may rise and float above the ground.

Legal Non-Conforming Sign. Any sign which was lawfully erected and displayed on [City Clerk to insert effective date], but which does not conform to the requirements and limitations herein, or any sign which was lawfully erected and displayed on the effective date of any amendment to this Section, but which does not conform to such amendment.

Logo. A symbol or trademark commonly used to identify a business or organization.

Memorial Sign. A sign or tablet memorializing a person, event, place or structure.

Menu Sign. A permanent changeable copy sign associated with restaurants with drive-through windows, car washes, or other businesses with drive-up services which gives a detailed list of food or services available.

Monument Sign. A ground sign having a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point.

Noncommercial Message. A message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

Off-Premise Sign. A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the lot where such sign is located.

On-Premise Sign. A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs on the same lot as the sign.

Pennant. A tapered or dove-tailed banner or flag.

Permanent. When used in reference to a sign, means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is generally, but not necessarily, affixed to the ground or structure. Unless the context clearly dictates otherwise, the term "permanent" in this Ordinance is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.

Pole Sign. A ground sign mounted upon a pole or pylon, or multiple poles or pylons, not meeting the definition of monument sign.

Portable Sign. A type of temporary sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

Projecting Sign. A sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

Real Estate Sign. A sign advertising only the sale, rental or lease of the premises upon which the sign is located.

Sign. Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.

Street Frontage. The distance for which a lot boundary adjoins a single public street.

Temporary Sign. Any sign that is not a permanent sign.

Wall Sign. A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than fifteen (15) inches from the surface of the wall.

Window Sign. Any sign located completely within an enclosed building and visible from a public way or placed upon a window. Merchandise within the premises and visible from the exterior shall not be considered a window sign under this definition.

- C. *Applicability.* The Sign Ordinance shall apply to any sign placed, erected, altered, maintained or relocated within the city that is plainly visible, although not necessarily legible, from any public right-of-way or any lot in ownership separate from the lot upon which the sign is located.
- D. *Sign Permits and Fees*
1. *Permit Required.* Except as provided in this Section, it shall be unlawful for any person to place, erect, alter or relocate within the city, any sign without first obtaining a permit from the Planning Director and making payment of all fees as required by the City's Fee Schedule. This subsection shall not be interpreted to require a permit for a change of copy on a changeable copy sign, changing occupant sign panels on a directory sign, repainting, cleaning, or other normal maintenance and repair of any existing sign or its structure as long as the sign copy does not change.
 2. *Application for Sign Permit.* All applications for sign permits shall be filed on a form supplied by the City. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:
 - a. Date of Application.
 - b. Name, address, telephone number, and, if available, fax and email address, of the Applicant as well as of the person, firm, corporation, or association erecting the sign.
 - c. The written consent of the owner or lessee of the premises upon which the sign is to be erected, or the sworn statement of the applicant that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign.
 - d. A scale drawing showing the existing and proposed location and dimensions of all buildings, structures, and signs on the subject property. For a ground sign, the drawing shall also indicate the following:
 - i. Distance of the sign from either the face of curb or sidewalk as well as its location relative to other ground signs, driveways, fire hydrants, and any other features of a site that could be obscured by the sign.
 - ii. A landscaping plan around the base of all ground signs.
 - e. The configuration of the proposed sign listing the height, width, total square footage, proposed copy, method of construction and attachment, method of illumination and description of all electrical equipment, sign materials and colors, and at least one image showing the location of the proposed sign and its relationship to either the building to which it is to be mounted or the surrounding lot if it is a ground sign.
 - f. The total area and number of all signs by type on the subject property both before and after the installation of the proposed sign.
 - g. For temporary signs, applications must be accompanied by a signed, written statement acknowledging the ordinance requirements governing the duration of time during which the sign may be displayed.
 - h. Such other information as the City may require to ensure compliance with this Sign Ordinance and any other applicable laws.
 3. *Application Process and Review Procedure.* It shall be the duty of the Planning Director, upon the filing of an application for a sign permit, to examine the application for

compliance with the requirements of this Section and, if deemed necessary by the Planning Director, to inspect the premises upon which the proposed sign is to be erected. If the application is complete and the proposed sign is in compliance with all the requirements of this Ordinance, and any other applicable laws, the following actions shall be taken:

- a. If the application is for a permanent sign that conforms to an approved Comprehensive Sign Plan that applies to the property upon which it is to be located, or for a permanent or temporary sign that adheres to the requirements of this Code, the Planning Director may issue a permit.
- b. If an application for approval of a Comprehensive Sign Plan pursuant to §154.212.I is submitted with a development application subject to Planning Commission review and City Council approval, the Planning Director shall review the application and make a recommendation to the Planning Commission prior to issuing a permit.
- c. Except for applications for approval of a Comprehensive Sign Plan, applications shall be approved or denied within thirty (30) days of the filing of a complete application or be deemed approved unless an extension of time for review is granted, in writing by the applicant. Any decision of the Planning Director may be appealed to the Board of Adjustment and Appeals.
- d. In the event that a permit is issued but the sign authorized by the permit is not placed, erected, altered or relocated within six (6) months after the issuance of the permit, the permit shall expire and be null and void.
- e. *Fees.* A fee shall be charged for the permit in the amount set forth in the City's Fee Schedule.

E. *Design Review Criteria.* Signs shall meet the following criteria:

1. Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
2. All signs shall be designed to fit the zoning and character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in Planned Unit Development, or in developments seeking Comprehensive Sign Plans, shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.
3. Signs illuminated by lights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. All signs must conform to the Sign Illumination standards in §154.212.F.7 and §150.035 (Lighting, Glare Control and Exterior Lighting Standards).
4. Landscape features shall be incorporated around the base of all permanent ground signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

F. *General Sign Regulations.* This section pertains to all signs erected in the city of Lake Elmo. Additional regulations may apply based on sign type and zoning district in which the sign is to be displayed. Wherever regulations conflict anywhere within this Section or with any other applicable rule or regulation, unless expressly stated otherwise, the more restrictive provision shall control.

1. *Surface Area Calculation.* The sign surface area shall be calculated based on the area within the smallest single continuous rectilinear perimeter of not more than eight (8) straight lines encompassing all elements of the actual sign face including any writing, representation, emblems or any figure or similar character together with any material

forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed, but excluding any support structure. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building. Area of signs displaying copy on two parallel, back-to-back faces not separated by more than twelve (12) inches shall be calculated with reference to a single face only.

2. *Sign Location, Placement and Setback Requirements.* Except as provided elsewhere in this Section, all signs shall be subject to the following requirements:
 - a. *Limitations Based on Building Setbacks:*
 - i. Except as provided in subparagraph (b), no part of any permanent or temporary sign shall extend over a property line.
 - ii. Where buildings are lawfully permitted to exist on the property line, a permanent sign attached to a building may project not more than six (6) feet over the abutting public sidewalk or right of way provided that the bottom of the sign components are located no less than eight (8) feet above the ground immediately beneath such sign. No sign may project over adjacent private property. Any ground sign shall be located on the premises unless it is an authorized temporary sign for which a valid permit is in effect.
 - b. *Signs on Public Property.* No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:
 - i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public; or
 - ii. A sign erected in conformity with subparagraph (a.ii) of this subsection.
 - c. *Safety of Motorists and Non-motorists*
 - i. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure the vision of road users, or otherwise obstruct, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
 - ii. No ground sign, with the exception of government signs, may be placed within 10 feet of a fire hydrant, within 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway or alley.
 - iii. No sign exceeding a height of thirty (30) inches may be placed within the vision triangle as defined in §11.01.
 - iv. No sign or structural components shall obstruct passage on a sidewalk or walkway.
 - d. *Additional Regulations Pertaining to Placement of All Signs.* Except for a sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public:
 - i. No sign shall be attached to a fence, tree, shrubbery, utility pole or like items on either public or private property, and no sign shall obstruct or obscure primary signs on adjacent premises.
 - ii. No sign shall extend beyond the perimeter of a permanent structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.
 - iii. No sign shall be mounted upon any roof of any building or structure.

- e. *Americans with Disabilities Compliance.* Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
- 3. *Construction and Structural Requirements.* Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe. Every sign shall be designed and constructed in conformity with the applicable provisions of the Minnesota State Building Code and shall be free of any exposed extra bracing, angle iron, guy-wire or cables. The base or support of all permanent ground signs shall be securely anchored to an appropriately designed concrete base or footing per the State Building Code.
- 4. *Load Requirements.* All signs and other advertising structures shall be designed and constructed to meet all load requirements according to all applicable regulations in the Minnesota State Building Code.
- 5. *Installation.* All signs shall be properly secured, supported and braced. No sign or any part thereof, or anchor, brace, or guy-wire shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy-wire shall be erected or maintained which may cover or obstruct any door, doorway, or window of any building or which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. All signs or attention-attracting devices shall be free of projections that could cause injury to a pedestrian and shall be installed in such a manner to avoid obstruction of a public sidewalk or street or portion thereof.
- 6. *Maintenance.* All signs, including nonconforming signs, and sign structures shall be maintained to preserve the appearance and structural integrity substantially identical to the new condition of the sign.
- 7. *Sign Illumination.* All illuminated signs shall comply with Section 150.035 (Lighting, Glare Control and Exterior Lighting Standards) and the following requirements:
 - a. *Electrical Permit.* All signs in which electrical wiring and connections to be used shall comply with all applicable provisions of the State Electrical Code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
 - b. *Voltage Displayed.* The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus. In addition, all electrical signs shall bear the label of approval of a recognized testing laboratory and be equipped with a watertight safety switch that is located where the electrical supply enters the sign.
 - c. *External Illumination.* All external lighting fixtures shall be steady, stationary, fully-shielded and directed solely onto the sign, and shall use lighting designed to minimize light spill and glare. Lighting sources shall not be directly visible or cause glare to adjacent public rights-of-way or adjacent private property.
 - d. *Internal Illumination.* Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one (1) inch in width may be placed around said lettering or graphic elements.
 - e. *Brightness Limitation.* Except for daytime displays on electronic variable message signs, in no instance shall the lighting intensity of any illuminated sign exceed:

