

File

<b>Mayor:</b> Dean Johnston <b>Council members:</b> Rita Conlin Steve DeLapp Liz Johnson Anne Smith	<b>Lake Elmo City Council</b> <b>TUESDAY,</b> <b>July 18, 2006</b>	3800 Laverne Avenue No. Lake Elmo, MN 55042 777-5510 777-9615 (fax)
---	--	---

**Please read:**

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

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

## Agenda

### City Council Meeting Convenes 7:00 PM

**Pledge of Allegiance**

<b>1. Agenda</b>		
<b>2. Minutes:</b>	July 5, 2006	
<b>3. <u>PUBLIC INQUIRIES/INFORMATIONAL:</u></b> <b>A. PUBLIC INQUIRIES:</b> (1) Huff'N Puff Proclamation, Non-Intoxicating Liquor License, Lake Elmo Jaycees (2) Request for \$200 contribution for boating restriction sign at Lake Demontreville Public Access – Tri lakes Assoc/Demontreville-Olsen Lake Owners (3) Overflow Parking at Boat Landings – Tri-Lakes Assoc. <b>4. <u>CONSENT AGENDA:</u></b> A.(1) Resolution No. 2006-066: Approving Claims (2) Resolution No. 2006-067: Approving Claim B. Monthly Operating Report C. Escrow Reduction for Tapestry D. Reschedule Council Workshop to September 13 <sup>th</sup> E. MN Partnership Contract	Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.	
<b>5. <u>FINANCE:</u></b>	Tom Bouthilet	

<p><b>6. <u>NEW BUSINESS:</u></b></p>		
<p><b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b></p> <p>A. Update on Building Dept.:Jim McNamara</p> <p>B. Fire Dept. Update – Chief Malmquist</p>		
<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b></p> <p>A. Authorization Ground Water Modeling Study</p> <p>B. Lateral Charges for Phases I and II Water Interconnect</p> <p>C. Warning Sirens</p> <p>D. 2006 Overlays; Resolution No 2006-068 Approve Plans &amp; Specs, Order Advertisement for Bids</p> <p>E. 2006 MSA Resurfacing; Resolution No. 2006-069 Odering Improvement</p> <p>F. Northern Watermain Easement Acquisition Update – verbal</p> <p>G. Change Order No.1 Water System Interconnect Phase IV &amp; Partial Payment No 3 for same project; Resolution No. 2006-072</p>	<p>Tom Prew</p>	
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b></p> <p>A. Lake Elmo Inn Event Center – Section 520 Site Plan and Zoning Variances; Resolution No. 2006-070</p> <p>B. Apostolic Bible Church Site – Comprehensive Plan Amendment and Rezoning, Resolution No. 2006-071, Ordinance No. 97-176</p> <p>C Home Office/Home Based Business Ordinance 97-177 and 97-178</p> <p>D. Park Meadows – Extension of Final Plat; Resolution No. 2006-073</p> <p>E. Park and Ride</p> <p>F Accessory Building in AG – Zoning Interpretation</p>	<p>C. Dillerud</p>	
<p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b></p>		
<p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b></p>		

**12. CITY COUNCIL BUSINESS AND  
REPORTS:****A. Mayor Johnston****B. Council Member Conlin****C. Council Member DeLapp****D. Council Member Johnson****E. Council Member Smith****RESCHEDULED COUNCIL MEETING:**  
Wednesday, August 2<sup>nd</sup>, 7:00 p.m.

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
JULY 5, 2006

1. AGENDA
2. MINUTES: June 20, 2006
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. PUBLIC INFORMATIONAL: None
  - B. PUBLIC INQUIRIES:
4. CONSENT AGENDA:
  - A. Resolution No. 2006-062: Approving Claims
  - B. Union Pacific Pipeline Crossing Agreement
  - C. National Night Out (Addition)
5. FINANCE:
  - A. Water Hook-Up Fees (Addition)
6. NEW BUSINESS: None
7. MAINTENANCE/PARK/FIRE/BUILDING: None
8. CITY ENGINEER'S REPORT:
  - A. PUBLIC HEARING: 2006 Overlays, Order Plans and Specifications: Resolution No. 2006-063
  - B. PUBLIC HEARING: 2006 MSA Resurfacing, Order Plans and Specifications: Resolution No. 2006-064 – NOT ADOPTED
  - C. Easement for Northern Watermain: verbal update
  - D. Approve Plans for Eagle Point Blvd.: Resolution No. 2006-064
  - E. Water Tower Project Update (Addition)
9. PLANNING, LAND USE & ZONING:
  - A. Zoning Ordinance Text Interpretation – Accessory Buildings in AG
  - B. Hidden Meadows 2<sup>nd</sup> Addition Final Plat and Development Agreement: Resolution No. 2006-066 (Removed)
  - C. HOA 2<sup>nd</sup> Addition Final Plat and Development Agreement: Resolution 2006-065
10. CITY ATTORNEY'S REPORT: None
11. CITY ADMINISTRATOR'S REPORT: None
12. CITY COUNCIL REPORTS:
  - A. Mayor Johnston
  - B. Council Member Conlin: Absent
  - C. Council Member DeLapp
  - D. Council Member Johnson
  - E. Council Member Smith
13. CLOSED MEETING: Legal Update



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

### **Pledge of Allegiance**

#### **1. AGENDA:**

Additions:

3C: National Night Out; 5A: Water Hook-Up Fees; 8E: Water Tower Project Update.

Removals:

9B: Hidden Meadows 2<sup>nd</sup> Addition Final Plat and Development Agreement.

M/S/P Johnson/Smith – to approve the July 5, 2006 City Council Agenda amended.  
(Motion passed 4-0)

#### **2. MINUTES:**

M/S/P Johnson/Smith – to approve the June 20, 2006, City Council Minutes as amended.  
(Motion passed 4-0)

#### **3. PUBLIC INQUIRIES/INFORMATIONAL:**

##### **A. Public Informational:**

The City Planner introduced the new Assistant Planner, Kelli Matzek, to City Council.

##### **B. Public Inquiries: None**

##### **C. National Night Out:**

Council Member Johnson reminded the Council that National Night Out is August 1, 2006, which is also a regularly scheduled City Council meeting night. She suggested that the regular Council meeting of August 1, 2006, be changed to August 2, 2006, so the City Council and its residents may participate. She noted that as the City of Lake Elmo grows, this program is very important for neighborhoods and communities.

M/S/P Johnson/Smith – to approve changing the August 1, 2006, Council Meeting to Wednesday, August 2, 2006. (Motion passed 4-0)

#### **4. CONSENT AGENDA:**

##### **A. Resolution No. 2006-062: Approving Claims**

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-062 approving Claim Numbers 332, 333, DD798, 29276 through 29292, were used for Staff Payroll dated June 22, 2006; Claims 334, 29293 through 29335, in the total amount of \$1,074,334.68.  
(Motion passed 4-0)

B. Union Pacific Pipeline Crossing Agreement:  
M/S/P DeLapp/Johnson – to authorize the Mayor on the behalf of the City to enter into a Pipeline Crossing Agreement with the Union Pacific Railroad for a one time fee of \$1,500.00. (Motion passed 4-0)

5. **FINANCE:**

A. Water Hook-Up Charges:  
Council Member DeLapp questioned whether it was the City's policy to charge additional water lateral charges to residents, in addition to the Water Availability Charge (WAC).

The City Planner stated that there are no lateral charges to residents until they choose to connect to City water. He noted that the City will maintain a map that designates what the future lateral charges will be once a resident asks to hook up. Mayor Johnston and Council Member DeLapp said they did not recollect the City deciding to apply water later charges.

City Engineer Prew said he will review the previous and clarify the Council's policy on WAC and water lateral fees. He will report to City Council at the July 18, 2006, Council meeting.

Mayor Johnston suggested further discussion at the Council Workshop on Tuesday, July 11, 2006, and return with additional information at the July 18, 2006, Council meeting.

6. **NEW BUSINESS:** None

7. **MAINTENANCE/PARK/FIRE/BUILDING:** None

8. **CITY ENGINEER'S REPORT:**

A. PUBLIC HEARING: 2006 Overlays on Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court, Resolution No. 2006-063:

City Engineer Prew recommended adoption of Resolution No. 2006-063, ordering Plans and Specifications for 2006 Overlays. He said the roads were built in the mid-70's, and routine maintenance is necessary.

The Mayor opened the Public Hearing at 7:30 p.m.

Resident Tim Carney, 4260 Irvin Court, provided signatures from all the residents of Irvin Court, requesting no improvement be done to Irvin Court. He said the road is fine, other than some curb repair, and they were requesting delaying of the project until water came through.

City Engineer Prew stated that water was not to be extended to their street in the foreseeable future.

The Pubic Hearing was closed to Public Comment at 7:35 p.m.

M/S Johnston/Johnson – to approve Resolution No. 2006-063, ordering improvement for 2006 Overlays on Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court. No vote.

M/S/P Johnson/Johnston – to table the motion to the July 18, 2006, City Council meeting. (Motion passed 3-1: DeLapp-opposed to the project)

M/S/P Smith/Johnson – to reconsider the vote to table the original motion to approve Resolution No. 2006-063. (Motion passed 4-0)

Mayor Johnston thereby placed the matter of Resolution No. 2006-063, ordering improvement for 2006 Overlays on Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court, back on the table for Council consideration. (Motion passed 4-0)

B. PUBLIC HEARING: Ordering Improvement for 2006 MSA Resurfacing on 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street: Resolution 2006-064 – NOT ADOPTED.

City Engineer Prew recommended adoption of Resolution No. 2006-064, ordering improvements for 2006 MSA Resurfacing on 45<sup>th</sup> Street, Julep Avenue and 47<sup>th</sup> Street.

The Mayor opened the Public Hearing at 8:08 p.m.

