Mayor; Dean Johnston Councilmembers: Steve DeLapp Liz Johnson Anne Smith

# Lake Elmo City Council Tuesday January 4, 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: December 7, 2004
- 3. Resolution No. 2005-001:Claims -
- 4. Accept Resignation of Dean Johnston, Resolution 2005-002 Declaring Council Vacancy
- 5. OATH OF OFFICE FOR NEWLY ELECTED MEMBERS OF COUNCIL
- 6. Adjourn

### NEW COUNCIL RECONVENES COUNCIL MEETING

- 1. Agenda
- 2. PUBLIC INFORMATIONAL:
  - A. Recognition of Outgoing Council Members
  - B. Lake Elmo Jaycees Proclamation
  - C. 2005 Board of Appeal and Equalization Meeting: May 4, 2005
  - D. Employee and Volunteer Recognition FaB 04 6:00pt 1:00 by 11802 Party
- 3. PUBLIC INQUIRIES
- 4. ORGANIZATIONAL MEETING:
  - A. Appointment Process of Council & Commission

CHANGE TO 157, 156.15 WITH LEE HUNT SIGNATURE

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.

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

Al INTERNEW SCHEDUCE

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B. Election of Acting Mayor	January 4, 200	
C. Council Committee Appointments	items unless a Council member so requests, in which	
D. Designation of Legal Newspaper	order of business and considered some the general	
E. Designation of Official Depositories	normal sequence on the agenda.	
for 2005		
F. Appointment of City Engineer		
G. Appointment of City Attorney		
(Civil and Criminal)		
H. Appointment of Financial Advisor		
L. Appointment of Auditing Firm		
J. Planning Commission Appointment;	60 DAY EXTENSIONS	
(two openings: lst & 2 <sup>nd</sup> Alternates)	W DAY	
K. Parks Commission Appointments;		
(one opening:2 <sup>nd</sup> Alternate)		
L. Community Improvement Commission		
Appointment; (two openings)		
M. Cable Operator: Steven Press		
N. IT: NextGenesis		
O. Animal Control:Kathi Pelnar		
5. CONSENT		- 1
A. Resolution No. 2005-003 Authorizing Signature for Payments of Funds From the Lake Elmo Bank	APPANED	
B. Resolution No. 2005-004: Approve Claims		
6. NEW BUSINESS		
7. MAINTENANCE/PARK/FIRE/BUILDING:		
A. Update On Fire Dept.: Chief Malmquist		
8. CITY ENGINEER'S REPORT:		
9. PLANNING, LAND USE & ZONING:	Tom Prew	
A. Appeal of Administrative Determination - Chadoua Vue		
B. Plan Amend/Rezone/RE Plat – Cardinal View:Resolutions 2004-005, 006. Ordinance No. 97-144		
C. Community Development Block Grant		
10. CITY ATTORNEY'S REPORT:		

Lake Elmo City Council Agenda January 4, 2005

January 4, 2005
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### Lake Elmo City Council Meeting January 4, 2005

# AGENDA ITEM: Open Council Position - Interview Recommendation

# Recommendation for Scheduling Interviews:

- Staff set up half hour interviews for each of the 9 candidates for January 25, 2005 starting at 4:30 p.m. with a half hour break at 6:30 if council members are available. (Interview Times: 4:30, 5:00, 5:30, 6:00, break, 7:00, 7:30, 8:00, 8:30, 9:00)
- ✓ Even with this being an open meeting, would recommend that staff request of the candidates to wait in the lobby area until their interview time.

## Recommendation for Interviews:

- ✓ Each council member prepare up to 2 questions for each candidate.
- ✓ Council members would rotate in asking their questions up to the half hour time limit.

# Recommendation for Choosing Final Candidates (9:30):

- Each council member chooses their top 2 candidates and give a "2" for their highest rated candidate and a "1" for their second choice.
- ✓ The overall top 2 candidates (3 if a tie occurs) go forward as final candidates.
- ✓ Staff will notify the top 2 (3 if a tie) candidates and request that they attend the February 1, 2005 city council meeting for the final process.

# Recommendation for Final Process/Decision:

- On February 1, 2005, (6:30 p.m.) council members will have an opportunity to ask 1 final question of each of the candidates.
- ✓ During the regularly scheduled meeting and at the time of the agenda item council members will vote on paper (1 vote) for the candidate of their choice. City Administrator and City Attorney will process the written votes and give the Mayor the results.
- ✓ In event of a tie, council will follow the state guidelines.

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### MINUTES APPROVED: JANUARY 18, 2005 LAKE ELMO CITY COUNCIL MINUTES

### **JANUARY 4, 2005**

- 1 AGENDA
- 2. MINUTES: December 7, 2004
- 3. Resolution No. 2005-001:Claims
- 4. Accept Resignation of Dean Johnston, Resolution 2005-002 Declaring Council
- 5. OATH OF OFFICE FOR NEWLY ELECTED MEMBERS OF COUNCIL

# New Council Convenes Council Meeting

- 1. AGENDA
- 2. PUBLIC INFORMATIONAL:
  - A. Recognition of Outgoing Council Members
  - B. Lake Elmo Jaycees Proclamation
  - C. 2005 Board of Appeal and Equalization Meeting: May 4, 2005
  - D. Employee and Volunteer Recognition Party
- 3. PUBLIC INQUIRIES
- 4. ORGANIZATIONAL MEETING:
  - A. Appointment Process of Council & Commission
  - B. Election of Acting Mayor
  - C. Council Committee Appointments
  - D. Designation of Legal Newspaper 5
  - E. Designation of Official Depositories for 2005
  - F. Appointment of City Engineer
  - G. Appointment of City Attorney (Civil and Criminal)
  - H. Appointment of Financial Advisor
  - I. Appointment of Auditing Firm
  - J. Planning Commission Appointment (two openings: 1st & 2nd Alternates)
  - K. Parks Commission Appointments:(one opening:2nd Alternate)
  - L. Community Improvement Commission Appointment: two openings
  - M. Cable Operator: Steven Press
  - N. IT:Next Genesis
  - O. Animal Control: Kathi Pelnar
- 5. CONSENT:
  - A. Resolution No. 2005-003: Authorizing Signature for Payments of Funds from the Lake Elmo Bank
  - B. Resolution No. 2005-004:Approve Claims
- 6. NEW BUSINESS:
- MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Fire Dept.: Chief Malmquist
- 8. CIITY ENGINEER'S REPORT:
- 9. PLANNING, LAND USE & ZONING:

- A. Appeal of Administrative Determination-Chadoua Vue
- B. Plan Amend/Rezone/RE Plat Cardinal View:Resolutions 2005-005, 006, Ordinance No. 97-144
- C. Community Development Block Grant 2005-2007: Resolution No. 2005-007
- 10. CITY ATTORNEY'S REPORT:
- 11. CITY ADMINISTRATOR'S REPORT:
  - A. Met Council
- 12. CITY COUNCIL REPORTS:

Mayor Hunt called the Council meeting to order at 7:00 p.m. in the Council chambers. PRESENT: John, Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, Attorney Miller, Planner Dillerud, Finance Director Tom Bouthilet and Administrator Rafferty.

M/S/P Dunn/Johnston - to approve the January 4, 2005 City Council agenda, as presented. (Motion passed 5-0).

MINUTES: December 7, 2004 M/S/P Dunn/Johnston - to approve the December 7, 2004 City Council minutes, as amended. (Motion passed 5-0).

# 3. Resolution No. 2005-001:Claims

M/S/P Dunn/John - to adopt Resolution No. 2005-001 approving claim numbers 230, 231, DD294 through DD305, 26608 through 26636 which were used for staff payroll dated December 9, 2004, Claim 232, 233, DD306 through DD315, 26637 through 26651 which were used for staff payroll dated December 23, 2004, claims 26652 through 26699, in the total amount of \$157,576.15 (Motion passed 5-0).

4. Accept Resignation of Dean Johnston, Resolution No. 2005-002 Declaring

The City received a resignation letter from Council Member Johnston indicating his resignation from the position of Council Member effective upon the administration of his oath of office as Mayor.

M/S/P DeLapp/Dunn - to adopt Resolution No. 2005-002 accepting the resignation of Dean Johnston from the position of Council Member effective upon the administration of his oath of office as Mayor of Lake Elmo and declare a vacancy in the Council seat held by Council Member Dean Johnston. (Motion passed 5-0).

- 5. OATH OF OFFICE FOR NEWLY ELECTED MEMBERS OF COUNCIL The City Clerk administered the Oath of Office to the newly elected members of Council, Mayor Dean Johnston, Council Member Liz Johnson and Council Member Anne Smith.
  - 6. Adjourn

M/S/P Johnson/Smith – to approve the Council Committee Appointments as indicated on January 4, 2005. (Motion passed 4-0).

## D. Designation of Legal Newspaper

M/S/ Johnson/Smith - to designate the Stillwater Gazette and the Lake Elmo Leader as the City's legal newspaper for 2005.

Council member Johnston said he supported the Oakdale-Lake Elmo Review based on the excellent press coverage and cost.

M/S/P Johnston/Smith – to amend the motion to designate the Stillwater Gazette as the City's legal newspaper for 2005 and the Oakdale Lake Elmo Review based on coverage, price and quality of reporting. (Motion passed 3-1Johnson supported the local newspaper, Lake Elmo Leader).

# E. Designation of Official Depositories for 2005

Staff recommended the designation of the following as official depositories for the City: Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities.

M/S/P DeLapp/Johnson - to designate Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup, and Northland Securities for 2005. (Motion passed 4-0).

## F. Appointment of City Engineer

M/S/P DeLapp/Johnson - to appoint Tom Prew/TKDA as the City Engineer for 2005. (Motion passed 4-0).

# G. Appointment of City Attorney (Civil and Criminal)

M/S/P DeLapp/Johnson - to appoint Jerry Filla, Peterson, Fram & Bergman as the City Attorney, for both criminal and civil matters for 2005. (Motion passed 4-0).

# H. Appointment of Financial Advisor

M/S/P DeLapp/Johnson - to appoint Paul Donna, Northland Public Finance Group as the City's Financial Advisor for 2005. (Motion passed 4-0).

# I. Appointment of Auditing Firm

M/S/P DeLapp/Johnson - to appoint Steven R. McDonald, CPA, Abdo, Eick & Meyers, and LLP as the City's Auditing Firm for 2005. (Motion passed 4-0).

J. <u>Planning Commission Appointment (two openings:1<sup>st</sup> & 2<sup>nd</sup> Alternates)</u>
Three Planning Commission terms expired on December 31, 2004 (Ptacek, Sessing, and Schneider). Todd Ptacek and Bob Helwig, who serve on the Planning Commission, have submitted their names for consideration in the City Council Appointment. Now that there is a procedural policy in place, the following motion was made:

M/S/P Smith/Johnston – to reappoint Todd Ptacek, Rodney Sessing, and Charlie Schneider to the Planning Commission for 60 days. (Motion passed 4-0).

Council member DeLapp objected to the procedure in place and suggested we follow Washington County's procedure of appointing members for a three year term. Discussion on Planning Commission terms will be referred to the January 11<sup>th</sup> Finance, Legal, Legislative, Personnel Council Committee Meeting.

Planning Commissioner Liz Johnson became a City Council member and Commissioner Thomas Meldahl resigned his commission December 13, 2004. The Commission now has nine members and the City Code specifies eleven. Commissioner Ben Roth is currently 2<sup>nd</sup> Alternate Member and should become a Full Voting Member taking the position vacated by Liz Johnson with a tem expiring December 31, 2005.

M/S/P Johnson/Smith - to appoint Ben Roth as Full Voting Member of the Planning Commission to finish a 3-year term that will expire on December 31, 2005. (Motion passed 4-0).

K. <u>Parks Commission Appointments:(one opening:2<sup>nd</sup> Alternate)</u>
Three Parks Commission appointments expired December 31, 2004. Commissioners
Linda Wagner, Terry Bouthilet and Todd Bruchu have requested reappointment. Council member DeLapp suggested the Parks Commission appointments be made for a 3-year term because they are not like the Planning Commission that has to follow the regulations according to state law.

M/S/P Johnson/Smith - to reappoint Linda Wagner, Terry Bouthilet and Todd Bruchu to the Parks Commission for a 3-year term that will expire on December 31, 2007. (Motion passed 4-0.)

Commissioner Jim Lund has resigned from the Parks Commission, but hopes to be able to serve again in 2006. With his resignation, 2<sup>nd</sup> Alternate Commissioner Rolf Larson should advance to 1st Alternate Parks Commissioner.

M/S/P DeLapp/Johnson - to appoint Rolf Larson as 1st Alternate of the Parks Commission. (Motion passed 4-0.)

L. Community Improvement Commission Appointment: two openings The Community Improvement Commission shall be comprised of seven members. Currently the members on the Commission are: Jill Anderson, Stacy Howieson, Debbie Lyzenga, Gary Rieder, Anne Smith and Joan Ziertman. CIC Member Smith resigned because of becoming a Council Member so there are two vacancies on the Commission.

The staff will continue to advertise for the two vacancies on the Community Improvement Commission and bring back item to the February 1st Council meeting.

## M. Cable Operator: Steven Press

M/S/P Johnson/DeLapp - to approve the reappointment of Steven Press as the City's Part-Time Cable Operator at \$13.50 Hr. for taping and broadcasting city meetings. (Motion passed 4-0).

### N. IT: Next Genesis

M/S/P Johnson/DeLapp -- to approve the reappointment of the computer service contract between the City and Next Genesis (William Keran). (Motion passed 4-0).

## O. Animal Control: Kathi Pelnar

M/S/P Johnson/DeLapp - to approve the Animal Control Contract between the City and Kathi Pelnar to provide Animal Control Services for 2005. (Motion passed 4-0).

#### 5. **CONSENT:**

# A. Resolution No. 2005-003: Authorizing Signature for Payments of Funds from the Lake Elmo Bank

Following every election, the City must notify the lake Elmo Bank who has been authorized to sign checks for payment of funds by the City. State Statute requires that the Mayor sign all checks as well as the City Administrator and or an appointed designee.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-003 authorizing signatures for payment of funds from the Lake Elmo Bank. (Motion passed 4-0).

B. Resolution No. 2005-004: Approve Claims M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-004 approving claim numbers 26700 through 26727, 234 in the total amount of \$5,059.89. (Motion passed 4-0)

### 6. <u>NEW BUSINESS</u>:

# 7. MAINTENANCE/PARK/FIRE/BUILDING:

# A. Update on Fire Dept.: Chief Malmquist

The Fire Chief reported there are 25 volunteers in the department. They responded to over 320 medical, rescue and fire emergencies, which is a decline from the 422 calls in 203. Fires of all types dropped from 53 in 2002 to only 27 in 2004. The entire

department upgraded from Fire Fighter I to Fire Fighter II. One safety officer was sent to a training program at the National Fire Academy. This is the second year for the Fire Department Calendar.

# 8. CITY ENGINEER'S REPORT: None

# 9. PLANNING, LAND USE & ZONING:

A. Appeal of Administrative Determination-Chadoua Vue Planner Dillerud reported that on December 7 the Council adopted motion to 1.) Affirm the Building Official's determination that Mr. Vue needs a building permit for whatever he constructs as an accessory building; and 2.) Postpone action regarding the location of an accessory structure(s) nearer the front property line than the principal structure.

Dillerud reported Mr. Vue has submitted a building permit application for a 30 foot by 18 foot accessory structure, but additional drawings have been submitted beyond those he had submitted with his Appeal. Staff recommended Council direction to remove the lean-to structure; and relocation of the Menards style tool shed to a location within code compliance by June regardless of the outcome of Mr. Vue's request to place the new accessory structure in front of his house.

M/S/F DeLapp/Johnson -- to adopt Resolution No. 2005-008 approving an accessory structure located in front of the principal structure at 11991 30<sup>th</sup> Street. (Motion failed 0-4).

Council member DeLapp stated the whole concept of accessory structures needs to be discussed and determine what a principal structure is and what constitutes an accessory structure.

M/S/P Smith/DeLapp - to direct Chadoua Vue, 11991 30th Street, to remove the lean-tostructure; and relocate the Menards style tool shed to a location in compliance with Code by June 1, 2005. (Motion passed 4-0).

M/S/P Johnson/Smith - to send Section 300.13 Subd. 3I of the City Code to the Planning Commission for a recommendation regarding retention, repeal or modification within 90 days. (Motion passed 4-0.)

# B. Plan Amend/Rezone/RE Plat - Cardinal View: Resolutions 2004-005, 006, Ordinance No. 97-144

The Planner reported the Planning Commission recommend approval of a Comprehensive Plan Amendment, Rezoning and Preliminary Plat, which creates six residential estates lots on a 23.5 acre site at the east end of 15<sup>th</sup> Street No. A seventh lot would accommodate the existing home on the site. Staff had advised the Commission that the plat design resulted in apparent technical non-compliance with average lot area and septic site area requirements of the RE zoning district.

The Planner indicated the applicant agreed to conduct additional soil testing and to identify the full 20,000 sq.ft. per lot of septic drain field area and those tests have been completed and submitted. He reported that the existing home with an in-place septic system is not addressed regarding the 20,000 square foot septic standard by the original plan, but has been in a preliminary manner since then.

M/S/P Johnson/DeLapp - to adopt Resolution 2005-005 granting a Comprehensive Plan Amending Guiding Land Use From RAD to RED to D&T Development. (Motion passed 4-0).

M/S/P Johnson/DeLapp - to adopt Ordinance 97-144, An Ordinance amending Section 300.07 Zoning District Map of the Lake Elmo Municipal Code to rezone the Cardinal View site from RR to RED in compliance with the Comprehensive Plan Amendment previously adopted. (Motion passed 4-0).

M/S/P Johnson/DeLapp – to adopt Resolution No. 2005-006, A Resolution approving the Preliminary Plat of Cardinal View subject to a condition that the applicant provide additional tests to verify 20,000 square feet of proposed Lot 7 to be suitable for septic drain field purposes prior to submission of the Final Plat. (Motion passed 4-0).

# C. Community Development Block Grant 2005-2007

The City Planner reported the CDBG application in the amount of \$72,000 has been submitted to Washington County to meet the December 17 deadline. The application follows the direction of the Community Improvement Commission as to program content.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-007, approving submission of the 2005-2006 Lake Elmo CDBG Application. (Motion passed 4-0.)

# 10. CITY ATTORNEY'S REPORT:

# 11. CITY ADMINISTRATOR'S REPORT:

#### A. Met Council

The City Administrator reported Mayor Johnston requested the Council confirm by motion the Met Council Negotiating Team. The team would report the progress to Council at each meeting as appropriate. All settlement with the Met Council must be approved by a majority vote of the City Council.

M/S/P Johnson/DeLapp — establishing the official Met Council Negotiating Team consisting of Mayor Johnston as chair of the team and Martin Rafferty, City Administrator and Chuck Dillerud, Planner. (Motion passed 4-0).

## 12. CITY COUNCIL REPORTS:

Council member DeLapp welcomes the new members of the Council.

Council member Smith stated she will be resigning as Vice Chair of the Community Improvement Commission and urged residents/property owners to apply for membership.

Adjourn 8:50 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-001 Claims

Resolution No. 2005-002 Declaring Council Vacancy

Resolution No. 2005-003 Signatures for Payments of Funds from the LE Bank

Resolution No. 2005-004 Claims

Resolution No. 2005-005 Comprehensive Plan Amendment for Cardinal View

Resolution No. 2005-006 Preliminary Plat of Cardinal View

Resolution No. 2005-007 CDBG 2005-2007

Ordinance No. 97-144 Rezoning for Cardinal View from RR to RED

### LAKE ELMO CITY COUNCIL MINUTES

#### **DECEMBER 7, 2004**

- 1. AGENDA
- 2. MINUTES: November 16, 2004
- 3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Inquiries
  - B. Public Informational: Two Rivers Land Trust Homebuyer
  - C. Lake Elmo Library
- 4. CONSENT AGENDA:
  - A. Resolution No. 2004-102: Approve Claims
  - B. Resolution No. 2004-103: Charitable Gambling License Maplewood Lions
  - C. 2005 Liquor Licenses
- 5. FINANCE:
  - A. Resolution No. 2004-104: Capital Improvement Program
  - B. Resolution No. 2004-105: Adopt Final 2005 Budget and Resolution No. 2004-106 Adopt Levy
  - C. Resolution No. 2004-101: Waiver of Monetary Limits on Tort Liability
- 6. NEW BUSINESS:
- 7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Fore Department Activities: Chief Malmquist- NOT IN ATTENDANCE
- 8. CITY ENGINEER'S REPORT:
  - A. Highway 5 Traffic Counts (Verbal)
- 9. PLANNING, LAND USE & ZONING:
  - A. HEARING: Appeal of Administrative Determination-Chadoua Vue:Resolution Placing Accessory Building in Front of Primary Structure
  - B. PUBLIC HEARING: Vacation of 55th Street and Easements: Resolution No. 2004-107
  - C. Resolution No. 2004-108-Final Plat and Development Agreement for Tapestry at Charlotte's Grove
  - D. Resolution No. 2004-109 :Minor Subdivision and OP Final Plan Amendment: Dupuis/Engstrom
  - E. Family Entertainment Center
  - F. Resolution No. 2004-110: Sale of Berschen Property (Property Rights)
  - G. Bush Angle Parking
- 10. CITY ATTORNEY'S REPORT:
- 11. CITY ADMINISTRATOR'S REPORT:
  - A. Met Council Discussion/Negotiations
  - B. Lake Elmo Jaycees Donation
  - C. December 21st Council Meeting
- 12. CITY COUNCIL REPORTS:

Mayor Hunt called the Council meeting to order at 7:00 p.m. in the Council chambers. PRESENT: Hunt, John, Dunn, Johnston, DeLapp, City Engineer Prew, City Attorney Filla, Finance Director Tom Bouthilet, City Planner Dillerud and Administrator Rafferty.

#### 1. AGENDA:

ADD: 11C. December 21 Council Meeting

M/S/P Dunn/John – to approved the December 7, 2004 City Council agenda as amended. (Motion passed 5-0).

#### 2. **MINUTES:** November 16, 2004

M/S/P DeLapp/John - to approve the November 16, 2004 City Council minutes, as amended. (Motion passed 5-0).

#### 3. PUBLIC INQUIRIES/INFORMATIONAL:

- A. Public Inquiries: None
- B. Public Informational: Two Rivers Land Trust Homebuyer
- C. Lake Elmo Library:

Paul Ryberg, Friends of Lake Elmo Library, reported the Washington County staff looked at other sites in Lake Elmo for a library. Administrator Rafferty stated he talked to Pat Conley, Washington County Library Director, who noted she was absolutely certain they will place a library in the City at the right location that is affordable. They are determined to have the library open sometime in 2005.

The Mayor acknowledged Clayton Michael's letter, which was passed onto the City Engineer, regarding the barrier at 50th Street.

#### 4. CONSENT AGENDA:

A. Resolution No. 2004-102. Approve Claims

M/S/P Dunn/John to adopt Resolution No. 2004-102 approving claim numbers 228, 229, DD285 through DD293, 26497 through 26551, which were used for staff payroll dated November 24, 2004, claim 26496, 26552 through 26607 in the total amount of \$231,482.52. (Motion passed 5-0).

# B. Resolution No. 2004-103:Chairtable Gambling License – Maplewood Lions

The Maplewood-Oakdale Lions is requesting its annual One-Day (February 7, 2005), Off-Site Gambling License to sell raffles and hold bingo at the Lake Elmo Inn. Staff is recommending approval of issuing the charitable gambling license.

M/S/P Dunn/John - to adopt Resolution No. 2004-103, A Resolution Approving the Issuance of a Charitable Gambling License by the State of Minnesota to the Maplewood/Oakdale Lions. (Motion passed 5-0).

#### C. 2005 Liquor Licenses

Twin Point Tavern, Lake Elmo Inn, Tartan Park, Lake Elmo Banquet Hall, Machine Shed Restaurant have submitted their renewal liquor applications, the required fees and insurance certificates.

M/S/P Dunn/John - to grant a 2005 On-Sale intoxicating liquor and On-Sale Sunday intoxicating license to 3M Club of St. Paul (Operator s of Tartan Park) and to the machine Shed Restaurant by Heart of American Restaurants and Inn; conditioned on approval by the Washington County Sheriff's Dept. (Motion passed 5-0).

M/S/P Dunn/John - to grant a 2005 On-Sale intoxicating liquor Off-Sale intoxicating liquor, and On-Sale Sunday intoxicating liquor license to the Twin Point Tavern and Lake Elmo Inn; conditioned on approval by the Washington County Sheriff's Dept. (Motion passed 5-0).

