

City of Lake Elmo
3800 Laverne avenue North

March 1, 2011

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ATTENDANCE: Johnston _____ Pearson _____ Emmons _____ Park _____ Smith _____
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. ACCEPT MINUTES:
 - 1. Accept the February 15, 2011 City Council Minutes.
 - 2. Accept the February 17, 2011 Special City Council Minutes.
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by City staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.
 - 3. Approve payment of disbursements and payroll
- J. REGULAR AGENDA:
 - 4. Firefighters Relief Association Drawing
 - 5. 4-H Funding Request
 - 6. Rezoning Map Amendment: Rezoning of Two Properties off of 27th Street
 - 7. Clarification of Sub-Committee Duties
 - 8. Consider Resolution of Support for the Washington County's Continued Participation in the Counties Transportation Improvement Board (CTIB)
 - 9. Consider Proposed 2011 Accounting Services Contract, as amended

10. Authorize Solicitation and Contracting for Professional Services for Organizational and Personnel-Related Matters
11. Storm Water Utility Ordinance: Direction

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and City Council
- Administrator
- Planning Director

L. Adjourn

*** A social gathering may or may not be held at the Lake Elmo Inn following the meeting. ***



MAYOR & COUNCIL COMMUNICATION

DATE: 3/01/2011
REGULAR
ITEM #: 8
MOTION *Resolution No. 2011-006*

AGENDA ITEM: Consider Resolution of Support for the Washington County's Continued Participation in the Counties Transportation Improvement Board (CTIB)

SUBMITTED BY: Gateway Corridor Commission

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Honorable Dean Johnston, Mayor

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider Resolution No. 2011-006, supporting Washington County's continued participation in the Counties Transportation Improvement Board (CTIB), as requested by the Gateway Corridor Commission. Should Council wish to approve such a Resolution, the specific motion suggested is as follows:

"Move to Approve Resolution 2011-006 expressing support for Washington County's continued participation in the Counties Transportation Improvement Board (CTIB)."

BACKGROUND INFORMATION: The Gateway Corridor Commission, of which Lake Elmo is a full member and participant, has requested consideration of resolutions from local communities supporting continued participation by Washington County in the Counties Transportation Improvement Board (CTIB).

STAFF REPORT: City staff has prepared the attached Resolution No. 2011-006 for Council consideration. Also attached is a similar resolution recently passed by the City of Newport.

RECOMMENDATION: It is recommended that the City Council consider Resolution No. 2011-006, supporting Washington County's continued participation in the Counties Transportation Improvement Board (CTIB), as requested by the Gateway Corridor Commission. Should Council wish to approve such, the specific motion suggested is as follows:

"Move to Approve Resolution 2011-006 expressing support for Washington County's continued participation in the Counties Transportation Improvement Board (CTIB)."

Alternatively, the City Council does have the authority to further discuss, deliberate and modify the draft Resolution prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to Approve Resolution 2011-006 expressing support for Washington County’s continued participation in the Counties Transportation Improvement Board (CTIB), as presented [and modified] herein.”

ATTACHMENTS:

1. Draft Resolution No. 2011-006
2. City of Newport, MN Resolution 2011-2

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Mayor Dean Johnston
- Questions from Council Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion..... Mayor & City Council

CITY OF LAKE ELMO

RESOLUTION NO. 2011-006

A RESOLUTION SUPPORTING WASHINGTON COUNTY'S CONTINUED
PARTICIPATION IN THE COUNTIES TRANSPORTATION IMPROVEMENT
BOARD (CTIB) QUARTER-PERCENT SALES TAX

WHEREAS, Washington County is currently a participating member of the Counties Transit Improvement Board (CTIB); and

WHEREAS, CTIB is generating approximately \$89,000,000 per year for transitway development within the Metropolitan Transportation Area; and

WHEREAS, Washington County is guaranteed 3% of the total revenues generated for each of the years 2010, 2011, 2012, and 2013;

WHEREAS, Washington County has previously allocated \$553,950 of CTIB grant funds towards the Gateway Corridor Alternatives Analysis; and

WHEREAS, the City of Lake Elmo is a member of the Gateway Corridor Commission and is participating in the Alternatives Analysis study; and

WHEREAS, the City of Lake Elmo supports a strong transportation system which is a fundamental requirement for quality job growth, business development and residential quality of life.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lake Elmo HEREBY supports continued CTIB participation of collecting a quarter-percent sales tax for transit projects in Washington County.

ADOPTED by the City Council of the City of Lake Elmo this 1st day of March, 2011.

Dean A. Johnston, Mayor

ATTEST:

Bruce A. Messelt, City Administrator

RESOLUTION NO. 2011-2

A RESOLUTION SUPPORTING WASHINGTON COUNTY'S CONTINUED PARTICIPATION IN THE COUNTIES TRANSPORTATION IMPROVEMENT BOARD (CTIB) QUARTER-PERCENT SALES TAX

WHEREAS, the City of Newport has worked diligently with Washington County and the Red Rock Corridor Commission to procure property for a Light Rail Transit Station in Newport and neighboring cities along the Red Rock Corridor; and

WHEREAS, Washington County has utilized CTIB funding to acquire the \$2.55m Light Rail Transit Station site in Newport in 2010; and

WHEREAS, the City of Newport rezoned a portion of the City in its Comprehensive Land Use Plan based around the Light Rail Transit Station project; and

WHEREAS, the City of Newport is depending heavily on redevelopment that would be stimulated by a Light Rail Transit Station in the City; and

WHEREAS, the CITB funding would contribute \$1,057,500 towards the design and construction of the Newport Transit Station Funding; and

WHEREAS, CTIB funding was established in 2008 by the State Legislature as a solution for providing transit funding, along with controls of those funds, to Counties for transitways and park-n-rides, operations, and engineering for the metro area; and

WHEREAS, CTIB has funded and will continue to fund \$13m work of transit projects throughout Washington County; and

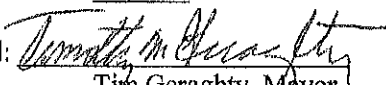
WHEREAS, the City of Newport encourages its local County Commissioner to support the CTIB quarter-percent sales tax and to continue to work the cities within Washington County; and


NOW, THEREFORE, BE IT RESOLVED That the Newport City Council **HEREBY** supports continued CTIB participation of collecting a quarter-percent sales tax for transit projects in Washington County.

Adopted this 3rd day of February 2011, by the Newport City Council.

Vote:	Geraghty	<u>Aye</u>
	Ingemann	<u>Aye</u>
	Sumner	<u>Aye</u>
	Gallagher	<u>Aye</u>
	Rahm	<u>Aye</u>

Signed:


Tim Geraghty, Mayor

ATTEST: 
Brian Anderson, Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 3/01/2011
REGULAR
ITEM #: 9
MOTION

AGENDA ITEM: Consider Proposed 2011 Accounting Services Contract, as Amended

SUBMITTED BY: Bruce A. Messelt, City Administrator *BAM*

THROUGH: 2010 Budget/Finance Subcommittee

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council review and consider the 2011 Accounting Services Contract with C&J Consulting Services, including a proposed Amendment for certain additional services. The recommended motion to amend this contract is:

“Move to approve the 2011 Accounting Services Contract with C&J Consulting Services, as amended to include a second hourly rate of \$50 per hour for certain higher-level, project-specific activities, as identified herein.”

BACKGROUND INFORMATION: The original contract for Accounting Services was unanimously approved by the City Council in July 2009, and subsequently approved for continuation in 2010. At its February 1st, 2011 City Council meeting, during its discussion of City Policy regarding external contracts, the City Council reaffirmed continuation of all financial services contracts for 2011 (assuming normal termination/change options), but directed that a review be completed in the 1st quarter of 2011 regarding roles, duties and responsibilities of those involved in the City's Finance Department and related functions.

In addition, City staff, contracted service providers and the Budget and Finance Subcommittee have identified certain issues and considerations regarding financing and billing activities warranting additional analysis and attention. In discussion with C & J Consulting Services, it is apparent that such effort falls beyond the scope of the current contract and, as such, should be considered within the context of an amendment to the 2011 contract.

STAFF REPORT: City staff has reviewed the current contract and recommends approval of an amended 2011 contract for Accounting Services, to authorize and allow the Contractor (C & J

Consulting Service) to undertake project-specific, higher-level activities on behalf of the City and in order to make identified improvements. These include the following:

- Address surface water billing considerations for vacant and agricultural classifications;
- Address surface water appeals considerations;
- Address sewer billing considerations for 201 systems; and
- Address water billing considerations regarding zero-meter readings and bulk water billing.

These represent specific projects your staff and Contractor have identified as high priority and likely to achieve significant financial return for the initial costs of the Contractor's efforts. However, to undertake these, the Contractor should be adequately compensated and has suggested a \$50 per hour rate, versus the \$25 per hour they are compensated for data and entry and standard support services. Additional projects may be identified and presented to the Budget & Finance Subcommittee for their review, consideration and presentation to the full Council

RECOMMENDATION: It is recommended that the City Council review and consider the 2011 Accounting Services Contract with C&J Consulting Services, including a proposed Amendment for certain additional services. The recommended motion to amend this contract is:

“Move to approve the 2011 Accounting Services Contract with C&J Consulting Services, as amended to include a second hourly rate of \$50 per hour for certain higher-level, project-specific activities, as identified herein.”

Alternatively, the City Council does have the authority to not take action, table this item at its discretion for future consideration, or amend the recommended action. The suggestion motion for the latter action is as follows:

“Move to approve the 2011 Accounting Services Contract with C&J Consulting Services [as amended at tonight's meeting].”

ATTACHMENTS: Proposed 2011 Accounting Services Contract

SUGGESTED ORDER OF BUSINESS:

- Introduction/Presentation of Item City Administrator
- Discussion Mayor & City Council
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion, if Appropriate Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion Mayor & City Council



MAYOR & COUNCIL COMMUNICATION

DATE: 3/01/2011
REGULAR
ITEM #: 10
MOTION

AGENDA ITEM: Authorize Solicitation and Contracting for Professional Services for Organizational- and Personnel-Related Matters

SUBMITTED BY: Bruce A. Messelt, City Administrator *BAW*

THROUGH: 2010 Personnel Subcommittee

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council affirmatively consider the recommendation of the Personnel Subcommittee to authorize the City Administrator to solicit bids and contract for Professional Services at address certain organizational- and personnel-related matters. The suggested motion to undertake this consideration is:

“Move to authorize the City Administrator to solicit bids and contract for Professional Services at address certain organizational- and personnel-related matters, as identified by the Personnel and Budget/Finance Subcommittees.”

BACKGROUND INFORMATION: The 2010 Personnel and Budget/Finance Subcommittees have identified certain organizational- and personnel-related matters that require addressing but which fall beyond the scope and expertise of current City staff. As such, the Personnel Subcommittee has specifically recommended the City Administrator seek outside Professional Services to address these considerations.

Such outside Professional Services will also aid the City in addressing certain organizational- and personnel-related matters also raised by the 2010 Budget/Finance Subcommittee and the City Council, as a whole regarding a mandated assessment and review of the City's Finance Department and its related functions.

STAFF REPORT: City staff has received the recommendations from the Personnel Subcommittee and Budget/Finance Subcommittee and its forwarding these for Council consideration at tonight's meeting, including Agenda Item #9 and Agenda Item #10. It is

recommended that certain efficiencies and economies can be achieved through utilization of outside Professional Services to address with the Subcommittees and City staff the identified matters. City staff will follow applicable City policies in soliciting a minimum of three bids for such services prior to executing any limited-duration (scope and maximum expenditure) contract.

RECOMMENDATION: It is recommended that the City Council affirmatively consider the recommendation of the Personnel Subcommittee to authorize the City Administrator to solicit bids and contract for Professional Services at address certain organizational- and personnel-related matters. The suggested motion to undertake this consideration is:

“Move to authorize the City Administrator to solicit bids and contract for Professional Services at address certain organizational- and personnel-related matters, as identified by the Personnel and Budget/Finance Subcommittees.”

Alternatively, the City Council does have the authority to not take action, table this item at its discretion for future consideration, or amend the recommended action. The suggestion motion for the latter action is as follows:

“Move to authorize the City Administrator to solicit bids and contract for Professional Services at address certain organizational- and personnel-related matters, as identified by the Personnel and Budget/Finance Subcommittees [and as directed at tonight’s meeting].”

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction/Presentation of ItemMayor Johnston
- Discussion Mayor & City Council
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion, if Appropriate..... Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion..... Mayor & City Council



MAYOR & COUNCIL COMMUNICATION

DATE: 3/01/2011
REGULAR
ITEM #: 11
MOTION

AGENDA ITEM: Authorization to Prepare for Consideration an Amendment to the City's Storm Water Management Utility Ordinance to Address Calculation of Utility Factor for Agriculturally-Classified Parcels

SUBMITTED BY: Bruce A. Messelt, City Administrator *BAM*

THROUGH: 2010 Budget/Finance Subcommittee

REVIEWED BY: City Staff and Accounting Services Contractors

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council affirmatively consider the recommendation of the 2010 Budget/Finance Subcommittee to authorize the City Administrator to prepare for consideration an amendment to the City's Storm Water Management Utility Ordinance to address the calculation of the utility factor for parcels classified as agriculture. The suggested motion to undertake this consideration is:

"Move to authorize the City Administrator to prepare for consideration an amendment to the City's Storm Water Management Utility Ordinance to address the calculation of the utility factor for parcels classified as agriculture, as identified by the Budget/Finance Subcommittee."

BACKGROUND INFORMATION: The 2010 Budget/Finance Subcommittee has identified certain considerations relating to the current calculation of the utility factor for parcels classified as agriculture under the City's Storm Water Management Utility Ordinance.

Existing Ordinance language defines a utility factor of 6 applied to each identified parcel, while current and past billing practice has been to utilize a utility factor of 3 applied to each parcel, based upon a per-acre calculation. Historical research identifies the latter practice of per acre charges to be more equitable (proportionate) to smaller agricultural parcels.

However, no historical information is available as to the lower utility factor. It is surmised that a lower utility factor was administratively employed in the past as a means to lessen the impact on large agricultural parcels when the switch to a per-acre charge was made.

STAFF REPORT: To address these matters, the City should either revert to existing Ordinance provisions or proceed with an Amendment to the City's Storm Water Management Utility Ordinance. City staff has received the recommendations from the 2010 Budget/Finance Subcommittee to address this matter.

As such, and given the legitimate equity issues raised in the past, it is recommended that an Amendment to the Ordinance be prepared to codify the current utilization of the per-acre calculation. In doing so, the City Council will also be afforded with options to leave the current utility factor at 3 (via amendment), revert to the existing Ordinance provision of 6, or structure a graduated increase from 3 to 6.

It should be noted that mailing of annual storm water bills for 2010, for the vast majority of this classification only, are being held, pending Council direction at tonight's meeting. 2009 storm water bills were sent out in December 2009.

RECOMMENDATION: It is recommended that the City Council affirmatively consider the recommendation of the 2010 Budget/Finance Subcommittee to authorize the City Administrator to prepare for consideration an amendment to the City's Storm Water Management Utility Ordinance to address the calculation of the utility factor for parcels classified as agriculture. The suggested motion to undertake this consideration is:

"Move to authorize the City Administrator to prepare for consideration an amendment to the City's Storm Water Management Utility Ordinance to address the calculation of the utility factor for parcels classified as agriculture, as identified by the Budget/Finance Subcommittee."

Alternatively, the City Council does have the authority to not take action, table this item at its discretion for future consideration, or amend the recommended action. The suggestion motion for the latter action is as follows:

"Move to authorize the City Administrator to prepare for consideration an amendment to the City's Storm Water Management Utility Ordinance to address the calculation of the utility factor for parcels classified as agriculture, as identified by the Budget/Finance Subcommittee [and as directed at tonight's meeting]."

ATTACHMENTS: Lake Elmo City Code Chapter 53: Storm Water Management Ordinance

SUGGESTED ORDER OF BUSINESS:

- Introduction/Presentation of Item City Administrator
- Discussion Mayor & City Council
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion, if Appropriate..... Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion..... Mayor & City Council

CHAPTER 53: STORM WATER MANAGEMENT UTILITY

Section

53.01	General operation
53.02	Surface water management utility equations
53.03	Surface water management fee
53.04	Credits
53.05	Exemptions
53.06	Statement of surface water management charges
53.07	Appeal of fee
53.08	Delinquent payments
53.09	Annual certification of delinquent accounts

§ 53.01 GENERAL OPERATION.

