

Mayor:

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

Lake Elmo City Council

Tuesday

September 6, 2005

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

Please read:

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

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

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance**1. Agenda****2. Minutes:**

August 16, 2005

3. PUBLIC INQUIRIES/INFORMATIONAL:**A. PUBLIC INQUIRIES:****B. PUBLIC INFORMATIONAL:**

(1) Deer Hunting Lottery: 6 hunters, 2 alternates

(2) Sessing Appeal

(3) Community Buckthorn Project

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

4. CONSENT AGENDA

A. Resolution No. 2005-089: Approving claims

~~B. Partial Payment Phase I Interconnect Water Main Project - Resolution No. 2005-090~~

C. Partial Payment Phase II Interconnect Water Main Project - Resolution No. 2005-091

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

5. FINANCE

A. Adoption of Proposed Tax Levy and 2005 Budget - Resolution No. 2005-092

B. Set Truth n' Taxation Hearing Dates: Resolution No. 2005-093

6. NEW BUSINESS A. Reschedule September 13th Council Committee Meetings to September 14th		
7. MAINTENANCE/PARK/FIRE/BUILDING: A. Fire Dept.:Recommendation to confirm Fire Chief Malmquist Appointment		
8. CITY ENGINEER'S REPORT: A. Resolution No. 2005-094:Approve Elevated Storage Tank #2 B. Resolution No. 2005-095:Order Assessment Hearing for Hilltop Avenue	Tom Prew	
9. PLANNING, LAND USE & ZONING: A. Park Meadows - Resolution No. 2005-097:Comprehensive Plan Amendment; Ordinance No. 97-162:Rezoning; Resolution No. 2005-098:Preliminary Plat B. Deer Glen Amended OP Concept Plan:Resolution No. 2005-096	C. Dillerud	
10. CITY ATTORNEY'S REPORT: A. Litigation Report		
11. CITY ADMINISTRATOR'S REPORT: A.		
12. CITY COUNCIL REPORTS: A. Mayor Johnston B. Council Member Conlin C. Council Member DeLapp D. Council Member Johnson E. Council Member Smith		
ISD834 School Election – September 13, 2005		

LAKE ELMO CITY COUNCIL MINUTES

AUGUST 16, 2005

1. AGENDA
2. MINUTES: August 2, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Informational
4. CONSENT AGENDA:
 - A. Resolution No. 2005-083: Approving Claims
 - B. Escrow Reduction: Tapestry
5. FINANCE:
 - A. Monthly Operating Report
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Building Activities: Jim McNamara
8. CITY ENGINEER'S REPORT:
 - A. Stonegate Street Vacation
 - B. Ordinance No. 97-161: Klondike Stop Sign
 - C. Resolution No. 2005-084: Approve Plans for Hilltop Avenue
 - D. Resolution No. 2005-085: Approve Plans Watermain Interconnect Phase III
9. PLANNING, LAND USE & ZONING:
 - A. Resolution No. 2005- : Amended OP Concept Plan -- Deer Glen -- NOT ADOPTED
 - B. Resolution No. 2005-086: OP Development Stage Plan, CUP and Preliminary Plat -- Discover Crossing
 - C. Section 520 Site Plan Amendment: Village North Office Park
 - D. Resolution No. 2005-087: Variance to Lot Size -- Hardy
 - E. Resolution No. 2005-088: Comprehensive Plan
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:

1. AGENDA:

M/S/P DeLapp/Johnson - to approve the August 16, 2005 City Council agenda, as amended. (Motion passed 5-0).

2. MINUTES: August 2, 2005

M/S/P DeLapp/Johnson - to approve the August 2, 2005 City Council Minutes, as amended. (Motion passed 5-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Informational

Ed Nielsen asked that meeting minutes, identifying participants and content of discussions, be written within one week of scheduled meetings with individuals relative to Lake Elmo business be required for the Mayor, Council members, City Administrator and other designated staff, with copies of minutes sent to Council members and City File.

Susan Dunn, Technical Advisory Committee member, gave an update on the meeting for the Washington County Master Park Plan. Council member Smith asked if the City Attorney could look into any agreements the City may have so we can keep the Lake Elmo Regional Park as a park reserve.

M/S/ Smith/Johnson - to direct the City Attorney to see if there are any legal documents or legal authority to keep the Lake Elmo Regional Park a park reserve.

M/S/P Conlin/Smith – to amend the motion to ask staff to investigate Washington County Park-Lake Elmo Regional Park file before we have a legal investigation. (Motion passed 5-0.)

M/S/P Smith/Johnson - to direct staff to see if there are any legal documents or authority to keep the Lake Elmo Regional Park as a park reserve before the City Attorney does a legal investigation. (Motion passed 5-0.)

4. CONSENT AGENDA:

A. Resolution No. 2005-083: Approving Claims

M/S/P Johnson/DeLapp -- to adopt Resolution No. 2005-083, A Resolution approving Claim Numbers 273, 274, DD485 through DD496, 27722 through 27756, which were used for Staff Payroll dated August 4, 2005, claims 27757 through 27810, in the total amount of \$139,696.47. (Motion passed 5-0).

B. Escrow Reduction: Tapestry

The developers of Tapestry at Charlotte's Grove have completed portions of the required plat improvement. The City Engineer has certified by his August 9, 2005 memo that the required development security can be reduced from \$2,530,287.50 to \$1,396,500.00

M/S/P Johnson/DeLapp – to approve the reduction of the Development Security required for Tapestry at Charlotte's Grove from \$2,530,287 to \$1,396,500.00 based on the recommendation of the City Engineer. (Motion passed 5-0)

5. FINANCE:

A. Monthly Operating Report

The Finance Director provided the Council with the Monthly Operating Report – Revenue for August, 2005.

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Building Activities: Jim McNamara

The Building Official reported there were no new residential or commercial permits issued for July, 2005. He explained that Link Recreational, 9200 Hudson Blvd., has a permit to redo their parking lot and an excavating/grading permit for better runoff. A letter of credit has been submitted to the City.

8. CITY ENGINEER'S REPORT:

A. Stonegate Street Vacation

The City Engineer reported he has surveyed the cul-de-sacs at Jewel Avenue and Julep Court to determine how to structure the vacations. Drawings were provided to the council and, if approved, the legal would be prepared.

In his memo dated, August 12, 2005, the City Engineer indicated at Julep Court the City can vacate 5 feet of street right-of-way without impacting the paved portion of the cul-de-sac. He said he had no issues with the 8th street vacation as it would run from the west right-of-way line of Julep Avenue to the west plat boundary.

The City Engineer explained the City can vacate the south 5 feet of Jewel Avenue; however, the property would revert to the City. The City cannot vacate the property in front of the residential lots unless we would remove a portion of the paved part of the cul-de-sac. The paved portion of the cul-de-sac is used by the public and should not be removed. The engineer did not recommend approval.

Fire Chief Malmquist explained that fire trucks would be stationed north of 10th Street and asked the Council to ensure that vehicles could reach neighborhoods as quickly as before. He voiced his concern for future roads as the property north of 10th Street develops and didn't want to see limiting additional access off of 10th Street. The Chief stated that if only access is from down on the frontage road, you are adding 4 minutes to response time and if you cut off their access it will take longer.

M/S/P DeLapp/Johnson - to direct staff draft to draft a resolution to result in a vacation of the three access points as described by the City Engineer. (Motion passed 5-0.)

The Fire Chief said if these areas are vacated, he wanted the City to ensure the Fire Department, etc, have good access in the future.

M/S/P Smith/DeLapp – that the City assures the Fire Department and Sheriff's Department, and any other emergency vehicles, will have access that is needed consistent with comments of the Chief Malmquist for all future developments. (Motion passed 3-2: Johnson, DeLapp).

B. Ordinance No. 97-161:Klondike Stop Sign

At its August 16th meeting, the City Council requested installation of a third stop sign at the intersection of Klondike Avenue and 32nd Street.

Council member Smith stated she talked to the Public Works Supervisor, who thought adding the additional stop sign was unnecessary so she suggested postponing the installation of this stop sign. Council member Johnston stated she talked to Sheriff Pott, who was familiar with this street and intersection, and who did not agree with installing another stop sign. Both Council members believed that decreasing the speed limit would slow down drivers.

Bob Novak, resident who has lived Klondike 30 years, stated if safety is the concern, it can be improved by the City if staff cut the brush 3 or 4 more feet for visibility. He said the signs that were put in 5 years ago work.

M/S/P Smith/Conlin - to approve Ordinance 97-161, changing the speed limits to 25 mph along Klondike Avenue and to postpone installing a third stop sign. (Motion passed 5-0).

C. Resolution No. 2005-084:Approve Plans for Hilltop Avenue

The City Engineer reported the plans are complete for the Hilltop Avenue Street Repair project. There will be no change in the street width. An assessment hearing will be scheduled.

M/S/P DeLapp/Johnston – to adopt Resolution No. 2005-084, A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids on the Hilltop Avenue Street Project. (Motion passed 5-0).

D. Resolution No. 2005-085:Approve Plans Watermain Interconnect Phase III

The City Engineer reported the plans are complete for the third phase of the water system interconnect project. This phase of work continues the 16-inch waterman from the existing Public Works Bulding, south along Jamaca Avenue, across TH5, to the new Farms of Lake Elmo subdivision. This project will not be assessed.

M/S/P DeLapp/ Johnson – to adopt Resolution No. 2005-085, A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids Water Systems Interconnect Phase III (Jamaca Avenue, Stillwater Blvd. and 31st Street). (Motion passed 5-0.)

9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2005-086: Amended OP Concept Plan -- Deer Glen

Planner Dillerud explained the plan, staff-dated August 16th, was just received and is different than the plan the Council received in their agenda packet. He said there is one less lot on the entrance road and they are adding a lot along the north and South Street.

Paul Danielson, the applicant's engineer, said the applicant had meetings with adjacent property owners. He said in order to accommodate neighbor's concerns, the lots along the entrance road were shortened up and closer to roadway, 5 lots were changed to 4; and a trail created as a walking loop so it's not close to the house. He said they have brought in Damon Farber and Assoc., an urban landscape firm to assist with landscape planning for the site. He said the septic system has always been planned for a joint system with the church site.

Joan and Steve Ziertman presented their reasons against the proposed concept plan and their memo is attached hereto and made part of the Minutes.

Council members Smith and Conlin both said that they dislike the configuration of 4 lots on the east/west street which sit by themselves because it does not make a cohesive neighborhood.

Smith suggested redesign of the OP Plan to take the 4 houses out and to utilize the natural features of the land to provide an alternative design with those lots grouped with the balance of the OP lots. She suggested that if the applicants move the church to the north they could place the four houses in the vacated area south of the church.

Mayor Johnston and Council member DeLapp said they supported all the comments made by Council Members Smith and Conlin.

Peter Beck, Attorney for the applicant, stated his client could go back to the 48 acre OP plan. He said the Council wanted them to add the 20 acres. He noted that the applicants didn't ask to add the 20 acres and additional lots. Beck said the church took 9 years to get the church plan approved and wouldn't want to open this up.

Mayor Johnston asked if the applicant would be willing to withdraw the application. Attorney Beck said the applicant would rather have it tabled to a date certain, and would like two weeks. The Planner noted that the completed application date is July 5th.

M/S/P DeLapp/Smith -- to table the concept plan of Deer Glen until the September 6th Council meeting so the applicant can address the four lots in question. (Motion passed 5-0.).

Council member DeLapp asked about the road extension to the east property line and for input from the Fire Department.

Peter Beck stated the applicant will come back with the plan both ways regarding the road extension.

B. Resolution No. 2005-086:OP Development Stage Plan, CUP and Preliminary Plat – Discover Crossing

The City Planner reported this is an OP Development Stage/CUP/Preliminary Plat to create 25-28 single family lots on a site of 72 acres in the southwest quadrant of Lake Elmo Avenue and Highway 36. The range of lots proposed relates to the applicants' anticipation of forthcoming amendment to the density allowable in OP from 0.40 to 0.45 units per Buildable Acre. The extra three lots will be platted as outlots until the OP ordinance is amended over the next few months. The applicant will have to return with another Final Plat to convert the outlots into buildable lots.

Tim Freeman, FFE, stated the developer would like a monument sign and stamping and coloring of the street to indicate the area for pedestrians to walk. If the street is repaved, the residents should pay the extra assessment so that portions are stamped again. He said the street is above and beyond the City standards at no cost to the City.

Attorney Filla reminded the Council there is a report from the City Engineer that states that the stamping of the street is not a realistic plan and that it will be very expensive for the City to maintain this on-road-trail in the manner that is originally designed. Filla stated that he cannot tell the Council that this stamped road would contribute to accidents, but there is an increased liability with the street design proposed because the color-stamped streets is like asking people to walk in the streets.

Council member DeLapp stated he didn't like the monument sign, the split road or the lighting on the bridge.

M/S/ DeLapp/Smith - to approve Resolution No. 2005-086, A Resolution Approving the Open Space Preservation Development Stage Plan, Preliminary Plat, and Conditional Use Permit of Discover Crossing plat with the exception of street lighting on the bridge and the monument sign.

M/S/P Johnson/Conlin – to amend the motion to exclude the color-stamped roadway paving. (Motion 4-1: DeLapp). *SMITH SUPPORTED IDEA*

Council member Johnson asked to move the previous question. (Motion failed 3-2: Johnson, Conlin)

Tim Freeman said the developer would put money in escrow to cover the removal of the color-stamped roadway if the residents don't like it.

M/S/P DeLapp/Smith - to approve Resolution No. 2005-086, A Resolution Approving the Open Space Preservation Development Stage Plan, Preliminary Plat, and Conditional Use Permit of Discover Crossing plat with the exception of street lighting on the bridge, a monument sign and the color-stamped roadway paving. (Motion passed 5-0).

C. Section 520 Site Plan Amendment: Village North Office Park

The City Planner reported this is a proposal to modify the site plan of a previously approved project to construct a 10,000 square foot office building on 39th Street North -- Brookman Addition. The revised plan re-orient most of the off-street parking from the front of the building to the rear and side of the building, and enhances the landscaping that will be installed. The Planner said the new site design requires a slight increase to the area of the site, which can be processed by staff as a Lot Line Adjustment.

M/S/P Johnston/Johnson- to approve an amendment to the Section 520 Site Plan for "Village North" per plans staff-dated August 4, 2005, as recommended by the Planning Commission, subject to the following conditions:

1. Compliance with the recommendations of the City Engineer—specifically regarding wastewater treatment (temporary and permanent).
2. Compliance with the recommendations of the Valley Branch Watershed District as found to be reasonable and practical by the City Engineer.
3. Submission by the applicant of exterior lighting plans in compliance with Section 1350 prior to the issuance of a Building Permit. (Motion passed 5-0.)

D. Resolution No. 2005-087: Variance to Lot Size – Hardy

The City Planner reported Linda Hardy has asked for a zoning variance to allow a parcel-of-record that is non-conforming by area to be used for a single family dwelling site. The parcel is slightly over 17,000 sq.ft. and the minimum buildable parcel-of-record is 43,560 sq.ft. The applicant is proposing to move an existing 19th century farm house to the parcel. The Planning Commission's recommendation includes a condition that the applicant must demonstrate that the parcel provides a sufficient area of soils suitable for both a primary and secondary septic drain field of a size suitable for the dwelling proposed. The Planner said he received a report that the soils on the lot are acceptable for a septic/drainfield designed for a 3 bedroom house and there is no room for a second drainfield unless it is a mound system.

Council member Smith said that she is concerned that approval of the application would open the door for people to place old buildings on substandard lots.

Attorney Filla said that by distinguishing this farmhouse, the City would avoid setting a precedent for other requests. He said it would be appropriate for the Council to specify that a long distance move would result in structural damage and unfavorable costs to the applicant. He said documents regarding the variance should discuss the comprehensive plan's interest in the preservation of historic buildings.

Linda Hardy voiced her concern that the developer would tear down the house because she did not have a firm date for the house to be moved. Planner Dillerud responded that no demolition permit had been issued by the City. Tim Freeman, FFE, said he would work on the timing of moving the house and the construction of the road which would go through the farmhouse's old lot.

M/S/P Conlin/ Johnston – to adopt Resolution No. 2005-087, A Resolution approving a variance from Section 300.09 Subd 1. of the Zoning Ordinance for Linda Hardy to permit a single family detached dwelling on a lot of record of less than 1 acre area, subject to conditions based on findings that the soils are acceptable for a septic system designed for a 3-Bedroom house, that the City has a strong policy of preserving and encouraging historic structure, that the house is 130 years old and from a 100 year old farm in Lake Elmo; and that the current building is located 600' from the vacant parcel, and it is economically prohibitive to move it and structural damage to the building may result from a longer move. (Motion passed 5-0).

D. Resolution No. 2005-088: Comprehensive Plan

The City Planner explained on August 8, 2005, the Planning Commission conducted a Public Hearing regarding amendments to the Comprehensive Plan resulting from the Memorandum of Agreement between the City and the Metropolitan Council. He reported that this was the second Public Hearing conducted by the Commission on the amendments. He also reported that on August 9, 2005 the Commission recommended forwarding the Comprehensive Plan amendments to the Council with a list of eleven recommended modifications to the Hearing Draft.

Mayor Johnson suggested in #8 water supply, we should include the words "health, safety concern" as a basis for the City requiring residences to be connected to the City water supply

Mayor Johnston made a motion to adopt modifications items 1-10 as recommended by the Planning Commission with Item No. 11 to be left out to be discussed later.

M/S/ Johnston/Johnson - to adopt Resolution No. 2005-089, A Resolution Approving the 2010-2030 Lake Elmo Comprehensive Plan, including modifications Items 1-10 recommended by the Planning Commission, excluding the Eischen/Dupuis property per their written request, to add the statement that the Lake Elmo Park Reserve should stay as a reserve and not as a park, and to include Parks Commissioner Blackford's comments on mountain biking not permitted in Sunfish Park.

Council member Smith brought up a coloring error on the map designating Midland Meadows. The Planner said there is an error on that map for Regional Sewer Plan and the Future Land Use Map has the same error. He said that this error can be corrected with no action by the Council required.

SUPER MAJORITY IF ACCELERATE COMP. PLAN

Council member DeLapp commented that the Comprehensive Plan did not address the transfer of development rights. Planner Dillerud responded that TDR is not a Comp Plan issue.

Council member DeLapp said he thought this was his opportunity to bring the comments he had on the Comp Plan.

Attorney Filla pointed out that if changes are made to the comp plan after adoption, then the City would have to send a corrected copy to the neighboring communities.

Mayor Johnston stated the City has to approve the Comp Plan tonight so the City can meet its schedule.

Council member Johnson called the question.

M/S/ Johnston/Johnson - to adopt Resolution No. 2005-089, A Resolution Approving the 2010-2030 Lake Elmo Comprehensive Plan, including modifications Items 1-10 recommended by the Planning Commission, excluding the Eischen/Dupuis property from the Village Area per their written request, adding statement that the Lake Elmo Park Reserve should stay as a Reserve and not be changed to a Regional Park, and to include Parks Commissioner Blackford's comments on mountain biking not being permitted in Sunfish Park. The Comprehensive Plan will be submitted to the surrounding communities for their review. (Motion passed 4-0).

Council member DeLapp stated this Comprehensive Plan is a disgrace to the City and departed the meeting at 11:15 p.m.

Council member Conlin stated that Council member DeLapp left without an opportunity for him to speak his piece. She said he was not driven out of here.

Council member Smith stated the Council listened to the other Council members points, but didn't let Council member DeLapp have his say. She said that the Mayor had stated previously that there would be a discussion afterwards. This is a Council of five members.