Resident Bob Johnson, 10323 47<sup>th</sup> Street, stated he has refused to do anything with 50<sup>th</sup> Street and Kimbro Avenue, and that this road improvement should have more priority than the project now proposed. He said that there are 4 retired residents on 47<sup>th</sup> Street and all are against this project.

Resident Jeanne O'Neill, 10133 47<sup>th</sup> Street, requested clarification of AG Preserves and Green Acres assessment waivers. She said she has lived there for 5 years, and does not believe street repairs are needed. The improvement of the road will increase the speed of the vehicles; she doesn't allow her son to even ride his bike there now. Funds should be used elsewhere.

Resident Rosalie Wahl, 10231 47<sup>th</sup> Street, said has lived there for 51 years and doesn't see the need for improvements.

Resident Pat O'Neill, 10133 47<sup>th</sup> Street, restated their concerns and said the street is used as a drag racing strip.

Resident Mark Wahl, 10231 47<sup>th</sup> Street, made a suggestion of having speed bumps installed to help slow down traffic.

The Public Hearing was closed to Public Comment at 8:19 p.m.

Mayor Johnston summarized the following questions: 1) Should we be repairing 50<sup>th</sup> Street and Kimbro Avenue instead, and/or keep it a gravel road; 2) would the 50<sup>th</sup> Street and Kimbro Avenue improvement relieve some of the traffic on 45<sup>th</sup> Street, Julep

Avenue, and 45<sup>th</sup> Street; 3) AG Preserve and Green Acres clarification; 4) specific repairs needed on 45<sup>th</sup> Street and Julep Avenue?

City Engineer Prew informed Council the streets are 20 years old, and maintenance is recommended. Making the driving lanes narrower – as proposed by the project – will help slow down traffic some.

Consensus of the Council to direct staff to work with Washington County Sheriff department and to also use speed trailers to monitor the speed on 4<sup>th</sup> Street due to the concerns citizens addressed with this stretch of road becoming a racing track.

M/S/P Johnston/Smith – to return to the July 18, 2006, Council meeting for further discussion of Resolution ordering improvement for 2006 MSA Resurfacing on 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street. (Motion passed 4-0)

C. Easement for Northern Watermain:

City Engineer Prew informed the Council that they are waiting for appraisals of easements.

D. Approve Plans for Eagle Point Boulevard – Resolution No. 2006-064:

City Engineer Prew recommended adoption of Resolution No. 2006-064, approving Plans and Specifications for Eagle Point Boulevard, south of Hudson Blvd.

M/S/P Johnson/Smith – to approve Resolution No. 2006-064, approving Plans and Specifications for Eagle Point Boulevard. (Motion passed 4-0)

F. Water Tower Project: Verbal Update

The City Planner informed Council that CB & I Constructors, Inc. informed the City about the water tower being out-of-specification/out-of-tolerance by 4 inches. CB & I has proposed a remedy and solution.

The City Engineer recommended hiring an independent national consultant, Tank Industry Consultants, to evaluate the proposals for correction of the deviation. All costs will be covered by CB & I, Inc., including TKDA.

M/S/P DeLapp/Johnston – to authorize City Engineer Prew to pursue a contract with Tank Industry Consultants in an estimated amount of \$13,000.00, and recover costs by charging CB & I. (Motion passed 4-0)

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

A. Zoning Ordinance Text Interpretation – Accessory Buildings:

The City Planner reported that Staff discovered what appeared to be a wording problem within the table of the Zoning Ordinance that prescribes the number and allowable area of accessory structures in the AG zoning district.

The City Planner and the Planning Commission's recommendation to the Council is that the term "combined" is used where the ordinance described multiple buildings in the R1, RED and OP section of the table; and, therefore, the lack of that term in the AG district text implied that the stated maximum building area is applicable to each of the two accessory buildings allowed.

M/S/P Johnston/Smith – to reschedule consideration until the July 18, 2006, City Council meeting. (Motion passed 4-0)

B. Final Plat and Development Agreement – Hidden Meadows 2<sup>nd</sup> Addition:  
Resolution No. 2006-066: (postponed):

The City Planner informed the Council that Hidden Meadows Development, LLC (Developer) had requested Hidden Meadows 2<sup>nd</sup> Addition be withdrawn until the July 18, 2006, Council meeting.

C. Final Plat and Development Agreement – HOA 2<sup>nd</sup> Addition: Resolution No. 2006-065:

City Planner presented the Final Plat and DA for HOA 2<sup>nd</sup> Addition, consisting of 12.6 acres divided into a cul-de-sac street, 2 lots and 1 outlier.

M/S/P Johnson/DeLapp – to adopt Resolution No. 2006-065, approving the Final Plat and Development Agreement of the HOA 2<sup>nd</sup> Addition. (Motion passed 4-0)

**10. CITY ATTORNEY'S REPORT:** None

**11. CITY ADMINISTRATOR'S REPORT:**

The Assistant City Administrator informed Council that the lawsuit against the City by the I-94 property owners had been dismissed, without prejudice.

**12. CITY COUNCIL REPORTS:**

Mayor Johnston informed the Council that he had attended the LMNC Conference last Thursday.

Council Member Conlin - Absent

Council Member DeLapp informed Council that he had been at the Regional Art Center, and viewed the artwork. The recycled materials, required to create the art, were very good. Awards were given to all participants.

Council Member Johnson attended the July 4<sup>th</sup> Kids Parade, and hoped all the children had a good time. There were 17 participants for the Recycle Art Contest.

Council Member Smith informed Council that the Regional Art Center is offering classes every Thursday night this summer. Classes are for all.

REMINDER: City Council Workshop on Tuesday, July 11, 2006, at 6:00 p.m.

13. **CLOSED MEETING:** Legal Update:

A. Case No. 82-C6-05-006209 – City of Lake Elmo vs. Sessing Pretrial Mediation

Council Meeting adjourned at 9:00 p.m. for a Closed Session.

Respectfully submitted by Carole Freeman, Recording Secretary

Resolution No. 2006-062: Approved Claims

Resolution No. 2006-063: 2006 Overlays - Approved Resolution No. 2006-063, ordering improvement for 2006 Overlays on Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court.

Resolution No. 2006-064: Plans for Eagle Point Boulevard

Resolution No. 2006-065: HOA 2<sup>nd</sup> Addition Final Plat & Development Agreement

DRAFT

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
JUNE 20, 2006

1. AGENDA
2. MINUTES: March 21, 2006, May 2, 2006
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. PUBLIC INQUIRIES: None
  - B. PUBLIC INFORMATIONAL:
    - (1) John Binkowski, Ind. Candidate
4. CONSENT AGENDA:
  - A. Resolution No. 2006-052: Approving Claims
  - B. Monthly Operating Report
  - C. Authorization for Professional Services 2006 Overlays: Jamaca Court, Irvine Circle, Isle Avenue, Irvine Court, and Ivy Court
  - D. Authorization for Professional Services 2006 MSA Repaving: 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street
  - E. Change Order Conduit Relocating for Water Tower
  - F. Resolution No. 2006-053: Partial Payment for Water System Interconnect Phase I – Riley Brothers Construction
  - G. Resolution No. 2006-054: Partial Payment for Water System Interconnect Phase II – Riley Brothers Construction
  - H. City Logo (removed for discussion)
5. FINANCE: None
6. NEW BUSINESS: None
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Building Dept.: Jim McNamara
8. CITY ENGINEER'S REPORT:
  - A. 2006 Overlays Feasibility Report: Resolution No. 2006-055 (changed to 8C)
  - B. 2006 MSA Repaving Feasibility Report: Resolution No. 2006-056 (changed to 8D)
  - C. Approve Plans for Northern Water Main: Resolution No. 2006-057 (changed to 8E)
  - D. Public Hearing: Excavating & Grading Permit–Krueger, 4452 Lake Elmo Ave (changed to 8A)
  - E. Public Hearing: Excavating & Grading Permit–Kaufhold, 9999 10<sup>th</sup> St. (changed to 8B)
  - F. Hurt Septic System (Consolidated 11A and 8F)
9. PLANNING, LAND USE & ZONING:
  - A. Village Area Planning Team – Subsequent Phase Work Plan
  - B. Zoning Variance – Hamerly, 9249 Jane Road N.: Resolution 2006-058
  - C. Preliminary Plat of HOA 2<sup>nd</sup> Addition: Resolution No. 2006-060; Site Plan Review – Rasmussen College: Resolution No. 2006-059
  - D. CDBG – Cimarron Gas Service Project: Resolution No. 2006-061

- E. Zoning Text Amendments--Architectural Performance Standards in BP, LB, PF, GB: Ordinance No. 97 – 172-175
- 10. CITY ATTORNEY'S REPORT:
  - A. Northern Watermain Easement Acquisition Update: verbal (added to 8E)
- 11. CITY ADMINISTRATOR'S REPORT:
  - A. Austad, Pierre, Hurt – Septic Systems: verbal (see 8F)
  - B. Report on HOA Training Seminar: verbal
  - C. City of Minneapolis – Letter of Appreciation (addition)
  - D. PFC Meetings (addition)
- 12. CITY COUNCIL REPORTS:
  - A. Mayor Johnston – Lake Elmo Compensation Plan, Performance Review Procedure
  - B. Council Member Conlin
  - C. Council Member DeLapp
  - D. Council Member Johnson
  - E. Council Member Smith
- 13. CLOSED SESSION: Legal Update



Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council Chambers. COUNCIL MEMBERS PRESENT: Johnson, Smith, DeLapp (arrived at 8:20 p.m.) and Conlin (arrived at 8:32 p.m.). STAFF PRESENT: Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, City Engineer Prew, City Attorney Filla, Building Official McNamara, and Recording Secretary Freeman.

