

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

Lake Elmo City Council

Tuesday, January 17, 2006

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 6, 2005, January 3, 2006

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INFORMATIONAL:

(1) Lake Elmo Jaycees Donation

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

4. CONSENT AGENDA

A. (1) Resolution No. 2006-007: Approving Claims

(2) Resolution No. 2006-008: Approving Claim

B. Pay Scale Adjustment

C. Trade-in 321 Case Loader for 580 Case Backhoe

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

5. FINANCE

6. NEW BUSINESS

A. Organizational: Planning Commission Appointments

B. Organizational: Parks Commission Appointment

C. Mayor – Four Year Term

<p>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u> A. Maintenance Dept. – Gen Set (generator) B. Update on Building Dept. Activities: Jim McNamara</p>		
<p>8. <u>CITY ENGINEER'S REPORT:</u> A. Public Hearing: Water Systems Interconnection Phase IV Project: Resolution Ordering Plans and Specs – Resolution No. 2006-09</p>	Tom Prew	
<p>9. <u>PLANNING, LAND USE & ZONING:</u> A. Austad/Pierre/Hurt – Wastewater Treatment B. Appeal of Administrative Determination: Gormans Restaurant C. Appeal of Administrative Order - Rod Sessing</p>	C. Dillerud	
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p>		
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u> A. Appointment of Fire Chief to Full Time Status B. Begin Hiring Process on Assistant City Planner and Engineer C. Set date for Council/Parks/Washington County Technical Committee meeting D. Fire Department Operational Policy Manual</p>		
<p>12. <u>CITY COUNCIL REPORTS:</u> A. Mayor Johnston B. Council Member Conlin C. Council Member DeLapp D. Council Member Johnson E. Council Member Smith</p>		

LAKE ELMO CITY COUNCIL MINUTES

DECEMBER 6, 2005

1. AGENDA
2. MINUTES; November 15, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL
 - A. Public Inquiries
 - B. Public Informational
 - (1) Donation to Lake Elmo: Betsy Lundquist
 - (2) John Elholm – Lake Elmo Park Reserve Master Plan
4. CONSENT AGENDA:
 - A. Resolution No. 2005-128: Approving Claims
 - B. Resolution No. 2005-130: Statutory Tort Limits on Liability Insurance
 - C. 2006 Liquor Licenses
 - D. Resolution No. 2005-129: Partial Payment to Tower Asphalt for Hilltop Avenue
 - E. Workers' Compensation for Elected Officials; Resolution No. 2005-140
5. FINANCE:
 - A. Tax Levy Adoption: Resolution No. 2005-131
 - B. General Fund Budget: Resolution No. 2005-132
6. NEW BUSINESS:
 - A. Out-of-State Travel Policy for City Council: Resolution No. 2005-133
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Fire Department: Promote Mutual Aid Agreement; Resolution No. 2005-134
 - B. (1) Building Department: Update on Building Activities
(2) Council Discussion of Side Yard Retaining Wall – verbal
(3) Relationship of Garage to Home Size – Verbal
8. CITY ENGINEER'S REPORT
 - A. Resolution No. 2005-135: Accept Feasibility Report for Phase IV Water System Interconnect Project and Order Public Hearing
 - B. Agreement for Overhead Street lighting on 10th Street and Keats Avenue
 - C. Revised Authorization for Professional Services: Civil Defense Sirens - Verbal
9. PLANNING, LAND USE, AND ZONING:
 - A. Final Plat, Final PUD Plan and Site Plan – United Properties: Resolution No. 2005-136
 - B. 2006-2010 Capital Improvements Program (CIP): Resolution No 2005-137
 - C. Final Plat and Development Agreement: Sanctuary of Lake Elmo; Resolution No. 2005-138
 - D. CDBG Application; Resolution No. 2005-139
10. CITY ATTORNEY'S REPORT:
 - A. Council Discussion Public Communication Personnel Issues – Council Member Johnson – verbal

11. CITY ADMINISTRATOR'S REPORT:

A. Snowmobile Ordinance; Ordinance No. 97-164

B. 3M Park Donation – Verbal

12. CITY COUNCIL REPORTS:

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

1. AGENDA

5A. Public Hearing tax adoption; Nov 1st meeting minutes reconsidered; 10B. Update by City Attorney on closed session.

M/S/P Johnson/DeLapp - to approve the December 6, 2005 City Council agenda, as amended. (Motion passed 5-0).

2. MINUTES: November 15, 2005

M/S/P Johnson/Smith - to approve the November 15, 2005 City Council Minutes, as amended. (Motion passed 4-0-1: Abstain:DeLapp).

MINUTES: November 1, 2005.

M/S/P Johnson/Johnston - to reconsider amending November 1st City Council Minutes. (Motion passed 5-0)

Amendments to November 1st Council meeting will be in bold print.

3. PUBLIC INQUIRIES/INFORMATIONAL

A. Public Inquiries

Susan Dunn asked if the Lake Elmo Comprehensive Plan had been submitted to the neighboring communities and the Met Council. The City Planner responded that the City's Comp plan had been submitted to the Metropolitan Council and the neighboring communities, school districts and Watershed Districts. He explained when the Met Council staff received the Plan for review there were things they would like to see and found it incomplete... recognizing what they are defining what is complete.

Council member DeLapp asked for a detailed set of minutes of the November 19th hearing where Council members Johnston and Smith, Administrator Rafferty and Planner Dillerud met the Met Council staff members. He said the purpose of the meeting was to discuss litigation deficiencies the Met Council staff expected to see in the Comprehensive Plan.

B. Public Informational

(1) Donation to Lake Elmo: Betsy Lundquist

Brad Winkels, President of the Lake Elmo Fire Relief Association, read a letter from the Lundquist family describing their father, Bill Lundquist, as a man who always wanted to be involved in his community. Bill Lundquist supported the Lake Elmo Fire Department and touted their skill and needs to everyone and made a \$20,000 donation to the relief association.

M/S/P DeLapp/Conlin – to install a plaque of thanks on the wall of the Lake Elmo Fire Station in recognition of Lundquist donation to the Firemen Relief Association and the community over the years. (Motion passed 5-0.)

(2) John Elholm – Lake Elmo Park Reserve Master Plan

County Parks Director Jim Luger and Larry Walker, reviewed the Lake Elmo Park Master Plan draft that contained additions of a natural & cultural resource protection/restoration, interpretation, camping, picnicking, water based facilities, trails (cross country ski trails) (mountain bike) (paved trails), miscellaneous facilities (archery) (winter recreation)

John Elholm, Washington County Senior Parks Planner, stated that most of the plan was based on public comments. Suggestions were approved or rejected based on how well the proposed item fit into the area and the park's purpose

Mike DeNoma, who lives on Klondike Avenue, said he supported what they have done but had concerns on who pays the cost of this unimproved road.

The City Planner responded this is a critical part of the systems plan which focuses on the Old Village that we never had before. This will be a City project.

Mr. Luger said the County officials are expecting to have a final draft available in early January with a public hearing tentatively slated for February or March. The County board will vote on the plan after the public hearing, and if approved, it would be sent to the Metropolitan Council for review. The reserve is a regional park and as such, the council works with the county to develop policies that fit into the overall system and its priorities.

Mr. Elholm said this is really a vision for the next 15 years. There may be nothing happening even with the plan in place for years. It guides development as funds become available.

Council member DeLapp asked questions - if there is a provision for ultimate buyout, what are the current canopy and the proposed canopy. Mr. DeLapp said he received a letter from Bob Schumacher, Chair of the Lake Elmo Parks Commission, asking where these trails came from. Mr. Luger said he would take all the questions and add to the draft which will be made public.

The Council said it appreciated the opportunities for discussion because preserving the park reserve is a very important item to Lake Elmo.

M/S/P DeLapp/Conlin - to schedule a workshop meeting with our three City representatives on the Lake Elmo Park Master Plan Draft Committee and extend an invite to the Parks Commission. (Motion passed 5-0.)

4. CONSENT AGENDA:

A. Resolution No. 2005-128: Approving Claims

M/S/P Johnson/Conlin - to approve Resolution No. 2005-128, A Resolution Approving claim numbers 292 through 295, DD573 through DD582, 28269 through 28308 which were used for Staff Payroll dated November 23, 2005; claims 28309 through 28350, in the total amount of \$448,493.35. (Motion passed 5-0).

B. Resolution No. 2005-130: Statutory Tort Limits on Liability Insurance

The Finance Director reported the City obtains liability coverage through the League of Minnesota Cities Insurance Trust for buildings and vehicles. The coverage also 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.

He noted that the City has elected not to waive the tort liability and staff recommended that the City adopt a resolution stating that the City does not waive the monetary limits on municipal tort liability.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-130, A Resolution Stating the City of Lake Elmo Does Not Waive the Monetary Limits on Municipal Tort Liability. (Motion passed 5-0).

C. 2006 Liquor Licenses

M/S/P Johnson/Conlin - to grant a 2006 On-Sale intoxicating liquor and On-Sale Sunday intoxicating license to 3M Club of St. Paul (Operators of Tartan Park) and to the Machine Shed Restaurant by Heart of America Restaurants and Inn; based on approval of the Washington County Sheriff's Department. (Motion passed 5-0).

M/S/P Johnson/Conlin - to grant a 2006 On-sale intoxicating liquor, Off-Sale intoxicating liquor, and On-Sale Sunday intoxicating liquor license to the Twin Point Tavern and Lake Elmo Inn; based on approval of the Washington County Sheriff's Department. (Motion passed 5-0).

D. Resolution No. 2005-129: Partial Payment to Tower Asphalt for Hilltop Avenue

The City Engineer reported that Tower Asphalt has completed the 2005 Street Repairs-Hilltop Avenue. The only work remaining is to make sure the grass seed comes up in the spring. The City Engineer recommended approval of Partial Payment No. 2 in the amount of \$115,822.71.

M/S/P Johnson/Conlin - to approve Resolution No 2005-129, A Resolution Approving Partial Payment to Tower Asphalt in the amount of \$115,822.71 for work completed on 2005 Street Repairs-Hilltop Avenue, as verified by the City Engineer in his memo dated December 1, 2005. (Motion passed 5-0).

E. Workers' Compensation for Elected Officials; Resolution No. 2005-140

The Finance Director reported Minnesota Statute 176.001 subd.9, (5) provides that "municipal officers elected or appointed for a regular term of office" are considered to be employees for workers' compensation purposes only if the City has passed an ordinance or resolution to that effect. This would provide coverage for elected officials injured while performing his or her duties.

M/S/P Johnson/Conlin - to approve Resolution No. 2005-140, A Resolution Regarding Workers' Compensation Coverage for Elected Officials. (Motion passed 5-0).

5. FINANCE:

A. Tax Levy Adoption: Resolution No. 2005-131

The Mayor opened up the subsequent Hearing at 8:47 p.m. in the City Council chambers. There were no comments.

The Mayor closed the Hearing at 8:48 p.m.

The Finance Director provided two resolutions for Adoption of the Final 2006 Budget and Levy. He reported the 2006 proposed tax rate remains the same as 2005 and reflects an 11.74% increase in the Levy which is attributed to an increase in property valuations. Future development related fees accounts for 88% of the total increase in revenue.

M/S/P Johnston/Smith - to adopt Resolution No. 2005-131 Adopting the Final Tax Levy in the total amount of \$2,149,940. (Motion passed 5-0).

B. General Fund Budget: Resolution No. 2005-132

M/S/P Johnston/DeLapp resolution No. 2005-132, A Resolution Adopting the proposed 2006 General Fund Budget in the amount of \$3,566,804. (Motion passed 5-0).

6. NEW BUSINESS:

A. Out-of-State Travel Policy for City Council: Resolution No. 2005-133
State Statutes 471.661 states that by January 1, 2006, the governing body must develop a policy that controls travel outside the State of Minnesota for the applicable elected officials of the relevant unit of government. A draft policy was provided for Council review.

M/S/P Johnson/DeLapp – to delete “reasonable” and in #6 as amended add after tips “under \$10”. (Motion passed 5-0.)

M/S/P Smith/DeLapp - to approve Resolution No. 2005-133, as amended, the City of Lake Elmo Elected Officials (Mayor and City Council) Out-of-State Travel Policy. (Motion passed 5-0).

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Fire Department:Promote Mutual Aid Agreement: Resolution No. 2005-134

At its November 15th meeting, the City Council delayed action on this item so that the Fire Chief could provide the March 10, 2005 memo which lists the nine steps needed for initial implementation. The Council received a copy of this memo.

M/S/P Johnson/Smith - to adopt Resolution No. 2005-134, A Resolution Promoting the Use of Intrastate Mutual-Aid Agreements. (Motion passed 5-0).

B. (1) Building Department:Update on Building Activities

The Building Official reported there were two new residential building permits issued and no new commercial building permits for the month of November.

(2) Council Discussion of Side Yard Retaining Wall – See City Attorney’s Report

(3) Relationship of Garage to Home Size – See City Attorney’s Report

8. CITY ENGINEER’S REPORT:

A. Resolution No. 2005-135:Accept Feasibility Report for Phase IV Water System Interconnect Project and Order Public Hearing

The City Engineer provided and summarized a Water Systems Interconnection Phase IV Feasibility Report. He said the City has undertaken a project to build an elevated storage tank at the new Public Works site near the Intersection of Ideal Avenue and TH5. A trunk water main is necessary to connect the water tower to the remainder of the water system. He said to accomplish this; a 16-inch water main is required from the water tower to the intersection of CSAH6 and TH5. This water main would lie in the south boulevard of TH5. There are a few commercial properties along TH5 that will receive a benefit and will have the ability to connect to this water main.

M/S/P DeLapp/Johnson - to adopt Resolution No. 2005-135, A Resolution Receiving the Feasibility Report and Calling A Hearing for January 17, 2006 on the Water Systems Interconnection – Phase IV Project. (Motion passed 5-0).

Council member DeLapp brought up his concern on the City not requiring sprinkling the buildings because of the interpretation of State Building Codes and Standards. Council member DeLapp will work with staff on reinstating the sprinkling ordinance.

B. Agreement for Overhead Street Lighting on 10th Street and Keats Avenue

The City Engineer reported Washington County is requesting that the City enter an agreement to place a street light at the intersection of CSAH10 and CSAH19 near the entrance to the Park Reserve. Because of the size of the intersection, two lights may be necessary to adequately light it. He said this is a standard agreement which calls for the County to prepare the plans and the City to pay for the electricity and maintenance. The City Engineer recommended approval of this agreement with the stipulation that the light is a shoe box style or cut-off cobra head that meets City Code.

Council members asked what the basis was for this street lighting request and asked the City Engineer to go back to Washington County to find out their reasoning and purpose behind this request.

M/S/P Johnson/Conlin – to direct the City Engineer to contact Washington County as to the purposed behind the overhead street lighting request on 10th Street and Keats Avenue and bring back the reasoning to the Council. (Motion passed 5-0)

C. Revised Authorization for Professional Services: Civil Defense Sirens - Verbal

The City Engineer reported the City will provide civil defense coverage to that portion of the City not presently covered, in accordance with the Fire Protection Need Study done by DSU Research dated March 2005. Compensation for the services shall be an estimated amount of \$14,626.

M/S/P Johnson/Johnston - to approve the revised authorization for professional services for civil defense sirens. (Motion passed 3-2: DeLapp said the numbers of sirens are excessive, Smith)

9. PLANNING, LAND USE AND ZONING:

A. Final Plat, Final PUD Plan and Site Plan – United Properties: Resolution No. 2005-136

The City Planner reported the Planning Commission recommended approval of the Final Plat, Final PUD Plan and Site Plan submitted by United Properties to create a 3.7 acre lot as Eagle Point Business Park 5th Addition and construct a 30,000 square foot office building at the northwest corner of Hudson Blvd. and Eagle Point Blvd.

The Planner explained the applicant's graphics and documentation found the proposal compliant with applicable City Code and PUD Plan requirements and the applicant has agreed to adjusting the location of the building a few feet easterly (to overcome a setback variance) and submit a photometric plan for the exterior lighting of the site.

M/S/P DeLapp/Smith - to adopt Resolution No. 2005-136, A Resolution Approving the Final Plat of Eagle Point Business Park 5th Addition and a Final PUD Plan and Site Plan for a 30,000 square foot office building on Lot 1, Block 1, Eagle Point Business Park 5th Addition. (Motion passed 5-0).

B. 2006-2010 Capital Improvements Program (CIP):Resolution No. 2005-137

The City Planner reported the Planning Commission conducted the required Public Hearing on November 28, 2005 and recommended approval of the 2006-2010 Capital Improvements Program as presented by City Staff. The Park Commission had completed its review and recommendations regarding the CIP at it November 21 meeting, and those recommendations were incorporated into the draft CIP presented to the Planning Commission.

Tom McCormick, 12276 Marquess Way N., questioned the Parks CIP, specifically the amount allotted for the Carriage Station Park, which would service 110 homes and approximately 300 children compared to the money budgeted for Heights Park servicing only 27 homes.

Council member DeLapp said he would support more money designated to Carriage Station Park.

This agenda item will be discussed at a later Council meeting.

C. Final Plat and Development Agreement:Sanctuary of Lake Elmo;
Resolution No. 2005-138

The City Planner reported Lake Elmo Development Company has provided a Final Plat and Final landscape plan for this 55/62 lot OP development on 175 acres for which the Council approved a Preliminary Plat and OP development Stage Plan/CUP on October 4, 2005. He said staff reviewed the Final Plat and construction plans and finds that the developer has complied with and/or incorporated these specific project design conditions of the Preliminary Plat approval resolution. He noted that Outlots G through M will not be legally buildable until such time as the Zoning ordinance is amended to allow 18 units per 40 Acres in OP projects as prescribed by the adopted Comp Plan. Once the code amendment is adopted by the City, the owner of the seven outlots will need to have a new Final Plat approved converting those outlots to buildable lots.

City staff prepared a Development Agreement for the project.

M/S/P Smith/Conlin - to adopt Resolution No. 2005-138, A Resolution Approving the Final Plat, Final OP Plan and Development Agreement of "Sanctuary of Lake Elmo". (Motion passed 5-0).

D. CDBG Application; Resolution No. 2005-139

The City Planner reported Washington County is soliciting 20006 CDBG applications from communities. To date the City has received CDBG contract obligations totaling \$120,000 for the Cimarron Gas Service Replacement Program. He said that program is underway, with eligibility interview complete for the initial block of 200+ homes and out of that group, 62 homeowners have been interviewed and as many as 54 will be eligible for grant assistance. Work will commence on those homes in early 2006.

The Planner explained depending on the outcome of the re-solicitation of bids for the work, it appears that the \$120,000 now under contract will be sufficient to complete the work on well under 100 homes. He suggested the Council consider again applying for CDBG funding to both inspect the balance of the CDBG units and to provide further grant funds for additional eligible home owners from the Phase 1 group and the group that results from the additional inspections. A suggested \$80,000 is applied for from the 2006 CDBG program.

M/S/P Johnston/Johnson - to adopt Resolution No. 2005-139, A Resolution Approving the City's 2006 CDBG application. (Motion passed 5-0).