(A) The municipal surface water system shall be operated as a public utility (hereinafter called the surface water management utility), pursuant to M.S. § 444.075, as it may be amended from time to time, from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

(B) In general, revenue from the surface water utility shall be used for preparation of a Surface Water Management Plan, maintenance of existing ditches, culverts, pond, and storm sewers, capital improvement in developed areas, equipment, planning, inventories, and water quality improvements, including weed control.

(Ord. 97-122, passed 7-15-2003)

§ 53.02 SURFACE WATER MANAGEMENT UTILITY EQUATIONS.

The utility equation for various land uses to determine the surface water management fees are assigned as follows.

<i>Property Class Code</i>	<i>Current Land Use</i>	<i>Utility Factor</i>
151-208,402	Residential	1.0/Lot

Lake Elmo, MN Code of Ordinances

<i>Property Class Code</i>	<i>Current Land Use</i>	<i>Utility Factor</i>
101-111, 401	Agricultural	6.0/Parcel
210	Manufactured Home Park	0.52/Acre
230, 231, 233-241	Commercial/Industrial	3.08/Acre
250-252	Vacant Land	0.15/Acre
232	Golf/Park	0.35/Acre
900-999	School/Church	1.12/Acre
-	Conditional Use Permit	Site Specific

(Ord. 97-122, passed 7-15-2003)

§ 53.03 SURFACE WATER MANAGEMENT FEE.

Surface water management fees shall be established for a period of time as set by City Council resolution.

(Ord. 97-122, passed 7-15-2003)

§ 53.04 CREDITS.

The Council may adopt policies, by resolution, for adjustment of the surface water management fees. Information to justify a fee adjustment must be supplied by the property owner. The adjustments of fees shall not be retroactive, unless provided within the resolution. Credits will be reviewed annually by city staff.

(Ord. 97-122, passed 7-15-2003)

§ 53.05 EXEMPTIONS.

The following land uses are exempt from the surface water management fee:

Lake Elmo, MN Code of Ordinances

- (A) Public right-of-way;
- (B) Parks;
- (C) Lakes; and
- (D) Railroad property.

(Ord. 97-122, passed 7-15-2003)

§ 53.06 STATEMENT OF SURFACE WATER MANAGEMENT CHARGES.

Statements for the preceding yearly surface water management service shall be mailed to each customer on or before March 5.

(Ord. 97-122, passed 7-15-2003)

§ 53.07 APPEAL OF FEE.

(A) If a property owner or person responsible for paying the surface water management fee believes that a particular assigned fee is incorrect, the person may request that the fee be recomputed.

(B) Appeals will be heard by the Council once a year in accordance with the schedule established for credit applications, in established city policy.

(Ord. 97-122, passed 7-15-2003)

§ 53.08 DELINQUENT PAYMENTS.

A penalty equal to \$5 or 10% of the amount due, whichever is greater, shall be added to accounts not paid in full on or before May 1.

(Ord. 97-122, passed 7-15-2003)

§ 53.09 ANNUAL CERTIFICATION OF DELINQUENT ACCOUNTS.

(A) Each year the city staff shall prepare a list of delinquent surface water management service charge accounts, including accrued penalties thereon, in the form of an American Legal Publishing Corp.

Lake Elmo, MN Code of Ordinances

assessment roll.

(B) On or before October 1 of each year, the City Council shall review the delinquent surface water management service charge assessment roll and adopt an appropriate resolution directing that the assessment roll be certified to the County Auditor as a lien against the premises served and directing that the County Auditor collect the assessment as part of the ensuing year's tax levy.

(Ord. 97-122, passed 7-15-2003)

City of Lake Elmo
3800 Laverne avenue North

March 1, 2011

7:00 p.m.

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 - 3. Approve payment of disbursements and payroll
- J. REGULAR AGENDA:
 - 4. Firefighters Relief Association Drawing
 - 5. 4-H Funding Request
 - 6. Rezoning Map Amendment: Rezoning of Two Properties off of 27th Street
 - 7. Reconsideration of Sub-Committee Assignments

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and City Council
- Administrator
- Planning Director

L. Adjourn

*** A social gathering may or may not be held at the Lake Elmo Inn following the meeting. ***

City of Lake Elmo
City Council Minutes

February 15, 2011

Mayor Johnston called the meeting to order at 7:24 p.m.

PRESENT: Mayor Johnston and Council Members Emmons, Park, Pearson, Smith.

Also Present: Administrator Messelt, City Engineer Griffin, Attorney Snyder, Planners Klatt and Matzek, Finance Director Bouthilet and Recording Secretary Luczak

APPROVAL OF AGENDA:

MOTION: Council Member Smith moved to approve the Agenda as amended. Council Member Pearson seconded the motion. The motion passed 5-0.

ACCEPTED MINUTES:

The January 25, 2011, City Council minutes were accepted as amended by the City Council by consensus.

PUBLIC COMMENTS/INQUIRIES: NONE.

CONSENT AGENDA:

MOTION: Council Member Park moved to approve the Consent Agenda. Council Member Pearson seconded the motion. The motion passed 5-0.

- Approve payment of disbursements and payroll in the amount of \$167,657.90.
- Authorize TKDA to prepare Plans and Specifications and provide Construction Phase Services for the 2011 Seal Coat Project in the amount of \$12,500.

REGULAR AGENDA:

PUBLIC HEARING: Rezoning Map Amendment: Rezoning of two properties off of 27th Street from Rural Residential to R-1.

City Planner Matzek reviewed the details of the application for the Zoning Map Amendment to the Council along with the Planning Commission's recommendation to approve the application with modified conditions from the staff report. She stated that rezoning would be in conformance with the Comprehensive Plan and would be in character for the adjacent neighborhoods.

The City Council discussed rezoning the lots otherwise considered unbuildable due to minimum lot size requirements. They further discussed accessing the potential new homes from either the existing driveway off of 28th Street or creating a new joint driveway to access from 28th Street, the potential building site on the northern property, the Valley Branch Watershed District maintenance of the culvert and flooding concerns

Public Hearing opened at 8:16 p.m.

Amanda Klecker, 8920 27th St. N., Lake Elmo, does not support the rezoning as her property value will decrease by the construction of a new home directly to the east. She said they will lose their scenic views and backyard privacy. When she purchased her home, she was told the abutting property was not buildable.

Terry Arends, 8815 27th St. N., Lake Elmo, attended the February 8, 2011, Planning Commission meeting and questioned why the City was pushing to build, and said the culvert always floods.

Bob Clark, representing potential landowners, stated they have met with the Planning Commission and provided the necessary information to support the request for rezoning of the two properties.

Jon Duerschler, 1017 Charlton St., West St. Paul, potential owner of the properties, stated he does not want to spend additional money to put in a new driveway as the existing slopes off of 27th Street would make it more difficult and expensive.

Public Hearing closed at 8:32 p.m.

The City Council discussed the separation between the existing home and potential future home on the northern lot and flooding concerns associated with Raleigh Creek at the culvert located under the existing driveway.

MOTION: Council Member Smith moved to table the application until the March 1, 2011, City Council meeting. Council Member Park seconded the Motion. Motion passed 5-0.

Update on Discussions Regarding Location of the ECFC in Lake Elmo

City Administrator Messelt was given direction in August 2010 to engage the City in discussions with the Early Childhood Education Family Center (ECFC), which originally began in 2006. Potential sites were offered in November 2010, December 2010 and January 2011 for the District to build upon.

Options were a possible dual use Joint Power Agreement with extending sewer to the area, the City to purchase the land to be leased to the District, or assist the

District with purchasing of the land. A possible purchase option of the identified properties, and bonding considerations for the addition of sewer was also discussed.

MOTION: Council Member Smith moved to direct the City Administrator to proceed with the Joint Powers Agreements and Purchase Option in preparation for the Special City Council Meeting scheduled for February 17, 2011. Mayor Johnston seconded the motion. Motion passed 5-0.

Approve Budget Adjustment/Designation and Donation for Maintenance of Historic District 12 School House

City Administrator Messelt informed City Council the 2010 contribution was \$500, and recommended the Council be consistent.

The District 12 School House is located in Oakdale, of which the City of Lake Elmo was once part.

City Council stated it is a worthy enterprise, but should not be perceived as an ongoing charity with taxpayers money. While the project does preserve the history City Council cannot guarantee future funding.

Attorney Snyder recommended project fundraising as an option.

MOTION: Council Member Park moved to approve Budget Adjustment 2011-001 in the amount of \$500.00 from Mayor and Council Discretionary to Oakdale Lake Elmo Historical Society. Council Member Emmons seconded the motion. Motion passed 4-1: (Council Member Pearson recommended more conservative use with Discretionary Funds)

City Council Reports

Council Member Emmons attended the Gateway Corridor meeting which discussed the alternate transportation options of bus, light rail down the middle of I-94, or commuter rail utilizing the Union Pacific right-of way.

Council Member Smith informed the community that District 834 had selected the "red option" for the changed school boundaries. For more information, please check the District's website.

Mayor Johnston attended the Regional Mayor's meeting. A careful approach is being taken as to the strengths of regional recovery; economy is optimistic. Legislature is currently reviewing variances in cities.

City Engineer Griffin reported that residents of Kirkwood Avenue have been noticed about an upcoming neighborhood meeting discussing options of street maintenance on Wednesday, February 23, 2011, 5:30 pm, at City Hall.

Planning Director Klatt stated the exterior storage and exterior buildings ordinance would be addressed this spring. Also available for new Planning Commission members are classes through Government Training Services (GTS).

Administrator Messelt thanked the City's ECFC Subcommittee of Council Member Pearson, Council Member Smith, Attorney Snyder and Engineer Griffin for participating in the technical discussions.

An Executive Session had been held immediately after the City Council Workshop Tuesday, February 15, 2011, to discuss finance options and negotiations for possible purchase of land by the City.

No legislative agenda to pursue.

An Open House was scheduled for Wednesday, February 16, 2011, 4:30 pm-6:30 pm for the proposed ECFC in Lake Elmo.

Local Board of Review April 27, 2011, 5:00 pm – 7:00 pm.

Meeting adjourned 9:09 p.m.

Respectfully submitted by Carole Luczak, Recording Secretary

City of Lake Elmo
City Council Minutes
February 17, 2011

Mayor Johnston called the meeting to order at 4:40 p.m.

PRESENT: Mayor Johnston and Council Members Emmons, Park, Pearson, and Smith (arrived 4:44 pm). Council Members Park and Smith departed at 6:05 p.m.

Also Present: Administrator Messelt, Engineer Griffin, Attorney Snyder, Planner Klatt, Finance Director Bouthilet and Recording Secretary Luczak.

AGENDA

Mayor Johnston read and the City Council unanimously accepted the proposed Agenda.

City Administrator Messelt presented the two options for consideration regarding the Early Childhood Education Family Center (ECFC) and provided an update from the previous City Council meeting about the ECFC. He then proceeded with a global update. The two items discussed were the proposed Joint Powers Agreement(s) (JPA), with the District and the purchase option of the identified properties.

The original option was for the City to buy the land and lease it to the District. The second option was for the District to purchase the land via transfer of the City's option, and the City waive the WAC and SAC fees.

Resolution No. 2011-007A is the Joint Powers Agreement (JPA) with the District for the Location of an ECFC in the City of Lake Elmo, with ultimate ownership of the land by the District. Resolution No. 2011-007B would have the City exercise the Purchase Option and lease the property to the District for \$1.00/year, and the District pay the WAC and SAC fees.

Mayor Johnston stated the option of the District purchasing the land had been presented to the District within the last 24 hours and Assistant Superintendent Queener could obviously not speak for the School Board that evening.

City Council discussed issues if the District were to reject District ownership of the property. Attorney Snyder stated that District ownership would eliminate potentially complicated legal issues.

Resolution No. 2011-008 is a proposed Purchase Option for the property owned by Lake Elmo Business Park Company for locating an ECFC in Lake Elmo.

David Moore, 8681 Stillwater Blvd., questioned the initial investment, fast track project, cost overrun, taxes and how will the City pay for this project.

Deb Krueger, 4452 Lake Elmo Ave. N., stated her support for the proposed project.

Additional information regarding the financing is available.

MOTION: Mayor Johnston moved to adopt Resolution No. 2011-007B approving a Joint Powers Agreement with ISD 834 for the Location of an Early Childhood and Family Center in the City of Lake Elmo. Council Member Park seconded the motion.

Council Member Park suggested adding to the motion that the City is really interested in No. 2011-007A which provides school district purchase of the property, and the city waiving the sewer and water connection charges.

MOTION: Council Member Emmons moved to amend the Motion that the City communicate to the district that the City prefers the purchase alternative and request the school board provide that alternative strongest consideration. Council Member Park seconded the motion.

Council discussed the financial obligations, extra responsibilities if leased, terms negotiated, alternatives, and the necessary affirmation from the City. The Mayor also stated that the purchase alternative had only been presented to the District within the past 24 hours and Assistant Superintendent Queener probably could not speak for the School Board regarding the alternate option.

Council Members Park and Emmons respectively withdrew their motion and second to amend.

MOTION: Council Member Pearson moved to make a substitute Motion to approve Resolution No. 2011-007A approving a Joint Powers Agreement with ISD 834 for the Location of an Early Childhood and Family Center in the City of Lake Elmo, with ownership by the District. Council Member Smith seconded the motion.

MOTION: Council Member Park moved to amend the previous motion to allow the City to proceed with the approval of Resolution No. 2011-007B, should the District not concur with the purchase alternative, provided there are no outstanding legal issues with the lease alternative. Council Member Pearson seconded the motion to amend. The Motion to amend passed 5-0. The original Motion, as amended, then passed 5-0.

City Administrator Messelt requested Council and legal clarification regarding whether it would be necessary to return for Council action should the board not concur with the purchase alternative. The Council and Attorney agreed it would not be necessary.

Consideration of Resolution No. 2011-008 Regarding a Proposed Purchase Option (PO) for Property Owned by Lake Elmo Business Park Company for locating an Early Childhood Education Family Center in Lake Elmo

City Administrator Messelt stated the resolution provides for the authorization for the execution of the Purchase Option if necessary.

MOTION: Mayor Johnston moved to adopt Resolution No. 2011-008 regarding a proposed Purchase Option (PO) for property owned by Lake Elmo Business Park Company for locating an Early Childhood Education Family Center in Lake Elmo. Council Member Park seconded the motion. Motion passed 5-0.

REPORTS AND ANNOUNCEMENTS:

Council Member Emmons attended the Gateway Corridor Commission and stated the options selected to review were bus, light rail on the I-94 Corridor, and commuter rail shared by Union Pacific in their right of way easement.

City Administrator Messelt discussed the City's out-of-state travel policy. Direction was to discuss each case individually.

Reminded City Council about City Council Retreat at Wildwood Lodge, Lake Elmo, on February 19th (pm) and 20th (am), 2011. Public welcome to attend.

The meeting was adjourned at 6:12 p.m.

Respectfully submitted by Carole Luczak, Recording Secretary

Resolution No. 2011-007A: Joint Powers Agreement with ISD 834 for the Location of an Early Childhood and Family Center in the City of Lake Elmo. (City Purchase Option and assignment of Option to District)

Resolution No. 2011-007B: Joint Powers Agreement with ISD 834 for the Location of an Early Childhood and Family Center in the City of Lake Elmo. (City Purchase Option and lease to District)

Resolution No. 2011-008: Purchase Option with Lake Elmo Business Park for the Location of an Early Childhood and Family Center in the City of Lake Elmo.



MAYOR & COUNCIL COMMUNICATION

DATE: 03/01/2011
CONSENT
ITEM #: 3
MOTION as part of Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of \$ 354,065.89

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator

BAM

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is respectfully requested to approve disbursements in the amount of \$354,065.89 No specific motion is needed, as this is recommended to be part of the approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operation. Below is a summary of current claims to be disbursed to be paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 6,904.18	Payroll Taxes to IRS 02/24/2011
ACH	\$ 1,233.46	Payroll Taxes to MN Dept. of Revenue 02/24/2011
ACH	\$ 4,042.46	Payroll Retirement to PERA 02/24/2011
DD3263 – DD3277	\$ 21,762.44	Payroll Dated 02/24/2011 (Direct Deposit)
36791 – 36795	\$ 2,905.59	Payroll Dated 02/24/2011
36796 – 36799	\$ 248,300.82	Accounts Payable Dated 03/01/2011 (FY 2010)
36800 – 36835	\$ 68,916.94	Accounts Payable Dated 03/01/2011 (FY 2011)
TOTAL	\$ 354,065.89	

STAFF REPORT: City staff has complied and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$354,065.89

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve the March 1st, 2011, payable 2010 & 2011, Disbursement, as Presented *[and modified]* herein.”