10. CITY ATTORNEY'S REPORT:

11. CITY ADMINISTRATOR'S REPORT:

12. CITY COUNCIL REPORTS:

The Council adjourn the meeting at 11:25 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-083 Approve Claims

Resolution No. 2005-084 Approve Plans for Hill Top Avenue

Resolution No. 2005-085 Approve Plans for Watermain Interconnect Phase III Project

Resolution No. 2005-086 Development Stage Plan, CUP and Preliminary Plat, Discover Crossing

Resolution No. 2005-087 Variance to Lot Size – Hardy

Resolution No. 2005-088:Adoptionof Comprehensive Plan

Ordinance No. 97-161 Adopt 25mph along Klondike Avenue

DRAFT

Lake Elmo City Council September 6, 2005	Agenda Section: Public Inquires/Informational	<u>No.</u> 3B(2)
<u>Agenda Item:</u> Sessing Appeal		
<p><u>Background Information for September , 2005:</u></p> <p>By his letter of August 23, 2006 Mr. Sessing has appealed the Administrative Determinations/Orders by Zoning Administrator McNamara regarding the property at 5699 Keats Avenue. A copy of Mr. McNamara's Determinations/Orders, Mr. Sessing's Appeal letter, and a September 1 letter from Joan/Steve Zertman regarding this Appeal are attached.</p> <p>The City Code provides for a formal appeal procedure (including Notice) on matters of the Zoning Ordinance and a limited number of other City Code chapters. One such other chapter subject to a formal Appeal is Section 700 – "Individual and Community Sewer Systems". So, with regard to the drain field matter that Mr. Sessing has appealed the Council is formally acting as the Board of Adjustments and Appeals. No form of Board action (Motion, Resolution, Ordinance) is specified by Section 700, but it would be best to take action directing preparation of the Resolution either confirming the Zoning Administrator's Order regarding the drain field or overturning the Order based on Findings.</p> <p>There is <u>no</u> formal appeal process for Administrative Determinations or Orders provided by Section 505 of the City Code. Section 505 covers site grading and excavating permits.</p>		
<p><u>Action items:</u></p> <p>Motion regarding preparation of a Resolution either confirming or overturning the Order regarding the Sessing drain field.</p> <p>Motion(s) regarding the grading determinations/orders by the Zoning Administrator.</p>	<p><u>Person responsible:</u></p> <p>City Planner</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. McNamara Letter of August 16, 2005 2. Sessing Appeal Letter of August 23, 2005 3. Zertman communication of September 1, 2005 	<p><u>Time Allocated:</u></p>	



SEPT
8-17-05

Mailed copy
to Zie-tren
8/14/05

City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

August 16, 2005

Mr. & Mrs. Rodney Sessing
5699 Keats Ave.
Lake Elmo, Mn. 55042

Re: Necessary corrections


Mr. & Mrs. Sessing

I have received a memorandum from our city engineer, Tom Prew. His recommendations to correct the following problems of runoff and drainfield size are as follows:

- 1) Must add gutters to the north side of the pole building and the water from the pole bldg roof be directed east around the back of the building.
- 2) The driveway around the side of the house to the pole building must be finish graded so all the runoff is directed south around the pole building.
- 3) The drainfield size does not match the as-built plan in our file. The drainfield size should be increased by 50-55 feet to bring the house into compliance.

If you have any questions concerning the above issues please contact our city office.

Sincerely,


Jim McNamara
Building Official/Code
Enforcement Officer
City of Lake Elmo



printed on recycled paper

MEMORANDUM

To: Martin Rafferty
Copies To: _____

From: Thomas D. Prew, P. E.
Date: August 9, 2005

Reference: Rod Sessing Grading
City of Lake Elmo, Minnesota
Proj. No.: 13267.000
Routing: _____

Background

The City has received numerous complaints from the neighbor to the north about the grading activities on this lot. The primary complaints stem from the building of a pole barn near the north property line.

This house was built in 1989. At that time minor grading was done around the house in a normal fashion. As shown in the chart below a small amount of pervious ground flowed northward across the property line. There was no negative impact from this small amount of runoff.

When the pole barn was constructed, the homeowner moved in excess of 50 cubic yards of material to make a building pad for the pole barn. The fill was placed in the natural drainage-way, and interrupted water leaving the Zertman property to the north.

The recent building addition on the house has called into question all previous grading activity on this lot.

I have reviewed the previous grading activities on this property dating back to when the property was first developed. Based on the contour maps I have determined the following:

Time Frame	Area Flowing to Property Line
Before House was Built	0.12 Acres
After House was Built	0.09 Acres
After Pole Barn was Built	0.15 Acres
After House Addition was Built	0.13 Acres

Review

The original house had no impact on the Zertman property to the north.

When the pole barn and driveway to it were built it increased the total area and amount of impervious area that flowed towards the Zertman's property.

The pole barn being built in the drainage-way has changed the path the water travels to leave the Zertman property.

The new house addition has slightly reduced the amount of area that flows towards the Zertmans property because gutters were placed on the addition.

Recommendation

To help reduce the amount of water currently flowing to the north property line, I would recommend that gutters be added to the north side of the pole barn and that the water from the roof be directed east around the back of the pole barn. This will both reduce the amount of water that runs to the Zertman property, and extend the life of the wood retaining wall.

The driveway from the house to the pole barn should be finished graded so that all runoff from it is directed south around the pole barn. Again, this will both reduce the amount of water that runs to the Zertman property, and extend the life of the wood retaining wall.

These two recommendations will reduce the amount of water which reaches the Zertman property from the Sessing property.

Because water flows in a new path along the retaining wall to leave the Zertman property, the area should be monitored so see if any damage occurs as a result of it.

August

23, 2005

Dear Jim McNamara,

I received your letter dated August 16th on Monday August 22, 2005. I had sent you a letter back in 1998 when you wanted to know what happened to the drain field. I explained this to you and the City back then and it was acceptable in your eyes as reasonable. There were no corrections at that time needed. Now Tom Prew thinks that it appears it could need to have an additional 45 to 50 feet added on just because he can not verify that the drain field is not underground, what was installed in 1989 when the home was constructed and you inspected is there except for the 4 to 6" that I told you I cut off because I pushed on a solid pipe to drain the water so I could dig out the additional rock that was installed 5 to 6 feet past the end of the pipe the solid pipe was stuck on so I cut it off. This was acceptable to you then and should be now. Nothing has changed. Tom Prew can not be positive that it is not there he is giving an educated guess what is below ground. I have had my system pumped several times since then and that proves that it is working fine and that there are no problems with the drain field. A probe does not verify that the drain field is not there.

I hear by appeal your decision to force me to make my system bigger than what is there now.

As for the grading for the new addition I received an approved grading plan from the City of Lake Elmo and the water goes north on that plan and now Tom Prew says to have all the driveway water go south. It has already been inspected by both Tom Prew and you and you both said it was installed according to the plan. That should pass as is. As for the pole barn I received a building permit and had all inspections that were required and a grading permit was never requested or required from me by the city at that time. In 1999 the field stone was an illegal landscape material according to Jerry Filla. That was over ruled by the council to permit it. Now in 2004 it was all of a sudden was a structure problem for the fieldstone in the set back area and now it is a water issue. From 1997 when the pole barn was build and after I redid the field stone in early 1998 there has never been a water issue. Now in 2004 water is the issue. How many times do I need approval from the City of Lake Elmo to do a project and it not have to be crucified for it over and over again. It was not required in 1997 to install gutters on the north side of the pole building and it should not be required now and to change the whole grading plan from what was approved by Tom Prew seems to me to be a little strange, since the approve plan shows the water going to the north and it always went to the north and he approved that last year and it was put in with good faith and reliance on the City that is what the City wanted for a final grade and now after it had been inspected and installed according to the approved City plan Tom wants all the water from the road to go to the South, when he stated when he was out there on site for the final grading inspection that there is not a real water issue here. There is only .01 differences from pre construction from before the original home to present, over 1100 feet of northern property line that sure is not much at all if it is even measurable. I would hope that Tom Prew has looked at the additional water coming my direction from the Ziertman's since they have filled

over 1/3 of the water basin just to the north of me with his pole barns and now pushes that water my way it is more than likely pushing more than .01 acres my way of additional water. But I forgot the city is only looking at me these days.
I appeal this decision also.

This City is on a witch hunt for anything and everything I do or have done. I have gotten permission for everything I have started to build or have built. I even checked with the city to make sure we could run a home occupation before we started and everyone said yes it was allowed and we all found out later it was not the case, but now it is legal since March of 2005 to run a home occupation.

I am appealing your letter dated August 16th 2005 in its entirety.

How with conscience how can the City change their minds on every subject against me, when they have given permission to do everything by either permit or verbal permission if a permit was not required and now many years later keep bringing up the issues again and again.

Rodney Sessing
5699 Keats Ave. N.
Lake Elmo, MN 55042

September 1, 2005

To: Marty Rafferty

Re: Sessing appeal scheduled for 9-6-05

Mr. Rafferty,

In regards to the Sessing appeal scheduled for 9-6-05. We have some comments that we would like considered for this appeal. While we feel that items 1 & 2 (the gutters and grading) need to be done on the Sessing property, so much more was discussed at both the 3-10-05 meeting and the 6-30-05 meeting. These items also need to be considered when discussing the drainage on the Sessing property. There is no mention of the illegal 4 inch drainage tube that runs under the driveway and comes out in the non buildable setback area and is laying right along the property line. This should be removed. There is also no mention of the 3 drainage ditches that were dug in to divert water to our property. These should be filled in.

The other item that was a big topic of conversation that has not been addressed is the setback along the Sessing pole building. This has an impact on the drainage. As discussed at both of our previous meetings, there is a 10 foot required yard setback in the RR zoning district. This non buildable area needs to be kept in its natural and existing character and can not have any structures placed in this area. Currently the Sessings have 3 illegally placed structures in this area. There is the retaining wall that is rotting and slumping on our property, the illegally placed drainage system and the man made berm. These 3 items should be moved to the 10 foot required setback and the grade should be restored to its original state. This will alleviate some of the drainage issues and restore some of the natural drainage pattern of the properties.

In regards to the drainfield item. We would like to make sure that this is corrected to state and county guidelines as well as city code. We would question the legality of just adding on 55 feet to the existing drainfield. There is a 20 foot structure setback requirement. Currently the lines come right to the retaining wall and do not have the additional 20 feet of drainage required by state, county and city code. Please keep in mind Mr. Sessing has admitted to altering his drainfield. This was done without a permit and was not done by a licensed professional which is required by code

Thank you for your time and consideration.

Sincerely,

Joan Ziertman
Steve Ziertman .

CC: City Council
CC: Mr. Jerry Filla

Community BUCKTHORN PROJECT

OCTOBER 22, 2005
KLEIS PARK
5285 JAMACA BLV.

Breakfast	7:30
Educational Session	8-8:30
Project	9-11:00
Clean-up	11-11:30
Snack	11:30

VOLUNTEERS
NEEDED!

Volunteers are needed to help with the project or to donate water, snacks, and beverages.
Participants should wear long pants and long sleeves, bring gloves, and wear good shoes.

Questions OR to Donate: Joan Ziertman ~ 779-9134.



4A.