10. CITY ATTORNEY'S REPORT:

A. Council Discussion Public Communication Personnel Issues – Council Member Johnson – verbal

With the variety of meetings we have, Council member Johnson voiced her concern that many times they talk about situations in the City and try to identify what has been done or not done, and sometimes come close to violating personnel laws in questioning staff performance rather than generalizing. Attorney Filla explained from a legal standpoint employees are entitled to a performance evaluation at a non public setting. If you step over the line, the rights of the employee are not being upheld.

B. Update on Closed Meeting

Attorney Filla reported on the closed meeting where he met and talked about issues in the Sessing lawsuit, things that should be expanded in the lawsuit and things that came up that the Council thought should be discussed at a public meeting such as:

(1) Size of Garage to Residential Dwelling

(2) Allowed Uses for Side Yard Setback

(Please refer to the December 5, 2005 letter from Jerry Filla, which is made part of these minutes, for his review on these sections of the code.)

Size of Garage to Residential Dwelling:

Attorney Filla reported the recent addition to the Sessing home has a first floor area that is designated as workshop/storage area. He said most residential dwelling have workshops/storage areas and such areas are considered as permissible incidental uses. Deeming the actual use of these areas will occur as part of the discovery process in a

current litigation and will impact the ultimate determination of whether the property is being used for an illegal commercial purpose or for a permissible home occupation.

Allowed Uses for Side Yard Setback:

Attorney Filla reported that in the case of the Sessing property, the City allowed field stone to be used as a form of landscaping material within the side yard area (Lake Elmo Resolution No. 99-37). He concluded that a retaining wall of some type is a permissible encroachment within a side yard setback area and that all side yard setback improvements must be maintained in an attractive and well kept condition by the property owner. Mayor Johnston stated the City has a responsibility to manage runoff and grading and implied in that responsibility is an authority to manage things that affect grading and runoff. In his opinion, the retaining wall was installed without authorization and has had a detrimental affect on runoff, therefore, he would require the retaining wall to be removed.

Attorney Filla stated that in this case the City would be hard pressed to say that the property owner could not use fieldstone on this property. He said that he didn't believe draintile was a permitted encroachment in the side yard. He said the City is on very weak grounds regarding size of garage to residential dwelling and the Council needs to tell staff what regulations they want to see regarding garage size versus house size. Then staff can tell the Council how to fix the code.

Council member Smith pointed out that the property owner has mentioned and stated in writing, which is documented, that this is a retaining wall. She noted that in her opinion the illegal structures that need to be removed are the pet containment system, which crosses the property line, the retaining wall, drainage systems, berm and restore the natural drainage and made the following motion.

M/S/P Smith/Johnston - to direct the staff to take enforcement action against the property owner of 5699 Keats Avenue by requiring all four illegal structures need to be moved to the required 10' side yard setback: the pet containment system, retaining wall, drainage system and manmade berm, the natural drainage pattern needs to be restored and a legal landscape material used in the required side yard setback (sod, seed, mulch and plantings); the removal of the structures and restoration of natural grade along with appropriate landscaping needs to be done from the screening structure on the east to the end of the retaining wall on the west. The 4" drainage pipe that runs under the driveway and is laying in the required 10' side yard setback needs to be removed and that water needs to be redirected to stay on the Sessing property. (Motion passed 5-0.)

Attorney Filla also noted that the property owner had been instructed to install gutters and change the drainage so that it goes across the driveway to the southeast. As of now, the property owner has not done as directed. The Council said they would take a wait and see what happens on this.

Joan Ziertman said it had been discussed at a previous Council workshop and she would like to know what the legal bearing would be that the inspector interpreted the code for 23 years that you cannot have more garage space than the size of the principal building. She felt this needed further discussion. Mayor Johnston responded that the City Attorney has interpreted the code, that there is no legal basis, and the City has to fix this section of the code.

11. CITY ADMINISTRATOR'S REPORT:

A. Snowmobile Ordinance; Ordinance No. 97-164

The Administrator explained he had a visit from the homeowner and the snowmobile problem has not been eliminated. The City has to have this ordinance in place in order to be enforced by the Deputies and recommended passing the ordinance.

Valdi Stefenson, representing two organizations the Stillwater Snow Lords and Star Trail, said they were in opposition to adopting this ordinance as this would be bad public policy to make a revision upon one single complaint. This ordinance will negatively impact other residents and is much stricter than state or county regulations. He said it was his understanding that the problem with the affected homeowner was resolved by moving the trail.

M/S/P Johnson/Johnston -- to adopt Ordinance No. 97-164, A Snowmobile Ordinance. As presented. (Motion passed 3-2: Conlin, Johnson).

Council member Conlin voiced her concern that in her neighborhood a snowmobile could be within 50' of a residential dwelling not owned by the operator and still be on her property because her lot is only 95' wide.

Attorney Filla said this is a common problem and asked where you draw the line. He said it's difficult to craft an ordinance to fit all neighborhoods.

M/S/P DeLapp/Johnston - to reconsider the motion. (Motion passed 5-0).

The Council tried to develop language that would meet the needs to insure the safety issue to children and prevent snowmobiles being a nuisance, but was not successful.

M/S/P Johnston/Johnson - to table this agenda item until the December 20th Council meeting. (Motion passed 5-0).

B. 3M Park Donation – Verbal

The City Administrator reported he, Chuck Dillerud, and Tom Bouthilet had a meeting with staff members from the City of Oakdale regarding the donation by 3M announced in the newspaper. He said it was a positive discussion and it was made certain that a donation of this sort would be a joint venture. They set the right tone and plan for the future in how this facility might mature into a park with a partnership. The Oakdale City

Administrator will go back and discuss with its leadership in Oakdale. He said he has met with 3M representatives as well.

Council member Johnson stated the City had not approved any partnership before the announcement in the newspaper. Council member DeLapp stated that a community playfield in this area was never part of our park plan. He said the City would be heading in the wrong direction because the plan was to centralize the ball fields in the Old Village area.

12. CITY COUNCIL REPORTS

Council Member Johnson thanked Mike Bouthilet and staff for their quick response in repairing the waterman that burst after all the snowplowing they had done.

Council adjourn the meeting at 10:56 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

DRAFT

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~~December 5, 2005~~ December 6, 2005

Mayor Dean Johnston
Lake Elmo City Council
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

RE: Accessory Structure/Building Regulations
Construction with Side Yard Setbacks
RR Zoning District
Our File No.: 11155.04-2

Dear Mayor and City Council Members:

The City's regulations (City Code 100.03) incorporate the Minnesota Statutory Rules of Construction (MS Chapter 645). In part, the State rules of legislative construction indicate that the following presumptions should apply when construing the City Code provisions:

1. The City Council did not intend a result that is absurd, impossible of execution or unreasonable (MS 645.17 Subd. 1); and
2. The City Council did intend that the entire City Code be effective and certain (MS 645.17 Subd. 2).

RELATIONSHIP OF GARAGE TO HOME

In order to ascertain the City Council's intent in regard to the use and regulation of accessory buildings and accessory structures in the RR Zoning District, it is my opinion that a person must review the definitions of accessory building, accessory structure, building, private garage, principal structure or use, and structure (all contained in City Code Section 150) in conjunction with the City Code provisions relating to the RR Zoning District (City Code 300.07 Subd. 4.B.) and the design standards for accessory buildings and structures (City Code Section 300.13 Subds. 3 and 4). When I review those sections in conjunction with each other, I conclude:

1. That the terms "accessory building" and "accessory structure" refer to detached buildings or structures.

the case of the Sessing property, the City also allowed field stone to be used as a form of landscaping material within the side yard area (Lake Elmo Resolution No. 99-37).

Based upon my review of the above sections, I conclude that a retaining wall of some type is a permissible encroachment within a side yard setback area and that all side yard setback improvements must be maintained in an attractive and well kept condition by the property owner (Lake Elmo Code 1365.05).

Very truly yours,

/s/ JPF

Jerome P. Filla

JPF:jtc

F:\users\Janice\Jerry\LE\Accessory Building-Structure Letter to Mayor and Council.doc

¹ Uses and structures which are customarily accessory and clearly incidental and subordinate to allowed uses and structures; accessory structures cannot exceed the size of the principal building.

² No accessory building used or intended for the storage of passenger automobiles shall exceed 1,000 square feet of gross area, nor shall any access door or other opening exceed the height of ten (10) feet, nor shall any structure exceed one (1) story in height except when the garages are located in business, industrial or planned unit developments.

³ On parcels of 20,000 square feet in area or less, no detached accessory building or garage shall exceed the size of the principal building in gross floor area.

2. That the owner of a 10+ acre parcel in the RR Zoning District can have one (1) 2,500 square foot detached building in addition to an attached garage.
3. That the last clause of the provisions of Lake Elmo Code Section 300.07 Subd. 4.B.2.a.¹ seems to apply to all accessory structures which, depending upon your interpretation, would include both attached and detached accessory structures; and that this clause does not further define the term "size of principal building" so that it could be interpreted to mean just the square footage of the first floor of the dwelling unit or the total square footage of all dwelling space contained in the building.
4. That the meaning of the first sentence in Section 300.13 Subd. 3.D.² depends upon whether the term "accessory building" refers to an attached building/structure or to a detached building/structure. If it refers to an attached building/structure, the area of the principal building which is intended for the storage of passenger automobiles cannot exceed 1,000 square feet. If, instead, the above referenced sentence refers to a detached building, then the area of a detached building intended for the storage of passenger automobiles cannot exceed 1,000 square feet.
5. That the restrictions of the last sentence of Section 300.13 Subd. D³ do not apply to property in the RR Zoning District.

The recent addition to the Sessing home has a first floor area that is designated as workshop/storage area. Most residential dwellings have workshops/storage areas and such areas are considered as permissible incidental uses. Determining the actual use of these areas will occur as part of the discovery process in a current litigation and will impact the ultimate determination of whether the property is being used for an illegal commercial purpose or for a permissible home occupation.

SIDE YARD RETAINING WALLS

Except for buildings that house livestock, the required side yard setback for primary and accessory buildings/structures in the RR Zoning District is ten (10) feet (Lake Elmo Code 300.07 Subd. 4.B.3). Various items, including gutters, fences, walls, hedges, trees, shrubs and plants are permitted encroachments in the side yard setback area (Lake Elmo Code 300.07 Subd. 1 and Subd. 2). Drain tile is not enumerated as a permissible encroachment within the side yard setback area. Fences are defined as "a partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure (Lake Elmo Code Section 150).

Other than the permitted side yard encroachments, side yards should be landscaped with materials such as sod, seed, mulch and plantings (Lake Elmo Code 1365.01). In

**CITY OF LAKE ELMO
CITY COUNCIL MEETING
JANUARY 3, 2006**

1. AGENDA
2. MINUTES: December 20, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. PUBLIC INQUIRIES:
 - B. PUBLIC INFORMATIONAL:
 - (1) Lake Elmo Jaycees Proclamation
 - (2) 2006 Board of Appeal and Equalization Meeting
4. CONSENT AGENDA:
 - A. Resolution No. 2006-001: Authorizing Signature for Payments of Funds from the Lake Elmo Bank
 - B. Resolution No. 2006-002: Approving Claims
5. ORGANIZATIONAL MEETING:
 - A. Election of Acting Mayor
 - B. Designation of Legal Newspaper
 - C. Designation of Official Depositories for 2006
 - D. Appointment of City Engineer
 - E. Appointment of City Attorney (Civil and Criminal)
 - F. Appointment of Financial Advisor
 - G. Appointment of Auditing Firm
 - H. Cable Operator: Steven Press
 - I. IT: Next Genesis
 - J. Animal Control
 - K. Change Council Committees to Council Workshops: Resolution No. 2006-006
6. NEW BUSINESS:
 - A. Employee and Volunteer Recognition Party
 - B. Whiting letter received December 2, 2003 - lighting
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Fire Dept.: Chief Malmquist
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
 - A. Comprehensive Plan Amendment-Trails Guide Plan: Resolution 2006-003
 - B. 2030 Comprehensive Plan Amendments: Resolution 2006-004
 - C. 2006-2010 Capital Improvements Program (CIP): Resolution 2006-005
 - D. Metropolitan Council System Statement - verbal
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:

Council recessed at 10:46 pm for a Closed Meeting.

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council Chambers. COUNCIL MEMBERS PRESENT: Conlin, DeLapp, Johnson, and Smith, STAFF PRESENT: Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, City Engineer Prew, Attorney Filla, Recording Secretary Freeman.

Pledge of Allegiance

1. AGENDA:

M/S/P Johnson/Conlin - to approve the January 3, 2006, agenda as amended.
(Motion passed 5-0).

2. MINUTES:

M/S/P Johnson/Smith- to approve the December 20, 2005, City Council minutes, as amended.
(Motion passed 5-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INQUIRIES:

Robert Meyer, Director, Ramsey Center For Arts, announced the Grand Opening and invited residents to the Ribbon Cutting Ceremony on Saturday, January 7, at 1:00 p.m.

Kathy Pelnar, Lake Elmo Animal Control Officer, commented about the untruths printed in the December 23, 2005, issue of the *Lake Elmo Leader*. She stated that she had talked with Mayor Johnston, Council Member Smith and City Administrator Rafferty. Ms. Pelnar stated that the *Leader* stands by its story.

In her 22 years of animal control, and of her four years with the City, Ms. Pelnar stated she has always responded to calls. She felt blind-sided, with the false allegations, written in the newspaper. Response time to calls is approximately 15 minutes, and 10 minutes to Cimarron. In 2005, Ms. Pelnar responded to 221 calls in Lake Elmo, of which five involved dog bites. If the City Council desired, documentation could be provided regarding her response times, actions taken and follow-up. Ms. Pelnar said no calls were received about the "...two dog bites" quoted in the article.

Ms. Pelnar stated, if allowed, she will continue to provide services for the City. She will also be submitting her contract proposals for 2006.

B. PUBLIC INFORMATIONAL:

(1) Lake Elmo Jaycees Proclamation

Josh Ackerman introduced himself as Jaycees President for 2006. Mayor Johnston proclaimed the Week of January 15-21, 2006, as Jaycees Week and urged all citizens to recognize the importance of community service to all of its citizens.

(2) 2006 Board of Appeal and Equalization Meeting

The Lake Elmo Board of Review will meet at City Hall on Wednesday, May 3, 2006, between the hours of 4:00 and 6:00 p.m., for the purpose of reviews and correcting the assessment of said Real Estate for the year 2006.

4. CONSENT AGENDA:

A. Resolution No. 2006-001: Authorizing Signature for Payments of Funds from the Lake Elmo Bank

M/S/P Johnson/Smith – to adopt Resolution No. 2006-001 authorizing Signature for Payments of Funds from the Lake Elmo Bank. (Motion passed 5-0)

B. Resolution No. 2006-002: Approving Claims

M/S/P Johnson/Smith – to adopt Resolution No. 2006-002 approving Claim Numbers 299, 300, DD594 through DD603, 28448 through 28463, which were used for staff payroll dated December 20, 2005; claims 301, 28464 through 28494, in the total amount of \$357,039.78. (Motion passed 5-0)

5. ORGANIZATIONAL MEETING:

A. Election of Acting Mayor

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.

M/no Second DeLapp – to nominate Steve DeLapp as Acting Mayor.

M/S/P Conlin/Johnston – to nominate Anne Smith as Acting Mayor for 2006. (Motion passed 5-0)

B. Designation of Legal Newspaper

M/S Johnson/Conlin - to designate the Lake Elmo Leader as the City's legal newspaper for 2006.

M/S/F DeLapp/Johnston – to amend the motion to designate the Oakdale-Lake Elmo Review as the City's legal newspaper for 2006. (Motion failed 4-1; DeLapp more research needed; Leader rates are high)

M/S/P Conlin/Johnson – to designate the Lake Elmo Leader as the City's legal newspaper for 2006, subject to Affidavit of Circulation submitted from Lake Elmo Leader. (Motion 4-1; DeLapp)

C. Designation of Official Depositories for 2006

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

M/S/P Johnson/Smith – to designate Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities. (Motion passed 4-1; DeLapp wanted the City to contact Bremer Bank since they are located in the City).

D. Appointment of City Engineer

M/S/P Smith/DeLapp - to appoint Tom Prew/TKDA as the City Engineer for 2006. (Motion 5-0.)

E. Appointment of City Attorney (Civil and Criminal)

M/S/P Smith/Johnson - to appoint Jerry Filla, Peterson, Fram & Bergman as the City Attorney, for both civil and criminal matters for 2006. (Motion passed 5-0.)

F. Appointment of Financial Advisor

M/S/P Johnson/Smith - to appoint Paul Donna, Northland Public Finance Group as the City's Financial Advisor for 2006. (Motion passed 5-0.)

G. Appointment of Auditing Firm

M/S/P Johnson/Conlin - to appoint Steven R. McDonald, CPA, Abdo, Eick & Meyers, LLP as the City's Auditing Firm for 2006. (Motion passed 5-0.)

H. Cable Operator: Steven Press

M/S/P DeLapp/Conlin – to approve the reappointment of Steven Press as the City's part-time Cable Operator at \$13.90/hour for taping and broadcasting City's meetings. (Motion passed 5-0.)

I. IT: Next Genesis

Council Member DeLapp wondered why the City chose this company, and requested an update on the City's new webpage. Finance Director Bouthilet stated the rates and services provided were 65% higher elsewhere. The new webpage should be ready in 30 days for Staff to be trained.

M/S/P Johnson/Conlin - to approve the reappointment of the computer service contract between the City and Next Genesis (Ryan Masanz). (Motion passed 5-0.)

J. Animal Control

M/S/P Johnson/Conlin – to request Proposals for Animal Control Services for 2006, and to extend contract with Kathi Pelnar as the City's Animal Control Officer through February 2006. (Motion 5-0.)

K. Change Council Committees to Council Workshops: Resolution No. 2006-006

Administrator Rafferty recommended this informal public setting as a more efficient way of learning and discussion of City items. Council Member Smith inquired who will be conducting the Council Committee meetings. Administrator Rafferty said the Mayor would be in charge and minutes kept. Council Member DeLapp requested a thorough Agenda. At the December 20, 2005, Council meeting, a Motion was made by Council

Member Conlin about televising the Workshop meetings. Motion failed. Council Member Conlin voted for the Motion because she felt it would be a learning experience for the community.

M/S/P Johnson/Conlin – Resolution 2006-006, approving the change from Council Committee structure to a Council Workshop, with meetings to be held on the second Tuesday of each month, beginning at 6 p.m. (Motion passed 4-1 DeLapp, too much goes on at the meetings, minutes not approved and meeting should be cabled.)

6. NEW BUSINESS:

A. Employee and Volunteer Recognition Party

Staff was directed to provide possible dates for The Employee and Volunteer Recognition Banquet for 2006. The City will extend invitations to all employees, community volunteers and their spouse/guest to attend.

M/S/P Conlin/Johnson – to pursue funding from the Lake Elmo Jaycees and to come back with recommendations on dates. (Motion passed 5-0.)

B. Whiting letter received December 2, 2003

Neighbors of 35th Street have requested something be done about the lighting being very bright at Animal Inn. City Planner Dillerud said the lighting met City codes when built, but he would contact Animal Inn about their concerns.