ATTACHMENTS:

1. Accounts Payable Dated 03/01/2011

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

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

Accounts Payable To Be Paid Proof List

FY 2010

User: Joan z
Printed: 02/24/2011 - 12:22 PM
Batch: 012-12-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ANCOM ANCOM COMMUNICATIONS, INC.										
19856	01/11/2011	2,955.09	0.00	03/01/2011	Radio headsets for E2		-		No	0000
410-480-8000-45800	Other Equipment									
	19856 Total:	2,955.09								
20547	02/07/2011	682.00	0.00	03/01/2011	Radio for CV2		-		No	0000
410-480-8000-45800	Other Equipment									
	20547 Total:	682.00								
20735	02/17/2011	1,612.22	0.00	03/01/2011	Headset install E2		-		No	0000
410-480-8000-45800	Other Equipment									
	20735 Total:	1,612.22								
	ANCOM Total:	5,249.31								
ASPENMI Aspen Mills, Inc.										
105733	02/16/2011	34.50	0.00	03/01/2011	Uniform Pants		-		No	0000
101-420-2220-44170	Uniforms									
	105733 Total:	34.50								
105734	02/16/2011	29.60	0.00	03/01/2011	Nametags collar hardware		-		No	0000
101-420-2220-44170	Uniforms									
	105734 Total:	29.60								
105735	02/16/2011	29.93	0.00	03/01/2011	Nametags		-		No	0000
101-420-2220-44170	Uniforms									
	105735 Total:	29.93								
105736	02/16/2011	88.89	0.00	03/01/2011	Class A Items		-		No	0000
101-420-2220-44170	Uniforms									
	105736 Total:	88.89								
105737	02/16/2011	68.50	0.00	03/01/2011	Class A Shoes		-		No	0000
101-420-2220-44170	Uniforms									
	105737 Total:	68.50								
105738	02/16/2011	448.99	0.00	03/01/2011	Class A Uniforms		-		No	0000
101-420-2220-44170	Uniforms									
	105738 Total:	448.99								
	ASPENMI Total:	700.41								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LMCIT Cities Insurance Trust League of M										
11074450	02/13/2011	500.00	0.00	03/01/2011	Insurance deductible on claim		-		No	0000
601-494-9400-43610	Insurance									
	11074450 Total:	500.00								
	LMCIT Total:	500.00								
WAS-SHER Washington County										
68633	03/16/2011	241,851.10	0.00	03/01/2011	Law Enforcement Svc Jan 2010-Dec 2010		-		No	0000
101-420-2100-43150	Law Enforcement Contract									
	68633 Total:	241,851.10								
	WAS-SHER Total:	241,851.10								
	Report Total:	248,300.82								

Accounts Payable To Be Paid Proof List

FY 2011

User: Joan z
Printed: 02/24/2011 - 12:28 PM
Batch: 005-02-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACEHARD Ace Hardware, Inc										
103585	02/18/2011	22.82	0.00	03/01/2011	Electrical Supplies		-			No 0000
101-430-3120-42210	Equipment Parts									
	103585 Total:	22.82								
	ACEHARD Total:	22.82								
AMERICAN American Eng and Testing, Inc.										
50423	03/18/2011	9,350.80	0.00	03/01/2011	Geotech report for S of 10th St Gravity		-			No 0000
413-480-8000-43030	Engineering Services									
	50423 Total:	9,350.80								
	AMERICAN Total:	9,350.80								
ARAM Aramark, Inc.										
629-7179436	02/10/2011	21.29	0.00	03/01/2011	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7179436 Total:	21.29								
629-7184156	02/17/2011	21.29	0.00	03/01/2011	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7184156 Total:	21.29								
	ARAM Total:	42.58								
CARQUEST Car Quest Auto Parts										
2055-214158	02/14/2011	34.37	0.00	03/01/2011	Electrical Parts		-			No 0000
101-430-3120-42210	Equipment Parts									
	2055-214158 Total:	34.37								
2055-214535	02/18/2011	9.81	0.00	03/01/2011	Push Button		-			No 0000
101-430-3120-42210	Equipment Parts									
	2055-214535 Total:	9.81								
	CARQUEST Total:	44.18								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
COMPENSA Compensation Consultants, Ltd										
02/16/2011	02/16/2011	40.00	0.00	03/01/2011	Monthly Admin Fee - February 2011		-		No	0000
101-410-1320-44300	Miscellaneous									
	02/16/2011 Total:	40.00								
	COMPENSA Total:	40.00								
CTYBLOOM City of Bloomington										
January 2011	01/31/2011	100.00	0.00	03/01/2011	Lab Bacteria Tests		-		No	0000
601-494-9400-42270	Utility System Maintenance									
	January 2011 Total:	100.00								
	CTYBLOOM Total:	100.00								
EMERGAPP Emergency Apparatus Maint. INC										
53524	02/09/2011	1,077.77	0.00	03/01/2011	Repairs to E2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	53524 Total:	1,077.77								
	EMERGAPP Total:	1,077.77								
ENVENTIS ENVENTIS										
737500	02/13/2011	452.41	0.00	03/01/2011	Telephone/Data Service - PW Feb 2011		-		No	0000
101-430-3100-43210	Telephone									
	737500 Total:	452.41								
	ENVENTIS Total:	452.41								
ERA MUSK ERA MUSKE										
Chk Req	02/24/2011	40.00	0.00	03/01/2011	Refund SW payment made in error		-		No	0000
603-000-0000-37100	Surface Water Utility Sales									
	Chk Req Total:	40.00								
	ERA MUSK Total:	40.00								
FXL FXL, Inc.										
March 2011	02/24/2011	2,000.00	0.00	03/01/2011	Assessing Services - March 2011		-		No	0000
101-410-1320-43100	Assessing Services									
	March 2011 Total:	2,000.00								
	FXL Total:	2,000.00								
GARELICK Garelick Steel Co, Inc										
196159	02/14/2011	14.70	0.00	03/01/2011	Steel		-		No	0000
101-430-3100-42210	Equipment Parts									
	196159 Total:	14.70								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
GARELICK Total:		14.70								
HEATH Heath Richard & Betty										
02/16/2011	02/16/2011	188.92	0.00	03/01/2011	Escrow Account Reimb		-		No	0000
803-000-0000-22900	Deposits Payable									
	02/16/2011 Total:	188.92								
HEATH Total:		188.92								
HOTSY HOTSY EQUIPMENT OF MINNESOTA										
37163	02/15/2011	123.79	0.00	03/01/2011	Wash Bay Hose		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
	37163 Total:	123.79								
HOTSY Total:		123.79								
INTERSTA Interstate All Battery Ctr										
38870	02/14/2011	57.77	0.00	03/01/2011	Replacement Batteries for Flashlights		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	38870 Total:	57.77								
38936	02/18/2011	220.77	0.00	03/01/2011	Rebuild batteries for Power Tools		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	38936 Total:	220.77								
INTERSTA Total:		278.54								
MENARDSO Menards - Oakdale										
45256	02/10/2011	45.79	0.00	03/01/2011	Cleaning hose, nozzle, mats and bungee		-		No	0000
101-430-3100-42150	Shop Materials									
	45256 Total:	45.79								
MENARDSO Total:		45.79								
MFRA McCombs Frank Roos Assoc Inc.										
10/01/2010	10/01/2010	45.00	0.00	03/01/2011	General Planning Assistance		-		No	0000
101-410-1910-43150	Contract Services									
	10/01/2010 Total:	45.00								
MFRA Total:		45.00								
MINDSPAC Mindspace, Inc.										
S20100664	02/15/2011	192.25	0.00	03/01/2011	Traffic Cones		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	S20100664 Total:	192.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MINDSPAC Total:		192.25								
<hr/>										
MUNICI-P Munici-Pals										
02/24/2011	02/24/2011	25.00	0.00	03/01/2011	Munici - Pals Dues		-		No	0000
101-410-1320-44330	Dues & Subscriptions									
	02/24/2011 Total:	25.00								
	MUNICI-P Total:	25.00								
<hr/>										
NATFC NATIONAL FIRE CODES										
02/11/2011	02/11/2011	925.00	0.00	03/01/2011	Annual Renewal, NFPA codes		-		No	0000
101-420-2220-44330	Dues & Subscriptions									
	02/11/2011 Total:	925.00								
	NATFC Total:	925.00								
<hr/>										
NATREPRO National Reprographics, LLC										
70005	02/24/2011	494.01	0.00	03/01/2011	Printing of Comp Plani Copies		-		No	0000
101-410-1910-42030	Printed Forms									
	70005 Total:	494.01								
	NATREPRO Total:	494.01								
<hr/>										
NEXTEL Nextel Communications										
761950227-094	02/14/2011	85.57	0.00	03/01/2011	Cell Phone Service - Admin		-		No	0000
101-410-1940-43210	Telephone									
761950227-094	02/14/2011	171.04	0.00	03/01/2011	Cell Phone Service - Fire Dept		-		No	0000
101-420-2220-43210	Telephone									
761950227-094	02/14/2011	20.70	0.00	03/01/2011	Cell Phone Service - Building Dept		-		No	0000
101-420-2400-43210	Telephone									
761950227-094	02/14/2011	59.74	0.00	03/01/2011	Cell Phone Service - Public Works Dept		-		No	0000
101-430-3100-43210	Telephone									
761950227-094	02/14/2011	51.83	0.00	03/01/2011	Cell Phone Service - Parks Dept		-		No	0000
101-450-5200-43210	Telephone									
	761950227-094 Total:	388.88								
	NEXTEL Total:	388.88								
<hr/>										
NORTHTOO HSBC Business Solutions										
56105676	02/15/2011	7.49	0.00	03/01/2011	Quick Coupler		-		No	0000
101-430-3100-42230	Building Repair Supplies									
	56105676 Total:	7.49								
563102724	02/15/2011	238.86	0.00	03/01/2011	Hose Reel and hose		-		No	0000
101-430-3100-42230	Building Repair Supplies									
	563102724 Total:	238.86								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NORTHTOO Total:		246.35								
ONECALL Gopher State One Call										
4094	02/11/2011	100.00	0.00	03/01/2011	Annual Membership Dues		-		No	0000
101-430-3100-43150	Contract Services									
	4094 Total:	100.00								
ONECALL Total:		100.00								
PLANTH PLANT HEALTH ASSOCIATES, INC										
1037-11	02/23/2011	900.00	0.00	03/01/2011	Forester Services Jan-Feb 2011		-		No	0000
101-430-3250-43150	Contract Services									
	1037-11 Total:	900.00								
PLANTH Total:		900.00								
PRESSA Anastasia Press										
02/09/2011	02/09/2011	41.25	0.00	03/01/2011	Council Workshop 2/8/11 Mtg		-		No	0000
101-410-1450-43620	Cable Operations									
02/09/2011	02/09/2011	55.00	0.00	03/01/2011	PZ Meeting 2/9/11 Mtg		-		No	0000
101-410-1450-43620	Cable Operations									
	02/09/2011 Total:	96.25								
02/17/2011	02/24/2011	41.25	0.00	03/01/2011	Cabled CC Workshop 2/15/2011		-		No	0000
101-410-1450-43620	Cable Operations									
02/17/2011	02/24/2011	55.00	0.00	03/01/2011	Cabled Special CC Meeting 2/17/2011		-		No	0000
101-410-1450-43620	Cable Operations									
	02/17/2011 Total:	96.25								
PRESSA Total:		192.50								
RUD Prince-Rud Diane										
02/21/2011	02/21/2011	320.00	0.00	03/01/2011	Cleaning City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
02/21/2011	02/21/2011	240.00	0.00	03/01/2011	Cleaning Fire Hall		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
	02/21/2011 Total:	560.00								
RUD Total:		560.00								
S&T S&T Office Products, Inc.										
01OL2257	02/08/2011	7.50	0.00	03/01/2011	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01OL2257 Total:	7.50								
01OL2352	02/08/2011	13.61	0.00	03/01/2011	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
<hr/>										
01OL6188	01OL2352 Total: 02/16/2011	13.61 8.17								
101-410-1320-42000	Office Supplies		0.00	03/01/2011	Office Supplies		-		No	0000
	01OL6188 Total: S&T Total:	8.17 29.28								
<hr/>										
SACHSJIM James Sachs										
Chk Req	02/14/2011	159.99								
101-430-3100-44170	Uniforms		0.00	03/01/2011	Boots - Sachs		-		No	0000
	Chk Req Total: SACHSJIM Total:	159.99 159.99								
<hr/>										
SAMSCLUB Sam's Club										
01/21/2011	02/01/2011	35.00								
101-410-1320-44300	Miscellaneous		0.00	03/01/2011	Annual Membership		-		No	0000
	01/21/2011 Total: SAMSCLUB Total:	35.00 35.00								
<hr/>										
TDS TDS METROCOM - LLC										
651-779-8882	02/13/2011	162.44								
101-420-2220-43210	Telephone		0.00	03/01/2011	Analog Lines - Fire		-		No	0000
651-779-8882	02/13/2011	156.17								
101-430-3100-43210	Telephone		0.00	03/01/2011	Analog Lines - Public Works		-		No	0000
651-779-8882	02/13/2011	105.09								
602-495-9450-43210	Telephone		0.00	03/01/2011	Analog Lines - Lift Station Alarins		-		No	0000
651-779-8882	02/13/2011	42.34								
601-494-9400-43210	Telephone		0.00	03/01/2011	Alarm - Well house #2		-		No	0000
	651-779-8882 Total: TDS Total:	466.04 466.04								
<hr/>										
TKDA TKDA, Inc.										
002011000106	02/24/2011	531.33								
203-490-9070-43030	Engineering Services		0.00	03/01/2011	Development - Whistling Valley III		-		No	0000
	002011000106 Total:	531.33								
002011000107	02/24/2011	16,536.04								
413-480-8000-43030	Engineering Services		0.00	03/01/2011	I-94 to 30th Street-Village Sanitary		-		No	0000
	002011000107 Total:	16,536.04								
002011000108	02/24/2011	48.68								
413-480-8000-43030	Engineering Services		0.00	03/01/2011	Lake Elmo Area Village Eng. Support		-		No	0000
	002011000108 Total:	48.68								
002011000109	02/24/2011	1,538.94								
417-480-8000-43030	Engineering Services		0.00	03/01/2011	Lake Elmo 2010 Street & Water Quality		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
002011000110	02/24/2011	1,538.94								
601-494-9400-43030	002011000109 Total:	538.62	0.00	03/01/2011	Lake Elmo Water Systems/Fin		-		No	0000
	Engineering Services									
002011000111	02/24/2011	538.62								
418-480-8000-43030	002011000110 Total:	161.40	0.00	03/01/2011	2011 Street Improvement Feasibility		-		No	0000
	Engineering Services									
002011000112	02/24/2011	161.40								
418-480-8000-43030	002011000111 Total:	6,986.11	0.00	03/01/2011	2011 Street Improvement/Water Quality		-		No	0000
	Engineering Services									
002011000113	02/24/2011	6,986.11								
418-480-8000-43030	002011000112 Total:	1,661.55	0.00	03/01/2011	Lake Elmo/50th St/Kimbrow MSAS St Imprv		-		No	0000
	Engineering Services									
002011000114	02/24/2011	1,661.55								
101-430-3100-43030	002011000113 Total:	437.96	0.00	03/01/2011	General Engineering		-		No	0000
	Engineering Services									
002011000114	02/24/2011	4,375.56	0.00	03/01/2011	General Engineering		-		No	0000
101-410-1930-43030	02/24/2011									
002011000114	02/24/2011	1,111.42	0.00	03/01/2011	General Engineering		-		No	0000
101-410-1910-43030	Engineering Services									
	002011000114 Total:	5,924.94								
002011000115	02/24/2011	683.37	0.00	03/01/2011	General Engineering-VRA		-		No	0000
101-420-2400-43030	Engineering									
002011000115	02/24/2011	927.73	0.00	03/01/2011	General Engineering-VRA		-		No	0000
101-410-1910-43030	Engineering Services									
002011000115	02/24/2011	814.39	0.00	03/01/2011	General Engineering-VRA		-		No	0000
101-410-1930-43030	Engineering Services									
002011000115	02/24/2011	6,841.84	0.00	03/01/2011	General Engineering-VRA		-		No	0000
409-480-8000-43030	Engineering Services									
002011000115	02/24/2011	1,279.25	0.00	03/01/2011	General Engineering-VRA		-		No	0000
404-480-8000-43030	Engineering Services									
002011000115	02/24/2011	965.58	0.00	03/01/2011	General Engineering-VRA		-		No	0000
601-494-9400-43030	Engineering Services									
002011000115	02/24/2011	218.99	0.00	03/01/2011	General Engineering-VRA		-		No	0000
602-495-9450-43030	Engineering Services									
002011000115	02/24/2011	2,094.83	0.00	03/01/2011	General Engineering-VRA		-		No	0000
603-496-9500-43030	Engineering Services									
	002011000115 Total:	13,825.98								
	TKDA Total:	47,753.59								
TRKUTI Truck Utilities										
222530	02/11/2011	623.97	0.00	03/01/2011	Truck Bed Vibrator		-		No	0000
101-430-3100-42210	Equipment Parts									
	222530 Total:	623.97								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
222702	02/16/2011	21.66	0.00	03/01/2011	Hose ends and Hardware		-			No 0000
101-430-3100-42210	Equipment Parts									
	222702 Total:	21.66								
	TRKUTI Total:	645.63								
<hr/>										
TWINGAR Twin City Garage Door Corp.										
345551	02/04/2011	981.09	0.00	03/01/2011	Repair Garage door at Station #1		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg									
	345551 Total:	981.09								
	TWINGAR Total:	981.09								
<hr/>										
VANZANDT Van Zandt Distributing										
4616	02/08/2011	889.03	0.00	03/01/2011	Restock AED Pads		-			No 0000
101-420-2220-42080	EMS Supplies									
	4616 Total:	889.03								
	VANZANDT Total:	889.03								
<hr/>										
WAS-PH Washington County										
9870	02/10/2011	60.00	0.00	03/01/2011	Hazardous Waste Generator License		-			No 0000
101-430-3100-44330	Dues & Subscriptions									
	9870 Total:	60.00								
	WAS-PH Total:	60.00								
<hr/>										
WASH-REC Washington County										
1794	02/24/2010	6.00	0.00	03/01/2011	Copies for recording application LE		-			No 0000
101-410-1910-44300	Miscellaneous				Bank					
	1794 Total:	6.00								
	WASH-REC Total:	6.00								
<hr/>										
	Report Total:	68,916.94								