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

**RESOLUTION NO. 2005-089
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 275 through 278, DD485 through DD516, 27811 through 27823, 27825 through 27835 were used for Staff Payrolls dated August 16th, 2005 and September 1st 2005; claims 279, 27824, 27836 through 27902, in the total amount of \$445,442.33 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 6th day of September, 2005.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 09/01/2005 - 2:51 PM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ADVGR 10267	Advanced Graphix, Inc. Decals for Trailer Check Total:	7.16 7.16	09/06/2005	Check Sequence: 1 101-450-5200-44300	ACH Enabled: No
Vendor: ALERTALL 5070179 5080366	Alert-All Magnets - Fire Prevention Badges, T-Shirts - Fire Prevention Check Total:	375.00 225.00 600.00	09/06/2005 09/06/2005	Check Sequence: 2 101-420-2220-42090 101-420-2220-42090	ACH Enabled: No
Vendor: ALEXAIR 9508	Alex Air Apparatus, Inc Batteries - Fire Dept. Check Total:	418.84 418.84	09/06/2005	Check Sequence: 3 101-420-2220-42400	ACH Enabled: No
Vendor: AMDAHL 2438	ChrisAmdahl Lock - Fire Dept. Check Total:	537.00 537.00	09/06/2005	Check Sequence: 4 101-420-2220-44010	ACH Enabled: No
Vendor: AmeriMar 13017	AmeriMark Direct Pencils - Recycling Check Total:	270.00 270.00	09/06/2005	Check Sequence: 5 101-430-3200-42100	ACH Enabled: No
Vendor: AMFLAG 71153	American Flagpole & Flag Flagpole brackets Check Total:	165.29 165.29	09/06/2005	Check Sequence: 6 101-410-1940-42230	ACH Enabled: No
Vendor: ARAM 629-5782183 629-5791833	Aramark Linen - City Hall Linen - City Hall	54.93 59.93	09/06/2005 09/06/2005	Check Sequence: 7 101-410-1940-44010 101-410-1940-44010	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	114.86			
Vendor: ASPENMI 62499	Aspen Mills, Inc. Ties and Clips - Fire Dept. Check Total:	135.19 135.19	09/06/2005	Check Sequence: 8 101-420-2220-44170	ACH Enabled: No
Vendor: AUTOMATI 15511S	Automatic Systems Co. Power Supply Repl. - 194 Lift Station Check Total:	270.84 270.84	09/06/2005	Check Sequence: 9 602-495-9450-44030	ACH Enabled: No
Vendor: BRYAN 19179	Bryan Rock Products, Inc. Ag Lime - Tana Park Check Total:	332.33 332.33	09/06/2005	Check Sequence: 10 101-450-5200-42250	ACH Enabled: No
Vendor: COHEN Claim 08/16 Tvl Claim 08/16	Bruce Cohen Training Stipend Lodging, cab - IFC Conference Check Total:	100.00 460.04 560.04	09/06/2005 09/06/2005	Check Sequence: 11 101-420-2220-44370 101-420-2220-43310	ACH Enabled: No
Vendor: DAVISSUN TI04950	Davis Sun Turf Dragnats Check Total:	515.46 515.46	09/06/2005	Check Sequence: 12 101-450-5200-42250	ACH Enabled: No
Vendor: DITCHWIT R18225 R18225	Ditch Witch of Mn, Inc. Excavator Rental Excavator Rental Check Total:	639.00 213.00 852.00	09/06/2005 09/06/2005	Check Sequence: 13 601-494-9400-44300 603-496-9500-44300	ACH Enabled: No
Vendor: DITI 105930-August 105930-August 105930-August 105930-August	DTI Telephone Service - Fire Dept. Telephone Service - Public Works Telephone Service - Well 1 Telephone Service - Lift Stations Check Total:	118.89 69.70 34.70 104.09 327.38	09/06/2005 09/06/2005 09/06/2005 09/06/2005	Check Sequence: 14 101-420-2220-43210 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210	ACH Enabled: No
Vendor: ELMOLUM 031980-01 031983-01	Elmo's Lumber & Plywood Lag Screws, Pipe Strip Plastic Wood	23.10 4.25	09/06/2005 09/06/2005	Check Sequence: 15 101-450-5200-42210 101-450-5200-42150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	27.35			
Vendor:EMAUTO	Emergency Automotive Technology Inc.			Check Sequence: 16	ACH Enabled: No
ST081105-4	Lights - Tool Cat	239.34	09/06/2005	101-430-3100-42210	
ST081105-6	Switches - Tool Cat	15.19	09/06/2005	101-430-3100-42210	
ST081205-2	Lights - Tool Cat	156.02	09/06/2005	101-450-5200-42210	
ST081205-3	Switches - Tool Cat	6.79	09/06/2005	101-450-5200-42210	
	Check Total:	417.34			
Vendor:EMERGAPP	Emergency Apparatus Maint.			Check Sequence: 17	ACH Enabled: No
22439	3176 - 14 Repairs	2,299.90	09/06/2005	101-420-2220-44040	
22442	3175 - 18 Repairs	8,373.41	09/06/2005	101-420-2220-44040	
22443	3173 - 10 Repairs	2,187.27	09/06/2005	101-420-2220-44040	
22647	3173 - Fog Lights, Head Lamps	245.68	09/06/2005	101-420-2220-44040	
	Check Total:	13,106.26			
Vendor:EXCELLCO	EXCELLCOM			Check Sequence: 18	ACH Enabled: No
11029000093	Leather Case - Public Works	26.63	09/06/2005	101-430-3100-43210	
	Check Total:	26.63			
Vendor:FASTENAL	Fastenal			Check Sequence: 19	ACH Enabled: No
MNT111849	Shop Supplies - Public Works	166.41	09/06/2005	101-430-3100-42150	
MNT111849	Asphalt Cutting Blade	185.06	09/06/2005	601-494-9400-44300	
	Check Total:	351.47			
Vendor:FIREBQUI	Fire Equipment Specialties			Check Sequence: 20	ACH Enabled: No
4170	Firefighting Gear	1,331.31	09/06/2005	101-420-2220-44170	
4171	Firefighting Gear	5,293.41	09/06/2005	101-420-2220-44170	
	Check Total:	6,624.72			
Vendor:FOUR	Four Seasons Service			Check Sequence: 21	ACH Enabled: No
23-040345	Supplies - City Hall	61.65	09/06/2005	101-410-1940-44300	
	Check Total:	61.65			
Vendor:FRANPROD	Franklin Products			Check Sequence: 22	ACH Enabled: No
80819	Fire Hats for fire prevention	456.50	09/06/2005	101-420-2220-42090	
	Check Total:	456.50			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:FXL September 2005	FXL, Inc. Assessing Services Check Total:	1,700.00 1,700.00	09/06/2005	Check Sequence: 23 101-410-1550-43100	ACH Enabled: No
Vendor:GENESIS IVC00718	Next Genesis Productions Server Switch Check Total:	702.00 702.00	09/06/2005	Check Sequence: 24 101-410-1520-43185	ACH Enabled: No
Vendor:Guests Lake Elmo FD	Guest Services NETC Lunches - Malmquist/Tremain Check Total:	240.60 240.60	09/06/2005	Check Sequence: 25 101-420-2220-44370	ACH Enabled: No
Vendor:GWHIZ 4032	G-Whiz Lettering, Inc. Uniforms Lettering Check Total:	266.00 266.00	09/06/2005	Check Sequence: 26 101-420-2220-44170	ACH Enabled: No
Vendor:KAMCO 08/23	Kamco Stump Removal Check Total:	50.00 50.00	09/06/2005	Check Sequence: 27 101-450-5200-44030	ACH Enabled: No
Vendor:KEYSTGRP 1782	The Keystone Group LZ Kit - Fire Dept. Check Total:	337.55 337.55	09/06/2005	Check Sequence: 28 101-420-2220-45800	ACH Enabled: No
Vendor:LESCO 12857758	Lesco, Inc. Landscaping Materials - Parks Check Total:	114.04 114.04	09/06/2005	Check Sequence: 29 101-450-5200-42250	ACH Enabled: No
Vendor:LILLA 00-00843-00-1	Jason & Dianna Lilla Refund - Duplicate Payment Check Total:	90.25 90.25	09/06/2005	Check Sequence: 30 601-000-0000-11500	ACH Enabled: No
Vendor:MALMQ Claim 08/16 Claim 08/19 Claim 08/23 Claim 08/9-13	GregMalmquist Food, Lodging - LAFC Conference Water - Fire Dept. 10 Burning Permits Training Stipend	1,226.50 25.44 100.00 100.00	09/06/2005 09/06/2005 09/06/2005 09/06/2005	Check Sequence: 31 101-420-2220-43310 101-420-2220-44300 101-420-2220-44300 101-420-2220-44370	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	1,451.94			
Vendor:MAMA 1228	Metropolitan AreaManager Asociation MAMA Luncheon 08/18/05 Check Total:	18.00 18.00	09/06/2005	Check Sequence: 32 101-410-1320-44370	ACH Enabled: No
Vendor:MENARDSO 23962	Menards - Oakdale Paint - Parks Check Total:	31.36 31.36	09/06/2005	Check Sequence: 33 101-450-5200-42250	ACH Enabled: No
Vendor:MENARDST 88940 90087 90173	Menards - Stillwater Clamps for poles - Parks Paint -Parks Door Stop, Floor Dry - Fire Dept. Check Total:	12.90 34.48 28.72 76.10	09/06/2005 09/06/2005 09/06/2005	Check Sequence: 34 101-450-5200-42250 101-450-5200-42250 101-420-2220-42230	ACH Enabled: No
Vendor:METROCA A0318076H	Metrocall Inc. Pagers - Fire Dept. Check Total:	80.94 80.94	09/06/2005	Check Sequence: 35 101-420-2220-43210	ACH Enabled: No
Vendor:MND0H 07/01-09/30	MN Department of Health Water Supply Svce Conn. Fee Check Total:	816.00 816.00	09/06/2005	Check Sequence: 36 601-494-9400-43820	ACH Enabled: No
Vendor:Nadl Wat 2648470 2668631 2683837	National Waterworks Water Meters Water Meter Supplies Water Meter Supplies Check Total:	863.08 223.27 103.40 1,189.75	09/06/2005 09/06/2005 09/06/2005	Check Sequence: 37 601-494-9400-42300 601-494-9400-42300 601-494-9400-42270	ACH Enabled: No
Vendor:NEXTEL 761950227-029 761950227-029 761950227-029 761950227-029 761950227-029	Nextel Communications Cellular Service - Admin Cellular Service - Fire Dept. Cellular Service - Bldg Dept. Cellular Service - Public Works Cellular Service - Parks Check Total:	76.53 88.02 33.12 49.68 16.56 263.91	09/06/2005 09/06/2005 09/06/2005 09/06/2005 09/06/2005	Check Sequence: 38 101-410-1940-43210 101-420-2220-43210 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:NORTHEMS 2827	North Memorial EMS Education BLS Instr. Training - B. Cohen Check Total:	175.00 175.00	09/06/2005	Check Sequence: 39 101-420-2220-44370	ACH Enabled: No
Vendor:OakPark 350	Oak Park Auto Inc. Oil, plugs, wires, scan - Bldg Dept. Check Total:	313.59 313.59	09/06/2005	Check Sequence: 40 101-420-2400-44040	ACH Enabled: No
Vendor:OFFICEMX 298014 597809 856951	OfficeMax Fax Cartridges - Public Works Paper, Staples Filing Cabinet - Finance Check Total:	25.53 27.95 165.06 218.54	09/06/2005 09/06/2005 09/06/2005	Check Sequence: 41 101-430-3100-42000 101-410-1320-42000 101-410-1520-44300	ACH Enabled: No
Vendor:PELNAR August 2005	KathiPehnar Animal Control - August 2005 Check Total:	2,025.55 2,025.55	09/06/2005	Check Sequence: 42 101-420-2700-43150	ACH Enabled: No
Vendor:PETERSO 11135M 11140M 11150M 11155M 11161M	Peterson Fram & Bergman Admin Criminal Pros Public Imp Projects Civil Litigation - Sessing Property Auto Forfeiture Check Total:	3,690.32 3,349.44 333.50 132.54 40.50 7,546.30	09/06/2005 09/06/2005 09/06/2005 09/06/2005 09/06/2005	Check Sequence: 43 101-410-1610-43040 101-410-1610-43045 803-490-9070-43040 101-410-1610-43040 101-410-1610-43045	ACH Enabled: No
Vendor:PITPURCH -8922	Purchase Power Annual Fee - Postage Check Total:	35.00 35.00	09/06/2005	Check Sequence: 44 101-410-1320-44300	ACH Enabled: No
Vendor:POSTOFF Account 19	POSTMASTER Postage - Bulk Mailings Check Total:	500.00 500.00	09/06/2005	Check Sequence: 45 101-410-1320-43220	ACH Enabled: No
Vendor:PRESS 08/16	StevenPress Cablecast - City Council Check Total:	54.00 54.00	09/06/2005	Check Sequence: 46 101-410-1320-43620	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:QUANTUM 36792	Quantum Digital Imaging Maps - Comp Plan Check Total:	615.56 615.56	09/06/2005	Check Sequence: 47 101-410-1910-43020	ACH Enabled: No
Vendor:QUICKSI 6249811	Quicksilver Courier - Northland Securities Check Total:	31.16 31.16	09/06/2005	Check Sequence: 48 101-410-1520-44300	ACH Enabled: No
Vendor:REED 2991853 2997403 2997404 2997405	Reed Business Information Bid Publication - PW Facility - 08/12 Bid Publication - Water System Bid Publication - 2005 Streets Bid Publication - PW Facility - 08/19 Check Total:	141.40 179.78 149.48 141.40 612.06	09/06/2005 09/06/2005 09/06/2005 09/06/2005	Check Sequence: 49 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510	ACH Enabled: No
Vendor:Reserve 20313037	Pitney Bowes Reserve Account Postage - Metered Check Total:	500.00 500.00	09/06/2005	Check Sequence: 50 101-410-1320-43220	ACH Enabled: No
Vendor:RICKPAVE Permit 3294	Rick Pavek Construction Return Rd Dep. for 3077 Inwood Check Total:	1,000.00 1,000.00	09/06/2005	Check Sequence: 51 803-000-0000-22900	ACH Enabled: No
Vendor:RUUD 08/15-08/31 08/15-08/31	Diane Prince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total:	360.00 360.00 720.00	09/06/2005 09/06/2005	Check Sequence: 52 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:S&T 01KD9757 01KE1053 01KE5102	S&T Office Products, Inc. Name Plate - Planning Comm. Color Paper, Stamp Color Paper Check Total:	22.84 41.71 13.48 78.03	09/06/2005 09/06/2005 09/06/2005	Check Sequence: 53 101-410-1910-42000 101-410-1320-42000 101-410-1320-42000	ACH Enabled: No
Vendor:SATELLIT 24180625	Satellite Shelters, Inc. Rent - Bldg Dept Trailer Check Total:	319.50 319.50	09/06/2005	Check Sequence: 54 101-420-2400-44120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: SONMOR Claim 08/23	ChadSonmor Remb. for EMT Training Check Total:	240.00 240.00	09/06/2005	Check Sequence: 55 101-420-2220-44370	ACH Enabled: No
Vendor: SPRINT 0526076028-3	Sprint Laptop Data Card - Fire Dept. Check Total:	51.18 51.18	09/06/2005	Check Sequence: 56 101-420-2220-43210	ACH Enabled: No
Vendor: STJOSEPH SR13925	St Joseph Equipment, Inc. Backhoe Rental Check Total:	213.00 213.00	09/06/2005	Check Sequence: 57 101-430-3100-43150	ACH Enabled: No
Vendor: Streiche I280949 I287876	STREICHER'S Name Tag - L. Olson Name Tag - C. Howard Check Total:	14.80 14.80 29.60	09/06/2005 09/06/2005	Check Sequence: 58 101-420-2220-44170 101-420-2220-44170	ACH Enabled: No
Vendor: SYMBOL 0047336-IN	Symbol Arts Badges - new members - Fire Dept. Check Total:	670.00 670.00	09/06/2005	Check Sequence: 59 101-420-2220-44170	ACH Enabled: No
Vendor: TESSMAN S059723-IN S059730-IN	Tessman Company Erosion Blankets Erosion Blankets Check Total:	614.51 273.71 888.22	09/06/2005 09/06/2005	Check Sequence: 60 101-430-3100-42240 101-430-3100-42240	ACH Enabled: No
Vendor: TIGERCO 1073284-RI	Tiger Corporation Mower Blades Check Total:	184.90 184.90	09/06/2005	Check Sequence: 61 101-450-5200-42210	ACH Enabled: No
Vendor: TKDA 000200503037 000200503038 000200503039 000200503039 000200503039 000200503039 000200503039 000200503039 000200503039	TKDA, Inc. Water Sys Interconnection Water Tank - Prelim. Design Comp Plan Ut. Permits, Grading Reviews, Mtgs 5 yr CIP, Klondike Speed Limit New City Hall Water System 51st St Drainage, MS4 Workshop	33,939.19 188.00 35,541.51 1,589.01 680.50 42.05 823.20 464.91	09/06/2005 09/06/2005 09/06/2005 09/06/2005 09/06/2005 09/06/2005 09/06/2005 09/06/2005	Check Sequence: 62 601-494-9400-43030 601-494-9400-43030 101-410-1910-43020 101-410-1930-43030 409-480-8000-43030 410-480-8000-45200 601-494-9400-43030 603-496-9500-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
000200503039	Tapestry, Farm, Serenity, DG, Disc. Xing	11,004.17	09/06/2005	803-490-9070-43030	
000200503040	City Council Meetings	200.00	09/06/2005	101-410-1930-43030	
000200503063	PW @ Sunfish Lake - Design	26,576.62	09/06/2005	410-480-8000-45200	
000200503066	2005 Hilltop Repairs - Feasibility Rpt	470.94	09/06/2005	409-480-8000-43030	
	Check Total:	111,520.10			
Vendor: TRISTATE					
A36151	Tri State Bobcat, Inc.	12.06	09/06/2005	Check Sequence: 63	ACH Enabled: No
A36248	Switch - Public Works	551.66	09/06/2005	101-430-3100-42210	
S09226	Bedliner, Rack - Bobcat	36,381.28	09/06/2005	410-480-8000-45400	
	Bobcat	36,945.00		410-480-8000-45400	
	Check Total:				
Vendor: WAS-SHER					
46065	Washington County	162,946.28	09/06/2005	Check Sequence: 64	ACH Enabled: No
	Law Enforcement Contract - Jan-June05	162,946.28		101-420-2100-43150	
	Check Total:				
Vendor: WAS-TRAN					
45939	Washington County	9,347.52	09/06/2005	Check Sequence: 65	ACH Enabled: No
	Striping Roads	9,347.52		101-430-3100-43150	
	Check Total:				
Vendor: WASHTAX					
70672	Washington County	468.02	09/06/2005	Check Sequence: 66	ACH Enabled: No
	Vehicle Registration	468.02		410-480-8000-45800	
	Check Total:				
Vendor: XCEL					
38640873	Xcel Energy	25.33	09/06/2005	Check Sequence: 67	ACH Enabled: No
39195267	3014 Jamley	12.01	09/06/2005	101-430-3160-43810	
39269946	2759 Legion - Public Works	166.86	09/06/2005	101-430-3100-43810	
39273737	4259 Jamaca - Public Works	35.23	09/06/2005	101-430-3100-43810	
39290627	11194 Upper 33rd St	33.94	09/06/2005	101-450-5200-43810	
39300254	Traffic Lights - 998 Inwood	14.50	09/06/2005	101-430-3160-43810	
39308618	11062 34th St - Lift Station	31.69	09/06/2005	602-495-9450-43810	
39314677	3585 Laverne Ave	194.22	09/06/2005	101-410-1940-43810	
39328007	3510 Laverne - Fire Hall	26.80	09/06/2005	101-420-2220-43810	
39328382	Traffic Lights - Manning/Stillwater	41.65	09/06/2005	101-430-3160-43810	
39333654	3511 Laverne - Fire Hall	449.05	09/06/2005	101-420-2220-43810	
	City Hall	1,031.28	09/06/2005	101-410-1940-43810	
	Check Total:				

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Total for Check Run:	372,886.14			
	Total Number of Checks:	67			

CITY OF LAKE ELMO
2005 BILLING SUMMARY

MONTH	11135 Administration	11140 Criminal Pros	11145 Public Imp. Proj	11150 Community Dev	11155 Civil Litigation	11161 Auto Forfeiture	TOTAL
Jan	\$4,443.11	\$3,456.17	\$66.00	\$673.71	\$210.00	\$464.00	\$9,312.99
Feb	\$2,439.99	\$2,868.68	\$544.36	\$198.00		\$94.50	\$6,145.53
March	\$3,375.41	\$3,562.62		\$1,956.61	\$99.00	\$318.50	\$9,312.14
April	\$1,979.81	\$3,328.76	\$77.00	\$2,753.61	\$954.77	\$307.00	\$9,400.95
May	\$3,779.92	\$3,329.95	\$297.00	\$390.50	\$354.32	\$518.00	\$8,669.69
June	\$3,795.88	\$3,777.44	\$165.86	\$363.00	\$1,261.00	\$40.50	\$9,403.68
July	\$3,690.32	\$3,349.44		\$333.50	\$132.54	\$40.50	\$7,546.30
Aug							\$0.00
Sept							\$0.00
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
Totals	\$23,504.44	\$23,673.06	\$1,150.22	\$6,668.93	\$3,011.63	\$1,783.00	\$59,791.28

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

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

ACCOUNT NO.

Page: 1
07/31/2005
11135M

	FEES	EXPENSES	ADVANCES	BALANCE
11135-000008 Comp. Plan Update 2000-2020	374.00	0.00	0.00	\$374.00
11135-030005 OLD VILLAGE AREA MORATORIUM	77.00	0.00	0.00	\$77.00
11135-040009 PURCHASE OF SIEDOW/LEASE PROPERTY	175.00	0.00	0.00	\$175.00
11135-050003 3M - TOWER/PUBLIC WORKS BUILDING SITE DONATION	143.00	0.00	0.00	\$143.00
11135-050004 NEXTEL - WATER TOWER LEASE	253.00	0.00	0.00	\$253.00
11135-920001 Administration	2,665.00	3.32	0.00	\$2,668.32
	<u>3,687.00</u>	<u>3.32</u>	<u>0.00</u>	<u>\$3,690.32</u>

101-410-1610-43040 = 3,690.32

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

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Page: 1
07/31/2005
ACCOUNT NO. 11140M

101-410-1610-430415=3,349.44

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	2,952.50	21.94	0.00	\$2,974.44
11140-030030 Garavalia, Timothy Sr. Driving after suspension	5.00	0.00	0.00	\$5.00
11140-040145 Clayburne, Anthony W. speed 60/40, no proof of insurance, DAS	10.00	0.00	0.00	\$10.00
11140-040266 Sanchez, Marco A.E. 4th degree DUI	5.00	0.00	0.00	\$5.00
11140-050002 Ahartz, Venessa C. underage consumption	45.00	0.00	0.00	\$45.00
11140-050003 Collier, Nathan Andrew DAR, no proof of insurance	5.00	0.00	0.00	\$5.00
11140-050032 Lyman, Shane James no proof of insurance, falsely state info.	5.00	0.00	0.00	\$5.00
11140-050037 Walters, Diane Elaine GM-intent to escape MV tax	5.00	0.00	0.00	\$5.00

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CITY OF LAKE ELMO

ACCOUNT NO.

Page: 2
07/31/2005
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-050045 Patterson, Desiree Candelario 3rd degree DUI	45.00	0.00	0.00	\$45.00
11140-050051 Braun, Christopher Francis domestic assault, 911 interference	50.00	0.00	0.00	\$50.00
11140-050057 Kuehn, Joshua Kenneth 3rd degree DUI,	45.00	0.00	0.00	\$45.00
11140-050078 Schmotter, Nicholas William GM-911 interference, domestic assault	5.00	0.00	0.00	\$5.00
11140-050112 Reyes, Miguel 4th degree DUI	5.00	0.00	0.00	\$5.00
11140-050118 Munoz, Troy Regan speed 76/55	60.00	0.00	0.00	\$60.00
11140-050127 Brantner, Tanya Louise DAS	5.00	0.00	0.00	\$5.00
11140-050133 Rassmussen, Lana Marie DAS, no insurance	5.00	0.00	0.00	\$5.00
11140-050140 Carranza, Armando G. GM-no insurance, DAR	10.00	0.00	0.00	\$10.00

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CITY OF LAKE ELMO

ACCOUNT NO.

Page: 3
07/31/2005
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-050141 Lee, Dasvis terroristic threats	5.00	0.00	0.00	\$5.00
11140-050144 Alexander, Brody posses fire arm, speed, fail to transfer title	10.00	0.00	0.00	\$10.00
11140-050146 Weiler, Richard Lawrence 3rd degree DUI, 3rd degree .10	45.00	0.00	0.00	\$45.00
11140-050159 Wheeler, Timothy P. domestic assault	5.00	0.00	0.00	\$5.00
	<u>3,327.50</u>	<u>21.94</u>	<u>0.00</u>	<u>\$3,349.44</u>

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

ACCOUNT NO.

Page: 1
07/31/2005
11150M

	FEES	EXPENSES	ADVANCES	BALANCE
11150-040005 LAKEWOOD EVANGELICAL FREE CHURCH - REZONING - SUP	55.00	0.00	0.00	\$55.00
11150-040019 CARDINAL VIEW - COMPREHENSIVE PLAN, REZONING	0.00	0.00	0.00	\$0.00
11150-050002 LE PROFESSIONAL CENTER C/O J. MCDONALD VARIANCE	70.00	0.00	0.00	\$70.00
11150-050006 DISCOVER CROSSING OP DEVELOPMENT	66.00	0.00	0.00	\$66.00
11150-050009 PLAT, REZONING AND COMP PLAN - PARK MEADOWS	142.50	0.00	0.00	\$142.50
	<u>333.50</u>	<u>0.00</u>	<u>0.00</u>	<u>\$333.50</u>

803-490-9070-43040 = 333.50

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

ACCOUNT NO.

Page: 1
07/31/2005
11155M

	FEES	EXPENSES	ADVANCES	BALANCE
11155-040002 ZIERTMAN/SESSING PROPERTY	132.00	0.54	0.00	<u>\$132.54</u>

101-410-1610-43040 = 132.54

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

ACCOUNT NO.

Page: 1
07/31/2005
11161M

	FEES	EXPENSES	ADVANCES	BALANCE
11161-050001 Brama, Angela				
vehicle forfeiture-2005 Escalade	40.50	0.00	0.00	<u>\$40.50</u>

101-410-1610-43045 = 40.50

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September 2, 2005

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Partial Payment No. 3
Water System Interconnect - Phase I
City of Lake Elmo, Minnesota
TKDA Project No. 13186.000

Dear Mayor and City Council:

The Contractor has had difficulty getting his pipe to pass the hydrostatic test due to leaks at many of the connections. They have been working to repair these. If they are complete with this work before the City Council meeting we will ask for approval, otherwise we will pull this item from the agenda.

City Council Action Requested

Approve Partial Payment No. 3 in the amount of \$135,676.36.

Sincerely,

Thomas D. Prew, P.E.
City Engineer

TDP:art
Enclosures

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

RESOLUTION NO. 2005-090

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 3
TO CHRIS RILEY UTILITIES, INC.
FOR WATER SYSTEM INTERCONNECT – PHASE I**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 3 to Chris Riley Utilities, Inc. in the amount of \$135,676.36 for work improvements to the Water System Interconnect Project – Phase I, verified by the City Engineer in his memo dated September 2, 2005.

ADOPTED by the Lake Elmo City Council the 6th day of September, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

Project. No. 13186.000.002 Cert. No. 3 St. Paul, MN, September 2, 2005

To City of Lake Elmo, Minnesota Owner

This Certifies that Chris Riley Utilities, Inc., Contractor

For Water System Interconnect - Phase I

Is entitled to One Hundred Thirty-Five Thousand Six Hundred Seventy-Six Dollars and 36/100 - (\$ 135,676.36)

being 3rd estimate for partial payment on contract with you dated April 5, 2005

Received payment in full of above Certificate.