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Fire Dept.: Chief Malmquist-no report.

8. CITY ENGINEER'S REPORT-no report.

9. PLANNING, LAND USE & ZONING:

A. Comprehensive Plan Amendment-Trails Guide Plan: Resolution 2006-003 City Planner reported that the Planning Commission recommended adoption of the Trail Plan as an element of the Lake Elmo Comprehensive Plan. Glen VanWormer of SEH presented an overview of the Trail Guide Plan.

M/S Johnson/Conlin – to adopt Resolution 2006-003 Comprehensive Plan Amendment - "Comprehensive Trail Guide Plan".

Council Member DeLapp discussed 14 modifications/issues he has with the plan from a map provided to the Council. He asked that City Council adopt Resolution 2006-003. The City Planner said he would bring Council Member DeLapp's maps and concerns to the Parks Commission for further discussion, and possible future amendments to the Trails Guide Plan.

M/S/P DeLapp/Smith - to amend to review the 14 points of interest brought up by Council Member DeLapp with the process suggested by the Planner.
(Motion 5-0)

M/S/P Johnson/Conlin – to adopt Resolution 2006-003 Comprehensive Plan Amendment-Trails Guide Plan as amended.
(Motion 5-0)

B. 2030 Comprehensive Plan Amendments: Resolution 2006-004
City Planner Dillerud provided the following: Draft Planning Commission minutes from December 19, 2006, Resolution by Tom Armstrong, and redraft with edits of Old Village with text. City Planner Dillerud noted that he had provided City Council with this information on December 20, 2005.

Resident Susan Dunn addressed the need to modify the Old Village Master Plan and the need to add verbiage for buffers to existing developments, to respect the environment of the Old Village and maintain rural character.

Council Member DeLapp said that he wants to see buffers between the existing Old Village homes/businesses and new developments.

M/S/P DeLapp/Smith – Approve edited document (9A-6) by adding language assuring reasonable buffers between new developments and existing Old Village, and to respect environmental conditions.
(Motion 5-0.)

City Attorney Filla provided the City Council amended draft text for Chapter III of the 2030 Comprehensive Plan that addressed the remedial measures that appear as conditions to Metropolitan Council Resolution 2005-20. He recommended the draft text as a substitute for the text prepared by the City Planner.

Council Member DeLapp stated that the proposed text amendment is not in the best interests of the City and amounts to a punitive measure by the Metropolitan Council.

City Planner Dillerud said that the Lake Elmo City Council did not approve the remedial measures found in the December 29, 2005, Metropolitan Council Resolution 2005-20. He advised the City Council that the Metropolitan Council requires the remedial language from Resolution 2005-20 be in the Comprehensive Plan.

Resident Tom Armstrong said he opposed remedial measures as they are a penalty for being granted an extension. He explained the motivation behind the Planning Commission Motion. He asked why METC needs to put this language in the Comprehensive Plan regarding penalties for the City of Lake Elmo and no other city. It would be a contractual agreement that the City must then honor.

Resident Susan Dunn stated METC reminded the Council that they already rejected the WIF condition of Metropolitan Council Resolution #2005-20 on a 5-0 vote. She noted that METC has never had a WIF fee before; it is extortion and the City should say no to a Comprehensive Plan with WIF.

Council Member Conlin asked about the consequences to the City if the remedial conditions were not in the 2030 Comprehensive Plan.

City Attorney Filla said Paragraph 3E of the Met Council Resolution states that if the Metropolitan Council would sue the City to attain compliance, the City would pay the costs of the litigation. He also noted that if we don't comply, the MOU becomes null and void. City Administrator Rafferty stated that he sees the WIF as a remedial action and not as a penalty. If the City fails to follow the staging plan, which is part of the City's budget, the City will pay more but the City will get that money back as credits for future connection charges.

Mayor Johnston said the Metropolitan Council staff is continuing to maintain that the 2030 Lake Elmo Plan is not complete, even though City staff maintains that it is complete per usual Met Council practice, and was submitted on September 6, 2005.

Council Member Smith asked City Attorney Filla about Section 3N of Metropolitan Council Resolution 2005-20. Council Member Smith suggested that wording be added to the City's Comprehensive Plan stating, "...provided that Wastewater Inefficiency Fee (WIF) would not be imposed if imposing such a fee would be in conflict with any portions of the MOU."

City Attorney Filla said that you cannot pick and choose. You have to take the whole thing.

Resident Ann Bucheck asked if the City was guaranteeing her no assessment; no guarantee could be provided.

Council Member DeLapp stated that METC hasn't rejected the Comprehensive Plan for reasons backed by law.

Council Member Conlin would like to see something added that will help the City out in the long run.

Council Member DeLapp asked how we could guarantee our residents there would not be penalties imposed by the Metropolitan Council.

Resident Tom Armstrong said conflicts would occur if the City's Plan is submitted with any of the Metropolitan Council Resolution #2005-20 conditions included.

M/S/P Johnston/Johnson -- to adopt Resolution 2006-004 amending the 2030 Comprehensive Plan regarding the Village Area text as recommended by the Planning Commission, and regarding the City compliance with Metropolitan Council Resolution #2005-20. This Resolution was amended by Lake Elmo Remedial Measures document drafted by City Attorney Filla and City Council to become part of the Comprehensive Plan Resolution. (Motion 5-0.)

C. 2006-2010 Capital Improvements Program (CIP): Resolution 2006-005
The City Planner recommended adoption of the 2006-2010 CIP for Council consideration.

M/S/P Johnston/Smith – to adopt Resolution 2006-005, adding \$25,000 to the Carriage State Park. (Motion passed 5-0)

D. Metropolitan Council System Statement – verbal
The City Planner reported that Met Council attorney stated at the December 20, 2005, System Statement Hearing that the issues at the Metropolitan Council with the System Statement deal with process, not substance.

10. **CITY ATTORNEY'S REPORT:**

The City was served Friday, December 30, 2005, by property owners north of 10th Street. The City and Met Council are being sued as the Comprehensive Plan should be following the original nine conditions. If not, the courts should be directed to develop the Comprehensive Plan for the City.

11. **CITY ADMINISTRATOR'S REPORT:** - no report

12. **CITY COUNCIL REPORTS:**

Mayor Dean Johnston mentioned again the Ribbon Cutting Ceremony for the Grand Opening of Ramsey Center for the Arts on Saturday, January 7, 2006, at 1:00 p.m. Council Member DeLapp thanked City Planner and City Administrator for the good work.

The Council recessed the meeting at 10:46 p.m. for a Closed Meeting.

Respectfully submitted by Carole Freeman, Recording Secretary
Resolution No. 2006-001 Signatures for Payments of Funds from the LE Bank
Resolution No. 2006-002 Claims
Resolution No. 2006-003 Comprehensive Plan Amendment-Trail Guide Plan
Resolution No. 2006-004 Comprehensive Plan Amendments
Resolution No. 2006-005 2006-2010 Capital Improvements Program (CIP)
Resolution No. 2006-006 Change Council Committees to Council Workshops

**City of Lake Elmo
City Council Meeting
Minutes of December 20, 2005**

Mayor Johnston called to order the meeting of the Lake Elmo City Council at 7:00 p.m.
COUNCILMEMBERS PRESENT: Conlin, Johnson, and DeLapp. STAFF PRESENT:
Administrator Rafferty, Planner Dillerud, Finance Director Bouthilet, City Attorney Filla, City
Engineer Prew, and Recording Secretary Schaffel.

Pledge of Allegiance

1. Agenda

11A Hiring of Fire Chief will be moved to the first meeting in January. 9B, 9C, and 9E require four votes so they will be postponed until the next Council Meeting. Add Planning 9H - Proposed System Statement.

M/S/P, Johnson/Johnston, To accept the Agenda as amended.

Councilmember DeLapp said he would like to talk about 9B-Comprehensive Plan Amendment but not have a vote on it, and to talk about the park in the neighborhood with all the kids, and the CIP. Major Johnston said that a four vote super majority is required for a Comprehensive Plan Amendment, and he would like all councilmembers present for that discussion and vote. Councilmember Johnson added that it was important to have Councilmember Smith present because she attended a key Met Council meeting, and she would like to hear the input or comments. Councilmember DeLapp left the table at 7:09 p.m. Councilmember Conlin asked if there were specific items Councilmember DeLapp had questions about. Councilmember DeLapp came back to the table at 7:10 p.m. The Planner said there is no critical time issue if those items are postponed to January.

VOTE: 3:1, Nay - DeLapp.

2. Minutes

There were no draft minutes to approve. Councilmember DeLapp said he would like to have minutes sooner than one month after a meeting.

3. Public Inquiries Informational

There were nor inquiries or information from the public.

4. Consent Agenda

M/S/P, Johnson/DeLapp, to approve Resolution No. 2005-141 approving claims, approving the Ski Grooming Agreement with Washington County, and approving Partial Payment No. 1-Water System Interconnect Phase III; Resolution No. 2005-147. VOTE: 4:0.

5. Finance

A. Finance for New Pumper/Tanker

The Finance Director provided several quotes from leasing companies and Northern Securities, and different options were presented. Staff recommends the Equipment Certificate option. Councilmember Conlin asked what an 'issuance cost' is. The Finance Director said it is similar to bonding. They perform credit checks and there is legal preparation in order to provide a binding certificate. Lease companies traditionally do

that although one would not charge us for it. Administrator Rafferty said it is a good deal and an appropriate approach so current taxpayers do not bear the burden; no up front dollars are used. This is the better plan for the city financially.

M/S/P, DeLapp/Johnson, To award financing the new pumper/tanker through the issuance of G.O. Equipment by Northland Securities, Inc. VOTE: 4:0.

B. Grant Funds Depository Account

The Finance Director explained the separation of accounting for Grant Funds for the Tablyn Park/Lake Elmo Heights Water Project. M/S/P, Conlin/Johnson, to approve Resolution 2005-146 authorizing a Grant Fund Depository Account.

The Administrator said 3M will make deposits to the account.

VOTE: 4:0.

C. Monthly Operating Report

The Finance Director said this is not the final report for the year because there are a few days left in December. Councilmember Johnson commended staff for keeping council updated to areas of concern the last six months.

6. New Business

A. Planning and Parks Commission Appointments

The Administrator explained that several commissioner terms expire and four commissioners will have to be looked at as new applicants after having served two terms.

M, DeLapp, To reappoint Planning Commissioners who have not yet served two terms.
MOTION WITHDRAWN.

M/S/P, Johnson/DeLapp, To accept applications for Planning Commission and Parks Commission until January 10, and to set appointments with applicants for interviews at the January 10, 2006 Council Workshop. To appoint Bob Helwig, Kathy Sedro, and David Steele to retain their current positions and offices until a decision is reached by Council and appointments have been made at the Council Meeting on January 17, 2006.

Planning Chairman Helwig stated there is a Planning Commission meeting and their election of officers prior to that second Council Meeting.

City Attorney Filla said the Code says Election of Officers takes place for the Planning Commission at their first meeting in January, and if the Council feels it is for the good of the City, they can postpone that election process until all Planning Commission positions have been filled.

VOTE: 4:0. Councilmember Johnson asked staff to provide this information sooner to allow more time for advertising and consideration.

B. Mayor-Four Year Term

Administrator Rafferty explained the process for changing the term of mayor. If the

public wishes to comment, they should do so prior to the January 17, 2006 Council Meeting where the decision will be made. He provided summary data from the League of MN Cities for 40 cities and said that 20 of those 40 statutory cities have gone to four year terms. Data gathered from clerks in other cities revealed that about half those mayors had four year terms.

The mayor said a mayor should have the same term as his or her peers on the City Council when in a Statutory City and a Plan A City, and also because of consistency in leadership. Councilmember Conlin said she is against it because every two years the voters have the ability to dramatically change the dynamics of the City Council. Councilmember Johnson said she asked other Councils and those with four year terms said it was easier on city staff and those queried mentioned no negatives. Councilmember DeLapp said not very many cities have done it. If we do so, we should be a much bigger city than we are. The last election was won by only 28 votes.

The mayor encouraged the public to let staff know what they think about four year terms for mayor. It will be discussed at the second meeting in January.

C. Change Council Committees to Council Workshop

Administrator Rafferty said Council Committee Meetings are work sessions. He suggested that instead of several committees meeting, the council could conduct a workshop during that time period with a rolling agenda of subject matter for information, education, issues, etc. He recommends the restructuring and would like to have the authority to restructure at the Organizational Meeting in January. The Councilmembers agreed they would like those meetings to begin at 6 p.m. instead of 5:30 p.m. for better councilmember attendance and improved public participation.

M/S/P, Johnson/Conlin, to change the Council Committee structure to a Council Workshop to be held the second Tuesday each month beginning at 6 p.m.

MOTION TO AMEND: DeLapp/Conlin, To televise the monthly Council Workshops.
VOTE: 2:2, MOTION TO AMEND FAILED.

VOTE: 4:0.

D. Animal Control Contract

Staff reviewed the Animal Control Contractor and her performance. The mayor said many residents stopped reporting animal problems because the timing of response for our current animal control contractor resulted in virtually a non-response. Councilmember Johnson said timing of response should be part of the contract. Some sort of performance standard should be set and candidates should have to meet a reasonable response time.

M/S/P, Johnson/Conlin, To direct staff to include response time and performance standards as part of the animal control contract and to put the contract out for request for proposals. Staff should evaluate other cities to get their response times. Results should be provided the Council by the end of January.

Councilmember Conlin said that people who are endangered by animals should receive a quicker response time.

VOTE: 4:0.

E. Ramsey Center for Arts-Request for Use of Lions Park for Art Fair

Robert Meyer, President of RCFA, said they would like to hold a Fine Arts and Fine Crafts Festival over the weekend of July 29 and 30, 2006. There would be around 50 tents. Artists will be responsible for their own art and equipment. The timing fits in a sequence of the 4th of July Children's Parade, Art Fair, County Fair, and Huff 'n' Puff. There will be light music, not rock band music, off the deck or in the quadrangle behind the Ramsey Center. A diagram was provided showing the portion of the park outside the fenced ballfield where the Arts Fair would be staged.

The City Attorney advised that if the Council wishes to use the park for those purposes, the Council has to make a motion allowing that use of City land.

M/S/P, Johnston/DeLapp, To support authorizing the use of Lions Park within the confines of the drawing provided by the applicant for a Fine Arts and Fine Crafts Festival on Saturday and Sunday July 29 and 30, 2006 subject to review and approval by the City Attorney.

Councilmember Conlin asked that the clean up, parking, sanitation, etc. be reviewed and that she is otherwise very supportive.

Councilmember DeLapp left the table.

Bill Wacker, 3603 Laverne Avenue North

Mr. Wacker lives next door to the park. He said other small communities have an Art Fair and he is not opposed to it.

VOTE: 4:0.

8. City Engineer's Report

A. Escrow Reductions

Councilmember DeLapp left the table at 8:14 p.m.

1. Farms of Lake Elmo

The Planner said the City Forester is very involved in Landscape Plans in new developments. Farms of Lake Elmo should not reduce that portion of their escrow for landscaping because those improvements are incomplete. The City Engineer and Planner recommend reduction from \$1.175 million to \$675,000.

M/S/P, Conlin/Johnson, To approve reduction of the required development security for the Farms of Lake Elmo Development Agreement to \$657,000 as recommended by the City Engineer and City Planner. VOTE: 3:0.

2. Sanctuary of Lake Elmo

The City Engineer and City Planner recommend reduction of escrow from \$2.6 million to approximately \$1.8 million. Landscaping is not yet initiated and no inspection has been performed by the City Forester. M/S/P, Johnson/Conlin, To approve reduction of the required development security for the Sanctuary of Lake

Elmo Development Agreement to \$1,797,500 as recommended by the City Engineer and City Planner. VOTE: 3:0.

3. Tapestry at Charlotte's Grove

The Planner said Tapestry is nearing completion. The City Engineer and City Planner recommend reduction of escrow from \$2.53 million to \$372,500. The Planner said the City Forester has looked at the project and she is impressed. The developers have done far more than they planned. One portion of the site is not yet landscaped but the developers have already met their numerical goals. The Planner said the Council could reduce landscaping to zero but recommended leaving in \$20,000 for plantings not yet done on one portion of the site. M/S/P, Conlin/Johnson, To approve reduction of the required development security for the Tapestry at Charlotte's Grove development agreement to \$372,500 as recommended by the City Engineer and City Planner. VOTE: 3:0.

9. Planning, Land Use and Zoning

A. Site Plan Amendment-Country Air Golf, Resolution No. 2006-142

The Planner said the applicant wants to add a covered sidewalk to their tee box structure and to change to asphalt shingles on the roof. On December 12, the Planning Commission recommended approval.

M/S/P, Conlin/Johnson, To adopt Resolution 2005-142 approving an amendment to the Site Plan of Country Air Golf to add an 8 foot covered walkway to the west side of the previously approved tee box enclosures, and to substitute asphalt shingles for the roofing material previously approved. VOTE: 3:0.

D. Xcel Energy Easement

The Planner said that Xcel has requested an easement to place a gas service measuring and regulating facility and pipes with shrubbery screening at the southeast corner of the water tower site on Langly Court in the Old Village. Normally Xcel puts those facilities in the right-of-way but Langly Court only has one-half the usual street right-of-way width.

Colette Jurek, Xcel Energy and Bob Stieck, Xcel Engineer

The applicants brought a map for the Council showing the site plan. They presented a photo of the depicting facility at Keats and Hudson and a landscaping plan. The representatives said this facility could help the City of Lake Elmo because Xcel can reinforce their gas system in the city. The odorizer currently located on 30th Street, west of Lake Elmo Avenue would be replaced by this one, and it will be less visible. This equipment will not need upgrading for ten years. Should something go wrong, Xcel offers a guaranteed response time within one hour. There are six other stations within the neighborhood.

Councilmembers asked if the neighbors were notified. Mr. Stieck said the Hardwood owner owns the apartment building and has been notified but the neighbor to the west has not been notified. This is not an odorizer station. No odors should be noticed. The mayor asked about notices being mailed and about Xcel's timetable. Mr. Stieck said they were not planning to mail notices and they wanted to schedule this winter in January. Administrator Rafferty clarified that Xcel has the right to use of the right-of-way, and the

city has the right to review plans, and consequently we have required specific screening. The applicant has met the city's requirements.

M/S/P, Johnson/Johnston, To approve the installation of a gas service measuring and regulating facility and pipes with shrubbery screening per staff recommendations.

VOTE: 3:0.

F. Zoning Variances, 10941 32nd Street North, Resolution No. 2005-144

The Planner said that the Planning Commission asked the applicant to reconsider plans to reduce scale and degree of variance on a small lake lot. On December 9, 2005, the applicant requested the application be placed on hold but the sixty day rule does not allow that. Therefore the Planning Commission recommended denying the variances as applied for. Councilmember Conlin asked about the fees should the applicant wish to change their plans in the near future. The Planner said they could apply for it and staff will consider fees at that time but the review process absorbs those fees and a complete review has taken place.

M/S/P, Conlin/Johnston, To adopt Resolution 2005-144 to denying variances for 10941 32nd Street North. VOTE: 3:0.