M/S/P Dunn/John - to grant a 2005 On-Sale intoxicating liquor, On-Sale Sunday intoxicating license to River Valley Catering Inc., Lake Elmo Banquet Hall; conditioned on approval by the Washington County Sheriff's Dept. (Motion passed 5-0).

#### 5. FINANCE:

## A. Resolution No. 2004-104: Capital Improvement Program

The Finance Director provided the 2005-2009 Capital Improvement Program (CIP) for Council adoption.

M/S/P John/DeLapp - to adopt Resolution No. 2004-104 Approving the 2005-2009 Capital Improvement Program. (Motion passed 5-0).

# B. Resolution No. 2004-105:Adoption of Final 2005 Budget and Resolution No. 2005-106 Adopt Levy

The Finance Director provided two resolutions for adoptions of the Final 2005 Budget and Levy. He reported the budget reflects a 12% increase in the levy which a major portion is attributed to an increase in property valuations. The City impact on the increase was about .05%. Approximately 7% of the increase will be for repayment of debt service for the new city hall and public works facilities, 3% dedicated to the City's new forestry management program and the remaining portions of the increase are due to inflation. He said the total General Fund budget compared to the 2004 budget increased by 9% and there is some reductions in expenditures such as Fire pension, Planning and Legal accounts.

M/S/P John/Johnston - to adopt Resolution No. 2004-105 A Resolution Adopting the 2005 General Fund Budget in the amount of \$2,712,711. (Motion passed 5-0).

M/S/P John/Dunn – to adopt Resolution No. 2004-106 A Resolution Adopting a Final Tax Levy in the amount of \$1,923,989. (Motion passed 5-0).

## C. Resolution No. 2004-101: Waiver of Monetary Limits on Tort Liability

The Finance Director reported the City obtains liability coverage through the League of Minnesota Cities Insurance Trust for building and vehicles and covers tort liability. Because of this coverage the City must decide whether or not to waive the monetary limits on municipal tort liability as established by Minnesota Statutes 466.04.

If the City does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$300,000 on any claim to which the statutory tort limits apply. If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,000,000 on a single occurrence.

The City Attorney recommended the City adopt a resolution stating that the City does not waive the monetary limits on municipal tort liability.

M/S/P Dunn/John - to adopt Resolution No. 2004-101 recognizing the city does not waive the monetary limits on municipal tort liability. (Motion passed 5-0).

#### 6. NEW BUSINESS

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

A. <u>Update on Fire Department Activities: Fire Chief Malmquist – NOT IN ATTENDANCE</u>

#### 8. <u>CITY ENGINEER'S REPORT:</u>

A. Highway 5 Traffic Counts (Verbal)

The Public Works Council Committee recommended approval of the City Engineer's request to support traffic count/planning work on MN Hwy 5 immediately, prior to completed contract with Washington County and MnDOT for work to study a potential Hwy 5 By-pass solution.

M/S/P DeLapp/John - to approve payment of \$4,100 for TKDA to accomplish a traffic count/planning study on MN Hwy 5. (Motion passed 5-0).

## 9. PLANNING, LAND USE AND ZONING:

A. HEARING: Appeal of Administrative Determination – Chadoua Vue:Resolution No. 2004-107:Placing Accessory Building In Front of Primary Structure (Not Adopted)

The City Planner reported Chadoua Vue, 11991 30<sup>th</sup> Street N., constructed a structure on his property without a permit and it was located nearer a public street than the existing home—a violation of Section 300.13 Subd. 3I. of the City Code. The Building Official notified Mr. Vue that either he remove the illegal accessory structure, or secure an "after-the-fact" building permit and relocate the accessory structure on his property to secure compliance with the above-cited code provision.

Mr. Vue has appealed the Building Official's Order to the City Council (Acting as the Board of Adjustments and Appeals) and did so within the prescribed 5-day period. Mr. Vue is requesting an after-the-fact resolution of the Council permitting the accessory structure to be located closer to a public street than the home. Mr. Vue proposed three possible locations two of which #1 and #2 would require the City Council Resolution. The accessory structure is now located at Location #1. The Planner explained if the Council approves the request, the illegal accessory building location portion of the Building Official's order cease to be an issue for the Board of Adjustments an Appeals, with only the lack of a proper building permit remaining as an appeal issue.

Council member Johnston stated he did not support allowing the structure in a front yard. Council member John explained he visited the site and the building in question is not the dimension that is indicated on the Vue diagram. He also pointed out that there are two types of buildings there. One is a small metal building and detracts from the property completely. Council member DeLapp noted that the building has to meet the building code, and placement in front yard has to be a rare circumstance. He asked if the building is 6' or less from the principal building because if the accessory is 6' or less from the principal building the accessory building would be considered as an integral part of the principal building.

The Building Official responded he would have to review that regulation in connection with Mr. Vue's accessory structure.

Attorney Filla explained this is a temporary structure and asked the Council why they were considering Location #1 when the applicant is offering #2.

Council member John suggested DeLapp visit the site to observe the structure.

Mayor Hunt called the hearing to order at 7:46 p.m. There was no one to speak for or against the request. Mayor Hunt closed the public hearing at 7:48 p.m.

M/S/P John/DeLapp — to postpone action on the location request until more information is provided regarding dimension of the accessory structure, number of accessory structures, if the accessory structures are built according to the building code since no building permits were pulled, and if the accessory structure is 6' or less from the principal building. (Motion passed 5-0.)

M/S/P John/Johnston – to affirm as the Board of Adjustment and Appeals, adoption of an Order for Vue to apply for a building permit, as amended. (Motion passed 5-0).

Planner Dillerud noted this agenda item will be taken care of on the first meeting in January.

# B. <u>PUBLIC HEARING</u>: Vacation of 55<sup>th</sup> Street and Easements:Resolution No. 2004-107

The City Planner reported the Council conducted a public hearing on October 5, 2004 on a petition by several abutting property owners to vacate the portion of 55<sup>th</sup> Street North that was closed to traffic concurrent with the Carriage Station platting. The Council approved the vacation subject to a revised legal description, and staff meeting with the abutting property owners regarding details of easements to be retained by the City and related matters.

The Finance, Legislative, and Personnel Committee of the Council reviewed the plan at its December 1<sup>st</sup> meeting and recommended approval by the Council of the following:

- 1. Retention by the City of a 66 foot (width of the existing street ROW) drainage and utility easement (only).
- 2. Addition of a 20 ft trail easement on the centerline of the previous street ROW, except south of the centerline to accommodate the two existing driveways for property owners north of the former street.
- 3. Construction by the City of an 8- foot asphalt bike/ped trail with the 20 foot easement in Spring, 2005. Standard permanent posts would be installed at each end of he trail (along with appropriate signage) to preclude all but bike/pedestrian use.
- 4. Vacation by the City of the existing drainage and utility easements platted at the rear of the abutting Carriage Station Lots.

The Council convened a public hearing on this matter to approve the street vacation by the expanded legal description and also the rear lot line easement vacations.

Attorney Filla asked who is going to pay the costs for drafting these easements. He further reported that it has been discovered all of 55<sup>th</sup> Street, west of Marquess was included in the plat of Carriage Station, so all right-of-way reverts to the south upon vacation.

Mayor Hunt called the public hearing to order at 7:57 p.m.

Chip Longacre, 12058 55<sup>th</sup> Street N., said if all of that property will revert to the southern property owner, then he would need an easement for his driveway.

Attorney Filla said he would need a copy of the affected property owners' title insurances in order to proceed with the easements. The property owners would pay the costs or they could hire their own attorney.

Gary Sloan, 12208 Marquess Lane N., asked if this change affects the trail location because the owners will own property on both sides of the trail. The City Planner responded the City would have to revisit this item.

Nick Wohlers, 12114 Marquess Lane N., said he owns the last lot and the trail will come closer to his side. He plans on placing a fence there.

Kathy Haggard, 12154 Marquess Lane N., asked about cost. Attorney Filla responded that someone has to figure out where the trail would be so there may be some survey costs or it could be simple and meander the line and then he would not need a centerline description. Each property owner was asked to bring in their title to city hall in order to convey the easement at total cost between \$500-\$600 total, split amongst the 12 property owners.

Mayor Hunt closed the Public Hearing at 8:07 p.m.

M/S/P Johnston/John - to adopt Resolution No. 2004-107 approving vacation of 55<sup>th</sup> Street North; vacation of certain drainage/utility easements; reservation to the City of a 66 foot drainage/utility easement and reservation to the City of a 20 foot trail easement. (Motion passed 5-0).

M/S/P John/Johnston - to direct the City Administrator to execute construction by the City of an 8 foot asphalt trail within the 20 foot trail easement of former 55<sup>th</sup> Street North in compliance with the proposed City's trail plan.. (Motion passed 5-0).

Attorney Filla asked for the affected property owners names and addresses so he can send them the appropriate information.

C. Resolution No. 2004-108 – Final Plat and Development Agreement for Tapestry at Charlotte's Grove

On October 5, 2004 the Council approved the OP Development Stage Plan/CUP and Preliminary Plat of the Tapestry OP which consists of 67 single family lots on a site of 172 acres. The City Planner reported with some minor reconfiguration of lot shapes, the submitted Final Plat complies with the approved Preliminary Plat, including conditions that were attached. The City Engineer reviewed all infrastructure construction drawings and found those plans to comply with City standards. The Minnesota Land Trust agreed to hold the Preserved Open Space easements on all of the large Preserved Open Space outlots. A proposed Development Agreement was provided for Council review.

Council member DeLapp commented that the City doesn't need a 26' road and asked if the road could be narrowed down to 22' wide. Council member Dunn said we should change the code and have options available rather than have one size fits all.

M/No Second DeLapp/No Second – that the proposal consider the flat portion of the street be 22' wide and any slope portion beyond be something additional.

Council member John and Dunn indicated this is not the time to change the street standard when we have a plat to approve, but staff could look into this.

The developer said he was not opposed to the additional condition of prohibiting trees being cut within 50 feet of the south line of the plat unless approved by the Planner.

Council member DeLapp complimented the developers on following the City's architectural guidelines.

M/S/P John/Johnston – to adopt Resolution No. 2004-108, A Resolution Approving the Final OP Plan, Final Plat and Development Agreement of Tapestry at Charlotte's Grove, as modified to include a second conditions that no trees shall be cut within 50 feet of the south line of the plat unless approved by the City Planner. (Motion passed 5-0.)

#### D. <u>Resolution No. 2004-109 – Minor Subdivision and OP Final Plan</u> <u>Amendment:Dupuis/Engstrom</u>

This is an application for both a Minor Subdivision of an existing 3 acre parcel and a small Fields II Outlot into three new parcels; and the amendment of the Fields of St. Croix II OP Final Plan to annex the newly created parcels. Two of the new parcels would be OP-type lots (3/4 acre), and were provided utility services in Lily Avenue North to which they will front in anticipation of this action in the future. The third new parcel would be the existing Dupuis homestead reduced to 2.41 acres area. The Planning Commission recommended approval.

M/S/P Dunn/Johnston – to approve Resolution No. 2004-109, Approving an amendment to the Fields of St. Croix OP Final Plan to annex land, and approving a Minor subdivision for Dupuis/Engstrom. (Motion passed 5-0)

Council member John voiced his concern on Parcel C with two large oaks for driveways or buildings erected on the site. Bob Engstrom said there is room for driveways.

### E. Family Entertainment Center

The City Planner reported that one condition of the approval of he CUP and Section 520 Site Plan for the Family Entertainment Center at 9200 Hudson Blvd. (Dolan Marine site) was that the applicant modify the proposed exterior elevations of the two buildings to mute the appearance from that then proposed and return to the Council with those revised exterior elevations.

The applicant has submitted revised exterior elevation, staff dated December 2, 2004, proposing to significantly modify the exterior treatment of Building A and somewhat modify Building B. The applicant also submitted manufacturer information regarding color pallet was provided and handed out to Council.

M/S/P DeLapp/John – to approve the exterior elevations for the Family Entertainment Center at 9200 Hudson Blvd. per plans staff dated December 2, 2004. (Motion passed 5-0).

Attorney Filla told the applicants that he still needs to see title to this property.

## F. Resolution No. 2004-110; Sale of Berschen Property (Property Rights)

M/S/P Johnston/John - to adopt Resolution No. 2004-110, a Resolution Waiving Planning Commission Review and Authorizing Sale of the John Berschen property. (Motion passed 5-0).

#### G. Bush Angle Parking

The City Planner reported that Joe Bush requested this matter be tabled.

M/S/P John/Johnston - to table this agenda item until more information can be provided. (Motion passed 5-0).

Council member Dunn asked staff to look at some screening for the residents to the east.

#### 4. <u>CITY ATTORNEY'S REPORT:</u>

The City Planner submitted the Council a copy of the RFQ for a Master Planner.

#### 5. CITY ADMINISTRATOR'S REPORT:

### A. Met Council Discussion/Negotiations

The City Administrator reported that discussions between the City's negotiating team and the representatives from the Met Council has been delayed due to the elections. He suggested sending a message that affirms a team to continue the negotiation process, and we communicate that to Peter Bell and Tom Weaver.

The team that has been meeting with Mr. Bell and his staff consisted of Hunt, Rafferty, and the City Planner. Council member DeLapp suggested that the new team be somewhat larger and should include Council member Dunn who he thought has a good rapport with everyone involved. DeLapp expressed his fears that Council member Johnston might capitulate to the Met Council's wishes specifically by permitting development north of 10<sup>th</sup> Street. Council member Dunn concurred with DeLapp about the need for more voices on the negotiating team.

Council member Johnston responded he shares the same goals for Lake Elmo. He was willing to pursue in whatever direction the City Council wishes. Both Mayor Hunt and Council Member John offered Johnston their vote of confidence and said they would make themselves available for any further consultation.

M/S/P John/Hunt – to establish the Met Council Negotiating Team consisting of Dean Johnston, Martin Rafferty, and Chuck Dillerud. (Motion passed 4-1:DeLapp would like to include Council member Dunn on the negotiating team.)

### B. Lake Elmo Jaycees Donation

M/S/P Dunn/John – to accept the Lake Elmo Jaycees donation and authorize expenditures for public purposes as designated by state law. (Motion passed 5-0.)

C. December 21st Council Meeting

M/S/P Johnston/Dunn – to cancel the December 21<sup>st</sup> Council meeting unless an agenda item comes up that needs to be discussed at a special meeting. (Motion passed 5-0.)

#### 12. <u>CITY COUNCIL REPORTS:</u>

Council member Dunn thanked the crew for installing the holiday decorations as they look great. She suggested that at the next election cycle a local candidates night be held by either the Jaycees, League of Women Voters, or the Cable Commission.

Council member John thanked the Council for supporting him for filling out the remainder of Chuck Siedow's Council seat.

Adjourn the meeting at 9:20 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-101 Waiver of Monetary Limits on Tort Liability

Resolution No. 2004-102 Approve Claims

Resolution No. 2004-103 Charitable Gambling License Maplewood Lions

Resolution No. 2004-104 Capital Improvement Program

Resolution No. 2004-105 Adopt Final 2005 Budget

Resolution No. 2004-106 Adopt Levy

Resolution No. 2004-107 Vacation of 55th Street

Resolution No. 2004-108 Final Plat for Papestry at Charlotte's Grove

Resolution No. 2004-109 Minor Subdivision and OP Final Plan

Amendment:Dupuis/Engstrom

Resolution No. 2004-110 Sale of Berschen Property

# MINUTES APPROVED: December 7, 2004 LAKE ELMO CITY COUNCIL MINUTES

#### NOVEMBER 16, 2004

- 1. AGENDA
- 2. MINUTES: November 3, 2004
- 3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. City Hall Option
  - B. Appointment to City Council
  - C. Lake Elmo Library
- 4. CONSENT AGENDA:
  - A. Parks Commission Appointment
  - B. Holiday Lights Donation by Lake Elmo Jaycees
  - C. Application for Delayed Payment of Special Assessment
  - D. Resolution No. 2004-098: Approve Claims
- 5. FINANCE:
  - A. Fee Schedule Amendment (WAC):Resolution/Ordinance will be distributed at meeting –Resolution No. 2004-100 Fee Schedule, Ordinance No. 97-143 Adopting Municipal Fees for Year 2004
  - B. Monthly Operating Report Informational
- 6. NEW BUSINESS:
- 7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Fire Dept. Activities: Chief Malmquist
  - B. Update on Building Dept. Activities: Jim McNamara- NOT IN ATTENDANCE
- 8. CITY ENGINEER'S REPORT:
  - A. Feasibility Study Old Village Water Expansion Project. Report will be distributed at meeting
- 9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2004-099: Family Entertainment Center CUP
  - B. Hearing: Board of Adjustment and Appeals:Rod and Diane Sessing
- 10. CITYATTORNEY'S REPORT:
- 11. CITY ADMINISTRATOR'S REPORT:
  - A. Six Month Evaluation
- 12. CITY COUNCIL REPORTS:

Mayor Hunt called the Council meeting to order at 7:00 p.m. in the Council chambers. PRESENT: John, Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, City Attorney Filla, Building Official McNamara, City Planner Dillerud, Finance Director Tom Bouthilet and Administrator Rafferty.

1. AGENDA

Add 4B. Public Information: Council vacancy in January, 4C. Update on library facilities, 8B. Fee schedule, 11A. City Administrator 6 month evaluation M/S/P DeLapp/Dunn - to approve the November 16, 2004 City Council agenda, as amended. (Motion passed 5-0).

2. <u>MINUTES</u>: November 3, 2004 M/S/P DeLapp/Johnston - to approve the November 3, 2004 City Council Minutes, as amended. (Motion passed 5-0).

### 3. PUBLIC INQUIRIES/INFORMATIONAL:

A. City Hall Option

The Council had previously considered a proposal to locate a new City Hall/Public Works and potentially Fire Station on the site of the present Lions Park. The proposal included a relocation of the Lions Ball Field to an alternative site in the Old Village. Neighboring residents were invited to comment at the August 31<sup>st</sup> workshop. Those attending the workshop expressed concerns and objections to the proposal.

Those concerns/objectives were:

1. Concerns/objectives to the introduction of truck/equipment traffic related to the Public Works (and possibly Fire) facility.

2. Concern and objection to the loss of the ball field and park facilities at the present Lions Park location.

Three basic concept sketches of a revised plan at Lions Park were prepared by staff and instructed at a Council Workshop. The Council directed invitations to the Lions Park neighbors to review and comment on an enhanced version of one of those concepts

Terri Olsen, TKDA architect presented a revised proposal omitting both the public works and fire hall, keeping the ball field and off street parking for both it and the city hall. Tom Prew, TKDA, gave a summary of the proposed resolution to the existing drainage problems.

Dave Faint, 3617 Laverne Avenue N., said he was still against changing the park and had concerns with the traffic, water problems, and the cost issue.

Bill Wacker, 3603 Laverne Avenue N., thanked the outgoing council members for their service. He said the residents are willing to pay for something, but don't want to come back in 20 years and have to pay again. He questioned the dimensions of the ball field and Ms. Olson explained it has not changed in size. He said he did not like the setup and was concerned that balls from the field would strike City Hall or the cars in the lot and noted the picnic tables are missing. He said he thought the design tried to put too many services into too small a space and that the City would be landlocked and cannot expand. The residents go into different directions for retail and not downtown. The street is narrow to the point a truck and car cannot pass.

E. Zetterlund, 2866 Legion Avenue N., said to forget this area and find somewhere else to build city hall.

Bob Novak, 3311 Kraft Circle N., said to pursue the Brookfield 11 option where there is plenty of square footage. Walk-ins to city hall is not a factor, but geared to people inquiring about Lake Elmo.

Bruce Beutel, 3590 Laverne Avenue N., said the traffic from the ballpark is o'k, but concerned that people will congregate at home plate. He thought this was a bad plan for that area.

Todd Bruchu, Parks Commissioner, said the city is shoehorning a lot of facility into a small area and that the concession stand is in fair territory. The City has to keep in mind that Lions Park is a ball field with a batting cage in summer and skating/hockey rink with a warming house in the winter.

Pastor Halass, Christ Lutheran Church, said the plan puts pressure on community, church, and ball field. The City never talked to the church council nor invited them to review the city's plan. The Pastor did come in to City Hall to discuss the options with the City Administrator.

Todd Williams, 3025 Lake Elmo Avenue, said he would like to see more detail on the Brookfield 11 building site or on the current city hall site. The City was placing too much in a small space. He prefers the current location.

Mayor Hunt reminded the residents this meeting did not have to be held. The Council was doing this because we do want the resident's opinions.

Council member DeLapp stated if we listen to the people and they don't want this then we should look elsewhere. The entire proposal has to be looked at, such as, senior housing, shops. Council member Dunn said we should look at other sites. The current parcel of land was given to the City as a tax write off for a City Hall. Council member John commented that it was unfair to let the City Administrator out to dry. This plan addressed all the main points based on the reaction to the residents concerns on noise, traffic, and heavy equipment with a maintenance facility in downtown Lake Elmo. He didn't recollect anyone saying Lake Elmo city hall should not be there.

The consensus of the Council was appreciative of the work done by staff, but was not in favor of going further with building a new city hall on the Lions Park site.

#### B. Appointment to City Council

The City will solicit applications, using a revised Planning Commission application, from the public for the council vacancy in order to fill the seat at the first Council meeting in January. The vacancy will be advertised in the newsletter and cable and applications can be obtained at City Hall. December 30<sup>th</sup> will be the deadline date for applications so that this information can be included in the January council packet.

#### C. Lake Elmo Library

Council member John reported he has discussed temporary facilities for the Lake Elmo Library with Jim Schug, Washington County Administrator, who said that in the 2005 Budget, the allocation of money to the total library system is 4.9 million, of which \$4.5 million come from taxes. Lake Elmo's share of this tax is 4.8% or \$214,466. This covers more than the straight operating costs of a Lake Elmo library alone. He pointed out the problem facing the library staff and the County Library Board is the high depreciation they will face for the leasehold improvements. These are only expected to be needed for a three to a five year term, less if a City library facility is erected earlier. This is something that they could not justify as a responsible expenditure of public money without support from Lake Elmo. The question raised is whether the City is prepared to fund, wholly or partly, these leasehold improvements to enable the library to be resurrected.

The City Administrator explained he had a phone conversation with Pat Conley, Washington County Library Director, concerning future plans for the proposed Lake Elmo Library site. She was not prepared with final details for a future site or Lake Elmo financial support request. She thought more information would be forthcoming by early December.

Staff was asked to find out the procedure and timing for receiving the library taxes reallocated to Lake Elmo. Council members Dunn and Johnston heard between \$90,000 and \$130,000. The Council indicated they want a library in the City, asked to pursue a reasonable deal with Washington County, and would like to see the numbers. If nothing can be worked out, the City may consider going alone.

Council John stated in order to advance the resurrection of the library, the director was going to come to a council meeting with a proposal.

Veterans Day

The City Administrator acknowledged Gloria Knoblauch's comment that the American flags weren't flown on the light poles in the City on Veterans Days. The Public Works will have a calendar showing dates the flags should be flown.

#### 4. CONSENT AGENDA:

#### A. Parks Commission Appointment

The City received an application for an appointment to the Parks Commission from Rolf Larson, 11720 Little Bluestem Court, Lake Elmo.

M/S/P Dunn/DeLapp – to appoint Rolf Larson as 2<sup>nd</sup> Alternate Member of the Parks Commission. (Motion passed 5-0).

### B. Holiday Lights - Donation by Lake Elmo Jaycees

The Lake Elmo Jaycees have donated \$1,900 to purchase additional holiday lights. The holiday lights are three strands of lights with garland and red ribbon and will be located on Lake Elmo Avenue at three locations: Hwy 5 and CSAH17 (power pole to power pole), Bush Building (power pole to building) and Old Library Building (power pole to building).

M/S/P John/Dunn – to accept the donation from the Lake Elmo Jaycees in the amount of \$1,900 to purchase additional holiday lights and thank them for their continued generosity. (Motion passed 5-0.)

### C. Application for Delayed Payment of Special Assessment

The Finance Director provided an application and authorization for delayed payment of tax on special assessment and a copy of the City Policy pertaining to hardship deferrals for special assessment. The resident is applying for deferral of the Hill Trail/50th Street reconstruction special assessment based on the age provision as outlined in the policy. M/S/P John/Dunn – to approve the application of resident at 8160 Hill Trail N. authorizing delayed payment of tax on Special Assessment of the Hill Trail/50<sup>th</sup> Street reconstruction special assessment. (Motion passed 5-0)

#### D. Resolution No. 2004-098: Approve Claims

M/S/P John/Dunn – to adopt Resolution No. 2004-098 approving Claim Numbers 226, 227, DD274 through DD284, 26415 through 26441, that were used for staff payroll dated November 10, 2004, Claim 26442 through 26497 in the total amount of \$120,880.65. (Motion passed 5-0).