- i. Three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
 - ii. Fifty (50) foot candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
- f. *Glare.* All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent public right-of-way or surrounding property.
- g. Gooseneck and similar reflectors and lights shall be permitted on ground and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right-of-way.
- 8. *Motion as a Component of a Sign.* No sign shall have any flashing, scintillating, moving or blinking lights or rotating beacons, whether operated by electronic or mechanical means or wind driven, nor shall any floodlight, spotlight, or beacon utilize such actions to illuminate a sign. In addition, no beam of light shall be projected through a mechanism which periodically changes the color of the light reaching the sign.
- 9. *Attention-Attracting Objects.* The use of any attention-attracting object, as defined in this code, shall be allowed only as a temporary sign in conjunction with a special event permit, not to exceed ten (10) days per issuance. No permit shall be granted for any premises more than four (4) times in any calendar year; or more than once in any three month period.
- 10. *Lots Having Multiple Street Frontages.* Businesses occupying corner lots, or multiple frontages adjacent to more than one public right-of-way, may display up to one additional ground or building-mounted sign for each additional frontage provided that such additional sign may not exceed 50% of the area allowed by the primary frontage and is oriented toward the additional frontage. For purposes of this code, the primary frontage shall be presumed to be the frontage upon which the main entrance to the building is located. The applicant, however, may identify a different frontage as the primary frontage to maximize the effectiveness of the signage.
- 11. *Resemblance to Traffic Signs.* No sign shall contain or resemble any sign resembling in size, shape, message, or color any traffic control devices compliant with the Minnesota State Manual on Uniform Traffic Control Devices.
- G. *Limitations According to the Type of Land Use.* Unless exempt under §154.212.K or as expressly provided elsewhere, no permanent or temporary signs shall be displayed except in conformity with the following regulations as they correspond to the type of land use and districts in which the sign is to be displayed.
 - 1. *Residential Uses in Residential Districts.*
 - a. In connection with legal home occupations, a single sign which is limited in content to the name, address and legal home occupation of the owner or occupant of the premises, and which does not exceed two (2) square feet in area. Signs under this paragraph shall be wall signs only.
 - b. A residential condominium or multi-family apartment complex may display signs identifying the name of the condominium or apartment complex if the total acreage of the lot is one (1) acre or more and the condominium or apartment includes eight (8) or more units. One (1) wall sign and one (1) ground sign per street frontage may be displayed, with a maximum of two (2) wall signs and two (2) ground signs per lot. No identification sign shall exceed thirty-two (32) square feet in area, and the maximum

height is one (1) story or twelve (12) feet above curb level, whichever is lower. For purposes of this paragraph, the term "lot," when used in reference to a condominium means all property within a common interest community.

- c. A subdivision identification sign not exceeding thirty-two (32) square feet in sign area as approved by the City.
2. *Institutional Uses in Residential Districts.* Nonresidential uses located in residential districts, such as churches and schools, located in residential districts may erect signs as follows:
 - a. Wall and Ground Signs
 - i. Area and Number: One (1) wall sign and one (1) ground sign per street frontage may be displayed, identifying the entity, with a maximum of two (2) wall signs and two (2) ground signs per lot. Additional wall or ground signs for wayfinding purposes may be permitted when the size of the lot, number of vehicular or pedestrian entrances, and layout of the buildings require additional signs in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or on the ground, shall not exceed twelve (12) square feet in area, except such signs may be increased in area by one (1) square foot for each additional foot that the sign is set back more than twelve (12) feet from a lot line. No sign under this section shall exceed thirty-two (32) square feet in area.
 - ii. *Height.* No identification sign shall project higher than one story, or twelve (12) feet above curb level, whichever is lower.
 - b. Temporary Signs
3. Commercial, Mixed-Use and Industrial Districts
 - a. Ground Signs
 - b. Directory Signs
 - c. Awning and Canopy Signs
 - d. Wall Signs
 - e. Projecting Signs
 - f. Hanging Signs
 - g. Window Signs
 - h. Directional and Informational Signs
 - i. Corporate Flags and Decorative Banners
 - j. Temporary Signs
4. *Planned Development Districts.* No permanent sign shall be displayed except a sign authorized by the City and included in the Comprehensive Sign Plan pertaining to the site. Temporary signs are permitted for commercial, institutional or industrial uses unless prohibited by the Comprehensive Sign Plan.
5. *Conservancies and Parks.* No sign shall be permitted except those installed by direction of the Public Works Director.
6. *Agricultural Sales Businesses.* Signage related to agricultural sales business may be erected as follows:

- a. *On-Premises Signs, Agricultural Sales Businesses.* One (1) or more on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed thirty-two (32) gross square feet of advertising surface.
 - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the business are allowed up to two (2) on-premises signs not to exceed forty-eight (48) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
 - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed up to three (3) on-premises signs not to exceed sixty-four (64) gross square feet of total advertising surface, with no individual sign surface exceeding thirty-two (32) square feet in size.
 - iv. Any illuminated sign shall be consistent with §154.212.F.7 and illuminated only during those hours when business is open to the public for conducting business.
 - b. *Temporary Off-Premises Signs, Agricultural Sales Businesses.* Independent of the total allowable sign area for an individual property anywhere within the city, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. *Maximum Number.* Every agricultural sales business shall have no more than three (3) off-premises signs at any given time to direct the public to the location of the business.
 - ii. *Time Frame of Use.* Temporary off-premises signs may be erected for 45-day time periods no more than 4 times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the 4 allowable time periods in any given calendar year.
 - iii. *Size and Height.* An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height.
 - iv. *Setbacks.* Off-premises signs shall be a minimum of 25 feet from all side property lines, and a minimum of 50 feet from other off-premises advertising signs.
 - v. *Permission Required.* Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.
- H. *Regulations Pertaining to Specific Sign Type.* Except as expressly provided elsewhere, signs shall meet the following regulations according to sign type:
1. Wall Signs
 - a. *Number.* No building occupant shall display more than one (1) wall sign per street frontage except as provided below:
 - i. One additional wall sign may be displayed on a building with no front setback provided that such sign is a flat sign that is either painted upon the building or does not extend outward more than six (6) inches.
 - ii. Up to three (3) ancillary wall signs may be displayed on buildings measuring at least 100 feet in length along the front lot line. Any ancillary sign displayed under this paragraph shall not exceed 50% of the net area or 50% of the height of the largest

permitted wall sign displayed on that façade, nor shall the aggregate area of the ancillary signs exceed 50% of the net area of such wall sign.

- b. *Surface Area.* The total permitted sign surface area of all wall signs on a façade shall not exceed one (1) square foot of signage for each lineal foot of building frontage that is coterminous with the occupancy to which the sign refers, unless a different amount allocated to the building occupant is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. In addition, no individual wall sign shall exceed one hundred (100) square feet in area.
 - c. *Location.* Wall signs shall be mounted parallel to building walls and only on a portion of an exterior wall that is coterminous with the occupancy to which the sign refers, unless a different location is identified in an approved Comprehensive Sign Plan pursuant to §154.212.I. No wall sign shall extend above or beyond the wall to which it is attached.
 - d. *Installation Requirements.* No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall as well as all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.
2. Ground Signs
- a. *Number.* There shall be no more than one (1) ground sign for each street on which the lot has frontage, except one additional ground sign per lot frontage may be allowed for any lot frontage over one thousand (1,000) linear feet. On lots occupied by two (2) or more occupants, or where a second ground sign is permitted, three (3) or more occupants, a directory sign shall be used in lieu of multiple ground signs. No single business or building occupant shall be allowed signage on both an individual ground sign and a ground directory sign on the same street frontage. On premises having no principal building, there shall be no more than one (1) ground sign for the premises.
 - b. *Surface Area.* No ground sign shall exceed the size listed in Table 5-3.
 - c. *Type of Sign.* Any permanent ground sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that causes the sign to appear to have a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point or unless the height is no greater than three (3) feet. The base of the monument sign shall not exceed the width of the widest portion of the sign face by more than twenty-five percent (25%).
 - d. *Location.* Ground signs shall be placed with consideration for visibility, access, maintenance, and safety, consistent with the provisions of Section 154.212.F.2. Ground signs shall be located beyond required setbacks a distance equal to or greater than the height of the sign. If this is not possible, ground signs shall be located as far from required setback lines as possible. In no case shall a ground sign, as defined in this Ordinance, extend beyond a lot line of a property. A ground sign larger than 6 sq. ft. shall be located no closer than 100 feet of another ground sign or the furthest distance possible from another ground sign, whichever distance is shorter.
 - e. *Height*
 - i. The height of a ground sign shall be measured from the approved grade at the base of the sign or the elevation of the street upon which the sign faces, whichever is lower, to the top of the highest attached component of the sign.
 - ii. A ground sign shall be mounted on a base not to exceed four (4) feet in height.

- iii. Allowable height of a ground sign shall be as set forth in Table 5-3.
- iv. No ground sign shall be taller than the principal building on the premises to which it pertains.
- f. *Landscaping*. Perennial plantings, grass or other landscaping features shall be incorporated around the base of all ground signs.
- g. *Exempt or Special Purpose Ground Signs*. The location of and maximum height and surface area of any other exempt or special-purpose ground sign expressly authorized by another section of this ordinance, shall be as set forth in such other section.

Table 5-3 Ground Signs

Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6' / 32	10' / 32
	35-44	-	6' / 32	10' / 50
	45+	-	6' / 32	10' / 72
4-5	0-34	-	6' / 32	10' / 40
	35-44	-	6' / 32	10' / 64
	45+	-	6' / 32	12' / 80

Notes to Table 5-3:

- a. Ground signs are only permitted in the A, RR and RT districts in conjunction with agricultural sales business.

3. Window Signs

- a. *Location*: All window signs must be located inside an exterior window unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind. Lettering or graphic elements that are directly mounted on a window shall not encroach upon the frame, mullions, or other supporting features of the glass.
- b. *Permanent Signs*. When a sign is painted on or otherwise attached or applied to the window area in a permanent manner, then such sign shall be included in the total allowable wall sign area for the building and shall not exceed twenty (20) percent of

the total ground-floor window area of the building, excluding the door windows. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the interior side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted unless the Planning Director determines the application to be reasonably safe.

- c. *Temporary Signs.* Signs advertising sales and specials shall not exceed thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Such signs must be displayed in conformance with the temporary sign regulations listed in §154.212.J.
 - d. Under no circumstances shall any combination of permanent or temporary window signage cover more than fifty percent (50%) of the total ground window area of any building.
4. **Changeable Copy Signs**
- a. Changeable copy signs are not an additional permitted sign type, but any permitted sign type may be a changeable copy sign, provided that the total surface area of the entire sign does not exceed the maximum allowed for the type and location of sign upon which the changeable copy is displayed.
 - b. **Electronic Variable Message Signs:** Any sign type may be an electronic variable message sign subject to the following regulations:
 - i. *Surface Area.* The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.
 - ii. *Length of Cycle.* The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every ten (10) seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.
 - iii. *Color.* All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.
 - iv. *Brightness Adjustment.* An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
 - v. *Maintenance.* Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.
5. **Canopy and Awning Signs.** The use of canopy and awning signs reduces the maximum area of any allowed wall sign by half. Canopy and awning signs are subject to the following provisions:
- a. *Surface Area.* The sign surface area of a canopy or awning sign shall not exceed fifteen (15) percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the difference between the highest and lowest point on the canopy or awning multiplied by the length of the canopy or awning measured parallel to the façade upon which it is attached.