G. Eurasian Milfoil

The Planner explained that in the past year, Eurasian Milfoil has been found in Lake Elmo. An Action Plan has been developed for eradication but such plans have been rather unsuccessful on other lakes. Harvesting is most successful but expensive. They could increase the level of monitoring at the boat launch within the park reserve. One item from the report from DNR is that our lake is a deep lake and milfoil does not do well in depths over 18 feet.

The mayor asked how one apportions costs of control measures. The Planner said that Lake Associations can take over the task of harvesting and assess it to homeowners. Some cities rent or buy a harvest machine. The mayor asked if the cost could be born by those providing public access. The Planner said it could.

Discussion surrounded putting off this agenda item for a couple of meetings because this is a long-term major expense. Commissioner Johnson said she would like to know the cost of monitoring, eradication and/or harvesting. Councilmember DeLapp said we could ask Washington County Parks to help with the monitoring of the boats on and off the lake, and also to identify long-term or other resolutions that would be applicable for our other lakes in the community. The County is going through park planning process, and this is the time for them to be looking at this too. At the Workshop with the Technical Park Committee this should be an Agenda item. Perhaps some costs can be compiled and an initial reaction to the county bearing their fair share of costs. The Planner said he could find out what other communities have spent.

M/S/P, Johnston/Conlin, To direct staff to gather information on monitoring boat traffic in and out of Lake Elmo through the public boat launch from Washington County, to research the costs of harvesting milfoil, to investigate participation by Washington County for costs of monitoring and harvesting, and to return to the Council for review at the second meeting in January. VOTE: 3:0.

10. City Attorney's Report

A. Snowmobile Ordinance

Jeff Ylinen, 9401 Lake Jane Trail

Mr. Ylinen asked to remove the part about personal property from the ordinance. Strike "..., and such operation is for the purpose of accessing the right-of-way on private property." He said the reason is, if you are going from storage to the road that will be within 50 feet of a neighbor. These are ATVs and people clean their yards with them. Don't be so restrictive on private property. He asked if lake surfaces are public right of way. The City Attorney said no but they are public surfaces. Travel across the lake could be a violation of the ordinance as drafted.

Councilmember DeLapp returned to the table at 8:46 p.m.

The City Attorney said the formula could be expanded in the draft. Part of the problem was where people were not being reasonable in neighborhoods where houses are close together. Mayor would ask for more detail if we offered more freedom on personal property. Conlin would like to put a period after "or all terrain vehicles." That would not curtail a guy doing laps around his house.

M/S/P, Johnson/Conlin, To adopt Ordinance 97-164 to incorporate the Snowmobile Ordinance with change to paragraph number D adding a period after all terrain vehicles and delete the remainder of that sentence (last line and one-half).

The City Attorney said this ordinance adopts new regulations, repeals existing regulations, and incorporates state statutes.

Councilmember DeLapp asked if studded tires are an issue. The City Attorney said they are not. He asked if it helps anyone understand the location for snowmobiling in Lake Elmo. The Attorney said it does not. The Council discussed pedestrian safety and other aspects. The Administrator said there is a provision for harassment within the ordinance but it would have to be witnessed by law enforcement.

VOTE: 4:0.

The meeting recessed for five minutes at 9:05 p.m. and reconvened at 9:10 p.m.

9. H. Proposed System Statement

The Planner said the Regional System Statement as distributed by the Met Council has been received by the City and he explained its impact to the City Council. There are a couple of items that needed resolution and the Planner asked the Council to have a meeting with the Met Council to work toward getting those resolved. Councilmembers DeLapp and Conlin did not see the last System Statement. The Planner did not see it in 1998, and did not realize the city did not protest that one at that time. Councilmember DeLapp said they heard about things like sewerage the regional park and the City Council was told it would be brought to them when it became an issue and not to worry until that time. When nobody came forward, those items were forgotten.

The Planner said there are three items that must be objected to with regard to the

proposed System Statement. One is a growth area map that shows the City what is expected for regional sewer. The second thing to object to was the area not to be sewerred and the designation as diversified rural (essentially urban reserve as defined by the Regional Development Framework). That designation means much of the City would be shut down for cluster developments. The third item was the park and ride at I-94 and Keats.

The Planner said in 2003, there was serious debate over the Park and Ride issue and the Council was opposed to it. Almost sixty days ago the City objected to it.

The Planner said that last week we received a letter from Metropolitan Council that a hearing would be established for review of those protested items. This year five cities objected to the System Statement and nobody has ever requested a hearing in the past. The hearing is scheduled for Friday, December 30, 2005. The clock runs out on the 60 days on December 31, 2005. December 23 we have to have specified proposed amendments to the System Statement submitted to the Metropolitan Council. December 27, next Tuesday, we have to have the complete description, pre-hearing memorandum submitted. We have to have it all in on Thursday of this week because of the holiday. The Planner asked if Metropolitan Council could hold off and wait until the Comprehensive Plan was done. They cannot. Therefore the protest is necessary and timely. The Planner explained the nuances of the three items in contention.

The City Attorney has not yet reviewed all of the material. The letter from Metropolitan Council appears rather formal and the Planner thinks the hearing will be formal. The City Attorney said he would attend the hearing with the Planner.

The Mayor said he is supportive of the spirit and specifics as drafted by the Planner. The Planner asked for direction. The Mayor said it is in good hands, and it looks like the direction the Council wishes to go. Councilmember Johnson said she thinks the Planner and Attorney can manage it. Councilmember DeLapp said what was drafted is more than could be expected given all the time constraints. He said it should be noted that the City Council is submitting this and they have had zero time to review it, and this is not fair. Councilmember DeLapp said our Planning Commission did not even get to see it.

The City Attorney recommended a motion or a resolution of concerns.

M/S/P, Johnston/DeLapp, To draft and adopt a resolution of concerns, particularly noting the timing of the hearing, the time of year, inadequate time to review, and supportive of the position reflected in the letter written by the City Planner. VOTE: 4:0.

The Planner reminded the Council that they postponed the Comprehensive Plan Amendment scheduled for tonight. Packets are available tonight for extensive review prior to their next meeting.

12. City Council Reports

Mayor Johnston thanked the council and staff for their dedication throughout the year.

Councilmember Johnson wished everyone a happy holiday season and happy new year.

Adjourned at 9:39 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Schaffel". The signature is written in dark ink and is positioned above the printed name and title.

Kimberly Schaffel
Recording Secretary

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

**RESOLUTION NO. 2006-007
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 302, 303, DD604 through DD613, 28495 through 28502, were used for Staff Payroll dated January 5th, 2006; claims 304, 28503 through 28561, in the total amount of \$399,460.65 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 17th day of January, 2006.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 01/13/2006 - 10:27 AM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD 16972 17548	Ace Hardware City Hall Bathroom Repairs City Hall Bathroom Repairs Check Total:	14.45 16.64 31.09	01/17/2006 01/17/2006	Check Sequence: 1 101-410-1940-42230 101-410-1940-42230	ACH Enabled: No
Vendor: ADVGR 10848	Advanced Graphix, Inc. New Truck Lettering Check Total:	98.90 98.90	01/17/2006	Check Sequence: 2 410-480-8000-45400	ACH Enabled: No
Vendor: ALEXAIR 10109	Alex Air Apparatus, Inc. Connector, Install Check Total:	36.50 36.50	01/17/2006	Check Sequence: 3 101-420-2220-42400	ACH Enabled: No
Vendor: ARAM 629-5880778	Aramark Linen and Mats - City Hall Check Total:	65.94 65.94	01/17/2006	Check Sequence: 4 101-410-1940-44010	ACH Enabled: No
Vendor: ARAMAU 58521583-1	ARAMARK Shipping - underpaid Check Total:	15.83 15.83	01/17/2006	Check Sequence: 5 101-430-3100-44170	ACH Enabled: No
Vendor: ASPENMI 64879	Aspen Mills, Inc. Lettering - Fire Dept Check Total:	344.50 344.50	01/17/2006	Check Sequence: 6 101-420-2220-44170	ACH Enabled: No
Vendor: BRAUN 256385 257365	Braun Intertec Corporation Concrete Testing, earthwork - New PW Concrete Testing - New PW	3,802.50 1,260.50	01/17/2006 01/17/2006	Check Sequence: 7 410-480-8000-43030 410-480-8000-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	5,063.00			
Vendor:BUBERL 28219	Buberl Recycling & Compost Snowplowing Check Total:	2,020.50 2,020.50	01/17/2006	Check Sequence: 8 101-430-3100-43150	ACH Enabled: No
Vendor:COPYMAG 67978	Copy Images, Inc. Monthly Copier Maint. Check Total:	256.60 256.60	01/17/2006	Check Sequence: 9 101-410-1940-44040	ACH Enabled: No
Vendor:CPTELECO 651-207-1000	CP Telecom Telephone Service - City Hall Check Total:	516.47 516.47	01/17/2006	Check Sequence: 10 101-410-1940-43210	ACH Enabled: No
Vendor:DTI 105930 105930 105930 105930	DTI Telephone Service - Fire Dept Telephone Service - Public Works Telephone Service - Well 1 Telephone Service - Pump Stations Check Total:	120.56 70.66 35.25 105.76 332.23	01/17/2006 01/17/2006 01/17/2006 01/17/2006	Check Sequence: 11 101-420-2220-43210 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210	ACH Enabled: No
Vendor:DUFFERT FF I	Marie Duffert Reimb. for FF I Test Check Total:	55.00 55.00	01/17/2006	Check Sequence: 12 101-420-2220-44370	ACH Enabled: No
Vendor:EDERJ FF II	John Eder Reimb. for FF II Test Check Total:	55.00 55.00	01/17/2006	Check Sequence: 13 101-420-2220-44370	ACH Enabled: No
Vendor:ELMOLUM 033251-01	Elmo's Lumber & Plywood Floor Dry - Fire Dept Check Total:	24.25 24.25	01/17/2006	Check Sequence: 14 101-420-2220-42230	ACH Enabled: No
Vendor:FARMERS 141372	River Country Cooperative Fuel - Bldg Dept Check Total:	80.83 80.83	01/17/2006	Check Sequence: 15 101-420-2400-42120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:FOUR 23-041443	Four Seasons Service Supplies - City Hall Check Total:	28.90 28.90	01/17/2006	Check Sequence: 16 101-410-1940-44300	ACH Enabled: No
Vendor:GRAINGER 970-591650-1	Grainger Heating Elements - Parks Check Total:	131.42 131.42	01/17/2006	Check Sequence: 17 101-450-5200-42230	ACH Enabled: No
Vendor:HAGBERGS Account 10	Hagbergs Country Market City Hall Supplies Check Total:	45.69 45.69	01/17/2006	Check Sequence: 18 101-410-1320-44300	ACH Enabled: No
Vendor:HERITAGE 15048	Heritage Printing Holiday Letters - Fire Prevention Check Total:	241.70 241.70	01/17/2006	Check Sequence: 19 101-420-2220-42090	ACH Enabled: No
Vendor:ICEMAN 3101	Iceman Industries, Inc. Treated Sodium Chloride - De-icing Check Total:	5,527.82 5,527.82	01/17/2006	Check Sequence: 20 101-430-3100-42290	ACH Enabled: No
Vendor:Kremer INV0013976	Kremer Spring Inc. Rear Spring Install - Dump/Plow Truck Check Total:	1,384.73 1,384.73	01/17/2006	Check Sequence: 21 101-430-3100-44040	ACH Enabled: No
Vendor:LEOIL B01203 S01203 S01208	Lake Elmo Oil, Inc. Bulk Fuel - Public Works Fuel - Fire Dept Fuel - Parks Check Total:	3,322.75 374.52 27.40 3,724.67	01/17/2006 01/17/2006 01/17/2006	Check Sequence: 22 101-430-3100-42120 101-420-2220-42120 101-450-5200-42120	ACH Enabled: No
Vendor:LMCIT 7688 7688 7688 7688 7688 7688 7688	Leauge of MinnesotaCities Insurance Trust Workers Comp Premium - Water Ent. Workers Comp Premium - Sewer Ent. Workers Comp Premium - Storm Water Ent. Workers Comp Premium - Bldg Dept Workers Comp Premium - Admin Workers Comp Premium - Finance Workers Comp Premium - Planning Workers Comp Premium - Fire Dept	3,611.38 637.07 2,228.42 1,510.38 2,318.66 744.57 840.13 4,537.79	01/17/2006 01/17/2006 01/17/2006 01/17/2006 01/17/2006 01/17/2006 01/17/2006 01/17/2006	Check Sequence: 23 601-494-9400-41510 602-495-9450-41510 603-496-9500-41510 101-420-2400-41510 101-410-1320-41510 101-410-1520-41510 101-410-1910-41510 101-420-2220-41510	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
7688	Workers Comp Premium - Public Works	5,981.81	01/17/2006	101-430-3100-41510	
7688	Workers Comp Premium - Parks	3,160.79	01/17/2006	101-450-5200-41510	
	Check Total:	25,571.00			
Vendor:MALMQ Claim 01/05	GregMalmquist Towels, Water - Fire Dept Check Total:	46.59 46.59	01/17/2006	Check Sequence: 24 101-420-2220-44300	ACH Enabled: No
Vendor:MARONEYS 130937 130937 130937	Maroney's Sanitation, Inc Refuse - Public Works Refuse - Parks Refuse - City Hall Check Total:	95.89 183.96 158.49 438.34	01/17/2006 01/17/2006 01/17/2006	Check Sequence: 25 101-430-3100-43840 101-450-5200-43840 101-410-1940-43840	ACH Enabled: No
Vendor:METRO MU 825	ASSOCIATION OF METROPOLITAN MUNICIPALITIES Annual City Membership Check Total:	2,809.00 2,809.00	01/17/2006	Check Sequence: 26 101-410-1110-44330	ACH Enabled: No
Vendor:METROCA A0318076L	Metrocall Pagers - Fire Dept Check Total:	86.46 86.46	01/17/2006	Check Sequence: 27 101-420-2220-43210	ACH Enabled: No
Vendor:METROFTR 22829 22880	Metro Fire Wrenches - Fire Dept Mount Check Total:	130.98 56.02 187.00	01/17/2006 01/17/2006	Check Sequence: 28 101-420-2220-42400 101-420-2220-42210	ACH Enabled: No
Vendor:MILLEREX 11269	Miller Excavating, Inc. Water Main Break Repairs Check Total:	1,542.70 1,542.70	01/17/2006	Check Sequence: 29 601-494-9400-44030	ACH Enabled: No
Vendor:MNLABOR Q4	STATE TREASURER Surcharge Payment for 4th Qtr Check Total:	4,535.06 4,535.06	01/17/2006	Check Sequence: 30 101-420-2400-43060	ACH Enabled: No
Vendor:Myran FF I FF II	Myran Rick Reimb. for FF I Test Reimb. for FF II Test	55.00 55.00	01/17/2006 01/17/2006	Check Sequence: 31 101-420-2220-44370 101-420-2220-44370	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:NAPA 462091	Check Total:	110.00			
	NAPA Auto Parts Fuel Pump Coupling - Bldg Dept	12.77	01/17/2006	Check Sequence: 32 101-420-2400-44040	ACH Enabled: No
	Check Total:	12.77			
Vendor:NORTHL 2004A Bond 2004A Bond	Northland Trust Services, Inc. 2004A Bond Principal Pmt	85,000.00	01/17/2006	Check Sequence: 33 410-480-8000-46010	ACH Enabled: No
	2004A Bond Interest Pmt	78,351.25	01/17/2006	410-480-8000-46110	
	Check Total:	163,351.25			
Vendor:NORTHTOO 0562048667	HSBC Business Solutions Parts - Public Works	73.42	01/17/2006	Check Sequence: 34 101-430-3100-42210	ACH Enabled: No
	Check Total:	73.42			
Vendor:NOSTPAUL 200512280424	City of North St Paul Salt/Sand Mix	2,952.18	01/17/2006	Check Sequence: 35 101-430-3100-42290	ACH Enabled: No
	Check Total:	2,952.18			
Vendor:OAKDALE 1000039700 1000046000	City of Oakdale Oakdale Water - North Pit	1,267.24	01/17/2006	Check Sequence: 36 601-494-9400-43820	ACH Enabled: No
	Oakdale Water - South Pit	2,477.33	01/17/2006	601-494-9400-43820	
	Check Total:	3,744.57			
Vendor:ONECALL 5120526	Gopher State One-Call/One Call Concepts, Inc Line Locates	32.40	01/17/2006	Check Sequence: 37 101-430-3100-44300	ACH Enabled: No
	Check Total:	32.40			
Vendor:PELNAR December 2005	KathiPelnar Animal Control - Dec 2005	352.85	01/17/2006	Check Sequence: 38 101-420-2700-43150	ACH Enabled: No
	Check Total:	352.85			
Vendor:PEPIND Tvl Exp 12/27	DougPepin Lodging Reimb. - State Fire Chiefs Conf	236.92	01/17/2006	Check Sequence: 39 101-420-2220-43310	ACH Enabled: No
	Check Total:	236.92			
Vendor:PIRTEK 39376	Pirtek Midway Repairs - 721 Loader	399.98	01/17/2006	Check Sequence: 40 101-430-3100-44040	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: PLANTH 800-05	Check Total: PLANT HEALTH ASSOCIATES, INC Forestry Services Check Total:	399.98 1,400.00 1,400.00	01/17/2006	Check Sequence: 41 101-450-5200-44030	ACH Enabled: No
Vendor: PRAXAIR 407984	Check Total: PRAXAIR DISTRIBUTION INC. Plasma Cutter - Public Works Check Total:	2,439.67 2,439.67	01/17/2006	Check Sequence: 42 101-430-3100-45800	ACH Enabled: No
Vendor: PRESS 01/03-01/09 01/03-01/09	Check Total: Steven Press Cablecast - Council Meeting Cablecast - Planning Meeting Check Total:	55.60 55.60 111.20	01/17/2006 01/17/2006	Check Sequence: 43 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor: Reserve 20313037	Check Total: Pitney Bowes Reserve Account Metered Postage Check Total:	500.00 500.00	01/17/2006	Check Sequence: 44 101-410-1320-43220	ACH Enabled: No
Vendor: Rivertown 50035963	Check Total: RiverTown Newspaper Group December Publications Check Total:	154.02 154.02	01/17/2006	Check Sequence: 45 101-410-1320-43510	ACH Enabled: No
Vendor: ROGERS 13291	Check Total: Rogers Printing Services Receipt Books Check Total:	1,015.22 1,015.22	01/17/2006	Check Sequence: 46 101-410-1320-42030	ACH Enabled: No
Vendor: RUD 01/03-01/11 01/03-01/11	Check Total: Diane Prince-Rud Cleaning - Fire Hall Cleaning - City Hall Check Total:	240.00 240.00 480.00	01/17/2006 01/17/2006	Check Sequence: 47 101-420-2220-44010 101-410-1940-44010	ACH Enabled: No
Vendor: S&T 01KM6899	Check Total: S&T Office Products, Inc. Folders, Envelopes Check Total:	76.89 76.89	01/17/2006	Check Sequence: 48 101-410-1320-42000	ACH Enabled: No
Vendor: SATELLIT 24180630	Check Total: Satellite Shelters, Inc. Rental - Bldg Trailer - Jan 2006	319.50	01/17/2006	Check Sequence: 49 101-420-2400-44120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	319.50			
Vendor: SYLVAN 3390B	Sylvander Heating, Inc. Refund for Dupl. Lic. Payment Check Total:	50.00 50.00	01/17/2006	Check Sequence: 50 101-000-0000-32183	ACH Enabled: No
Vendor: TASCH 38137	T.A. Schifsky & Sons Winter Asphalt Check Total:	427.60 427.60	01/17/2006	Check Sequence: 51 101-430-3100-42240	ACH Enabled: No
Vendor: TWINCIT 2222	Twin City Water Clinic, Inc. Bacteria Analysis Dec 2005 Check Total:	20.00 20.00	01/17/2006	Check Sequence: 52 601-494-9400-43030	ACH Enabled: No
Vendor: USBANK 33395470 33395470	US Bank Trust N.A. GO 2001Bond Principal Pmt GO 2001Bond Interest Pmt Check Total:	110,000.00 18,252.50 128,252.50	01/17/2006 01/17/2006	Check Sequence: 53 310-480-8000-46010 310-480-8000-46110	ACH Enabled: No
Vendor: VADEMME FF II	Mark Vandennieltraadt Reimb. for FF II Test Check Total:	55.00 55.00	01/17/2006	Check Sequence: 54 101-420-2220-44370	ACH Enabled: No
Vendor: VISALE32 8032	VISA Lodging/Food Annual LMC Conf Check Total:	115.63 115.63	01/17/2006	Check Sequence: 55 101-410-1110-43310	ACH Enabled: No
Vendor: VISALE40 8040	VISA ULI Conf - Dean Johnston Check Total:	10.00 10.00	01/17/2006	Check Sequence: 56 101-410-1110-44370	ACH Enabled: No
Vendor: WAS-PH 6134	Washington County Haz Waste Base Fee Check Total:	45.00 45.00	01/17/2006	Check Sequence: 57 101-430-3100-44300	ACH Enabled: No
Vendor: WASHFIRE 2006 Dues	WASHINGTON COUNTYFIRE CHIEFS ASSOCIAT Annual Dues	50.00	01/17/2006	Check Sequence: 58 101-420-2220-44330	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Check Total:		50.00			
Vendor: XCEL	Xcel Energy			Check Sequence: 59	ACH Enabled: No
53041348	2759 Legion	13.65	01/17/2006	101-430-3100-43810	
53163113	City Hall	769.37	01/17/2006	101-410-1940-43810	
53168566	Tennis Courts	7.43	01/17/2006	101-450-5200-43810	
53170893	4259 Jamaica - Public Works	1,522.73	01/17/2006	101-430-3100-43810	
53184398	Traffic Light at 998 Inwood	31.19	01/17/2006	101-430-3160-43810	
53195000	Lift Station at 11062 34th	15.48	01/17/2006	602-495-9450-43810	
53196052	3585 Laverne	286.04	01/17/2006	101-450-5200-43810	
53207532	3510 Laverne - Fire Hall	863.35	01/17/2006	101-420-2220-43810	
53213100	3511 Laverne - Fire Hall	249.62	01/17/2006	101-420-2220-43810	
53220844	3675 Layton	7.43	01/17/2006	101-450-5200-43810	
53221238	Traffic Light at Manning/Stillwater Blvd	23.23	01/17/2006	101-430-3160-43810	
53337799	Pebble Park	7.43	01/17/2006	101-450-5200-43810	
53478373	City Lights	1,675.28	01/17/2006	101-430-3160-43810	
53595848	Lift Station at 8860 Hudson	57.86	01/17/2006	602-495-9450-43810	
53595848	Traffic Light at 194/Inwood	24.24	01/17/2006	101-430-3160-43810	
53595848	Softball Field	277.75	01/17/2006	101-450-5200-43810	
Check Total:		5,832.08			