#### 5. FINANCE:

# A. Fee Schedule Amendment (WAC):Resolution/Ordinance will be distributed at meeting

The Finance Director provided a revised fee schedule reflecting an increase in the Water Availability Charge (WAC). With the rising costs in construction materials, i.e. steel, it has become apparent that the City will need to continue a close review of the fees charged. As outlined in the Water System Interconnection Feasibility Report, the new WAC rate is \$3,000 from the current \$1,700 and in line with most of what other communities are currently charging. The Public Works Council Committee has reviewed and approved the proposed fee schedule amendment and recommended it be presented to the Council for consideration. Attorney Filla prepared an ordinance and Resolution

M/S/P John/Dunn – to adopt Ordinance No. 97-143 and Summary Setting Municipal Fees for Calendar Year 2004 and Summary. (Motion passed 5-0).

M/S/P John/Dunn – to adopt Resolution No. 2004-100, A Resolution Regarding Municipal Fees for Calendar Year 2004. (Motion passed 5-0).

The Truth 'n Taxation Hearing will be held on Monday, December 6, 7 p.m., at City Hall.

### B. Monthly Operating Report - Informational

#### 6. NEW BUSINESS:

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

- A. Update on Fire Dept. Activities: Chief Malmquist NOT IN ATTENDANCE
- B. Update on Building Dept. Activities: Jim McNamara

The Building Official reported there are no residential or commercial new building permits issued for the October, 2004. He reminded residents to remove basketball hoops in the street and any obstructions, such as, rocks, boulders from the edge of the property so they are not in the way of snowplows. He alerted residents not to plug the fresh air line into the house and air to air exchangers. This information can be added to a future newsletter.

8. CITY ENGINEER'S REPORT:

A. Feasibility Study - Old Village Water Expansion Project. Report will be distributed at meeting

The City Engineer reported the Council has previously ordered a Feasibility Study to address the expansion of the Old Village water system west to Jamaca; construction of new elevated storage; connection of the Lake Jane system; and updates of Well #1. He said an early draft of the report was presented to the Public Works Committee on November 9, resulting in direction from the Committee regarding the proposal contained in the report for an increase in the City's Water Availability charge (WAC). Since Phase 1 of the project (extending water service to the Tapestry OP) was time sensitive the complete Feasibility report was brought to the Council.

The Council decided it would not force current residents to hook into the water system if it is expanded in front of their property. The charges would be accessed, however, if the resident decided to hook into the system.

Proposed Project Schedule:

Spring 2005: Water main completed to Tapestry

Spring 2006: Phase II work complete. Phase III work begins (dependent upon new subdivision).

Fall 2006: Phase IV work begins after elevated tank is completed.

Spring 2007: Phase IV work, and project completed.

Council member DeLapp said then we should not put "Lake Elmo" on the water tank, but "Lake Jane". The old tank can be kept up as a landmark.

M/S/P DeLapp/John -accept Feasibility Report on Water Systems Interconnection dated November 16, 2004 prepared by Tom Prew, TKDA. (Motion passed 5-0).

M/S/P DeLapp/John - to authorize plans and specs for Phase 1 and schematics for Phase II. (Motion passed 4-1:Dunn —The report was just handed out at the meeting so she did not have to read it to get any questions she may have answered.)

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

A. Resolution No. 2004-099: Family Entertainment Center CUP

The City Planner reported at its November 8 meeting, the Planning Commission reviewed the new application materials and adopted a recommendation for approval of both the CUP and the Site Plan based on the mandatory Findings (CUP) and subject to conditions which are stated in the approval Resolution. The Commission discussed the issues of off-street parking, fire sprinkling of the structures and the proposed new exterior surface treatments to the south building elevations.

Council member DeLapp stated this is blatant example of a generous contribution from the council and planning commission and then the developer has proposed exterior appearances completely out of the character with the image of Lake Elmo with the proposed colors that could be seen along I-94. There is an impact on the freeway and introduction to Lake Elmo. He observed that this is a "fun" color scheme, but it is horrible to represent the business park. Very few from Lake Elmo will come to use this facility. He suggested that it is necessary to require a new plan come back to the Council that is focused in that is inwardly and is not so out of character for this city. He said it was necessary to tone down the façade.

Council member Dunn said it is a little lively and futuristic and will catch someone's eye.

Council member John supported DeLapp's comments.

Doug Larson said it will not be orange and purple and the colors will be muted down.

The City Planner stated he preferred to table and get colors back to council for approval.

Dave Herreid, architect, said the intent is to tone it down a bit and construction will be changed per a construction engineer who has some issues. He noted that this area of the City is not the Overland Park, Kansas business campus that Council Member DeLapp refers to. This proposed site redevelopment will be a vast improvement than what is there now.

Attorney Filla suggested approval be subject to council approval of the site plan with revised exterior colors. He suggested revision of paragraph 4 to include demonstrating and including revised site plan for elevations before building permit is drawn.

M/S/P Dunn/DeLapp – to adopt Resolution No. 2004-099, as amended (Paragraph #4 the amended site plan shall include the details for coloration of any proposed modifications to the exterior of the buildings, including wall surfacing, signage and lighting and elevations prior to issuance of a building permit.) approving a Conditional Use Permit

and Section 520 Site Plan for a Family Entertainment Center at 9200 Hudson Blvd. per plans staff dated November 16, 2004, based on the Findings and subject to the conditions recommended by the Planning Commission. (Motion passed 5-0)

### B. Hearing: Board of Adjustment and Appeals:Rod and Diane Sessing

Rod and Diane Sessing are appealing the City Planner's decision that their business was in violation of the city code. Rod Sessing explained it is a pet product sales business. He explained that Mrs. Sessing is a distributor or sells to pet stores and displays her products at pet expos or county fairs. She owns two trailsers 16 feet and 12 feet in length. Those trailers are used to both store and transport products, which she never sells on her property.

Sessing explained that this business was brought to the attention of city staff when his brother and sister-in-law, Steve and Joan Ziertman, filed a complaint accusing the Sessings of having regular commercial deliveries made to their home. The City Planner wrote a letter to the Sessings requesting more information to which Rod Sessing confirmed they were running a business, but to their knowledge they were adhering to regulations by not having retail sales or employees. The Code Enforcement Officer/Building Official sent a cease and desist notice after finding the Sessings were in violation of the code that forbids home occupations in the Rural Residential zoning district.

Rod Sessing stated that home businesses are more prevalent than the City may think and including his brother-in-law, who sells pumpkins and he runs a snowplowing business. He said according to their UPS driver he knows of over 100 homes in the city that store products for business. Sessing reported that they had 26 deliveries last year by UPS, and two semis with pallets. He stated that traffic is not a problem with just two occupants at the Sessing residence. He also stated that as someone drives by his house no one can see there is a business going on here. He reported that another neighbor came over to see his addition and when the neighbor was told Sessings ran a pet business, the neighbor said he was not aware of that fact.

The City Planner explained its unclear why Home Occupation was not permitted in the Rural Residential district. He said he believes it was an editorial oversight. The City Attorney has researched City zoning ordinances back to the 1970's and found no evidence that any amendments to the Code to remove Home Occupation from the RR district were ever deliberately adopted.

Council member Johnston said it appears that, essentially, the Sessings are running a warehouse. His concern is not necessarily the traffic, but the impact of warehousing in the residential areas.

Mayor Hunt opened the Public Hearing at 9:26 p.m.

Joan Ziertman agreed the City should make zoning consistent with Home Occupations permissible in all zoning districts. She said that the Sessing situation is a definite commercial business in a residential zone. She stated that people in Lake Elmo do not want to live next to high impact business. She said that the Sessings intend to get a website going and shipments will be going in and going out. This appeal should be denied because this home occupation should never be allowed on residential property. Steve Ziertman said he will stop his business from his home now that he knows his snowplowing business and selling of pumpkins is illegal as well.

Ann Smith asked Rod Sessing who was the neighbor that responded he was not aware of Rod running a business. Sessing responded that it was Rick Engelsdorf.

Mayor Hunt closed the Public Hearing at 9:40 p.m.

Mayor Hunt recognized three letters the Council received from Deb and Neil Kreueger-4452 Lake Elmo Avenue, Victoria and Bob Seifert and Jake & Beth Markoe -5694 Keats Avenue, regarding Home Occupations in Residential Areas,

Council member John said the Sessing's pet business clearly is in violation of the code.

Council member Dunn said she had no problem with home occupations in RR districts.

Council member Johnston said it is clear the Sessing business does not comply with the code, and he object to stock-in-trade and warehousing as home occupations.

Mayor Hunt said home occupations are so "gray", but we don't want people building warehouse or machine shops in their back yard for their business. The City needs to look at if with a legal home occupation that some inventory could be in the confines of their home. There is the possibility of licensing certain home occupations as the City of Maplewood does, and placing a percentage limit on business use in the home.

M/S/P Dunn/John – that conducting a home occupation in the RR Zoning District is not permitted by the Lake Elmo Zoning Code and affirms the October 21, 2004 Notice of Violation and orders Rodney Sessing to cease any and all business activities located at 5699 Keats Avenue within 60 days of the date of this Order. (Motion passed 5-0.)

M/S/P Johnston/John - to send the Home Occupation issues to the planning commission to consider home occupations in all zoning residential districts and whether the definition of Home Occupation should prohibit stock-in-trade and warehousing as it does today or to look at a percentage or sq.ft. calculation depending on area. (Motion passed 5-0).

Rod Sessing advised the Council that, as a Planning Commission Member, he will not sit as a Commission Member or vote on Home Occupation issues, though he may contribute comments during the meeting as a private citizen.

The City Planner reported Home Occupations should be back for Council consideration by the end of January.

#### 9. CITY ATTORNEY'S REPORT:

#### 10. CITY ADMINISTRATOR'S REPORT:

A. Six Month Evaluation

Jim Brimeyer would like the Council to finish the City Administrator's Six Month Evaluation by late November and early December. The Council was asked to get back to Marty if it has strong objections to use Brimeyer's evaluation form vs. the city's evaluation form. The Mayor will contact Mr. Brimeyer to find out how he would like to proceed..

11. CITY COUNCIL REPORTS:

Council member Dunn pointed out the parking lot lights from Prairie Ridge on Highway 5 and Jamaca Avenue seem strange to her and more intense. The City Planner responded that the Building Official could check the height on these lights.

Council member Johnston reported the AMM will be holding its review meeting on Thursday.

On November 30<sup>th</sup>, Larkin Hoffman Attorneys will hold a seminar on Lake Elmo v. Metropolitan Council:Implications for Regional Planning. Planner Dillerud, Administrator Rafferty and Council members DeLapp and Johnston indicated they will be attending this seminar.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-098 Approve Claims

Resolution No. 2004-099 Family Entertainment Center CUP

Resolution No. 2004-100 Fee Schedule

Ordinance No. 97-142 Adopting Fee Schedule for Year 2004

# PROCLAMATION FOR JAYCEE WEEK

WHEREAS, the Lake Elmo Jaycees has been a vital part of the development of young leaders for our community for the past 27 years; and

WHEREAS, the Lake Elmo Jaycees has contributed to the betterment of his community through its involvement in such programs as Huff'n Puff; and

WHEREAS, the United States Junior Chamber of Commerce and its affiliated state and local organizations have set aside the third week in January to observe the founding of the organization in 1920;

THEREFORE, I, Dean Johnston, Mayor of the City of Lake Elmo, proclaim the week of January 16-22, 2005, as Jaycee Week and urge all citizens of our community to give full regard to the past and continuing service of the Jaycees.

DATED this 4<sup>th</sup> day of January, in the year of Our Lord, Two Thousand Five.

Dean Johnston, Mayor	

Lake Elmo
City Council
January 4, 2005

Agenda Section: PUBLIC INFORMATIONAL

No. 2C.

Agenda Item:	2005 BOARD OF	APPEAL AND EC	QUALIZATION ME	ETING
--------------	---------------	---------------	----------------	-------

The Lake Elmo Board of Review will meet at City Hall on Wednesday, the 4<sup>th</sup> of May, 2005, between the hours of 4:00 and 6:00, for the purpose of reviews and correcting the assessment of said Real Estate for the year 2005. The 2005 Assessment Report will be delivered to the City prior to our board meeting.

Announce May 4, 2005 as the date of the 2005 Board of Review	Person responsible: S. Lumby
Attachments:	Time Allocated:



#### RECEIVED DEC 1 2004

Assessment, Taxpayer Services and Elections Department

Kevin Corbid Director

#### **MEMORANDUM**

DATE:

December 15, 2004

TO:

Washington County City and Township Clerks

FROM:

Bruce Munneke, Washington County Assessor

SUBJECT:

2005 LOCAL BOARD OF APPEAL AND EQUALIZATION/OPEN BOOK MEETINGS

The tentative schedule for 2005 Board of Appeal and Equalization/Open Book Meetings is enclosed. The time frame in establishing dates for your Local Boards and Open Book meetings will be similar to last year.

- 1. Establish and distribute tentative schedules by December 20, 2004.
- 2. Allow thirty days for feedback from local jurisdictions to confirm or change tentative dates. Please call Betty Krueger with any date or time changes at 430-6105.
- 3. Establish and distribute the final Board of Appeal and Equalization/Open Book Meeting schedule by February 15, 2005.

For those communities that offer their property owners an Open Book Meeting format, please recall that those property owners can attend any of the three Open Book Meetings held throughout the County.

Along with the tentative meeting schedule you will find enclosed, two "Notice of Assessment" forms (one for Local Board Meeting and one for Open Book Meetings) that can used for publication purposes and two "Assessment Notice" forms (one for Local Board Meeting and one for Open Book Meetings) that can be use for public posting.

Please recall the clerk must give published and posted notice of the Local Board Meeting 10 days before the date of the meeting. For those communities that offer their property owners an Open Book Meeting format please give published and posted notice on the Open Book Meetings 10 days prior to the first Open Book Meeting – the first meeting is scheduled for April 7, 2005.

If you are interested in receiving either the "Notice of Assessment" and/or the "Assessment Notice" form(s) electronically let Betty Krueger (651-430-6105) know your email address and those forms can be e-mailed to you.

2005 tentative meeting Board of Appeal and E City/		pen Book Meetings	1	20 days of the 1	ng must be held st meeting, The Sitherlst meeting	20 day	
Township	Format	Day	1st meeting		2nd meeting		
West Lakeland	Board	Monday	April 4, 2005	J.		11116	
Grey Cloud	Board	Monday	April 4, 2005		•		
New Scandia	Board	Tuesday	April 5, 2005				
Lakeland	Board	Tuesday	April 5, 2005		•		
Oak Park Heights	Board	Tuesday	April 5, 2005				
Pine Springs	Board	Tuesday	April 5, 2005				
Marine	Board	Wednesday	April 6, 2005			•	
Regional Open Book	Cottage Grove	Thursday	April 7, 2005	NAXORETS SCHOOL AND REPORT PROPERTY AND ADDRESS OF THE ADDRESS OF			
Mahtomedi	Board	Tuesday	April 12, 2005	and known or an additionable and a supplemental of			i.
Baytown	Board	Wednesday	April 13, 2005	4:00-5:00			
Stillwater Twp	Board	Thursday	April 14, 2005	5:00-6:00			
Grant	Board	Monday	April 18, 2005	6:00-7:00			
May	Board	Tuesday	April 19, 2005	9-10 am	•		
Afton	Board	Tuesday	April 19, 2005	5:00-6:00			
Regional Open Book	Oakdale	Wednesday	April 20; 2005	5:00=7:00			
Dellwood	Board	Monday	April 25, 2005	5:00-6:00			
Denmark	Board	Tuesday	April 26, 2005	4:30-5:30			
St Mary's Point	Board	Tuesday	April 26, 2005	6:30-7:30			
Hugo	Board	Thursday	April 28, 2005	10-11 am			
Woodbury	Board	Thursday	April 28, 2005	7:00-8:00	May 11, 2005	7:00	•
Forest Lake	Board	Monday	May 2, 2005	6:00-8:00			
Regional Open Book	Stillwater	Wednesday	May 4, 2005	1:00-7:00			
Lake Elmo	Board	Wednesday	May 4, 2005	4:00-6:00			
Lake St Croix Beach	Board	Thursday	May 5, 2005	6:00-7:00			
Lakeland Shores	Board	Thursday	May 5, 2005	. 7:30-8:00			
Willernie	Board	Monday	May 9, 2005	5:30-6:30			
County Board 42 34	Board		ne 14, 2005 ne 21, 2005	1;00=2;00; _1 1;00=2;00	y Apponumen	lt e e	

Appointment deadline for County Board May 13, 2005

Lake Elmo City Council January 4, 2005	Agenda Section: PUBLIC INFORMATIONA	L	No. 2D.				
Agenda Item: Employee and Volunteer Recognition Party							
The Employee and February 4, 2005. T	rmation for January 4, 2005: Volunteer Recognition Party will be held at the M There will be Hors d'Oeurves (cash bar) at 6:00 p.s o all employees, community volunteers and their s	n. with dinner at 7:0	00 p.m. The City will				
		Person responsib	ole:				
Attachments:							

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

#### RESOLUTION NO. 2005-001 RESOLUTION APPROVING CLAIMS

BE IT RESOLVED THAT Claim Numbers 230, 231, DD294 through DD305, 26608 through 26636, were used for Staff Payroll dated December 09, 2004, Claim 232, 233, DD306 through DD315, 26637 through 26651 were used for Staff Payroll dated December 23, 2004, claims 26652 through 26699 in the total amount of \$157,576.15 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 4<sup>th</sup> day of January, 2005.

ATTEST:	Dean A. Johnston Mayor

Martin J. Rafferty City Administrator

RECEIVED DEC 2 & 2004

December 28, 2004

Mr. Martin Rafferty City of Lake Elmo 3800 Laverne Avenue Lake Elmo, MN 55042

Dear Mr. Rafferty:

Please forward this letter of resignation to the Lake Elmo City Council. I am resigning from my position as Council Member effective upon the administration of the oath of office as Mayor of the City of Lake Elmo.

It has been an honor serving Councilmember and I welcome the opportunity and challenge of serving as Mayor. It has been a privilege working with such a capable staff. I look forward to an even stronger working relationship.

Sincerely,

Dean A. Johnston Councilmember City of Lake Elmo

#### CITY OF LAKE ELMO COUNTY OF WASHINGTON

#### RESOLUTION NO. <u>2005-0</u>02

#### A RESOLUTION ACCEPTING RESIGNATION AND DECLARING VACANCY

WHEREAS, Councilmember Dean Johnston has submitted his letter of resignation dated December 28, 2004 which indicates that his resignation will be effective upon the administration of his oath of office as Mayor of the City of Lake Elmo.

NOW, THEREFORE,

BE IT RESOLVED that the Lake Elmo City Council hereby accepts the resignation of Councilmember Dean Johnston and declares a vacancy in the Council seat held by Councilmember Dean Johnston, effective on the administrative of the oath of office to Dean Johnston as Mayor for the City of Lake Elmo.

Date:	, 2004	CITY OF LAKE ELMO
ATTEST:		By: Lee Hunt Mayor
Martin Rafferty City Administrator		

F:\users\Janice\Jerry\LE\Johnston - Resolution Authorizing Resignation.doc

Lake Elmo City Council	Agenda Section: Organizational Meeting		No. 4A.			
January 4, 2005						
Agenda Item: Ap	pointment Process for City Council and Com	mission Vacancies				
Mayor Elect Dean Johnston asked that a policy be prepared to establish the appointment process for Council and Commission vacancies. The intent of the policy is to provide consistency in the selection process for vacant positions.						
Commission vacai	ncies will be filled using the following procedu	ıre:				
<ol> <li>Interested parties should apply in period set by Council. Application period may be extended as determined by Council.</li> <li>Council will conduct public interview of candidates as necessary.</li> <li>Council will select appointee(s) from list of candidates.</li> <li>Depending on the number of candidates, the council may eliminate applicants through a balloting process. This procedure must be established prior to starting the voting.</li> <li>Interested parties should apply in time period set by Council. Application period may be extended as determined by Council.</li> <li>Council will conduct public interview of candidates as necessary.</li> <li>Council will select appointee(s) from list of candidates.</li> <li>Depending on the number of candidates, the council may eliminate applicants through a balloting process. This procedure must be established prior to starting the voting.</li> <li>Tie-breaking will be consistent with state law.</li> </ol>						
		Person responsibl	<u>e:</u>			
		Martin Rafferty City Administrator				
Attachments:		owy reministrator				

Lake Elmo City Council January 4, 2005	Agenda Section: ORGANIZATIONAL MEE	TING	<u>No 4B.</u>			
Agenda Item: Ele	Agenda Item: Election of Acting Mayor					
Background Inform	nation for January 4, 2005					
The Council must select an Acting Mayor to act on the City's behalf if Mayor Johnston is unable to attend a meeting, sign an agreement, or attend functions on behalf of the City. Any member of the Council is eligible for this position.  The following motion is offered for your consideration.						
Action Items: Motion	Second, to approve Council as Acting Mayor for 2005.	Person responsib	le:			

Lake Elmo City Council January 4, 2005	Agenda Section: Organizational Meeting	<u>No. 4 C.</u>
--	--	-----------------

**Agenda Item:** Council Committee Appointments

At the Council meeting on June 14<sup>th</sup> of 2004, a vote to create Council Committees was approved. City Council voted that Council Committees should be created as follows:

- Council members to suggest which committees they would prefer to be members.
- Council members to suggest which committees they would prefer to be Chairperson.
- A finalized slate of Committee Members and Chairpersons to be voted and approved by Council as a whole.

At the City Council meeting on August 17<sup>th</sup> 2004 Resolution 2004-075 modified the Council Committee structure in the following way: "any member of the City Council present at a committee meeting may sit as a committee member in the absence of a member". The purpose of the change was to assure committee meetings would occur and not be postponed.

**Mayor Elect Dean Johnston is recommending** that Council Committees be organized for 2005 as follows:

- Finance, Human Resources, Legislative Policy, PZ etc Chair Liz Johnson; Member Anne Smith.
- Public Health and Safety Chair Anne Smith; member t.b.d. after filling vacancy
- Public Facilities Chair Steve DeLapp; member t.b.d. after filling vacancy

Action:	Person responsible:
A motion approving Committee Chairs and Members	Martin Rafferty City Administrator
Attachments:	
Resolution 2004-075	

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

#### RESOLUTION NO. 2004- 075

#### A RESOLUTION RELATING TO CITY COUNCIL COMMITTEES

- 1. WHEREAS, on June 1, 2004, the Lake Elmo City Council adopted Resolution No. 2004-073 establishing three (3) City Council Committees;
- 2. WHEREAS, Resolution 2004-074 required the City Council to further define the duties of the Council Committees.
- 3. NOW, THEREFORE, be it resolved that the Lake Elmo City Council adopts the following procedures and regulations relating to the City Council Committees:
  - A. Number of Committees. There shall be three Council Committees: the Public Health and Safety Committee; the Public Works Committee; and the Finance, Legal, Legislative and Personnel Committee.
  - B. <u>Composition of Committees</u>. Each Council Committee shall be comprised of two (2) council members appointed by the City Council; the Mayor; and the City Administrator. The Mayor and City Administrator shall be exofficial members of the Council Committees. In the absence of an appointed council member, any other council member may, for a particular meeting, replace an absent council member.
  - C. <u>Chairperson</u>. The Mayor shall appoint the chairperson for each of the Council Committees.
  - D. <u>Meetings</u>. Council Committees shall schedule meetings for the second Tuesday of each month and the Council Committee meetings shall be held in the following general order:
    - 1. Public Works 5:30 p.m.
    - 2. Public Health and Safety 6:20 p.m.
    - 3. Finance, Legal, Legislative and Personnel 7:10 p.m.
  - E. <u>Public Health and Safety Committee</u>. The Public Health and Safety Committee shall consider and make recommendations relating to the fire department; the sheriff's department; animal control; environmental/special projects; and community improvement projects.

- F. <u>Public Works</u>. The Public Works Committee shall consider and make recommendations relating to public works operations; parks; maintenance of City equipment; construction, repair and improvements of other City facilities; and Old Village special projects.
- G. <u>Finance, Legal, Legislative and Personnel Committee</u>. The Finance, Legal, Legislative and Personnel Committee shall consider and make recommendations relating to finance/budget operations; legal issues; human resources; planning/zoning and development; and human rights.