TKDA

Chris Riley Utilities, Inc.
_____, 20____

Thomas D. Prew, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 348,626.18		
All previous payments		\$ 174,017.70	
All previous credits			
Extra No.			
" "			
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 135,676.36	
Totals	\$ 348,626.18	\$ 309,694.06	\$ -
There will remain unpaid on contract after payment of this Certificate		\$ 38,932.12	
	\$ 348,626.18	\$ 348,626.18	\$ -

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 3 Period Ending August 30, 2005 Page 1 of 1 Project. No. 13186.000.002
Contractor Chris Riley Utilities, Inc. Original Contract Amount \$348,626.18
Project Water System Interconnect Phase I
Location City of Lake Elmo, Minnesota

Total Contract Work Completed	\$	<u>325,993.75</u>
Total Approved Credits	\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>
Approved Extra Orders Amount Completed	\$	<u>0.00</u>
Total Amount Earned This Estimate	\$	<u>325,993.75</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>5</u> % Retained	\$	<u>16,299.69</u>
Less Previous Payments	\$	<u>174,017.70</u>
Total Deductions	\$	<u>190,317.39</u>
Amount Due This Estimate	\$	<u>135,676.36</u>

Contractor Chris Riley Utilities, Inc.

Date _____

Engineer Thomas D. Prew, P.E.

Date September 2, 2005

ESTIMATE NO. 3

PERIOD ENDING: August 30, 2005

WATER SYSTEM INTERCONNECT - PHASE I
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 13186.000

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
BASE BID						
1	MOBILIZATION	LS	1.0	1.0	\$ 15,000.00	\$ 15,000.00
2	REMOVE & DISPOSE OF BIT. PAVEMENT	SY	210.0	58.0	\$ 5.00	\$ 290.00
3	SAW CUT BIT. PAVEMENT	LF	75.0	-	\$ 1.00	\$ -
4	PATCH BIT. PAVEMENT 4" THICK	SY	210.0	-	\$ 18.00	\$ -
5	REMOVE & REPLACE CMP CULVERT	LF	70.0	30.0	\$ 12.00	\$ 360.00
6	SEEDING, INCL. SEED, FERTILIZER & WOOD FIBER BLANKET	SY	900.0	900.0	\$ 1.50	\$ 1,350.00
7	SODDING TYPE LAWN	SY	200.0	-	\$ 2.50	\$ -
8	CL-5	TN	30.0	-	\$ 9.00	\$ -
9	BIT. PAVEMENT FOR DRIVEWAY 2" DEPTH	TN	154.0	-	\$ 50.00	\$ -
10	CONNECT TO EXIST. WATERMAIN	EA	1.0	1.0	\$ 1,200.00	\$ 1,200.00
11	6" DIP CL-52 WATERMAIN	LF	42.0	24.0	\$ 33.82	\$ 811.68
12	8" DIP CL-50 WATERMAIN	LF	15.0	12.0	\$ 45.86	\$ 550.32
13	DIR. DRILL 16" (DIP) HDPE DR 17	LF	6,649.0	6,649.0	\$ 40.48	\$ 269,151.52
14	6" RES. SEAT GATE VALVE & BOX	EA	6.0	6.0	\$ 888.42	\$ 5,330.52
15	8" RES. SEAT GATE VALVE & BOX	EA	1.0	1.0	\$ 1,179.32	\$ 1,179.32
16	16" BUTTERFLY VALVE & BOX	EA	4.0	5.0	\$ 2,610.91	\$ 13,054.55
17	6" HYDRANT (7'-6" BURY)	EA	6.0	6.0	\$ 2,720.14	\$ 16,320.84
18	MJ DIP COMPACT FITTINGS	LB	4,109.0	465.0	\$ 3.00	\$ 1,395.00
19	TYPE LV-3 BIT. NON-WEAR COURSE MIXTURE	TN	-	-	\$ -	\$ -
20	TYPE LV-4 BIT. WEAR COURSE MIX	TN	-	-	\$ -	\$ -
21	BITUMINOUS MATERIAL FOR TACK COAT	GA	-	-	\$ -	\$ -
22	TOPSOIL BORROW	CY	-	-	\$ -	\$ -
23	SODDING	SY	-	-	\$ -	\$ -

TOTAL ESTIMATE NO. 3

\$ 325,993.75

4C. The City Engineer will bring his memo to the Council Meeting.

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

RESOLUTION NO. 2005-091

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 1
TO G.M. CONTRACTING
FOR WATER SYSTEM INTERCONNECT – PHASE II**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 1 to G.M. Contracting in the amount of \$_____ for work improvements to the Water System Interconnect Project – Phase II, verified by the City Engineer in his memo dated September 2, 2005.

ADOPTED by the Lake Elmo City Council the 6th day of September, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

Lake Elmo City Council 09-06-2005	Agenda Section: Finance	<u>No . 5B</u>
<u>Agenda Item:</u> Set Truth n' Taxation Hearing Dates		
<p><u>Background Information for September 06, 2005:</u></p> <p>The City conducts a Truth in Taxation Public Hearing for the 2006 General Fund Budget and the final 2005 Tax Levy, collectible in 2006. The time frame for these Hearing Date is between November 29th and December 20th and cannot be conducted on the same dates the County, School District and any other Special Taxing District holds there hearings (see enclosed calendar). Due to the limited available dates, I recommend that the Council consider Monday December 5th at 7:00pm and a Continuation Hearing (if necessary) on Monday December 12th at 5:30 for the Truth in Taxation Public Hearings.</p>		
<u>Action Items:</u> Motion to Adopt Resolution No. 2005-093 setting the Truth in Taxation Public Hearing dates for the 2005 Tax Levy and the 2006 Budget.	<u>Person responsible:</u> Tom Bouthilet	
<u>Attachments:</u> Resolution 2005-093 Washington County Pay 2006 Truth-in-Taxation Calendar of Hearing Dates		

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

RESOLUTION NO. 2005-093

**A RESOLUTION SETTING THE TRUTH IN TAXATION
PUBLIC HEARING DATES FOR 2005 TAX LEVY**

WHEREAS, the City is required to set public hearing dates for the truth in taxation hearing on the 2006 budget and tax levy; and

WHEREAS, these dates cannot conflict with those dates for school districts and other taxing districts within the City of Lake Elmo or Washington County; and

WHEREAS, the City needs to set dates for the initial truth in taxation hearing date, and a proposed continuation hearing date should one be necessary.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Lake Elmo has set December 5, 2005 at 7:00 p.m. as the initial truth in taxation public hearing date and December 12, 2005 at 5:30 p.m. as the continuation date for the truth and taxation public hearing, if necessary, for the final adoption of the levy and budget.

ADOPTED, by the Lake Elmo City Council on the 6th day of September, 2005.

Dean Johnston
Mayor

ATTEST:

Martin Rafferty,
City Administrator

Washington County Pay 2006 Truth-in-Taxation Calendar of Hearing Dates

November – December 2006

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Nov 20	Nov 21	Nov 22	Nov 23	Nov 24 Thanksgiving	Nov 25	Nov 26
Nov 27	Nov 28	Nov 29 ISD 2144 – 7:00 pm ISD 624 – 7:00 pm ISD 831 – 7:00 pm <i>First day to hold a hearing</i>	Nov 30 ISD 832 – 7:00 pm	Dec 1 County Initial Hearing <i>No school or city hearings allowed</i>	2	3
4	5 Reserved for Cities until September 15	6 ISD 200 – 5:30 pm ISD 622 – 7:00 pm Cont: ISD 624 – 7:00 pm	7 Metro Special Taxing Districts Initial Hearing <i>No school or city hearings allowed</i>	8 ISD 833 – 7:00 pm ISD 834 – 7:00 pm Cont: ISD 2144 – 7:00 pm Cont: ISD 832 – 6:00 pm	9	10
11	12 Reserved for Cities until September 15	13 Cont: ISD 200 – 6:00 pm	14 Metro Special Taxing Districts Continuation <i>No school hearings allowed</i>	15 Cont: ISD 622 – 7:00 pm Cont: ISD 831 – 7:00 pm Cont: ISD 833 – 6:00 pm Cont: ISD 834 – 7:00 pm	16	17
18	19	20 County Continuation Hearing <i>No school hearings allowed</i> <i>Last day to hold a hearing</i>	21	22	23	24
25	26	27	28	29	30	31

Lake Elmo City Council 09-06-2005	Agenda Section: Finance	<u>No . 5A</u>
<u>Agenda Item:</u> Adoption of Proposed Tax Levy & 2006 Budget		
<p><u>Background Information for September 06, 2005:</u></p> <p>Attached, Please find Resolution 2005-092 pertaining to the adoption of the proposed 2006 proposed budget and the 2005 Tax Levy, collectible 2006 in the amount of <u>\$ 2,154,868.</u> Several Budget & Council Committee Workshops were conducted including the August 24, 2005 with the full Council in attendance. The recommended adjustments have been completed and the proposed Levy was approved. Please note; the proposed amount certified to the County by September 15, 2005 cannot be increased however the City does retain the authority to lower the Levy.</p>		
<p><u>Action Items:</u> Motion to Adopt Resolution No. 2005-092 for the Proposed 2005 Tax Levy, collectible in 2006 and the 2006 Proposed Budget.</p>	<p><u>Person responsible:</u> Tom Bouthilet</p>	
<p><u>Attachments:</u> Resolution 2005-092</p>		

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-092
RESOLUTION APPROVING PROPOSED 2005 TAX LEVY, COLLECTIBLE IN 2006 &
THE PROPOSED 2006 BUDGET

WHEREAS, the City Council has conducted several budget workshops and committee meetings;

WHEREAS, the City is required to adopt a proposed budget for payable 2006 and certified it's proposed property tax levy for payable in 2006,

BE IT RESOLVED that the City adopts the proposed Budget payable in 2006

BE IT RESOLVED by the Council of the City of Lake Elmo, County of Washington, Minnesota that the following proposed sums of money be levied for the current year, collectible in 2006, upon taxable property in the City of Lake Elmo, for the following purposes:

Total Levy \$ 2,154,868

BE IT RESOLVED that the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Washington County, Minnesota.

ADOPTED, by the Lake Elmo City Council on the 6th day of September, 2005.

Dean Johnston
Mayor

ATTEST:

Martin Rafferty
City Administrator

Lake Elmo City Council September 6, 2005	Agenda Section: Fire Department	<u>No. 7A.</u>
<u>Agenda Item:</u> Confirm Fire Chief Appointment		
<p><u>Background Information:</u></p> <p>On September 24th of 2004 the City Council adopted Ord. 97-141 relating to the organization and operation of the Fire Department. This occurred after deficiencies in the City Code were identified relating to operational authority. At that time, I recommended that the officers in place would remain until some time in the future, when, I being a new Administrator, had enough time and information to move forward with the officer appointment process as defined in the new Ord.</p> <p>Approximately four Council meetings ago I announced that I would be opening and posting for all officer position for application to the membership. Each Fire Department member received a written notice that all positions for officers were being opened for application and inviting each member to apply if they so choose. The written notice was also posted on Fire Department bulletin boards and announced at the department meetings. The notice also included that any of the positions could become part time or fulltime in the future.</p> <p>One application was received for Chief, two applications for District Chief and five applications for Captain. The selection of the Chief is the first step in this process as the selected Chief participates in the remaining portion of the process.</p> <p>Consistent with the Ord. the Mayor and I designed a selection/interview process for the Chief's position including the establishment of the interview panel. We agreed the Chair of the FLLP Committee should staff the interview panel with the Mayor and me. The panel developed a series of questions for the process. On Thursday, Chief Malmquist was interviewed for the position and was determined by the panel unanimously, exceptionally well suited for the position of Fire Chief.</p> <p>The interview panel recommends Chief Malmquist to be confirmed by the City Council Consistent with the process adopted in Ord. 97-141.</p>		
<u>Action Items:</u> Motion to Confirm Chief Gregory Malmquist as the Lake Elmo Fire Chief.	<u>Person responsible:</u> Martin Rafferty, City Administrator	
<u>Attachments:</u> Ord 97-141, Job Announcement, Chief Job Description and Interview questions.		

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

**ORDINANCE NO. 97-141
AN ORDINANCE RELATING
TO THE FIRE DEPARTMENT**

The Lake Elmo City Council hereby ordains that Section 216 and its subdivisions are hereby added to the Lake Elmo City Code to read as follows:

"Section 216 Fire Department

Section 216.01 - Composition. The Lake Elmo Fire Department (the "Fire Department") is a volunteer department of the City of Lake Elmo (the "City") and shall consist of a fire chief; two (2) district fire chiefs; four (4) fire captains, and up to twenty-eight (28) additional firefighters. A total of thirty five (35) positions are authorized. The Fire Department is also authorized two (2) volunteer support services positions (non firefighter) with need defined and requested by the chief and approved by the City Administrator. Payment structure will be defined by the City Administrator.

Section 216.02 – Position Classification. Firefighter positions have two (2) classifications for compensation purposes. The City Employee/Voluntary Firefighter and Voluntary Firefighter. Non firefighter positions will be defined as Volunteer Support Services.

Section 216.03 – Compensation. City employee voluntary firefighter positions shall be compensated at an annual stipend rate of \$2,500.00 per year. This compensation will be provided to a volunteer firefighter, in good standing, who is a City employee that volunteers for the Fire Department. City volunteer firefighter positions shall be compensated at a rate of \$10.25 per hour for calls for service. The compensation for voluntary firefighter service will change as proposed by the City Administrator and approved by the City Council. In addition, an annual and equal contribution to the City's fireman's retirement/relief association will be provided for each firefighter position regardless of the position or employment classification. The rate of contribution will vary as required by Minnesota Statute.

Section 216.04 – Appointment of Fire Chief. The replacement of the fire chief shall be selected by the Mayor and City Administrator from a pool of existing City firefighters, who have formally expressed interest in position through an application process and after achieving the established selection criterion. The fire chief will report to the City Administrator for overall management and regulation subject to the review by the City

Council. The City Administrator and Mayor shall define the selection process. The selected candidates name shall be forwarded to the City Council for appointment confirmation. The chief shall remain in that appointed position unless removed by the City Administrator and Mayor after formal concurrence by the City Council. The City Administrator and Mayor shall provide an annual evaluation of the fire chief. A volunteer fire chief stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.

Section 216.05 – Appointment of District Fire Chiefs. The District Fire Chiefs shall be selected in a designed process by the City Administrator and the Fire Chief and confirmed by the City Council. The District Fire Chiefs will continue to serve in the appointed position unless removed by the City Administrator and Fire Chief and confirmed by the City Council. The District Fire Chiefs will report to the Fire Chief for overall management and regulation. A volunteer District Fire Chief's stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.

Section 216.06 – Appointment of Fire Safety Officer. The Fire Safety Officer shall be selected by the Fire Chief and, recommended to the City Administrator for confirmation by the City Council. The Fire Safety Officer will continue to serve in the appointed position unless removed by the City Fire Chief and City Administrator for confirmation by the City Council. The Fire Safety Officer will report to the Fire Chief for overall management and regulation. A volunteer Fire Safety Officer stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.

Section 216.07 – Appointment of Fire Captains. The Fire Captains shall be selected in a designed process by the City Fire Chief, District Fire Chiefs and recommended to the City Administrator for confirmation by the City Council. The position of Captain will continue to serve in the appointed volunteer position unless removed by the Fire Chief and recommended to the City Administrator for confirmation in by the City Council. The Captains will report to the Fire Chief and District Fire Chiefs for overall management and regulation. A volunteer fire Captain's stipend will also be paid in addition to the volunteer firefighter payment for responding to calls for service.

Section 216.08 – Fire Department Policy Manual. The Fire Chief and District Fire Chiefs shall develop, review and implement Department Policies to communicate existing rules, operational procedures and practices and to establish performance standards. Policy developed shall be reviewed by the District Fire Chiefs, Fire Captains and the Fire Safety Officer prior to review and concurrence by the City Administrator. Department Policies shall define as required behavior. Standard Operating Guidelines (SOGs) shall also be developed in a separate

section of the Departmental Policy Manual. SOGs should be considered as guidance's and not required behavior. All Fire Department SOGs will have a final review and concurrence by the City Administrator. Any portion of an SOG developed or implemented determined in conflict with City operational practice or law will be considered repealed.

Section 216.09 – Equipment. The fire chief shall prepare and, from time to time update, an inventory of the Fire Department equipment and shall recommend additions to or replacement of equipment for inclusion in the City's Capital Improvement Program.

Section 216.10 – Unauthorized Use of Equipment. Unauthorized use of Fire Department equipment or facilities shall be a misdemeanor.

Section 216.11 – Right of Way. All personal cars of Fire Department members shall have right-of-way over all other traffic when responding to a call. Firefighters cars may be designated as such if necessary. Firefighters shall obey all traffic laws en-route to a fire alarm.

Section 216.12 – Obstructions. No person shall park any vehicle of any description or place any material or any obstruction within twenty (20) feet of the entrance to a fire station or within fifteen (15) feet of any fire hydrant or fire **system**. No person shall park any vehicles within three hundred (300) feet of a fire. No person shall oppose or obstruct a member of the Fire Department or a firefighter in the performance of any legal duty. No person shall obstruct or hinder the entry of a firefighter upon premises or into buildings or other places where a fire or fire hazard exists or is reasonably suspected to exist.

Section 216.13 – False Alarm. No person shall maliciously or intentionally sound a false alarm.

Section 216.14 – Pursuit. No unauthorized person shall ride upon, race with, trail or follow within six hundred (600) feet of any apparatus belonging to the Fire Department when actively responding to a fire alarm.

The Lake Elmo City Council hereby repeals Sections 215.10 through and including 215.12 of the Lake Elmo City Code.

ADOPTION DATE: Passed by the Lake Elmo City Council on the 21ST day of September, 2004.

EFFECTIVE DATE: This Ordinance shall be effective the day following its publication.

Dated: 9-21-, 2004

Lee Hunt
Lee Hunt, Mayor

ATTEST:

Martin Rafferty
Martin Rafferty, City Administrator

PUBLICATION DATE: Published on the 24th day of September, 2004.

F:\users\Janice\Jerry\LE\Fire Department Ordinance.doc



LAKE ELMO FIRE DEPARTMENT

Station One

3800 Laverne Avenue N.
Lake Elmo, MN 55042
770-5006

Station Two

4259 Jamaca Avenue N.
Lake Elmo, MN 55042
779-8882

July 8, 2005

To All Lake Elmo Fire Department Members,

Job openings for the following positions with the Lake Elmo Fire Department will be posted for two weeks. Fire Chief, District Chief (2), Captain (4) and Interim Safety Officer. Anyone of these positions has the potential to become, up to and including, full time. These positions will no longer have term limits, but will be reviewed annually with a review process. Job descriptions for the positions are posted at both Stations #1 & #2. If you are interested in applying for any of the positions you will need to submit your resume to the City of Lake Elmo @ city hall during business hours. Applications will not be accepted after July 23, 2005. Anyone wishing to obtain a copy of a job description should contact Chief Malmquist ASAP. I can be reached at 651-775-1137.