Total for Check Run: 367,918.37
Total Number of Checks: 59

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

**RESOLUTION NO. 2006-008
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Number 28562, in the total amount of \$270.00 is hereby approved.

ADOPTED, by the Lake Elmo City Council on the 17th day of January, 2006.

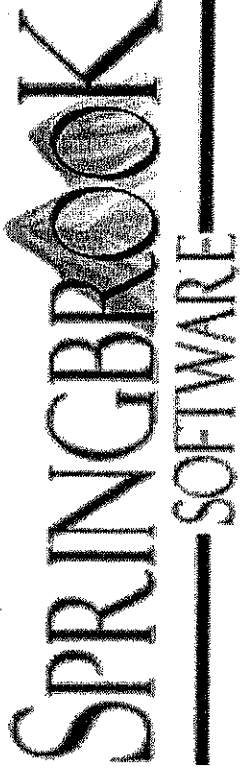
Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 01/13/2006 - 10:43 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: Johnson Jan-Mar 2006	Johnson Construction Storage Rental - Fire Dept, Jan-Mar05 Check Total:	270.00 270.00	01/17/2006	Check Sequence: 1 101-420-2220-44120	ACH Enabled: No
Total for Check Run:		270.00			
Total Number of Checks:		1			

Lake Elmo City Council 01-17-2006	Agenda Section: CONSENT	No. 4B.
<u>Agenda Item: Pay Scale Adjustment</u>		
<u>Background Information for January 17, 2006:</u> Attached, please find the proposed 2006 Employee Pay Plan. The Pay Plan was drafted during the 2006 Budget preparation (in August 2005) and represents a two and a half percent increase adjustment in all positions and steps. The increase is based on Consumer Index Price (CPI) for Urban Wage Earners and Clerical Workers. The City continues to review the benefits portion of the compensation package. The City has changed insurance carriers in an effort to eliminate age based rates as well as adjusting employee contributions to benefits to minimize rising costs.		
<u>Action Items:</u> 1) Adopt the 2006 Proposed Employee Pay Plan.	<u>Person responsible:</u> Tom Bouthilet	
<u>Attachments:</u> 1. 2006 Proposed Pay Plan		

City of Lake Elmo

2006 Pay Plan

Position	Grade	Start	1	2	3	4	5	6	7	8
Administrator	26	Monthly	6198	6383	6575	6771	6974	7039	7400	7622
		Annual	74377	76595	78901	81251	83688	84470	88805	91462
		Hourly	35.76	36.82	37.93	39.06	40.23	40.61	42.69	43.97
Planner/Ass't Administrator	24	Monthly	5622	5790	5962	6143	6326	6517	6712	6914
		Annual	67460	69480	71544	73718	75914	78198	80548	82963
		Hourly	32.43	33.40	34.40	35.44	36.50	37.60	38.72	39.89
Finance Director	21	Monthly	4624	4763	4906	5053	5204	5362	5521	5688
		Annual	55492	57161	58874	60630	62453	64342	66252	68250
		Hourly	26.68	27.48	28.30	29.15	30.03	30.93	31.85	32.81
City Clerk	21	Monthly	4624	4763	4906	5053	5204	5362	5521	5688
		Annual	55492	57161	58874	60630	62453	64342	66252	68250
		Hourly	26.68	27.48	28.30	29.15	30.03	30.93	31.85	32.81
Maintenance/Parks Superintendent	21	Monthly	4624	4763	4906	5053	5204	5362	5521	5688
		Annual	55492	57161	58874	60630	62453	64342	66252	68250
		Hourly	26.68	27.48	28.30	29.15	30.03	30.93	31.85	32.81
Building Official/Code Enforcement	19	Monthly	4405	4536	4672	4813	4957	5106	5259	5417
		Annual	52857	54438	56063	57754	59489	61267	63112	65000
		Hourly	25.41	26.17	26.95	27.77	28.60	29.46	30.34	31.25
Building Inspector/Water	12	Monthly	3131	3224	3320	3420	3523	3629	3737	3848
		Annual	37573	38693	39835	41042	42272	43546	44842	46181
		Hourly	18.06	18.60	19.15	19.73	20.32	20.94	21.56	22.20
Senior Program Support	11	Monthly	2981	3071	3162	3257	3354	3455	3559	3665
		Annual	35772	36848	37946	39088	40252	41460	42711	43985
		Hourly	17.20	17.72	18.24	18.79	19.35	19.93	20.53	21.15
Office Assistant	5	Monthly	2225	2291	2359	2430	2525	2578	2657	2736
		Annual	26703	27493	28306	29162	30304	30941	31885	32830
		Hourly	12.84	13.22	13.61	14.02	14.57	14.88	15.33	15.78
Heavy Equipment Operator	11	Monthly	2981	3071	3162	3257	3354	3455	3559	3665
		Annual	35772	36848	37946	39088	40252	41460	42711	43985
		Hourly	17.20	17.72	18.24	18.79	19.35	19.93	20.53	21.15
Heavy Equipment Operator	11	Monthly	2981	3071	3162	3257	3354	3455	3559	3665
		Annual	35772	36848	37946	39088	40252	41460	42711	43985
		Hourly	17.20	17.72	18.24	18.79	19.35	19.93	20.53	21.15

Heavy Equipment Operator	11	Monthly	2981	3071	3162	3257	3354	3455	3559	3665	3722
		Annual	35772	36848	37946	39088	40252	41460	42711	43985	44666
		Hourly	17.20	17.72	18.24	18.79	19.35	19.93	20.53	21.15	21.47
Finance Specialist	11	Monthly	2981	3071	3162	3257	3354	3455	3559	3665	3722
		Annual	35772	36848	37946	39088	40252	41460	42711	43985	44666
		Hourly	17.20	17.72	18.24	18.79	19.35	19.93	20.53	21.15	21.47
Code Enforcement	11	Monthly	2981	3071	3162	3257	3354	3455	3559	3665	3722
		Annual	35772	36848	37946	39088	40252	41460	42711	43985	44666
		Hourly	17.20	17.72	18.24	18.79	19.35	19.93	20.53	21.15	21.47
Asst Planner	17	Monthly	3878	3994	4115	4239	4365	4495	4632	4769	4912
		Annual	46542	47927	49377	50870	52383	53940	55581	57223	58950
		Hourly	22.38	23.04	23.74	24.46	25.18	25.93	26.72	27.51	28.34
City Engineer	16	Monthly	3246	3343	3444	3547	3653	3763	3876	3992	3722
		Annual	38952	40120	41324	42564	43840	45156	46510	47906	44666
		Hourly	18.73	19.29	19.87	20.46	21.08	21.71	22.36	23.03	21.47
Fire Chief	18	Monthly	4195	4321	4449	4582	4721	4863	5008	5159	5314
		Annual	50337	51850	53385	54984	56647	58353	60101	61913	63768
		Hourly	24.20	24.93	25.67	26.43	27.23	28.05	28.89	29.77	30.66
Program Support Assistant	7	Monthly	2452	2526	2602	2686	2780	2878	2978	3082	3190
		Annual	29428	30311	31220	32235	33363	34530	35739	36990	38285
		Hourly	14.15	14.57	15.01	15.50	16.04	16.60	17.18	17.78	18.41

Lake Elmo City Council January 17 th , 2006	Agenda Section: CONSENT	NO. 4C
<u>Agenda Item:</u> Trade-in 321 Case Loader for 580 Case Backhoe		
<u>Background Information for January 17th,2006</u> When the Public Works Superintendent was appointed there was already in place a plan to replace our old backhoe for a small utility loader. Reservations about this course of action were discussed with the City Administrator and Maintenance Advisory Committee. The City Administrator concurred with reservations and a meeting was set with the equipment dealer. The meeting resulted in a one year agreement to rent back our trade in backhoe and the dealer agreeing to purchase back the loader minus 5%, if after our year long evaluation the city determined that we should maintain a back hoe in our inventory. The year has passed and the evaluation demonstrates that although the utility loader was useful and could out perform the back hoe in some functions, the backhoe was a more valuable piece of equipment in emergencies; one reason being that time delays in renting are prohibitive. The MAC met on Jan. 11 th and concurred with this evaluation. The Public Works and Mac recommendation is to proceed with trade in of the loader for a new back hoe for \$5918.00 plus tax. This is a \$7,000 line item in the 2006 CIP and would be purchased under the State Cooperative Purchasing Venture.		
<u>Action items:</u>	<u>Persons responsible:</u> M. Bouthilet	
<u>Attachments:</u>	<u>Time Allocated:</u>	

**CITY of LAKE ELMO
MAINTENANCE ADVISORY COMMITTEE**

Minutes of
January 11, 2006

Present: Chuck Stanley, George Dege, Bud Talcott, Mike Bouthilet,
Guests: Steve Zertman, Steve Gurney. Absent: Dick Gustafson

The meeting was called to order at 6:40pm at the Public Works Facility by Bud Talcott.

Mike Bouthilet presented his request for replacement of the Case 321 Front End Loader with a Case 580 Backhoe. Mike reviewed the history of the loader. Before he took over the duties of the Public Works this small Case loader was ordered as a replacement of our old backhoe with the thinking it would do most all the jobs of the backhoe plus more. Not being sure it would do the job this Case 321 Loader was purchased with the agreement it could be traded back later to the supplier for a new backhoe. This trade back would include additional monies required to cover depreciation and our having using it, plus any cost difference of the new Backhoe we choose. Within this agreement we traded in our old back hoe but were allowed to keep it for use at a rental rate until such time we decided if we wanted to keep the new loader.

Mike told us this loader has not been able to do what it was expected to do and they have had to use the old Backhoe on many occasions. He feels we should now purchase the Backhoe under the original agreement. Mike gave us copies of the specifications of the Backhoe they would like to get and said that the cost difference would be under the \$7,000, which we have in our CIP.

We review all items on the specifications, George asked about the Uni-Directional Aux Hoe Hydraulics and Mike said this is for items such as a Jack Hammer, which we may want to get in the future. We do have small portable hammers but when we have a water main break we have to hire someone to break through the frost. (With our additional population, will come more breaks and the need of our own Hammer) George suggested we document how many times we must rent or pay for some one to use a jack hammer so we can evaluate our need and at what time it will be cost effective to purchase one. The life of this unit was discussed and it was agreed it should be at least a 15-20yr unit but with our CIP it will possibly be a 15yr item.

A Motion was made by George Dege and seconded by Chuck Stanley to recommend the purchase of the Case # 580 SM Backhoe from St. Joseph Equipment at a cost of \$ 5,968.00 plus tax with the trade in of the #321 Loader and return of our old rental Backhoe. The Motion Passed.

It was brought up that we need a complete CIP listing of all our equipment not just one for the next 5 years. We need the ability to look out past the 5 years for all departments to move items in and out to eliminate surprises with too much equipment needing replacement within the 5 years window. Bud T said he and Tom Bouthilet have been looking at a format that will cover all equipment and easily allow the 5year CIP to be extracted for budget reporting. Once a format is figured out it will be shown to everyone involved for input.

We are planning on setting up our new Public Works building as a emergency shelter and having a backup generator. Mike reviewed the possibilities of getting a generator at good price from No St. Paul. They have one from their city Hall that they did not need and are willing to sell it at a very good price of about \$ 10,000, a new unit is over \$20,000. This unit is 155KW with 208volt and 120volt capabilities. The only question would be if it could be converted to 480 volt, Mikes preliminary checking found it would cost an additional \$ 6.000. After discussion and review, the question came up of what actual voltages are needed for our new building. Our new building specs call for a 480 volt transfer switch to switch the power from the outside to our generator. Mike will talk to TKDA to see if we have to have 480 volts, and if not, could do a transfer on the 208/240volt side of the line.

The minutes of July 20th were reviewed, Chuck S noted two typos in it.

A Motion to accept the minutes as written with corrections was made by Chuck S. and seconded by George D. The Motion Passed

Hearing no objections the meeting was adjourned at 7:45pm

Respectfully submitted

Bud Talcott
Chairman/ Secretary,

<u>Mayor</u> Dean Johnston	No. 6. A.
<u>Councilmembers</u> Steve DeLapp Liz Johnson Anne Smith Rita Conlin	Agenda Section: Organizational Agenda Item: Planning Commission Appointment Date: January 17, 2006

Background Information for January 17, 2006

Planning Commissioner Mark Deziel's first full term on the Planning Commission expired on December 31, 2005. Commissioner Deziel has requested reappointment for a second three-year term.

Motion _____, Second _____, to reappoint Mark Deziel to the Planning Commission for a 3-year term that will expire on January 16, 2009.

Planning Commissioner Jennifer Pelletier's first full term on the Planning Commission expired on December 31, 2005. Commissioner Pelletier has requested reappointment for a second three-year term.

Motion _____, Second _____, to reappoint Jennifer Pelletier to the Planning Commission for a 3-year term that will expire on January 16, 2009.

There are two commissioners on the Planning Commission, Bob Helwig and Kathy Sedro, who have served more than two terms. City Code specifies they be considered with the pool of applicants. All of the applicants were interviewed at your Council Workshop on January 10, 2006. Two appointments to the Planning Commission must be made.

Should the Council wish to reappoint Bob Helwig and/or Kathy Sedro for a three-year term, the following motion would apply.

Motion _____, Second _____, to reappoint _____ (and _____) to the Planning Commission for (a) 3-year term(s) that will expire on January 16, 2009.

No further action is necessary if both commissioners were reappointed.

Should the Council wish to appoint either or both Nicole Park and/or Laurie McGinnis to the Planning Commission, then Alternate Member composition on the Planning Commission must be changed, and the following motions will apply.

IF ONE NEW MEMBER

Motion _____, Second _____, to appoint _____ as Second Alternate Member of the Planning Commission.

Motion _____, Second _____, to appoint Julie Fliflet as a Full Voting Member of the Planning Commission for a 3-year term that will expire on January 16, 2009.

Motion _____, Second _____, to appoint Bob Van Zandt as First Alternate Member of the Planning Commission.

IF TWO NEW MEMBERS

Motion _____, Second _____, to appoint _____ as
Second Alternate Member of the Planning Commission.

Motion _____, Second _____, to appoint _____ as First
Alternate Member of the Planning Commission.

Motion _____, Second _____, to appoint Julie Fliflet as a Full Voting
Member of the Planning Commission for a 3-year term that will expire on January 16, 2009.

Motion _____, Second _____, to appoint Bob Van Zandt as a Full Voting
Member of the Planning Commission for a 3-year term that will expire on January 16, 2009.

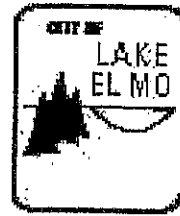
If the Council appointed Laurie McGinnis to the Planning Commission, they should also grant her the
requested Leave of Absence until June, 2006.

Motion _____, Second _____, to grant Laurie McGinnis a requested Leave
of Absence from the Planning Commission until June 2006.