Date: August 17 , 2004

CITY OF LAKE ELMO

ATTEST:

Martin Rafferty

City Administrator

\_\_\_\_\_\_

Lee Hun Mayor

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PUBLISHED IN THE SEPTEMBER 1, 2004 STILLWATER GAZETTE

Lake Elmo City Council January 4, 2005	Agenda Section: ORGANIZATIONAL MEE	TING	<u>No 4E.</u>		
Agenda Item: Appointment of Depositories for 2005					
Background Inform	nation for January 4, 2005				
The staff recommends the designation of the following as official depositories for the City: Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup, and Northland Securities.					
	Second, to designate Lake Elmo ecurities, Smith Barney Citigroup, and es for the 2005.	Person responsib	le:		

Lake Elmo City Council January 4, 2005	Agenda Section: ORGANIZATIONAL MEE	TING	<u>No 4F.</u>			
Agenda Item: Appointment of City Engineer						
Background Inform	nation for January 4, 2005					
	Attached is a letter from Tom Prew expressing interest in reappointment as the City Engineer. Tom has provided a new schedule of billing rates.					
Should the Council consider going out for an RFP for the City Engineer appointment, staff suggests appointing Tom Prew/TKDA as the City Engineer for 90 days and direct staff to submit an RFP for the City Engineer appointment.						
Action Items		Person responsib	ole:			
Action Items:	Second, to appoint Tom					
	e City Engineer for 2005					
OP						

To appoint Tom Prew/TKDA as the City Engineer for 90 days and direct staff to submit an RFP for the City Engineer appointment.



RECEIVED DEC 1 U 2004 1500 Piper Jaffray Plaza 444 Cedar Street Saint Paul, MN 55101-2140

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

December 9, 2004

Honorable Mayor and City Council City of Lake Elmo 3800 Laverne Avenue North Lake Elmo, Minnesota 55042

Re: Reappointment of City Engineer City of Lake Elmo, Minnesota TKDA Project No. 11979

Dear Mayor and City Council:

At this time of year we like to review some of the items we have worked on with the City and projects we look forward to working on in the next year. In 2004, we assisted the City with:

- Inspection improvements at Whistling Valley.
- Architectural and planning for new buildings.
- Comprehensive planning for infrastructure improvements in the Old Village.

In 2005, we are looking forward to:

- Construction of a watermain extension project, including a new water tower.
- Design of a new City Hall and Public Works Building.
- Completion of the TH 5 Bypass Study.
- Assisting with the new Comprehensive Plan.

#### City Council Action Requested

Reappoint TKDA as the City Engineer for 2005.

Sincerely,

Thomas D. Prew, P.E. Consulting City Engineer

TDP:adh



RECEIVED DEC 1 11 200h 1500 Piper Jaffray Plaza 444 Cedar Street Saint Paul, MN 55101-2140

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

December 9, 2004

Mr. Martin Rafferty
City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042-9629

Re: General Agreement for Continuing Services

Dear Mr. Rafferty:

Enclosed herewith is an updated Billing Rate Schedule dated January 1, 2005, for use with our Agreement dated February 2, 1988. This Schedule replaces the previous schedule that has been in effect since January 1, 2004.

We appreciate the opportunity to be of service to the City of Lake Elmo. If you have any questions, please feel free to call me at 651/292-4463.

Sincerely,

Thomas D. Prew, P.E.

Project Manager

TDP:adh Enclosure

cc: Richard Thompson, TKDA

#### SCHEDULE OF BILLING RATES

Classification		Range of Hourly Billing Rates*				ites*
Director, Senior Registered Engineer, Architect, or Planner	\$	99.00	to	\$	190.00	
Engineering or Architectural Specialist II	\$	90.00	to	\$	138.00	
Engineering or Architectural Specialist I		60.00	to	\$	110.00	
Registered Engineer, Architect, Land Surveyor,		63.00	to	\$	124.00	
Planner, or Interior Designer						
Graduate Engineer, Architect, or Planner	\$	46.00	to	\$	94.00	
Technician III	\$	52.00	to	\$	75.00	**
Technician II	\$	41.00	to	\$	58.00	**
Technician I	\$	27.00	to	\$	44.00	**

In addition to the hourly charges, TKDA shall be reimbursed at cost for the following direct expenses when incurred in the performance of the work:

- 1. Travel and subsistence. (Mileage at current IRS Standard Rate per mile.)
- 2. Computer services. (Currently at \$12.00 per hour of logged-on time.)
- 3. Outside professional and technical services with costs defined as the amount billed TKDA plus 10%.
- 4. Identifiable reproduction and reprographic costs.
  - \* Rates effective until December 31, 2005.
  - \*\* For hours worked over 8 hours per day or 40 hours per week, whichever is greater, individuals will be paid one and one-half times the above rates where required by Local, State and/or Federal Government Wage and Hour Regulations.

Lake Elmo	Agenda Section: ORGANIZATIONAL MEE	TING	N- 40	
City Council	Agenda Section. ORGANIZATIONAL MEE	IING	No 4G.	
January 4, 2005				
Agenda Item: Ap	pointment of City Attorney (Civil and Crimin	al)		
Background Inform	nation for January 4, 2005			
	ved verbal confirmation by Jerry Filla, Peterson, lor Civil and Criminal matters.	Fram & Bergman, f	for reappointment as	
staff suggests appo	l consider going out for an RFP for the City Attorinting Jerry Filla/Peterson, Fram & Bergman as tRFP for the City Attorney appointment.	rney (Criminal or C he City Attorney fo	livil) appointment, or 90 days and direct	
Action Items		Person responsib	ole:	
Action Items: Motion	Second, to appoint Jerry Filla,			
Peterson, Fram & Bergman, as the City Attorney, both for				
Criminal and Civil OR	matters, for 2005			
To appoint Jerry Fi	lla, Peterson, Fram & Bergman, as the City			
	Criminal and Civil matters, for 90 days and it an RFP for the City Attorney appointment.			
direct start to subit.	at all Ref 101 the City Attorney appointment.			

Lake Elmo City Council January 4, 2005	Agenda Section: ORGANIZATIONAL MEE	TING	<u>No 4H.</u>
Agenda Item: Appointment of Financial Advisor			
Background Information for January 4, 2005 Paul Donna, Northland Public Finance Group, has been the City's Financial Advisor for 2004.  Should the Council consider going out for an RFP for the Financial Advisor appointment, staff suggests appointing Paul Donna/Northland Public Finance Group, as the City's Financial Advisor for 90 days and direct staff to submit an RFP for the Financial Advisor appointment.			
Northland Public F for 2005 OR To appoint Paul Do City's Financial Ad	Second, to appoint Paul Donna, inance Group, as the City's Financial Advisor onna, Northland Public Finance Group, as the livisor for 90 days and direct staff to submit an Financial Advisor appointment.	Person responsib	de:

Lake Elmo	Agenda Section: ORGANIZATIONAL MEE	TING	No 4I.
City Council			
January 4, 2005			
Agenda Item: Ap	pointment of Auditing Firm		
Background Information for January 4, 2005			
The City has received verbal confirmation from Stoyon P. McDonald, CDA, Abda, Eight R. M. L. D.			
The City has received verbal confirmation from Steven R. McDonald, CPA; Abdo, Eick & Meyers, LLP, for their reappointment as the City's Auditing Firm for 2005.			
Chauld the Carre	I consider the Control of City A	1'.' 72' 00	
Should the Council consider going out for an RFP for the City's Auditing Firm, staff suggests appointing Steven McDonald, Abdo, Eick & Meyers, LLP, as the City's Auditing Firm for 90 days and direct staff to			
submit an RFP for	the City's Auditing Firm.	ing Firm 101 90 day	s and direct starr to
		Person responsib	ole:
Action Items:			
	Second, to appoint Steven R.		
	Abdo, Eick & Meyers, LLP as the City's		
Auditing Firm for 2	2005		
OR			
	R. McDonald, CPA, Abdo, Eick & Meyers,		
	Auditing Firm for 90 days and direct staff to		
submit an KFP for	the City's Auditing Firm.		

#### Background Information for January 4, 2005

Three Planning Commission terms expired on December 31, 2004 (Ptacek, Sessing, and Schneider). Commissioners Todd Ptacek and Rodney Sessing have formally requested reappointment for three-year terms (Attached). Charlie Schneider has verbally indicated his interest in reappointment.

Motion \_\_\_\_\_\_\_, Second \_\_\_\_\_\_\_\_, to reappoint Todd Ptacek, Rodney Sessing, and Charlie Schneider to the Planning Commission for 3-year terms that will expire on December 31, 2007.

Planning Commissioner Liz Johnson became a City Councilmember today. Commissioner Thomas Meldahl resigned his commission on December 13, 2004. He was First Alternate Member of the Planning Commission. The Planning Commission now has nine members and city code specifies eleven. Commissioner Ben Roth is currently 2<sup>nd</sup> Alternate Member of the Planning Commission. With two vacancies, Ben Roth should become a Full Voting Member of the Planning Commission, taking the position vacated by Elizabeth Johnson with a term expiring December 31, 2005.

Motion \_\_\_\_\_\_\_, Second \_\_\_\_\_\_\_\_, to appoint Ben Roth as Full Voting Member of the Planning Commission to finish a 3-year term that will expire on December 31, 2005.

There are now two vacancies on the Planning Commission and four applications on file. Three of those applicants have been interviewed by the previous council and one has not. The four applicants have been contacted and asked if they are still interested in serving on the Planning Commission, and they are.

Staff requests direction for filling the two Planning Commission vacancies.

#### TODD PTACEK

December 8, 2004

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

Dear City Council and Staff,

I would like to express my interest in serving another term as a planning commission member for the City of Lake Elmo. I would also like to formally request that I be considered for the upcoming vacancy on the City Council. I believe that my experience on the Planning Commission, my understanding of the current issues relevant to the city and my residency in a neighborhood south of 10th Street as well as living here most of my life uniquely qualify me, more than any other candidates, for service to the city in either capacity. In the event that I would be appointed to the Council, obviously I would resign my position on the Planning Commission.

I look forward to your consideration and further discussion. Thank you for your attention in this matter.

Sincerely,

7odd Płacek

Dear City Council,

I would like to serve another term as a planning commission member for the City of Lake Elmo. We as a City have many challenges ahead of us. I believe that with my experience and back ground I would be able to help the City in it's advancement through these tough times.

Sincerely Rod Sessing

#### THOMAS MELDAHL

242 Cimarron ~ Lake Elmo, Minnesota 55042

December 13, 2004

Dear Mayor, Council, and Chairman Helwig:

Due to changes in my work, I now have to travel a great deal without notice and I will not be able to continue to serve on the Planning Commission. I appreciate the consideration you gave me over the summer and fall.

I enjoyed working with all of you, and wish you success as you move forward with the Comprehensive Plan.

Sincerely,

Mel

Thomas Meldahl

Mayor Dean Johnston	No. 4K .	
Councilmembers	Agenda Section:	Organizational
Steve DeLapp	Agenda Item:	Parks Commission Appointments
Liz Johnson	Date:	January 4, 2005

#### Background Information for January 4, 2005

	mission appointments expired and Bruchu have requested reap	December 31, 2004. Commissioners Linda Wagner, Terry pointment.
Motion Todd Bruchu to	, Second the Parks Commission for 3-	, to reappoint Linda Wagner, Terry Bouthilet, and year terms that will expire on December 31, 2007.
hopes to be able to		Parks Commission due to a heavy work and school schedule. He is resignation, 2 <sup>nd</sup> Alternate Commissioner Rolf Larson should
Motion	, Second	, to appoint Rolf Larson as 1 <sup>st</sup> Alternate of the Parks
Commission.		
		n will have nine Full Voting Members and one Alternate Member. Tues to advertise openings on the web site and through press

December 20, 2004

Lake Elmo City Council 3800 Laverne Avenue North Lake Elmo, MN 55042

Ladies and Gentlemen:

#### SUBJECT: PARKS COMMISSION REAPPOINTMENT

I would like to continue to serve as Parks Commissioner for the City of Lake Elmo for another term. With over four years of experience, I am now one of the veteran members of the current commission and I believe that my experience and knowledge will continue to be a benefit for the City of Lake Elmo.

My main concern for the city parks is a balanced approach to the development and maintenance of our parks, playgrounds, ballfields, and trails. I believe our park system is an essential part of the quality of life we enjoy in Lake Elmo and that an experienced Parks Commission will be an important recommending body to City Council during the coming years of planning and development.

Sincerely,

Terry Bouthilet

#### Lake Elmo Parks Commission

To:

Lake Elmo City Council

From:

Todd Bruchu

Date:

December 12, 2004

Cc:

Kimberly Schaffel

I have served on the Lake Elmo Parks Commission for about one year. The term I am fulfilling will expire on December 31, 2004. I would like to continue to serve on this commission for another 3 year term.

Thank You,

Todd Bruchu 3150 Klondike Avenue Lake Elmo, MN 55042

Home: 770-3526 Work: 264-5056 Cell: 247-6354

#### Kimberly Schaffel

From: Sent: Linda Wagner [bltwagner@prodigy.net] Wednesday, December 08, 2004 11:25 PM

To: Subject: Kimberly Schaffel Re: Term expiring

City Council: I would be very interested in serving on the Parks Commission for another term which is 3 years. Thank-you Linda Wagner

Kimberly Schaffel <Kimberly.Schaffel@lakeelmo.org> wrote:

Dear Commissioner:

Your term on the Parks Commission expires on December 31, 2004. Please, send a letter or e-mail to me, addressed to the City Council, indicating whether or not you would like to continue to serve on the Parks Commission for three more years.

Thank you!

:) Kim

Kimberly Schaffel

City of Lake Elmo

Have a GREAT day, Linda

Lake Elmo City Council January 4, 2005	Agenda Section: ORGANIZATIONAL MEET	ING	No 4L.
Agenda Item: Community Improvement Commission			
Background Information for January 4, 2005: The Community Improvement Commission shall be comprised of 7 members. Currently the members on the Commission are: Jill Anderson, Stacy Howieson, Debbie Lyzenga, Gary Rieder, Anne Smith, and Joan Ziertman. CIC member Anne Smith became a City Council member today so there are two vacancies on the Commission. The vacancies have been advertised and there are no applications on file.			
Action Items: Council direction	requested.	Person responsible S.Lumby	ole:
Attachments:			

Lake Elmo City Council January 4, 2005	Agenda Section: ORGANIZATIONAL	No 4M,N,O
Agenda Item:	M. Cable Operator:Steven Press N. IT:Next Genesis O. Animal Control:Kathi Pelnar	
Background Inf	formation for January 4, 2005	
	<u>berator: Steven Press</u> ds the re-appointment of Steven Press as the City's Part-	Гіте Cable
	re the reappointment of Steven Press as the City's Part-Ti r taping and broadcasting city meetings.	me cable-operator
N. <u>IT:Next</u> Staff recommen computer service	ds the reappointment of Next Genesis (William Keran) a	s the City's
M/S to approve Next Genesis (V	e the reappointment of the computer service contract betw Villiam Keran).	veen the City and
	ontrol:Kathi Pelnar s been serving as our Animal Control Officer for 2004. A	n animal control

service contract and a fee schedule (identical to 2005) have been provided.

Animal Control Services for 2005.

Action Items:

M/S to approve the Animal Control Contract between the City and Kathi Pelnar to provide

Person responsible:

S. Lumby

## INDEPENDENT CONTRACTOR AGREEMENT BY AND BETWEEN CITY OF LAKE ELMO AND STEVEN PRESS

- 1.0 PARTIES. THIS INDEPENDENT CONTRACTOR AGREEMENT (this "Contract") is dated the 4th day of January, 2005, and is made and entered into by and between the CITY OF LAKE ELMO, a Minnesota statutory city (the "City") and STEVEN PRESS ("Press").
- 2.0 <u>CABLE EQUIPMENT</u>. The City is the owner or lessee of certain cable equipment described on <u>Exhibit "A"</u> attached and incorporated (the "Cable Equipment").
- 3.0 <u>SERVICES TO PROVIDED</u>. The City cable casts its regular City Council and Planning Commission meetings and on occasions, additional meetings of the City Council and Planning Commission. Press agrees to operate the cable Equipment in order to facilitate the cable cast of the City's meetings.
- 4.0 <u>FEES</u>. The City agrees to pay Press the sum of \$13.50 per hour and agrees to guaranty a minimum of 4.0 hours per City Council, Planning Commission or other City meeting, which is cable cast. Payments will be made to Press within thirty (30) days of receipt of an invoice for such services.
- 5.0 <u>TERM AND TERMINATION OF CONTRACT</u>. This Contract is effective beginning the 4<sup>th</sup> day of <u>January</u>, 2003, and shall remain in effect until it is terminated. Either party may cancel this Contract upon thirty (30) days written notice to the other.
- 6.0 INDEPENDENT CONTACTOR. Press agrees to act as an independent contractor in the performance of his duties under this Contract. Accordingly, Press shall be responsible for the payment of all taxes, including federal, state and local taxes arise out of Press's activities in accordance with this Contract, including by way of illustration, but not limitation, federal and state income tax, social security tax, unemployment insurance taxes and any other taxes or business license fees, as required.
- 7.0 <u>ENTIRE AGREEMENT</u>. This Contract represents the entire agreement between the parties and is not subject to change or modification, except by written agreement signed by both parties.

#### **IN WITNESS WHEREOF,** the parties have hereunto set their hands.

# Dated: By: Dean Johnston, Mayor By: Steven Press

## EXHIBIT "A" LIST OF CABLE EQUIPMENT

# INDEPENDENT CONTRACTOR AGREEMENT BY AND BETWEEN CITY OF LAKE ELMO AND NEXT GENESIS

- 1.0 PARTIES. THIS INDEPENDENT CONTRACTOR AGREEMENT (this "Contract") is dated the 4th day of January, 2005 and is made and entered into by and between the CITY OF LAKE ELMO, a Minnesota statutory city (the "City") and NEXT GENESIS.
- 2.0 <u>COMPUTER EQUIPMENT</u>. The City is the owner or lessee of certain computer equipment described on <u>Exhibit "A"</u> attached and incorporated ("**Computer Equipment**").
- 3.0 <u>SERVICES TO PROVIDED</u>. NEXT GENESIS agrees to provide maintenance service for the Computer Equipment during the term of this Contract. The maintenance service includes:
  - A. Regular preventive maintenance as required, but not less than once every (3) Three Months.
  - B. Unscheduled service calls, as required; and
  - C. Repairs or replacement of maintenance parts as required to keep the Computer Equipment in good working order.
- 4.0 <u>EXCLUSIONS</u>. The maintenance service provided in accordance with this Contract shall not include:
  - A. Work external to the computer;
  - B. Service, repair or replacement of parts caused by the City's negligent, accident, misuse or movement of the computer, including power failures, environmental conditions or other causes not attributed to the Computer Equipment itself;
  - C. Moving, modifying or attaching other devices to the Computer Equipment;
  - D. Replacement of consumable items, such as ribbons, paper, and disks;
  - E. Service required due to attachments of other devices to the Computer Equipment; and

F. Service required due to the use of devices or materials which are not suitable for use with the Computer Equipment.

#### 5.0 <u>CITY RESPONSIBILITIES</u>. The City shall:

- A. Provide a clean operating environment of suitable temperature and humidity for the Computer Equipment;
- B. Use only attachments and supplies which are compatible and suitable for use with the Computer Equipment;
- C. Notify NEXT GENESIS of any computer malfunction requiring service;
- D. Allow NEXT GENESIS to have free and full access to the Computer Equipment in order to provide service; and
- E. Arrange to have a City representative present while the Computer Equipment is being serviced.
- 6.0 <u>FEES</u>. The City agrees to pay NEXT GENESIS the sum of \$75.00 per 1/Hour services provided in this Contract. The payments will be made within thirty (30) days of receipt of an invoice from NEXT GENESIS.
- 7.0 <u>TIME FOR SERVICE</u>. NEXT GENESIS agrees to provide service in accordance with this Contract during normal working hours.
- 8.0 <u>LIMITATION OF LIABILITY</u>. NEXT GENESIS' liability shall be limited to servicing the Computer Equipment in accordance with this Contract. NEXT GENESIS will not be liable for any consequential or special damages.
- 9.0 <u>INDEPENDENT CONTRACTOR</u>. NEXT GENESIS shall act as an independent contractor in the performance of his duties under this Contract. Accordingly, NEXT GENESIS shall be responsible for payment of all taxes, including federal, state and local taxes arising out of services rendered by NEXT GENESIS pursuant to this Contract, including by way of illustration, but not limitation, federal and state income tax, social security tax, unemployment insurance taxes and any other taxes or business license fees as required.
- 10.0 <u>TERM AND TERMINATION OF CONTRACT</u>. This Contract is effective beginning the 1st day of January, 2005 and shall remain in effect until it is terminated. Either party may cancel this Contract upon thirty (30) days written notice to the other.

11.0 <u>ENTIRE AGREEMENT</u>. This Contract represents the entire agreement between the parties and is not subject to change or modification, except by written agreement signed by both parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

	CITY OF LAKE ELMO	
Dated:		
	By:	-
Dated:		
	WILLIAM KERAN, NEXT GENESIS	_

F:\users\LORI\Jerry\LE\Kern Contract.wpd

### EXHIBIT "A" LIST OF COMPUTER EQUIPMENT

#### City of Lake Elmo Contract Animal Control

THIS AGREEMENT made this 4<sup>th</sup> day of January, 2005 by and between Kathi Pelnar (hereinafter referred to as "Contractor"), and the City of Lake Elmo, a municipal corporation located within the County of Washington and State of Minnesota (hereinafter referred to as "City").

#### WITNESSETH:

In consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

- 1. This agreement shall be effective as of

  January 4, 2005, and shall continue in effect
  until December 31, 2005, unless otherwise
  cancelled pursuant to Paragraph 15 hereof.
- 2. Contractor shall provide services in accordance with the attached schedule (ANIMAL CONTROL PROPOSAL). Contractor agrees to patrol the public streets of the City in a vehicle designated for transportation of small animals. Contractor shall be directly responsible to the City Administrator for the City. Contractor further agrees to ensure service and maintain said equipment in good working order.
- 3. Any call out after the Contractor's scheduled work day shall be paid at the rate specified within the attached schedule (ANIMAL CONTROL PROPOSAL). All patrolling shall be done by the Contractor unless other personnel have been approved by the City Administrator for the City, to perform such services at the Contractor's direction and under her supervision.

For regular patrol, in the manner provided within Paragraph 2 above, the Contractor shall be provided payment by the City in the amount prescribed within the attached schedule (ANIMAL CONTROL PROPOSAL). Such payment shall be due and payable after the Contractor has provided the monthly report to the

City in the manner specified within Paragraph 7 hereof.

- 4. The Contractor shall provide liability insurance on her automobile and shall provide her own automobile for purposes of supplying the services provided under the terms of this contract.
- 5. The City authorizes the Contractor to apprehend and retain dogs and other animals, and/or issue citation tags for violations of the City Ordinances related thereto. However, the Contractor shall not invade private property contrary to the wishes of an owner of said property nor forcibly take an animal from any person without the approval and assistance of a Peace Officer of the City.
- 6. The Contractor shall respond as soon as practicable to any call, reported during service response hours, involving a bite case or injured animal reported through the Sheriff's Department or the offices of the City Clerk of the City.
- 7. The Contractor shall provide a monthly report to the City which indicates the hours patrolled, the number of animals impounded, warning letters and violation notices issued, and any other such information as requested by the City Administrator for the City.
- 8. All animals impounded shall be kept at a licensed animal shelter facility to be designated by the City for this purpose. While in her custody, Contractor agrees and warrants that all animals impounded shall be kept in a comfortable and humane manner. It is mutually agreed that the Contractor may temporarily board at an emergency facility access and/or treatment that is not immediately available at the contract facility. All captured wildlife is to be delivered to an appropriate wildlife center as determined by the Contractor with report to be provided to the City Administrator for the City.
- 9. The Contractor shall supply her own automobile and equipment necessary for Animal Control Services as may be determined by the City Administrator for the City. The Contractor shall also supply a copy of her automobile and general liability insurance

policy to the City Clerk for the City annually. The city, through the offices of the City Clerk, shall administer all licensing, impounding and boarding fees and charges as may be provided by the City Ordinances. The Contractor shall furnish monthly reports to the City as may be required to allow the City Clerk to determine appropriate impound fees in connection with each animal so impounded.