City Administrator
Marty Rafferty

Chief
Greg Malmquist

LAKE ELMO FIRE DEPARTMENT

JOB DESCRIPTION

FIRE CHIEF

POSITION SUMMARY

The Chief of the Lake Elmo Fire Department shall be responsible for all operations of the Department, which shall include, but is not limited to administrative duties, training, coordination of vehicle, equipment and facility maintenance, fire prevention, planning and organizing firefighting activities, conduct inspections of new and existing buildings to ensure compliance with fire codes as well as local fire ordinances to minimize loss of life and property and to act as fire department liaison with the city and general public. The Chief shall be expected to serve as a leader of the Department, uphold, follow and enforce City Policies, Department Policies, Department Standard Operating Guidelines and oversee all management functions of the Department. Above and beyond all else, the employee shall be required to respond to alarms. In addition the Chief will:

- Manage personnel resources more efficiently. Plan for future staffing needs by actively recruiting and working with business community regarding potential support.
- Continue to build and strengthen relationships with neighboring agencies and work on long range regional approach to providing services.
- Will manage equipment and rolling stock. Will have the ability to better monitor repairs and maintenance, seek out the most qualified vendors and plan for future acquisitions.
- Provide code enforcement, plan review and annual business inspections. This will allow us to build a "pre-plan" database, identify potential hazards and build a relationship with the business community.
- Update emergency response and preparedness plans to meet current and future needs of the community.

This position is responsible for various duties within the Fire Department. These duties shall include, but are not limited to

SUPERVISION

Must be able to work independently, exercise initiative and independent judgment. This position answers to and operates under the direction of the City Administrator. Oversee all personnel matters within the department.

Shall assume the role of Incident Commander on all scenes when appropriate.

ESSENTIAL FUNCTIONS

1. Administrative activities.

- Shall ensure that the department meets all requirements set forth by the Federal, State, County, City of Lake Elmo, NFPA and OSHA. This shall include the filing of documents, filing of reports and complying with standards.
- Plan, organize and direct the overall operation of the Fire Department.
- Prepare the Fire Department annual budget through the collection of data and review of previous expenditures.
- Research, write, submit and ensure compliance with grants.
- Responsible for the development of policy or procedural changes.
- Ensure the security of administrative files to ensure compliance with data privacy requirements.
- Evaluate the effectiveness of services and programs.
- Assesses concerns of citizens / community.
- Update and maintain the records of the fire department.
- Shall attend or ensure that the department is represented at any required city or department meetings and any other association meetings which require department representation.

2. Training

- Responsible for the management and administration of the training and certification programs.
- Responsible for department training programs, establish and maintain minimum training standards.

- Responsible for the weekly training activities of the department.
- Maintain training records.
- Responsible for coordinating both outside instructors and members attending outside training.

3. Vehicles, Equipment and Facilities

- Responsible for purchasing of vehicles and equipment, (contacting vendors, delivery and pickup, writing specifications etc.)
- Ensure that vehicles and equipment are maintained. Setup scheduled maintenance, service calls, inspection and certifications as needed. Deliver and pickup vehicles and equipment for service. Maintain all required service records. Ensure fire stations are kept in good repair and order repairs as needed.

4. Fire Prevention

- Responsible for the continued evaluation and development fire prevention program.
- Responsible for the scheduling and promotion of fire prevention educational programs and events.
- Present fire prevention programs by addressing groups in the community.

5. Inspections/Investigations

- Plan, prioritize, and schedule fire inspection activities.
- Review past inspection reports.
- Contact owners for approval to conduct inspections.
- Conduct annual on-site inspections of structures and property.
- Review plans and proposals for all new construction.
- Conduct or ensure that proper fire investigations are conducted.
- Maintain all records.

6. Department Liaison

- Represent the Department on committees, at meetings and conferences as needed.
- Inform the Department of significant matters.

- Develop and maintain effective working relationships with City Staff, other agencies and the general public.
- The Chief shall at all times present a positive and constructive attitude and shall continually strive to improve morale and working relationships among personnel.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of fire fighting equipment practices, principles, methods and techniques used in modern fire suppression.
- Knowledge of operations, services and activities of the Fire Department.
- Knowledge of and the ability to apply pertinent federal and state law and city ordinances.
- Knowledge of data privacy laws as they pertain to personnel records, reports and materials.
- Ability to communicate effectively both orally and in writing.
- Ability to learn and use computer programs, as well as other office equipment.
- Skilled in listening and problem solving.
- Must complete a minimum of 12 hours of continuing education outside the department annually.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit; talk or hear; stand; walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job

include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in office, vehicles, and outdoor settings, in all weather conditions, including temperature extremes, during day and night shifts. Work is often performed in emergency and stressful situations. Individual is exposed to hearing alarms and hazards associated with fighting fires and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils.

The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet in office settings, and loud at an emergency scene.

QUALIFICATIONS

- High school education or equivalent.
- Minimum of 6 years firefighting experience.
- Firefighter II certification.
- Certified First Responder.
- Valid Minnesota Drivers License.
- Experience with Fire Inspection/Investigation.
- Has met the requirements of District Chief.

(During the initial implementation of this job description, it may be necessary to waive a portion of the requirements. This determination will be based on the applications received and will be made by the City Administrator. However, any requirements that are waived MUST be completed within a reasonable amount of time, as determined by the City Administrator.)

Interview Questions for Fire Chief

Vision for the Fire Department

Please provide an historic overview of the LEFD from your start date to present?

Since becoming Chief what do you believe have been significant factors impeding and facilitating your leadership?

Please provide a vision for the LEFD for 5, 10 and 20 years? What would you like to achieve that you could point to as accomplishments?

Strategy to pursue a more regional approach to fire operations...positives/negatives...results/timeline expectation?

Management Strengths and weaknesses

Provide an overview of your management style and reflect your thoughts on how employee empowerment interfaces with a command/control organization like the LEFD? Define a command/control organization and its design importance?

What role does communication play; how is that best achieved in a volunteer fire organization?

As Chief what steps have you taken to develop fire volunteers for today and the future?

Expertise

- In your current role how do constituents view you as an expert?
- How would you rate your communication skills in the following areas:
 - Written communication.
 - One on one communication
 - Large group presentation
- Give an example of a controversial issue that you have had to manage. What did you learn from this experience?

Motivation

Why did you and why do you want to be Chief?

Diversity

- What is the importance of diversity within the LEFD? How will that be achieved moving forward in the future?

September 2, 2005

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Approve Plans and Specifications
Elevated Storage Tank No. 2
City of Lake Elmo, Minnesota
TKDA Project No. 13253.000

Dear Mayor and City Council:

Plans are complete for Elevated Storage Tank No. 2 to be located next to the new Public Works Building.

We are taking alternate bids for:

- A 500,000 gallon and a 750,000 gallon tank.
- Two different bowl shapes.
- Either a concrete or a fluted metal column.
- With and without a mezzanine for storage of cell phone equipment.

The schedule should allow this tank to be in operation by next fall, depending on the style of tank chosen. A drawing is attached.

Other the name "Lake Elmo", we have not included a logo at this time. One can be added in the future if you wish. We will review the color of the tank with you after the bids are received, and a size and style is recommended.

City Council Action Requested

Pass a Resolution approving Plans and Specifications and authorizing the advertisement for bids for Elevated Storage Tank no. 2

Sincerely,

Thomas D. Prew, P.E.
City Engineer

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

**RESOLUTION NO. 2005-094
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS
FOR ELEVATED STORAGE TANK NO. 2**

WHEREAS, the City Engineer has prepared plans and specifications for the Elevated Storage Tank No. 2 and has presented such plans and specifications to the Council for approval.

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

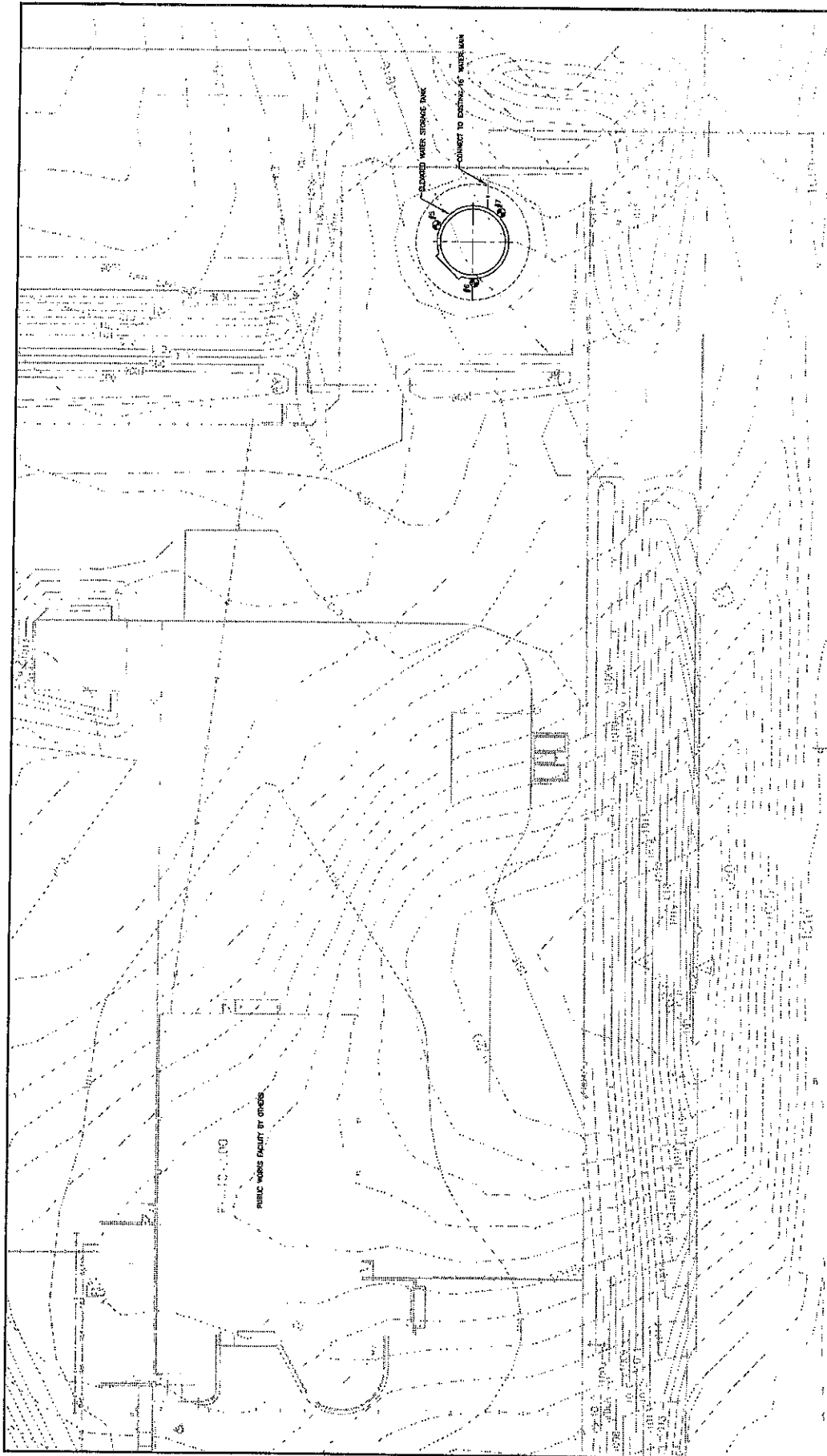
1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. Th City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at the October 4, 2005 Council meeting, in the Council chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 6th day of September, 2005.

Dean A. Johnston, Mayor

ATTEST:

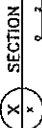
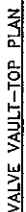
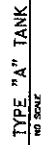
Martin J. Rafferty, City Administrator



SITE PLAN
 0 10 20 40
 FEET
 SCALE IN FEET



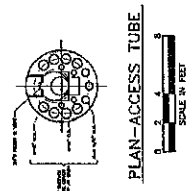
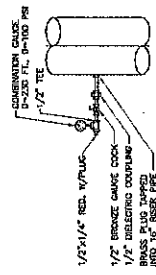
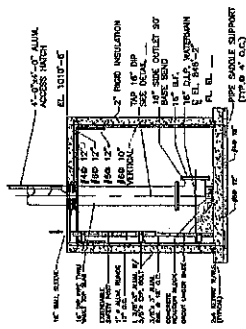
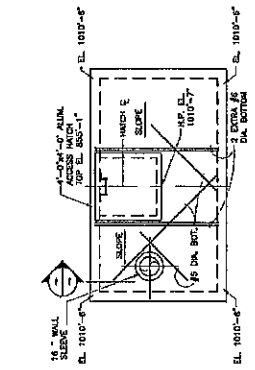
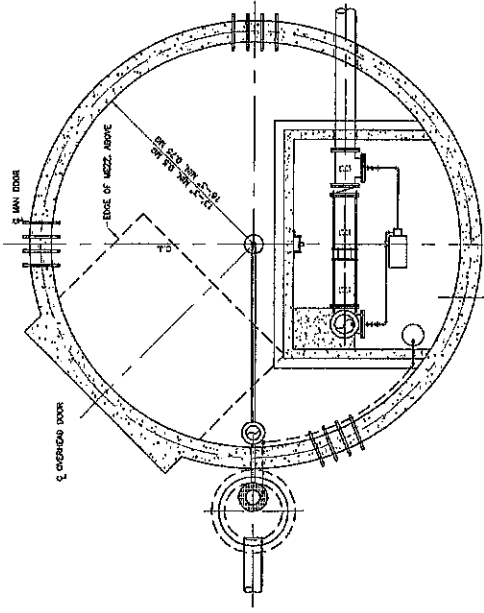
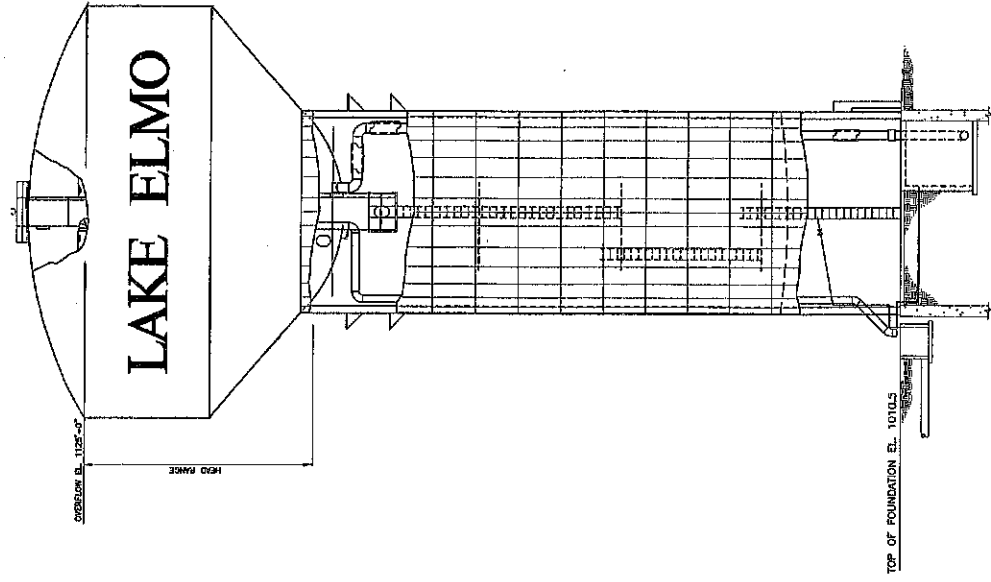
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNATURE: <u>CHRISTOPHER W. BRON</u> DATE: <u>2/8/2003</u> PRINTED NAME: <u>CHRISTOPHER W. BRON</u> LIC. NO.: <u>49521</u>		TKDA ENGINEERS-ARCHITECTS-PLANNERS	ELEVATED WATER STORAGE TANK NO. 2 LAKE ELMO, MINNESOTA	SITE PLAN DRAWING NO. <u>1253.000</u> 2
DESIGNED: <u>CM</u> DRAWN: <u>CM</u> CHECKED: <u>CM</u>	NO. DATE BY DESCRIPTION OF REVISIONS			



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: _____ DATE: 9/8/2005
 PRINTED NAME: ANDRUSTOSKY, W. DEAN LIC. NO.: 40285

PLAN DATE: 10/24/2001
 DRAWING NO. 13233.000
 PROJECT: LAKE ELMO, MINNESOTA
 SHEET NO. 4



NO.	DATE	BY	DESCRIPTION OF REVISIONS
DESIGNED			
DRAWN			
CHECKED			

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
 WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
 THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER
 THE LAWS OF THE STATE OF MINNESOTA.
 SIGNATURE: DATE: 10/24/2001
 PRINTED NAME: CHRISTOPHER W. BRYAN LIC. NO. 49471

TKDA
 ENGINEERS-ARCHITECTS-PLANNERS

ELEVATED WATER STORAGE
 TANK NO. 2
 LAKE ELMO, MINNESOTA

TYPE "B" TANK
 COMPOSITE STYLE

COMM. NO.
 DRAWING NO. 13233.000
 4

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005- 095

A RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT
FOR THE IMPROVEMENT OF HILLTOP AVENUE NORTH

WHEREAS, the City Engineer was directed to prepare proposed assessment of the cost of improving Hilltop Avenue North, Lake Elmo, Minnesota.

AND WHEREAS, the clerk has notified the council that such proposed assessment has been completed and filed in her office for public inspection,

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

1. A hearing shall be held on October 4, 2005 in the city hall at 7 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The city clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Lake Elmo, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time, thereafter pay to the City of Lake Elmo the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

ADOPTED by the Lake Elmo City Council this 6th day of September, 2005.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Resol Hearing proposed assmt Hilltop

Lake Elmo
City Council
September 6,
2005

Agenda Section: Planning, Land Use and Zoning

No. 9A

Agenda Item: Comprehensive Plan Amendment/Rezoning and RE Preliminary Plat – Park Meadows

Background Information for September 6, 2005:

At its meeting August 22, 2005 the Planning Commission unanimously adopted a recommendation for approval of multiple applications to develop a 28 acre site adjacent to Sunfish Park for 8 single family building lots. An existing structure of the site would be removed. The concurrent applications are to allow a Residential Estates development on land currently land use guided as RAD and zoned RR. The Commission had conducted the required Public Hearing and tabled the applications at its July 25, 2005 meeting – concurred in by the applicant. The primary reason for tabling was to allow the applicant an opportunity to address concerns of planning and the City Engineer regarding the lack of Public street access to the site.

Following the July deferral the applicant submitted a reconfigured plat drawing and legal documents purported to provide the City e\sufficient street easement to connect with the proposed Public street within the plat. Based on these new drawing the Commission acted to recommend approval on August 22 even though the City Attorney still had some continued concern with the details of street easement issue.

City Engineer review of the surface drainage plan has continued since the Planning Commission meeting. As this memo is written the Engineer has not confirmed concurrence with the details of the drainage plan. Since neither of the technical details noted likely will influence the basics plat design, we have brought the applications forward for Council consideration with the recommendation to approve – specifically conditioned on resolution of the street easement and drainage issues by the applicant to the satisfaction of the City Attorney and City Engineer.

Action items:

1. Motion to Adopt Resolution #2005 - approving a Comprehensive Plan Amendment to reclassify the site from RAD to RED, subject to Metropolitan Council concurrence. 097
2. Motion to adopt Ordinance #97 - , approving rezoning of the site from RR to RE. 162
3. Motion to Adopt Resolution #2005 - Aproving the Preliminary Plat 098

Person responsible:

City Planner

Attachments:

1. Resolution Approving Comp Plan Amendment
2. Ordinance to Rezone
3. Resolution Approving Preliminary Plat
4. Planning Commission Minutes
5. Staff Reports
6. Applicant's Documentation

Time Allocated:

**City of Lake Elmo
Washington County, Minnesota**

Resolution No. 2005-097

**A RESOLUTION GRANTING A
COMPREHENSIVE PLAN AMENDMENT AND REZONING
GUIDING LAND USE FROM RAD TO RED AND REZONING FROM
RR TO RE TO J.P. BUSH HOMES AND BARBARA BERQUIST**

WHEREAS, J.P. Bush Homes and Barbara Berquist have made application to the City of Lake Elmo for a Comprehensive Plan Amendment, amending the land use guiding from RAD to RED and subsequently rezoning from RR to RE for the following parcel of land; to wit:

Parcel Legal Description

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

WHEREAS, the Lake Elmo Planning Commission considered this Comprehensive Plan Amendment request at its July 25, 2005 and August 22, 2005 meetings, and recommended that the Comprehensive Plan Amendment and Rezoning be granted.