<u>Action Items:</u> Motion(s) to reappoint two Full Voting Members, reappoint or appoint two Full Voting Members, and if necessary, to appoint up to two Alternate Members to the Planning Commission. If necessary, to grant a requested Leave of Absence to an Alternate Planning Commissioner.	<u>Person Responsible:</u> K. Schaffel
<u>Attachments:</u> Letters requesting reappointment. Applications for appointment.	<u>Time Allocated:</u>

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042
651.777.5510 Fax 777.9615

RECEIVED
FEB 25 2005



APPLICATION FOR PLANNING COMMISSION APPOINTMENTS

Date: 2/25/05

Name Nicole R Park

Address 404 Lake Elmo Ave North

Phone Number W) 612 240 2876 H) 612 240 2876

1. What do you consider to be the major planning and development issues confronting the City of Lake Elmo? Making a new comprehensive plan for the old village area and 10th St. South to 94 East.
2. What do you see as the role and function of the Planning Commission?
To make decisions about all issues brought to the commission with keeping in mind all of the cities residents and their wishes for the city.
3. What experience and qualifications do you have that you feel will contribute to the Planning Commission's work and which will enable you to provide a service in this regard?
I enjoy working with people and am a good listener. I believe that everyone's voice matters. I have a lot of experience working with people.
4. How much time do you have, or are you willing to devote to Planning Commission activities?
I am able to devote whatever time that is needed to be a strong, valuable member.
5. What property or development interest, either direct or indirect, do you have within Lake Elmo?
I am part owner of Country Air Golf Park located at 404 Lake Elmo Ave N. in Lake Elmo and my family currently resides on the property.

(3. cont)

Please complete and return to the City Office

at both my small business and five years experience in the Real Estate business. I believe we cannot keep change and progress from happening and so in dealing with it →

Kimberly Schaffel

From: Martin Rafferty
at: Tuesday, January 03, 2006 10:51 AM
To: Kimberly Schaffel; Sharon Lumby
Subject: FW: Planning Commission Application

Attachments: Planning Commission Application.doc



Planning
Commission Application

Planning Commission Application

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

From: Laurie McGinnis [mailto:mcgin001@cts.umn.edu]

Sent: Monday, January 02, 2006 4:54 PM

To: Martin Rafferty

Subject: Planning Commission Application

Mr. Rafferty,

Please accept the attached application for an appointment to the Lake Elmo Planning Commission. This application reflects my desire to support our community by helping ensure its vitality and character for the long term.

I have two special requests, however. First, I am requesting that I be considered for a preferred appointment, starting on June 1. Currently I am enrolled in the Masters of Public Affairs program at the University of Minnesota and I must take classes on both Monday and Tuesday evenings this semester in order to complete my program next summer.

If I understand the review and appointment process correctly, the City Council will be conducting interviews prior to the council meeting on January 17. Due to my obligation to attend the first class of the semester on that evening, I am unavailable for an interview on that date. So, my second special request is to ask if it would be possible to arrange for me to meet with the council on another date? I am available to interview with them on January 10, if they have a committee meeting scheduled for that day.

Thank you so much for your consideration of these requests. I look forward to hearing from you.

Also, could you please confirm that you received this e-mail on Tuesday so I will know that the transmittal was successful? Thank you.

Laurie McGinnis
9163 55th Street N
651.770.0582
mcgin001@umn.edu

This e-mail and its attachments have been scanned for viruses.
EAS - Systems Support, OIT, University of Minnesota

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042
651.777.5510 Fax 651.777.9615

APPLICATION FOR PLANNING COMMISSION APPOINTMENTS

Date: 1/1/06

Name: Laurie McGinnis
Address: 9163 55th Street North
Phone W) 612.625.3019 , H) 651.770.0582

1. What do you consider to be the major planning and development issues confronting the City of Lake Elmo?

One of the primary issues confronting the City of Lake Elmo is implementation of the Comprehensive Plan, which is intended to preserve the present character of the community while addressing needs of the growing metropolitan region. Specifically, the City of Lake Elmo will be challenged to execute the Old Village Plan, to attract businesses and developments that add value to our community, and to create amenities that enhance community vitality. In addition, working with potential developers to ensure that the unique character of Lake Elmo is preserved will continue to be important to the future of our City.

Transportation is another major planning and development issue facing Lake Elmo and is directly related to the Comprehensive Plan. As developments are added and the city's population grows, the city will face expanding transportation challenges in the very near future. Tight budgets for state and local transportation agencies, safety and accessibility issues, and the unique geography of the city are all factors that impact the city's transportation future.

2. What do you see as the role and function of the planning commission?

I consider the role and function of the planning commission to be implementing the city's land use policies. It is the City Council's responsibility to set policy related to land use and the commission's function to determine whether specific proposals are consistent with those policies. To perform that function, the planning commission should review proposals for development, zoning variances and other land-use related activities for conformance with zoning ordinances and the City's Comprehensive Plan. When appropriate, the planning commission should make recommendations to the City Council for action on these proposals.

3. What experience and qualifications do you have that you feel will contribute to the Planning Commission's work and which will enable you to provide a service in this regard?

I have 26 years of experience in transportation, more than half of which has been at the University of Minnesota Center for Transportation Studies, where we oversee research on a wide variety of transportation issues, including the relationship between land use and transportation. Through my role as Associate Director at the Center, I am familiar with the challenges associated with growth in the Twin Cities metropolitan region. As an 18-year resident of Lake Elmo, I am familiar with our city's philosophy about growth and the policies laid out through the Comprehensive Plan.

Through my experience and my education, I also have gained an understanding of the distinction between informing policy makers, creating policy and implementing policy. My professional role as a member of the University community includes disseminating knowledge from research that helps inform policy makers in an unbiased way. As a member of the Lake Elmo Planning Commission, my role would be to implement policy. And, as a student in the University's Masters of Public Affairs Program, I am learning about the role of creating policy.

In addition, I have many years of experience working with diverse interests, facilitating discussions among these interests, and negotiating compromise, all important qualifications for serving effectively on the planning commission.

4. How much time do you have, or are you willing to devote to Planning Commission activities?

I am requesting that my appointment to the Planning Commission become effective in June 2006. At that time, I will be fully prepared to commit the time necessary to attend planning commission meetings twice per month and to familiarize myself with the materials related to the agenda in preparation for meetings.

I am currently enrolled in the Masters of Public Affairs Program at the University of Minnesota and will be taking two classes in spring semester and my final class during the summer. I understand what it means to devote personal time to fulfill a public role and I am willing to devote as much time as necessary to perform this role to the best of my ability.

5. What property or development interest, either direct or indirect, do you have within Lake Elmo?

My only property interest in Lake Elmo is my private residence, where I have lived for 18 years.

Bob Helwig
8247 N. 27th St.
Lake Elmo, MN 55042
December 3, 2005

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

Dear City Council Members:

I understand that my current term on the Planning Commission is about to expire. This letter is to inform you that I wish to be reappointed to serve another term.

Sincerely,

A handwritten signature in cursive script that reads "Bob Helwig". The signature is written in dark ink and is positioned above the printed name.

Bob Helwig

Kathy Sedro
8916 35th St. N.
Lake Elmo, MN 55042
October 23, 2005

Council Members
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

Dear City Council Members:

The purpose of this letter is to request my reappointment as planning commissioner. As you know, there are still many important issues facing our city. I believe that my past planning commission experiences have given me knowledge and insights that will be useful in understanding these future issues. However, I recognize that I serve at the pleasure of the city council.

Respectfully,

A handwritten signature in cursive script that reads "Kathy Sedro".

Kathy Sedro

<u>Mayor</u> Dean Johnston	No. 6. B.
<u>Councilmembers</u> Steve DeLapp Liz Johnson Anne Smith Rita Conlin	Agenda Section: Organizational Agenda Item: Parks Commission Appointment Date: January 17, 2006

Background Information for January 17, 2006

Parks Commissioner David Steele has served more than two terms. City Code specifies he be considered with the pool of applicants. David Steele is the only applicant to the Parks Commission, and he was interviewed by Council at your Workshop on January 10, 2006. No changes to Alternate Member status are necessary if David Steele is reappointed. Should the Council wish to reappoint David Steele for a three-year term, the following motion would apply.

<u>Action Items:</u> Motion _____, Second _____, to reappoint David Steele to the Parks Commission for a 3-year term that will expire on January 16, 2009.	<u>Person Responsible:</u> K. Schaffel
<u>Attachments:</u> Letters requesting reappointment.	<u>Time Allocated:</u>

November 15, 2005

Lake Elmo City Council
City of Lake Elmo

Dear Council,

I understand that my appointment to the Lake Elmo Parks Commission will expire on December 31, 2005. I would like to be placed in the pool of applicants and considered for appointment to another three-year term.

Sincerely,

Dr. David F. Steele
9576 – 55th Street North
Lake Elmo, MN 55042

Please Note My Mailing Address:

P.O. Box 9126
North St. Paul, MN 55109-9126

Lake Elmo City Council January 17, 2006	Agenda Section: NEW BUSINESS	<u>No. 6C.</u>
<u>Agenda Item:</u> Mayor – Four Year Term		
<p>The City has received 7 responses re: opinions on lengthening the term of Mayor from two years to four years. Out of those seven responses, 6 favored a two-year term and one favored a 4-year term.</p> <p>The City Administrator suggested that in order to receive a better response that we place a survey in the upcoming February Newsletter.</p>		
<u>Action items:</u> Council direction, please.	<u>Person responsible:</u> S. Lumby	
<u>Attachments:</u> Pioneer Press Article	<u>Time Allocated:</u>	

Posted on Mon, Jan. 09, 2006

Mayor urges longer terms

He wants to boost it to four years from two

BY ALEX FRIEDRICH
Pioneer Press

Contending that longer-serving mayors are more effective, Forest Lake Mayor Terry Smith wants to lengthen the term from two years to four.

He wants the city's mayors to serve as long as those in other large communities and says the change would make his city's government more stable.

When Forest Lake City Council members meet tonight, they'll discuss his proposal, which wouldn't go into effect until voters choose a mayor in November.

"There needs to be some continuity ... some vision ... in leadership," Smith said.

Critics of the change, though, say the shorter terms assure voters they, not political donors, have control. If they like a mayor's efforts, they will re-elect him or her, Council Member Susan Young said.

The leaders of Washington County's four largest cities have four years to make their mark before elections roll around. Even the four council members in Forest Lake, the county's fifth-largest community, get four years.

Lake Elmo also is considering such an extension. And California political scientist Shaun Bowler said one survey showed 45 percent of American cities have four-year mayors, whereas 30 percent have two-year mayors.

The reason for Forest Lake's shorter term? Accountability, perhaps. The system is set up so residents can kick out a majority of the council every two years if they're unhappy.

That possibility "keeps government closer to citizens," said Council Member Judy Bull.

But that means new mayors scramble. By the time they learn how to be chief and get their projects rolling, it's already time to start running for re-election.

Smith contends that's a costly distraction for a mayor, who can't devote enough time to projects that might take years to prove successful. That's especially true when a mayor is voted in to help change the policies of the previous administration. It can take longer than two years to reverse course, he said.

He also believes constant changes on the council could throw city staff into disarray.

"It's very difficult to accomplish any (long-term) initiatives in a two-year period," Smith said.

He's not alone in his thinking. Bowler, a University of California-Riverside professor who studies local elections, said two-year terms might just reflect "the triumph of running over governing."

Such terms might have been sufficient for colonial America and its simpler agrarian society, he said. But with today's budget cycles, union contract negotiations and complex infrastructure projects, "maybe you need a little longer learning curve."

Council Member Dick Tschida supports the idea, and Council Member Rick Ashbach says he questions it but remains open.

But Bull sounded skeptical. And Young opposed the idea, suggesting it could strengthen the influence of campaign contributions.

"I can understand why (campaign) donors would wish to have a longer term to get back their investment," she said.

And though she said she understands Smith's concerns about long-term initiatives, "If (a mayor) has good and worthwhile projects, and citizens want them, they'll re-elect him."

In a survey provided by the city, three cities smaller than Forest Lake — Mahtomedi, St. Paul Park and Grant — have mayors with four-year terms.

Lake Elmo might join them. Its council is expected to discuss the idea at its Jan. 17 meeting. Though the proposal has supporters, Lake Elmo Mayor Susan Dunn advises against it.

"Protect the residents and allow them the voice of choice every two years," she said.

Then again, Bowler of UC-Riverside said, "voters like elections in principle — but tire of them in practice."

Alex Friedrich can be reached at afriedrich@pioneerpress.com or 651-228-2109.

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<http://www.twincities.com>

Lake Eimo City Council January 17, 2006	Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING	<u>No. 7A.</u>
<u>Agenda Item:</u> Gen Set (generator)		
<p>At the January 10, 2006 Council Workshop, the Public Works Supervisor informed the Council of the opportunity to purchase a Gen Set generator from the City of North St. Paul at a cost of \$10,000. He pointed out there is \$15,000 in the CIP.</p> <p>Mike Bouthilet will have a verbal update.</p>		
<u>Action items:</u>	<u>Person responsible:</u> M. Bouthilet	
<u>Attachments:</u> Excerpt from the January 10 th Council Workshop	<u>Time Allocated:</u>	

LAKE ELMO COUNCIL WORKSHOP
JANUARY 10, 2006

9. Public Works – Gen Set (generator)

The new Public Works Facility will be used as an emergency center. Our Public Works Supervisor has worked with the City of North St. Paul because they bought several Gen Sets for one of their buildings that were too small. Mike Bouthilet said North St. Paul offered it to us for half the price, \$10,000. He said the self-contained unit automatically comes on if we lose power at the garage. He said they had planned for this and put money in CIP for \$7,000 in two years. The Public Works corrected that amount after the meeting to \$15,000 allocated in the CIP.

10. Animal Control

11. Minutes and Structure

12. Volunteer/Employee Appreciation Dinner

The Council will check their calendars and call the Clerk with possible dates....March 3rd was discussed as a possible date.

Workshop was adjourned at 8:50 p.m.

7B.

Summary Building Report

December-2005			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	2	\$1,759,000.00	New Residential	21	\$12,311,741.00
New Commercial	0	\$0.00	New Commercial	8	\$4,522,600.00
Other Residential	13	\$87,806.00	Other Residential	330	\$4,557,727.00
Other Commercial	3	\$13,500.00	Other Commercial	47	\$1,156,157.00
Total	18	\$1,860,306.00	Total	406	\$22,548,225.00
Total Building Fees Collected		\$23,848.46	Total Building Fees Collected		\$310,406.49
Summary Plumbing Report			Summary Plumbing Report		
Plumbing	6	\$86,000.00	Plumbing	81	\$1,185,678.00
Total Plumbing Fees Collected		\$553.00	Total Plumbing Fees Collected		\$6,379.00
Summary HVAC Report			Summary HVAC Report		
HVAC	7	\$41,086.00	HVAC	99	\$774,986.00
Total HVAC Fees Collected		\$603.50	Total HVAC Fees Collected		\$8,397.90
Summary Grand Total Fees		\$25,004.96	Summary Grand Total Fees		\$325,183.39
Surcharge Fee Paid to State		\$928.40	Surcharge Fee Paid to State		\$11,156.48
SAC Fees Paid to Met Council		\$0.00	SAC Fees Paid to Met Council		\$1,450.00
WAC Fees Paid to Oakdale		\$2.00	WAC Fees Paid to Oakdale		\$502.00
Misc. Expenses		\$2.00	Misc. Expenses		\$2.00
Total Fees Retained		\$24,072.56	Total Fees Retained		\$338,293.87
Credit Fees to Bldg		\$23,272.56	Credit Fees to Bldg		\$283,602.91
Credit Fees to Water		\$400.00	Credit Fees to Water		\$27,000.00
Credit Fees to Sewer		\$75.00	Credit Fees to Sewer		\$1,100.00

<p>Lake Elmo City Council January 17, 2006</p>	<p>Agenda Section: CITY ENGINEER'S REPORT</p>	<p><u>No 8A.</u></p>
<p><u>Agenda Item:</u> PUBLIC HEARING: Water Systems Interconnection Phase IV Project Resolution No. 2006-09 Authorizing Preparation of Plans and Specifications</p>		
<p><u>Background Information for January 17, 2006</u> At the December 6th meeting, the Council accepted the Feasibility Report and ordered a public hearing for the Water Systems Interconnection Phase IV Project. The Public Hearing was published in the Lake Elmo Leader and the hearing notices were mailed to the affected property owners. The City Engineer will make a presentation of the proposed Project and answer any questions. A Draft resolution authorizing preparation of plans and specifications is provided for Council consideration</p>		
<p><u>Action Items:</u> M/S/ to adopt Resolution No. 2006-09, A Resolution Ordering Improvement and Preparation of Plans for the Water Systems Interconnection Phase IV Project</p>	<p><u>Person responsible:</u> T.Prew</p>	
<p><u>Attachments:</u> Resolution</p>		

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-09
A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS
FOR THE WATER SYSTEMS INTERCONNECT PHASE IV PROJECT

WHEREAS, a resolution of the City Council adopted the 6th day of December, 2005, fixed a date for a council hearing on the proposed improvement for the Water Systems Interconnect Phase IV Project.

AND WHEREAS, ten days' mailed notice and two week's published notice of hearing was given, and the hearing was held thereon the 17th of January, 2006, at which all persons desiring to be heard were give an opportunity to be heard thereon.

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered proposed in the council resolution adopted the 17th day of January, 2006.
3. TKDA is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax exempt bond.

ADOPTED by the Council this 17th day of January, 2006.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Lake Elmo City Council January 17, 2006	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9A
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Agenda Item: Austad/Pierre/Hurt – Wastewater Treatment

Background Information for January 17, 2006:

The Council is aware of the history of issues with wastewater treatment on Hytrail properties owned by these families. The sophisticated wastewater treatment systems installed on all three properties do not function as designed, and the property owners maintain that no on-site wastewater solutions are feasible due to poor soils. On November 15, 2005 the Council directed staff to work with the property owners to investigate use of a portion of the Demontreville Natural Area owned by the City as a 201 style drain field to serve all three properties. The property owners have indicated a willingness to design and construct both the drain field and the conveyance pipe and equipment at their expense if the City would provide the drain field site and take over maintenance of the drainfield, and all appurtenant pipe and related equipment within the Public right-of-way. All tanks and equipment located on the property owners' sites would continue to be their individual responsibility.

Responsive to that November Council direction City staff designated a location within the Demontreville Nature Area that appeared suitable for a drain field location. The primary determinants of "suitable" were: 1.) Area clear of existing trees (that would have to be removed for a drain field); and, 2.) An area that looked like it might pass soil perk tests. The property owners then contracted with a septic design firm to test the soils at the designated area – a portion of the sliding hill. While suitable soils were located, the area of those suitable soils was large enough to only support a primary drain field – but not a back-up site as now required by Lake Elmo Code. The property owners' septic designer then tested another site in the wooded east area of the Nature Area, and did locate a site that would accommodate both a primary and back-up drain field. This area would lose existing tree cover if the drain field were constructed there.

(Austad et al Continued on Page 2)

Action items:

Motion to approve the plan for wastewater treatment to serve the Austad, Pierre, and Hurt properties per plans staff dated 01/12/06 subject to the recommendations of the City Forester (landscape screening) and the City Engineer (system design). The property owners will pay the entire cost of system and City construction inspection costs, and agree to pay City wastewater fees in the same amount and in the same manner as properties connected to the City's 201 wastewater systems.