- 10. The City shall furnish to Contractor any special forms or receipt forms specified within the Ordinance and adopted by the City Administrator for the City. Contractor shall keep all records of all animals impounded, together with a description of each animal, in a manner specified by the City Administrator.
- 11. Attached hereto is a list/schedule of fees, charges and service performance criteria. The same is incorporated by reference herein.
- 12. The Contractor shall assume all liability for all harmed animals due to her negligence or that of her employees, in not properly caring for same, and agrees to defend all lawsuits arising there from. The Contractor agrees to defend and indemnify and hold the City harmless, including its officers, employees, or agents, from any and all claims, suits, losses, damages, or expenses on account of bodily injury, sickness, disease, or death and of property damage including injury to animals as a result of, or alleged to be as a result of the Contractor's Animal Control Operation.
- 13. The Contractor agrees that during the period of time of this Contract, she will not, within the State of Wisconsin or elsewhere, discriminate against any employee or applicant for employment, because of race, color, creed, sex, national origin, or ancestry, and will include a similar provision in all subcontracts entered into for the performance hereof. This paragraph is inserted into the Contract to comply with the provisions of Wisconsin State Statutes.

- 14. Either party hereto may cancel this Contract after thirty (30) days written notice thereof to the other party.
- 15. It is understood and agreed that the Contractor is not an employee of the City but is an Independent Contractor, solely responsible for her own payment of federal, state and Social Security withholding taxes. Further, the Contractor provides her own equipment excepting for some equipment that may be made available for her use by the City in its discretion. The Contractor at no time shall hold herself out as an employee of the City but will always identify her as an Independent Contractor.
- 16. The City shall provide to the Contractor the following materials:
  - a. Map of the City,
  - b. Monthly list of animal licenses,
  - c. Copy of City animal control laws,
  - d. Police contact procedures,
  - e. City Hall hours,
  - f. Any required identification signs,
  - g. Description of animal licensing fees and procedures.

CONTRACTOR:
By:
Kathi Pelnar
CITY OF LAKE ELMO:
By:
Mayor
Ву:
City Clerk

#### ANIMAL CONTROL FEE SCHEDULE

Kathi Pelnar 634 6<sup>th</sup> Street North Hudson, Wisconsin 54016 (715) 386-7789 (612) 534-7510 Pager

Service response on calls, 7:30 a.m. to 7:30 p.m. Will respond to emergency calls 7 days per week after scheduled hours.

Mileage will be billed at current government rate. (Currently 40.5 cents per mile.)

Fee per service response/per animal picked up \$45.00 +Mileage
Dry Run (Called out, no animal found)
Overnight Kenneling Fee (Subject to MN and WI Law) \$15.00
After hours call out fee (Any call after 8 p.m. and before 7:30 a.m. in winter, and after 9 p.m. and before 7:30 a.m. in summer) Additional:\$20.00
Patrolling Fee (Per one hour of patrolling) \$30.00 +Mileage
Service Retainer \$250.00/6 months (Due February and August)

Any reasonable emergency veterinary charges if impounded/picked up, and the animal's owner is not located.

Should an unusual situation occur, fees can and will be reasonably adjusted to fit the situation. In situations where many animals are in need of relocation (e.g., 10 cats at once) special arrangements will be made.

Any holiday calls will be charged at the additional after hours call out fee. (\$45.00 plus \$20.00 after hours fee plus mileage). Holidays observed will be Christmas Eve after 6:00p.m. Christmas Day, New years Day, July 4<sup>th</sup>, and Thanksgiving.

ACORD CERTIFIC	CATE OF LIAB	ILITY INS	URANC	E ,	DATE (MM/DD/YYYY)	
PRODUCER		THIS CER	TIFICATE IS ISS	UED AS A MATTER O		
Quality Insurance Service 1648 Rice Street		HOLDER.	THIS CERTIFICA	O RIGHTS UPON TH ATE DOES NOT AMEN AFFORDED BY THE PO	ID, EXTEND OR	
St. Paul, MN 55117	'ERAGE	NAIC#				
INSURED		INSURER A: No:	INSURER A: Northfield Insurance Co.			
PELNAR, KATHLEEN		INSURER B:				
634 6th St. N		INSURER C:				
Hudson, WI 54016		INSURER D				
		INSURER E:				
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				PERSONAL & ADV INJURY	\$ 500,000	
				GENERAL AGGREGATE	\$ 500,000	
GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	\$ 500,000	
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ALL OWNED AUTOS SCHEDULED AUTOS				BODILY INJURY (Per person)	\$	
HIRED AUTOS NON-OWNED AUTOS				BODILY INJURY (Per accident)	\$	
				PROPERTY DAMAGE (Per accident)	\$	
GARAGE LIABILITY			1	AUTO ONLY - EA ACCIDENT	\$	
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ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. DISEASE - EA EMPLOYEE	\$	
If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - POLICY LIMIT	\$	
OTHER						
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLE						
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ACORD 25 (2001/08)			Journ	@ ACORD C	ORPORATION 1988	

### DRAFT

# STATE OF MINNESOTA COUNTY OF WASHINGTON

#### CITY OF LAKE ELMO

I, Dean Johnston, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Minnesota, and that I will faithfully and impartially discharge the duties of the office of Mayor of the City of Lake Elmo of the County of Washington, to which I have been elected, to the best of my knowledge and ability, so help me God.

Dean A. Johnston

Subscribed and sworn to before me this 4<sup>th</sup> day of January, 2005.

Sharon L. Lumby, City Clerk City of Lake Elmo

(Seal)

# STATE OF MINNESOTA COUNTY OF WASHINGTON

#### CITY OF LAKE ELMO

I, Liz Johnson, do solemnly swear that I will support the Constitution of the
United States, the Constitution of the State of Minnesota, and that I will
faithfully and impartially discharge the duties of the office of Council
Member of the City of Lake Elmo of the County of Washington, to which I
have been elected, to the best of my knowledge and ability, so help me God.

Liz Johnson

Subscribed and sworn to before me this 4<sup>th</sup> day of January, 2005.

Sharon L. Lumby, City Clerk City of Lake Elmo

(Seal)

# STATE OF MINNESOTA COUNTY OF WASHINGTON

#### CITY OF LAKE ELMO

I, Anne Smith, do solemnly swear that I will support the Constitution of the
United States, the Constitution of the State of Minnesota, and that I will
faithfully and impartially discharge the duties of the office of Council
Member of the City of Lake Elmo of the County of Washington, to which I
have been elected, to the best of my knowledge and ability, so help me God.

Anne Smith

Subscribed and sworn to before me this 4<sup>th</sup> day of January, 2005.

Sharon L. Lumby, City Clerk City of Lake Elmo

(Seal)

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

#### RESOLUTION NO. 2005-004 RESOLUTION APPROVING CLAIMS

BE IT RESOLVED THAT Claim Numbers 26700 through 26727, 234 in the total amount of \$5,059.89 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 4<sup>th</sup> day of January, 2005.

	Dean A. Johnston Mayor
ATTEST:	Wayor
Martin J. Rafferty	

City Administrator

# Accounts Payable Computer Check Proof List

User: administrator Printed: 12/30/2004 - 9:29 AM



Vendor:BIFFS W244189	Vendor:AVAYA 2720119025	Vendor: ATTWI 023-2750230	Vendor: ARAMAU 55658753-2	Vendor: ARAM 629-5614966	Vendor: AMPLAN 120504-126582	Vendor:ACEHARD 02138239	Invoice No
Biff's Inc. Portable Toilets - Sunfish Park Check Total:	AVAYA Inc. Monthly Telephone Maint. Check Total:	AT&T Wireless Fire Dept. Floater Phone Check Total:	ARAMARK Uniform Shirts Check Total:	Aramark Linen City Hall Check Total:	American Planning Association Annual Due Check Total:	Ace Hardware Chrismas Lights Fuses Check Total:	Description
70.26 70.26	150.36 150.36	20.41 20.41	78.87 78.87	46.68 46.68	190.00	28.73 28.73	Amount
01/04/2005	01/04/2005	01/04/2005	01/04/2005	01/04/2005	01/04/2005	01/04/2005	Payment Date
Check Sequence: 7 101-450-5200-44120	Check Sequence: 6 101-410-1940-44040	Check Sequence: 5 101-420-2220-43210	Check Sequence: 4 101-420-2400-44170	Check Sequence: 3 101-410-1940-44010	Check Sequence: 2 101-410-1910-44330	Check Sequence: 1 101-430-3100-44030	Acct Number
ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	Reference

Vendot: RAMWACAB 4-07	Vendor:POLFUS 1080155	Vendor:NEXTEL 761950227-021 761950227-021 761950227-021 761950227-021 761950227-021	Vendor: GENESIS IVC00233	Vendor:FREDS 417768 418085	Vendor:EMAUTO BC122204-1 PF120804-2	Vendor:CENTPOW 300876	Vendor:CARQUEST D365731 D365780 D366322	Invoice No
Ramsey/Washington Suburban DVD Recorder, Control Interface Check Total:		Nextel Communications Wireless Service - MR and Office Wireless Service - Bldg. Dept. Wireless Service - Public Works Wireless Service - Parks Check Total:	Next Genesis Productions Software Updates Check Total:	Fred's Tire Tire Repair Tire Repair - Bldg Dept Truck Check Total:	EmergencyAutomotive Technology Inc. Switches, Bulbs - Public Works Repair - mount - Public Works Check Total:	Century Power Equipment Screws, Allen Wrehcnes - Parks Check Total:	Car Quest Fuel Line Air, Fuel Filters, El. Pump, Adapters Alternator - Fire Dept. Check Total:	Description
421.04 421.04	221.05 221.05	75.80 32.58 48.87 16.29 173.54	112.50 112.50	25.32 25.28 50.60	69.76 323.41 393.17	4.84 4.84	19.13 281.04 162.73 462.90	Amount
01/04/2005	01/04/2005	01/04/2005 01/04/2005 01/04/2005 01/04/2005	01/04/2005	01/04/2005 01/04/2005	01/04/2005 01/04/2005	01/04/2005	01/04/2005 01/04/2005 01/04/2005	Payment Date
Check Sequence: 15 101-410-1320-43620	Check Sequence: 14 101-450-5200-42210	Check Sequence: 13 101-410-1940-43210 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210	Check Sequence: 12 101-410-1520-43180	Check Sequence: 11 101-430-3100-44040 101-420-2400-44040	Check Sequence: 10 101-430-3100-42210 101-430-3100-44040	Check Sequence: 9 101-450-5200-42210	Check Sequence: 8 101-430-3100-42210 101-430-3100-42210 101-420-2220-42210	Acct Number
ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	Reference

4

ACH Enabled: No	Check Sequence: 24		U of M Continuing Education	Vendor: UMCONTED
ACH Enabled: No	Check Sequence: 23 101-430-3100-42240	80.51 01/04/2005 80.51	T.A. Schifsky & Sons Winter Asphalt Check Total:	Vendor:TASCH 35149
ACH Enabled: No	Check Sequence: 22 101-420-2700-44300	76.23 01/04/2005 76.23	St Paul Stamp Works, Inc. Animal License Tags, Links Check Total:	Vendor:STPAUL 51393
ACH Enabled: No	Check Sequence: 21 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510	33.60 01/04/2005 25.20 01/04/2005 25.20 01/04/2005 46.20 01/04/2005 25.20 01/04/2005 155.40	Stillwater Gazette Legal Publishing - Variance Hearing Legal Publishing - Public Hearing Check Total:	Vendor: STILLGAZ 00003852 00004006 00004007 00004015 00004024
ACH Enabled: No	Check Sequence: 20 101-420-2220-44040	29.44 01/04/2005 29.44	Stillwater Ford Power leak test - Fire Chief's car Check Total:	Vendor:STILLFOR 277503
ACH Enabled: No	Check Sequence: 19 101-420-2220-43210	56.22 01/04/2005 56.22	Sprint Fire Dept Wireless Check Total:	Vendor:SPRINT 0526076028-3
ACH Enabled: No	Check Sequence: 18 101-410-1320-42000	93.99 01/04/2005 93.99	S&T Office Products, Inc.  Name Plates  Check Total:	Vendor.S&T 01JO6236
ACH Enabled: No	Check Sequence: 17 101-410-1940-44010 101-420-2220-44010	240.00 01/04/2005 240.00 01/04/2005 480.00	DianePrince-Rud Cleaning City Hall Cleaning Fire Hall Check Total:	Vendor:RUD 12/20-12/29 12/21-12/30
ACH Enabled: No	Check Sequence: 16 101-410-1320-43220	500.00 01/04/2005 500.00	Pitney BowesReserve Account Postage - Reserve Account Check Total:	Vendor:Reserve 20313037
Reference	Acct Number	Amount Payment Date	Description	Invoice No

Vendor: WASH-REC Washington 12/22/2004 Appl. Fee - Check Tota Check Tota Check Tota 2175-049-940328 Check Tota Check Tota 2175-049-940328 Check Tota Check
EC
EC

#### CITY OF LAKE ELMO

#### 2004 BILLING SUMMARY

MONTH	11135	11140	11145	11150	11155	11161	TOTAL
	Administration	Criminal Pros	Public imp. Proj	Community Dev	Civil Litigation	Auto Forfeiture	
Jan	\$1,320.75	\$2,548.83	\$66.00	\$330.21	\$2,196.75		\$6,462.54
Feb	\$1,353.00	\$2,845.88		\$187.00	\$125.28		\$4,511.16
March	\$2,721.92	\$4,762.74		\$286.00	\$692.76	·	\$8,463.42
April	\$2,346.98	\$3,964.04	\$88.00		\$654.43	\$109.00	\$7,162.45
May	\$2,029.36	\$3,528.77	\$33.66	\$111.61		\$99.00	\$5,802.40
June	\$2,388.61	\$5,051.95	\$66.00	\$341.00		\$92.50	\$7,940.06
July	\$1,600.00	\$3,447.04		\$720.00		\$59.00	\$5,826.04
Aug	\$4,501.98	\$3,633.89	\$77.00	\$253.43			\$8,466.30
Sept	\$4,218.80	\$3,480.88	\$99.00	\$473.00	\$702.43		\$8,974.11
Oct	\$2,153.83	\$3,488.66		\$564.00	\$410.11		\$6,616.60
Nov	\$1,134.68	\$3,314.12		\$982.21	\$188.61		\$5,619.62
Dec							\$0.00
Totals	\$25,769.91	\$40,066.80	\$429.66	\$4,248.46	\$4,970.37	\$359.50	\$75,844.70

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



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

CITY OF LAKE ELMO 3800 Laverne Avenue North Lake Elmo MN 55042 Page: 1 11/30/2004

ACCOUNT NO:

11135M

	FEES	EXPENSES	ADVANCES	BALANCE
11135-040002 2004 RECODIFICATION	242.00	0.00	0.00	\$242.00
11135-920001 Administration	891.50	1.18	0.00	\$892.68
	1,133.50	1.18	0.00	\$1,134.68

101-410-1610-43040=1,134.6P



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

CITY OF LAKE ELMO 3800 Laverne Avenue North Lake Elmo MN 55042 Page: 1 11/30/2004 ACCOUNT NO: 11140M

101-410-1610-43045==3,314.12

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	2,885.00	20.22	0.00	\$2,905.22
11140-030066 Brama, Angela Ann 3rd degree DUI, 3rd d	legree .10 5.00	0.00	17.50	\$22.50
11140-040130 Marchio, James Anthon 3rd degree DUI	ч		,	
	5.00	0.00	0.00	\$5.00
11140-040136 Ramirez, Alicia Dawn assault				
	80.00	0.00	0.00	\$80.00
11140-040167 Langevin, Joseph Loui reckless discharge of				
	27.50	0.00	10.00	\$37.50
11140-040190 Grillo, Mark Angelo GM-DAC-IPS	•		·	
	37.50	0.00	0.00	\$37.50
11140-040205 Berrisford, James Rob domestic assault	pert	•	·	
	0.00	0.00	53.90	\$53.90
11140-040244 Johnson, Maranda under 21, not a drop			•	
,	5.00	0.00	0.00	\$5.00



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

CITY OF LAKE ELMO

Page: 2

ACCOUNT NO:

11/30/2004 11140M

	FE	ES EXPE	nses adv	ANCES	BALANCE
11140-040256	Smith. Devin Timothy GM-false info to police, DAR allow open bottle	,			
	62.	50	0.00	0.00	\$62.50
11140-040259	Fischer, Jeffrey Scott GM-school bus arm violation	·			
	32.	50	0.00	0.00	\$32.50
11140-040263	Anderson, Dean Robert 4th degree DUI, 4th degree	10			
	5.1	00	0.00	0.00	\$5.00
11140-040265	Driscoll, Scott Allen domestic assault				
	5.	00	0.00	0.00	\$5.00
11140-040266	Sanchez, Marco A.E. 4th degree DUI				
	5.	00	0.00	0.00	\$5.00
11140-040267	Xiong, Anthony 4th degree DUI				
	5.0	00	0.00	0.00	\$5.00
11140-040270	Beseth Jr, Ronald Louis 3rd degree DUI, 3rd degree	10			
	52.	50	0.00	0.00	\$52.50 `\
	3,212.	50 2	0.22	81.40 \$3	3,314.12
				<del></del>	

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



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

CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO MN 55042 Page: 1

11/30/2004

ACCOUNT NO:

11150M

FEES	EXPENSES	ADVANCES	BALANCE
11150-040007 TAPESTRY O.P. DEVELOPMENT 803.00	3.21	0.00	\$806.21
11150-040014 LARSON CUP FAMILY ENTERTAINMENT 176.00	CENTER 0.00	0.00	\$176.00
979.00	3.21	0.00	\$982.21

803-490-9070-413040=982,21

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



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

CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO MN 55042 Page: 1 11/30/2004

ACCOUNT NO:

11155M

	FEES	EXPENSES	ADVANCES	BALANCE
11155-030004 LAKE ELMO VS. HILYAR	110.00	0.00	0.00	\$110.00
11155-040002 ZIERTMAN/SESSING PROPE	RTY 77.00	1.61	0.00	\$78.61
	187.00	1.61	0.00	\$188.61

101-4110-1610-43040=18881

Lake Elmo City Council January 4, 2005 Agenda Section: Planning, Land Use & Zoning

No. 9A

Agenda Item: Appeal of Administrative Determination – Chadua Vue

#### Background Information for January 4, 2004:

On December 7 the Council adopted motions to: 1.) Affirm the Building Official's determination that Mr. Vue needs a building permit for whatever he constructs as an accessory building; and, 2.) Postpone action regarding the location of an accessory structure(s) nearer the front property line than the principal structure.

Mr. Vue has responded to those Council actions by submitting a building permit application for a 30 foot by 18 foot accessory – as had been proposed by Mr. Vue's drawings submitted in early December. No additional drawings have been submitted. The previous drawings depict the new accessory building will be located 5 feet from the existing garage. Section 300.13, Subd.3E of the City Code defines any structure located within 6 feet of a principal building, "...shall be considered as an integral part of the principal building...". The "Choice #1" location is, therefore, not nearer the front property line than the principal structure since it is a part of that principal structure by definition. No further Council action is necessary on that issue.

In an effort to avoid returning to the Council at a later date; and, to assure clarity of intent for Mr. Vue, staff recommends the Council adopt a Motion directing removal of the lean-to structure; and relocation of the Menards style tool shed to a location within Code compliance within 30 days.

#### **Action items:**

Council Motion directing removal of the lean-to structure; and relocation of the Menards style tool shed to a location within Code compliance at 11991 30<sup>th</sup> Street North within 30 days.

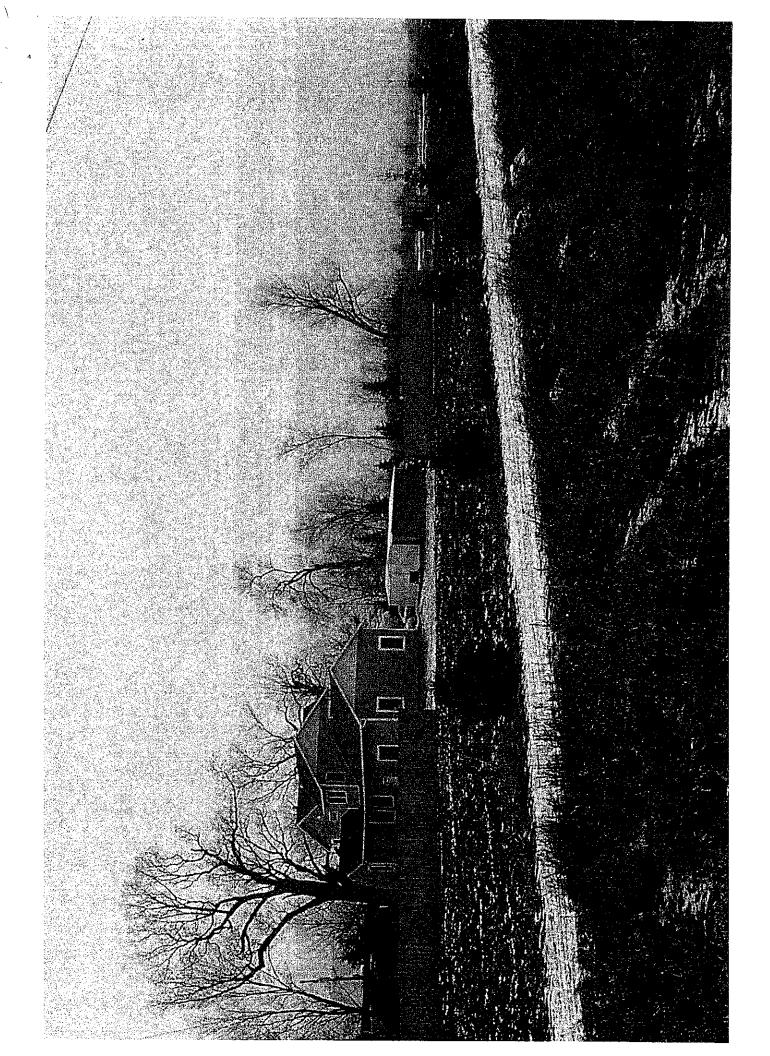
#### Person responsible:

City Flanner

#### **Attachments:**

- 1. Staff Pictures December 28, 2004
- 2. Vue Application and Sketch
- 3. Draft December 7 Council Minutes
- 4. Staff memo to Council for December 7

#### **Time Allocated:**



CITY OF
LAKE
. A , ELMO
I TTEFIND

#### Permit Application

City of Lake Elmo 3800 Laverne Ave. Lake Elmo, MN 55042 651-777-5510 Fax 651-777-9615

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1	Perhut#	Issued	
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	40-54-6			tion	
256			#6 FTR 23	4 I C I E I	ì

Address 11991 30th St. N. Lake Elmo M 55042 Parcel ID#

Legal Description Lot \_\_\_\_\_ Blk

#### Owner Information

Owner LHADOUA

First name

VLIE

Last name

Phone 651 - 748 - 0199

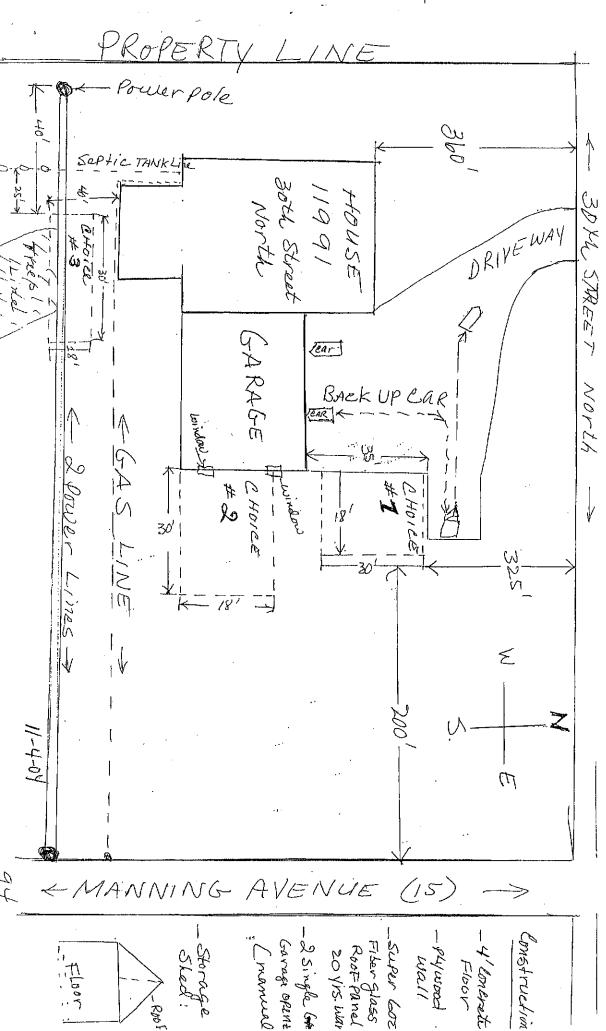
#### Project Information

	NETAC()	Dimelina ( )	Contin ( )	Commercial (	Othor
Construction (**)	nvac()	riumbing ( )	Sebuc ( )	Commerciai (	) Omer (b)
Project Description 5/6	orage Si	led		_ (e.g. new home, alt install new heating, re	
Contractor Drone	-	Address			
			City	State	Zip
State Lic. #	Phone		Fax	Cellular	
Valuation \$ <u>3,000. 0</u>	3				
Storage for as documents	DESCR Garde	IPTION OF WOR	K TO BE DO	ONE 3 Household b	belongings-
as documents	had been	i submit	ted on	November	5,2004.
				18" =54	
		l	ength	width so	ղ. ft.