- b. Location
 - i. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than nine (9) feet, and the lowest portion of the descending skirt shall be not less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - ii. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
 - iii. Awnings shall not project more than seventy-two (72) inches out from the building upon which they are attached, nor extend out from the building beyond the extension of the awnings on adjoining buildings.
 - c. *Installation Requirements.* To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign, shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.
 - d. *Illumination.* Awnings and canopies may be illuminated where the following conditions are maintained:
 - i. Both interior type strip lighting and exterior type goose neck lighting is permitted, not exceeding a maximum light level of 18 foot candles measured three (3) feet from the perpendicular to the light source.
 - ii. The bottom of any illuminated awning or canopy shall be enclosed.
 - iii. The provisions of §154.212.F.7 are satisfied.
 - e. *Materials.* Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.
 - f. *Snow Load.* It is found that snow and ice that accumulates on awnings can pose a danger to pedestrians. To ensure the safety of pedestrians, snow and ice shall be removed from awnings within a reasonable time period after an event of snow and ice accumulation.
- 6. *Hanging Signs.* One sign up to six (6) square feet in area may be suspended above a walkway near a primary building entrance so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
 - 7. *Projecting Signs.* A projecting sign may be displayed in lieu of a wall sign and subject to the following restrictions:
 - a. *Maximum Projection.* The maximum distance a projecting sign may project is not more than twenty-four inches (24") into the right-of-way. Subject to zoning setback limitations, a projecting sign may project no more than six feet (6') from the building face.
 - b. *Location.* A building may have one (1) projecting sign facing a street or on a corner of the building.
 - c. *Surface Area.* The permitted area of a projecting sign shall not exceed the square footage for the amount that would otherwise be allowed for a wall sign on the building.
 - d. *Height.* A projecting sign must vertically clear any pedestrian area by at least eight (8) feet and vehicular ways by at least fourteen (14) feet. A projecting sign may extend to

the juncture of the roof with the building wall or to the top of any parapet, but no projecting sign may extend above a second story.

8. *Directional Signs.* On-premise directional signs may be placed on private property near driveway entrances, at building entrances, and in parking lots and loading areas where reasonably necessary. Each such sign shall be located on-premise and shall adhere to the regulations pertaining to vision triangles and other setbacks as defined in §154.212.F.2. Such signage shall be considered exempt from the total signage calculation for the premises as long as all the following standards are met:
 - a. Such signage does not serve an additional advertising purpose.
 - b. There are no more than three (3) directional signs per lot, not including a maximum of one (1) directional sign allowed per driveway entrance/exit.
 - c. Surface area per sign does not exceed four (4) square feet.
 - d. Logos do not exceed two (2) square feet in area per sign.
 - e. Sign height does not exceed five (5) feet above ground elevation at base of sign.
9. *Flags and Decorative Banners.* The following regulations apply to all flags and decorative banners:
 - a. A minimum clearance of eight feet (8') over pedestrian ways and fourteen (14') feet over vehicular areas.
 - b. Maximum number of flagpoles for any lot is three (3).
 - c. Maximum height of any flagpole is fifty (50) feet.
 - d. Maximum number of flags per lot is four (4).
 - e. Maximum area of any flag shall be forty (40) square feet.
 - f. Flags representing a private entity, including corporate or business flags, shall be included within the maximum sign area total for the site, as applied to the allowance for a ground sign, and shall require a sign permit.
- l. *Comprehensive Sign Plans*
 1. *Purpose.* Multi-tenant developments such as shopping malls, due to the varying occupant's need for signage and the potential for unique architecture and placement of different occupancies as they relate to street frontages, can create challenges to the applicability of sign regulations and the fair distribution of permitted square footage for occupants. This section is intended to define how signage permitted under this code will be distributed among the different occupancies available in the development. The Comprehensive Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, and lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the lot as well as adjacent buildings, structures and uses.
 2. *Applicability.* A Comprehensive Sign Plan shall be required of an applicant for all planned developments and commercial or industrial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot.
 3. *Submission Requirements.* An application for Comprehensive Sign Plan approval shall be submitted to the Planning Director and shall include:
 - a. A site plan, dimensioned, showing the location of the building(s), structure(s), parking area(s), driveway(s), and landscaped areas on the lot upon which the proposed sign is to be attached or erected.

- b. A table or tables containing:
 - i. Computation of the maximum total sign area.
 - ii. Maximum area for individual signs.
 - iii. Height and number of ground signs.
 - iv. Statement of the maximum total sign area and maximum number of signs permitted on the site by this Ordinance.
 - c. An accurate indication on the site plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated temporary signs.
 - d. A description and illustration of the following may be required:
 - i. Colors and materials to be used in sign construction.
 - ii. Style of lettering for all signs.
 - iii. Appearance/location of logos or icons.
 - iv. Location of each sign on the building(s), with building elevations if necessary.
 - v. All sign proportions.
 - vi. Types of illumination.
4. *Amendment.* A Comprehensive Sign Plan may be amended by filing a new Comprehensive Sign Plan, in conformance with the requirements of the Sign Ordinance in effect at that time, and obtaining approval of the Planning Director.
5. *Binding Effect*
- a. After approval of a Comprehensive Sign Plan, no permanent sign shall be erected, placed, painted or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property except in conformance with such plan without obtaining a sign permit and in conformance with the Comprehensive Sign Plan.
 - b. If the City Council has approved a Comprehensive Sign Plan with flexible criteria, the Planning Director is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the comprehensive sign plan, but only to the extent that the application is in conformance with the Comprehensive Sign Plan.
 - c. The terms and conditions of an approved Comprehensive Sign Plan shall have the same force and effect and be enforced in the same manner as any other provision of this Section.
- J. *Temporary Signs*
1. *General Requirements.* Temporary signs shall conform to the following standards:
- a. *Permit Required.* No temporary sign may be displayed without a valid temporary sign permit or portable sign permit.
 - b. *Sign Type.* Temporary signs may include any sign type permitted by this Section.
 - c. *Number.* No more than two (2) temporary signs may be displayed on a lot at any time.
 - d. *Surface Area.* The maximum area of all temporary signs displayed shall be a combined total of eight (8) square-feet if displayed for ten (10) days or longer.
 - e. *Location.* Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or event is to occur. No

temporary sign may be placed off-premise except as otherwise provided elsewhere in this Section.

- f. *Duration.* No temporary sign permit shall be issued to erect or maintain any temporary signage for a period exceeding twenty-one (21) days, or to be displayed three (3) days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever comes first. A permit for a temporary sign or signs shall be granted no more than four (4) times in any calendar year and only once every three (3) months.
- g. *Installation Requirements.* All temporary signs shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety as determined by the Planning Director.
- 2. *Business Opening Signs.* Business opening signs may be displayed on lots having commercial or industrial occupancies subject to the following provisions:
 - a. *Permit Required.* A permit shall be issued before a business opening sign may be erected. The permit may not be renewed.
 - b. *Type of Sign and Location.* A business opening sign may be a wall sign, projecting sign, or ground sign. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign. A banner may be used as a business opening sign.
 - c. *Size.* The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at that location.
 - d. *Illumination.* A business opening sign may be illuminated subject to §154.212.F.7.
 - e. *Duration.* A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership.
- 3. *Portable Signs.* In addition to the general requirements pertaining to temporary signs, the following standards pertain to portable signs:
 - a. *Permit Required.* A sign permit shall be issued on an annual basis before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.
 - b. *Construction.* A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be free-standing, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.
 - c. *Size and Design Regulations:*
 - i. A portable sign shall not exceed six (6) square feet in surface area per side, with a maximum of two (2) signable sides or faces.
 - ii. The sign shall not exceed three (3) feet measured at the widest point of the sign face.
 - iii. Any portion of the sign's face used for a chalk or dry-erase board shall not exceed fifty percent (50%) of the total sign face surface area.
 - d. *Number.* One portable sign may be displayed per business or occupant in any commercial or industrial area or Planned Unit Development.
 - e. *Location.* A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except such a sign may be located in the public right-of-way in front of the premises only where no front setback is required.
 - f. *Placement:* A portable sign shall:

- i. Be placed only along sidewalks where a minimum five (5) foot wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;
 - ii. Not be attached, chained or in any manner affixed to public property including street trees, utility poles or sign posts;
 - iii. Not obstruct the clear view of any traffic signal, regulatory sign or street sign;
 - iv. Not be located closer than 10 feet to any other portable sign;
 - v. Not be located directly adjacent to a bus stop or transit vehicle, shall not obstruct sight lines of road users, nor be placed less than twenty-five (25) feet from a street intersection or fifteen (15) feet from a crosswalk;
 - vi. Not be placed in such a way as to interfere with snowplowing of the streets;
 - vii. Be maintained free of snow, be placed on solid ground at all times and shall not be placed on top of snow banks.
 - g. *Illumination.* A portable sign shall not be illuminated.
 - h. *Time Limitations and Removal.* A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public.
 - i. *Enforcement.* Portable signs located within the public right-of-way are a privilege and not a right. The City in permitting placement of such signs in the public right of way reserves the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited. Furthermore, the sign permit may be revoked by the Planning Director following notice to the permittee. The permit may be revoked if one or more conditions outlined in this section have been violated, or if the sign is determined to constitute a public nuisance not specifically outlined in this section. Following the revocation of the sign permit, no application for the same site shall be filed within one hundred eighty (180) days from the date of revocation. The permittee has a right to appeal the decision of the Planning Director within thirty (30) days of issuance of a revocation notice pursuant to §154.212.N.2.
 - j. *Indemnification.* Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the City harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of fifty thousand dollars (\$50,000.00) with the City as additional named insured or provide other security to the satisfaction of the City Administrator.
 - k. *Permit Renewal.* The permit for a portable sign must be renewed annually prior to January 1 of each year.
- K. *Signs Exempt from Permit.* Consistent with the purpose and scope of this ordinance, the City recognizes that certain temporary, necessary, or limited-purpose signs should be lawfully displayed without the need to obtain a permit and should not count as part of the specific sign area allowed to be displayed on a particular property. All signs exempt from permit

requirements must, nonetheless, adhere to all other applicable sections of this ordinance and all other applicable State and Federal regulations. The City finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or wayfinding function:

1. *Address and Nameplates.* Address and name plates not exceeding three (3) square feet in area.
2. *Athletic Field Signage.* Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex. Approval of the Park Commission shall be required to display a sign, banner, or scoreboard under this paragraph at a City park.
3. *Awning Signage.* Signs displayed on awnings located on commercial or industrial buildings provided that the signs are displayed on the lowest twelve inches (12") of the principal face or side panels of awnings and provided that they do not exceed six inches (6") in height.
4. *City Signs on City Property.* City signs on City property not exceeding thirty-two (32) square feet in area.
5. *Construction Signs.* Such signs may only be placed on the property where work is in progress, shall not be erected prior to the beginning of work for which a valid building permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the building permit, whichever is sooner. Construction signs on parcels in residential or park uses shall not exceed thirty-two (32) square feet per street frontage. Construction sign area for commercial, industrial, multi-family, or planned development uses on parcels less than 100,000 square feet shall not exceed sixty four (64) square feet per street frontage; and on parcels greater than 100,000 square feet shall not exceed ninety six (96) square feet per street frontage. Square footage may be divided.
6. *Flags.* Flags that comply with the provisions of §154.212.H.9.
7. *Garage Sale and Estate Sale Signs.* Signs advertising a garage sale shall not exceed four (4) square feet in area, shall not be displayed for a period of time more than seventy-two (72) consecutive hours and may be displayed no more than twice in any one calendar year. Up to three (3) residential garage sale signs may be displayed per event, two (2) of which may be displayed off-premises, but not in the public right-of-way. Any such sign placed on private property must have the consent of the property owner on whose property such sign is displayed.
8. *Government Signs, Including Traffic or Official Public Hearing Notice Signs.* Such signs are placed, authorized, or required by the City or other authorized governmental agency. The requirements for maximum area, height, setback, or other size, materials or physical specifications shall be as required by law or the authorizing agency.
9. *Holiday and Temporary Decorations.* Holiday or temporary decorations when located on private property, or with the approval of the City if on public property. In addition, any sign in the nature of a decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, held during a period of ten (10) days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this Section. Such decorations may not contain any commercial message or logo or depict any commercial symbol or character.
10. *Home Occupation Signs.* Signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, flush-mounted to a wall of the residence, and shall not exceed two (2) square feet in area.

11. *Memorial Signs.* Any non-commercial sign in the nature of a cornerstone, commemorative, or historical tablet or landmark designation plaque.
12. *Menu Signs.* Menu signs up to fifty-five (55) square feet in area and six (6) feet in height, provided they are located within fifteen (15) feet of the commercial building with which they are associated or advertise and in a manner such that the copy is not readily viewable from the public right-of-way or a residential occupancy on an adjacent lot.
13. *Non-Commercial Messages.* One sign per parcel per street frontage carrying any lawful non-commercial message not exceeding twelve (12) square feet in area. Any other permitted commercial sign may be substituted for a noncommercial message but will count toward the total signage type and area for the parcel upon which it is located. Hand-held signs carrying noncommercial messages are not subject to any size limitation so long as they are held by and under the physical control of a person during all times they are on display.
14. *Parking Lot Regulation Signs.* Parking signs not exceeding nine (9) square feet and having a minimum setback of ten (10) feet.
15. *Parking Lot Directional Signs.* Signs must comply with the provisions of §154.212.H.8.
16. *Parking Lot Traffic Signs,* as required by law.
17. *Political and Election Campaign Signs.* Signs containing a political message and displayed during an election campaign period are allowed in addition to the noncommercial message sign under subsection (13) during the election campaign period, however, after ten (10) days has passed from the election date such sign may continue to be displayed, but will count as the allowed noncommercial message sign under subsection (13). Political and election campaign signs may also substitute for any commercial message sign in the same manner. Unless substituted for another permitted sign, such signs shall not have any electrical component. Such signs shall not have a mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public right-of-way.
18. *Real Estate Signs Advertising Residential Properties.* Signs located on premise may not be placed above the top of the lowest level of the building. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the residential units being advertised.
 - a. For lots containing less than four (4) dwelling units within one residential structure, one non-illuminated real estate sign up to six (6) square feet per unit may be displayed to advertise the sale or rental of the premises or any part thereof.
 - b. For lots where at least four (4) but less than sixteen (16) dwelling units are contained within one residential structure, one non-illuminated real estate sign up to twelve (12) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - c. For lots where sixteen (16) or more dwelling units are contained within one residential structure, one non-illuminated real estate sign up to thirty-two (32) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - d. Up to two (2) signs directing traffic to "open houses", each sign no more than six (6) square feet in area, may be installed off property after obtaining the consent of the property owner on whose property such sign is to be displayed. These signs may not be located in the public right-of-way. These off property directional signs may be displayed only during the hours that the advertised activity is to take place, and they must be a self-supporting type sign.
19. *Real Estate Signs Advertising Single Occupant Commercial Property.* For lots less than five (5) acres, one non-illuminated real estate sign up to twelve (12) square feet in area may be

displayed. For larger lots, one non-illuminated real estate sign up to thirty-two (32) square feet in area may be displayed. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the commercial unit being advertised.

20. *Real Estate Signs Advertising Non-Residential Grouped Development or Multi-Tenant Buildings.* For each group development or multi-tenant building containing nonresidential land uses, a maximum of two (2) signs, one per each nonresidential street frontage, may be displayed up to a maximum of thirty-two (32) square feet in area.
 21. *Real Estate Subdivision Signs.* For each real estate subdivision that has been approved in accordance with the City of Lake Elmo subdivision regulations, a maximum of two (2) temporary development project identification signs may be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each one hundred (100) lots in the subdivision in excess of one hundred (100) lots. These signs may be displayed until a time at which building permits have been issued for eighty percent (80%) of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of subsection (18) of this section.
 22. *Temporary Notices.* Leaflet-type notices flat-mounted to kiosks or public information boards.
 23. *Utility Company Signs.* Signs that serve as an aid to public safety or that show the location of facilities such as public telephones and underground cables only to the extent necessary to accomplish those goals.
 24. *Window Signs, Temporary.* Signs and displays that are of a temporary nature such as for advertising sales and specials and that do not cover more than thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Merchandise and pictures or models of products or services incorporated in a window display are not considered signs. Any sign placed on the outside of a window requires a sign permit unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind.
 25. *Window or Wall Signs Not Readable Off-Premises.* Window or wall signs not exceeding two (2) square feet in area with lettering not exceeding three (3) inches high designed to provide information to persons on the premises such as hours of operation, or sample restaurant menu. Where no front yard setback exists, such signs as would generally be unreadable off premises where minimum setback regulations apply shall qualify for this exemption notwithstanding that such signs are readable from the public right of way. Such signs shall not be counted toward total permitted signage.
- L. *Prohibited Signs.* The following signs are expressly prohibited in the City of Lake Elmo:
1. Abandoned Signs
 2. *Off-Premise Signs*, except as expressly allowed under this Section.
 3. Inflatable Signs
 - a. *Rationale.* Inflatable signs shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs.
 - b. The following inflatable devices shall not be considered a sign:
 - i. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.

- ii. Novelty-type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
 - iii. Inflatable holiday or other decorations displayed temporarily on private property, that do not contain any commercial message or logo or depict any commercial symbol or character, and that does not exceed fifteen (15) feet in height.
- 4. Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this Section.
- 5. Beacons, unless authorized for use by the City of Lake Elmo or any other governmental entity in the exercise of official government business and authority.
- M. *Legal Non-Conforming Signs.* Any legal non-conforming sign may continue to be displayed or replaced consistent with §154.150 through §154.151, Non-Conforming Uses and Structures.
- N. *Variances and Appeals*
 - 1. *Variances.* It is recognized that circumstances may exist from time to time where strict application of the size, location and type of sign standards hereinafter specified for the various zoning districts may be unreasonable or where literal enforcement of the regulations may work an unnecessary hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a variance by the City Council upon recommendation of the Planning Commission that such extenuating circumstances exist. Variances shall be considered according to the provisions of §154.017.
 - 2. *Appeals.* An applicant may appeal any decision of the Planning Director to the Board of Adjustment and Appeals according to the provisions of §31.10.
- O. *Violations*
 - 1. It shall be unlawful and a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of this Section. In the case of any such violation, each twenty four (24) hour period in which such violation exists shall constitute a separate violation.
 - 2. Any and all signs, erected, altered, or maintained in violation of this Section, or any of the clauses and provisions of the same, or in violation of any of the laws or ordinances of the City and/or the State of Minnesota, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs so erected, altered or maintained contrary to law shall be abated as a common nuisance by the Planning Director.
- P. *Penalty.* Any person who shall fail to comply with any of the provisions of this Section shall be subject to a penalty as prescribed by §10.99 of this Code.
- Q. *Enforcement*
 - 1. If the Planning Director or Building Official finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he or she shall give written notice to the owner thereof of the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations prior to taking enforcement action.
 - 2. Said letter shall notify the owner, or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever

may be applicable, be made to bring said violations in conformance with the terms and conditions of this Section.

3. In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice, the Planning Director or Building Official may file an appropriate citation or complaint in an appropriate court of law or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the City, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to M.S. §429.061.

R. Severability and Conflict

1. *Severability.* The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
2. *Conflict.* If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-082 was adopted on this eighteenth day of June 2013, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-082 was published on the ____ day of _____, 2013.

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

RESOLUTION NO. 2013-48

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-082 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-082, an ordinance to the City's regulations pertaining to Signage Regulations; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-082 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-082, which replaces the current sections of the City Code pertaining to Signage Regulations. The revised ordinance includes the following revisions from the previous ordinance:

- The establishment of different procedural and administrative elements of addressing signage in the community
- The inclusion of basic design considerations for signage in the community.
- The establishment of standards related to location of signage to ensure safe and reasonable use of signage; and
- The establishment of different allowances for signage types and sizes according to location of signage and applicable land use or zoning;

The full text of Ordinance No. 08-082 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: June 18, 2013.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/18/2013
REGULAR
ITEM #: 12
ORDINANCE

AGENDA ITEM: Zoning Text Amendment – Fence Ordinance
SUBMITTED BY: Kyle Klatt, Planning Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- 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

SUMMARY AND ACTION REQUESTED:

The City Council is asked to consider a Zoning Text Amendment, establishing new fencing regulations in Lake Elmo. These fencing provisions will be organized under Article 5 - General Regulations under the new organizational structure of the Zoning Code. This Zoning Text Amendment is part of the ongoing effort to reorganize and improve the Lake Elmo Zoning Code. The attached ordinance reflects changes that were recommended by the Council following its June 11th workshop.

Staff and the Planning Commission recommend that the City Council approve Ordinance 08-083 through the following motion:

“Move to approve Ordinance 08-083, establishing new fencing regulations in the Lake Elmo Zoning Code”

BACKGROUND AND STAFF REPORT:

Staff is continuing to progress on a large project aimed at incrementally reorganizing and improving the Lake Elmo Zoning Code in preparation of upcoming growth. One of the ordinances that was identified needing improvement was the Fence Ordinance. More specifically, the ordinance is poorly organized and unnecessarily complex in some areas. Therefore, Staff evaluated ways to make the fence ordinance more

straightforward and less complicated. In addition, the existing ordinance does not adequately address commercial fencing. Currently, commercial fencing is only addressed through required screening of various uses in specific zoning districts. In order to take a more comprehensive approach to commercial fencing, Staff determined that a base standard for commercial fencing should be included, as opposed to fencing only for required screening. These factors were the driving forces behind bringing forward a Zoning Text Amendment related to fencing regulations.