Person responsible:

City Planner

Attachments:

1. Draft Committee of the Whole Minutes of January 10
2. City Council Minutes of November 15, 2005
3. Location Map
4. Petitioner's System Plans

Time Allocated:

(Austad et al Continued from Page 1)

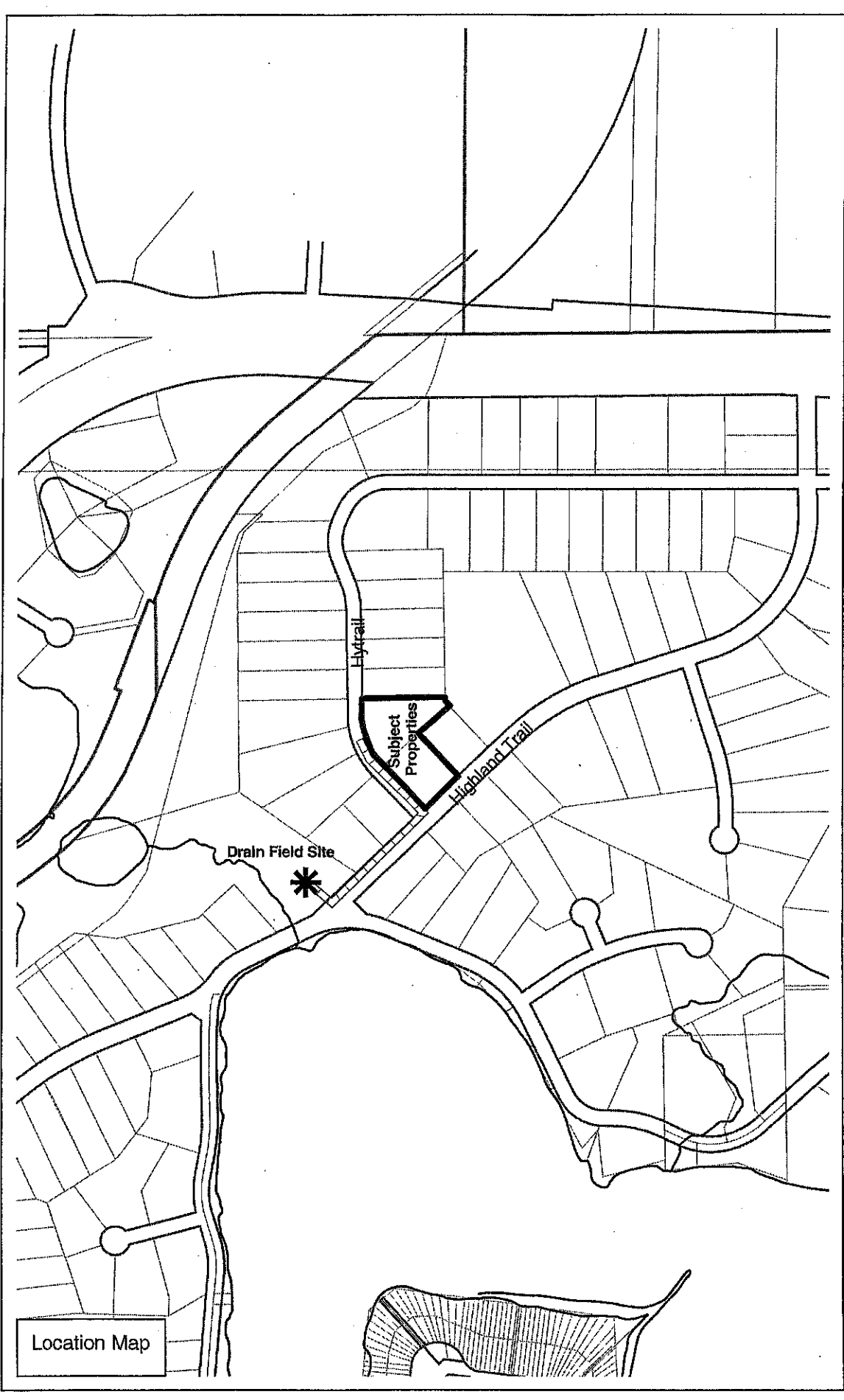
In December the property owners submitted a proposed plan for the alternative drain field site and conveyance system to the staff for review. That review resulted in staff concerns with tree loss and resulting visual impact of the alternative drain field site, and concerns by the City Engineer with some of the mechanical features of the conveyance/treatment system proposed.

On January 10, 2006 the Council Committee of the Whole considered both the property owners' plan and the staff's concerns with that plan. The petitioning property owners and a least one other property owner that would be adjacent to the new drain field attended the meeting and addressed the Committee. The petitioning property owners presented a letter of endorsement for the project from the other three property owners that reside adjacent to where the new drain field would be located.

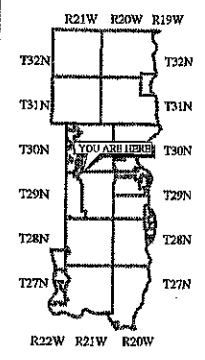
The petitioning property owners agreed to incorporate modifications to their project design as follows:

1. New tree plantings along the north/east periphery of the new drain field that would provide immediate and effective year-round screening – as recommended by the City Forester as to count, species and as-planted sizing.
2. Such design modifications to the conveyance system and drain field as the City Engineer recommends to insure proper system functioning and City maintenance in the future.

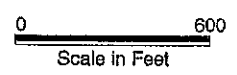
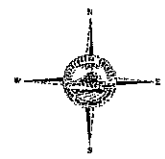
The property owners will pay for all system components and construction and City construction inspection. The City will become the owner of and be responsible for the portions of the system in Public right-of-way and on City property in the same manner as the 201 systems. The property owners will pay the City the periodic wastewater fee as now paid by 201 system property owners.



Location Map



Vicinity Map



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

Source: Washington County Surveyor's Office, Phone (861) 430-6876

Period data based on AS400 information

DRAFT

7. Austad Drainfield Plans

The City Engineer provided a utility plan for inground septic systems for the three individual lots involved – Pierre, 5665 Hytrail Avenue; Austad, 5701 Hytrail Avenue and Hurt, 5751 Hytrail Avenue. Mr. Austad presented a petition from the homeowners involved looking for the City's support in an effort to resolve the issues at their properties. Mr. Austad said he talked to surrounding neighbors informing them as to what is being proposed. The City has allowed them to perk test an area on City property behind their homes.

Mr. Austad said he counted about 15 trees that would have to go. The City Forrester will look at the area, at the soils to determine what type of trees could be planted for screening.

The City Engineer said there would be a pumping station which would have a manhole at grade, but he would prefer not to have the manhole in the back and will look at other areas. He said that the construction of the system would be privately and then turned over to the City has not been discussed. Usual monthly fees contributed and cost of installation will be paid for by the residents. There would be a wide enough path with a firm base and grass for someone three times a week to check on the system.

The City Engineer explained the design has a backup. The portion of the sliding hill does not have enough room to meet our requirements for two drainfields. Mr. Austad said the three house system, drainfield, tree removal would cost about \$75,000.

The Council noted they were behind solving this problem in a unatrusive manner as possible.

A specific proposal will be presented at the January 17th Council meeting.

8. Bergmann Easement

The City Engineer said he is with the Bergmann's on easements.

9. Public Works – Gen Set (generator)

The new Public Works Facility will be used as an emergency center. Our Public Works Supervisor has worked with the City of North St. Paul because they bought several Gen Sets for one of their buildings that were too small. Mike Bouthilet said North St. Paul offered it to us for half the price, \$10,000. He said the self-contained unit automatically comes on if we lose power at garage. He said they had planned for this and put money in CIP for \$7,000 in two years. The Public Works corrected that amount to \$15,000 after the meeting.

10. Animal Control

11. Minutes and Structure

DRAFT

DRAFT

(2) Resolution No 2005-128, Adopting and Promoting the Use of Intrastate Mutual Aid Agreements

In the letter dated May 18, 2005, it indicates there are nine steps needed for initial implementation of HSPD 5 and 8 and for initial NIMS ICS compliance are identified in a memo dated March 10, 2005, entitled National Incident Management System: Incident Command System Elements Implementation to Minnesota. The Council did not receive a copy of the memo dated March 10, 2005.

M/S/P Johnson/Johnston – to delay action on this agenda item in order to obtain the March 10, 2005 Memo. (Motion passed 4-0.)

B. Update on Building Department: Activities: Jim McNamara

The Building Official reported there were five new residential permits and one new commercial permit issued for October, 2005.

8. CITY ENGINEER'S REPORT:

9. PLANNING, LAND USE, AND ZONING:

A. Alternative Septic Treatment – Austad, Pierre, Hurt

The City Planner reported the City received a letter from Attorney Rooney on behalf of the property owners located at the northwest corner of Highlands Trail and Hytrail. The letter requests the City's assistance to either hook these homes to the Metropolitan Sewer line at 54th Street in Oakdale or locate a site on City owned property with the DeMontreville Nature area on which to construct conventional drain field. The petitioners have indicated that they will pay the costs of whichever alternate is pursued.

The Planner noted that the City staff suggested to locate a conventional drain field site or sites on some of the high ground within the DeMontreville Natural area to which wastewater could be pumped and infiltrated...much like the several existing 201 systems in the City. If the pipe and drain fields become City infrastructure (as are the 201's) the appropriate connection fee and quarterly service fee would be charged the property owners, and the City would maintain that infrastructure—still to be constructed at the property owners expense.

Mr. Austad said they have a septic designer if the City wants to proceed with siting a three home system in the wilderness park area. The Council thought this was a workable solution for a health and safety issue. The City Administrator added the project would be under the City Engineer's control and any costs would be reimbursed. The City would bare no costs for the solution.

M/S/P Johnston/Johnson – to direct the staff to work with the three homeowners (Austad/Pierre/Hurt) on Hytrail Avenue in the direction of a community treatment on Lake Demontreville wilderness area and meet the designer requirements of the city engineer and any costs would be reimbursed by the property owners. (Motion passed 4-0)

DRAFT

Attorney Filla noted there was no public hearing required. Council member Johnson suggested informing all the residents in the area and to allow them to comment.

Mr. Austad said he would get the septic designer and send a report to TKDA.

B. Comprehensive Plan Update -- verbal

The City Planner provided a letter he drafted to Phyllis Hanson, Local Planning Assistance Manager of the Metropolitan Council, in response to her letter of September 26 initiating "a preliminary review dialogue" regarding the City's 2005-2030 Comp Plan submission to the Metropolitan Council.

The Council changed the sentence on the second page, 1st paragraph, to read as follows "The City Council unanimously adopted a Motion directing me to advise the Metropolitan Council that the City Council finds Conditions 3(i), (i),(ii) and (iii) not to be in compliance with State Statute providing that the Metropolitan Council may attach only "reasonable" conditions to time extension for plan submission."

10. CITY ADMINISTRATOR'S REPORT:

The City Administrator reported that the City of Oakdale approached him to consider allowing them to share our salt facility at the new public works facility. In continuation with our cooperative relationship with Oakdale, he said we would evaluate what facility costs would be and take preliminary steps which would be borne by the City of Oakdale. The questions raised by Council were the number of years for the agreement, cost of road deterioration and increase in traffic.

The Council consensus was to approve the direction for the City Administrator to work with the City of Oakdale on the joint salt project with Oakdale.

The Washington County Administrators elected Martin Rafferty as their Chairman.

11. CITY COUNCIL REPORTS:

Mayor Johnston announced the Lake Elmo Library will be opening in December. Council member Johnson alerted the public that December 1st the Minnesota State Demographer will have a demographics presentation at 6:30 p.m. at the Grand in Stillwater.

The Council Adjourn the meeting 7:57 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-121 Claims

Resolution No. 2005-122 Maplewood Oakdale Lions Charitable Gambling License

Resolution No. 2005-123 Assessment for Unpaid Municipal Utilities

DRAFT

January 9, 2006

Dear Neighbors,

We are looking for your support in an effort to resolve the issues at our properties which have been an issue for the neighborhood for decades.

The homeowners involved are:

Tracy and Jerry Pierre
5665 Hytrail Ave

Dave and Rose Austad
5701 Hytrail Ave

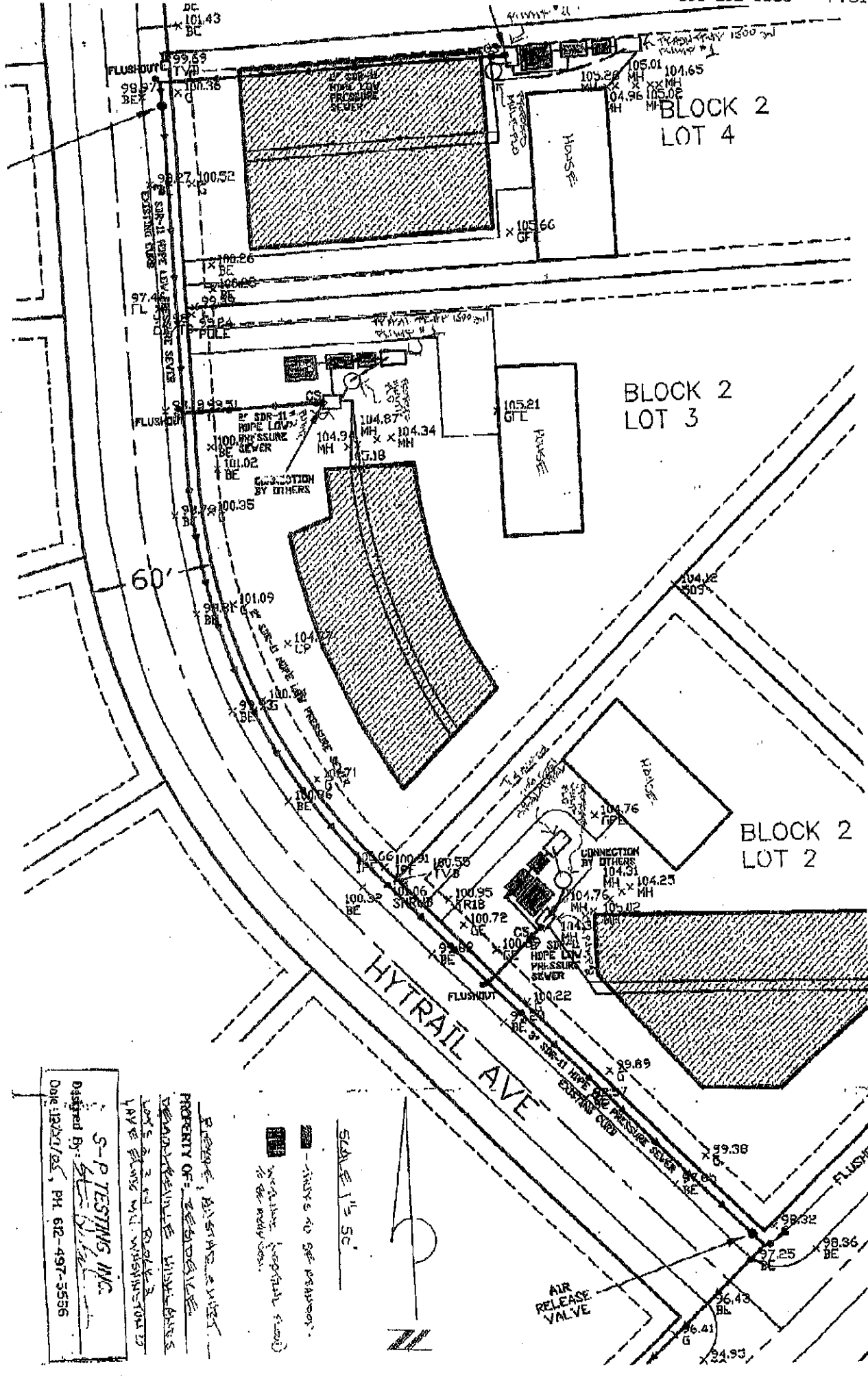
Paula and Kregg Hurt
5751 Hytrail Ave

Approximately four years ago we were the unsuspecting homebuyers who must now deal with septic issues. The City has allowed us to perk test an area adjacent to your property on City Property behind your homes.

We are hopeful that you would be kind enough to sign your signature in support of this plan.

- 1) Phillip & Joyce Pookop
- 2) Andy & Ellen Rolling
- 3) Laura & Gene Warmus
- 4) _____


Thank you.



S-P TESTING INC.
 Designed By: *[Signature]*
 Date: 12/21/05, PH. 612-497-5556

PROPERTY OF: *[Handwritten]*
 100% COMPLETE WORK
 LAYERS 2 & 3 OF BLOCK 2
 HAVE BEEN W.L. INSPECTION

SCALE 1" = 50'
 -INDICATES NO SET POINT
 -INDICATES INSPECTION POINT

Lake Elmo City Council January 17, 2006	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9B
<u>Agenda Item:</u> Appeal from Administrative Determination - Gorman		
<p><u>Background Information for January 17, 2006:</u></p> <p>Ed Gorman, on behalf of Gorman's Restaurant recently submitted a plan the Building Department for minor structural modifications to the Gorman's facility that would result in a drive-up window on the east side of the building. The Building Official referred the plan to the City Planner to determine whether the zoning of the Gorman site would permit a drive up facility at a restaurant. By his letter of December 27, 2005 the City Planner advised Mr. Gorman that it was the City Planner's determination that no permit could be issued for the drive up modification to the restaurant per the terms of the GB zoning district that allows only "...full service table operations...".</p> <p>By his letter of December 30, 2005 Mr. Gorman has appealed the City Planner's determination/Code interpretation within the time prescribed by the City Code. A Public Hearing Notice has been published as also prescribed by Code. The City Council is acting as the Board of Appeals and Adjustments in hearing this appeal.</p>		
<p><u>Action items:</u></p> <p>Motion directing staff to prepare a Resolution regarding the subject appeal.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Gorman Appeal Letter of December 30 2. City Planner Determination Letter of December 27 3. Schiltz Letter 4. Subject Zoning Provision 	<p><u>Time Allocated:</u></p>	

RECEIVED
DEC 30 2005

Gormans Restaurant
11011 Stillwater Blvd.
Lake Elmo Mn. 55042

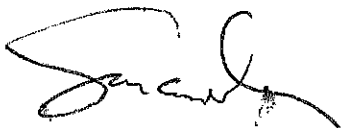
December 30, 2005

Mr. Charles Dillerud
City of Lake Elmo

This letter was hand delivered to the city of Lake Elmo office on Friday December 30, 2005

Dear Charles,

I have received your response dated December 27, 2005 and I respectfully disagree with your conclusion. Adding a drive up window to our existing restaurant will not make ours a fast food restaurant. You will note in the letter that I gave you from the Washington County health department, that they, along with their approval of our plans for the addition of a drive up area, the classification of our restaurant will not change. Our "Food Establishment" classification is for restaurants whose main mode of operation is table service. These establishments may provide drive up or take out service, but this is not their main mode of operation. The "Fast Food" definition is "a food establishment in which the patron orders and receives the food at a counter or provides its food via delivery or take out only." Surely all of the existing Lake Elmo restaurants including Gormans are violating the zoning ordinance just by preparing our meals for take out. I have also delivered our meals to various locations possibly another violation. Please do not misunderstand---I don't want any fast food restaurants to locate in Lake Elmo either. Adding the approximate 230 square feet addition to our existing restaurant to accommodate a portion of my existing business, will not make me a fast food restaurant. Gormans would become a convenient full service restaurant with accessible take out food pick up ability. It seems to me that the city could create a "GB-FF" zone that only fast foods could locate in. Currently no land is zoned that way making it clear that those businesses could not locate in the city of Lake Elmo. As far as the city setting a precedent I rather doubt that the other four restaurants in Lake Elmo would be adding a drive up window to their facilities. If so on a case by case basis the city could look at the possibility. Some would probably have to eliminate a portion of their existing parking spaces and in doing so they would possibly not meet the city's parking requirements. We are not going to lose any parking spots. Just because our restaurant would have a drive up doesn't mean a fast food could "buy me out" and operate there. Gormans has a GB zone and they would need a GB-FF zone. Good luck to them in re-zoning the parcel. In Lake Elmo there are currently two full service banks operating with drive up available. To me they are still full service banks. According to the Lake Elmo Municipal Code sect. 200.01, subdivision II, I have the opportunity to appear before the board of adjustment to be heard. Please inform me of the earliest opportunity for this to happen. The relief that I am requesting is that the board would allow us to proceed with our proposed expansion to accommodate our customers




December 27, 2005

Ed Gorman
Gorman's Restaurant
11011 Stillwater Blvd.
Lake Elmo, MN 55042

Dear Ed:

By Certified Return Receipt Mail

RE: Restaurant Drive-Up

Building Official Jim McNamara has requested my determination regarding whether the addition of a drive-up facility at your establishment would be in compliance with Lake Elmo Zoning Ordinance standards. My findings in this regard are as follows:

1. Your restaurant at 11011 Stillwater Blvd. is located in the General Business (GB) Zoning District.
2. "Cafes and Restaurants" is a Permitted Use in the GB District, but specifically limited by the Zoning Ordinance to "...full table service operations".