The applicant hereby agrees to do all work in accordance with the Ordinances of the City of Lake Elmo and the State Building Code. In connection with your application for a permit, your signature constitutes permission for a representative of the City of Lake Elmo to enter upon said property for the purposes of project evaluation and code compliance.

Signature of Applicant

Date



M/S/P John/DeLapp — to postpone action on the location request until more information is provided regarding dimension of the accessory structure, number of accessory structures, if the accessory structures are built according to the building code since no building permits were pulled, and if the accessory structure is 6' or less from the principal building. (Motion passed 5-0.)

M/S/P John/Johnston – to affirm as the Board of Adjustment and Appeals, adoption of an Order for Vue to apply for a building permit, as amended. (Motion passed 5-0).

Dillerud noted this agenda item will be taken care of on the first meeting in January.

# B. <u>PUBLIC HEARING</u>: Vacation of 55<sup>th</sup> Street and Easements:Resolution No. 2004-108

The City Planner reported the Council conducted a public hearing on October 5, 2004 on a petition by several abutting property owners to vacate the portion of 55<sup>th</sup> Street North that was closed to traffic concurrent with the Carriage Station platting. The Council approved the vacation subject to a revised legal description, and staff meeting with the abutting property owners regarding details of easements to be retained by the City and related matters.

The Finance, Legislative, and Personnel Committee of the Council reviewed the plan at its December 1<sup>st</sup> meeting and recommended approval by the Council of the following:

- 1. Retention by the City of a 66 foot (width of the existing street ROW) drainage and utility easement (only).
- 2. Addition of a 20 ft trail easement on the centerline of the previous street ROW, except south of the centerline to accommodate the two existing driveways for property owners north of the former street.
- 3. Construction by the City of an 8- foot asphalt bike/ped trail with the 20 foot easement in Spring, 2005. Standard permanent posts would be installed at each end of he trail (along with appropriate signage) to preclude all but bike/pedestrian use.
- 4. Vacation by the City of the existing drainage and utility easements platted at the rear of the abutting Carriage Station Lots.

The Council convened a public hearing on this matter to approve the street vacation by the expanded legal description and also the rear lot line easement vacations.

Attorney Filla asked who is going to pay the costs for drafting these easements. A form times 10 and then it has to be recorded. Filla public conveyed easement so the city is responsible. Discovered all of 55<sup>th</sup> Street, west half, included in the plat of carriage station, all reverts to the south and not to the north. The property on the north will not be receiving the larger amount of land as discussed before.

Mayor Hunt called the public hearing to order at 7:57 p.m.

A. HEARING: Appeal of Administrative Determination — Chadoua Vue:Resolution No. 2004-107:Placing Accessory Building In Front of Primary Structure

The City Planner reported Chadoua Vue, 11991 30<sup>th</sup> Street N., constructed a structure on his property without a permit and it was located nearer a public street than the existing home—a violation of Section 300.13 Subd. 3I. of the City Code. The Building Official notified Mr. Vue that either he remove the illegal accessory structure, or secure an "after-the-fact" building permit and relocate the accessory structure on his property to secure compliance with the above-cited code provision.

Mr. Vue has appealed the Building Official's Order to the City Council (Acting as the Board of Adjustments and Appeals) and did so within the prescribed 5-day period. Mr. Vue is requesting an after-the-fact resolution of the Council permitting the accessory structure to be located closer to a public street than the home. Mr. Vue proposed three possible locations two of which #1 and #2 would require the City Council Resolution. The accessory structure is now located at Location #1. The Planner explained if the Council approves the request, the illegal accessory building location portion of the Building Official's order cease to be an issue for the Board of Adjustments an Appeals, with only the lack of a proper building permit remaining as an appeal issue.

Council member Johnston stated he did not support allowing the structure in front yard. Council member John explained he visited the site and the building in question is not the dimension that is indicated on the Vue diagram. He also pointed out that there are two types of bldgs there. One is a small metal bldg and detracts from the property completely. Council member DeLapp noted that the building has to meet the building code, and placement in front yard has to be a rare circumstance. He asked if the building is 6' or less from the principal building the accessory building would be considered as an integral part of the principal building.

The Building official responded he would have to review that regulation in connection with Mr. Vue's accessory structure.

Attorney Filla explained this is a temporary structure and asked the Council why they were considering Location #1 when the applicant is offering #2. Council member John suggested DeLapp visit the site to observe the structure.

Mayor Hunt called the hearing to order at 7:46 p.m. There was no one to speak for or against the request. Mayor Hunt closed the public hearing at 7:48 p.m.

Lake Elmo
<b>City Council</b>
December 7,
2004

Agenda Section: Planning, Land Use & Zoning

No. 9A

Agenda Item: Appeal of Administrative Determination - Chadoua Vue

#### Background Information for December 7, 2004:

By a certified letter of November 5, 2004 Building Official McNamara informed the appellant that the new accessory structure that was observed on his property was both constructed without a permit and was located nearer a Public Street than the existing home — a violation of Section 300.13 Subd. 3I. of the City Code. Mr. Vu was directed by Mr. McNamara to, within 10 days, either remove the illegal accessory structure, or secure an "after-the-fact" building permit and relocate the accessory structure on his property to secure compliance with the above-cited Code provision — further from a Public road than the existing house.

Mr. Vu was accorded the opportunity to appeal Mr. McNamara's Order to the City Council (Acting as the Board of Adjustments and Appeals), and did so within the prescribed 5 day period. Compliance with the Order is automatically (by Code) waived during the appeal process. The Board of Adjustments and Appeals must resolve the Appeal of Mr. McNamara's Order. Mr. McNamara's Order should, by Board Order, be either affirmed or rescinded. The Board must include Findings with its Order.

Mr. Vu is concurrently requesting an "after-the-fact" Resolution of the City Council permitting the accessory structure to be located closer to a Public Street than the home (as is permitted by Section 300.13 Subd. 3I). Mr. Vu has proposed three possible locations – two of which (#1 and #2) would require the requisite City Council Resolution. The accessory structure is now located at location #1. It appears logical for the Council to <u>first</u> address this request by Mr. Vu. If the Council approves the request, the illegal accessory building location portion of Mr. McNamara's Order ceases to be an issue for the Board of Adjustments and Appeals, with only the lack of a proper building permit remaining as an appeal issue. We have attached a draft City Council Resolution approving the accessory building location closer to the Public Street than the existing home – should that be the Council's direction.

Once the City Council Resolution has either been adopted, or the Council decides not to approve Mr. Vu's request, the Board of Adjustments and Appeals Hearing on Mr. Vu's appeal should be convened. If the City Council Resolution was not approved, the Board should decide the <u>full</u> appeal – either affirming Mr. McNamara's Order, or adopting an alternative Order, with Findings in support of that action in either case. If the City Council Resolution was approved, the only issue remaining for the Board is that of Mr. Vu's need for an "after-the-fact" building permit (at double fee) – again a Board Order with appropriate Findings.

#### Action items:

- 1. As the City Council, action on a Resolution regarding approval of placement of an accessory structure closer to a Public Street that the principal structure.
- 2. As the Board of Adjustment and Appeals, adoption of an Order with Findings regarding what remains of Mr. Vu's appeal case following Action #1 by the City Council.

#### Person responsible:

City Planner

#### Attachments: QOOY-107

- 1. Draft Resolution Accessory Structure Location
- 2. Draft Board of Adjustments and Appeals Order
- 3. Vu Appeal Letters
- 4. Otteson Support Letter
- 5. McNamara Order

#### Time Allocated:

Lake Elmo City Council January 4, 2005

Agenda Section: Planning, Land Use & Zoning

No. 9B

Agenda Item: Comp Plan Amendment/Rezoning/RE Preliminary Plat - "Cardinal View"

#### **Background Information for January 4, 2005:**

At its December 13, 2004 meeting the Planning Commission conducted the required Public Hearing, and unanimously adopted a recommendation for approval of a Comprehensive Plan Amendment, Rezoning, and Preliminary Plat for this application to create 6 Residential Estates lots on a 23.5 acre site at the east end of 15<sup>th</sup> Street North. A 7<sup>th</sup> lot would accommodate the existing home on the site. Staff had advised the Commission that the plat design resulted in apparent technical non-compliance with average lot area and septic site area requirements of the RE zoning district. Either or both non-compliance issues constituted zoning variances, which had not been applied for.

The Commission concluded that average lot area had been calculated based on the gross site area with previous RE plats – rather than as net proposed lot area. Based on that RE standards interpretation precedent, the Commission concluded that this proposal does comply with RE average lot area requirements. No variance action would be required.

The applicant agreed to conduct additional soil testing, and to identify the full 20,000 square feet per lot of septic drain field area. Those tests were subsequently completed and the applicant has submitted new graphics that demonstrate that each new lot can accommodate 20,000 square feet of drain field. The site topography and surface water ponding requirements that impact those lots limit both the buildable area, and the area suitable for septic treatment. The existing home with an in-place septic system is not addressed by the plan.

We have attached resolutions providing for the approval of the Comprehensive Plan Amendment, Rezoning and Preliminary Plat as recommended by the Planning Commission.

Action items:  Motion to adopt Resolutions #2005 (Comp Plan Amendment), 97-144 (Rezoning), and #2005 (Preliminary Plat).	City Playmer
Attachments:  1. Draft Approval Resolutions 2. Draft Planning Commission Minutes of 12/13/04 3. Planning Staff report 4. Applicants Documentation	Time Allocated:

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

Resolution No. 2005-005

# A RESOLUTION GRANTING A COMPREHENSIVE PLAN AMENDMENT GUIDING LAND USE FROM RAD TO RED TO D & T DEVELOPMENT

WHEREAS, D & T Development has made application to the City of Lake Elmo for a Comprehensive Plan Amendment, amending the land use guiding from RAD to RED for the following parcel of land; to wit:

#### **Combined Parcel Legal Description**

That part of Government Lot 2 and that part of the SW ¼ of the NW ¼, Section 27, Township 29, Range 21, Washington County, Minnesota, which part lies south and west of the following described line: Commencing at the East Quarter corner of said Section 27; thence on a grid bearing of South 00 degrees 43 minutes 04 seconds East, along the east line of said Section 27 a distance of 657.18 feet to the point of beginning of the line to be described; thence South 89 degrees 11 minutes 51 seconds West 2125.75 feet; thence South 00 degrees 42 minutes 41 seconds East 153.25 feet; thence South 89 degrees 11 minutes 51 seconds West 1113.73 feet; thence North 34 degrees 41 minutes 56 seconds West, 695.58 feet; thence North 00 degrees 42 minutes 41 seconds West, 466 feet; thence North 67 degrees 22 minutes 53 seconds West 1450.82 feet; thence North 00 degrees 33 minutes 40 seconds West 219.31 feet; thence South 89 degrees 11 minutes 48 seconds West 317.27 feet more or less to a point on the west line of said Section 27 distant 1029.01 feet north of the West Quarter corner of said Section and there ending.

WHEREAS, the Lake Elmo Planning Commission considered this Comprehensive Plan Amendment request at its December 13, 2004 meeting, and recommended that the Comprehensive Plan Amendment be granted.

WHEREAS, the Comprehensive Plan Amendment request was presented to the City Council at its January 4, 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 D & T Development.

**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 4<sup>th</sup> day of January, 2005.

	Dean Johnston, MAYOR
ATTEST:	
Martin Rafferty, City Administrator	

#### CITY OF LAKE ELMO WASHINGTON, MINNESOTA

ORDINANCE NO. 97-144

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

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

Parcel I.D. No. 27.029.21.23.0001 Parcel I.D. No. 27.029.21.24.0001

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 \_\_\_\_\_ day of \_\_\_\_\_\_\_, 2005.

Dean Johnston, Mayor

ATTEST:

Published in the Stillwater Gazette on the \_\_\_\_\_ day of \_\_\_\_\_\_\_, 2005.

Martin Rafferty, City Administrator

# CITY OF LAKE ELMO WASHINGTON COUNTY, MINNESOTA

#### RESOLUTION NO. 2005-006

# A RESOLUTION APPROVING THE PRELIMINARY PLAT OF CARDINAL VIEW

WHEREAS, Tom Wiener of D & T Development, Wayne W. and Patricia E. Marzolf, and Joni K. Foster and Douglas R. Troupe have made application for a Preliminary Plat to create seven residential building lots on two parcels with a combined area of 23.49 acres. The property is generally located on the north side of 15<sup>th</sup> Street and westerly of the Lake Elmo Park Reserve, and includes the property addressed as 9250 15<sup>th</sup> Street North. The combined parcels are legally described as follows:

#### **Combined Parcel Legal Description**

That part of Government Lot 2 and that part of the SW ¼ of the NW ¼, Section 27, Township 29, Range 21, Washington County, Minnesota, which part lies south and west of the following described line: Commencing at the East Quarter corner of said Section 27; thence on a grid bearing of South 00 degrees 43 minutes 04 seconds East, along the east line of said Section 27 a distance of 657.18 feet to the point of beginning of the line to be described; thence South 89 degrees 11 minutes 51 seconds West 2125.75 feet; thence South 00 degrees 42 minutes 41 seconds East 153.25 feet; thence South 89 degrees 11 minutes 51 seconds West 1113.73 feet; thence North 34 degrees 41 minutes 56 seconds West, 695.58 feet; thence North 00 degrees 42 minutes 41 seconds West, 466 feet; thence North 67 degrees 22 minutes 53 seconds West 1450.82 feet; thence North 00 degrees 33 minutes 40 seconds West 219.31 feet; thence South 89 degrees 11 minutes 48 seconds West 317.27 feet more or less to a point on the west line of said Section 27 distant 1029.01 feet north of the West Quarter corner of said Section and there ending.

WHEREAS, at its December 13, 2004 meeting, the Planning Commission reviewed and unanimously recommended approval of this application to plat 23.49 acres as a residential development of seven building lots.

WHEREAS, the Preliminary Plat of CARDINAL VIEW was presented to the City Council at its January 4, 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 CARDINAL VIEW, per plans that staff dated December 8, 2004 and December 28, 2004, as the same on file with the City Administrator, based on the following Conditions:

- 1. Compliance with the recommendations of the City Engineer and City Attorney.
- 2. Compliance with the recommendations of the Valley Branch Watershed District, as found by the City to be appropriate.
- 3. Inclusion (or enlargement if found to be necessary by the City Engineer) of trail rights to the City within the drainage and utility easement along 15<sup>th</sup> Street North.

ADOPTED.	, by the Lak	e Elmo C	ity Council	on the 5 <sup>th</sup>	day of Januar	y 2005.
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	Dean Johnston, Mayor
ATTEST:	
Martin Rafferty, City Administrator	<del>-</del>

#### CITY OF LAKE ELMO PLANNING COMMISSION MEETING MINUTES OF DECEMBER 13, 2004

Chairman Helwig called to order the regular meeting of the Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Roth, Johnson, Sessing, Sedro, Deziel, Armstrong, Ptacek, and Schneider (7:02 p.m.) STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Recording Secretary Schaffel. ALSO PRESENT: Councilmember Johnston.

#### **AGENDA**

M/S/P, Sessing/Johnson, To accept the Agenda as presented. VOTE: 9:0.

#### **MINUTES**

M/S/P, Johnson/Deziel, To accept the Minutes of November 22, 2004 as presented. VOTE: 8:0:1 (Ptacek-Abstain).



#### PUBLIC HEARING PRELIMINARY PLAT - CARDINAL VIEW



The Planner introduced the application for a Residential Estates development on the north side of 15<sup>th</sup> Street and adjacent to the west side of Lake Elmo Park Reserve and one parcel east of CARDINAL RIDGE. He reported that the applicants propose to divide the parcel into seven single family lots, with the homestead to be located on a 7<sup>th</sup> lot. He reported that the present land use guiding for this site is RAD and the zoning is RR; and that the applicant proposes RE guiding and RE zoning.

The Planner reported that the City Council has previously indicated that if an applicant came forward with a plan to develop fewer than 40 acres, the Council would consider changing the guiding from RAD to RE and rezoning to RE as well. He observed that based on that history, the requested Comprehensive Plan Amendment is justified., and that once an amendment to the Comprehensive Plan is warranted, the rezoning is as well, according to state law.

The planner reported that staff plat calculations based on the RE standards came up with two possible issues:

- 1. Should lot size average (3.3 acres) be based on gross or net acres? The applicants propose gross acres.
- 2. RE standards require 20,000 square feet of septic area demonstrated per lot. The applicants only demonstrate 10,000 square feet per lot.

The Planner said that there had been discussion in the past regarding a road extension from the parcel to the northwest. The Planner questioned whether it would be wise to extend 16<sup>th</sup> street to create a double access. He said there may not be a need for a double opening on that road, and the steep ravine in that area might make it difficult to create that street. He concluded that it is probably impractical and unnecessary.

#### **Findings**

The Planner said the Comprehensive Plan Amendment reflects change in conditions. He said the rezoning is supported by the Comprehensive Plan, and the Preliminary Plat complies with standards for Residential Estates and subdivision standards of Section 400, except as noted.

The planner said that when the averaging of lots is resolved by the commission and the septic is satisfactorily resolved, he would recommend approval of the Preliminary Plat of CARDINAL VIEW with the following conditions:

- 1. Compliance with appropriate VBWD recommendations.
- 2. Grant a trail easement on 15th Street.

Commissioner Schneider asked if the property to the west has been ghost platted.

The Planner said it has been ghost platted as an OP development with residential lots concentrating on the north end of the parcel.

#### Tim Freeman, Land Surveyor/Land Planner - Folz, Freeman, and Erickson

Mr. Freeman said they expect that the Met Council will review this application administratively, which usually takes a couple of weeks. On the trail corridor, they are neutral. They have no opinion. He said that with the road extension issue, the contour map shows a substantial ravine. That is why they did not consider it, and it would have to go too far to the north.

Mr. Freeman said that Dale Eklin has done most of the soil testing in the city. He said Mr. Eklin was animated about details of 20,000 square feet. Following Section 700 of the code, Mr. Eklin tested for primary and secondary septic sites on each lot. The better the soil, the smaller the area needed. He suggested that the 20,000 square feet was created in the Code to be sure any lot would have space for a septic system. He said he has ordered Mr. Eklin to look at an expanded area on each lot. He would like that information added to the approval, and he will have it prior to the Council meeting

Commissioner Schneider pointed out a discrepancy between Figures C and D as to cul-de-sac diameter — one says 60 feet diameter and the next page reads 50 feet diameter. He said that it may not make a difference since the City Engineer wants a differently designed cul de sac.

Commissioner Ptacek said that 20,000 square feet is a great idea. He said on 2.5 acre lots in his development, no area percolated on four lots, and those lots ended up with mound systems.

#### THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:29 PM

#### Lil Linder

Ms. Lindner said her property is south of the westerly end lot. She would like to see some berming on that end so there are no complaints from the new residents in the development regarding the Lindner's business. She said her business has lots of trucks in and out. She said she is in 100% agreement about having the trail as proposed by the staff.

#### THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:30 PM

Mr. Freeman said they intend to plan for berming and trees to screen the southerly parcel. They will disclose to potential buyers that there is a business and traffic there. They are also working on tree protection on the westerly end of the parcel, and an agreement will be created to preserve the stand of trees.

The Planner said that Section 400 provides a supplemental form of information like a Landscape Plan. He said that will go to the City Council with the Final Plat.

M/S/P, Ptacek/Sessing, To recommend approval of the Comprehensive Plan Amendment, Rezoning, and Preliminary Plat of CARDINAL VIEW based on findings and conditions in the Staff Report of December 8 and applicants' graphics staff dated December 8; conditional also upon the addition of a Landscape Plan with screening for the Linders' parcel and the westerly neighbor.

#### VOTE: 9:0.

#### LAKE ELMO PLANNING COMMISSION STAFF REPORT

Date: December 8, 2004 for the Meeting of December 13, 2004

Applicant: D & T Development

Location: 9250 15th Street North

Requested Action: Comprehensive Plan Amendment, Rezoning and Residential Estates

**Preliminary Plat** 

Land Use Plan Guiding: RAD

**Existing Zoning: RR** 

#### **Site History and Existing Conditions:**

This 23.5 acre project site consists of an existing tax parcels of 10 acres (East, with the existing home); and 13.5 acres (West, and vacant). The site is devoid of significant tree cover (except along the west property line); and drops 48 feet from south (15<sup>th</sup> Street) to north (Regional Park). The entire north boundary of the site abuts and the site overlooks the Regional Park.

The only City records regarding either site are the 1993 Building Permit to construct the home on the east parcel; and, a 1996 Building Permit to construct a 1,200 square foot accessory structure to the west of the home.

#### **Discussion and Analysis:**

The applicant proposes the platting of the site into 7 SFD home sites, of which one will be the existing home. The Residential Estates section of the zoning ordinance has been used as the design template for this neighborhood proposal. For the plat to be processed as proposed, the site must be both land use reguided from "RAD" to "Residential Estates" (Comprehensive Plan) and rezoned from "RR" to "Residential Estates" (Zoning Map). The applicant has opted to process all three applications concurrently (Plan Amendment, Rezoning, and Preliminary Plat), with the understanding that should the Plan Amendment not be approved, neither the zoning nor plat can proceed.

Since Minnesota Law specifies that zoning must comply with land use guiding (Comprehensive Plan), it is the Comprehensive Plan amendment that is the key to whether the site will be eligible for the development density that the plat proposes. It is generally held that a Comprehensive Plan Amendment can be warranted when one or both of the following findings are demonstrated/proven by the applicant/land owner:

- 1. An **error** has been made by the City in land use guiding of a site. That error must be described in detail.
- 2. The physical state or other circumstances of the site or surrounding areas have **changed** since the Comprehensive Plan guiding of the site was adopted by the City.

The applicant, by the first three paragraphs of his November 30, 2004 Narrative, presents a case for the Residential Estates land use guiding of the this site (from RAD). Clearly the case is made for "change of conditions". For the most part the applicant's logic is valid – even though he is not necessarily referring to a physical change of conditions regarding the site or the surrounding neighborhood, but rather the preferences of certain City Council Members (Members past and present, as expressed during the discussion of the Cardinal Ridge OP site to the west). The context of that (2000) discussion at the City Council was whether OP Cluster or Residential Estates were "better" forms of development for the Cardinal Ridge site. Neither of the two Council Members that commented had ever been supporters of the OP concept as a replacement for Residential Estates.

There has, in fact, been a change of conditions (again, not physical) that does impact this subject site. Shortly after the Cardinal Ridge OP was approved, the OP ordinance was amended to increase the minimum site area for OP from 20 acres to 40 acres. This site (and a handful of other City-wide) became instantly ineligible for OP, leaving 40 acre or 10 acre divisions the only available development options. In today's \$30,000/acre real estate market, buyers for 10 acre parcels are scarce. While frowned upon by some as "sprawl" the Residential Estates appears to be a strategy to allow land divisions that make economic sense when the required 40 acres for OP can not be assembled from multiple property owners.

Comprehensive Plan discussions at the City Council level in 1999 and 2000 addressed the Residential Estates guiding/zoning in those terms. While it was decided that the land use plan would not reflect large expanses of RE – as it had in the past – the City would be responsive to reguiding and rezoning specific sites to RE where the change in OP minimum acreage had rendered the sites ineligible for that development process.

The Preliminary Plat has been designed responsive to the prescriptive standards of the RE zoning district (copy of those standards attached as a "refresher"), and the general platting standards of Section 400 (Subdivision Code). In regard to those standards, our review of the plat graphics reveals compliance, except as follows:

- 1. RE standards prescribe a minimum lot area of 2.5 acres, and an average lot area of 3.33 acres. While the minimum lot area standard is complied with, it appears that the <u>average</u> individual lot area falls short of the standard at a calculated 3.06 acres. We understand that the applicant calculated the "average" using the gross site area (including street ROW). On that basis a 3.36 acre average is claimed. The Code is not specific as to which measurement method should be applied. A City Council determination should be made, with a Planning Commission recommendation provided.
- 2. RE standards prescribe that at least 20,000 square feet of each lot, "...be dedicated for septic use and be suitable for that use." It appears from the applicant's plat graphics that only 10,000 square feet or slightly more of each of the six proposed lots is designated for septic use, with the lot created for the existing home (Lot 7) devoid of any such designation. The soils testing submitted with the plat appears to have only addressed areas at or slightly over 10,000 square feet on six of the proposed lots, and states that no test was done on the proposed lot with the existing home (Lot 7).