**Pledge of Allegiance**

**1. AGENDA:**

Remove 4H (Logo) from Consent and change to discussion;  
Additions: 12D (Groundwater Report), 8F (Hurt Septic System);  
Consolidate Items 10A and 8C, 11A and 8F;  
Move Items 8D and 8E before 8A, 8B and 8C.

M/S/P Smith/Johnson – to approve the amended June 20, 2006, City Council Agenda.  
(Motion passed 3-0)

**2. MINUTES:**

M/S/P Johnson/Smith – to approve the May 16, 2006, City Council Minutes, as presented. (Motion passed 3-0)

M/S/P Smith/Johnson – to approve the amended June 6, 2006, City Council Minutes.  
(Motion passed 3-0)

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

A. Public Informational: None

B. Public Inquiries:

Independent Governor Candidate John Binkowski – did not appear

**4. CONSENT AGENDA:**

A. Resolution No. 2006-052: Approving Claims:

M/S/P Johnson/Smith – to adopt Resolution No. 2006-052 approving Claim Numbers 330, 331, DD763 through DD785, 29210 through 29230, were used for Staff Payroll dated June 8, 2006; claims 29231 through 29275, in the total amount of \$94,333.15.  
(Motion passed 3-0)

B. Monthly Operating Report:

M/S/P Johnson/Smith – to accept the May 2006 Monthly Operating Report.  
(Motion passed 3-0)

C. Authorization for Professional Services 2006 Overlays: Jamaca Court, Irvine Circle, Isle Avenue, Irvine Court, and Ivy Court:

M/S/P Johnson/Smith – to authorize TKDA to proceed with the bidding phase for the 2006 Overlays Project - Jamaca Court, Irvine Circle, Isle Avenue, Irvine Court, and Ivy Court. (Motion passed 3-0)

D. Authorization for Professional Services 2006 MSA Repaving: 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street:  
M/S/P Johnson/Smith – to authorize TKDA to proceed with the bidding phase for the 2006 MSA Repaving of 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street. (Motion passed 3-0)

E. Change Order Conduit Relocation for Water Tower:  
City Engineer Prew recommends the conduits relocation between the tower and Public Works building. The revised route saves money by reducing the cost of running conduit inside of the building.

M/S/P Johnson/Smith – to authorize Change Order No. 1R, Elevated Storage Tank No. 2, verified by the City Engineer in his Memo dated June 15, 2006. (Motion passed 3-0)

F. Partial Payment for Water System Interconnect Phase I – Riley Brothers Construction: Resolution No. 2006-053:  
City Engineer Prew recommended Partial Payment for Water Systems Interconnect Phase I to Riley Brothers Construction. Residents Neil and Debbie Krueger submitted their concerns about the process, and work not being done.

Staff stated that the City has been in contact about the delay, letters have been sent, and Travelers Insurance (bonding company) was put on notice. Riley Construction has hired extra crew, and it would be another three weeks before completion.

M/S/P Johnson/Smith – to adopt Resolution No. 2006-053, authorizing partial payment for Water System Interconnect Phase I to Riley Brothers Construction, Certificate No. 5, in the amount of \$14,187.00. (Motion passed 3-0)

G. Partial Payment for Water System Interconnect Phase III – Riley Brothers Construction: Resolution No. 2006-054:  
M/S/P Johnson/Smith – to adopt Resolution No. 2006-054, authorizing partial payment for Water System Interconnect Phase III to Riley Brothers Construction, Certificate No. 4, in the amount of \$222,561.78. (Motion passed 3-0)

H. City Logo: (removed for discussion)  
The current City of Lake Elmo logo is approximately 25 years old. At the May 9, 2006, Council Workshop, new signage was discussed for the new water tower and Public Works building. City Administrator Rafferty requested Council direction to move forward with a new City Logo/design.

Council discussed approaching the logo issue a different way, and did not believe a new logo was needed.

M/S/F Johnson/Smith – to approve updating the City Logo, Step One, with Wright Design, for an estimated cost of \$1800.00. (Motion Failed 1-2: Smith-not cost \$4,300.00 and approach it a different way; Johnston-does not believe the City needs a logo)

5. **FINANCE:**

Finance Director submitted a Tentative 2007 Budget Calendar for Council. It will be discussed at a future Council meeting.

6. **NEW BUSINESS:** None

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

A. Update on Building Dept.: Jim McNamara

Building Official McNamara informed the Council that carbon monoxide detectors are not part of the current Building Code, but will be required by State Statute in January 2007 for all new one and two family dwelling units. Currently, detectors are not required in existing single-family residences either but will be required by August 2008. The MN Building Code could also reflect the changes in the 2009 edition of the International Building Code (IBC).

8. **CITY ENGINEER'S REPORT:**

A. 2006 Overlays Feasibility Report: Resolution No. 2006-055: (changed to Agenda Item 8C)

The City Engineer presented the Council the Feasibility Report for 2006 Overlays – Irvin Court, Irvin Circle Isle Avenue, Ivy Court, and Jamaca Court. He stated the original roads dated to the mid-70's. The streets would be reclaimed and paved. Bituminous curbs would also be replaced.

M/S/P Smith/Johnson – to adopt Resolution No. 2006-055, and accept the Feasibility Report and Ordering Plans and Specifications for 2006 Overlays - Irvin Court, Irvin Circle Isle Avenue, Ivy Court, and Jamaca Court. (Motion passed 3-0)

B. 2006 MSA Repaving Feasibility Report: Resolution No. 2006-056: (changed to Agenda Item 8D)

The City Engineer presented the Council the Feasibility Report for 2006 MSA Repaving – 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street. Paved shoulders, versus gravel are proposed on 45<sup>th</sup> Street and Julep Avenue. Driving lanes will be narrowed. Funds in MSA are available for the project.

M/S/P Johnson/Smith – to adopt Resolution No. 2005-056, and accept the Feasibility Report for 2006 MSA Repaving – 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street. (Motion passed 3-0)

C. Approve Plans for Northern Water Main: Resolution No. 2006-057: (changed to Agenda Item 8E and to include Agenda Item 10A)

City Engineer Prew recommends approval of Resolution 2006-057, approving plans and specifications for the Northern Watermain Extensions Project and authorizing the advertisement of bids. The Project will not be awarded until the easements have been secured.

City Attorney Filla requested that Agenda Item 10A be included in the discussion. He informed the Council that the process of easements being acquired is currently being negotiated and results will be brought to the July 5, 2006, Council meeting.

M/S/P Smith/Johnson – to adopt Resolution No. 2006-057, accepting plans and specifications and authorizing the advertisement for bids, verified by the City Engineer in his Memo dated June 15, 2006. (Motion passed 3-0)

D. PUBLIC HEARING: Excavating & Grading Permit, Krueger, 4452 Lake Elmo Avenue: (changed to Agenda Item 8A)

A grading permit has been submitted by the Neil Krueger, 4452 Lake Elmo Avenue, which involves removing soil from a small hill near their garage and using it to level an area near Lake Elmo Avenue. He said this would provide a larger flat area for Christmas tree sales and better parking. The area around the west side of the tree barn will have better drainage. The plans have been reviewed and approved by both the City and Valley Branch Watershed District.

The Mayor opened the Public Hearing at 7:15 p.m.

Residents Neil and Debbie Krueger stated that it was too late in the season for the work to be completed this year, and would need to finish next year. Staff advised them to apply for the building permit now, and to keep the Building Dept. current.

City staff determined that the volume threshold for grading permits should be discussed at the July 11, 2006, Council Workshop.

The Public Hearing was closed to Public Comment at 7:20 p.m.

M/S/P Smith/Johnson – to approve the Krueger Grading Permit in accordance with the plans on file, and subject to a \$1,500.00 escrow. This escrow would be released once the turf is established and no erosion is evident. (Motion passed 3-0)

E. PUBLIC HEARING: Excavating & Grading Permit, Kaufhold, 9999 10<sup>th</sup> St.: (changed to Agenda Item 8B)

A grading permit has been submitted by James Kaufhold, 9999 10<sup>th</sup> Street, which involves leveling material left behind from filling done by a previous owner, and improving the drainage in other areas.

The Mayor opened the Public Hearing at 7:25 p.m.

The Public Hearing was closed to Public Comment at 7:26 p.m.

No one spoke for or against the Kaufhold Excavating & Grading permit.

M/S/P Johnson/Smith – to approve the Kaufhold Grading Permit in accordance with the plans on file, and subject to a \$1,500.00 escrow. This escrow would be released once the turf is established and no erosion is evident. (Motion passed 3-0)

F. Septic Permit for Hurt, 5751 Hytrail Avenue North (added to Agenda):  
Residents Gregg and Paula Hurt requested that their Septic Permit application be approved.

City Administrator Rafferty deferred to City Engineer Prew's Memo dated June 20, 2006, to City Council.

City Engineer Prew stated he is not recommending the proposed plan not be approved as it does provide a long term solution. He believes the system should be repaired to operate as designed and approved. However, if the City chooses to allow the applicants to proceed with the proposed design, two test pits are recommended to confirm the soil borings and that the monitoring and mitigation plans are submitted with better detail and more stringent reporting.

M/S/P Johnson/Johnston – to accept the City Engineer's Memo dated June 20, 2006, as submitted and for Staff to continue processing the Permit application for the septic system. (Motion passed 2-1: Smith, owners doing everything asked, due diligences, support of letting them move forward)

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

### **A. Village Area Planning Team – Subsequent Phase Work Plan:**

It was reported that the City Planner and Staff has met with the Village Area Planning Team to provide guidance as to the format and content of the Team's proposal for the Village Area, including detail planning, coordination and project (s) execution efforts. The Planning Teams proposal to complete subsequent planning tasks was presented to the City Council by Team Members.