MAYOR & COUNCIL COMMUNICATION

DATE: 3/01/2011
REGULAR
ITEM #: 4
RECOGNITION

AGENDA ITEM: Firefighter Relief Association Drawing
SUBMITTED BY: Lake Elmo Firefighter Relief Association c/o District Chief Brad Winkels
THROUGH: Bruce A. Messelt, City Administrator *BAW*
REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council conduct a brief drawing for the Lake Elmo Firefighters Relief Association, led by District Chief Winkels.

BACKGROUND INFORMATION & STAFF REPORT: District Fire Chief Brad Winkels will be at tonight's meeting to assist the City Council in conducting the annual drawing for the Lake Elmo Firefighters Relief Association.

RECOMMENDATION: It is respectfully recommended that the City Council conduct the annual drawing for the Lake Elmo Firefighters Relief Association, with the assistance of District Fire Chief Brad Winkels.

ATTACHMENTS: None (to be distributed at the City Council Meeting)

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Mayor
- Presentation & Drawing..... District Chief Winkels
- Council Comments..... Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: 3/01/2011

REGULAR

ITEM #: 5

MOTION

AGENDA ITEM: Consider Donation and Budget Adjustment/Designation for Washington County 4H Federation

SUBMITTED BY: Washington County 4H Federation

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider a request for donation and to the Washington County 4H Federation for support for the annual programming provided by 4H. Should Council wish to approve such a donation, the specific motion suggested is as follows:

"Move to Approve Budget Adjustment 2011-002 in the amount of \$ _____ from Mayor and Council Discretionary to Washington County 4H Federation."

BACKGROUND INFORMATION: The City Council of Lake Elmo has allocated certain monies in its approved 2011 Annual Budget for discretionary spending. Consideration of supporting the Washington County 4H Federation has not been an annual agenda item, though the Washington County 4H Federation has made previous periodic requests.

The City has received a request from the Washington County 4H Federation for consideration of a grant in the amount of \$500 or greater. The request is attached for Council consideration.

STAFF REPORT: City staff has reviewed the attached request and offers no opinion as to its propriety with respect to City budgetary priorities and fiscal policies. Affirmative Council action on the minimum requested amount of \$500, as requested, would result in the following Budget Adjustment:

Account #	Amount	Description
101-410-1110-44330	\$ 1,500.00	Council Discretionary
	(\$ 500.00)	- Less Donation to Washington County 4H Federation
	\$ 1,000.00	Remaining Council Discretionary

RECOMMENDATION: In accordance with applicable State laws and City policies and procedures, it is recommended that the City Council consider a request for Donation & resulting Budget Adjustment/Designation in an amount to be determined by the Council to the Washington County 4H Federation. The suggested motion to do so is:

“Move to Approve Budget Adjustment 2011-002 in the amount of \$ _____ from Mayor and Council Discretionary to Washington County 4H Federation.”

Alternatively, the City Council does have the authority to further discuss, deliberate and modify any decision prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve the proposed Donation and Budget Adjustment/Designation, as Presented [and modified] herein.”

ATTACHMENTS:

1. Request from the Washington County 4H Federation
2. Budget Adjustment 2011-002

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Tom Bouthilet, Finance Director
- Report/Presentation..... Washington County 4H Federation
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates



BUDGET ADJUSTMENT - 2010

DATE: March 1st, 2011

ACTIVITY # 2011-002

DESCRIPTION: 2011 Donation to Washington County 4H Federation

TYPE OF ACTIVITY:

☐

TRANSFER OF FUNDS

FROM ACCOUNT # _____ AMOUNT: _____

TO ACCOUNT # _____ AMOUNT: _____

PURPOSE: _____

☒

BUDGET ADJUSTMENT/DESIGNATION

FROM ACCOUNT # 101-410-1110-44330 AMOUNT: \$ _____

PURPOSE: Annual support for Washington County 4H Federation Programming

DESIGNATION/NEW ACCOUNT# Designation: Washington County 4H Federation

☐

OTHER

FROM ACCOUNT # _____ AMOUNT: _____

PURPOSE: _____

City
Approval:

Honorable Dean Johnston, Mayor
(on Behalf of City Council)

Bruce Messelt, Administrator
(Attest)



FEB - 2 2011

UNIVERSITY OF MINNESOTA
EXTENSION

WASHINGTON COUNTY EXTENSION SERVICE

**14949 – 62nd St N
Stillwater, MN 55082**

**Phone: 651-430-6800
Fax: 651-430-6811**

January 25, 2011

Mayor Dean Johnson
3800 Laverne Ave. N
Lake Elmo, MN 55042-9629

Dear Mayor Johnson,

This letter is to request a grant from the City of Lake Elmo to help keep the 4H program available to families of Washington County. Our need for the funds is due to the significant reduction in funding by Washington County.

In the 2010 legislative session, Governor Pawlenty signed into law the following: "The Council of any City and the Board of Supervision of any town may incur expenses and spend money for county extension work" as provided in Section 38.33 to 38.38.

The Washington County Commissioners requested the 4H Federation to prepare information and data regarding the economic impact 4-H has on the local communities. In response, we conducted a survey of our 4-H clubs. We learned that for every \$1.00 invested in the 4-H programs, approximately \$10.00 is put back into the businesses of our communities. In the past year, our clubs logged approximately 16,000 community service hours. These hours were spent: running food drives for various food shelves, doing highway clean-up, making blankets for kids in hospitals, working with Feed My Starving Children, making Valentines for Veterans, acting as bell ringers for the Salvation Army, taking State Fair projects to the residents at the Maplewood Care Center for "State Fair Days", making soldier care packages, working and performing for Early Childhood Family Education (ECFE), collecting Toys for Tots and working for the Hoofed Animal Rescue.

Lake Elmo has 4-H members in St. Croix Clovers, Valley Shamrocks and Wranglers 4-H Clubs.

If the Washington County 4-H program is eliminated, there will be a significant impact on the Washington County Fair. The 4-H program occupies eight of the twelve major buildings at the fairgrounds and provides many of the fair's volunteers. In addition, many of the daily events are tied to the 4-H activities.

Mayor Dean Johnson
City of Lake Elmo
January 25, 2011
Page Two

It is our intent to meet with all the municipalities in Washington County to enlist your support for the 4-H program. We are requesting a grant in the range of \$500 to \$10,000. Funds may be directed to the "Washington County 4-H Federation" at Washington County 4-H, 14949 62nd Street North, Stillwater, MN 55082. Please contact me at (651) 459-4527 or email me at danandjandolan@comcast.net to schedule a meeting with the city council.

Thank you for your support of the Washington County 4-H Program.

Sincerely,

A handwritten signature in cursive script that reads "Dan Dolan".

Dan Dolan
President of the Washington County Agricultural Society

cc: Bruce Messelt, City Administrator, City of Lake Elmo



MAYOR & COUNCIL COMMUNICATION

DATE: 3/1/2011
REGULAR
ITEM #: 6
MOTION **Ordinance 08-039**
Resolution No. 2011-005

AGENDA ITEM: Zoning Map Amendment: Consideration of an Application from Lake Elmo Bank to allow the Rezoning of two Properties off of 27th and 28th Street North from Rural Residential to R-1

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *Bm*

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider a zoning map amendment application, which was previously discussed and tabled during the February 15th Council meeting. The applicant, Lake Elmo Bank, is requesting to rezone two currently vacant properties from RR (Rural Residential) to R-1 (One Family Residential) which would reduce the minimum lot size requirement from ten acres to one and a half acres. This change would not allow any additional subdivision, but instead would bring the lots into compliance for minimum lot size with the potential result of two buildable lots.

The Planning Commission reviewed the application, held a public hearing, and subsequently recommended approval of the request at their February 9th meeting (Option 1 below). The City Council also held a Public Hearing at its February 15th Council Meeting. Based upon Council direction from February 15th, including discussions with the Valley Branch Watershed District, the following are options are presented for consideration by the City Council.

Option 1: Approve Zoning Map Amendment with conditions recommended by Planning Commission; leaving driveway access in its current location off of 28th Street.

If rezoned to R-1 **then** two single family residential homes could be built – one “replacing” the home previously on the southern lot; one new house on the northern lot.

Pros:	Cons:
- The R-1 district is in conformance with the city's Comprehensive Plan (Future	- Future resident(s) would have to maintain and repair a driveway after 5

Land Use Map).	to 10 year rain events when Raleigh Creek rises over the existing driveway.
- The addition of two single family residential homes would be in keeping with the existing adjacent and nearby neighborhoods comprised of single family residential homes.	- The existing neighbor on the north would have altered views of applicant's adjacent property, if and when a home was built on the northern property.
- The City's tax base would increase with two new homes.	- Existing land to the north will continue to flood when ice dams in the culvert.
- The existing Tablyn Park neighborhood would see no new traffic from the applicant's two lots.	- The southern property does not have road frontage on 28 th Street (where existing driveway connects) and would need to obtain an easement to maintain access for the current driveway.

Option 2: Approve Zoning Map Amendment with conditions as originally recommended by Planning Staff, along with certain subsequent considerations; moving all driveway access to 27th Street North.

If rezoned to R-1 then two single family residential homes could be built – one “replacing” the home previously on the southern lot; one new house on the northern lot.

Pros:	Cons:
- Driveways would be relocated to 27 th Street and the existing culvert could be removed, returning Raleigh Creek and adjacent areas to a more natural environment.	- The slopes near 27 th Street are steep and would take some additional grading to create a driveway, though the Assistant City Engineer has found a driveway entrance could be constructed for both the northern and southern lots at less than a ten percent grade.
- Twenty-seventh street is built to city standards (28 th Street is not) and could better accommodate additional vehicle traffic.	
- The R-1 district is in conformance with the city's Comprehensive Plan (Future Land Use Map).	- The existing neighbor on the north side of 27 th Street would have altered views of the applicant's adjacent property.
- Snow storage space for Public Works would increase at the end of 28 th Street	- The addition of a driveway off of 27 th Street would result in less snow storage

	area. This could be addressed by acquiring an easement for excess snow storage.
- The addition of two single family residential homes would be in keeping with the existing adjacent and nearby neighborhoods comprised of single family residential homes.	
- Land north of the culvert would have reduced flooding; fewer complaints would be received; less corrective/maintenance efforts would be undertaken by the VBWD resulting in less expenditure.	
- The City could reduce or eliminate maintenance of the extreme western portion of 28 th Street.	

Option 3: Deny the Zoning Map Amendment with findings of fact

If the two properties are not rezoned then:

- Only one single family residential home could be built on the southern property **IF** a building permit was received by March 1st as the lot is considerably below the minimum lot size standard for the existing Rural Residential zoning district. This is a grandfathered right as a home previously existed on the site that extends for one year from the time the home was removed. The combination of the two lots would not bring it to buildable standards without a variance beyond the March deadline.
- If a building permit for a new home is not received by March 1st of 2011, neither of the lots would be considered buildable without at least one variance for lot size.

Pros:	Cons:
- The property on the north side of 27 th Street would continue to have views of vacant land owned by the applicant.	- The Lake Elmo Comprehensive Plan should be amended to reflect the city's desire for this area to retain a ten acre minimum lot size.
	- Existing land to the north will continue to flood when ice dams in the culvert.
	- The applicant would be penalized (by

	potentially losing all development rights) for cleaning up the site and removing a substandard structure rather than continuing to allow the property to deteriorate.
--	---

A fourth option was briefly discussed at the February 15th City Council meeting which would approve the rezoning from RR to R-1, but would require the two lots to be combined, thereby allowing only one residential home to be built. According to the City Attorney, this option may not be a legally enforceable option, since the proposed zoning is consistent with the City's Future Land Use Map.

In addition, Staff did not analyze this option, as the future property owners could re-split the combined lot back into two buildable lots. After reviewing the available information concerning existing road easements on the property, it does appear that the northern portion of the property does have access to a public road and could, therefore, be split to be in conformance with applicable R-1 zoning district regulations.

STAFF REPORT: Based upon original and subsequent information provided by the Valley Branch Watershed District, staff continues to recommend that the culvert and existing driveway off of 28th Street North be removed and the existing driveway be relocated to 27th Street. The culvert has, at times, become impassable due to the culvert filling with water and freezing. This results in water backing up onto the properties north of the culvert, until such time as the water can flow over the existing driveway, the weather warms to the point it sufficiently melts and allows water through, or a contractor is hired to steam and melt the ice dam.

In addition, the existing driveway is located approximately one-foot below the floodplain through which it crosses, which is allowed by the Flood Plain Management Ordinance. However, in the event the creek crosses up and over the driveway, concern is created for access to potentially two future residential homes in the event emergency personnel need to access the sites.

Discussions with the Valley Branch Watershed District have led both staffs to conclude the reconstruction of the 28th St. driveway, to include a higher grade and additional culvert would NOT sufficiently address flooding concerns. Even if constructed at a higher level, a 28th St. driveway would more than likely require constructed overflow areas (i.e. low spots) to meet applicable state and District requirements.

Instead, your City staff has suggested future access for the two sites, if considered buildable, be constructed off of 27th Street North. Due to minor constraints, such as existing city infrastructure and neighboring driveway locations, a shared driveway off of 27th Street North and an area dedicated for snow loading may be something the City would wish to explore as a condition of approval. The portion of driveway to be shared would likely be minimal, as the property line splitting the two properties occurs at the cul-de-sac.

In reviewing the unique site, your City Staff has also approached the Lake Elmo Bank with the idea of trading land area. The City owns an unimproved, unused piece of property adjacent to the applicant's property. Staff has suggested the Planning Commission review the idea of trading land area so the City may acquire a portion of Raleigh Creek, as it may serve as a potential future (partial) trail connection between the Lake Elmo Regional Park Reserve and Tablyn Park.