Therefore, there would appear to be at least one zoning variance (and perhaps two variances depending on how the lot area average is calculated) implied by the plat design, but no variances were applied for nor Noticed by the City for Hearing.

With respect to the plat (Section 400), our review observations are as follow:

- 1. The 20+ acre parcel immediately west of the subject site will some day be divided (now the location of a CUP for a storage business). The plat immediately west of the 20+ acres (Cardinal Ridge) includes a dedicated and constructed stub extension of 16<sup>th</sup> Street North to the west line of the 20 acre parcel. An obvious question arises as to whether that 16<sup>th</sup> Street extension would extend through the 20 + acre parcel to link with the proposed 15<sup>th</sup> Street Court within this plat should the cul-de-sac now proposed by the applicant be instead a street extension to the west line of the subject site to link with 16<sup>th</sup> Street North in the future? Grades on the north portion of the 20+ acre parcel suggest that this may be a more difficult proposition than the resulting improvement to circulation would warrant.
- 2. This site is essentially devoid of tree cover. Plat "Supplementary Information" that may be required by the Planning Commission can include a "...vegetation preservation and protection plat (sic)..." (Section 400.08, Subd.6H). That plan would depict how the required 6 trees per lot and 2 trees per 100 lineal feet of street (both sides) would be applied to the site. Given the total lack of tree cover with this site, this may be supplemental information that the Commission may desire to review. Otherwise, that plan will be required only with the Final Plat drawings which are not reviewed by the Commission.
- 3. The City Park Commission is working on an update of the City Trails System Plan with a consulting planner about 60 days "out" at this point. It appears that <u>City</u> trail access to the Regional Park will be looked upon with favor by the County Park officials based mostly on that Plan. One access corridor that has been often suggested has been via 15<sup>th</sup> Street North. It is recommended that the 10 foot drainage and utility easement required along the plat property lines abutting the 15<sup>th</sup> Street North ROW be expanded to include a "Trail" use. The result will be a total of 30 feet north of the 15<sup>th</sup> Street paved surface in which an off road trail could be constructed by the City in the future. Should the Trail System Plan be adopted before the Final Plat for this site is approved (and the 15<sup>th</sup> Street trail corridor appears on that Plan), the developer should be required to construct an 8 foot asphalt trail with that corridor as a partial credit to the Park Dedication fees payable for the plat.

### **Findings and Recommendations:**

Depending on the applicant's response (and Commission's interpretation) related to the variance issues noted above, and whether the Commission decides that a landscape plan is required at the Preliminary Plat Stage, it may be appropriate to <u>table</u> this application pending resolution of those issues by the zoning variance process and landscape plan preparation. If, however, the applicant either redesigns the plat and/or the Commission determines the lot area averaging strategy adopted by the applicant is proper, the following Findings <u>could be</u> made:

- 1. 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.
- 2. The rezoning of the site from RR to RE is appropriate, and required by State Law if the reguiding of the site to RED is approved.
- 3. The proposed Preliminary Plat generally complies with the Section 300 standards for an Residential Estates development and the subdivision design standards of Section 400.

Again, once the zoning variance issues are resolved in some manner (either a tabling to allow the variance action to "catch up", or redesign by the applicant); an affirmative ( to the applicant)

Commission interpretation as to lot areas; and a Commission decision regarding the landscape plan, approval of the all three actions in recommended, subject to the following conditions:

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

2. Compliance with the recommendations of the Valley Branch Watershed District, as found by the City to be appropriate.

3. Inclusion (or enlargement if found to be necessary by the City Engineer) of trail rights to the City within the drainage and utility easement along 15<sup>th</sup> Street North.

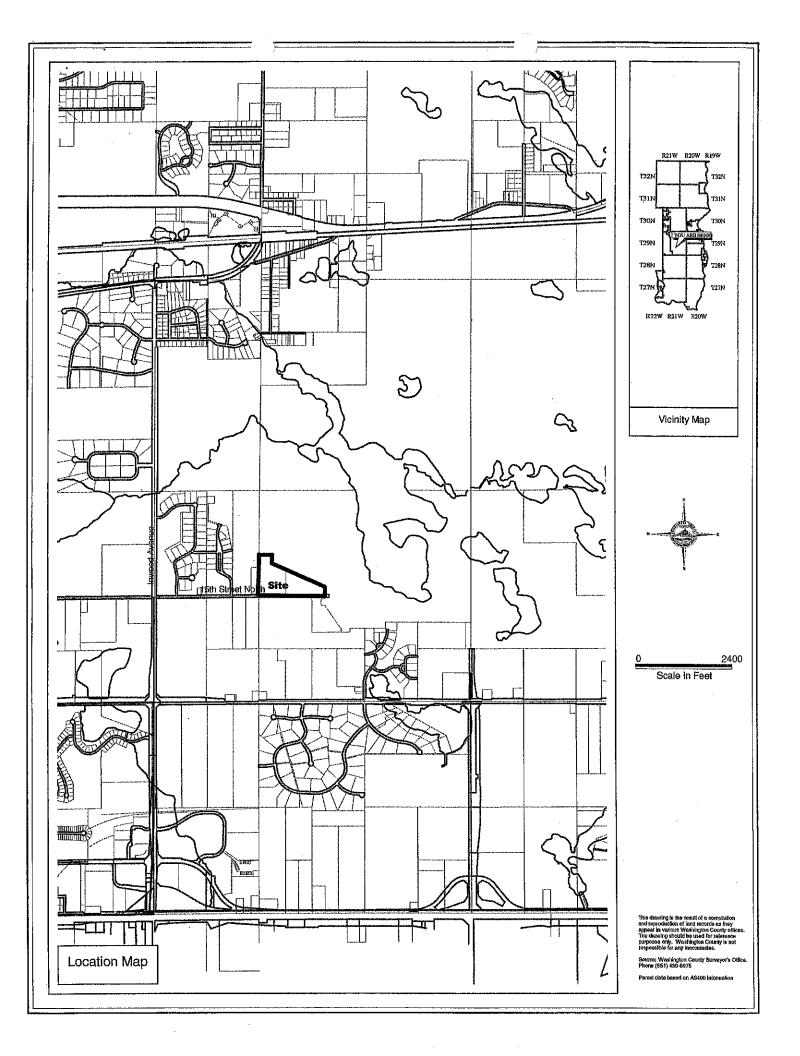
### **Planning Commission Actions Requested:**

Motion to Table, or Approve based on the Findings and subject to the Conditions specified by the Planning Staff Report dated December 8, 2004 and the applicant's graphics staff dated December 8, 2004

Charles E. Dillerud, City Planner

### **Attachments:**

- 1. Location Map
- 2. Residential Estates Platting Standards
- 3. Valley Branch Review Letter
- 4. City Engineer Review Memo
- 5. Applicant's Narrative and Graphics Booklet



# 3. Minimum District Requirements.

	Marie Carlo Ca		
R. E. Zoning District			
Lot Size 2 1/2 minimum (108.750 sq. ft.) to 10 acres (435.600			
Subdivision Density	3.33 acre average - No outlots to remain within subdivision		
Lot Configuration	Lots must be configured to contain a circle with a		
magnetic and the contract of t	diameter of 250 feet minimum the ratio of lot length to width shall be a maximum of 3:1 - Flag lots are prohibited		
Area of Building Site	A minimum of one and one quarter (1.25) acre of land above the flood plain and free of any drainage easements		
Principal Building Setbacks from property lines:	The state of the s		
(Also see Section 300.11) Front:	THE MAN TO SEE THE SECOND STREET STREET		
Side (Interior):	100 Feet Minimum		
Side (Corner)	50 Feet Minimum		
Rear	803Peet Minimum		
Collector/Anerial Street	100 Feet Minimum		
Frontage on Public Roadway	150 Feet Minimum		
Primary Building Height (Aiso see Section 300.12)	150 feet minimum except 70 feet at the end of cul-de-sacs		
Accessor/ Pulldings and Structures	35 Feet		
Accessory Buildings and Structures Height (Also see	A CALL MATCHES TO THE PARTY OF		
Section 300-12)	AND THE STATE OF T		
Parking (Also see Section 300, 13, Subd. 6.)	2 enclosed spaces minimum (200 sq. ft. minimum per		
· :	Space		
	2 exterior spaces with minimum setback of 50 feet from any property line		
Hard Surface (Impervious) Coverage	1.5% maximum		
Septic Drainfield Regulation (Also see Section 700)	All newly subdivided lots shall have a minimum of		
	20,000 sq. ft. of land to be dedicated for septic system use		
	and suitable for that use. This land may comprise up to		
	two separate areas each of which is contiguous to the 1.25		
·	acre building site or contained within it and each of which		
	contains at least 10,000 contiguous square feet.		
	Placement of the provided described as a second		
	Placement of the second required drainfield between the trenches of the first drainfield is prohibited.		
Minimum Width of Primary Dwelling	All dwelling units must be at least twenty (20) feet wide		
	through the main living area of the structure.		
ootings	The primary structure must have continuous frost		
•	footings. Continuous frost footings are not required for		
	porches, decks, and other appendages so long as proper		
1941	post type footings per existing Building Codes are		
Anni 11/1461 CYNAMINADIA	constructed.		
Maximum Width of Driveways	See Seption 1405.07		
ignage 📉	See Section 535		

3.27% ·

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DEC 0 3 5004 VECEINED 1500 Piper Jaffray Plaza 444 Cedar Street Saint Paul, MN 55101-2140

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

December 8, 2004

Planning Commission Members City of Lake Elmo, Minnesota

Re:

Preliminary Plat Review

Cardinal View

City of Lake Elmo, Minnesota TKDA Commission No. 11979-041

Dear Planning Commission Members:

We have reviewed the Preliminary Plat information dated November 30, 2004, and offer the following comments.

Septic Systems

Site evaluations have been submitted confirming that each lot has enough room for a primary and secondary drainfield.

Soil borings for the existing home site were not performed. The City should review its file to determine if additional testing on this site should be done. If City records are not sufficient, then a site evaluation will be necessary on this lot.

### Streets

An island style cul-de-sac should be used rather that the one shown.

The Developer should consider the possibility of extending a street from the stub street (16th Street) in Cardinal Ridge to this proposed street. If this is possible, I would recommend extending this street to the west plat boundary, and constructing a temporary cul-de-sac.

Grading and Drainage

The City's ponding requirements appear to have been met. Final storm water computations need to be submitted.

We should look at the area where water is discharged into the Regional Park to determine if there are any concerns.

A MPCA Storm Water Discharge Permit is required.

The Valley Branch Watershed District may have additional comments.

Sincerely:

Thomas D. Prew, P. E.

City Engineer

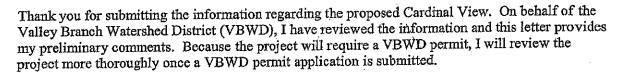
TDP/mas

December 8, 2004

Mr. Chuck Dillerud City of Lake Elmo 3800 Laverne Avenue North Lake Elmo, MN 55042

Re: Cardinal View

Dear Mr. Dillerud:



Background

The project site lies within the Eagle Point Lake watershed.

**Water Quality** 

Eagle Point Lake is within the Lake Elmo Regional Park. The lake is shallow, and the water quality of Eagle Point Lake varies, but in general, it is poor. The lake's average summertime Secchi disc transparencies are usually less than 2.3 feet, and the average summertime total phosphorus and chlorophyll a concentrations are typically quite high.

Water Quantity

The proposed development is well above the 100-year flood level of Eagle Point Lake.

Groundwater

The development might lie within the groundwatershed of Valley Creek, a trout stream in Afton. The VBWD, Washington County, the Cities of Woodbury and Afton, and others are currently developing a groundwater model of the area as part of a Legislative Commission on Minnesota Resources (LCMR) grant. The project will not only determine if proposed Woodbury municipal wells will impact Valley Creek, but it will also determine the long-term sustainability of the groundwater supply in the area.

Proposed Project

The proposed project includes the construction of 15th Street Court North, six homes, and a stormwater pond.

Low Impact Development Techniques

Reducing impervious surfaces and encouraging infiltration practices will protect Eagle Point Lake and all water bodies from negative water quality impacts and "flashy" inflows. These practices could also reduce the amount and/or size of needed infrastructure, and therefore reduce the construction costs. Another benefit is that infiltration recharges groundwater,



DAVID BUCHECK

LINCOLN FETCHER

DONALD SCHEEL

DALE BORASH

DUANE JOHNSON

which is needed to sustain a drinking water supply and support groundwater-dependent natural resources.

Reducing the size of the proposed cul-de-sac would reduce the amount of new impervious surfaces. The plans submitted show a cul-de-sac radius of 50 feet. Most urban cities (e.g. Woodbury) only require a 45 foot radius. A vegetative island could also be constructed in the center of the cul-de-sac. Enclosed is a factsheet from the VBWD's Alternative Best Management Practices Guidebook regarding cul-de-sacs. I encourage the City of Lake Elmo to allow a smaller cul-de-sac radius.

Practices that would encourage more infiltration on this site include:

- Constructing rainwater gardens along the road (I have enclosed some photographs of rainwater gardens along a residential road in a Burnsville neighborhood)
- Constructing the site so that compaction in pervious areas is prevented
- Requiring loosing of soils to a depth of 24 inches to a maximum compaction of 85% standard proctor density and tilling the upper 10 inches of soils prior to planting
- Directing roof drains to pervious areas
- · Using pervious areas for snow storage
- Planting trees that at maturity will canopy over at least 50% of the impervious surfaces
- Planting deep-rooted trees, shrubs, wildflowers, and grasses in at least 25% of the project's green space

**Peak Discharge Rates** 

Hydrologic modeling information will need to be submitted to prove the peak discharge rates will not increase due to the development.

**Water Quality Treatment** 

Computations will need to be submitted that prove adequate water quality treatment is being provided. In addition to Lots 3-5, the runoff from the proposed homes in Lots 1, 2, and 6 should be routed to the stormwater pond for treatment, if possible.

Minimum Floor Elevations

The proposed minimum floor elevations appear to be at least two feet above the 100-year flood level of the stormwater pond

### Erosion

Based on the plans, it appears there could be a potential erosion issue from the pond outlet. The pond outlet will channelize flows. If the flow velocities are small and if the flows can be spread out, the erosion potential could be reduced.

### Wetland Issues

The applicant will need to submit a wetland delineation report or proof that no wetlands exist on the site. The VBWD is the Local Government Unit responsible for administrating the Wetland Conservation Act. The developer will need to follow all of the rules and regulations spelled in the WCA, and submit all of the necessary documentation. The VBWD will then review the information, forward the information to the appropriate agencies for comments, and ensure the proposal conforms to the Wetland Conservation Act and other VBWD wetland rules and regulations.

Mr. Chuck Dillerud December 8, 2004 Page 3

### **Permit Requirements**

The proposed project will require a permit from the VBWD. The landowner should submit a complete permit application packet to me. Permit application material can be obtained from the VBWD's website, <a href="https://www.vbwd.org">www.vbwd.org</a>, or from me. Once a complete VBWD permit application is submitted, I will review the project for conformance to the VBWD's rules and regulations, including:

- Stormwater rates
- Water quality treatment
- Flood levels and minimum floor elevations
- Wetland delineations and protection
- Erosion controls
- Potential downstream impacts

If you have any questions, please contact me at 952-832-2622.

Sincerely,

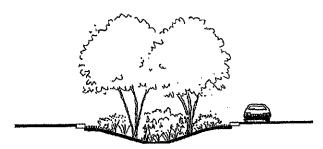
John P. Hanson, P.E.

BARR ENGINEERING COMPANY

Engineers for the District

c: David Bucheck, VBWD President Todd Erickson, Folz, Freeman, Erickson, Inc.

# Cul-de-Sac Design

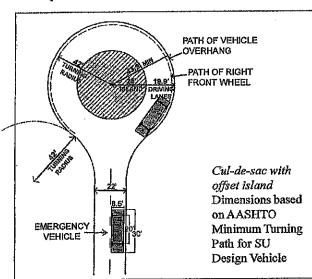


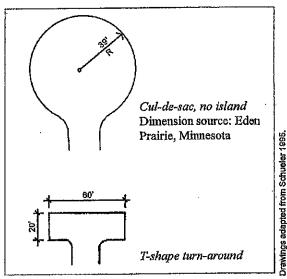
Cul-de-sac infiltration island accepts stormwater from surrounding pavement.

Reducing the size or changing the shape of cul-desacs can reduce the amount of impervious surface in subdivisions. Cul-de-sacs should be designed using the minimum radius that accomodates turning of emergency, service, and maintenance vehicles. Changing the radius from 40 feet to 30 feet can reduce the impervious coverage by about 50% (Schueler 1995).

Using turnaround options such as a T-shape can also greatly reduce impervious surface.

A landscaped island in the center of the cul-de-sac removes impervious surface where driving does not occur. This island can also be designed as a depression to accept stormwater runoff from the surrounding pavement. A flat apron curb will stabilize roadway pavement and allow for runoff to flow from pavement into the cul-de-sac's open center.





### **Benefits**

- With less impervious surface, less stormwater runoff will require management. Reducing stormwater runoff protects downstream water bodies. Less paved surface also means lower development and maintenance costs.
- Reducing pavement lessens the urban heat island effect, the increase in air temperature that can occur when highly developed areas are exposed to the sun.
- Planted cul-de-sac islands are more attractive than wide expanses of pavement.

### Design Guidelines

- Design cul-de-sacs with a radius of 39 feet or less.
- · Include an unpaved, depressed island with a minimum radius of 20 feet.

Folz, Freeman, Erickson, Inc. LAND PLANNING • SURVEYING • ENGINEERING

# CARDINAL VIEW

Narrative

November 30, 2004

The request for this project is threefold. Comprehensive Plan Amendment to re-guide the property to Suburban Residential, rezoning to Residential Estates and Preliminary Plat approval. This property was originally part of the area slated for OP development. It was never re-zoned for OP development, and subsequently, the City repealed OP Zoning in favor of OP developments in Ag and RR with Conditional Use Permits. The City Council has repeatedly indicated a desire for Residential Estate lots over OP lots in this area. In fact, the City Council has gone on record in the minutes of the Cardinal Ridge development saying essentially that they would look favorably on Residential Estate lots in favor of OP lots, in this area. Since this property is under the minimum parcel size for an OP project, it seems a perfect fit for standard 2.5 acre

The law requires that a Comprehensive Plan amendment show that the original plan was in error, or that the conditions have changed to warrant a change in the plan. We believe that the conditions have changed due to the City Council's stated desire to have Residential Estate lots in this area over OP lots. The property is currently guided Open Space Development, and the zoning district for OP development has been repealed. The overall density of housing units for Residential Estates is essentially the same as Open Space Development.

A project of this nature will help to keep the rural feel Lake Elmo is so proud of. With a potential for suburban type development to the south, using this property as Residential Estates will insure it will not change use as time goes by.

The project is 23.49 acres, comprised of two properties. The land is mostly open farmland with an existing home on the east end. The land drains from southwest to northeast into the Lake Elmo Regional Park Reserve, which borders the property on the north and east sides. The property is within the Valley Branch Watershed District. Preliminary discussions with the district engineer John Hanson of Barr Engineering have resulted in the ponding and erosion control features incorporated in the design.

The soils are predominately Group B sandy and silty loams. Soil borings and percolation tests have been preformed for each lot, with adequate areas for both a primary and backup system. The test results have been submitted along with the application.

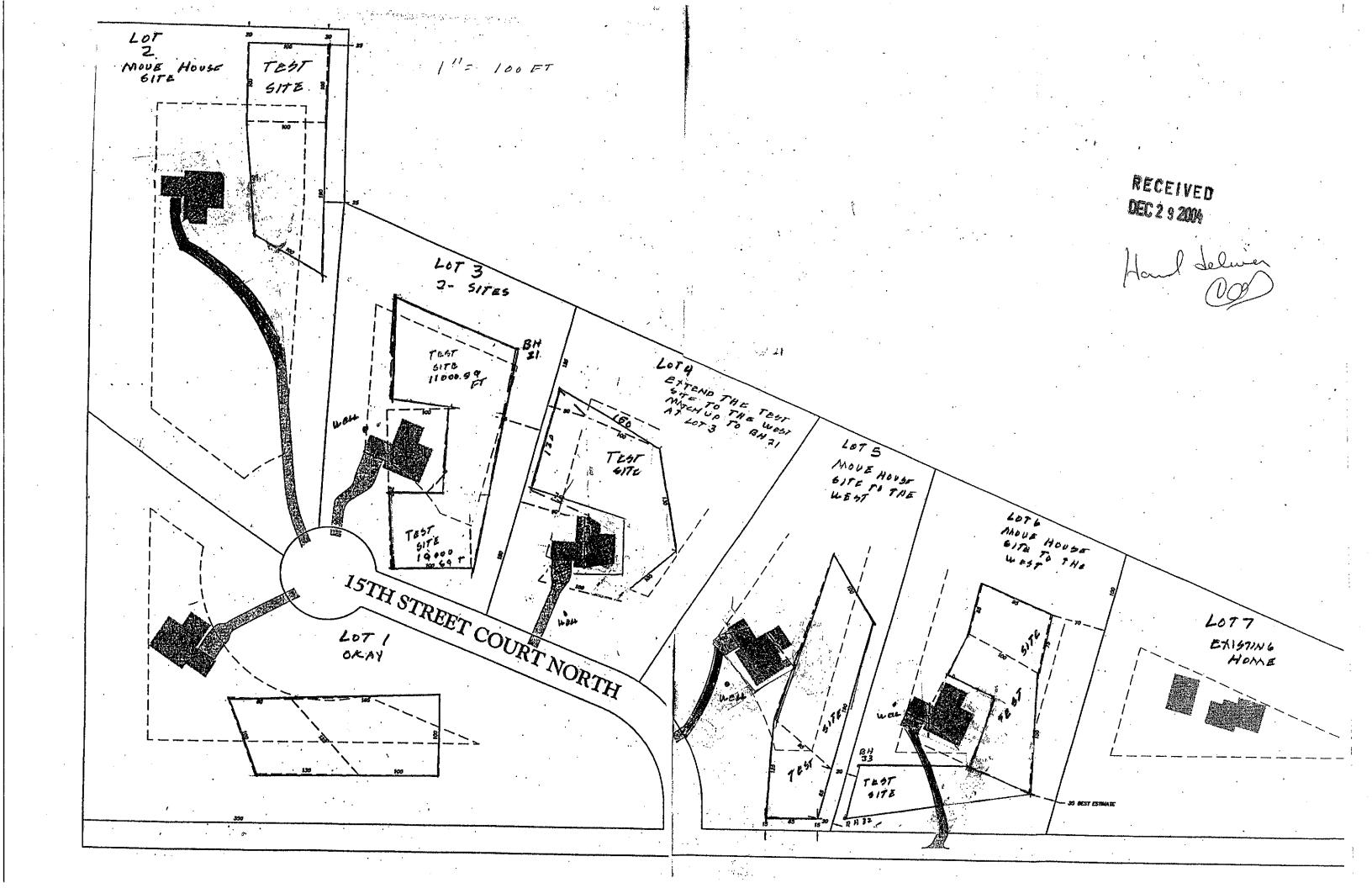
The proposal is for seven single family lots with individual onsite septic treatment and individual private wells. The new street proposed will serve as access to all of the lots except for the existing home on 15<sup>th</sup> Street North, and the next lot west of it. There is approximately 590 lineal feet of new street proposed in a standard cul-de-sac arrangement, built to standard Lake Elmo street specifications with bituminous surfacing and integral bituminous curbing.

Each of the lots meets all of the minimum design standards for Residential Estate lots. There are no variances required or requested. The overall density averages 3.33 acres per lot for the entire project, with 2.5 acre minimum lot size.