Regarding the proposed Fence Ordinance, there are multiple changes in policy pertaining to fencing regulations, including the following:

- **Fence Height:** The proposed ordinance allows a height of 6 feet for residential fences and 8 feet for commercial fencing. The exception to these heights is that fences within front and side (corner) yard setback areas must not exceed 42 inches in height and must be 50% open to air and light. This requirement in front and side (corner) yard setback areas is to prevent any safety concerns related to obstructed vision of motorists or pedestrians due to fencing. In addition, the ordinance addresses any requests for commercial fencing above 8 feet through the conditional use permit process. Addressing this request through the CUP process ensures that no adjacent properties are negatively impacted by such fencing.
- **Air and Light Provisions:** The existing fence ordinance currently requires that any residential fencing above 42 inches must be 75% open to air and light. In other words, the current ordinance does not allow for solid, or privacy, fencing in residential districts. Based upon multiple requests to Staff for this type of fencing in the past, as well as anticipated increased demand with future growth, Staff determined to allow for solid fencing in residential districts, as long as it was not located in the front or side (corner) yard setback areas. It should be noted that the 75% open to air and light provision in the existing ordinance was established to maintain long vistas and views in order to retain a rural character. However, it is important to note that this provision greatly limits the type of fencing that can be used in residential circumstances. Finally, of all the fence ordinances that Staff researched as part of formulating the proposed ordinance, none of the other ordinances had an air and light provision with the exception of front and side (corner) setback areas for safety reasons.
- **Additional Items:** The proposed Fence Ordinance also includes other subtle deviations from the existing ordinance. Provisions were added in the proposed ordinance pertaining to temporary fencing, including winter recreational fencing and size limitations. In addition, the existing Fence Ordinance contains provisions related to fences in shoreland districts. After review of a variety of other fence ordinances in the Twin Cities, it was determined that these provisions are unnecessary. Finally, the permitted fence materials from the existing ordinance were carried forward into the proposed ordinance. The only difference is that the allowed materials for commercial fencing do not include wood, with the exception of picket and split-rail decorative fencing. Related to commercial fencing, the Planning Commission expressed concern about the ongoing maintenance of wood plank fencing in commercial districts.

Overall, Staff has attempted to draft a Fence Ordinance that is more straightforward and easy to administer. The Planning Commission engaged in multiple discussions about the various provisions included in the proposed ordinance and have recommended it for approval. As part of adopting the proposed Fence Ordinance, the existing fence ordinance would be removed from the Code. All of the changes are outlined in Ordinance 08-083.

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the proposed Fence Ordinance at a regular meeting on May 13, 2013. At this meeting, the Planning Commission made some recommendations related to minor

adjustment of the draft ordinance. Staff responded to this request by making minor refinements. After an initial review, the Planning Commission held a public hearing on the proposed Fence Ordinance on May 29, 2013. No one spoke in favor or against the ordinance at the public hearing. The Planning Commission recommended the proposed ordinance for approval (Vote: 4-1, with Commissioner Haggard voting no).

CITY COUNCIL WORKSHOP UPDATE:

The City Council reviewed the proposed fence ordinance at a workshop meeting on June 11, 2013. The Council discussion focused on four primary aspects of the proposed ordinance, which has resulted in the following modifications to the version recommended by the Planning Commission:

- Fence materials. The ordinance has been revised to allow wood as a permitted material in commercial districts. Staff has combined what were previously two separate sections for residential and commercial fences because the permitted materials in each district are the same.
- Temporary fencing. The earliest that snow fencing can be installed was moved up to October 1st.
- Fences on property lines. The "Location" section (154.205.D.5) has been completely revised to reflect the Council's direction to allow fences on property lines, to require that monuments be exposed for inspection in these instances, and to specify that the City may require a survey in cases where a boundary line is in dispute.

The final section of the ordinance that was subject to debate by the City Council concerning solid wall fences on lots less than ½ acre in size has not been modified from earlier draft. The general direction from the Council workshop was to not make any changes to the draft; therefore, if the Council does not support the ordinance as presented Staff will seek specific changes from the Council at the meeting. Based on the workshop discussion, it is expected that Council Member Smith will be seeking language that requires fences on lots under ½ acre in size to maintain a certain percentage of openness to light and air (75% has been used in the past) for any fence over 4 feet in height.

RECOMMENDATION:

Staff and the Planning Commission recommend that the City Council approve Ordinance 08-083 through the following motion:

"Move to approve Ordinance 08-083, establishing new fencing regulations in the Lake Elmo Zoning Code"

ATTACHMENT(S):

1. Ordinance 08-083

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-083

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADOPTING NEW FENCING REGULATIONS IN THE LAKE ELMO ZONING CODE.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.120 through 154.128 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:

Article 5 - General Regulations

§154.205 Fencing Regulations

§154.205 Fencing Regulations

- A. *Purpose.* The purpose of this Ordinance is to provide for the regulation of fences in the city of Lake Elmo and to prevent fences from being erected that would be a hazard to the public, an unreasonable interference with the uses and enjoyment of neighboring property or are incompatible with existing uses and other zoning restrictions.
- B. *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Permanent Fence. Fences that are installed in a fixed or enduring manner that are not intended for a seasonal or temporary purpose.

Temporary Fence. Fences that are installed and removed on a seasonal basis, such as snow fences, garden fences and seasonal recreational fences, such as hockey boards.

C. Permit Required

- 1. *Permanent Fence.* No permanent fence shall be erected without first obtaining a fence permit. Application shall be made to the Planning Director. The fee shall be established by the City's Fee Schedule. The Planning Director is authorized to issue a fence permit if the application indicates that the fence will be in compliance with this Ordinance. The Board of Adjustment and Appeals shall hear and decide appeals when it is alleged that the Planning Director was in error. The appeals shall follow the procedure outlined in §31.01.

2. *Temporary Fence.* Temporary fencing that complies with subsection (F) and all other applicable provisions of this Ordinance shall be exempt from permit requirements.
- D. *General Requirements.* All fences erected in the city of Lake Elmo are subject to the following requirements:
1. *Maintenance.* All fences shall be properly maintained with respect to appearance and safety. Fences that remain in a state of disrepair for an extended period of time shall constitute a nuisance per §96.03.
 2. *Face of Fence.* The finished side of any fence or wall must face abutting property or street rights of way.
 3. *Fence Materials.* Permitted fence materials shall be limited to brick, stone, wood, wrought iron, vinyl, composite material, steel, aluminum, chain-link and, in cases of temporary fencing only, materials that are consistent with temporary fencing as regulated under subsection (F).
 4. *Traffic Obstruction.* No fence or wall shall obstruct a motorist's or a pedestrian's safe view from the driveway or street.
 5. *Location.*
 - a. Fences may be installed on any portion of a lot subject to the height restrictions of §154.205.E and may be installed along property lines provided the adjacent property agrees, in writing, that such fence may be erected on the boundary line of the respective properties. Any portion of the fence and all footing material shall not encroach on the neighboring property.
 - b. All pertinent property pins shall be visible upon inspection for fences installed within one foot of a property boundary.
 - c. In the case of a dispute, the City may require a survey to establish the boundary line of a property.
 6. *Easement Encroachment.* An easement encroachment agreement must be approved by the City Council, along with a fence permit, for any fence that will be installed within a City easement.
 7. *Swimming Pools.* All swimming pools shall be enclosed with required fencing per §151.085.
- E. *Fence Height*
1. *Fences within Front and Side (Corner) Yards.* Any fence within a front or side (corner) yard setback may not exceed forty-two (42) inches in height and must be 50% open to air and light.
 2. *Residential and Mixed-Use Districts.* No fence or wall shall exceed six feet (6') in height.
 3. *Commercial and Industrial Districts.* No fence or wall shall exceed eight feet (8') in height. Fences that exceed eight feet (8') in height require a conditional use permit.
- F. *Temporary Fences*

1. *Height and Performance.* Temporary fences shall comply with the fence height standards of subsection (E). Temporary fences shall be at least 40% open to air and light. If unable to be at least 40% open to air and light, temporary fences shall not exceed forty-two inches (42") in height.
 2. *Duration and Limitation*
 - a. No snow fence or posts shall be installed prior to October 1, and must be removed prior to April 15.
 - b. Seasonal recreational fencing intended for winter sports, such as hockey or broomball shall not be installed prior to October 1, and must be removed prior to April 15.
 3. *Location.* Snow fences shall be set back at least 50 feet from any south or east property line, or such additional distance as may be required to prevent the accumulation of snow on public streets or adjoining property, as determined by the Public Works Director.
- G. *Prohibited Fencing.* Barbed wire and electric fencing are prohibited in platted areas.
- H. *Agricultural Exemption.* Fences constructed on parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres are specifically exempted from the provisions of this Section. Any such agricultural fencing shall be at least 75% open to air and light.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-083 was adopted on this fourth day of June 2013, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-083 was published on the ____ day of _____, 2013.



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/18/2013
REGULAR
ITEM #: 13
ORDINANCE

AGENDA ITEM: Zoning Text Amendment – Administration and Enforcement
SUBMITTED BY: Nick Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- 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

SUMMARY AND ACTION REQUESTED:

The City Council is asked to consider a Zoning Text Amendment, establishing new administrative provisions in the Lake Elmo Zoning Code. These administrative provisions will be organized under Article 3 – Administration and Enforcement under the new organizational structure of the Zoning Code. This Zoning Text Amendment is part of the ongoing effort to reorganize and improve the Lake Elmo Zoning Code.

The Planning Commission recommends the City Council approve Ordinance 08-084 through the following motion:

“Move to approve Ordinance 08-084, establishing new administrative provisions in the Lake Elmo Zoning Code.”

In addition, Staff recommends that the City Council approve Resolution No. 2013-49, authorizing summary publication of Ordinance 08-084, through the following motion:

“Move to approve Resolution No. 2013-49, authorizing summary publication of Ordinance 08-084.”