Should the City Council decide to approve the rezoning, consistent with the Planning Commission's recommendation (leaving the driveway access in its present location), Staff would recommend that this driveway be improved to meet a minimum threshold for public safety, and specifically, that this driveway be raised to meet the current 100-year flood plain elevation. This action would not entirely eliminate the potential for flooding of the driveway, but should reduce the potential for the driveway to be under water for longer periods of time. Staff is not recommending a larger culvert be installed since two previous enlargements (undertaken first by the City in the mid 1970's and later by Valley Branch Watershed District) have not significantly reduced the flooding problems that have been occurring in this area. The only feasible option for a significant reduction to the flooding problem would be the installation of a new bridge over the creek, which could be very expensive.

Additionally, the end of 28th Street also lacks a specified turn-around area for vehicles and, should the driveway remain in its present location, a minimal amount of maneuvering area should be provided for vehicles that should otherwise not be entering private property. There is a small driveway located at the end of 28th Street that provides access to a City-owned piece of land (and the County Park Reserve) that may provide some room for a turn-around area, but this potential solution would need to be further reviewed by the City Engineer/Public Works Department before it could be considered a viable option.

LEGAL CONSIDERATIONS: The Planning Commission held a Public Hearing on February 9th, 2011 to take input from those present on the zoning map amendment application. The original Public Hearing was scheduled for January 24th, 2011, but was not held due to lack of a quorum. Three residents and the perspective buyer spoke at the February 9th Public Hearing. The primary concern expressed was the condition of approval identified by City Staff requiring access for the two sites to be off of 27th Street North, instead of remaining on 28th Street.

The City Council reviewed this application and tabled it after holding a Public Hearing at the February 15th meeting. Four people spoke during the public hearing; two against the access being relocated to 27th Street, one against allowing an additional home on the northern property, and one representing the applicants. The second Public Hearing was met to satisfy potential legal considerations.

PLANNING COMMISSION RECOMMENDATION: After receiving information, holding a Public Hearing and discussing the application, the Planning Commission recommended approval of the zoning map amendment to allow the rezoning, as it is in conformance with the Comprehensive Plan (Option One), with the following conditions:

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The applicants shall provide a driveway access easement on the northern property and city-owned property to allow access for the southern property to 28th Street North.
- 4) The applicants or future property owners are encouraged to work with the City and the Valley Branch Watershed District on a potential land trade.

In addition to those conditions identified by the Planning Commission, should the Council choose to recommend approval of the zoning map amendment application without requiring access off of 27th Street, staff would recommend consideration of the following additional conditions:

- 5) The existing driveway off of 28th Street must be raised to be at, or above, the 907 floodplain elevation unless otherwise directed by the Valley Branch Watershed District and the DNR in order to ensure access for emergency personnel. The engineering plans, materials and labor must be paid for by the property owner(s).
- 6) A Valley Branch Watershed District and DNR permit is required for work done in the floodplain.
- 7) The property owners shall work with staff to provide for a turnaround at the end of 28th Street.

Your City Staff had originally recommended approval of the zoning map amendment to allow the rezoning, as it is in conformance with the Comprehensive Plan (Option Two), with the following conditions (those differences from the commission's recommendation are underlined):

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine definitively at this time, and without additional information and proposed site plans, that each of the two properties is suitable for single family residential homes
- 3) The existing driveway must be removed from the northern property. All future access for both properties shall be from 27th Street North.
- 4) The applicants shall provide a driveway access easement for a proposed shared driveway, which shall include any ancillary snow storage areas deemed necessary to by the Public Works Director.

- 5) The applicants shall work with the City and the Valley Branch Watershed District on a potential land trade.
- 6) The City will not issue a building permit for the northern lot until the land exchange mentioned in this report is fully executed and the surface water drainage easements are vacated to the satisfaction of the Valley Branch Watershed District.

STAFF RECOMMENDATION: Based upon the above Background Information and Planning Commission Recommendation, it is recommended that the City Council approve the zoning map amendment, as recommended by the Planning Commission and subsequently supplemented by City staff, by undertaking the following action:

"Move to approve Ordinance No. 08-039 approving a Zoning Map Amendment for Lake Elmo Bank to rezone two vacant properties at 27th and 28th Street from Rural Residential to R-1 with additional conditions outlined by City Staff to allow continued driveway access off of 28th Street."

Alternatively, the City Council may wish to amend the proposed Resolution and incorporate those conditions originally promulgated and now subsequently supplemented by the Valley Branch Watershed District and your City Staff. The suggested motion to undertake this action would be as follows:

"Move to approve Ordinance No. 08-035 approving a Zoning Map Amendment for Lake Elmo Bank to rezone two vacant properties at 27th and 28th Street from Rural Residential to R-1, with additional conditions outlined by City Staff to require driveway access off of 27th Street."

Finally, the City Council may deny the zoning map amendment and provide findings of fact to support the denial. City Staff will assist the Council in defining these at tonight's meeting and incorporate these into the suggested motion as follows:

"Move to approve Resolution No. 2011-005, as amended at tonight's meeting and denying approval of a Zoning Map Amendment for Lake Elmo Bank to rezone two vacant properties at 27th and 28th Street from Rural Residential to R-1, [for the findings of fact delineated at tonight's meeting]."

ATTACHMENTS:

1. Ordinance 08-035 Approving Application Request
2. Resolution 2011-005 Denying Application Request
3. Full Planning Staff Report (from February 15th meeting)
4. Area Map
5. Proposed Site Plan

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation Kelli Matzek, Planner
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

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

ORDINANCE NO. 08-039

*AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR TWO PROPERTIES
OFF OF 27TH AND 28TH STREET FROM RURAL RESIDENTIAL TO R-1; PID: 21-029-21-14-
0003 AND 21-029-21-14-0002*

Section 1. Amendment: Section 154.020 of the "Zoning District Map" of the Lake Elmo Municipal Code is amended to rezone property from RR to R-1, based on conformity with the Comprehensive Plan, owned by Lake Elmo Bank, legally described as identified in Attachment A.

Section 2. Findings

- 1) That the procedures for obtaining said Zoning Map Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.020.
- 2) That all the submission requirements of said 154.020 have been met by the Applicant.
- 3) That the proposed zoning map amendment is to allow the rezoning of two currently vacant properties from Rural Residential to R-1, thereby reducing the minimum lot size from ten acres to one and a half acres with the intention to work towards making two buildable lots for single family residential structures.
- 4) That the Zoning Map Amendment will be located on property with the PIDs: 21-029-21-14-0003 and 21-029-21-14-0002, formerly known as 2742 Ivy Ave. The full legal description is attached as Attachment A.
- 5) The proposed rezoning is in conformance with the Comprehensive Plan. *The Future Land Use Plan in the approved Comprehensive Plan guides this property as "NC" – Neighborhood Conservation. The R-1 zoning district, which is what the applicant's are requesting, corresponds to the NC land use designation and is therefore in conformance.*
- 6) The R-1 zoning district would not change the essential character of the neighborhood. *Single family residential neighborhoods exist to the west and northeast of the applicant's two properties. The two properties requested for rezoning are, in general, slightly larger than the then existing built lots. The proposed rezoning may allow a single family residential home to be built on each of the two properties which would be in conformance with the current use of the both adjacent neighborhoods.*

Section 3. Conclusions and Decisions:

Based on the foregoing, the Applicants' application for a Zoning Map Amendment is granted subject to the following conditions:

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The applicants shall provide a driveway access easement on the northern property and city-owned property to allow access for the southern property to 28th Street North.
- 4) The applicants or future property owners are encouraged to work with the City and the Valley Branch Watershed District on a potential land trade.

Section 4. Effective Date: This ordinance shall become effective upon passage and publication, according to law.

This Ordinance No. 08-039 was adopted on this 1st day of March 2011, by a vote of ____ Ayes and ____ Nay.

Dean A. Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

ATTACHMENT A

EXISTING LEGAL DESCRIPTION

Legal description per Stewart Title Guaranty Company Commitment No. 324851, dated May 1, 2009.)

PARCEL A

All that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21, described as follows: Beginning at the East line thereof which is 199 feet South of the Northeast corner thereof, and running thence South along said East line a distance of 199 feet to an iron monument; thence West along a line which is parallel to the North line of said Southeast Quarter of Northeast Quarter 161.1 feet to an iron monument; thence Northwest by deflection angle of 66 degrees 51 minutes to the right 491 feet, more or less, to a point which intersects a line drawn parallel to and 199 feet South of said North line of said tract; thence East in a straight line to the point of beginning excepting therefrom a 16 1/2 foot strip which is reserved along the South and East lines.

PARCEL B

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, described as follows, to-wit: Beginning at the Southeast Quarter of Northeast Quarter of said section, and running thence South along the East line thereof 199 feet; then parallel to the North line thereof 336 feet; thence by a deflection angle of 66 degrees 51 minutes to the right 208 feet to a point on the North line of said Southeast Quarter; thence by a deflection angle of 77 degrees to the right 320 feet to an iron monument; thence North and parallel to said Section line by 16.5 feet a distance of 33.4 feet; thence North 40 degrees 15 minutes to the right 245 feet to the point of beginning.

Excepting therefrom a 16 1/2 foot strip which is reserved along the East line.

Except the following described property thereof: All that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21 West, Washington County, Minnesota, described as follows, to-wit: Commencing at the Northeast corner of the Southeast Quarter of Section 21, Township 29, Range 21 West; thence South along the section line a distance of 15.7 feet; thence South 62 degrees 40 minutes West a distance of 38.6 feet to the point of beginning of this description; thence South 62 degrees 40 minutes West a distance of 159.9 feet; thence South 17 degrees 20 minutes East a distance of 56.2 feet; thence North 62 degrees 21 minutes East a distance of 150.8 feet; thence North and parallel to said Section line by 16.5 feet a distance of 33.4 feet; thence North 40 degrees 15 minutes to the right 245 feet to the point of beginning.

Also a strip of land 33 feet in width along the North line of the land hereby conveyed, and extended East to a point 16.5 feet East of the North and South Section line between Sections 21 and 22, Township 29 North, Range 21 West, which is hereby conveyed for road purposes.

Also excepting all that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21, described as follows, to-wit: Commencing at the Northeast corner of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21 West; thence South along the section line a distance of 78.5 feet; thence South 62 degrees 40 minutes West a distance of 18.6 feet to the point of beginning of this description; thence running South 62 degrees 40 minutes West a distance of 150.8 feet; thence South 17 degrees 20 minutes East a distance of 50 feet; thence North 62 degrees 40 minutes East a distance of 125 feet; thence North and parallel to said Section line by 16.5 feet a distance of 33.4 feet to the point of beginning, according to the United States Government Survey of Washington County, Minnesota.

PROPOSED LEGAL DESCRIPTIONS

(THE FOLLOWING PROPOSED LEGAL DESCRIPTIONS ARE BASED ON A PROPOSED LEGAL DESCRIPTION TO REGISTER TITLE FOR EXISTING PARCEL A AND PARCEL B. THESE LEGAL DESCRIPTIONS ARE NOT OF RECORD.)

PROPOSED PARCEL A

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, Washington County, Minnesota described as follows: COMMENCING at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 00 degrees 06 minutes 15 seconds West along the east line of said Northeast Quarter a distance of 1,317.26 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter; thence North 42 degrees 06 minutes 45 seconds West a distance of 25.19 feet; thence North 42 degrees 34 minutes 59 seconds West a distance of 200.31 feet; thence South 27 degrees 17 minutes 05 seconds East a distance of 139.31 feet to the POINT OF BEGINNING; thence North 62 degrees 34 minutes 59 seconds East a distance of 128.50 feet to the east line of the east 16.50 feet of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 06 minutes 51 seconds East along said west line of the east 16.50 feet a distance of 504.12 feet to the north line of the south 16.50 feet of the North Southeast Quarter of the Northeast Quarter; thence South 89 degrees 21 minutes 41 seconds West along said north line a distance of 152.13 feet to the easterly line of TABLYN PARK 2ND ADDITION; thence North 21 degrees 46 minutes 05 seconds West along said easterly line of TABLYN PARK 2ND ADDITION a distance of 473.97 feet to the intersection with a line which bears South 88 degrees 16 minutes 27 seconds West from the point of beginning; thence North 88 degrees 16 minutes 27 seconds East a distance of 214.93 feet more or less to the POINT OF BEGINNING.

PROPOSED PARCEL B

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, Washington County, Minnesota described as follows: COMMENCING at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 00 degrees 06 minutes 15 seconds West along the east line of said Northeast Quarter a distance of 1,317.26 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter; thence North 42 degrees 06 minutes 45 seconds West a distance of 25.19 feet to the POINT OF BEGINNING; thence South 62 degrees 34 minutes 59 seconds West a distance of 200.31 feet; thence South 27 degrees 17 minutes 05 seconds East a distance of 139.31 feet; thence South 88 degrees 16 minutes 27 seconds West a distance of 214.93 feet to the easterly line of TABLYN PARK 2ND ADDITION; thence North 21 degrees 46 minutes 05 seconds West along said easterly line of TABLYN PARK 2ND ADDITION a distance of 214.64 feet to the intersection with the north line of the Southeast Quarter of the Northeast Quarter; thence North 54 degrees 37 minutes 36 seconds East a distance of 320.71 feet to the intersection with a line which bears North 42 degrees 06 minutes 45 seconds West from the point of BEGINNING; thence South 42 degrees 06 minutes 15 seconds East a distance of 219.02 feet to the POINT OF BEGINNING.

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

RESOLUTION NO. 2011-005

*A RESOLUTION DENYING A ZONING MAP AMENDMENT FOR TWO PROPERTIES OFF
OF 27TH AND 28TH STREET FROM RURAL RESIDENTIAL TO R-1; PID: 21-029-21-14-0003
AND 21-029-21-14-0002*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the current property owner, Lake Elmo Bank (the "Applicant"), 11465 39th Street North, has submitted an application to the City of Lake Elmo (the "City") for a Zoning Map Amendment to rezone two properties off of 27th and 28th Street (21-029-21-14-0003 and 21-029-21-14-0002, formerly identified as 2742 Ivy Ave N) from Rural Residential to R-1, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.020; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on February 9, 2011; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 15, 2011; and

WHEREAS, the City Council considered said matter at its February 15, 2011 and March 2, 2011 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

1) To be established at the March 1, 2011 meeting.

2)

CONCLUSIONS AND DECISION

- 1) Based on the foregoing, the Applicants' application for a Zoning Map Amendment is denied.

Passed and duly adopted this 1st day of March 2011 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Dean A. Johnston, Mayor

Bruce Messelt, City Administrator

Report From 2/15/11
mtg.

City of Lake Elmo Planning Department
Zoning Map Amendment Review

To: City Council

From: Kelli Matzek, City Planner

Meeting Date: 2/15/11

Applicant: Dan Raleigh, Lake Elmo Bank

Owner: Lake Elmo Bank

Location: 2 Properties – 21-029-21-14-0003; 21-029-21-14-0002 (2742 Ivy Ave)

Zoning: RR – Rural Residential

Introductory Information

Request Mr. Raleigh, on behalf of the current owner, Lake Elmo Bank, is requesting two properties located at the end of 27th Street North and 28th Street North, be rezoned from Rural Residential which has a 10 acre minimum lot size, to R-1 which has a one and a half acre minimum lot size. The proposed rezoning would result in two potentially buildable lots where one was previously used for single family residential purposes and the other as a vacant property through which the driveway was built.

A minor lot line adjustment is also proposed which would shift a small amount of land from one parcel to the other. The proposed property line shift would not impact the ability to build on the property; the ability to build on the lot will be contingent on the ability to construct a functioning septic system on the site and place a home, with adequate access in locations that meet city code requirements. A lot line adjustment can be processed administratively, but is being mentioned at this time due to the rezoning request.

Site Data:	Property Identification No.	Existing Area	Use
	21-029-21-14-0003	Approx. 1.92 Acres	Vacant/Floodplain
	21-029-21-14-0002	Approx. 2.45 Acres	Former Homesite/Vacant

Right-of-way Vacation Review

Background Information: The southern, larger property was previously used for residential purposes. After the bank became owners of the property, the dilapidated single family home was torn down and the lot now remains vacant. The driveway was left intact and utilities are still available to this site.

The northern property, owned by the same homeowner prior to the bank's ownership,

is currently vacant except for the driveway that serviced the southern property's previous home. This driveway meanders through the southern portion of the north property, through a city-owned property and over to 28th Street North. Raleigh Creek runs through the western side of this property and therefore is subject to not only a setback to the creek, but must adhere to the floodplain regulations where applicable. The northern property also has a significant Valley Branch Watershed District surface water drainage easement.