# 77.A.C. Corryl Jeske AGRICULTURAL at Ganley HURTH EAST LINE SEC 28, T 29, R 21 N 00'15'38" E - 1605.02 N 89°53'57" E 317.96 - 219.31 S 00°15'41" CURRENT ZONING ZONED RR — RURAL RESIDENTIA 2.5 ACRES 100°25'-80'-80'-Washington County ZONED PF — PUBLIC FACLITIES PART OF 27-029-21-11-0001 RECIONAL 25 ACRES WASHNGTON CNTY CIM AT MEANDER COR ON NORTH LINE SEC 27, T 29, R 21 PARK Lillian Linder & R. Henderson RESERVE - 233.48 WEST-LINE OF DOC 338329 S 00°06'40" W Washington County EAST LINE NW 1/4, SEC 27, T 29, N 00'06'17" E WEST LINE NE 1/4, SEC 27, T 29,

300

# CARDINAL VIEW PRELIMINARY PLAT LOT LAYOUT



Lake Elmo
City Council
January 4, 2005

Agenda Section: Planning, Land Use & Zoning

No. 9C

Agenda Item: Community Development Block Grant 2005-2006

### **Background Information for January 4, 2005:**

At its meeting December 1, 2004 the Community Improvement Commission (CIC) considered alternative programs for inclusion in an application to Washington County for 2005-2006 competitive CDBG funding. The former County practice of allocating CDBG funding to all communities with eligible projects has been replaced by a 100% competitive process for those communities desiring CDBG funding. Funding decisions by the County for 2005-2006 will be based on priorities the County has established (on behalf of cities) that are in addition to all HUD eligibility requirements and CDBG funding priorities. Local prerogatives as to how CDBG funds are expended have essentially disappeared. The \$700,000+ allocated by HUD for Washington County governments for 2005-2006 CDBG will be distributed only as the County desires. A major step backward as viewed by this City staff member. These are Federal "revenue sharing" formula dollars, not County-raised (or taxed) funds.

The CIC advised staff that they prefer the City to apply for CDBG funding for Phase II of the Cimarron Gas Service Replacement Project. Phase I of that program – grants to income qualified Cimarron home owners to replace aged gas services – is in progress utilizing the \$48,000 in CDBG allocated funding the City received for 2004-2005. Only a portion of the eligible homeowners can be served with the 2004-2005 program. We believe those remaining (of the 200 homes previously inspected, and found in need of gas service work) will be accommodated by the Phase II program.

The CDBG application in the amount of \$72,000 has been submitted to Washington to meet the December 17 filing deadline. The application is attached, and follows the direction of the CIC as to program content. City Council approval of the application by Resolution is hereby respectfully requested to complete the application process.

Action items:  Oo7  Motion to adopt Resolution #2005 – approving submission of the 2005-2006 Lake Elmo CDBG application.	Person responsible: City Planner
Attachments:  1. Draft Resolution #2005 – 00 7  2. CDBG Application	Time Allocated:

### CITY OF LAKE ELMO WASHINGTON COUNTY, MINNESOTA

### RESOLUTION NO. 2005-007

# A RESOLUTION AUTHORIZING THE 2005-2006 CDBG APPLICATION

WHEREAS, the Lake Elmo City Council has authorized and directed the City's Community Improvement Commission to review priorities for the application of Lake Elmo's 2004 Community Development Block Grant allocation, and make its recommendations to the City Council regarding the content of the 2005-2006 CDBG Grant Application; and,

WHEREAS, the Community Improvement Commission has reviewed the priorities for application of 2005 CDBG allocation funds, and provided its unanimous recommendation to the City Council to apply 100% of the 2005 CDBG allocation (estimated to be \$72,000) to a continuation of the Cimarron Neighborhood Gas Service Rehabilitation Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council concurs in the recommendation of the Community Improvement Commission regarding the 2005-2006 CDBG allocation application; and, authorizes and directs the Acting City Administrator to prepare and submit the 2005-2006 CDBG Application to Washington County responsive to this Resolution of the City Council.

ADOPTED, by the Lake Elmo City Council on January 4, 2005.

	Dean A. Johnston, Mayor	
ATTEST:		
Martin J. Rafferty, City Administrator		

## **CDBG/HOME Application for Funds**

**Washington County Community Services** 2005 Community Development Block Grant (CDBG) and HOME Investment Partnership Program Funds

Applicant Name:

City of Lake Elmo

Project Name:

Cimarron Gas Service Rehab Phase 2

Total Funds Requested:

\$72,000

All proposals are due to Washington County Community Services no later than Friday, December 17, 2004 at 5:00 PM.

Note: Documentation of approvals by governing boards will be accepted through

January 3, 2005.

### Submit to:

**Diane Elias Washington County Community Services** 14949 62<sup>nd</sup> Street North, PO Box 30 Stillwater, Minnesota 55082

Submit 15 complete copies of the application and attachments

The following items are to be submitted with your proposal. Please provide an explanation for any items not attached or not applicable.

CDBG/HOME Application for Funds
Resolution or meeting minutes of governing body authorizing application for CDBG/HOME funds (if applicable). Note: These will be accepted through January 3,2005
Map indicating project location and benefit area, as appropriate. If a site has not yet been identified, please identify locations under consideration. For area benefit projects, indicate the service area boundary for the activity, including an explanation of how the service area was determined.
Written financial commitments or letters of project support from other funding sources, as appropriate.
Confirmation of 501(c) (3) status for non-profit organizations.
Other relevant information (please specify):
15 copies for Diane Elias.

For questions regarding the CDBG program or for assistance in completing this application, contact Diane Elias at 651-430-8317 or through e-mail at <a href="mailto:diane.elias@co.washington.mn.us">diane.elias@co.washington.mn.us</a>.

I. Applicant Information		
Applicant Name: City of Lake Elmo	Federal Tax ID Number:	
Contact - Name and Title: Chuck Dillerud, City Planner		
Address: 3800 Laverne Avenue	Phone: (651) 777-5520	
City: Lake Elmo	Fax: (651) 777-9615	
State/Zip: Minnesota 55042	E-Mail: Chuck.Dillerud@LakeElmo.org	
Alternate Contact: Kim Schaffel	Phone: (651) 777-5510	
II. Project Overview  Title: Cimarron Gas Service Rehab		
City funded a 2003 inspection of the oldest 200+ of the manu determined that all or nearly all of the homes inspected show installations of the gas service lines warranting replacement the 2004 CDBG program on a grant program to assist low/m costs of replacing the deteriorating gas lines. Vendor propose winter 2004-2005, and all work possible within the \$48,000 C summer. It now appears that up to 90 homes can be addressed. The proposed 2005-2006 CDBG project will continue the grant that will remain to be addressed from the inspection outcome.	nes under/in their homes from the meter to the appliances. The factured homes in Cimarron (some about 40 years old), and red signs of deterioration as well as non-code compliant in a current code compliant manner. The City decided to focus red income (most low or very low income) home owners with the relational state of the replacement program will be solicited during he allocation to Lake Elmo will be completed by early red from the 2004 funding.  The program for gas service line replacement on the 110+ homes respond to the solicited first phase. Since not all homeowners a 2005-2006 grant of \$60,000 should complete the remainder of vice line replacement. In addition, the 2005 Program will factured homes.	
Cimarron Manufactured Housing Neighborhood at the Corn Activity Type:	er of 10 <sup>th</sup> Street North and Lake Elmo Avenue	
Acquisition of real property Commercy Public facilities and improvements Economi Clearance and demolition Historicy	cial/industrial rehab	
Cost and Schedule:		
Total Funds Requested: \$72,000	Total Estimated Project Cost: \$ 79,500	
Proposed Start Date: July 1, 2005	Proposed Completion Date: December 31, 2005	

III. Priority Need	
Choose the appropriate project category below. Check activity to be funded by CDBG/HOME Funds.	all categories that apply to that part of the proposed
All applications must address a medium or high priority need as it can be viewed at <a href="http://www.co.washington.mn.us/info">http://www.co.washington.mn.us/info</a> for resid High priority needs will receive preference over medium priority	ents/community services/housing and community development/
Note: For projects assisting <u>current homeowners</u> check the For projects assisting <u>first-time homebuyers</u> check the	appropriate "Owner" category below. e appropriate "Renter" category below.
<u>Housing - HIGH Priority</u>	Housing - MEDIUM Priority
Renter, 2-4 persons related, very low income Renter, 2-4 persons related, low income Renter, 5 or more persons related, low income Renter, 5 or more persons related, low income Renter, 5 or more persons related, moderate income Renter, elderly, 62 years or over, very low income Renter, elderly, 62 years or over, low income Owner, very low income Owner, low income Special populations (persons with mobility impairments; mental, physical or developmental disabilities; HIV/AIDS, alcohol or drug addictions that may require housing with supportive services)	Renter, 2-4 persons related, moderate income Renter, elderly, 62 years or over, moderate income Owner, moderate income
Community Development - HIGH Priority	Community Development - MEDIUM Priority
Parks / recreation facilities Water / sewer improvements Street improvements Sidewalks	Neighborhood facilities Flood drain improvements Other infrastructure needs Crime awareness programs

Other anti-crime programs

Commercial / industrial rehab

Parking areas (Note: parking areas are only funded when required as part of another activity addressing a

Child care centers Senior centers Other senior projects

high priority need)

Sewer improvements

Youth centers

IV. National Objective

and Urban Development. Choose the appropriate National Objective (A, B or C) and answer the questions related to the chosen objective. Benefit to Low and Moderate Income (LMI) Persons Area Benefit (An activity that benefits all residents in a particular area, where at least 38.8% of the residents are LMI,) 1. Which census tracts / block groups are to be served by this project? Include a map of the service area. Tract 070402, Block Group 3 b. How many residents live in the service area? Approx. 1550 What is the percentage of LMI persons in the service area? (HUD LMI data is available from Washington County staff. Call 651-430-8317 for more information.) 42% What documentation was / will be used to determine the percentage of LMI persons in the service area? HUD / Census data Survey (If a survey will be used, please attach a draft.) Limited Clientele (An activity that benefits a limited number of people, of which at least 51% of those served are LMI.) How many persons do you anticipate serving in the upcoming year? How many LMI persons do you anticipate serving in the upcoming year? How many clients will be served with CDBG funds? Does this project benefit any specialized population such as: Disabled Elderly Homeless Other (Please explain) Housing An activity that provides or improves permanent residential structures. For rental units, one- and two-unit structures must be occupied by LMI households and three-plus unit structures must be occupied by 51% low/moderate income households. For owner occupied, 100% of the units must be sold to LMI households. ☐ Economic Development (An activity that creates or retains permanent jobs, of which, at least 51% must be made available to LMI persons and one must be created for every \$25,000 in funds provided.) How will this project principally benefit LMI residents of Washington County? A significantly higher percentage of Cimarron Neighborhood residents likely qualify as L/M than "Area Benefit" Block Group data suggests. In fact, it is also likely that this neighborhood also contains significant numbers of Low (and Very Low) income residents due to the relative affordability of the housing resource. The health, safety and peace-of-mind of the individual unit owners and that of those of the entire neighborhood will be enhanced by the outcomes of this project. How many persons / households will benefit from this project? Up to 110 Households Very low-income beneficiaries (30% of Area Median Income or below) **Estimate 25 Very Low Income Households** Low-income beneficiaries (31-50% of Area Median Income)

**Estimate 85 Low Income Households** 

Moderate-income beneficiaries (51-80% of Area Median Income)

To be eligible to receive funds, projects must address a National Objective as defined by the Federal Department of Housing

	4.	How will the client / participant population be determined?
		Income Verification Provide a description of the procedures, policies and guidelines which will be used to collect and verify income. Attach forms your organization will use to collect required income data. (Note: Income verification is required for all housing activities.)
		Special Needs Population Special needs populations presumed to be principally low and moderate income include abused children, battered spouses, migrant farm workers, persons living with AIDS and persons which are elderly, severely disabled or homeless.
		Area-Wide Need Area benefits may be provided to residents within a specific, defined geographic area with a low-mod population no less than 38.3 percent. Describe how the project service area was determined. Include a map of the service area.  Tract 070402, Block Group 3 (42% LMI)  Other (please explain)
В.		Reduce or Eliminate Slum or Blight  An activity that helps to prevent or eliminate slums and blighted conditions. Properties receiving funds under this category must ultimately be used for an activity that benefits LMI persons.
	1.	Area Basis: Activities that target a designated area. (Please include a census tract map indicating the slum/blight area.)
	2.	Spot Basis: Activities that target a specific site that may or may not be in a slum or blighted area. (Please attach a location map and photos of the site.)
	3.	Briefly explain how the elimination of blight will be accomplished. How was blight determined?
	-	
С.		<u>Urgent Community Need</u> (Activities that address an unforeseen situation that has occurred within the last 6-12 months, that poses a serious and immediate threat to the health or welfare of the community, and for which no other financial resources are available to meet such need.
	1.	Briefly explain the nature of the need, how it affects the community (threats to health or welfare), and timing (when did the situation originate; when did it become serious).
		This project also qualifies as meeting a Urgent Need based on the potential for gas-related incidents. The inspections that were carried out in 2004 have confirmed that serious deterioration and improper gas service line installations are common with this oldest grouping of homes.

### V. Project Information

### Narrative

On a separate page, please address the following:

### A. Project Need and Impact

- How does the need for the proposed activity compare with other human / infrastructure needs?
- How was the need for this project determined?
- Is it a local priority?
- How will Washington County residents benefit from this project?
- How will the project be affected if funding is not provided at the requested level?
- Attach any third party materials which document the need for this project (feasibility studies, market research, waiting lists, planning reports, etc.).

### **B.** Immediacy

- Describe any site selection, policy, regulatory, marketing or other steps that will be necessary once CDBG funds are available.
- Is all the necessary financing in place? What other sources of funding are being considered for this project?
- How soon will CDBG funds be spent? Include a drawdown / spending schedule.

### C. Management Capacity

- How will this project and expenditure of funds be managed?
- Describe the roles / responsibilities of individuals involved in project implementation?
- Who will be responsible for income verification / documentation?
- Will any portion of the project be subcontracted to another organization or firm?

### VI. Budget

Total Project Cost:

\$ 79,500

Total Funds Requested:

\$ 72,000

Request of funds as % of Total Cost: 91%

Amount	Committed	Pending
\$ 7,500	7,500	9 Pending
<b></b> \$	9 Committed	9 Pending
<u> </u>	9 Committed	9 Pending
<u> </u>	9 Committed	9 Pending
<u> </u>	9 Committed	9 Pending
\$	9 Committed	9 Pending
otal: \$ 7,500	\$7,500	
	\$ 7,500 \$ \$ \$ \$ \$ \$ \$	\$ 7,500 7,500 \$ 9 Committed

Expenses (please itemize*)		Requested	Other	TOTAL
Gas Service Replacement Grants to LMI Residents		\$ 72,000	\$	\$ 72,000
Program Administration – City In-Kind		\$ 7,500	\$	\$ 7,500
		\$	\$	\$
***************************************		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
	Total:	\$ 79,500	. \$	\$79,500

<sup>\*</sup> Itemize project expenses, using the following as applicable to your project:

### **Acquisition and Improvement Costs**

Purchase price, closing costs, site improvements, clearance of toxic contaminants, etc.

### Construction/Rehabilitation Costs

Site improvements, construction (labor, materials and supplies), installation, permits, etc.

### **Professional Fees and Personnel Costs**

Architectural, engineering and code inspection fees, surveys, appraisals, legal fees, hazardous materials surveys, project management, etc.

### **Other Development Costs**

Relocation, financing costs, environmental reviews, environmental studies, etc.

I certify that the information contained in thi falsifications, intentional omissions, or conce	is application is true and correct and that it co calment of material facts.	ontains no misrepresentations,
I further certify that no contracts have been a no contracts will be awarded, funds committe County.	awarded, funds committed or construction be ad or construction begun prior to receipt of a	gun on the proposed project, and that 'Notice to Proceed' from Washington
Signature of Authorized Official		Date
Name of Authorized Official		
Title		
applications submitted by cities or townships must be ouncil or town board.	e signed by the mayor, town board chair, or city ma	nager and must be authorized by the city
applications submitted by nonprofit organizations mu	ast be signed by an authorized representative and m	ust be authorized by the governing board.

A copy of the meeting minutes or the resolution authorizing the project must be submitted with the application.

### <u>Lake Elmo</u> — Background for 2005 CDBG Application

The 2005 Lake Elmo CDBG Program will be a continuation of the 2004 Program for the Cimarron Manufactured Housing Neighborhood. This 505 home neighborhood constructed in the late 1960's in East Oakdale Township; and, was incorporated into the City of Lake Elmo later - at the time that the City and Township were legally combined to form the City as it exists today. The site is privately owned, with self-contained central water supply and central wastewater treatment systems. Cimarron was originally designed and constructed as a freestanding project with (then) state-of-the-art affordable housing units ("Movillas") that were architecturally custom- designed for this neighborhood, but resembled standard manufactured housing structurally. Over the ensuing 40 years many (but not all) of the original Movilla units have been replaced on the site by conventional manufactured housing units.

A primary infrastructure concern of the City (and its Fire Department), the park owner and many of the park residents continues to be the condition of the private gas line connections to the individual manufactured housing units. While this private utility infrastructure component is usually inspected and renewed as units are exchanged on the sites, many sites have units where those connections that have neither been inspected nor renewed for nearly 40 years; and, many more for a decade or more. Two potential issues are of particular concern to all parties:

- 1. While manufactured housing units are well anchored to resist major movements, there remain undetected movements of every manufactured housing unit that are not found with footings-supported housing. Deterioration of gas (and other utility connections) will be a more likely under those circumstances.
- 2. Over the past several decades successive owners of the units have modified gas service piping and valving to suit their purposes without permits or inspections.
- 3. The "spot" housing unit density of the Cimarron Neighborhood is well in excess of a conventional housing development at least a suburban neighborhood. While a gas related incident may be devastating for one or two adjacent homes in a conventional neighborhood, it is likely that the same incident would affect several homes in a manufactured housing environment.

CDBG Programs funded with earlier Lake Elmo CDBG Grant funds designated for Cimarron Neighborhood Projects undertook the following tasks:

- 1. From City Records, the age structure of all private gas connections within the 505 unit Cimarron Neighborhood was determined. City staff will undertook this task using historic City (and Township) paper records. The purpose of this task was to determine the relative priority of units for inspection and renewal oldest of highest priority.
- 2. Using the unit priority list generated by Task #1, the City contracted with a qualified gas installation inspector to review individual units for gas connection integrity. The

outcomes of this inspection program were reported with the CDBG project close-out documentation submitted the County. Based on the inspection of the oldest 200+ units in Cimarron it was found that there were significantly more problems of gas service deterioration, improper initial installations, and potentially dangerous modifications to those services than had been anticipated. Virtually all of the 200+ units inspected were found to have gas service line safety issues in need of mitigation. In most cases the entire gas service line run from meter to appliances was found to be deficient and potentially dangerous to occupants and surrounding units.

While the City's intent was to utilize the 2004 CDBG allocation to continue the gas service inspection program to the remaining units of Cimarron, review of the report of inspections to date by the City Community Improvement Commission resulted in a recommendation to the City Council to modify the 2004 Program to immediately begin replacement of the gas services found to be deficient. Recognizing that the majority of the Cimarron residents (particularly those occupying the older units) were either of low or very low incomes, the 2004 CDBG allocation was designated as a City –administered grant program to insure all residents (regardless of personal resources) would undertake the necessary corrections to their gas services – essentially replacement from meter to appliances.

Since most of the work necessary to accomplish the gas service replacements is under the units, moderate weather is required to complete the work. The City has established a schedule that will complete all of the contractor selection and necessary ordinance amendments that are prerequisites to this work during the 2004-2005 winter months, with the work to be initiated in Spring 2005. Work should be completed in 60-90 days. We presently estimate that the necessary replacements will run \$500 per unit. Grant funds will be available to complete as many as 90 units occupied by low and very low income owners.

### 2005 Lake Elmo CDBG Program Description

The 2005 Lake Elmo CDBG Program will be to continue the grant program for gas service replacements in the Cimarron Manufactured Housing Neighborhood. Over 100 units of the 200+ units that were initially inspected and found to be in need of gas service mitigation will remain to be addressed after the 2004 grant program funds are exhausted by mid 2005. The problems already identified with those units will remain unresolved (except those in units where the owners have the means to themselves contract and pay for the work – few, we expect). The City will, by the July1, 2005 CDBG new program year for which this application is made, have substantial experience with the gas service line grant program and the resulting work. The movement into the 2005 program should be essentially seamless.

The proposed 2005 Lake Elmo CDBG Program consists of continuation of the gas service replacement grant program initiated by the 2004 Program to as many as 100 additional units – essentially completing the replacement work found to be required by the earlier inspection of the 200+ oldest Cimarron units. **Grant funding requested -** \$72,000. The local "in-kind" administrative services match for program management will be \$7,500.

Since the 2005 Cimarron program will have a "running start" from the on-going 2004 Program, we anticipate completion of the replacement work and new inspections by 12/31/05.

### **Project Need and Impact**

The City's priorities and strategy for CDBG programs are annually reviewed and recommended to the City Council by the City's Community Improvement Commission. It is that body (the Commission) that considers the City's human/infrastructure needs and assigns local priorities for CDBG (and other) local initiatives. The Commission both recommended the change of focus for the 2004 program (from that assumed prior to the receipt of the inspections), and specifically recommended the 2004 and 2005 CDBG programs by the City be directed to fixing the obvious public health and safety issue in Lake Elmo's (and one of Washington County's) largest concentration of very low, low, and moderate home owners.

As noted above, one of the County's largest concentrations of low/mod homeowners will benefit from this project. Owner occupied housing for low/mod residents remains in particular short supply in the eastern portions of the County. Preservation of the health/safety of the Cimarron housing resource would appear to be an important County consideration for funding. Cimarron is as much a County housing asset as it is a City housing asset.

Should this application not be funded, the probability that as many as 100 Cimarron units (and likely more – subject to the inspections proposed) will remain a potential hazard to themselves and their neighbors is substantial. Every year that is lost for lack of funding is a year more of gas service line deterioration – particularly with the oldest 200 units in the neighborhood.

### **Immediacy**

See 2005 Program Description above.

### **Management Capacity**

The project and expenditures will be managed by existing City staff. The overall project management responsibility will be assigned to the City Planner/Assistant City Administrator, with a member of the City Support Services Staff (Kim Schaffel) providing day-to-day services to the program. The City may contract for income

verification services from the Washington County HRA, should individual family income verification be required.

### **Citizen Participation**

Citizen participation has been the key ingredient leading to the present Cimarron Private Utilities project, and the proposed 2004 continuation and possible broadening of that project. At the meeting of the County Board at which the 2000-2003 Lake Elmo CDBG Program was approved a resident of the Cimarron Neighborhood addressed the Board endorsing the partial allocation of those funds to a Cimarron project that was then not well defined,

She noted the importance of Cimarron as one of the few housing resources remaining in Washington County and Lake Elmo available to families of Moderate, Low and Very Low incomes. She also noted that Cimarron was nearing 40 years of age, and work was likely necessary if it was to remain a viable housing resource. She concluded that most of the Cimarron residents were proud of their neighborhood, and feared that the resource may be lost to the County unless the City contributed to efforts to maintain the neighborhood's viability.

During 2003 the Lake Elmo City Council officially formed the Lake Elmo Community Improvement Commission by Resolution. One of the clearly understood charges to this new citizen advisory body was to better address the needs/concerns of the needs/concerns of the Cimarron Neighborhood. Two of the five initial members of the Community Improvement Commission represent the Cimarron Neighborhood (one as a resident, and

the other as a representative of Project ownership). It has been this advisory Commission to the City Council that has both created the present natural gas connections inspection program; and which has recommended 2004 Lake Elmo CDBG funding be allocated to continuation of that program; and, possible transition to a grant program to assist Low and Very Low income Cimarron Neighborhood property owners to make the required gas connection improvements.

Lake Elmo
City Council
January 4, 2005

Agenda Section: CITY ADMINISTRATOR'S REPORT

No. 11. A.

Agenda Item: Met Council Discussion/Negotiations

### **Background Information:**

Over the last several months the city has been negotiating with the leadership of Met Council subsequent to the Supreme Court ruling and supportive meetings with the Governor and his staff.

As discussed in an earlier report, the negotiations had been off track due to election activities and results. A meeting was scheduled for last week however, due to illness the meeting had to be cancelled. New dates have been identified but not yet confirmed.

Mayor elect Dean Johnston has requested the City Council confirm by motion the Met Council Negotiating Team as: Chuck Dillerud, Dean Johnston, and Martin Rafferty with Mayor Johnston as Chair. The Team would report to the progress to Council at each meeting as appropriate.

As you know, all settlements with the Met Council could be approved by a majority vote of the Lake Elmo City Council.

Action Items:	Person responsible:
A motion establishing the official negotiation team.	Martin Rafferty, Administrator
Attachments:	