M/S/P Smith/Johnson – to accept and proceed with the Planning Team's proposal for continuing services to the City based on the June 16, 2006, draft proposal including the budget of \$158,000.00, refining deliverables and adjustments. (Motion passed 5-0)

### **B. Zoning Variance, Hamerly, 9249 Jane Road North: Resolution No. 2006-058:**

The City Planner reported that the Planning Commission conducted a Public Hearing on June 12, 2006, and unanimously adopted a recommendation for approval of street yard (front) and side yard setback variances. The Commission added an additional design modification condition to the approval recommendation that requires the applicant to encroach no further on the south side setback than the existing garage encroaches.

M/S/P Johnson/Johnston – to adopt Resolution No. 2006-058, approving street and side yard setback variances for construction of an attached garage, based on the Findings and Conditions recommended by the Planning Commission, and plans staff dated June 12, 2006, as modified by the approval conditions. (Motion passed 5-0)

C. Preliminary Plat of HOA 2<sup>nd</sup> Addition: Resolution No. 2006-060; Site Plan Review – Rasmussen College: Resolution No. 2006-059:

The City Planner reported that the Planning Commission conducted a Public Hearing on June 12, 2006, and it was unanimously recommended to approve the Preliminary Plat of the HOA 2<sup>nd</sup> Addition, and the Section 520 Site for a 20,500 square foot Rasmussen Business College – to be located on a 4.11 acre HOA 2<sup>nd</sup> Addition lot. United Properties (applicant) agreed to modify the site plan to mitigate the City Code/Zoning Ordinance non-compliance matters. Street, water and sewer will be designed by TKDA.

M/S/P Conlin/Johnson – to adopt Resolution 2006-059, approving the Preliminary Plat of the HOA 2<sup>nd</sup> Addition based on the recommendation of the Planning Commission and City Council per plans Staff dated June 12, 2006. (Motion passed 5-0)

M/S/P Conlin/Smith – to adopt Resolution No. 2006-060, approving Section 520 Site Plan for Rasmussen College based on the recommendation of the Planning Commission and Council, per plans Staff dated June 12, 2006, as modified by the conditions of approval. (Motion passed 5-0)

Council directed Staff to bring the Street Lighting Ordinance to the July 11, 2006, Council Workshop, and deferred the approval of street lighting of Eagle Point Circle to the July 18, 2006, Council meeting with additional information.

D. CDBG – Cimarron Gas Service Project: Resolution 2006-061:

The City Planner reported that Staff has been advised by Washington County that it is necessary for the City Council to make a finding that the normal competitive bidding process has resulted in no qualified bidders and that single source contracting by staff on this contract is therefore authorized.

M/S/P Smith/DeLapp – to adopt Resolution 2006-061, finding that no qualified bidders have responded to the Cimarron Gas Service Project competitive bidding process and authorizing City Staff to proceed with single source contracting for the project subject to Washington County and HUD approval. (Motion passed 5-0)

E. Zoning Text Amendments – Performance Standards in the PF, LB, GB, and BP Districts: Ordinance Nos. 97-172, 97-173, 97-174, and 97-175:

The City Planner reported the Planning Commission conducted a Public Hearing on June 12, 2006, to consider minor terms amendments to architectural performance standards of the several zoning districts that share the same standards. The City Council had previously directed preparation of those amendments during discussion and adoption of amended PF district standards

M/S/P DeLapp/Johnson – to adopt Ordinance No. 97-172 (PF), 97-173 (BP), 97-174 (LB), and 97-175 (GB), amending the architectural performance standards in the PF, LB, GB, and BP zoning districts. (Motion passed 5-0)

F. RR Setbacks:

The City Planner reported that the Planning Commission held a Public Hearing on June 12, 2006, regarding amendment of the RR district setback standards to correspond to the RE district setback standards. The Commission unanimously adopted a Motion to table the amendment pending its further consideration of the amendment concurrent with the on-going overall zoning ordinance re-write project underway by the Commission.

M/S/P Smith/Johnston – to direct staff to place on the July 18, 2006, City Council meeting. (Motion passed 4-1: Johnson – there is no urgency and should go along with the Planning Commission's recommendation.)

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

A. Northern Watermain Easement Addition Acquisition Update: verbal (moved to Agenda Item 8E)

**11. CITY ADMINISTRATOR'S REPORT:**

A. Austad, Pierre, Hurt – Septic Systems: verbal (moved to Agenda Item 8F)

B. HOA Training Seminar – Report: verbal

Administrator Rafferty reported that Kurt Sparks, NAWA President, presented a 2-hour training for HOA's with Constructive Wetland Treatment Systems. It was well attended by the 13 HOA's in Lake Elmo. The City now has a tape of the presentation and it will be available for residents to check out.

Mayor Johnston thanked Administrator Rafferty for organizing the quarterly HOA meetings, dealing with various forms of waste treatment systems. The quarterly meetings have provided the HOA members to become educated, share knowledge and develop appropriate solutions when necessary.

C. City of Minneapolis Thank You – verbal:

Administrator Rafferty suggested the City send a thank you letter to the City of Minneapolis for the used equipment made available to Lake Elmo. The City is cramped for space, and the new Assistant Planner now has an office, along with some necessary equipment.

M/S/P Johnson/Conlin – to direct Staff to send a letter of appreciation to the City of Minneapolis for the equipment provided. (Motion passed 5-0)

D. PFC Meetings:

A PFC Task Force has been meeting monthly, and suggested another public meeting the second week in September to update the residents on PFC's. More details and information will be coming.

**12. CITY COUNCIL BUSINESS AND REPORTS:**

A. Mayor Johnston – Lake Elmo Compensation Plan, Performance Review Procedures:

Mayor Johnston would like to consider forming a team, to include the City Administrator, Finance Director, Mayor and a Council Member to develop proposals for review procedures and compensation. Council Members Smith and Johnson expressed interest. Council Member DeLapp reminded the Council about the Open Meeting Law, and asked the City Attorney if the same Open Meeting Law rules would apply to this committee. The City Attorney advised the Council that the same Open Meeting Law rules would apply to a committee of the Council where two Council Members would be present.

Mayor Johnston reminded Council of the opportunities available by becoming a member of AMM Committees. Several Council Members and Staff are current members of the four Committees.

Council Member Conlin: None  
Council Member DeLapp: None  
Council Member Johnson: None  
Council Member Smith: None

REMINDER: The next Council meeting is on Wednesday, July 5, 2006, at 7:00 p.m.

13. CLOSED SESSION: Legal Update:

- A. Case No. 82-C6-05-006209 – City of Lake Elmo vs. Sessing Pretrial Mediation

Council Meeting adjourned at 9:40 p.m. for a Closed Session

Respectfully submitted by Carole Freeman, Recording Secretary

Resolution No. 2006-052: Approved Claims  
Resolution No. 2006-053: Partial Payment for Water System Interconnect Phase I – Riley Brothers Construction  
Resolution No. 2006-054: Partial Payment for Water System Interconnect Phase III – Riley Brothers Construction  
Resolution No. 2006-055: 2006 Overlays Feasibility Report  
Resolution No. 2006-056: 2006 MSA Repaving Feasibility Report  
Resolution No. 2006-057: Approved Plans for Northern Water Main  
Resolution No. 2006-058: Zoning Variance, 9429 Jane Road N (Hamerly)  
Resolution No. 2006-059: Preliminary Plat of HOA 2<sup>nd</sup> Addition  
Resolution No. 2006-060: Site Plan Review – Rasmussen College  
Resolution No. 2006-061: CDBG – Cimarron Gas Service Project



Ordinance No. 97-172: Amendment-Architectural Performance Standards in the Public Facilities Zoning District

Ordinance No. 97-173: Amendment-Architectural Performance Standards in the Business Park Zoning District

Ordinance No. 97-174: Amendment-Architectural Performance Standards in the Limited Business Zoning District

Ordinance No. 97-175: Amendment-Architectural Performance Standards in the General Business Zoning District

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
JUNE 6, 2006

1. AGENDA
2. MINUTES: April 18, 2006 (Workshop), May 16, 2006 Council
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Informational:
  - B. Public Inquiries:
4. CONSENT AGENDA:
  - A. Resolution No. 2006-049: Approving Claims
  - B. Letter of Credit Reduction: Rockpoint Church
  - C. 2006 Crack Seal – Award Bid to L & M Services of Belgrade:  
Resolution 2006-050
  - D. 2006 Seal Coat – Award Bid to Allied Blacktop: Resolution No. 2006-051
5. FINANCE: None
6. NEW BUSINESS: None
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Parks Dept.:
    - (1) Reserving Neighborhood Parks
    - (2) Parks Commission/Land Trust: Sunfish Lake Park
  - B. Fire Dept.: Update
8. CITY ENGINEER/S REPORT:
  - A. Tablyn Park/LE Heights Watermain Project – Verbal
9. PLANNING, LAND USE, AND ZONING:
  - A. Home Occupations Ordinance – Amended Planning Commission  
Recommendation
  - B. Village Area Master Plan
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:
13. ADJOURNED TO CLOSED SESSION: Legal Update

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

### **Pledge of Allegiance**

#### **1. AGENDA:**

Additions: 9C-Personnel Recommendation for Assistant Planner; move 9B before 9A. M/S/P Johnson/DeLapp – to approve the June 6<sup>th</sup> City Council Agenda as amended. (Motion 5-0)

#### **2. MINUTES:**

M/S/P Johnson/Conlin – to approve the April 18, 2006, Council Workshop Minutes. (Motion passed 5-0)

M/S/P Johnson/Smith – to table the May 16, 2006, City Council minutes for Staff review and to include Council Member DeLapp's and Mayor Johnston's comments. (Motion passed 5-0)

#### **3. PUBLIC INQUIRIES/INFORMATIONAL:**

A. Public Informational: None

B. Public Inquiries:

Residents Kregg and Paula Hurt, 5751 Hytrail Ave., requested their building permit for replacement of their septic system be approved as soon as possible. They do have a Certified Engineer who is willing to guarantee the septic system and maintenance.