It is my determination that the "full table service" clause in the Zoning Ordinance is specifically intended to prohibit drive-up facilities at cafes and restaurants. Mr. McNamara can not issue a permit for the drive-up facility modifications, and I have directed him to return any plans for such a facility that you have submitted to the City.

Section 200.01, Subdivision 11 of the Lake Elmo City Code provides an appeal procedure from any determination made by an administrative officer of the City. The City Council hears the appeal as the Board of adjustments and Appeals. I have enclosed a copy of the City Code Appeal section to which I refer. Please note that you must advise of the City in writing of your appeal within 5 days of this administrative determination notice.

Sincerely yours,
City of Lake Elmo

Charles E. Dillerud
City Planner

CC: Martin Rafferty, City Administrator
Jim McNamara, Building Official

Sharon Lumby

Subject: FW: Gorman's Appeal

From: Sharon Lumby
Sent: Monday, January 09, 2006 10:18 AM
To: Chuck Dillerud
Subject: Gorman's Appeal

John Schiltz, LE Inn, called to say he has no problem with Gorman's Restaurant adding on a drive thru to his restaurant. He said he looks at it as making it more convenient for his customers and does not consider Gorman's Restaurant as a "Fast Food" business. This drive thru would not change the rural character of the neighborhood. John pointed out other businesses...Applebee's, Famous Daves, etc. all have take out areas.

Sharon

1/9/2006

Lake Elmo Municipal Code
Chapter 3 -Zoning
Section 300 -Zoning Ordinance

H. GB - General Business

1. Permitted Uses and Structures

a. The Following Service/Office uses:

General Business	
Accounting	
Advertising	(Sign fabrication not a permitted use)
Alterations	
Apparel Cleaning pick-up Stations	
Apparel Repair and Alterations	
Architectural	
Art Gallery	
Auditing	
Bakeries	(with production of bakery goods limited to retail sales)
Barber Services	
Beauty Shops	
Book Keeping	
Business and Management Consultant Offices	
Business Associations	
Cafes and Restaurants	(Limited to full-table service operations)
Charitable	
Chiropractic	
Civic, Social and Fraternal Association Offices and Halls	
Collection and Adjustment Services	
Credit Reporting (Consumer and Mercantile)	
Dental	
Detective and Protective Agencies	
Duplication	
Educational	
Employment Agencies	
Engineering	
Finance	
Galleries	
Governmental Offices	
Insurance	
Investment	
Labor Unions	
Legal	
Libraries	
Mailing	
Medical	


Lake Elmo City Council January 17, 2006	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9C
<u>Agenda Item:</u> Appeal of Administrative Order - Sessing		
<p><u>Background Information for January 17, 2006:</u></p> <p>At its December 6, 2005 meeting the City Council directed the City Staff to issue an Order to the Sessings at 5699 Keats Avenue directing certain actions by the Sessings to bring their property into compliance with certain City Code provisions. Copies of draft December 6 City Council minutes reflecting its direction to the City Staff, and the Building Official/Code Enforcement Officer's December 16, 2006 Notice and Order are attached.</p> <p>On December 20, 2005 the Sessings appealed Mr. McNamara's December 16, 2005 Order. The appeal was timely, and a Notice of Hearing before the Board of Appeals and Adjustments has been properly Noticed for January 17, 2006. A copy of the Sessing appeal is attached, together with a December 6, 2005 letter from the City Attorney that addresses some of the issues in this appeal.</p> <p>A Public Hearing should be conducted as Noticed.</p>		
<p><u>Action items:</u> Motion directing staff to prepare a Resolution regarding the subject appeal.</p>	<p><u>Person responsible:</u> City Planner</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Sessing Appeal Letter – December 20, 2005 2. McNamara Notice and Order – December 16, 2005 3. Draft December 6, 2005 City Council Minutes 4. City Attorney Letter of December 6, 2005 	<p><u>Time Allocated:</u></p>	

To: Jim McNamara,

12-20-05

I want to let you know that I am appealing this notice from you dated December 16th, 2005 in its entirety. It is ridiculous that this new City Council is going against the past City councils and all staff decisions and only selectively doing it to me and no one else in this City. I would assume that you will let me know in advance of when the appeal will be heard. As you already know you gave me permission in 1998 to install the 6 by 6's and drain tile to correct an erosion issue the Ziertman's had at that time and you inspected it and passed it. Then there is a council resolution stating the field stone is legal on my property in that location. When did a pet containment system become a structure?

Rod Sessing

WHAT C.R. HTO
CAN THIS BE ON?
MARTY WANTS
TO KNOW?


Dec16, 2005

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

Re: Council Directive

Mr. & Mrs. Sessing

At the last council meeting (Dec. 6 2005) the city council required that all four illegal structures be moved to the 10' setback line: pet containment system, retaining wall, drainage system and man made berm. The natural drainage needs to be restored and legal landscape material used in the required yard. All run off is to be redirected to stay on your property.

The above items/violations are to be corrected by January 17, 2005. If you have any questions please contact the city office

Sincerely,

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

Enclosure

EXCERPT FROM THE DECEMBER 6, 2005 COUNCIL MEETING:

Attorney Filla reported on the closed meeting where he met and talked about issues in the Sessing lawsuit, things that should be expanded in the lawsuit and things that came up that the Council thought should be discussed at a public meeting such as:

(1) Size of Garage to Residential Dwelling

(2) Allowed Uses for Side Yard Setback

(Please refer to the December 5, 2005 letter from Jerry Filla, which is made part of these minutes, for his review on these sections of the code and .)

M/S/P Smith/Johnston - to direct the staff to take enforcement action against the property owner of 5699 Keats Avenue by requiring all four illegal structures need to be moved to the required 10' side yard setback: the pet containment system, retaining wall, drainage system and manmade berm, the natural drainage pattern needs to be restored and a legal landscape material used in the required side yard setback (sod, seed, mulch); the removal of the structures and restoration of natural grade along with appropriate landscaping needs to be done from the screening structure on the east to the end of the retaining wall on the west. The 4" drainage pipe-tube that runs under the driveway and is laying in the required 10' side yard setback needs to be removed and that water needs to be redirected to stay on the Sessing property. (Motion passed 5-0.)

Peterson, Fram & Bergman, P.A.
50 East Fifth Street, Suite 300
St. Paul, Minnesota 55101

PH: 651-291-8955/FX: 651-228-1753

jfilla@pfb-pa.com
Direct Dial: 651-290-6907

~~December 5, 2005~~ December 6, 2005

Mayor Dean Johnston
Lake Elmo City Council
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

RE: Accessory Structure/Building Regulations
Construction with Side Yard Setbacks
RR Zoning District
Our File No.: 11155.04-2

Dear Mayor and City Council Members:

The City's regulations (City Code 100.03) incorporate the Minnesota Statutory Rules of Construction (MS Chapter 645). In part, the State rules of legislative construction indicate that the following presumptions should apply when construing the City Code provisions:

1. The City Council did not intend a result that is absurd, impossible of execution or unreasonable (MS 645.17 Subd. 1); and
2. The City Council did intend that the entire City Code be effective and certain (MS 645.17 Subd. 2).

RELATIONSHIP OF GARAGE TO HOME

In order to ascertain the City Council's intent in regard to the use and regulation of accessory buildings and accessory structures in the RR Zoning District, it is my opinion that a person must review the definitions of accessory building, accessory structure, building, private garage, principal structure or use, and structure (all contained in City Code Section 150) in conjunction with the City Code provisions relating to the RR Zoning District (City Code 300.07 Subd. 4.B.) and the design standards for accessory buildings and structures (City Code Section 300.13 Subds. 3 and 4). When I review those sections in conjunction with each other, I conclude:

1. That the terms "accessory building" and "accessory structure" refer to detached buildings or structures.

2. That the owner of a 10+ acre parcel in the RR Zoning District can have one (1) 2,500 square foot detached building in addition to an attached garage.
3. That the last clause of the provisions of Lake Elmo Code Section 300.07 Subd. 4.B.2.a.¹ seems to apply to all accessory structures which, depending upon your interpretation, would include both attached and detached accessory structures; and that this clause does not further define the term "size of principal building" so that it could be interpreted to mean just the square footage of the first floor of the dwelling unit or the total square footage of all dwelling space contained in the building.
4. That the meaning of the first sentence in Section 300.13 Subd. 3.D.² depends upon whether the term "accessory building" refers to an attached building/structure or to a detached building/structure. If it refers to an attached building/structure, the area of the principal building which is intended for the storage of passenger automobiles cannot exceed 1,000 square feet. If, instead, the above referenced sentence refers to a detached building, then the area of a detached building intended for the storage of passenger automobiles cannot exceed 1,000 square feet.
5. That the restrictions of the last sentence of Section 300.13 Subd. D³ do not apply to property in the RR Zoning District.

The recent addition to the Sessing home has a first floor area that is designated as workshop/storage area. Most residential dwellings have workshops/storage areas and such areas are considered as permissible incidental uses. Determining the actual use of these areas will occur as part of the discovery process in a current litigation and will impact the ultimate determination of whether the property is being used for an illegal commercial purpose or for a permissible home occupation.

SIDE YARD RETAINING WALLS

Except for buildings that house livestock, the required side yard setback for primary and accessory buildings/structures in the RR Zoning District is ten (10) feet (Lake Elmo Code 300.07 Subd. 4.B.3). Various items, including gutters, fences, walls, hedges, trees, shrubs and plants are permitted encroachments in the side yard setback area (Lake Elmo Code 300.07 Subd. 1 and Subd. 2). Drain tile is not enumerated as a permissible encroachment within the side yard setback area. Fences are defined as "a partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure (Lake Elmo Code Section 150).

Other than the permitted side yard encroachments, side yards should be landscaped with materials such as sod, seed, mulch and plantings (Lake Elmo Code 1365.01). In

the case of the Sessing property, the City also allowed field stone to be used as a form of landscaping material within the side yard area (Lake Elmo Resolution No. 99-37).

Based upon my review of the above sections, I conclude that a retaining wall of some type is a permissible encroachment within a side yard setback area and that all side yard setback improvements must be maintained in an attractive and well kept condition by the property owner (Lake Elmo Code 1365.05).

Very truly yours,

/s/ JPF

Jerome P. Filla

JPF:jtc

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¹ Uses and structures which are customarily accessory and clearly incidental and subordinate to allowed uses and structures; accessory structures cannot exceed the size of the principal building.

² No accessory building used or intended for the storage of passenger automobiles shall exceed 1,000 square feet of gross area, nor shall any access door or other opening exceed the height of ten (10) feet, nor shall any structure exceed one (1) story in height except when the garages are located in business, industrial or planned unit developments.

³ On parcels of 20,000 square feet in area or less, no detached accessory building or garage shall exceed the size of the principal building in gross floor area.

Lake Elmo City Council January 17, 2005	Agenda Section: Administrator	<u>No. 11A.</u>
<u>Agenda Item:</u> Appointment of Fire Chief to Full Time Status.		
<p><u>Background Information:</u></p> <p>The LE Fire Department was organized as a voluntary department many years ago similar to all small cities across the country. Overtime volunteerism matured into a “paid on call volunteerism” as the need to have a public safety fire organization operate consistently, responsively and that would be accountable. Cities across the country have been reporting the difficulty in maintaining this type of structure with the change of employment economy within the US during the late 90s/early 2000 era. Cities, including our neighbors have begun hiring some full time positions to augment the majority of paid volunteers to assure a fire safety response would be predictable. Added to this changing human resource need/cost is the high cost of equipment, facilities and expected service response from residents.</p> <p>On September 24th of 2004 the City Council adopted Ord. 97-141 relating to the organization and operation of the Fire Department. This occurred after deficiencies in the City Code were identified relating to operational authority. During the summer of 2005, I announced in writing and at the City Council meetings that I would be opening and posting for all officer positions allowing applications from the LEFD membership. Each Fire Department member received a written notice that all positions for officers were being opened for application and inviting each member to apply if they so choose. The notice also included that any of the positions could become part time or fulltime in the future. Consistent with the Ord. 97-141, the Mayor and I designed a selection/interview process for the Chief’s position including the establishment of the interview panel. The panel developed a series of questions for evaluating the candidate during the process. The interview panel recommended Chief Malmquist at conclusion of the process. He was confirmed by the City Council in September of 2005. In addition, new job descriptions were developed over the spring and summer for the Chief’s position, officer positions and fire fighter. See the attached job description for the Chief.</p> <p>During the 2005 budget process, which just concluded, a full time Fire Chief’s position was added and approved in the 2006 budget. Five major areas of management goals were sited as needed for 2006 and into the future. These areas involve the;</p> <ul style="list-style-type: none"> • Fiscal management, overall planning, development, management and maintenance of the fleet/facilities; • design, management and deployment of human resources; • public safety review and planning of new development; • fire inspection planning and implementation of exiting and new development; • and long term regional planning of public fire safety, emergency response and civil defense operations. <p>To achieve the intended results within the LEFD in 2006, a full time Fire Chief will facilitate the goals as described. It is anticipated that the new Fire Chief’s position will be partially self supporting financially by the year end.</p>		
<u>Action Items:</u> Motion to hire Chief Gregory Malmquist as the Lake Elmo full time Fire Chief as of January 17, 2006.		<u>Person responsible:</u> Martin Rafferty, City Administrator
<u>Attachments:</u> Fire Chief Job Description		

LAKE ELMO FIRE DEPARTMENT JOB DESCRIPTION

FIRE CHIEF

POSITION SUMMARY

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

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

QUALIFICATIONS (must be met and maintained throughout term in position)

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

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

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

ESSENTIAL FUNCTIONS

1. Administrative activities.

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

2. Training

- Responsible for the management and administration of the training and certification programs.
- Responsible for department training programs, establish and maintain minimum training standards.
- Responsible for the weekly training activities of the department.
- Maintain training records.
- Responsible for coordinating both outside instructors and members attending outside training.

3. Vehicles, Equipment and Facilities

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

4. Fire Prevention

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

5. Inspections/Investigations

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

6. Department Liaison.

- Represent the Department on committees, at meetings and conferences as needed.
- Inform the Department of significant matters.
- Develop and maintain effective working relationships with City Staff, other agencies and the general public.
- The Chief shall at all times present a positive and constructive attitude and shall continually strive to improve morale and working relationships among personnel.

PHYSICAL DEMANDS

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

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

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

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

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

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

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

SUPERVISION

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

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

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

Lake Elmo City Council January 17, 2005	Agenda Section: Administrator	No. 11B.
<u>Agenda Item:</u> Begin hiring process on Assistant City Planner and Engineer.		
<p>During the Budget process for 2006, four new positions were planned for and budgeted. Those positions are Fire Chief, Engineer, Assistant City Planner and Code Enforcement Officer. Each of the positions listed below have been identified during the budget process as clearly needed; based on the current workload vs. current staff allocations and/or needed service delivery capacity. Some of the positions will rely on savings from budgeted allocations while others are dependent upon fees collected. Additionally, all of the positions added in the 2006 budget process anticipate future growth. As it will take some time to get through the process, I am suggesting we move forward to begin the process on the following positions</p> <p><u>Assistant City Planner</u> <u>Anticipated Hire Date</u> 5/06</p> <p>The planned development for the next 25 years, as ordered by Met Council, as well as the need for staff to accomplish/achieve workloads and mentor a future replacement have been the driving goals for adding this new position. In addition, fees currently received and anticipated will fully fund this new position.</p> <p><u>City Engineer</u> <u>Anticipated Hire Date</u> 5/06</p> <p>Since Lake Elmo became a city consulting engineers have provided the city with the service needed to accomplish the defined annual tasks. A number a years ago, as the city became dissatisfied with a consulting engineering firm that represented LE, a decision to change resulted in the city loosing years of project documentation. Cities rely on the memory of good documentation when planning future changes and understanding the present day. Our current consultant TKDA does maintain good documentation in their office. The existing growth, anticipated growth and current investments into building and replacing infrastructure and associated engineering costs, it is planned a portion of the engineering fees paid and workload could be redirected to an in-house engineer. It is anticipated that the full time hired engineering skill would also be used to set up the LE Engineering office, moving all documentation on-site and also work closely with the PW Department. This position will be fully funded by redirecting fees and workload to the new engineer. We are anticipating an entry level engineer to fill this position at this time.</p>		
<u>Action Items:</u> Motion to begin the hiring for the Assistant Planner and Engineer.		<u>Person responsible:</u> Martin Rafferty, City Administrator
<u>Attachments:</u>		

Lake Elmo City Council January 17, 2006	Agenda Section: CITY ADMINISTRATOR'S REPORT	<u>No. 11D.</u>
<u>Agenda Item: Fire Department Operational Policy Manual</u>		
<p><u>Background Information:</u></p> <p>On September 24th of 2004 the City Council adopted Ord. 97-141 relating to the organization and operation of the Fire Department. This occurred after deficiencies in the City Code were identified relating to operational authority.</p> <p>Part of that Ord. gives authority to the Administrator to work with the Fire Chief and his team to construct operational policy and guidelines in a manual format for clarity of operation. In an effort to make certain the City Council stays in the loop of that practice and LEFD Operations, I am recommending that a member of Council be appointed annually to be part of the concurrence process related to policy and guideline development.</p>		
<p><u>Action Items:</u> Motion to appoint one member of Council to work with the Administrator and the Fire Chief in the on-going development and modification of the LEFD Manual.</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty, City Administrator</p>	
<p><u>Attachments:</u></p>		