WHEREAS, the Comprehensive Plan Amendment request was presented to the City Council at its September 6, 2005 City Council Meeting where the following Finding was made:

The Comprehensive Plan Amendment proposed does reflect a change in conditions related to the City zoning ordinance structure that impacts this site.

The reguiding of this site from RAD to RED is adequately supported and warranted.

NOW, THEREFORE, BE IT RESOLVED that a Comprehensive Plan Amendment is hereby granted by the City Council to J.P. Bush Homes and Barbara Berquist.

BE IT FURTHER RESOLVED, that this Comprehensive Plan Amendment is granted subject to the following condition:

1. Subject to review by the Metropolitan Council.

ADOPTED by the Lake Elmo City Council this 6th day of September, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

**CITY OF LAKE ELMO
WASHINGTON, MINNESOTA**

ORDINANCE NO. 97-162

**AN ORDINANCE AMENDING SECTION 300.07
"ZONING DISTRICT MAP" OF THE LAKE ELMO MUNICIPAL CODE**

Section 1. Amendment: Section 300.07 Subd. 3 (A) of the "Zoning District Map" of the Lake Elmo Municipal code is amended to rezone the following described property:

Parcel Legal Description

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

from Rural Residential (RR) to Residential Estates (RE).

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

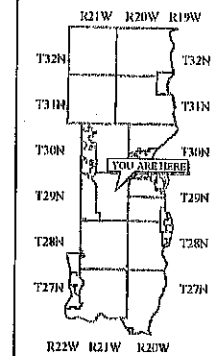
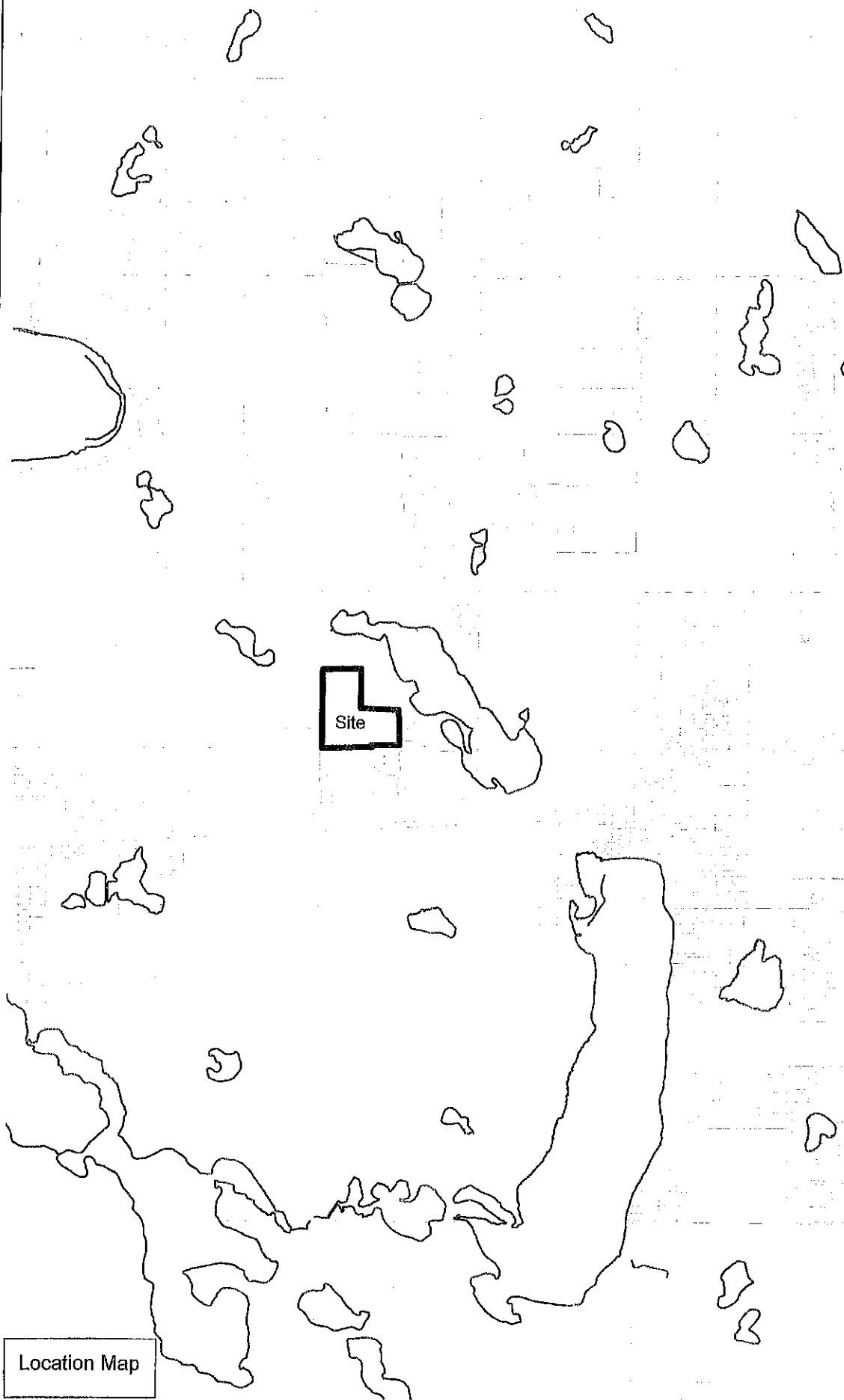
ADOPTED, by the Lake Elmo City Council on the 6th day of September, 2005.

Dean Johnston, Mayor

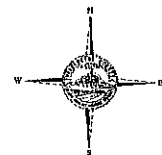
ATTEST:

Martin Rafferty, City Administrator

Published in the Lake Elmo *Leader* on the ____ day of _____, 2005.



Vicinity Map



0 2400
Scale in Feet

Location Map

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

Source: Washington County Surveyor's Office, Phone (651) 430-6676

Parcel data based on AS400 information

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

RESOLUTION NO. 2005-098

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF
PARK MEADOWS**

WHEREAS, Joe Bush of J. P. Bush Homes and Barbara Berquist have made application for a Preliminary Plat to create eight residential building lots on one parcel with an area of 28.09 acres. The property is generally located north of Stillwater Lane and southerly of Sunfish Lake Park, and includes the property addressed as 3600 Kelvin Avenue North. The parcel is legally described as follows:

Parcel Legal Description

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

WHEREAS, at its July 25, 2005 meeting, the Planning Commission conducted a Public Hearing and on August 22, 2005, the Planning Commission unanimously recommended approval of this application to plat 28.09 acres as a residential development of eight building lots.

WHEREAS, the Preliminary Plat of PARK MEADOWS was presented to the City Council at its September 6, 2005 City Council Meeting where the following Finding was made:

The proposed Preliminary Plat generally complies with Section 300 standards for a Residential Estates Development and the subdivision design standards of Section 400 of the *Lake Elmo Municipal Code*.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo does hereby approve and accept the Preliminary Plat of PARK MEADOWS, per plans that staff dated July 6, 2005 and August 10, 2005, as the same on file with the City Administrator, subject to the following Conditions:

1. Compliance with the recommendations of the City Engineer.
2. Compliance with the recommendations of the City Attorney.

3. Compliance with the recommendations of the Valley Branch Watershed District as found to be practical and reasonable by the City Engineer.
4. Park Dedication shall be fees-in-lieu based on the pre-development appraised value of the sit.

ADOPTED, by the Lake Elmo City Council on the 6th day of September, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

MEMO
(August 18, 2005 for the Meeting of August 22, 2005)

To: Lake Elmo Planning Commission

From: Chuck Dillard

Subject: Preliminary Plat – “Park Meadows”

The Commission tabled this proposed plat for 8 single family building lots on a site of 28.09 gross acres at the July 25, 2005 meeting. The applicants agreed to the deferral to permit further investigation and a solution to the public street access issue raised by staff. The applicants have succeeded in obtaining easement rights from adjoining property owners and have redesigned the plat in a manner that now provides a direct connection to an existing public street at the southeast corner of the site.

The City Engineer has reviewed those easement documents and concurs that the direct public street connection will be accomplished with the redesigned plat. The Engineer notes, however, that geometry of the point of connection should be altered to provide a 90 degree intersection.

The City Engineer, by his July 20, 2005 Memo notes several other plat design features of a technical nature that require further information or design modifications. Of those listed we note that the applicant has reduced the street paved surface from 32 feet to 26 feet (even though the Legend notes on the plat drawing still refers to 32 feet), but no further information has come forth regarding the balance of the technical issue raised by the Engineer – as of the writing of this Memo. While the Commission need not address those technical matters since none will necessarily impact the general plat design, they should be addressed completely prior to the Preliminary Plat submission to the City Council.

Planning Staff has again reviewed the plat proposal for compliance with RE design standards – based on the revised design proposed. While the proposed configuration again complies with the most RE quantitative standards, we do note that the applicant has (both with the initial plat proposal, and with this revised proposal) calculated “average lot area” based on gross site area rather than net lot area. The RE standards clearly imply that the method of calculation of average lot area must be net of street right-of-way – and which is the method that has been utilized on the few RE plats we have processed over the past 6+ years. Staff overlooked the applicant’s incorrect calculation methodology during review of the earlier proposal.

The sum of the lot areas of the current plat design is 26.36 acres (the sum of the 8 lot areas noted on the plat) – actually somewhat more than the previous design due to less street right-of-way. That yields a lot area average of 3.295 acres or about 1% less than the

RE standard – roughly 1350 square feet spread over all 8 proposed lots . There may be a strategy available to overcome this insignificant shortage without eliminating a lot in the process, and staff encourages the applicants to pursue such a strategy rather than deal with a variance.

Staff recommends the Commission now proceed with a recommendation for approval of the Preliminary Plat of "Park Meadows" per the plans staff-dated August 18, 2005 subject to the following conditions:

1. Compliance with the recommendations of the City Engineer.
2. Compliance with the recommendations of the City Attorney.
3. Compliance with the recommendations of the Valley Branch Watershed District as found to be practical and reasonable by the City Engineer.
4. Reconfiguration of the plat to result in a lot area average of 3.33 acres, net of street right-of-way.

Attachments:

1. Draft Planning Commission Minutes of July 25, 2005
2. Planning Staff Report of July 21, 2005
3. City Engineer's Memo(s)
4. Valley Branch Memo
5. August 18, 2005 Plat Graphics

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: July 21, 2005 for the Meeting of July 25, 2005

Applicant: J. P. Bush Homes/Barbara Berquist

Location: 3600 Kelvin Avenue

Requested Action: Comprehensive Plan Amendment/Rezoning/Preliminary Plat

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

The files of the City regarding the area west of Sunfish Lake – over to the east Sunfish Park property line - are both numerous and convoluted. There appears to be several separate City actions over the years involving creation unplatted tax parcels for the Beaubein family. Most of those actions involve property between Kelvin Street (extended) and Sunfish Lake. There are actions specific to the subject, however.

A 1992 Building Permit was issued to construct the combination home/stable structure that exists on the site today. Access to this home is specifically from a private easement extension of Kelvin Avenue. A 1993 action created the 10 acre "Exception" parcel at the northeast corner of the subject site. The Public Street portion of Kelvin terminates at the Southeast corner of this site. The site has Public Street access only via this easement. The roadway along the west site periphery is a City park access drive, and not available for Pubic street purposes.

In 1999 the City approved a Preliminary Plat that included this site (and the site to the northeast). A Final Plat was presented to the City Council, but withdrawn by the applicant prior to City Council action. The plat was responsive to RR (10 acre minimum) standards, and intended only to adjust property lines – no new lots would have resulted. That Final Plat proposed to dedicate the west 33 feet (only) of the Kelvin private easement to a point that would have resulted in a cul-de-sac on the subject site. It is unclear from the file (and we do not recall) why the applicant abandoned the Final Plat. It may have been over the issue of constructing the Kelvin private easement as a City street.

The site is gently rolling pasture land with a partial tree line east of the existing structure, and along the south site periphery. A pond (and associated wetland) is located in the south center of the parcel. Site elevation varies from a high point in the north center of the site to the low point along the private driveway extension of Kelvin Avenue.

Discussion and Analysis:

The applicants propose division of the 28 acre site into 8 single family detached lots. The existing structure/home is located on one of the proposed lots, but appears to be planned for removal – 7 new lots in any case. The plat is proposed to be responsive to RED guiding and RE (Residential Estates) zoning . Both a Comprehensive Plan amendment from RAD guiding to RED guiding;

and, a zoning map amendment from RR zoning to RE zoning would be necessary prior to approval of the Preliminary Plat even though these applications are being processed concurrently.

As we have noted with a recent plat proposal of similar scale, staff was advised by the City Council several year's ago that the City would favorably consider creation of Residential Estates neighborhoods – particularly where an existing parcel of land falls between 20 and 40 acres (and therefore not eligible for OP treatment), and is not adjacent to other parcels that can be reasonable combined to create a 40 acre OP-eligible site.

The RE zoning district provides very specific design standards for plats with respect to average/minimum lot area and lot configuration (as well as the usual setback and other dimensional standards). Staff review of the Preliminary Plat graphics reveals that the applicants proposal appears to comply with those specific design standards, except as may be noted by the City Engineer's review letter of July 20, 2005.

Among a number of technical issues of an engineering nature (all important matters), a major observation by the City Engineer, confirmed by Planning staff (and mentioned above) is the status of access to this site. While the site is addressed as "Kelvin Avenue", Kelvin Avenue as a City street ceases to exist a few feet south of the southeast corner of the subject site. From that public street termination point, across the entire east border of the site access to the site and the homes across the street is by private easement.

We understand that, at the time the lots were created east of the site, there was some type of agreement whereby the private gravel road could be periodically maintained or improved (gravel added) by the City on a contract basis with the home owners. The City would do the work and invoice the property owners. We understand that this process has taken place periodically over the years. Since this was purely a contractual situation, we do not believe that this easement portion of Kelvin has become a public street by City continuously maintaining it as such – as is the case with many unplatted, but otherwise public streets in the City. There appears to have been a very clear intent by the City that this not be a public street until dedicated and constructed to City street standards.

Findings and Recommendations:

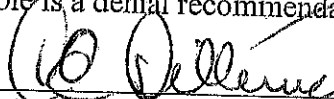
The applicants do not, by documentation presented with this Preliminary Plat, propose to either dedicate the Kelvin private easement as a public street nor construct the roadway to City standards. Section 400.14 Subd.8 of the City Code requires proposed streets within a subdivision to "...connect with streets already dedicated in adjoining or adjacent subdivisions...". A single Finding is made regarding the Preliminary Plat application that the proposed plat design does not respond to this critical design standard of the City Code.

Planning Commission Actions Requested:

The City Engineer has recommended that the Preliminary Plat application be tabled pending resolution of the several technical design issues he has raised by his July 20 Memo – the most critical of those the lack of public street connection - constructed to City street standards to the proposed public street within the plat. That finding alone is sufficient grounds to recommend denial of the preliminary plat. Planning staff expresses concern with the time that may be required to resolve the street access issue. It appears it would be necessary to either obtain half the right-of-way from several property owners east of the subject site, or for the applicants to reconfigure the

plat to insert a full 50 foot street right-of-way about 17 feet off center (of the present private road easement). Should the Commission decide to table the plat (and related Comprehensive Plan Amendment/Rezoning) the Record must clearly indicate that the applicants agree to that action, and that no specific date for reconsideration is established. Should an amended application (reflecting public street access to the site acceptable to the City Engineer and Commission) not be forthcoming by September 1, staff would bring the applications back to the Commission with a recommendation for denial. That applicant concurrence should be in writing, and executed by both the applicant (developer) and the property owner (Berquist).

Should the Commission not concur with this structured tabling, staff suggests the only other action advisable is a denial recommendation.



Charles E. Dillerud, City Planner

Attachments:

1. City Engineer's memo of July 20, 2005
2. Valley Branch Review Letter of July 20, 2005
3. Location Map
4. Applicant's Documentation and Graphics.

August 18, 2005

Planning Commission Members
City of Lake Elmo, Minnesota

Re: Concept Plan Review
Park Meadows
City of Lake Elmo, Minnesota
TKDA Commission No. 13267.000

Dear Planning Commission Members:

We have reviewed the preliminary plat material dated August 8, 2005, and have the following comments:

Streets

The developer has cleared up the right-of-way issue for the connection between the new road and Kelvin Avenue. The City Attorney should verify that the property transfers are done correctly.

Our typical street section requires 12-inches of gravel base.

A typical island style cul-de-sac is required.

The street width of 26-feet meets the City's requirements.

The intersection between Kelvin Court and the private driveway should be reconfigured so that Kelvin Court intersects with the driveway at a right angle.

The road within the newly acquired right-of-way between Kelvin Court and the end of the existing Kelvin Avenue shall be upgraded to City Standards. It may remain a rural section.

Kelvin Avenue between TH 5 and this project is slated to be overlaid in the near future. All properties on Kelvin Avenue would be assessed for that work. I would recommend that this development pay an impact fee for that future work. That fee could be equal to our current assessment rate.

Drainage

Drainage computations were not submitted for this review. They are required.

A VBWD Permit is required and the VBWD should verify the wetland boundaries.

The outlet for the wetland area is over the street. This is not allowed. A piped overflow or a ditch is required.

The pond on Lot 8 does not have an identified outlet. This should be shown.

Waste Water System

No comments are required.

Water System

A 12-inch watermain is planned as part of the water system to cross this property from east to west. The City will extend water from Tapestry to serve this plat.

Surface Water

A VBWD permit is required

Storm water computations need to be submitted to the City prior to final plat approval.

Recommendation

We recommend approval of this plat with the recommendations listed above.

Sincerely,

Thomas D. Prew, P.E.
City Engineer

TDP:art

service road attracting fast food restaurants to it. He said the City needs to a route between Keats and Lake Elmo Avenue somehow. He said there would be no harm done to have the easement but the specific design should be left open for now.

M/S/P, Sedro/Helwig, To recommend approval of the Preliminary Plat and Development Stage Plan for DISCOVER CROSSING based on items 2,3,4 in the staff report plus road widths as recommended by the City Engineer plus the City Attorney's assurance that the city has no pedestrian liability, and add right of way for a Highway 36 service road in a location as determined by the City Engineer.

Commissioner Ptacek directed attention to Figure I in the applicant's booklet. There are utility easements of 10 feet on top of 50 feet of right of way. Utilities could be placed on the back edge of the curb.

The Planner said that small utility companies have to get permits from the city, it is not uncommon to have them place utilities within three feet of the road. We can specify where they go.

Mr. Freeman said utilities can go into a joint trench too.

Commissioner Ptacek said utility companies cut down trees.

Mr. Freeman said the applicants want the utilities to work within three feet and do a joint trench.

MOTION AMENDED Ptacek/Sedro, To encourage the city to maintain the actual location of utilities within three feet of the back of curbs with the intent to preserve more trees.

Commissioner Fliflet said she would be voting against the Preliminary Plat because of issues related to the stamped trail.

VOTE: 7:2, Nay- Fliflet/ Schneider.