Council questioned the City Administrator about the delay in the septic system permit for the Hurt residence. The City Administrator stated that the concern for issuing the permit was related to ongoing septic system problems with three contiguous neighbors, including the Hurt's over the last year, and a meeting was scheduled with NAWA (the system designer) to review and report on possible repairs. City Administrator Rafferty suggested not proceeding until after the June 14, 2006, meeting with all of the parties involved would be present.

M/S/P Johnson/Smith – to move to the June 20, 2006, Council meeting, when a better understanding and more knowledge would be available from the meeting scheduled for June 14, 2006, and with the intent of providing further direction. (Motion passed 5-0)

#### **4. CONSENT AGENDA:**

A. Resolution No. 2006-049: Approving Claims

M/S/P Johnson/Conlin – to adopt Resolution No. 2006-049 approving Claim Numbers 327, 328, DD750 through DD762, 29148 through 29158, were used for Staff Payroll dated May 25, 2006; claims 329, 29159 through 29209, in the total amount of \$689,206.74. (Motion passed 5-0)

B. Letter of Escrow Reduction – Rockpoint Church:

M/S/P Johnson/Conlin – to approve the Letter of Escrow Reduction - Rockpoint Church, per City Engineer's Memo dated June 1, 2006. (Motion passed 5-0)

C. 2006 Crack Seal – Resolution No. 2006-050:

M/S/P Johnson/Conlin – to adopt Resolution No. 2006-050, awarding the bid to L & M Services of Belgrade, Inc., in the amount of \$21,000, for the 2006 Crack Seal Project, per City Engineer's Memo dated June 2, 2006. (Motion passed 5-0)

D. 2006 Seal Coat – Resolution No. 2006-051:

M/S/P Johnson/Conlin – to adopt Resolution No. 2006-051, awarding the bid to Allied Blacktop Company, in the amount of \$112,410.00 for the 2006 Seal Coat Project, per City Engineer's Memo dated June 2, 2006. (Motion passed 5-0)

5. FINANCE: None

6. NEW BUSINESS: None

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Parks Dept:

(1) Reserving Neighborhood Parks:

The City Council had requested the Parks Commission review of the policy for reserving neighborhood parks for organized activities. Parks Supt. Mike Bouthilet had provided the Parks Commission a Staff Memo, dated May 10, 2006, with his recommendations for those parks that should be reserved. The Parks Commission recommended that all parks listed in Tier I (DeMontreville, Lions, Pebble, Reid, Tablyn and VFW) and Tier II (Kleis, Ridge, and Stonegate) be reservable for organized activities.

M/S/P Johnson/DeLapp – to adopt the Policy for Reserving Neighborhood Parks as recommended by the Parks Commission and per Memo of Mike Bouthilet dated May 10, 2006. (Motion 5-0)

(2) Parks Commission/Land Trust: Sunfish Lake Park:

Parks Commissions Chairman Schumacher recommended to the City Council to consider placing Sunfish Lake Park into a Minnesota Land Trust. Sunfish Lake Park would be protected in the Trust, and it would mean cooperation/interaction with them about the future of the Park.

Council Members expressed their support and raised concerns for protecting Sunfish Lake Park in a land trust easement. Some concerns identified involved restricting recreational type programs in the future as it pertains to the Land Trust Easement.

M/S/P Johnson/Conlin – to authorize the Parks Commission to create a full recommendation to City Council regarding placing Sunfish Lake Park into the Minnesota Land Trust for further consideration. (Motion passed 5-0)

B. Fire Dept.: None

C. Building Dept.: None

8. **CITY ENGINEER'S REPORT:**

A. Tablyn Park/LE Heights Watermain Project - Resolution No. 2006-047:

City Engineer Prew informed Council that 3M will cover the full cost of the project, and recommended adoption of Resolution 2006-047.

City Administrator Rafferty notified Council that 3M would also be paying the water bills for the first two years for residents in those neighborhoods. Finance Director Bouthilet stated that bill credits would be equally shared as the contribution by 3M was based on the average household consumption and billing. Billings would be mailed to the residents, but more as a base for reference. Council Members thanked Staff for all of their work.

M/S/P Conlin/Smith – to adopt Resolution No. 2006-047, awarding the bid for the Tablyn Park/Lake Elmo Heights/31<sup>st</sup> Street Watermain Project, to Park Construction Company, in the amount of \$3,143,640.78. (Motion 5-0)

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

A. Home Occupations Ordinance – Amended Planning Commission

Recommendation: (Moved to follow Item 9B)

The City Planner reported that on May 15, 2006, the Planning Commission had discussed the Council's concerns / issues and adopted the following revised / additional recommendations: 1) To permit up to two non-resident employees on site of a Home Based Business; 2) To require all three (maximum) allowable business vehicles on site to be parked off-street; 3) To change the number of allowable customer visits to a site from ten to five.

Council discussed home occupation, licensing, inventory storage, maintaining rural character and protecting the residential quality of the neighborhoods in which home occupations would be located.

City Attorney Filla stated it would be better to see the final draft before Council approved the ordinance.

M/S/P Johnston/Smith – to send to the Council Workshop for step-by-step clarification of the proposed ordinance. (Motion passed 5-0)

B. Village Area Master Plan: (moved to precede 9A)

The City Planner presented the final report of the Village Area Planning Team and requested the Council to formally receive the plan, and authorize the final contract

payment. Staff recommends acceptance of the Phase I plan, as complete. Council directed Staff to prepare a complete proposed contract for the project team, to include Phase II with costs, and direction for any subsequent project phases.

Council requested that a plan strategy process be attached, providing a time schedule, a reporting mechanism to all involved parties, payment, and critical path diagram/structure. City Planner stated that Phase I was a private sector contract, and Phase II will be a government contract, requiring tasks, timelines, and cost schedule.

M/S/P Johnson/DeLapp – to accept and place on file the Village Area Master Plan, as prepared by Engstrom/Close Planning Team as fulfillment of contractual terms between the Planning Team and the City, and to direct staff to remit to the Planning Team the Final Payment for services provided for by the Phase I Contract. (Motion passed 5-0)

C. Personnel Recommendation for Assistant Planner: (Added)

The City Planner presented to the Council the recommendation for an Assistant Planner position. Seventeen applications were received. Four finalist applicants were interviewed by the Team (Dillerud, Rafferty, Bouthilet). The Team concurred that Ms. Kelli Matzek be offered the position contingent upon Council approval.

M/S/P Johnson/Johnston – to approve staff recommendation and offer Ms. Kelli Matzek the position of Assistant Planner, Grade 17, Step 1. (Motion passed 5-0)

10. CITY ATTORNEY'S REPORT: None

11. CITY ADMINISTRATOR'S REPORT:

The City Administrator reported the Civil Engineer position will be advertised again.

12. CITY COUNCIL REPORTS:

Mayor Johnston reported the name change from Ramsey Center for the Arts to Lake Elmo Regional Art Center; the St. Croix Regional Family Center site selection is proceeding. Council Member Smith and the Mayor attended the groundbreaking for Rockpoint Church, and donated the shovel and hard hat to the Public Works Dept.

Council Member Conlin: None

Council Member DeLapp requested regarding the 2007 Budget-should not be working backwards, but lean/mean/friendly; Highway 36 closure in 2007 for six months-more traffic; On-line Study available from Washington County containing residential survey results – 2006.

Council Member Johnson: None

Council Member Smith: None

Reminders: Planning Commission/City Council Working Relationship (cont) on Monday, June 12, 2006, at 7 p.m.; City Council Workshop on Tuesday, June 13, 2006, at 6 p.m.

13. **ADJOUNED TO CLOSED SESSION:**

A. Legal Update: City of Lake Elmo/Diane and Rod Sessing, C6056209

Council Meeting ended at 9:30 p.m.

-----  
Respectfully submitted by Carole Freeman, Recording Secretary

Resolution No. 2006-049: Approved Claims

Resolution No. 2006-050: 2006 Crack Seal-to L & M Services of Belgrade, Inc.

Resolution No. 2006-051: 2006 Seal Coat-to Allied Blacktop Company

**CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
May 16, 2006**

1. AGENDA
2. MINUTES: March 21, 2006, May 2, 2006
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
  - B. PUBLIC INFORMATIONAL:
    - (1) Margaret Carlson–Lake Elmo Park Reserve Master Plan Update (Add)
    - (2) Jim Kelly-MDH–Perfluorochemicals/Private Drinking Water Wells (Add)
    - (3) Village Area Master Plan Presentation: Engstrom and Company (moved forward from Agenda Item 9C)
4. CONSENT AGENDA:
  - A. Resolution No. 2006-046: Approving Claims
  - B. Monthly Operating Report
  - C. Water Meter Vendor
  - D. Partial Payment No. 2: Ellingson Drainage – Water System Interconnect Phase IV
5. FINANCE: None
6. NEW BUSINESS: None
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Parks Dept.: Parks Recommendation on Playground Equipment – Carriage Station (verbal)
  - B. Fire Dept.: Sprinkling Ordinance: Ordinance 97-171
  - C. Update on Building Dept.: Jim McNamara
8. CITY ENGINEER'S REPORT:
  - A. Stop Sign at the intersection of Lake Jane Trail and Jane Road North
  - B. Street Repair and Maintenance
  - C. Trail Quotes
  - D. Tablyn/LE Heights/31<sup>st</sup> Street Water Main Bids: Resolution 2006-047
  - E. New NPDES Permit
9. PLANNING, LAND USE & ZONING:
  - A. Zoning Variance-8009 Hill Trail, Tacheny (cont'd): Resolution No. 2006-041
  - B. Final Plat & Development Agreement – Hidden Meadows (formerly Deer Glen): Resolution 2006-048
  - C. Village Area Master Plan Presentation: Engstrom and Company (moved to Agenda Item 3B(1))
  - D. Zoning Ordinance Text Amendment – Outdoor Social Events: Ordinance No. 97-167
  - E. Park Plan Update – Request for Proposals
  - F. Performance Based Zoning (Add)
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:



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

### **Pledge of Allegiance**

#### **1. AGENDA:**

Additions: Item 3A(1) Margaret (Teddy) Carlson – update on Lake Elmo Regional Park Master Plan; Item 3B(2) Jim Kelly, MDH – MN Dept. of Health-water contamination; 9(F) Performance Based Zoning; Move 9C to 3 B(1) – Village Area Master Plan; move Item 2 (Minutes) to 11.