The existing driveway crosses over a culvert. This culvert was replaced and enlarged in 1988 as flooding occurred on the north side of the culvert due to ice damming. Because of the location of Raleigh Creek, the flat topography and the culvert, ice continues to form in and behind the culvert and causes flooding on the northern property as well as on other properties upstream.

Both properties have noteworthy, but manageable slopes on the west side, near the 27th Street North cul-de-sac. Review by the City Engineer confirms that driveways could be added off the cul-de-sac and have less than a ten percent grade.

The property is just north of the Lake Elmo Regional Park Reserve, a significant park owned and managed by Washington County.

Both properties are located within School District 622.

Review Comments:

***Planning
Issues:***

Comprehensive Plan, Existing Neighborhood

The two properties are currently zoned RR – Rural Residential, but are guided for NC – Neighborhood Conservation in the Comprehensive Plan. This land use coincides with the R-1 zoning district, which is being requested by the applicant. Therefore, the rezoning of the properties from RR to R-1 would be in conformance with the Comprehensive Plan.

The R-1 zoning is also consistent with the properties directly to the west and in the neighborhood to the east of the two properties. The two nearby neighborhoods are on generally smaller lots and are developed with single family residential homes.

Site Access

As more thoroughly described on page four of this report, the Valley Branch Watershed District (VBWD) and city staff are interested in having the access for the two properties removed from 28th Street North and instead be located off of 27th Street North (the end of a cul-de-sac).

The removal of the culvert (currently allowing the driveway/access off of 28th Street North) would reduce the flooding north of the culvert onto private properties. Because the existing driveway is located in a floodway and has flooded in past years, city staff

is is recommending that this driveway be removed and placed on higher ground which would be accomplished by the relocation to 27th Street. If the current driveway is utilized by one or two homes in the future and in the event the existing driveway is flooded, it is a concern that public safety vehicles may not be able to access the home(s) in cases of emergency. In addition, the relocation of the driveways to 27th Street North would be beneficial to school district 622 for bussing purposes, should that service be used in the future.

Existing city improvements such as a fire hydrant and the current configuration of a neighbor's driveway are existing conditions that need to be considered if and when two driveways would be added to serve the two properties. Although a shared driveway is something the city does not encourage due to potential future neighbor conflicts, it may be something the city would like to further explore with the applicant. This may mean requiring an easement and maintenance agreement or an extension of the city's road right-of-way.

Although not an option preferred by city staff or the VBWD, if the existing driveway were to be left as-is, an access easement would be needed as it must cross through the northern property and a city owned property to reach 28th Street North. The southern property has no road frontage on 28th Street North.

Land Exchange

City staff is suggesting consideration of a land exchange between the city, the VBWD and the property owner. The northern property has a portion of land that is located within FEMA identified floodplains and is therefore unbuildable. In addition, Raleigh Creek flows through the eastern side of this property. Staff is suggesting the city request that area of the property be turned over to the city so as to leave an option for a possible future trail connection between Tablyn Park and the Lake Elmo Regional Park Reserve.

The city currently owns a 0.35 acre parcel directly adjacent to the northern property. Staff has speculated that property may have been acquired at some point with the intention of someday connecting 27th and 28th Streets, to add a cul-de-sac onto 28th Street or for a turnaround to be constructed at the end of 28th Street. In speaking with the City Engineer, he does not believe any of those scenarios would occur. Therefore, a portion of that land may be of interest to the current or future landowner. The two land areas identified are roughly similar in size. Staff would suggest retaining a small portion of the city owned property for snow storage purposes.

The VBWD may also be interested in exchanging, selling, or giving land currently owned by them for additional land or easements to other more sensitive areas. Again, this is discussed in more detail on page four of this report.

The applicant is not interested in negotiating a land swap prior to the City taking action on the rezoning request, and giving the deadlines for City action on the application, it is highly unlikely that there would be time to complete such an action before the 120-day time limit expires. Therefore, staff is suggesting that a condition of approval be added to the City's action that merely encourages the applicant to engage in these conversations with the City. From initial conversations with the

potential buyers of the property, they are willing to consider any proposals by the City.

**Engineer
Comments:**

A summary of the City Engineer's comments are below:

- Engineering would be in support of moving the access to the properties to 27th Street North.
- Water service to the second lot would need to be addressed.
- Proposed and secondary septic systems must meet all setback requirements.
- Areas of adjoining discrepancy with the adjoining plats should be addressed.
- City owned properties should be reviewed for their public purpose and should be modified as necessary with this proposal.

**DNR/VBWD
Comments:**

No comments were received from the DNR.

The Valley Branch Watershed District (VBWD) owns two properties adjacent to this property – a thin property that wraps around the south and east side of the southern property and one that lies between the two properties. The VBWD also owns and manages the culvert allowing Raleigh Creek to flow underneath the existing driveway that connects to 28th Street North. As mentioned previously, flooding occurs north of the culvert onto private property as the physical characteristics of the land and creek in combination with the culvert, allow ice to back up the water flow in the winter and spring.

The VBWD is interested in removing the culvert to reduce the flooding that occurs. Although some flooding will still occur and federally identified floodplains exist, the removal of the culvert would likely reduce the impact on both the existing neighbor's property as well as the applicant's northern property. In order to remove the culvert, the existing driveway would need to be removed and alternative access for the two properties would need to be addressed.

The access relocation to 27th Street would allow the removal of the culvert and would likely reduce flooding on adjacent properties. Staff believes the removal of the culvert would provide a public benefit by reducing flooding upstream.

**Planning
Commission
Review and
Rec.:**

The Planning Commission reviewed and discussed the application at their February 9th meeting. They held a public hearing and took comments provided by three residents and the potential future buyer of the properties.

Public Hearing

- One neighborhood resident was opposed to the relocation of the driveways off of 27th Street North as it would increase the number of vehicles driving on the road, resulting in additional car lights in his window as they drove down the road.

- A few of the neighbors stated that if the Valley Branch Watershed District put in a bigger culvert and/or cleared out the culvert more often the flooding would not occur on properties to the north.
- At least one neighbor said he didn't believe the grade up to 27th Street North could accommodate two additional driveways.
- One resident said the existing driveway had been in that configuration for years and did not think it needed to be changed.
- The potential buyer of the property from Lake Elmo Bank commented that a new driveway off of the 27th Street North cul-de-sac would cost a minimum of \$5,000 and that it would be difficult to put in due to the topography of the site. He stated his preference to use the existing driveway for a new home on this property.

After considering the public comments and discussing the driveway situation, the Commission voted to recommend approval of the rezoning request, but without any requirement for the applicant to move the driveway from its existing access off of 28th Street to the cul-de-sac at the end of 27th Street. The Commission indicated that the expense and disruption to the neighborhood from relocating the driveway was not worth the benefits to be gained by moving the current access.

After discussing the application and considering the input received during the meeting, the Planning Commission recommended approval of the Zoning Map Amendment, but altered the conditions of approval suggested by staff to the following:

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The applicants shall provide a driveway access easement on the northern property and city-owned property to allow access for the southern property to 28th Street North.
- 4) The applicants or future property owners are encouraged to work with the City and the Valley Branch Watershed District on a potential land trade.

Conclusion:

The applicant is seeking approval of a zoning map amendment request for two properties located at the end of 27th Street North and 28th Street North from RR to R-1.

Staff Rec: Staff recommends approval of the Zoning Map Amendment request based on the following:

- 1) The proposed zoning is in conformance with the guidance of the Comprehensive Plan.
- 2) The neighborhoods adjacent to and nearby the two properties are already zoned R-1. The rezoning of the properties to R-1 to allow single family residential homes would be in conformance with the existing neighborhood.

Provided the following conditions are met

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The existing driveway must be removed from the northern property. All future access for both properties shall be from 27th Street North.
- 4) The applicants shall provide a driveway access easement for a proposed shared driveway, which shall include any ancillary snow storage areas deemed necessary by the Public Works Director.
- 5) The applicants shall work with the City and the Valley Branch Watershed District on a potential land trade.

Planning Commission Rec: The Planning Commission recommends approval of the Zoning Map Amendment based on the findings noted above and provided the following conditions are met:

- 1) The applicants must provide documentation to the satisfaction of the City Attorney that all property line discrepancies are resolved.
- 2) Any future building permit is subject to a full review at the time of submission. Staff can not determine at this time that each of the two properties is suitable for single family residential homes.
- 3) The applicants shall provide a driveway access easement on the northern property and city-owned property to allow access for the southern property to 28th Street North.
- 4) The applicants or future property owners are encouraged to work with the City and the Valley Branch Watershed District on a potential land trade.

Council Options: The City Council may consider the following options for taking action on this request:

- A) Approve Resolution 2011-005 approving the Zoning Map Amendment based on the findings drafted by Staff or other additional information that is presented at the public hearing with conditions;
- B) Approve Resolution 2011-005 approving the Zoning Map Amendment based on the findings drafted by Staff or other additional information that is presented at the public hearing with conditions as outlined by City Staff; or

C) Deny the request based on findings (...cite findings...)

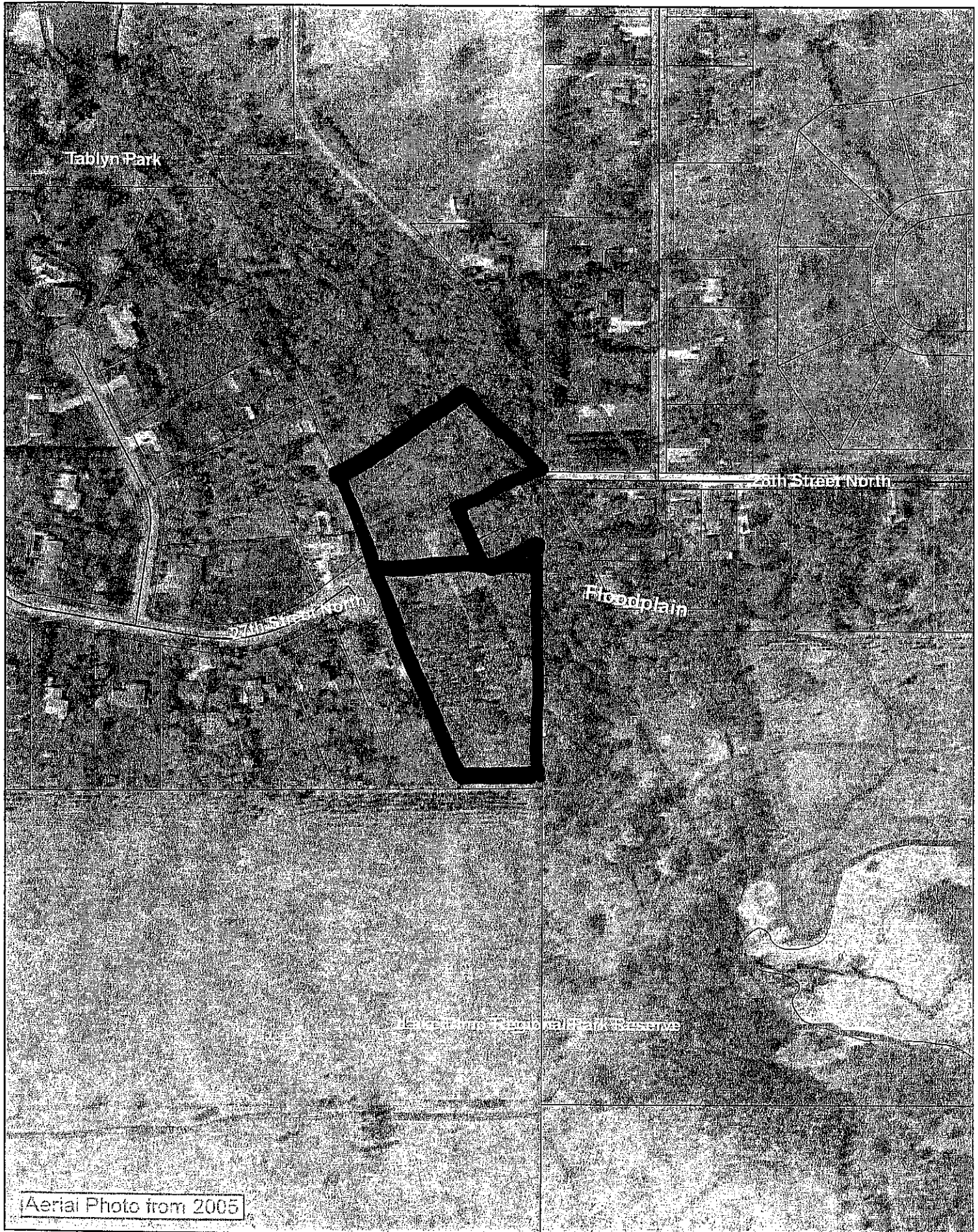
**Approval
Motion
Template:**

To approve the request, the Planning Commission is asked to use the following motion as a guide:

I move to approve Resolution 2011-005 approving the Zoning Map Amendment request from the Lake Elmo Bank to rezone two properties off of 27th Street North from Rural Residential to R-1, [with the conditions as drafted by staff] or [with the conditions as recommended by the Planning Commission].

cc: Dan Raleigh, Lake Elmo Bank
Bob Clark, Lynsky & Clark

Zoning Map Amendment



Tablyn Park

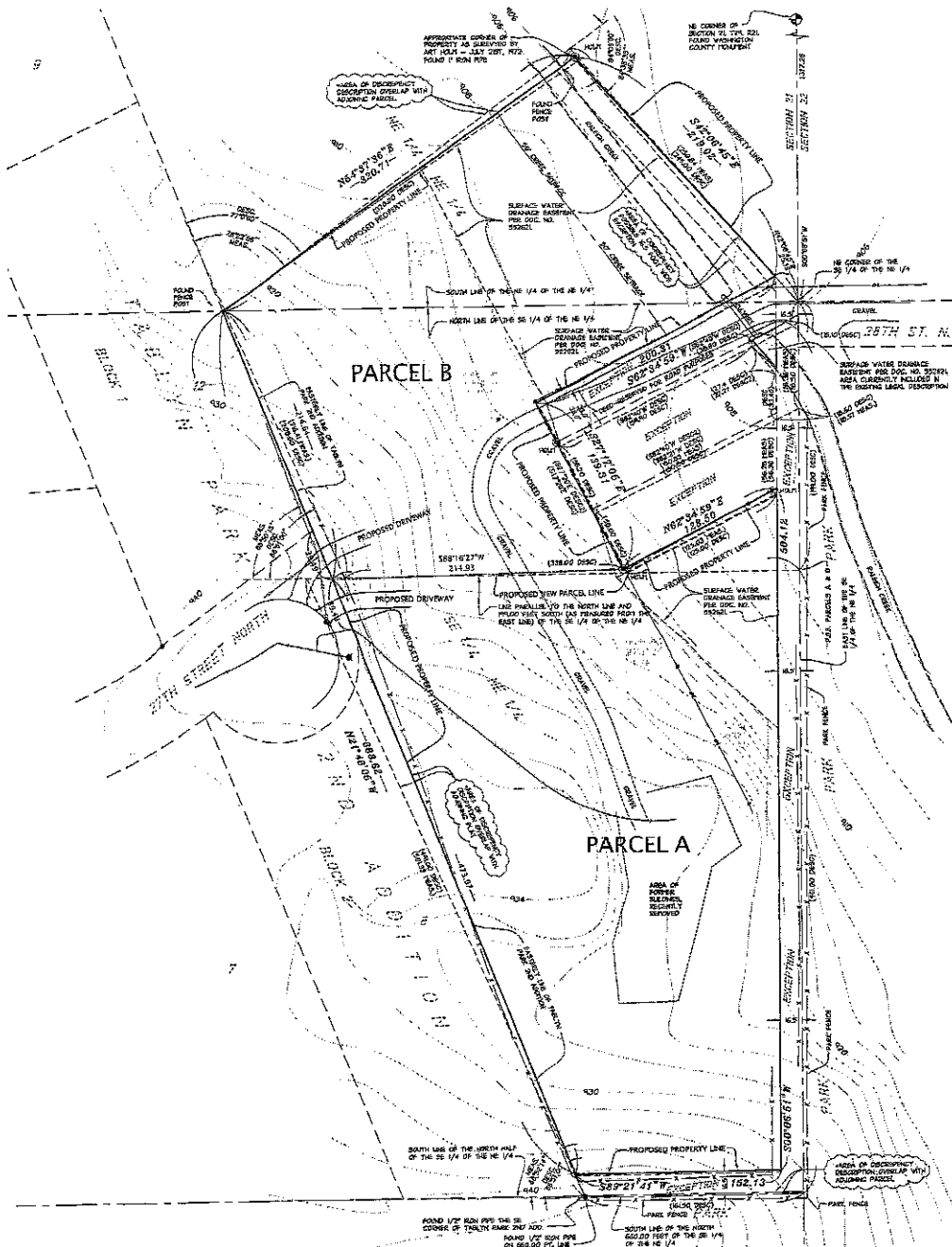
24th Street North

Floodplain

24th Street North

15th Street North

Aerial Photo from 2005



EXISTING LEGAL DESCRIPTION

Legal description per Stewart Title Guaranty Company Commitment No. 334851, dated May 1, 2009.