PUBLIC HEARING: RE Preliminary Plat – PARK MEADOWS

The Planner said the issues raised by staff are technical engineering issues except for road access to the site. The City Engineer indicates the road ends just south of this parcel. Lots across the street were developed with an agreement for easements. There is no connection to a public street, and that is a major problem to this proposal. The City will not condemn lands for a city street. The developer can make agreements with those property owners. Those owners have 33 feet he could take the 17 feet additional off his land, and construct the street to city standards. The legal status is in question but the Planner said he thinks it is the developer's responsibility to construct the road. If the developer agrees to tabling and then it would have to be resolved by Sept. 1. The city attorney and city engineer have to work on this with the developer. The public street is not the Planning Commission's purview.

Commissioner Schneider asked about the width of the roadway. The Planner said they could make it 22 feet wide.

Joel Anez, Landmark Surveying

Mr. Anez said he recently became aware of a major problem with access to this parcel. A road is depicted in the 1949 plat book. On the west side of the parcel, a permanent easement existed until the park was created. The owners quit-claimed that access to the city in 1974, and the parcel essentially became landlocked. In 1999, that land was to be platted for a previous owner, and it received preliminary plat approval by the City Council even though it was landlocked then.

Mr. Anez said the developer would construct a narrow pedestrian trail between two lots for access to Sunfish Park. There is one wetland on the site. Mr. Anez displayed an alternative for the roadway by relocating it to the farthest southeast corner of the site.

The Planner said the city would require park dedication fee in lieu of land. No appraisal has been ordered

yet.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:38 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:39 P.M.

Chairman Helwig asked if the applicant would like to table.

Mr. Anez said the applicant would like approval with a few minor changes, and if not then they would ask to table. The Chairman said they can table it until they return with plans for the roadway and the city engineer and city attorney have addressed the issues. He said there would be no time limit and no additional fee.

M/S/P, Sedro/Ptacek, To table the Preliminary Plat, Comprehensive Plan Amendment, and Rezoning at the applicant's request. VOTE: 9:0.

City Council Update

The Planner said the City Council conducted a public hearing for Stonegate Vacation of two cul de sac slivers and a cul de sac stub but referred it to the Planning Commission Meeting of August 9, 2005. He then reviewed recent actions by the City Council regarding Planning applications.

The Planner said the schedule has been set for the balance of work on the Comprehensive Plan. The Public Hearing will be held at Oak-Land Jr. High on August 8, 2005. It may not be televised at the Junior High School. There will be a brief special meeting on Tuesday, August 9, for regular agenda items. There is a variance request for the lot across from Farms of Lake Elmo and the Stonegate street vacation. August 22, there will be a joint workshop with the Parks Commission for the Trail System Plan.

The Planner said that System Plans with the exception of Traffic arrived today.

The City Council has contracted with a master coordinator for the Old Village Plan. The tasks are to get the disparate property owners on the same page, structuring the TDR, handicapped housing, a community center, and several others.

The meeting adjourned at 9:51 p.m.

Respectfully submitted,



Kimberly Schaffel
Recording Secretary

PRELIMINARY PLAT OF PARK MEADOWS

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

LANDMARK SURVEYING, INC.

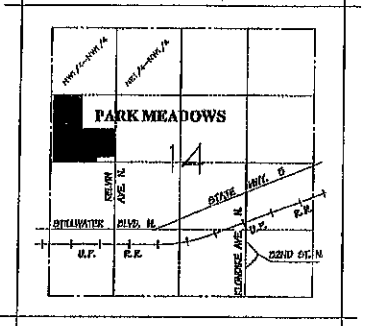
21150 Ozark Avenue North - Box 65
Scandia, Minnesota 55073

Joel T. Anetz, L.S.
William Selby, L.S.T.

Telephone: 651-433-3421
Fax: 651-433-3761
E-mail: info@landmarksurveying.com

VICINITY MAP

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



DEVELOPER

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

OWNER

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

ENGINEER:

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

SURVEYOR:

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

SOIL TESTS

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

WETLAND DELINEATION

Anthony Brough
7020 Meadow Court
Rockford, MN 55373

LEGAL DESCRIPTION

(Warranty Deed Document No. 3054115)

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

SITE ADDRESS: 3600 Kelvin Avenue North

PRESENT ZONING: RR - Rural Residential (10 acres)

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

TOTAL AREA: 28.09 acres

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

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

SETRACKS:

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

MINIMUM LOT AREA: 2.5 acres

LOT FRONTAGE:

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

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

WATER: City Water

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

IMPERVIOUS COVERAGE: (Maximum 15%)

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

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

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

SCHOOL DISTRICT: District 834 - Stillwater Area Schools

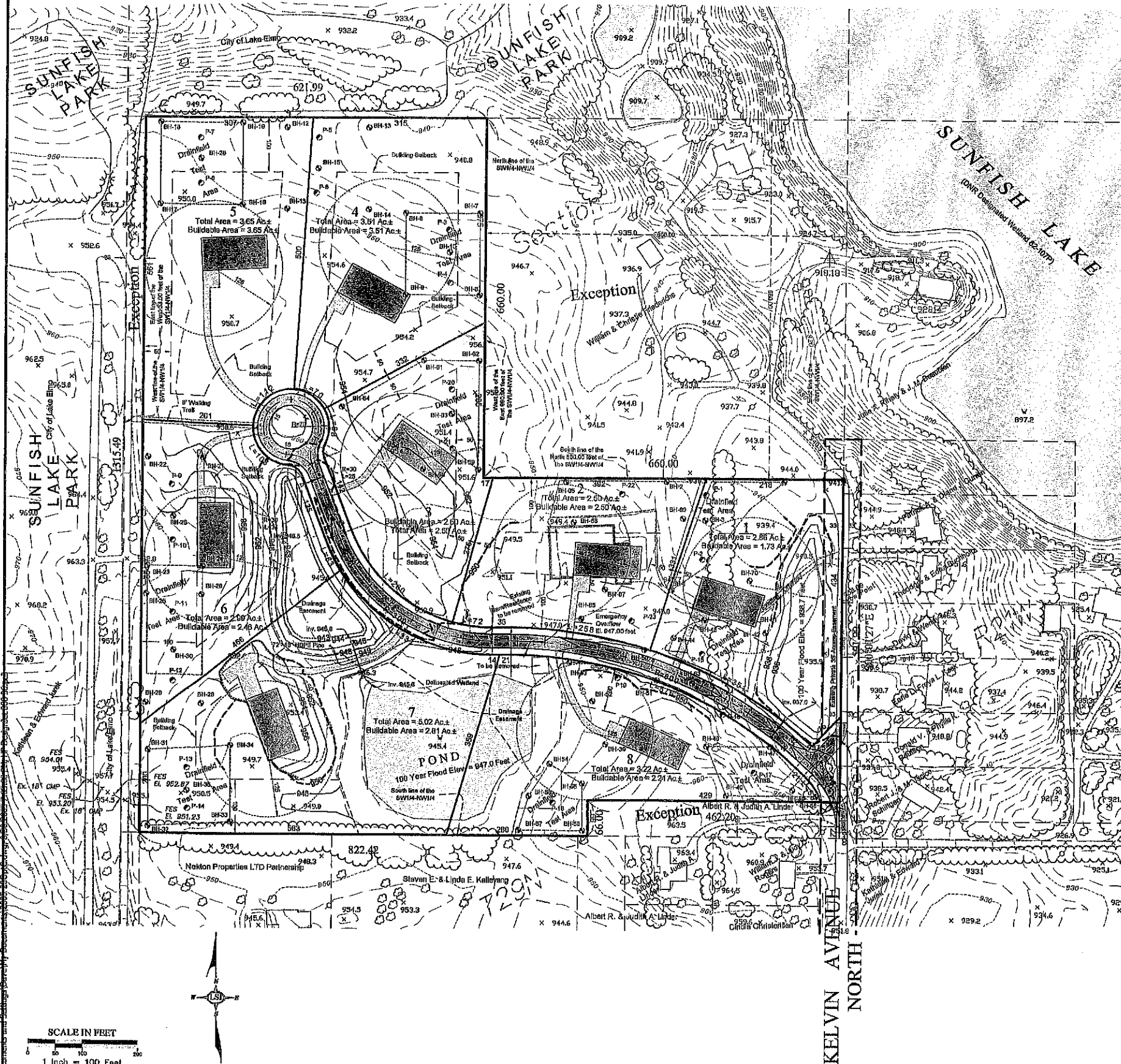
WATERSHED DISTRICT: Valley Branch Watershed District

LOWEST FLOOR ELEVATION RESTRICTIONS:

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

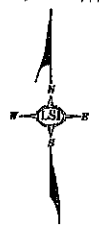
LEGEND

- 49C Denotes Soil Type and Boundary per "Soils Survey of Washington County, Minnesota."
- Denotes Utility Pole
- 950 Denotes Existing Contour
- 950 Denotes Proposed Contour
- Denotes Septic Boring Test Hole and Number
- Denotes Percutaneous Test Hole and Number
- Possible Retaining Wall
- L=Arc Length R=Radius FES=Flared End Section
- CMP=Corrugated Metal Pipe Inv.=Invert of Pipe
- CB=Catch Basin NAD83=North American Datum of 1983
- HDPB=Heavy Duty Poly-Ethylene
- Orientation of this bearing system is the Washington County Coordinate System, NAD83.
- Topography is by photogrammetric methods from aerial photographs taken in April, 1996, by Munkland and using ground control supplied by Polz, Prosser, Dapay & Associates, Inc. Horizontal datum is NAD 83. Vertical datum is NGVD, 1929 adjustment. Contours are at a 2 foot interval.



SCALE IN FEET

1 inch = 100 feet



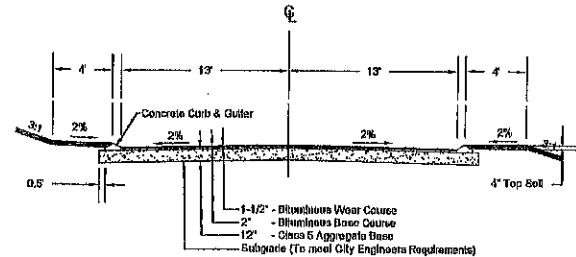
Revision August 8, 2005 - Major revisions over entire plat
Revision August 18, 2005 - Additional drainfield borings, correct labels on borings and other minor changes.
Revision August 29, 2005 - Revise cul-de-sac and lot layouts at cul-de-sac. Revise private road and Kelvin intersection.

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

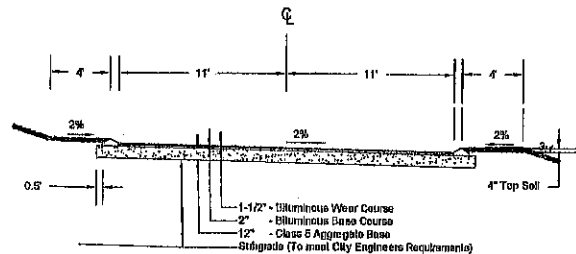
Joel T. Anetz 07/05/2005
Joel T. Anetz Minnesota License No. 13775 Date

TYPICAL STREET SECTION

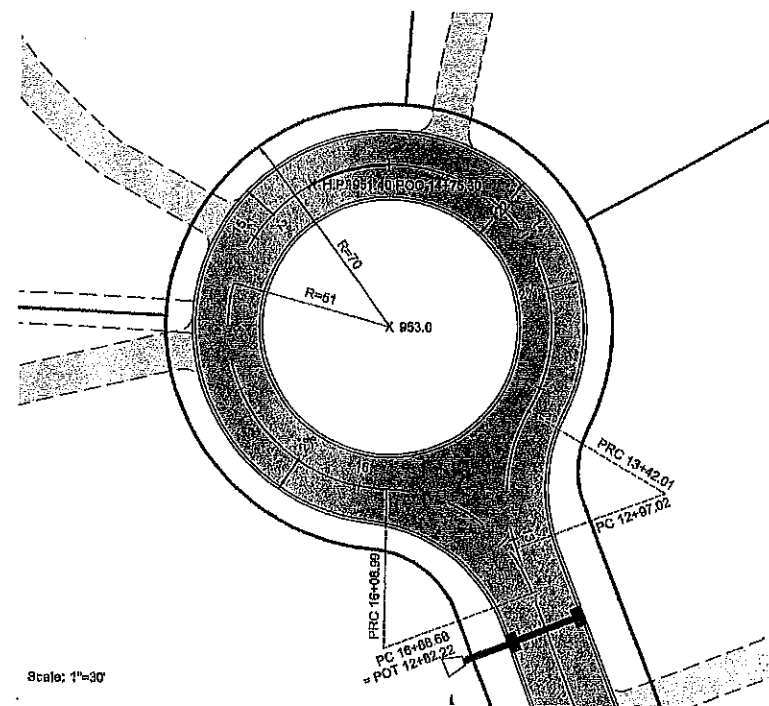
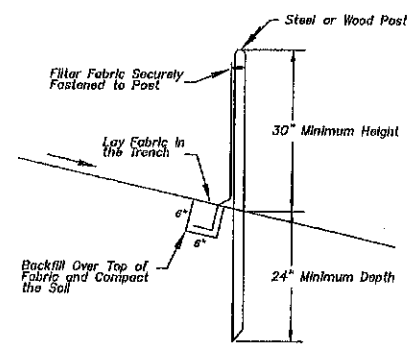
URBAN SECTION
(No Scale)



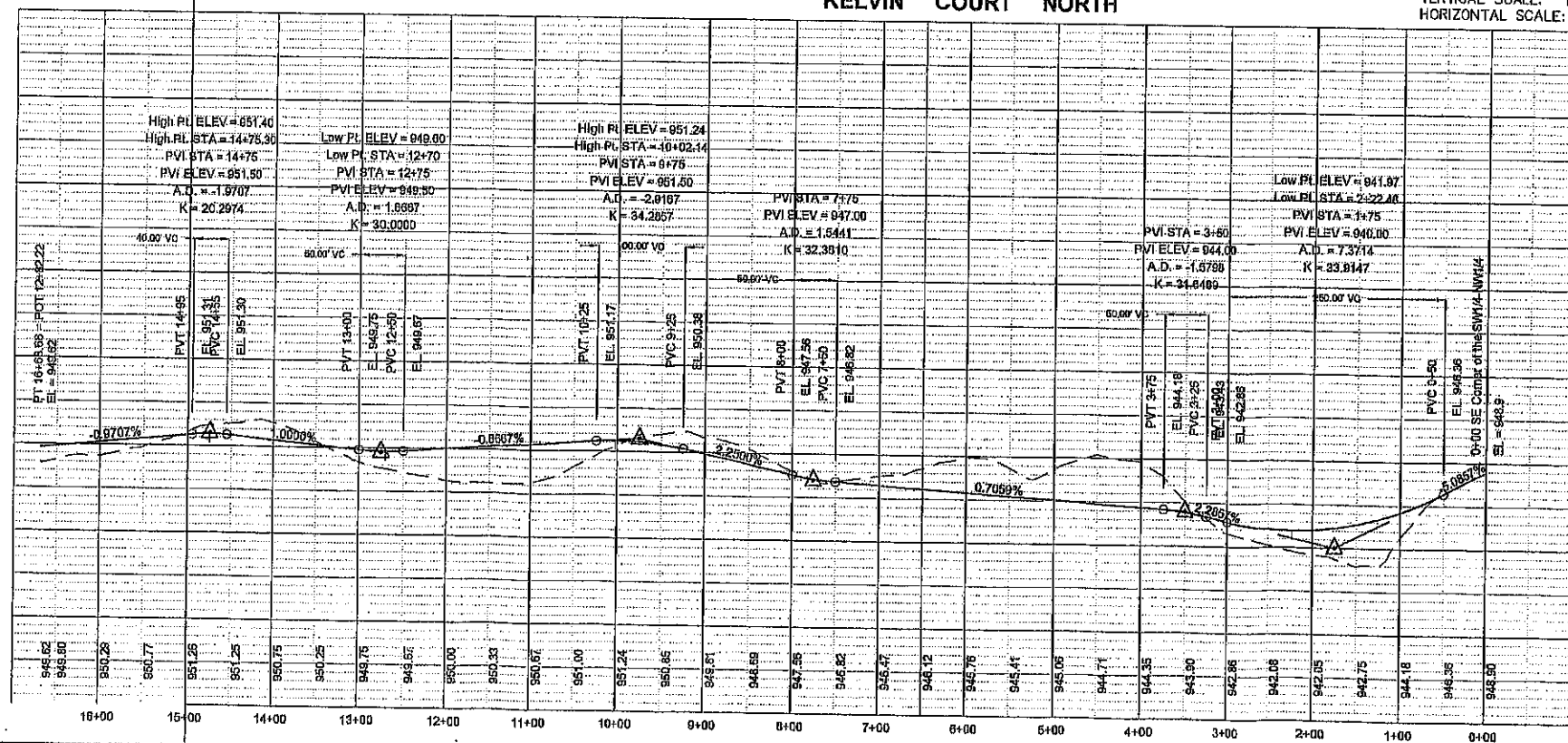
CUL-DE-SAC SECTION
(No Scale)



CONSTRUCTION OF SILT FENCE



Cul-De-Sac Detail



Preliminary Street Grades
& Grading Plan for
PARK MEADOWS
City of Lake Elmo, Minnesota

NO.	DATE	DESCRIPTION	BY
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LANDMARK SURVEYING INC.