M/S/P Johnson/Conlin – to move consideration of the April 18, 2006 City Council minutes to Item 11A. on the agenda. (Motion passed 4-1: DeLapp-no to moving minutes to 11A)

Addition to the Agenda: Under Council Reports (12), brief discussion about wrapping up City Administrator's Performance Review.

M/S/P Johnson/Conlin – to approve the May 16, 2006, City Council Agenda as amended. (Motion 4-1: DeLapp - against moving minutes to Item 11A.

#### **2. MINUTES: (moved to Agenda Item 11A.)**

#### **3. PUBLIC INFORMATIONAL:**

A. Public Inquiries: None

B. Public Informational:

(1) Margaret Carlson – Update on Lake Elmo Park Regional Master Plan:

Margaret Carlson presented a report regarding the status of the New Lake Elmo Regional Park Reserve Plan, as recently approved by Washington County. She outlined the numerous modifications and additions to Park facilities that are incorporated in the new Plan, including: new amphitheatre, equestrian trails, lighted ski trails, a Highway 5 trail underpass, and handicapped accessibility to the boat dock.

Discussion followed about the proposed changes to the original 1978 Park Plan, and where the City could provide input. The Council questioned the current "Reserve" status formula being utilized, and how could it be maintained to protect and perpetuate that Reserve status of the Park. The Council also questioned what the conditions were in the 1978 agreement with the City regarding development of the Park.

Mayor Johnston suggested inviting Ms. Carlson to a future Council Workshop to discuss the Regional Park Reserve Plan in greater detail.

(2) James Kelly - Minnesota Depart of Health:

Jim Kelly, Minnesota Department of Health (MDH), informed the Council that the MDH has created tests that detect five more chemicals in relation to the contamination in the Tablyn Park and Lake Elmo Heights neighborhood. Kelly stated that residents in the Lake Elmo Heights, Tablyn Park, Torre Pines and Parkview Estates area will be receiving letters in upcoming weeks, informing them that they may need to use an alternative water source.

PFC related chemicals have been identified in the neighborhoods at various levels above and below health department standards for drinking. Jim Kelly also said MDH scientists had been working for the past several months to develop more sensitive tests that could detect other PFC chemicals, and as a result, health values and standards are expected to be lowered.

(3) Village Area Master Plan Presentation-Robert Engstrom & Company:

Robert Engstrom and team presented an overview of the Village Area Open House. He reported that the plan was well received, and that the team has received many emails and telephone calls regarding the plan as well as the "post-it notes" that were placed on the exhibits. He referred to a project memorandum the team had presented the City Council, and advised that the team is now essentially complete with its original contractual tasks. He suggested that the team is now interested in the Council's wishes regarding moving forward with the plan, including: 1) Directive from the Council preserving the Old Village Plan components and Master Plan Projects, including Highway 5 modifications; 2) Integrating the MPCA ground water project with the Master Plan to create the lake; 3) Detailed design standards for Village Area development, and 4) Whether and how the team would be involved in the project going forward.

Discussion continued about the Village Area core where compact density and reduced green space are proposed by the Plan. Bruce Jacobson advised that the Plan suggests retaining the very "urban" character at the core of the Village Area – reflecting the character of existing development – but densities decrease and open space increases as one moves outward toward the Village area peripheries. The Council also discussed the amenities package-public and private- and the need for Design Guidelines to ensure that the intended development character is retained.

M/S/P Conlin/Johnson – to direct Staff to prepare a complete proposed contract for the project team for the June 6, 2006, Council meeting, to include Phase II with costs, and direction for any subsequent project phases. (Motion passed 5-0)

4. CONSENT AGENDA:

A. Resolution No. 2006-046: Approving Claims

M/S/P Johnson/DeLapp – to adopt Resolution No. 2006-046 approving Claim Numbers 325, 326, DD728 through DD749, 29065 through 29083, 29085, 29086 which were used

for staff payroll dated May 11, 2006; claims 29084, 29087 through 29147, in the total amount of \$624,781.27. (Motion passed 5-0)

B. Monthly Operating Report:

M/S/P Johnson/DeLapp – to accept the March 2006 Monthly Operating Report. (Motion passed 5-0)

C. Water Meter Vendor:

The City currently has approximately 220 water meters with “phone read” equipment, which has become outdated due to a variety of reasons such as utilization of cell phones in lieu of land lines, digital lines through and cable services and increased line draws.

With the reduction in labor related to installation repairs and meter reading time, it is anticipated that the Neptune system is the most cost-effective system. It should be noted that all capital equipment purchases related to water will come from the water enterprise fund and will not affect the General Fund supported by Ad Valorem taxes. Staff recommends purchase of the Neptune system.

M/S/P Johnson/DeLapp – to purchase Neptune’s Meter Reading Equipment at a total cost of \$19,502.81. (Motion passed 5-0)

D. Partial Payment No. 2, Ellingson Drainage – Water System Interconnect Phase IV

City Engineer Prew recommends Partial Payment Certificate No. 2 in the amount of \$192,737.03 to Ellingson Drainage, for Water System Interconnect-Phase IV.

M/S/P Johnson/DeLapp – to approve Partial Payment No. 2 to Ellingson Drainage in the amount of \$192,737.03 for Water System Interconnect Phase IV, verified by the City Engineer in his Memo dated May 12, 2006. (Motion passed 5-0)

5. FINANCE: None

6. NEW BUSINESS: None

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Park Dept.: Parks Recommendation on Playground Equipment – Carriage Station:

City Administrator Rafferty presented plans for playground equipment for Carriage Station Park. The Parks Commission budgeted \$45,000 for improvements in the Carriage Station Park, and the Council increased the budget allocation to \$65,000.

Carriage Station neighborhood residents were surveyed last fall for their input and design preferences. Three vendors supplied a designed \$35,000 structure. Miracle Company was the preferred design. Two additional pieces of equipment were suggested to be added, bringing the total to \$45,000, which is within budget. The Parks Commission recommended approval of the equipment from the Miracle Company.

Discussion followed about the various age groups, trail accessibility, liability issues, and the number of children utilizing the facilities. Council Member Smith reported that a half basketball court is planned for the future.

M/S/P Smith/Johnston – to approve the purchase and installation of playground equipment from Miracle Company in the amount of \$45,000.00. (Motion passed 5-0)

**B. Fire Dept.: Sprinkling Ordinance: Ordinance No. 97-171:**

The Fire Chief recommended adoption of Chapter 1306 under the Minnesota State Building Code, based on the review and discussion with the City Administrator, City Attorney, and Building Official. The Chief stated that expected growth and the expanding water systems make this an opportune time to adopt Chapter 1306 to help reduce future fire loss in Lake Elmo.

M/S/P Johnson/Conlin – to adopt Sprinkling Ordinance, Ordinance No. 97-171. (Motion passed 5-0)

**C. Update on Building Dept.: Jim McNamara**

Building Official McNamara informed the Council that it's getting busier, with more permits issued, inspections and questions about various restrictions. There is also a new type of erosion control, along with the silt fence and stake method. It is a roll sock, similar to a large tube. It is filled with mulch, until the end of the project, which can then be opened, recycled or removed. The Building Dept. also continues to pick up signs.

**8. CITY ENGINEER'S REPORT:**

**A. Stop Sign at the intersection of Lake Jane Trail and Jane Road North:**

There was a concern that drivers are going too fast as they travel westbound toward the intersection of Jane Road and Lake Jane Trail. City Engineer Prew reviewed the intersection. He stated that traffic does not warrant a Stop sign. Because of the steep hill, adding a stop sign to the westbound could create a dangerous condition. Not only would a stop sign be routinely violated, stopping in the winter could be problematic for larger vehicles. Some ideas to slow down traffic - change the speed zone at the top of the hill, adding a median, or adding trees. Council asked about using the portable speed trailer, and increased patrol.

M/S/P Johnson/Johnston – to accept the City Engineer's Letter, dated May 12, 2006, recommending that there be no additional Stop sign at the intersection of Lake Jane Trail and Jane Road. (Motion passed 5-0)

The Council preferred that the speed be lowered to 35 mph. City Engineer Prew stated he would check with MNDot if a speed study has been done.

M/S/P DeLapp/Johnson – to direct the City Engineer to meet with staff and return in 1-2 months with recommendations that address the original problem and identify feasibility and costs involved. (Motion passed 5-0).

**B. Street Repair and Maintenance:**

Public Works is requesting that City Council approve the bid from T.A. Schifsky and Sons for the patching of the holes in the City that are too large for the Public Works Dept. to repair, as larger equipment is required.

M/S/P DeLapp/Johnson – to accept the bid from T.A. Schifsky and Sons for patching in the amount of \$13,458.00. (Motion passed 5-0)

**C. Trail Quotes – 55<sup>th</sup> Street and Carriage Station Park:**

City Engineer Prew received quotes from Tower Asphalt and T.A. Schifsky and Sons for the 55<sup>th</sup> Street and Carriage Station Park Trails. The 55<sup>th</sup> Street project bid included a large number of bollards needed to prevent vehicle access. Public Works will be able to accomplish the same thing with boulders and other landscaping. He is recommending the 3 projects be awarded to Tower Asphalt, without the bollards.