BACKGROUND AND STAFF REPORT:

Staff is continuing to progress on a large project aimed at incrementally reorganizing and improving the Lake Elmo Zoning Code in preparation of upcoming growth. One of the areas of the Zoning Code that was identified as needing improvement was the administrative section. More specifically, the administrative provisions of the Zoning Code are incomplete, repetitive and inconsistent. After conducting a review of the existing administrative provisions, Staff found that the submittal requirements

of different types of permits are not consistent. In addition, the existing administrative section lists procedural requirements under each individual permit type, even though the procedures are quite similar. Therefore, this section can be streamlined to be less repetitive and more straightforward. The proposed administrative section of the Zoning Code establishes all of the procedures of how the Code is to be administered, including the following components:

- Identifies the City Staff that are responsible for issuing permits, enforcing the code, keeping records, processing applications and performing other administrative duties.
- Outlines the application and review process with a unified list of application submittal requirements.
- Establishes unified standards and procedures for the public hearing process.
- Identifies and describes all of the permits that are required by the Zoning Code. Staff is recommending a new permit category called "Certificate of Zoning Compliance" to regulate uses that are not subject to requirements of the State Building Code, such as fences, driveways, small accessory structures, home occupations, among others.
- Outlines all of the enforcement procedures as part of administering the Code.
- Finally, Staff has included procedures related to design review as a placeholder for when the City formally adopts some form of design guidelines or standards.

The Planning Commission reviewed the proposed ordinance at a regular meeting on May 13, 2013. At this meeting, the Planning Commission asked clarifying questions and provided minor feedback. The Planning Commission held a public hearing on the proposed administrative ordinance (Ordinance 08-084) on May 29, 2013, which was continued to the meeting on June 10, 2013. At the public hearing, the Planning Commission entered comments submitted in writing by Council Member Wally Nelson into the public record. After working with Staff on two minor amendments to the proposed ordinance, the Planning Commission unanimously recommended the administration and enforcement ordinance for approval (Vote: 6-0).

It should also be noted that Staff is recommending to replace the existing administrative provisions in the Zoning Code. The administration section would be organized under Article 3 of the new organizational structure.

RECOMMENDATION:

The Planning Commission recommends the City Council approve Ordinance 08-084 through the following motion:

"Move to approve Ordinance 08-084, establishing new administrative provisions in the Lake Elmo Zoning Code."

In addition, Staff recommends that the City Council approve Resolution No. 2013-49, authorizing summary publication of Ordinance 08-084, through the following motion:

"Move to approve Resolution No. 2013-49, authorizing summary publication of Ordinance 08-084."

ATTACHMENT(S):

1. Ordinance 08-084
2. Resolution No. 2013-49

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-084

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADOPTING NEW ADMINISTRATIVE AND ENFORCEMENT PROVISIONS IN THE LAKE
ELMO ZONING CODE.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.015 through 154.021 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:

ARTICLE 3 ZONING ADMINISTRATION AND ENFORCEMENT

§154.100	Director of Planning
§154.101	Applications Review Process
§154.102	Public Hearing Requirements
§154.103	Permits, Certificates and Licenses
§154.104	Planning Commission
§154.105	Zoning Amendments
§154.106	Conditional Use Permits
§154.107	Interim Use Permits
§154.108	Appeals and the Board of Adjustment
§154.109	Variances
§154.110	Violations and Enforcement

§ 154.100 Director of Planning

The City Council shall appoint a Director of Planning. The Director of Planning, or his/her designated agent, shall enforce this chapter and shall perform the following duties:

- A. *Permits.* Issue zoning permits pertaining to the zoning ordinance and make and maintain records thereof;
- B. *Inspections.* Conduct inspections of buildings and use of land to determine compliance with the terms of this chapter;
- C. *Records.* Coordinate with the City Clerk to maintain permanent and current records of this chapter, including but not limited to: all maps, amendments and conditional uses, variances, appeals and applications therefore;
- D. *Applications.* Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies;

- E. *Interpretation.* Interpret the provisions of this chapter and related provisions of the City Code, including determinations of Zoning Use Types and Classifications as specified in §154.012.
- F. *Enforcement.* Institute in the name of the City any appropriate actions or proceedings to enforce this chapter;
- G. *Work Program.* Recommend a program of work pursuant to Section §32.032 of the City Code to the Planning Commission prior to the beginning of each calendar year and at such other times as the Planning Commission may request.
- H. *Reporting.* Submit a yearly report to the Planning Commission in January of each year summarizing the activities of the Planning Department during the previous year, including information related to housing, public infrastructure, City facilities, industrial and commercial development, enforcement actions, and other such information as the Director of Planning deems relevant. This report should also include any recommended changes to the Comprehensive Plan or various land use ordinances.
- I. *Planning Commission.* Serve as an ex-officio, non-voting member of the Planning Commission.

§ 154.101 Applications and Review Process.

- A. *Application Form and Fee.* The following general provisions apply to all applications required under this chapter.
 - 1. *Application Form.* All applications for any site plan, conditional use permit, zoning verification, variance, or for any other City approval required by this chapter, or to amend this chapter, shall be made in writing on a form provided by the city, to the Director of Planning.
 - a. *Information Required.* Every application shall contain the legal description of the property and a statement of the specific permit or action being sought. In addition, every application shall include the submission requirements listed in §154.101.B.1. Nothing in this section shall be deemed to prevent the city from requesting additional information from the applicant upon which to base a decision.
 - 2. *Fee.* The application shall be accompanied by the required fee as established by resolution of the City Council. If a dispute arises over a specific fee imposed by the city, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to district court, as provided by M. S. 462.361 (judicial review), as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision of the court.
- B. *Application Requirements.*
 - 1. *Submission Materials.* Submission materials for applications required under this chapter shall include the following specific information:
 - a. Site plan drawn to scale showing parcel and building dimensions.
 - b. Location of all buildings and their size, including square footage.
 - c. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
 - d. Landscape plans meeting the requirements of Section 155.89 of Article 6 of this Zoning Ordinance.
 - e. If grading or storm water management is proposed, grading and storm water, erosion, and sediment control plans meeting the requirements of §150.270 through §150.284, §151.017, and §151.027 of the City Code.

- f. Type or types of business or activity and proposed number of employees.
 - g. Proposed floor plan of any building with use indicated.
 - h. Building elevation drawings of any new construction or building renovation proposed.
 - i. Sanitary sewer and water plans with estimated flow rates.
 - j. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome the limitation shall be made part of the application; and
 - k. For applications that require a public hearing, a certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor.
 - l. The Director of Planning may require that the applicant supply proof of ownership of the property for which a permit is requested.
 - m. The Director of Planning may require traffic generation information to determine the adequacy of existing transportation infrastructure.
 - n. Such other information as may be required by the Director of Planning, Planning Commission or City Council.
2. *Waiver of Submission Materials.* The Director of Planning may waive certain submission requirements for projects that will have a minimal impact on surrounding properties or in instances when said submission requirements are impractical given the nature of the proposed development.
- C. *Amended Applications.* An amendment to any permit issued under this Chapter shall be processed in the same manner as a new application.
- D. *State Established Time Limit for Final Action.* The City shall comply with the time limits as established by Minnesota Statute 15.99 (time deadline for agency action), as it may be amended from time to time, with regards to taking action on any applications subject to said Statute.

§ 154.102 Public Hearing Requirements

This section contains requirements for public hearings held by the Planning Commission, Board of Adjustment or City Council under this Ordinance.

- A. *Notification of General Public.* The Director of Planning shall set the date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, and not less than ten days prior to the hearing.
- B. *Notification of Surrounding Property Owners.* For any application for which a public hearing is required, the Director of Planning shall notify all property owners within the affected zone and within three hundred and fifty feet (350') of the outer boundaries of the property in question.
 - 1. Failure of any property owner to receive such notification shall not invalidate the proceedings.
 - 2. The City Council may waive the mailed notice requirements for a city-wide amendment to the zoning ordinance initiated by the Planning Commission or City Council.
- C. *Hearing Procedures*
 - 1. Public Hearings conducted by the Planning Commission, City Council, and Board of Adjustment.

- a. The Director of Planning or his/her representative shall summarize the application and any associated information.
 - b. The applicant shall be allowed to summarize the request and call any witnesses to support his/her request.
 - c. The public shall be allowed to make statements concerning the request subject to reasonable limits that may be set by the body conducting the hearing.
 - d. The Planning Commission, City Council and Board of Adjustment may establish other procedures as needed to ensure due process for those parties involved with the hearing.
2. *Appeal Hearings.* The Board of Adjustment shall hold a hearing and make a decision on any appeal submitted in accordance with §154.108 of this Article. The Board of Adjustment shall establish rules for due process during appeal hearings and any party to the appeal may appear at the hearing in person or by agent or attorney. At a minimum, the following hearing procedure will be followed:
- a. Appellant shall present a case and may call any witnesses necessary in support thereof;
 - b. Respondent may ask questions of appellant's witnesses;
 - c. Respondent may call witnesses;
 - d. Appellant may ask questions of respondent's witnesses;
 - e. Respondent may summarize his or her position;
 - f. Appellant may summarize his or her position;
 - g. Generally, the Minnesota District Court Rules of Civil Procedure shall apply for the conduct of the hearing.

§ 154.103 Permits, Certificates and Licenses

A. *Building Permits*

1. *Compliance.* A building permit is required for the construction or structural alteration of a building or any part thereof. Other construction activity may require a permit in accordance with the Minnesota State Building Code. Demolition, wrecking or removal of any structure shall require a demolition or moving permit. No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all requirements of the Minnesota State Building Code as adopted by the City of Lake Elmo pursuant to Chapter 151, Title XV of the City Code have been fully met.
2. *Concurrent Applications.* If the proposed development requires a zoning amendment, variance or conditional use permit, or other permit required under this Article, the applicant shall secure all required permits prior to the issuance of a building permit for said development.
3. *Administrative Review of Permits for Existing Platted Lots.* If the proposed development does not involve a zoning amendment, variance or conditional use permit, and proposes a use, structure or expansion of an existing structure on an existing platted lot, the Director of Planning may review the application and authorize the Building Official to approve or to deny the permit.
4. *Expiration.* Any building permit issued by the city shall expire and by limitation be null and void if a certificate of occupancy and final completion has not been issued within the following applicable period of time after the date of permit issuance:

- a. Single-family residential dwellings, including new construction, remodeling or additions: 12 months;
 - b. Multi-family and nonresidential construction: 12 months unless a longer time is specified by the City Council at the time the original permit is issued;
 - c. *Extension.* The Building Official may grant an extension prior to the expiration of any building permits in accordance with the Minnesota State Building Code. An expired building permit may be reissued once, by the Building Official, for one-half the original permit fee. Thereafter, if the permitted work is not completed within the applicable time period, a new permit may be issued only upon such conditions as the City Council by resolution may prescribe, including financial guarantees to guarantee completion by a specified date.
 - d. *Time Limitations for Exterior Work.* All exterior work shall be completed as follows:
 - i. All disturbed and exposed ground shall be covered with landscaping in accordance with §150.070 through §150.078 of the City Code.
 - ii. All exterior construction, including siding, roofing, doors, windows and finish shall be completed and present a finished appearance within six (6) months of the start of construction. Tar paper, unfinished plywood, fiberboard insulation, foam insulation, brown coat or scratch coat of stucco, plastic sheeting and other similar materials not designed to be an exterior finish shall not be considered an acceptable exterior finish. Extensions for weather sensitive work may be granted by the Building Official.
 - iii. Failure to complete exterior work as required herein shall result in suspension of the existing permit until a reinstatement fee equal to 100% of the original building permit has been made. Reinstatement of a building permit does not extend the original term of the permit. The reinstatement fee shall also be paid prior to re-issuance of any subsequent permit for exterior work that was not completed under a prior permit that expired.
- B. *Certificate of Zoning Compliance.* A certificate of zoning compliance is a zoning permit that is intended as a means of administratively reviewing a new use, change in use, or structural change that does not require a building permit.
- 1. *When Required.* A certificate of zoning compliance is required for the following activities:
 - a. A new use classification within an existing building or structure;
 - b. A change of use classification within an existing building or structure;
 - c. Addition, removal or change in parking or other on-site improvements;
 - d. Small accessory structures that do not require a building permit;
 - e. Home occupations;
 - f. Swimming pools;
 - g. Antennas, including amateur radio antennas and wireless communications facilities that meet the criteria for administrative review in §150.111(C);
 - h. Fences six feet and less in height;
 - i. Driveways that are not authorized as part of an approved building permit;
 - j. Storm water management activities and structures not otherwise permitted as part of a development application;

- k. Other situations requiring additional review or interpretation, as specified elsewhere in this Ordinance.
- 2. *Expiration of a Certificate of Zoning Compliance.* Where a certificate of zoning compliance use has been established and is discontinued for any reason for a period of one (1) year or longer, the certificate of zoning compliance shall become null and void.
- C. *Certificate of Occupancy.* No vacant land shall be occupied or used and no buildings hereafter erected, altered or moved shall be occupied until a certificate of occupancy has been issued by the Building Official. Such certificate shall show that the building or premises or part thereof and the use thereof are in conformity with the Minnesota State Building Code and the provisions of this chapter. Such certificate shall be issued only when the building or premises and the use thereof conform to all the requirements of the City Code.
- D. *Sign Permit.* A sign permit shall be authorized for a sign that conforms to the sign regulations in §154.212. An application, on a form provided by the Director of Planning, shall be submitted with the required fee by the owner of the proposed sign. The Director of Planning shall issue a sign permit if all of the regulations in §154.212 are met.
- E. *Special Event Permit.* A special event permit may be issued for certain events for activities or events not otherwise permitted under the Zoning Ordinance in accordance with §110.070 of the City Code.
- F. *Grading Permit.* A permit shall be required for all non-agricultural project(s) or activities that will result in the movement of more than fifty (50) cubic yards of earth or the disturbance of more than one-half acre of land, and for construction of a building or structure on steep slopes, as specified in Article 6, Section 155.84. The Director of Planning may issue a grading permit only if the grading plan meets the requirements of the Lake Elmo Storm Water Management and Erosion and Sediment Control Ordinance.
 - 1. *Public Hearing.* All grading and excavating applications, for the purpose of creating wetlands, berming, landscape amenities, and other natural features that result in the moving of more than 400 cubic yards of material per acre of site area shall require a public hearing.
- G. *Review of Design or Demolition.* For certain development activity as specified in the *Lake Elmo Design Standards Manual*, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the *Lake Elmo Design Standards Manual*. Demolition review is also required prior to the demolition of structures in the VMX District as provided for in Article 11. A separate process for design review or demolition review is not established.
 - 1. *Review Authority.* Design review or demolition review shall be the responsibility of the individual or body authorizing the permit or certificate and shall be incorporated in the established review of the applicable permit or certificate. For those applications under this Ordinance that require review by the Planning Commission, the Planning Commission shall consider the standards in the *Lake Elmo Design Standards Manual* as part of its recommendation to the City Council.
 - 2. *Review by Professional.* The authorizing body may request review by a design professional of the proposed design or demolition. The cost of review by such design professional shall be charged to the applicant, and shall not exceed \$1,000 unless otherwise agreed to by the applicant.
 - 3. *Development Activity Defined.* Development Activity includes remodeling, altering, or repairing a structure in any manner that will change the exterior appearance of said structure. Development activity also includes the construction of new parking lots and installation of signage.

- a. *Exempt Activities.* The following activities shall be exempt from review under this Section:
 - i. Ordinary repairs and maintenance that will not change the exterior appearance of a structure;
 - ii. Removal of existing signage without replacement unless said signs are an integral part of the building;
 - iii. Emergency repairs ordered by the Director of Planning in order to protect public health and safety;
 - iv. Exterior alteration, addition, or repair of a structure used as a single-family residence.
 - v. Temporary signage, installed in accordance with §154.212 of this Ordinance, or during which time an application for permanent signage is pending under this Ordinance;
 - vi. Maintenance of existing signage advertising an on-site business;
 - vii. Alterations only to the interior of a structure.
- 4. *Demolition Review.* The Planning Commission shall review any application for the demolition of structure within the VMX Village Mixed Use District in accordance with the standards of §154.506. No demolition permits shall be issued in the VMX District until this review has been completed.

§ 154.104 Planning Commission

The Planning Commission shall provide assistance to the City Council in the administration of this chapter. The recommendations of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings and make recommendations to the City Council on all applications for zoning amendments, variances, and conditional use permits using the criteria of this Article. The Planning Commission shall be formed and operate in conformance with Chapter 32 of the City Code and specifically with Sections 32.025 through 30.042.

§ 154.105 Zoning Amendments

- A. *Criteria for Granting Zoning Amendments.* The City Council may adopt amendments to the zoning ordinance and zoning map in relation to land uses within a particular district or to the location of a district line. Such amendments shall be used as a means to reflect changes in the goals and policies of the city as reflected in the Comprehensive Plan.
- B. *Types of Amendments.*
 - 1. *Rezoning.* A change in the boundary of a zoning district or a change from one district to another on the Official Zoning Map, referred to as a rezoning.
 - 2. *Text Amendment.* A change in the text for specific zoning district regulations or any other provision of this Chapter.
- C. *Initiation of Proceedings.* Proceedings for a text amendment or a rezoning may be initiated by one of the following three methods:
 - 1. By petition of an owner or owners of property that is proposed to be rezoned or for which a text amendment for a change in a district regulation is proposed;
 - 2. By recommendation of the Planning Commission;
 - 3. By action of the City Council.

- D. *Application Requirements for Zoning Amendments Initiated by Petition.* A petition for a Zoning Amendment shall be submitted to the Director of Planning on such form as required by §154.101 of this Article and accompanied by the following information:
1. Conceptual site plan drawn to scale showing all affected parcels and a general concept for any proposed development of said parcels.
 2. General location of all buildings and their approximate dimensions and square footage.
 3. Approximate location of all curb cuts, driveways, access roads, parking areas, off-street loading areas, and sidewalks.
 4. Conceptual landscape plan indicating general planting areas for trees, shrubs, and lawns.
 5. Conceptual grading, erosion control, and storm water management plan.
 6. Conceptual sewer and water utility plan for the development.
 7. Narrative indicating the types of uses or businesses that are contemplated for the development, number of employees, parking and traffic impacts, and other pertinent information about the proposed development.
 8. The Director of Planning may require the applicant to supply proof of ownership of the property for which the amendment is requested that illustrates legal or equitable interest in the property.
- E. *Hearing Requirements.* The Planning Commission shall hold a public hearing on each complete application for a Zoning Amendment as provided in §154.102 of this Article. After the close of such hearing, the Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- F. *Effect of Denial of Application.* No application of a property owner for an amendment to the text of this chapter or the zoning map shall be considered by the Planning Commission within the one year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- G. *Relationship to Comprehensive Plan.* Any rezoning shall be consistent with the current City of Lake Elmo Comprehensive Land Use Plan. If the rezoning is not consistent with the current Comprehensive Plan, an amendment to the Comprehensive Plan must be requested and approved prior to or concurrent with the rezoning request.
- H. *Coordination with Adjoining Communities.* Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the Planning Commission and the adjacent community or county for review and comment prior to action by the City Council granting or denying the zoning district classification change. A period of at least ten (10) days shall be provided for receipt of comments. Such comments shall be considered as advisory only.

§ 154.106 Conditional Use Permits

- A. *Required Findings.* Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met:
1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
 2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.
 3. The use or development is compatible with the existing neighborhood.

4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
 5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
 6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
 7. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
 8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 12. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- B. *Application Requirements.* Conditional Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
- C. *Public Hearing Required.* The Planning Commission shall hold a public hearing on each complete application for a conditional use permit as provided in §154.102 of this Article. After the close of the hearing on a proposed conditional use permit, the City Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- D. *Final Decision by City Council.* The City Council shall make the final decision on a conditional use permit after a public hearing by the Planning Commission. The City Council may approve, approve with conditions or deny the application.
- E. *Conditions.* In reviewing applications for conditional use permits, the Planning Commission and Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of property within the district and to achieve the goals and objectives of the Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses.
1. The conditions shall include all specific development standards for such use listed in Article 7 of this Chapter.
 2. If the proposed use is in a flood plain management or shoreland area, the conditions shall include specific standards for such use listed in Chapter 151 (Floodplain Management) and Chapter 152 (Shoreland Management).

3. In addition, conditions may include, but are not limited to, the following:
 - a. Controlling the number, area, bulk, height and location of such uses;
 - b. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control and access in case of fire or other catastrophe;
 - c. Regulating off-street parking and loading areas where required;
 - d. Controlling the location, availability and compatibility of utilities;
 - e. Requiring berming, fencing, screening, landscaping or other means to protect nearby property; and
 - f. Requiring other conditions to create compatibility of appearance with surrounding uses.
- F. *Findings for Denial.* If the Planning Commission recommends denial of a conditional use permit or the Council orders such denial, it shall include in its recommendation or determination findings as to the specific ways in which the proposed use does not comply with one or more specific findings required by this chapter.
- G. *Permittee.* A conditional use permit shall be issued for a particular use and not for a particular person, except in the case of a permit granted for the uses of land reclamation, mining or soil or mineral processing. In such cases, a permit shall be issued to the particular person making application for such permit and such permit shall not be transferred or assigned for use by another without the written consent of the city. However, such consent by the city shall not be unreasonably withheld.
- H. *Periodic Review.* A periodic review of the use may be attached as a condition of approval of a conditional use permit.
- I. *Term of Permit.* Unless otherwise stipulated, the term shall be the life of the use.
- J. *Revocation.* Failure to comply with any condition set forth in a conditional use permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute sufficient cause for the termination of the conditional use permit by the City Council following a public hearing conducted in accordance with §155.102 of this Article.
- K. *Expiration.* If substantial construction has not taken place within 12 months of the date on which the conditional use permit was granted, the permit is void except that, on application, the Council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this chapter, but the six-month period shall not be deemed to commence until the effective date of this chapter.