PARCEL A

All that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21, described as follows: beginning at a point on the East line thereof which is 199 feet South of the Northeast corner thereof, and running thence South along said East line 461 feet to an iron monument; thence West along a line which is parallel to the North line of said Southeast Quarter of Northeast Quarter 161.3 feet to an iron monument; thence Northwesterly by deflection angle of 86 degrees 51 minutes to the right 491 feet; more or less, to a point where this line intersects a line drawn parallel to and 199 feet South of said North line of said tract thence East in a straight line to the point of beginning, excepting therefrom a 16 1/2 foot strip which is reserved along the South and East line.

PARCEL B

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, described as follows: to-wit: Beginning at the Northeast corner of the Southeast Quarter of Northeast Quarter of said section, and running thence South along the East line thereof 189 feet thence West on a line parallel to the North line thereof 336 feet thence by a deflection angle of 86 degrees 51 minutes to the right 328 feet to an iron monument set on the North line of said Southeast Quarter; thence by a deflection angle of 77 degrees to the right 320 feet to an iron monument; thence by a deflection angle of 84 degrees 5 minutes to the right 245 feet to the point of beginning.

Excepting therefrom a 16 1/2 foot strip which is reserved along the East line.

Except the following described property, to-wit: All that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21 West, Washington County, Minnesota, described as follows, to-wit: Commencing at the Northeast corner of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21 West; thence South along the section line a distance of 151 feet; thence South 62 degrees 40 minutes West a distance of 38.6 feet to the point of beginning of this description; thence South 62 degrees 40 minutes West a distance of 190.5 feet thence South 17 degrees 30 minutes East a distance of 95.6 feet thence North 22 degrees 21 minutes East a distance of 135.8 feet thence North and parallel to said Section line by 16.5 feet a distance of 33.4 feet thence North 40 degrees 32 minutes West a distance of 27.5 feet to the point of beginning.

Also a strip of land 33 feet in width along the North line of the land hereby conveyed, and extended East to a point 16.5 feet West of the North and South Section line between Sections 21 and 22, Township 29 North, Range 21 West, which is hereby conveyed and reserved for road purposes.

Also excepting all that part of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21, described as follows, to-wit: Commencing at the Northeast corner of the Southeast Quarter of Northeast Quarter of Section 21, Township 29, Range 21, running thence South along the section line a distance of 78.3 feet; thence South 62 degrees 40 minutes West a distance of 18.5 feet to the point of beginning of this description; thence South 62 degrees 40 minutes West a distance of 150.8 feet; thence South 17 degrees 30 minutes East a distance of 95.6 feet; thence North 22 degrees 21 minutes East a distance of 125 feet; thence North and parallel to said Section line by 16.5 feet a distance of 36.3 feet to the point of beginning, according to the United States Government Survey Unreel, Washington County, Minnesota.

PROPOSED LEGAL DESCRIPTIONS

(THE FOLLOWING PROPOSED LEGAL DESCRIPTIONS ARE BASED ON A PROPOSED LEGAL DESCRIPTION TO REGISTER TITLE FOR THE EXISTING PARCELS A AND PARCELS B. THESE LEGAL DESCRIPTIONS ARE NOT OF RECORD.)

PROPOSED PARCEL A

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, Washington County, Minnesota, described as follows: COMMENCING at the Northeast corner of said Northeast Quarter; thence on an assumed bearing of South 80 degrees 05 minutes 51 seconds West along the East line of said Northeast Quarter a distance of 1,117.226 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter; thence North 42 degrees 06 minutes 45 seconds West a distance of 25.19 feet; thence South 62 degrees 34 minutes 39 seconds West a distance of 200.31 feet; thence South 27 degrees 17 minutes 05 seconds East a distance of 135.31 feet to the POINT OF BEGINNING; thence North 62 degrees 34 minutes 39 seconds East a distance of 120.20 feet to the West line of the said 16.50 foot strip; thence North 21 degrees 21 minutes 41 seconds West along said West line of the said 16.50 foot strip a distance of 304.12 feet to the North line of the said 16.50 foot strip; thence North 42 degrees 06 minutes 45 seconds West along said North line of the said 16.50 foot strip a distance of 151.3 feet to the East line of said Northeast Quarter; thence North 21 degrees 44 minutes 05 seconds West along said East line of said Northeast Quarter a distance of 473.97 feet to the intersection with a line that bears South 81 degrees 15 minutes 27 seconds West from the point of beginning; thence North 88 degrees 18 minutes 27 seconds East a distance of 214.03 feet more or less to the POINT OF BEGINNING.

PROPOSED PARCEL B

All that part of the Northeast Quarter of Section 21, Township 29, Range 21, Washington County, Minnesota, described as follows: COMMENCING at the Northeast corner of said Northeast Quarter; thence on an assumed bearing of South 80 degrees 05 minutes 51 seconds West along the East line of said Northeast Quarter a distance of 1,117.226 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter; thence North 42 degrees 06 minutes 45 seconds West a distance of 25.19 feet to the POINT OF BEGINNING; thence South 62 degrees 34 minutes 39 seconds West a distance of 200.31 feet; thence South 27 degrees 17 minutes 05 seconds East a distance of 135.31 feet; thence North 62 degrees 34 minutes 39 seconds East a distance of 120.20 feet to the West line of the said 16.50 foot strip; thence North 21 degrees 21 minutes 41 seconds West along said West line of the said 16.50 foot strip a distance of 304.12 feet to the North line of the said 16.50 foot strip; thence North 42 degrees 06 minutes 45 seconds West along said North line of the said 16.50 foot strip a distance of 151.3 feet to the East line of said Northeast Quarter; thence North 21 degrees 44 minutes 05 seconds West along said East line of said Northeast Quarter a distance of 473.97 feet to the intersection with a line that bears South 81 degrees 15 minutes 27 seconds West from the point of beginning; thence North 88 degrees 18 minutes 27 seconds East a distance of 214.03 feet more or less to the POINT OF BEGINNING.

AREAS:

PROPOSED AREA OF OLD PARCELS A & B = 155,699 Sq. Ft. or 3.50 Acres more or less

PROPOSED NEW PARCEL A = 118,510 Sq. Ft. or 2.54 Acres more or less

PROPOSED NEW PARCEL B = 85,388 Sq. Ft. or 1.96 Acres more or less

SURVEY NOTES:

1. BEARINGS ARE BASED ON WASHINGTON COUNTY COORDINATES NAD 1983.
2. THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
3. FOUND MONUMENTS LOCATED BY "HOLM" ARE APPROXIMATELY SHOWN PER SURVEY BY ART HOLM DATED JULY 21ST, 1992. HOLM NOTED ON HIS SURVEY THAT EXISTING LEGAL DESCRIPTION DOES NOT EXIST AT THE TIME OF HIS SURVEY.
4. 100 YEAR FLOOD ELEVATION PROVIDED BY THE CITY OF LAKE ELMO ZONING ADMINISTRATOR.

SYMBOLS:

- | | | | |
|---------------|---|---------------|---|
| MANHOLE | W | CATCH BASIN | W |
| CONCRETE | C | HYDRANT | H |
| IRON MONUMENT | I | WATER VALVE | V |
| CONCRETE | C | UTILITY POLE | P |
| CONCRETE | C | LIGHT POLE | L |
| CONCRETE | C | TELEPHONE BOX | B |
| CONCRETE | C | CAS VALVE | V |
| CONCRETE | C | OVERHEAD WIRE | O |
| CONCRETE | C | WELL | W |

UTILITY NOTE:

NO UNDERGROUND UTILITIES WERE LOCATED AS PART OF THIS SURVEY



OWNER:

LAKE ELMO BANK
C/O DAN RALEIGH
Lake Elmo Office
11455 35th Street North
Fargo ND 58103
Phone 701.775.8315
Fax 701.775.4739

CITY - COUNTY:

LAKE ELMO
WASHINGTON, CO

SEAL:

THE STATE OF MINNESOTA DOES NOT REQUIRE A SEAL

REVISIONS:

DATE	REVISION
3-1-10	PRELIMINARY
4-16-10	REVISED COUNTY COMMENTS
1-31-11	PROPOSED CHANGES
3-31-11	CHANGED EASEMENT LINE

CERTIFICATION:

I hereby certify that this map was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of MINNESOTA.

David L. Thurnes
David L. Thurnes Registration No. 22114
Date: 3-1-10

PROJECT LOCATION:

2747
IVY AVE.

PLD#2102921140003

PLD#2102921140002

200 East Chestnut Street
St. Paul, MN 55102
Phone 651.275.2660
Fax 651.275.0976
dave@cornerstone-surveying.com

CORNERSTONE
LAND SURVEYING, INC.

FILE NAME: SURVEY333

PROJECT NO.: LC10035

CERTIFICATE OF SURVEY

TKDA

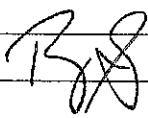
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444 Cedar Street, Suite 1500
Saint Paul, MN 55101

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

MEMORANDUM

To:	Kelli Matzek, City Planner Kyle Klatt, Planning Director John Hanson, VBWD	Reference:	2742 Ivy Ave N Land Use Review Rezoning and Lot Line Adjustment Supplemental Review
From:	Ryan Stempski, P.E. 	Proj. No.:	14816.001 Phase 10
Date:	February 17, 2011	Routing:	

This is a supplemental review to the TKDA memorandum dated January 17, 2011, for the rezoning request at 2742 Ivy Avenue N. After the February 15, 2011, City Council Meeting there was a request to provide further information regarding the existing site access off 28th Street N.

As stated in the January 17, 2011, memorandum, access from 27th Street appears to be feasible. The maximum allowable slope would be 10% for a new driveway; therefore the driveway(s) would have to be constructed to accommodate the steep slopes. It would be recommended to only have one driveway access the cul de sac on 27th Street N, then split to accommodate a second home if necessary. A driveway easement would need to be granted to the City of Lake Elmo to ensure perpetual access for each home. This access plan would allow the culvert at Raleigh Creek to be removed and help return the area to a more natural environment.

The existing access off 28th Street N could also be used if all Lake Elmo Code conditions are met. This existing driveway has an elevation lower than the 100-Year Flood Elevation of Raleigh Creek in this area. The Lake Elmo Code requires that a driveway cannot be more than 1-foot lower than the 100-Year Flood Elevation. To confirm compliance of the existing driveway, spot elevations of the existing driveway would need to be provided to confirm the separation from the 100-Year Flood Elevation in this location. If the existing driveway was raised, an engineered design would need to be submitted to maintain the existing capacity and overflow elevation of Raleigh Creek. The applicant would need to obtain a VBWD Permit and DNR Permit.



MAYOR & COUNCIL COMMUNICATION

DATE: 3/01/2011
REGULAR
ITEM #: 7
DISCUSSION/ACTION

AGENDA ITEM: Reconsideration of City Council Subcommittees Appointments

SUBMITTED BY: Council Members Smith, Emmons and Pearson

THROUGH: Sharon Lumby, City Clerk *SL*

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: At the request of Council Members Smith, Emmons and Pearson, the City Council is respectfully requested to reconsider appointments to the 2011 Council Subcommittees. The recommended motion to act on this reconsideration is as follows:

SUGGESTED MOTIONS: *"Move to appoint Council Members _____ & _____ to the Budget/Finance Subcommittee"*

"Move to appoint Council Members _____ & _____ to the Personnel/Human Resources Subcommittee"

"Move to appoint Council Members _____ & _____ to the Job Growth/Business Subcommittee"

"Move to appoint Council Members _____ & _____ to Regional & State Affairs Subcommittee"

BACKGROUND INFORMATION: At the January 11th, 2011 City Council Workshop, the City Council directed preparation of appointments to two standing Subcommittees (Budget/Finance and Personnel/Human Resources), as well as consideration of creation of a Subcommittee to address Job & Business Activities.

At its January 25th, 2011 City Council Meeting, the City Council approved (4-0) assignments to the following Council Subcommittees: Budget/Finance, Personnel/Human Resources, Job Growth/Business, and Regional & State Affairs.

Subsequent to this action, Council Member Smith has requested reconsideration of certain appointments. Council Member Emmons and Pearson have voiced, via email, consent with such reconsideration.

RECOMMENDATION: It is recommended that the City Council address the request for Reconsideration of 2011 Council Subcommittees appointments. Should any changes be made, the suggested motions are as follows:

SUGGESTED MOTIONS: *“Move to appoint Council Members _____ &
_____ to the Budget/Finance Subcommittee*

*“Move to appoint Council Members _____ &
_____ to the Personnel/Human Resources
Subcommittee*

*“Move to appoint Council Members _____ &
_____ to the Job Growth/Business Subcommittee*

*“Move to appoint Council Members _____ &
_____ to Regional & State Affairs Subcommittee*

Alternatively, the City Council does have the authority to discuss, deliberate, table this item at its discretion for future consideration, or take no action tonight, thereby leaving prior appointments as previously approved.

ATTACHMENTS: Minutes from January 25th, 2011 City Council Meeting (as approved on February 15, 2011).

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Clerk
- Call for Motion Mayor & City Council
- Discussion/Comments..... Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Action on Motion..... Mayor & City Council

MINUTES APPROVED AS AMENDED FEBRUARY 15, 2011

City Council Subcommittees & Outside Appointments

Pursuant to discussion at the January 11th workshop, the City Council is requested to address the formation of 2011 Council Subcommittees.

MOTION: Council Member Park moved the following Council appointments to the City Council Subcommittees. Council Member Pearson seconded the motion. The motion passed 4-0.

Budget/Finance Committee:

Council Members Smith and Pearson

Human Resources:

Council Member Emmons and Mayor Johnston

Job Growth/Business:

Council Members Park and Pearson

Regional and State Affairs:

Council Members Smith and Emmons

In addition, appointment of Council Members to the Gateway Corridor Commission for 2011 is required.

Council Member Park moved to approve Resolution No. 2011-003 appointing Mayor Johnston and Council Member Emmons to the Gateway Corridor Commission. Council Member Pearson seconded the motion. The motion passed 4-0.

Approve 2011 Planning Commission Work Plan

Kyle Klatt, Planning Director, presented the Planning Commission's annual work plan, prepared for 2011. The work plan, as recommended by the Planning Commission, was prepared using the previous year's plan as a template and tracking any changes that were used to create the new document.

Mayor Johnston requested Council consideration to add to the workplan (A1) Rezoning of two sites for a Park and Ride along I94.

MOTION: Council Member Pearson moved to accept the 2011 Planning Commission Work Plan including discussion on potential rezoning on two sites for a Park and Ride along I-94. Mayor Johnston seconded the motion. The motion passed 4-0.



CORRIDOR

Analysis Study (AA)

Initial Screening of Transit Technologies:

The transit technologies that are recommended by the Policy Advisory Committee (PAC) for further study in the AA following an initial screening of alternatives include:



Commuter Rail — is usually a diesel passenger train that runs on tracks shared with freight railroads. Commuter rail service connects a central city with outlying communities in the same region. Commuter rail runs during morning and afternoon peak periods, with stations spaced 2-5 miles or more apart. Commuter rail is not the same as High Speed or Passenger Rail (i.e. Amtrak). While these also run on existing railroad freight lines, they connect distant regions to each other (i.e. Twin Cities to Chicago). The new Northstar service is a commuter rail line.



Light Rail Transit (LRT) — is a passenger train powered by an overhead electric line. Trains operate with 1-3 cars in shared or exclusive right-of-way. Stations are typically ¼-2 or more miles apart, and connect suburbs to central cities. Because LRT is smaller and has a smaller turning radius than a commuter rail train, it can operate in city streets and within tight urban corridors. The Hiawatha line opened in 2004, and Central Corridor line now under construction, are examples of LRT.