M/S/P Smith/Johnson – to accept the bid from Tower Asphalt in the amount of \$47,716.00, for the 3 Trail Projects. (Motion passed 5-0)

**D. Tablyn Park/Lake Elmo Heights/31<sup>st</sup> Street Water Main Bids,  
Resolution No. 2006-047:**

Bids for the Tablyn Park/Lake Elmo Heights/31<sup>st</sup> Street Watermain project were received on Friday, May 12, 2006. All bids received were higher than projected by City Engineer Prew and he requested that Council delay awarding the bid until they meet with 3M and further discussion. They will come back to another Council meeting with a recommendation.

**E. New NPDES Permit:**

City Engineer Prew informed the Council that the MPCA is requiring that all communities with an existing NPDES permit update it in conformance with their criteria. The NPDES permit covers storm water discharge. The new permit required is stricter in regards to making certain City's perform the required Best Practices Management (BPM's).

There are 34 unique items that each City must keep track of, with one person at the City being required to be in responsible charge of each BMP. There are other items that are part of this permit, as well. This Permit will be discussed in more detail at the Environmental Meeting on May 17, 2006.

M/S/P Conlin/Smith – to authorize Staff to complete the NPDES permit and submit it before June 1, 2006. (Motion passed 5-0)

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

**A. Zoning Variances – 8009 Hill Trail (Tachney), Resolution 2006-041:**

The City Planner reported that the Council deferred action on this application pending a full Council compliment to consider the matter. He stated that should the Council decide on this matter contrary to the Planning Commission's recommendation for approval, the

draft Resolution would require different findings to support denial beyond a simple finding that the application fails to comply with the required variance standards.

M/S/P Conlin/Johnson – to adopt Resolution 2006-041, approving variances at 8009 Hill Trail, based on the recommendations of the Planning Committee.

ROLL CALL: DeLapp-no, Johnson-yes, Johnston-no, Smith-yes, Conlin-yes.  
(Motion passed 3-2: DeLapp, Johnston)

B. Final Plat and Development Agreement – Hidden Meadows:

The City Planner reported that the Development Agreement for this plat differs from those prepared for other projects. New Agreement language has been added to assure future responsibility for the septic treatment system to be shared with the OP residential neighborhood. The City will look only to the church for compliance with system operations and reporting requirements.

A complaint was received about work being conducted this past weekend (Sunday) from a resident. City Staff contacted the developer. The subcontractor for the site addressed the Council, apologizing for any work being done on Sunday. He stated that the subcontractor and the developers were and are aware of City codes, and reiterated that it will not occur again.

M/S/P Conlin/Johnson – to adopt Resolution 2006-048, approving the Final Plat and Development Agreement for Hidden Meadows. (Motion passed 5-0)

C. Village Area Master Plan: Moved to 3A (1)

D. Zoning Ordinance Text Amendment – Outdoor Social Events:

City Council requested that the draft ordinance 97-167 for Outdoor Social Events be reviewed with the modifications requested from the May 2, 2006, Council meeting.

City Attorney Filla recommended incorporation of one change to #1, by deleting the word “nominal.” It should read, “A site tax parcel area not less than 10 acres.”

M/S/P Smith/Johnson – to adopt Ordinance 97-167, amending Conditional Uses in the AG zoning district to include Outdoor Commercial Social Events. (Motion passed 5-0)

E. Park Plan Update – Request for Proposals:

The Planner reported that the Staff presented a Request for Proposal (RFP) to update the 1990 Park Plan to the Parks Commission at the April 17, 2006, meeting. The Commission reviewed the draft RFP, suggested several minor modifications and adopted a recommendation to the City Council that the RFP be approved at modified

M/S/P Johnson/Smith – to approve the 2006 Park Plan Update – Request for Proposals, as presented. (Motion passed 4-1:DeLapp – the Plan was so badly flawed, it is not necessary and considered it a premature expense.)

F. Performance Based Zoning and Lane Kendig

City Planner Dillerud requested direction regarding inviting Lane Kendig to a future workshop to present/discuss Performance Zoning. He guessed that the Kendig visit would cost a maximum \$3,000. He advised that a draft Performance Zoning ordinance was about 75% completed by Kendig and the Planning Commission about two years ago. He advised the Council that a new zoning ordinance would be required within 9 months of the Metropolitan Council approval of the Lake Elmo Comprehensive Plan.

Council discussed the pros and cons of Euclidian Zoning versus Performance Zoning. The City Planner concurred that Euclidian zoning was the format of the current Lake Elmo zoning ordinance and that format was both familiar and not as complex as Performance Zoning.

M/S/F Johnson/DeLapp – to direct Staff to contact Lane Kendig about the feasibility of coming and sharing the Performance Zoning as an educational opportunity workshop.

ROLL CALL: DeLapp-yes, Johnson-yes, Johnston-no, Smith-no, Conlin-no  
(Motion failed 2-3: Johnston, Smith, Conlin)

10. CITY ATTORNEY'S REPORT: None

11. CITY ADMINISTRATOR'S REPORT:

A. Council Minutes (Moved from Item 2)

M/S/P Johnson/Conlin – to approve April 18, 2006, Council minutes as revised.  
(Motion passed 4-1: DeLapp)

M/S/P Johnston/Johnson – to approve the amended April 18, 2006, Council minutes to include revisions provided by Council Member DeLapp. (Motion passed 4-1: DeLapp)

M/S/P Johnson/Johnston – to approve May 2, 2006, Council minutes as submitted.  
(Motion passed 3-1-1: DeLapp; Conlin Absent)

To provide a draft of the May 18, 2006, Council Workshop minutes at the June 6, 2006, City Council meeting.

12. CITY COUNCIL REPORTS:

Mayor Johnston updated City Council on the St. Croix Regional Family Center. ECFE and Adult Education will be Phase I, followed by the YMCA 5-6 years later. Site selection study within 60 days, with site selection within 30 days thereafter.

The Mayor requested direction for the City Administrator's Performance Review and setting performance objectives. Council determined they would discuss his existing performance review and establish next year's performance objectives. The Mayor requested each Council Member provide 3 objectives of high priority. Council determined there will be a Closed Meeting one hour prior (6:00 pm) to the next Council Meeting.

Council Member DeLapp informed Council he did not attend the Lake Elmo Regional Art Center opening but did talk with Bob Meyer, who talked about the plans the Center has to eventually expand to an 80,000 sq. ft. building containing all types of art.

Council Member Johnson provided an "Educational Opportunity" handout to Council Members regarding Edina Housing Succession Plan for Edina's Future, created by a special committee task force.

Council Member Smith: None

Council Member Conlin: None

Reminder: Environmental Committee: Informational Meeting on the City's Surface Water Pollution Prevention Plan – Wednesday, May 17, 2006 at 7:00 pm at City Hall. Clean Up Day is Saturday, June 3, 2006, 8:00 AM – Noon.

Council Meeting ended at 10:59 pm

-----  
Respectfully submitted by Carole Freeman, Recording Secretary

Resolution No. 2006-041: Approved Variance to Front Setback & Minimum Lot Size Requirements for 8009 Hill Trail North

Resolution No. 2006-046: Approved Claims

Resolution No. 2006-047: Tablyn Park/LE Heights Watermain Bid - POSTPONED

Resolution No. 2006-048: Approved Final Plat & Development Agreement for Hidden Meadows of Lake Elmo (formerly known as Deer Glen)

Ordinance 97-167: Added Section 300.07, Subd. 4.A.2. (h) Relating to Conditional Uses in Agricultural Zoning Districts

Ordinance 97-171: Adoption of Minnesota State Building Code – Sprinkler Ordinance



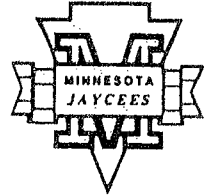
<p>Lake Elmo City Council July 18, 2006</p>	<p>Agenda Section: PUBLIC INFORMATIONAL</p>	<p><u>No. 3A(1).</u></p>
<p><b><u>Agenda Item:</u></b> HUFF'N PUFF PROCLAMATION, Non-Intoxicating Liquor License: Lake Elmo Jaycees</p>		
<p><b><u>Background Information for July 18, 2006:</u></b>  The Lake Elmo Jaycees are requesting the Council to proclaim August 10-13, 2006, the 30<sup>th</sup> anniversary of Huff'N Puff Days, the official City celebration for 2006 and to urge all citizens of our community to give full regard to the past and continuing services of the Lake Elmo Jaycees.</p> <p>The Jaycees are requesting approval of their On-Sale Non-Intoxicating Malt Liquor License for its annual Huff'N Puff festival, and to waive the fees for the liquor license and ballfield lights. Approval has been received from the Washington County Sheriff.</p>		
<p><b><u>Action Items:</u></b> to proclaim August 10-13, 2006, the 30<sup>th</sup> Anniversary of Huff'N Puff Days, to approve an on-sale non-intoxicating malt liquor license for this annual festival based on approval of the Washington County Sheriff, and to waive the fees for the liquor license and for the ballfield lights.</p>	<p><b><u>Person responsible:</u></b> S.Lumby</p>	
<p><b><u>Attachments:</u></b> Liquor License Application, Insurance Certificate Proclamation</p>		





# LAKE ELMO JAYCEES

P.O. Box 198  
Lake Elmo, MN 55042



## PROCLAMATION

WHEREAS, the Lake Elmo Jaycees have been a vital part of the development of young leaders of our community the past 36 years, and

WHEREAS, this organization of young people will again be sponsors of Huff-n-Puff days August 10,11,12, & 13th 2006,

NOW, THEREFORE I, Dean Johnston, Mayor of Lake Elmo, do hereby proclaim the second week of August 20046 to be

### Huff-n-Puff Days

In Lake Elmo, and urge all citizens of our community to give full regard to the past and continuing services of the Lake Elmo Jaycees.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
Dean Johnston  
Mayor of Lake Elmo

RETAIL "ON SALE"

State of Minnesota,

COUNTY OF Washington City OF Lake Elmo

To the City Council of the City of Lake Elmo  
Washington County State of Minnesota:

Lake Elmo Jaycees

hereby applies for a license for the term of four (4) days  
from the 10th - 13th day of August, 1988, to sell

At Retail Only, Non-Intoxicating Malt Liquors,

as the same are defined by law, for consumption "ON" those certain premises in the  
City of Lake Elmo  
described as follows, to-wit: Confined to Lions Park

at which place said applicant operate the business of Concession Stand for  
Huff-n-Puff Days

and to that end represent and state as follows:

That said applicant is a citizen of the United States; of good moral character  
and repute; and has attained the age of 21 years; that proprietor of the  
establishment for which the license will be issued if this application is granted.