§ 154.107 Interim Use Permits

- A. *Purpose and Intent.* The purpose and intent of allowing interim uses are:
 1. To allow a use for a limited period of time that reasonably utilizes the property where such use is not consistent with the future land map in the Comprehensive Plan; and
 2. To allow a use that is presently acceptable, but that with anticipated development or redevelopment or other significant change, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.
- B. *Required Findings.* An interim use permit may be granted only if the City Council finds as follows:

1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
 2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
 3. The use will not adversely impact implementation of the Comprehensive Plan.
 4. The user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the city to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.
 5. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.
 6. The date or event terminating the interim use shall be set by the City Council at the time of approval.
- C. *Application Requirements.* Interim Use Permit applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
1. *Additional Application Requirements:* An application for an Interim Use Permit shall include the following additional information:
 - a. A letter from the applicant explaining the proposal and stating the date or event that will terminate the use;
 - b. A signed consent agreement, subject to review and approval by the City Council documenting:
 - i. That the applicant, owner, operator, tenant and/or user has no entitlement to future approval or reapproval of the interim use permit;
 - ii. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 - iii. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.
- D. *Public Hearing Required.* The Planning Commission shall hold a public hearing on each complete application for a Interim Use Permit as provided in §154.102 of this Article. After the close of the hearing on a proposed Interim Use Permit, the City Planning Commission shall consider findings and shall submit the same together with its recommendation to the City Council.
- E. *Final Decision by City Council.* The City Council shall make the final decision on a Interim Use Permit after a public hearing by the Planning Commission. The City Council may approve, approve with conditions or deny the application.
- F. *Termination.* An interim use shall terminate on the happening of any of the following events, whichever occurs first:
1. The date or event stated in the permit;
 2. Upon violation of conditions under which the permit was issued;
 3. Upon a change in the City's zoning regulations which renders the use nonconforming; or

4. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- G. *Revocation.* Failure to comply with any condition set forth in a Interim Use Permit, or any other violation of this chapter, shall be a misdemeanor and shall also constitute sufficient cause for the termination of the conditional use permit by the City Council following a public hearing conducted in accordance with §155.102 of this Article.
- H. *Renewal.* The following process may be used to renew an active interim use permit that is set to expire. Terminated or suspended interim use permits cannot be renewed unless the Director of Planning has received an application for and approved a 1-time 30-day extension to continue processing the renewal application.
 1. *Application.* Application requirements for renewal of an existing Interim Use Permit shall be the same as for a new application.
 2. *Review.* Upon receiving a completed application for an interim use permit renewal, the Director of Planning shall send notice of the requested renewal to all property owners within 350 feet of the parcel(s) containing the interim use. If any objections are raised within 10 days of the mailed notice, the application shall be processed in the manner of a new application. If no objections are raised, the Director of Planning shall prepare a resolution of approval outlining the conditions and stipulations of the renewal for consideration by the City Council. The City Council, at its discretion, may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing interim use permit.

§ 154.108 Appeals and the Board of Adjustment

The Board of Adjustment is hereby established pursuant to this chapter and Minnesota law. The Board of Adjustment (which is the City Council in accordance with §31.10 of the City Code) shall have those powers and authority as provided by Minnesota law and as hereinafter provided for. The Board of Adjustment shall be formed and operate in conformance with Chapter 31 of this Code and specifically with §31.10.

- A. *Powers of the Board of Adjustment.*
 1. *Review of Administrative Decisions.* The Board of Adjustment shall act upon all questions as they may arise in the administration of this chapter, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by such an administrative official charged with enforcing this chapter. Such appeal may be made by any person, firm or corporation aggrieved by an officer, department, board or bureau of the city.
 2. *Variances.* The Board of Adjustment shall also have the power to grant variances to the provisions of this chapter under certain conditions. The conditions for the issuance of a variance are as indicated in §154.109 of this Article. No use variances (uses different than those allowed in the district) shall be issued by the Board of Adjustment.
- B. *Procedures for Appeals.*
 1. *Filing of Appeals.* All appeals to the Board of Adjustment shall be in writing and filed with the office of the City Clerk within 14 calendar days of the date of mailing of the notice of the order, requirement, decision or determination from which the appeal is made.
 2. *Hearings.* The Board of Adjustment shall conduct a hearing regarding all appeals in accordance with §154.102.C.2 of this Article.
 3. *Notice.* Written notice of the hearing shall be provided to the parties to the hearing and mailed not less than 14 days prior to the hearing.

4. *Orders.* The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made. The reasons for the decision of the Board of Adjustment shall be stated in the order. A majority vote of the Board of Adjustment shall be necessary to reverse any decisions of an administrative office of the city or to decide in favor of the applicant.

§ 154.109 Variances

- A. *In General.* The Board of Adjustment shall have the power to grant variances to the provisions of this chapter under the following procedures and standards.
 1. A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. All requests for variances shall be reviewed in accordance with the required findings listed in §154.109.F.
- B. *Use Variances Prohibited.* A variance shall not be granted for any use that is not a listed permitted or conditional use under this chapter for property in the zone where the property is located.
- C. *Application Requirements.* Variance applications shall be submitted to the Director of Planning on such form and accompanied by such information as required by §154.101.A of this Article and with the submission materials listed in §154.101.B of this Article.
- D. *Hearing Requirements.* The Planning Commission shall hold a public hearing on each complete application for a variance as provided in §154.102 of this Article. After the close of the hearing on a proposed variance, the City Planning Commission shall consider findings and shall submit the same together with its recommendation to the Board of Adjustment.
- E. *Board of Adjustment Action.* The Board of Adjustment shall receive the recommendation of the Planning Commission and shall take final action on the variance request. All findings and decisions of the Board of Adjustments concerning variances shall be final.
- F. *Required Findings.* Any action taken by the Board of Adjustment to approve or deny a variance request shall include the following findings:
 1. *Practical Difficulties.* A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.
 - a. *Definition of Practical Difficulties.* "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.
 2. *Unique Circumstances.* The problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.
 3. *Character of Locality.* The proposed variance will not alter the essential character of the locality in which the property in question is located.
 - a. *Definition of Locality.* For purposes of this subsection, "locality" shall be defined as all that property within 350 feet of the property proposed for the variance; however, in

all events, it shall include all parcels abutting the affected parcel, including those immediately across a public street, alley or other public property.

4. *Adjacent Properties and Traffic.* The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.
- G. *Conditions.* The Planning Commission may recommend and the Board of Adjustment may impose such restrictions and conditions upon the property that is the subject of the variance as may be necessary to comply with the standards established by this chapter or to reduce or minimize the effect of such variance upon other properties in the neighborhood and to better carry out the intent of the variance.
- H. *Effect of Denial.* No application by a property owner for a variance shall be submitted to the Board of Adjustment within a six (6) month period following a denial of such a request unless, in the opinion of the Board, new evidence of change in circumstances warrant it.
- I. *Expiration.* A variance shall be deemed to authorize only one particular use and shall expire if work does not commence within twelve (12) months of the date of granting such variance or if that use ceases for more than six (6) consecutive months.
- J. *Revocation.* The Board of Adjustment may revoke a variance if any conditions established by the Board as part of granting the variance request are violated.

§ 154.110 Violations and Enforcement

- A. *Enforcing Officer.* It shall be the duty of the Planning Director to cause the provisions of this chapter to be properly enforced.
- B. *Violations*
 1. *Violations.* Any person who shall violate or refuse to comply with any of the provisions of this Chapter shall be subject to the enforcement and penalty provisions of §10.99 of the City Code.
- C. *Investigation and Administrative Enforcement.*
 1. *Investigation of Violation.* The Director of Planning shall investigate alleged violations of this Chapter. Investigation of a violation may require accessing the property where the violation is alleged to have occurred. The Director of Planning shall notify the landowner of the need for investigation and make a reasonable attempt to gain permission from the landowner for access to the property and structures for investigative purposes. If the landowner is not responsive, the Director of Planning may, upon probable cause of a violation, enter upon the property, but not enter any structures, for the sole purpose of investigation. If access to the property is specifically denied by the landowner, the Director of Planning shall obtain a judicial order prior to entering upon the property. Entering a structure for investigative purposes shall occur only upon permission of the landowner or issuance of a judicial order.
 2. *Administrative Enforcement*
 - a. *Notice of Violation.* Whenever in the judgment of the Director of Planning a determination is made upon investigation that a particular permit holder has not complied with this Chapter, the Director of Planning shall issue written notice of violation to the owner of record and require him or her to complete the work.
 - b. *Cease and Desist Order.* Upon investigation, if the Director of Planning has probable cause to believe a violation of this Chapter has occurred and that immediate stoppage of work is necessary to minimize harm caused by such violation, the Director of

Planning may issue a cease and desist order to halt the progress of any property modification. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

- D. *Administrative Fee for Enforcement.* The Director of Planning shall charge an administrative fee, as set by resolution of the City Council, to compensate for time spent involving the investigation and prosecution of violations, and including any expenses incurred during the investigation.
- E. *After the Fact Applications and Fees.* Any person making application for a permit after the commencement of work requiring a permit, shall be charged an additional administrative fee. In the event the application for a permit is denied or the action permitted does not include all or part of the work commenced prior to approval of said permit, the Director of Planning shall require correction and/or restoration of the concerned property to its original state, including removal of structures or improvements.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-084 was adopted on this eighteenth day of June 2013, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-084 was published on the ____ day of _____, 2013.

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

RESOLUTION NO. 2013-49

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-084 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-084, an ordinance replacing the administrative provisions of the City's Zoning Code; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-084 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-084, which replaces the administrative provisions of the City's Zoning Code. The revised ordinance includes the following components:

- Identifies the City Staff that are responsible for issuing permits, enforcing the code, keeping records, processing applications and performing other administrative duties.
- Outlines the application and review process with a unified list of application submittal requirements.
- Establishes unified standards and procedures for the public hearing process.
- Identifies and describes all of the permits that are required by the Zoning Code. Staff is recommending a new permit category called "Certificate of Zoning Compliance" to regulate uses that are not subject to requirements of the State Building Code, such as fences, driveways, small accessory structures, home occupations, among others.
- Outlines all of the enforcement procedures as part of administering the Code.
- Finally, Staff has included procedures related to design review as a placeholder for when the City formally adopts some form of design guidelines or standards.

The full text of Ordinance No. 08-084 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City

Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: June 18, 2013.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.