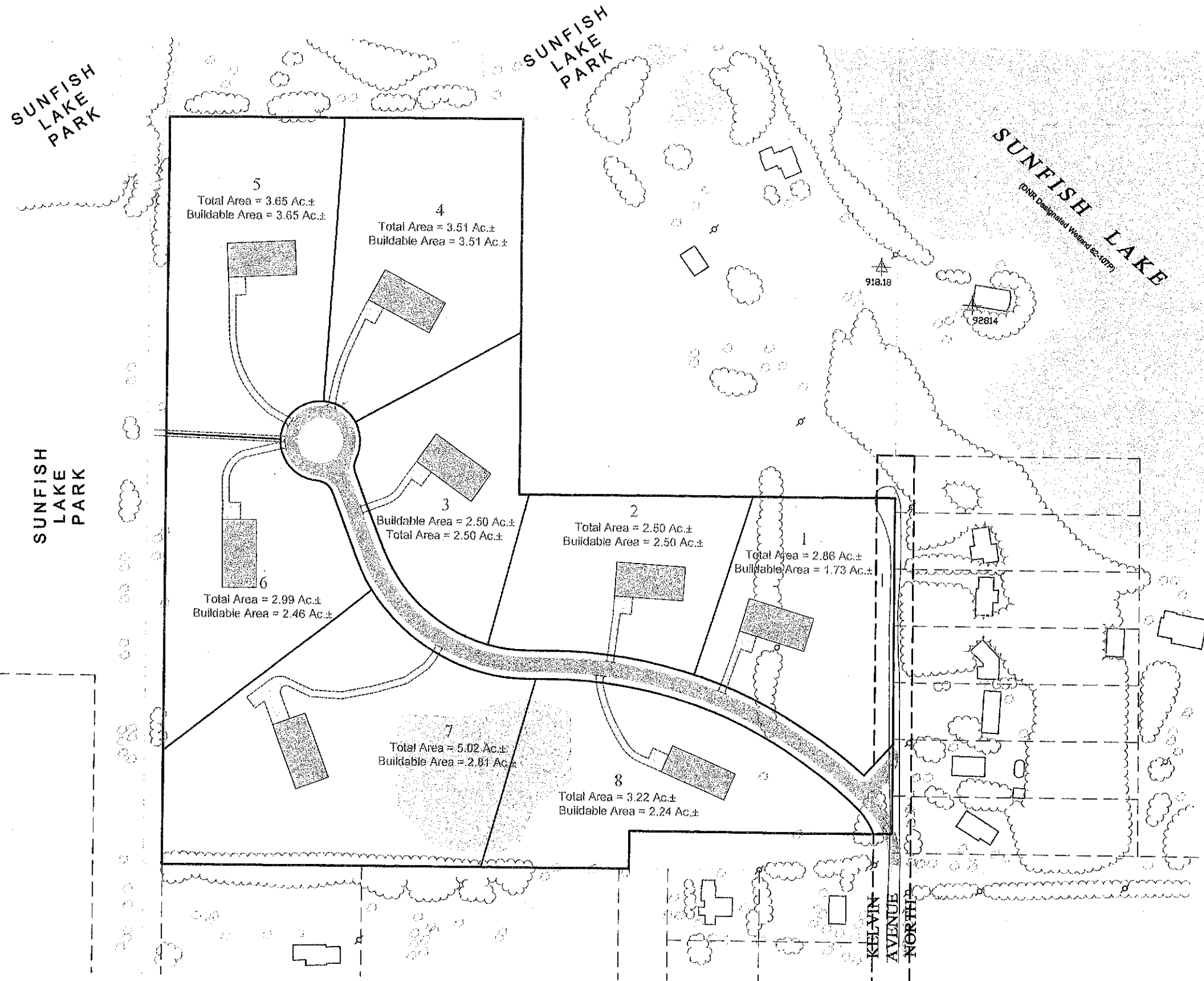
21150 Ozark Avenue North - P.O. Box 65
Scandia, Minnesota 55073
Telephone: 857-433-9421 Fax: 857-433-4781
E-mail: info@landmarksurveying.com

Sheet 1
of 1

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DAVID L. DUPAY REGISTRATION NO. 17252 DATE: 08/06/05

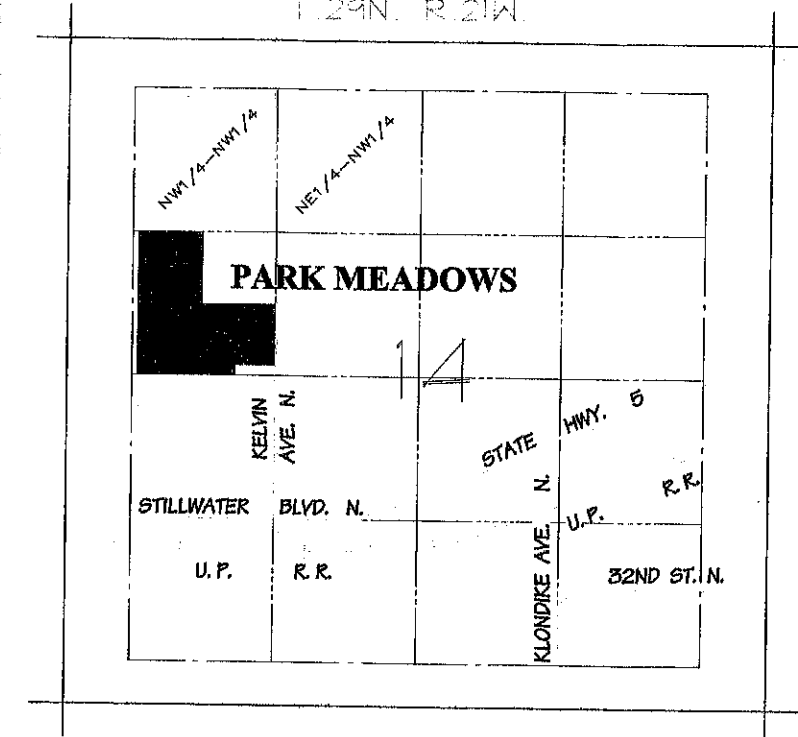
LOT LAYOUT OF PARK MEADOWS

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



VICINITY MAP

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




DEVELOPER

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

LANDMARK SURVEYING, INC.

21150 Ozark Avenue North - Box 65
Scandia, Minnesota 55073

Joel T. Anas, L.S.
William Sells, L.S.T.
Telephone: 651-433-2421
Fax: 651-433-4781
E-mail: info@landmark.net

<p>Lake Elmo City Council September 6, 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9B</p>
<p><u>Agenda Item:</u> Revised OP Concept Plan – Deer Glen</p>		
<p><u>Background Information for September 6, 2005:</u></p> <p>On August 16 the Council tabled this matter (with the applicant's concurrence) to the meeting of September 6. The purpose of the deferral was to enable the applicant to address an alternative Concept Plan that would better incorporate the 4 lots previously proposed along the east/west public road entrance to the site with the other OP lots south of the church site. We understand that the applicant has developed several alternative responses to this direction that will be shared with the Council and staff concurrently during the September 6 meeting. We therefore have nothing new to report to the Council at this time (Thursday, September 1).</p> <p>We have attached a draft Resolution for approval of some OP Concept Plan of Deer Glen. Since there are multiple versions of the Concept Plan in circulation, we have left the date of any approved plan blank. If a particular Concept Plan version is approved by the Council, staff will date the plan and insert that date in the Resolution. In the alternative, the Council could direct staff to prepare a Concept Plan denial Resolution to be presented at the September 20 meeting.</p> <p>Should the Council either direct preparation of a denial Resolution or decide to defer this matter the City should immediately issue a 60 day review extension letter. The multiplicity of Concept Plan versions, some of which that have not been provided staff for review for compliance with Zoning Ordinance standards could be a significant basis for the 60 day extension. In fact, since a new version of the Concept Plan was submitted by the applicant immediately prior to August 16 meeting, and we understand that other versions of the Plan will be presented to the Council on September 6 there does not appear to have been a "complete" application filed with the City yet.</p>		
<p><u>Action items:</u></p> <p>Motion to either adopt Resolution #2005 - ⁰⁹⁶, approving the Deer Glen amended Concept Plan; or, Motion to direct staff to prepare a Resolution denial the Deer Glen Concept Plan for September 20; or, a Motion to defer a decision on the Deer Glen Concept Plan pending staff review/report on an alternate plan (specify <u>which</u> plan).</p> <p>Should either of the last two actions be taken, a Motion directing staff to advise the applicant that the City will require 60 additional days to complete action on the Amended Deer Glen Concept Plan due to applicant submission of the multiple differing plan during the initial 60 day review period.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <p>⁰⁹⁶</p> <ol style="list-style-type: none"> 1. Draft Resolution #2005 - Approving Amended Concept Plan 2. Draft City Council Minutes of August 16, 2005 3. Concept Plan Presented on August 16, 2005 	<p><u>Time Allocated:</u></p>	

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

**RESOLUTION NO. 2005-096
A RESOLUTION APPROVING THE AMENDED
OP CONCEPT PLAN OF DEER GLEN**

WHEREAS, on July 25th, 2005, the Lake Elmo Planning Commission reviewed and recommended approval of the amended OP Concept Plan of Deer Glen subject to certain conditions.

WHEREAS, on August 16, 2005, the Lake Elmo City Council reviewed the recommendations of the Lake Elmo Planning Commission, and a Concept Plan revised from that recommended by the Planning Commission that was presented to the Council by the applicant.

WHEREAS, on September 6, 2005, the Lake Elmo City Council reviewed OP Concept Plans for Deer Glen again revised by the applicant from those recommended by the Planning Commission and that which the Council reviewed on August 16.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approved the amended OP Concept Plan of Deer Glen, per plans staff-dated September 6, 2005, and subject to the following conditions.

1. Compliance with the recommendations of the City Engineer and City Attorney.
2. Compliance with the recommendations and Permit conditions of the Valley Branch Watershed District as found to be applicable and practical by the City Engineer.
3. Development Stage plans shall address the incorporation of single-source water supply and lateral pipe installation for all OP lots.
4. Keats Avenue/State Highway 36 improvements required of the property owners as conditions of prior City Council approvals shall be conditions to this OP project as well.
5. The Development Stage Plan shall demonstrate the year-round effectiveness of screening measures that support the 100 foot OP buffer on the east side of the site.
6. Amendment of the Conditional Use Permit previously approved by Council Resolution No. 2005-029 to reflect the amended OP Concept Plan approved hereby.

7. Amendment of Preliminary Plat approved by Resolution No. 2005-030 to reflect the amended OP Concept Plan layout as approved hereby.

ADOPTED by the Lake Elmo City Council on the 6th day of September, 2005.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2005-086: Amended OP Concept Plan – Deer Glen

Planner Dillerud explained the plan, staff-dated August 16th, was just received and is different than the plan the Council received in their agenda packet. He said there is one less lot on the entrance road and they are adding a lot along the north and South Street.

Paul Danielson, the applicant's engineer, said the applicant had meetings with adjacent property owners. He said in order to accommodate neighbor's concerns, the lots along the entrance road were shortened up and closer to roadway, 5 lots were changed to 4; and a trail created as a walking loop so it's not close to the house. He said they have brought in Damon Farber and Assoc., an urban landscape firm to assist with landscape planning for the site. He said the septic system has always been planned for a joint system with the church site.

Joan and Steve Ziertman presented their reasons against the proposed concept plan and their memo is attached hereto and made part of the Minutes.

Council members Smith and Conlin both said that they dislike the configuration of 4 lots on the east/west street which sit by themselves because it does not make a cohesive neighborhood.

Smith suggested redesign of the OP Plan to take the 4 houses out and to utilize the natural features of the land to provide an alternative design with those lots grouped with the balance of the OP lots. She suggested that if the applicants move the church to the north they could place the four houses in the vacated area south of the church.

Mayor Johnston and Council member DeLapp said they supported all the comments made by Council Members Smith and Conlin.

Peter Beck, Attorney for the applicant, stated his client could go back to the 48 acre OP plan. He said the Council wanted them to add the 20 acres. He noted that the applicants didn't ask to add the 20 acres and additional lots. Beck said the church took 9 years to get the church plan approved and wouldn't want to open this up.

Mayor Johnston asked if the applicant would be willing to withdraw the application. Attorney Beck said the applicant would rather have it tabled to a date certain, and would like two weeks. The Planner noted that the completed application date is July 5th.

M/S/P DeLapp/Smith – to table the concept plan of Deer Glen until the September 6th Council meeting so the applicant can address the four lots in question. (Motion passed 5-0.).

Council member DeLapp asked about the road extension to the east property line and for input from the Fire Department.

Peter Beck stated the applicant will come back with the plan both ways regarding the road extension.

B. Resolution No. 2005-086:OP Development Stage Plan, CUP and Preliminary Plat – Discover Crossing

The City Planner reported this is an OP Development Stage/CUP/Preliminary Plat to create 25-28 single family lots on a site of 72 acres in the southwest quadrant of Lake Elmo Avenue and Highway 36. The range of lots proposed relates to the applicants' anticipation of forthcoming amendment to the density allowable in OP from 0.40 to 0.45 units per Buildable Acre. The extra three lots will be platted as outlots until the OP ordinance is amended over the next few months. The applicant will have to return with another Final Plat to convert the outlots into buildable lots.

Tim Freeman, FFE, stated the developer would like a monument sign and stamping and coloring of the street to indicate the area for pedestrians to walk. If the street is repaved, the residents should pay the extra assessment so that portions are stamped again. He said the street is above and beyond the City standards at no cost to the City.

Attorney Filla reminded the Council there is a report from the City Engineer that states that the stamping of the street is not a realistic plan and that it will be very expensive for the City to maintain this on-road-trail in the manner that is originally designed. Filla stated that he cannot tell the Council that this stamped road would contribute to accidents, but there is an increased liability with the street design proposed because the color-stamped streets is like asking people to walk in the streets.

Council member DeLapp stated he didn't like the monument sign, the split road or the lighting on the bridge.

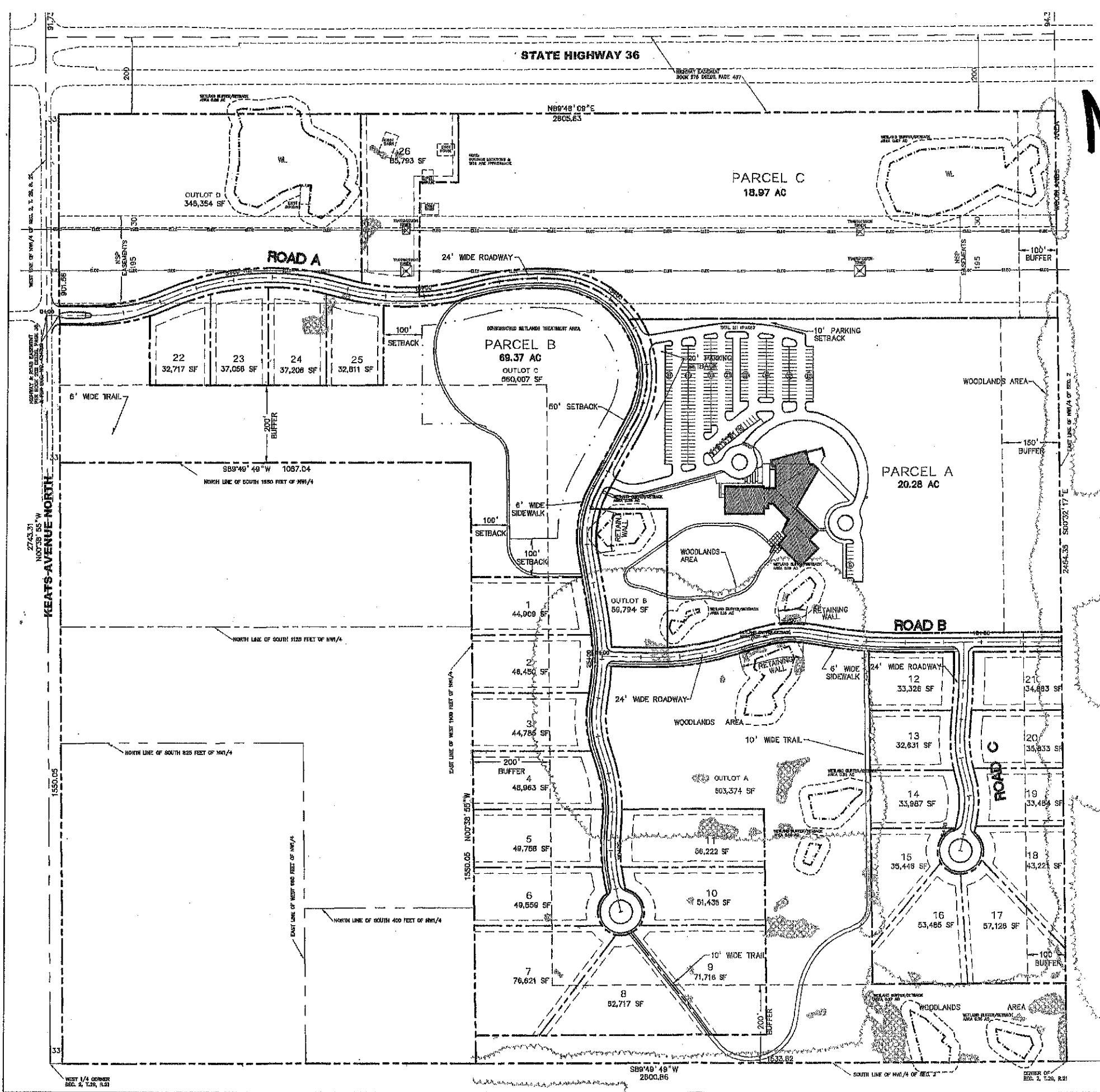
M/S/ DeLapp/Smith - to approve Resolution No. 2005-086, A Resolution Approving the Open Space Preservation Development Stage Plan, Preliminary Plat, and Conditional Use Permit of Discover Crossing plat with the exception of street lighting on the bridge and the monument sign.

M/S/P Johnson/Conlin – to amend the motion to exclude the color-stamped roadway paving. (Motion 4-1: DeLapp).

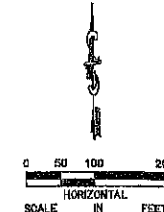
Council member Johnson asked to move the previous question. (Motion failed 3-2: Johnson, Conlin)

Tim Freeman said the developer would put money in escrow to cover the removal of the color-stamped roadway if the residents don't like it.

Q:\LAKEWOOD\PLAN SHEETS\OP_Concept_Plan-2\LAKE-DVD\DWG August 12, 2005 - 11:01am



New Drawing
8/15/05



LEGEND

- WETLAND AREA
- TRAIL
- WOODLANDS AREA
- 12% SLOPES
- >25% SLOPES
- PROPERTY LINE
- SETBACK LINE
- RIGHT-OF-WAY LINE

ROAD AND TRAIL LENGTHS	
TRAVELWAY CENTERLINE LENGTH (LF)	
ROAD A	3,160
ROAD B	1,208
ROAD C	544
TRAILS	5,519

STAGING
THE SITE IS ANTICIPATED TO BE CONSTRUCTED IN THREE PHASES, WITH PARCEL A (CHURCH PARCEL) COMMENCING SUMMER 2005. CONCURRENT WITH CHURCH CONSTRUCTION WILL BE FLOOD PLAIN MITIGATION AND LOTS 1-10 IN 2005 WITH CONSTRUCTION OF LOTS 11-20 ANTICIPATED IN 2007. LOTS 21-28 ARE ANTICIPATED TO BE CONSTRUCTED IN 2008 OR 2009.

AREA SUBJECT TO OP DEVELOPMENT REQUIREMENTS (PARCEL B)						
PARCEL	AREA (AC)	AREA (SF)	>25% SLOPE (SF)	WETLAND (SF)	AREA LESS UNBUILDABLE	50% OPEN SPACE REQ.
LOTS 1-11	13.85	603,133	5,057	0	598,076	
LOTS 12-21	9.04	393,871	1,365	0	392,506	
LOTS 22-25	3.21	139,780	3,482	0	136,298	
LOT 26	1.97	85,783	818	0	84,965	
OUTLOT A	13.85	603,374	32,370	32,678	538,429	
OUTLOT B	1.37	59,784	560	7,647	51,687	
OUTLOT C	12.86	560,007	0	0	560,007	
OUTLOT D	7.95	346,354	1,949	55,258	289,147	
ROW	5.28	228,791	2,293	0	227,498	
TOTAL	69.38	3,021,807	47,984	88,380	2,878,533	1,439,267

PROVIDED OPEN SPACE					
PARCEL	AREA (AC)	AREA (SF)	>25% SLOPE (SF)	WETLAND (SF)	AREA LESS UNBUILDABLE
OUTLOT A	13.85	603,374	32,370	32,678	538,429
OUTLOT B	1.37	59,784	560	7,647	51,687
OUTLOT C	12.86	560,007	0	0	560,007
OUTLOT D	7.95	346,354	1,949	55,258	289,147
TOTAL	36.03	1,569,529	34,879	95,380	1,439,270

NOTE: OPEN SPACE PROVIDED EXCEEDS OPEN SPACE REQUIREMENT

TOTAL LOTS OF PARCEL B
 $69.38 \text{ AC} - (2.19 + 1.10) = 66.09 \text{ AC} \times 16 \text{ LOTS PER } 40 \text{ AC} = 26.44 \text{ LOTS}$
TOTAL LOTS PROPOSED = 26 LOTS

Kimley-Horn
and Associates
2001 UNIVERSITY AVE. SUITE 200
ST. PAUL, MINNESOTA 55104
TEL. NO. (612) 291-1000
FAX NO. (612) 291-1001

DATE: 08/15/05
BY: J.M. JONES
CHECKED BY: J.M. JONES
PROJECT NO. 160522005.001

SCALE: 1"=100'
DESIGNED BY: RSP
DRAWN BY: RSP
CHECKED BY: RSP
DATE: 08/15/05
PROJECT NO. 160522005.001

SHEET 2 OF 3
SHEET NO. 2

LAKEWOOD EVANGELICAL FREE CHURCH
CONCEPT PLAN
DEVELOPMENT / CONCEPT PLAN