Bus Rapid Transit (BRT) — is a bus system with enhanced service, stations, vehicles and technology that offers faster, more convenient and reliable service than traditional bus service. Highway BRT operates on roads with traffic moving at 45 mph or greater, in designated bus lanes (shoulder or mainline) or in managed lanes (shared with paying vehicles). BRT provides a family of services including both peak period express service and all-day, station-to-station service.



Express Bus —service is peak period commuter service, typically operating in mixed traffic on freeways. Express buses may operate on highway shoulders when mixed traffic is moving at less than 35 mph. In Minnesota, buses may not travel more than 15 mph faster than mixed traffic when operating on freeway shoulders that are not designated as bus lanes. Metro Transit already operates express bus service in portions of the Gateway Corridor.

Additional Information & Opportunity for Comment:

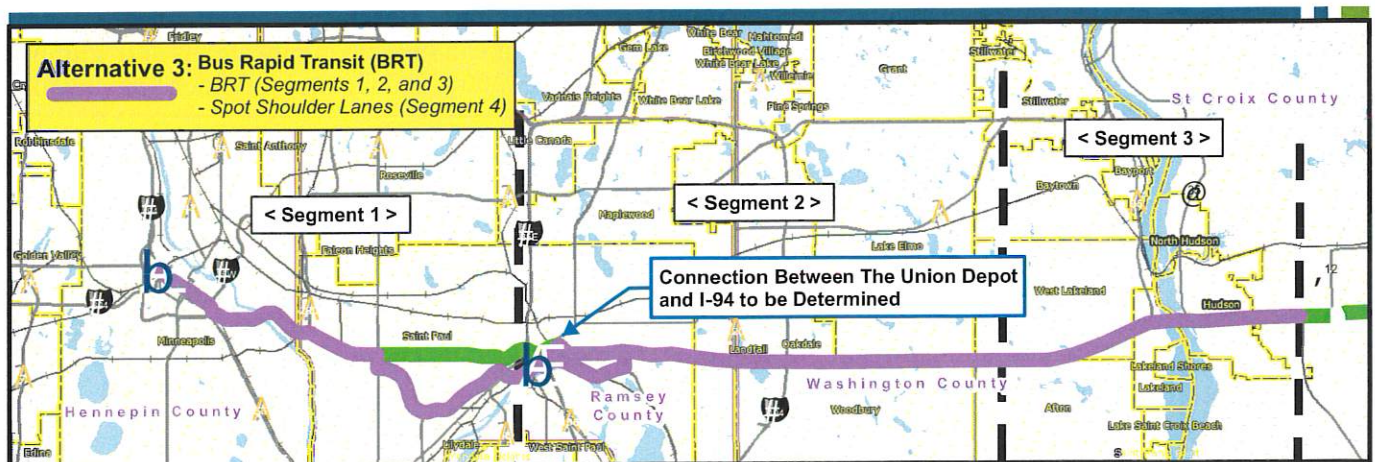
For additional information or to comment about the Gateway Corridor or the Transit Alternatives Analysis, contact Ted Schoenecker at: 651-430-4319 or ted.schoenecker@co.washington.mn.us.

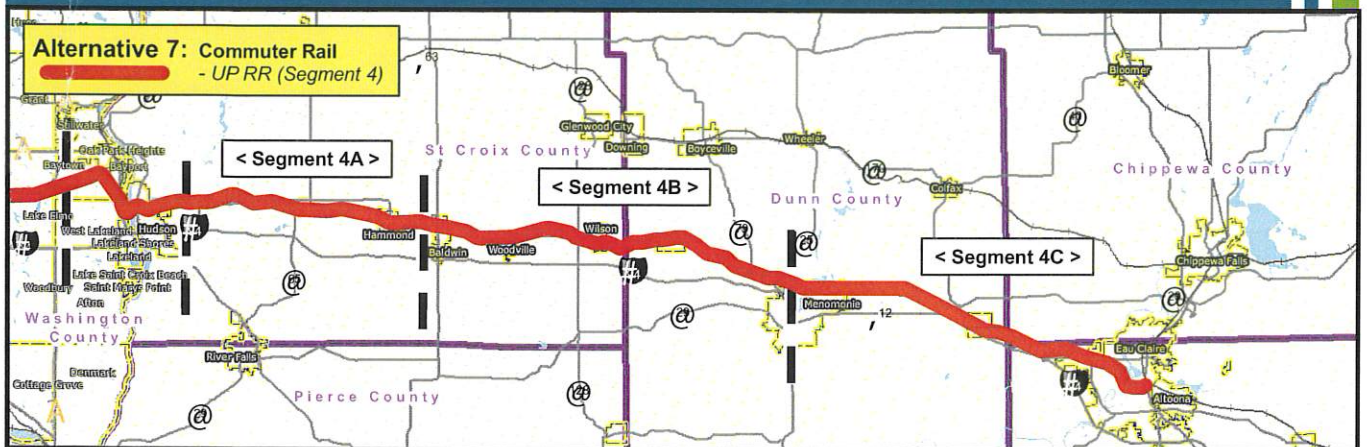
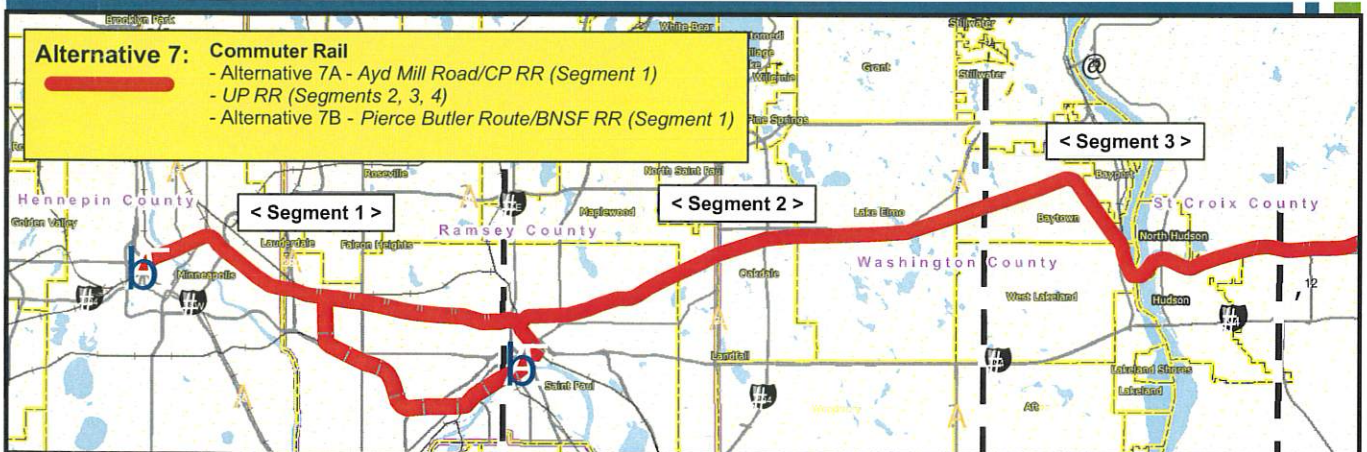
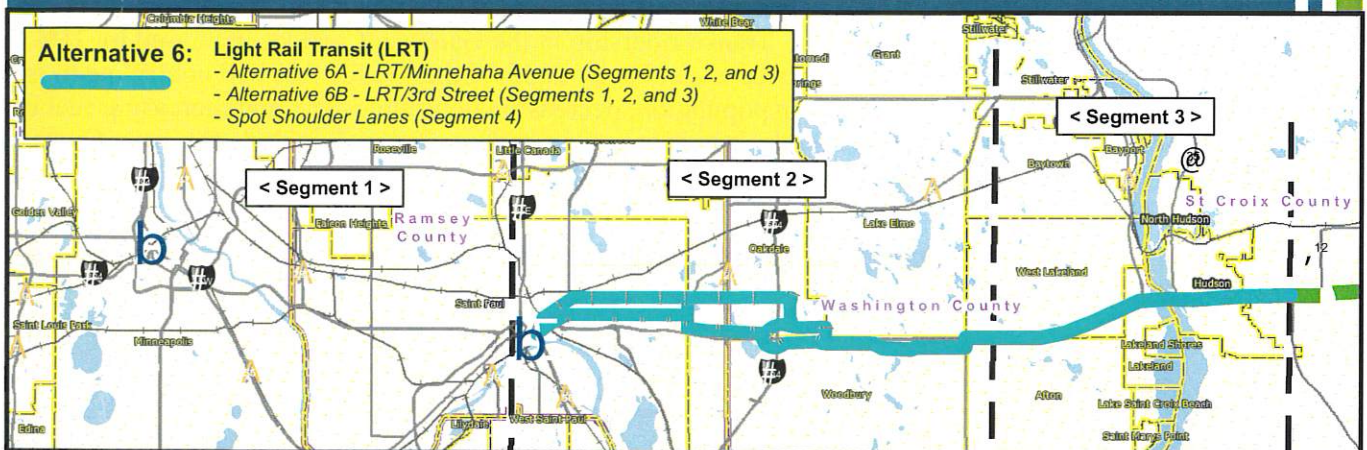
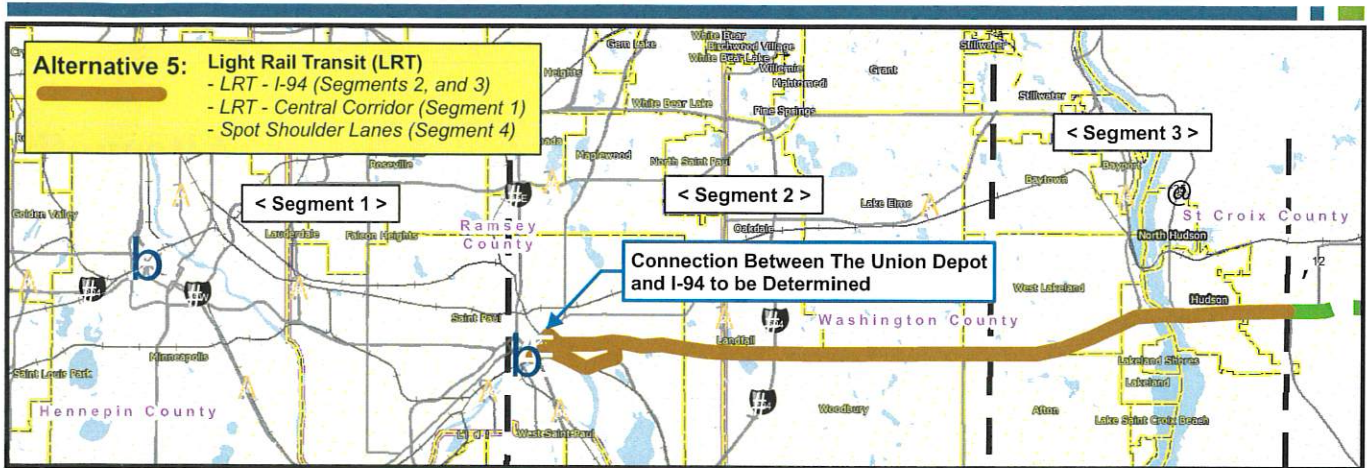
Initial Screening of Alternatives:

The initial screening of alignment alternatives (see the maps that follow) by the Policy Advisory Committee (PAC) was based on (1) ability to improve transportation mobility, (2) consistency with transportation, land use, and economic development plans, (3) cost-effectiveness, and (4) potential impacts to the natural environment. A final recommendation on transitway alignment alternatives to be studied further in the AA will be made following receipt of public comment.

Alternative 1 – No Build: The No Build alternative is defined as express buses operating in mixed traffic on I-94 and on highway shoulders between downtown Minneapolis and Woodbury during congested periods as they do today. Buses may only operate on highway shoulders where such use is signed and the speed of general traffic is 35 mph or less. Buses may operate at 35 mph, or 15 mph faster than general traffic. The No Build alternative includes planned, funded park and ride lots throughout the corridor.

Alternative 2 – Transportation System Management (TSM): The TSM alternative is defined as express buses operating in mixed traffic on I-94 between downtown Minneapolis and Eau Claire, and on highway shoulders where such use is signed and the speed of general traffic is 35 mph or less. An alternative TSM alternative will be tested adding a managed lane (“MnPass” lane) during congested periods between downtown Minneapolis and downtown St. Paul. Managed traffic lanes are highway lanes that are restricted during peak periods to buses, carpools/vanpool and MnPass vehicles that have paid a fee to use the lane. The TSM alternative includes additional park and ride lots throughout the corridor.

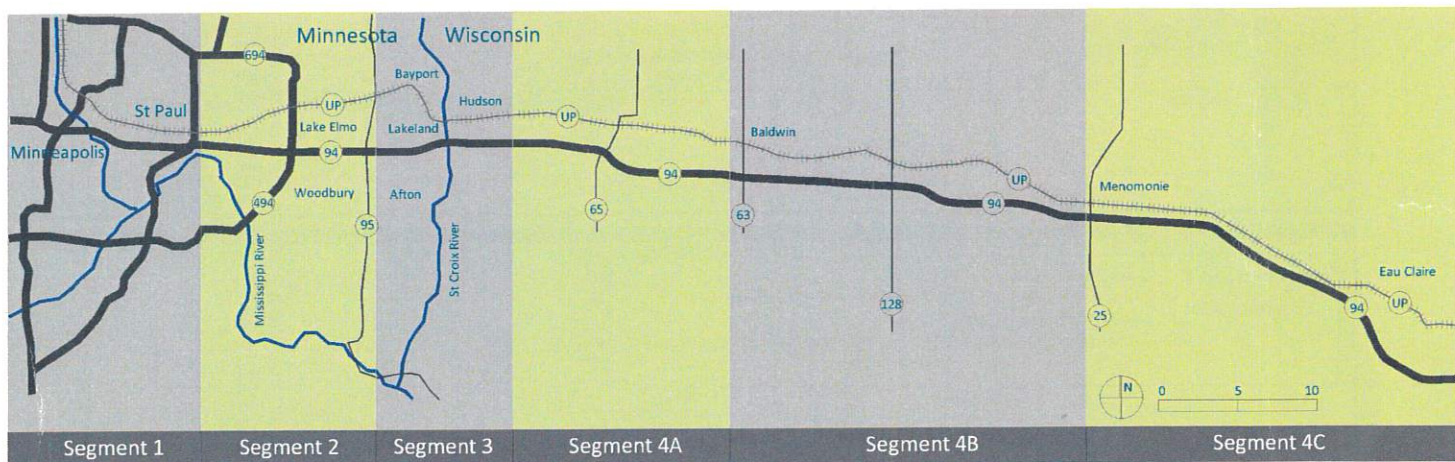




Background:

In August 2010, the Gateway Corridor Commission initiated a Transit Alternatives Analysis Study (AA), looking at the I-94 corridor from Minneapolis, MN to Eau Claire, WI. This study will assess transit needs in the corridor, evaluate transit alternatives, and recommend a Locally Preferred Alternative (LPA).

I-94 is the primary travel corridor between the Twin Cities and Eau Claire, and south and east to Madison, Milwaukee and Chicago. It is home to some of the region's largest employers and the two major downtowns of Minneapolis and Saint Paul. Traffic volumes on I-94 range from approximately 30,000 average daily traffic (ADT) near Eau Claire, to approximately 90,000 ADT at the St. Croix River Bridge, to 150-185,000 ADT between downtown Saint Paul and downtown Minneapolis. Peak period congestion is an increasing problem in many sections of the corridor due to steady population and employment growth. Transit ridership in the Gateway Corridor increased by 21% between 2003 and 2009. Park and ride demand is forecasted to double by 2030. Other trends that will contribute to increasing demand for transit service include an aging population, decreasing household size, and increasing fuel costs. Six study area segments have been defined for analysis purposes. Segments 1, 2, and 3, include the Twin Cities Metropolitan Area, segments 4A, 4B, and 4C, include the communities between Hudson and Eau Claire.



Goals:

The Gateway Corridor Commission and the Policy Advisory Committee (PAC) have approved the following goals for the AA:

- Improve mobility
- Provide a cost-effective, economically viable transit option
- Support economic development
- Protect the natural environmental features of the corridor
- Preserve and protect individual community quality of life
- Improve safety

GATEWAY ALTERNATIVES ANALYSIS SCHEDULE