That no manufacturer of such non-intoxicating malt liquors has any ownership, in whole or in part,  
in said business of said applicant or any interest therein;

That said applicant make this application pursuant and subject to all the laws of the State of  
Minnesota and the ordinances and regulations of said City of Lake Elmo  
applicable thereto, which are hereby made a part hereof, and hereby agree to observe and obey the same;

(Here state other requirements, if any, of local regulations)

Each applicant further states that by the commencement of business and by July 1 of each succeeding year said  
applicant will have paid the Federal Special Occupational Tax to the Bureau of Alcohol, Tobacco and Firearms for a  
retail dealer.

Dated June 6, 1988

Kathleen Marie Ynaw  
First Middle Last  
DOB 4-1-78  
Lake Elmo Jaycees Applicant  
P. O. Address Box 198  
Lake Elmo MN 55042

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/29/2006PRODUCER (651) 468-3933 FAX (651) 468-3930  
Spanjers Insurance Agency, Inc.  
1250 Northland Dr.  
Suite 120  
Mendota Heights, MN 55120THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION  
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE  
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR  
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.INSURED Minnesota Jaycees  
2101 West Highway 13  
Burnsville, MN 55337

## INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Chubb Custom Insurance Co.

INSURER B:

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS		
A	GENERAL LIABILITY	79534894	09/22/2005	09/22/2006	EACH OCCURRENCE	\$ 1,000,000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000	
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 5,000	
	<input checked="" type="checkbox"/> Excl Athletic Part				PERSONAL & ADV INJURY	\$ 1,000,000	
	<input checked="" type="checkbox"/> \$2500 Deductible				GENERAL AGGREGATE	\$ 2,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	\$ 1,000,000	
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$	
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$	
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$	
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$	
	<input type="checkbox"/> HIRED AUTOS						
	<input type="checkbox"/> NON-OWNED AUTOS						
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$	
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$	
					AUTO ONLY: AGG	\$	
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	\$	
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$	
						\$	
	DEDUCTIBLE					\$	
	RETENTION \$					\$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	\$	
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	\$	
	OTHER				E.L. DISEASE - POLICY LIMIT	\$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Provides evidence of insurance for the Jaycees as respects parades for 2006

## CERTIFICATE HOLDER

## CANCELLATION

Lake Elmo Jaycees

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Lu Ann Baker/LUANN





# Office of the Sheriff



Steve Pott  
Sheriff

Chuck Yetter  
Chief Deputy

RECEIVED  
JUN 27 2006

*Commitment to Excellence*

June 26, 2006

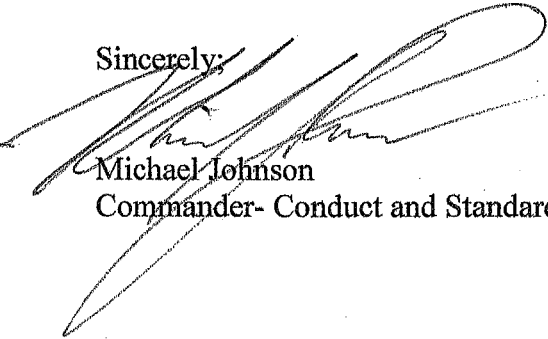
City of Lake Elmo  
3800 Lake Elmo Ave. No.  
Lake Elmo, MN 55042

Attn Sharon Lumby

Dear Ms. Lumby;

The application you forwarded for Huff and Puff days has been investigated and recommended for approval. The original form is enclosed. It has been signed by Sheriff Pott. I can be reached at 4307880 if you have any questions.

Sincerely;



Michael Johnson  
Commander- Conduct and Standards



Tri Lakes Improvement Association Position Paper  
July 12<sup>th</sup>, 2006  
Trailer /Car Parking on Residential Streets  
Water and Land Use Problems

We of the Tri Lakes Improvement Association would like to present to the controlling bodies of our land and waters, concerns about problems arising from the overflow parking and increased boat traffic in and around the Tri Lakes. The boat landings on Jane Lake and DeMontreville Lake have become overcrowded over the last decade and with the increasing use by non residents the overflow is creating problems on and off the lakes.

The DNR has created parking based on Resource Capacity and the Recreational Carrying Capacity. With the marked increase in the number of boats exceeding this capacity, problems are arising. Water Clarity on Lake Jane has substantially decreased over the last 20 years as evidenced by Cecchi disc readings. Safety on the water is an increasing concern as boaters unfamiliar with established lake rules do not know or do not choose to follow no wake and driving rotation rules. Frustrated fisherman and water skiers have had numerous encounters over the last couple years with property damage, verbal and physical assaults including slashed tires as well as threats being noted. Concerns about shoreline erosion are increasing and more vocal resident dissent to our organization is being heard as early morning and after sunset speeding and noise occurs.

The parking off site of the vehicles with trailers that exceed the allocated parking spots at the landings continues to increase. We appreciate that the City and Sheriffs department are trying to find an enforcement tool for the no parking requirements in our parks and on the streets. However, the minimal fine, resourcefulness of the offenders and lack of respect of the offenders has escalated the problem such that many adjacent property owners and our Tri Lakes Improvement Association are now being significantly affected. Vehicles are being parked along and on our grass. Boaters long distances from the landings after parking on street, are accessing their boats via our yards and docks. Debris is being scattered on our lawns and the congestion of parked vehicles creates driveway and road utilization problems of our residents.

As the number of boaters has increased, so have the number of observed potentially dangerous boating encounters. The Tri Lakes Improvement Association promotes our resources but also protects them. This includes the land and the people. We no longer believe the lakes and surrounding land resources are safe when dozens of extra boats with the vehicles/trailers overflow into our finite resources.

The Tri Lakes Improvement Association welcomes visitors but we need your help and direction to limit the visitors to the established carrying capacity of our lakes and available parking. We propose that the carrying capacity not be exceeded. This would be most easily determined by not allowing additional boaters beyond the parking spaces available at the landings as this is DNR determined carrying capacity. Within our



organization we have had conversations at many levels of city and law enforcement and suggest the following:

- 1 Provide better signage and education at the boat landing stressing lake rules, safety and city parking rules.
- 2 Develop an enforcement tool that deters excessive use.
  - a. Increased surveillance and a fine structure for parking violators that deters abuse.
  - b. Off site or On site impoundment ( the "boot")
- 3 Water patrols that help educate and minimize the outliers of speed and unsafe boating practices.
- 4 Consideration of using the Tri Lakes Improvement Association or other lake associations to aide in the education and perhaps empowering local lake residents to assist with real time monitoring and enforcement of land and water rules.

We of the Tri Lakes Improvement Association would be happy to assist in the development and implementation of a City, DNR or Sheriffs department plan to address this problem.

Respectfully submitted,

Tri Lakes Improvement Association Board of Directors  
Robert Meier  
President

*Sam Stewart*  
*Stew 0240 P*  
*umr. mn. lla*

*Dave -*  
*Bulletin 78*  
*633-2777*



Patrick E. Dean  
8028 Hill Trail North  
Lake Elmo, MN 55042

651-770-9430

July 11, 2006

City of Lake Elmo  
City Council

Dear Members of the Lake Elmo City Council;

I received a quote from the MN DNR sign shop for a larger sign to match the existing DNR sign at the parking area next to the Public Access. The attachments detail the sign that was approved by the City, DNR and the Sheriff's Department. The cost of the sign is \$1,200 excluding shipping and installation. The DeMontreville-Olsen lake owners Assoc. has agreed to pay \$700 and the Tri-Lakes Association is going to provide the labor, shipping cost and \$300 to defray some of the cost. We would like to request a grant from the City of Lake Elmo to cover the rest of the shortfall.

Would the City of Lake Elmo agree to pay \$200.

Thank you for your consideration.



Patrick E. Dean  
651-770-9430







## City of Lake Elmo

3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042  
777-5510

tee waiver



## DEVELOPMENT APPLICATION FORM

☐ COMPREHENSIVE PLAN AMENDMENT  
☐ ZONING DISTRICT AMENDMENT  
☐ TEXT AMENDMENT  
☐ CONDITIONAL USE PERMIT (C.U.P.)  
☐ C.U.P. AMENDMENT

☐ MINOR SUBDIVISION  
☐ RESIDENTIAL SUBDIVISION  
☐ SKETCH/CONCEPT PLAN  
☐ RESIDENTIAL SUBDIVISION  
☐ PRELIMINARY/FINAL PLAT  
☐ 1-10 LOTS  
☐ 11-20 LOTS  
☐ 21 LOTS OR MORE

☐ APPEALS  
☒ SITE & BLDG. PLAN REVIEW / SIGN  
☐ VARIANCE\* (see below)

☐ EXCAVATION & GRADING  
PERMIT

☐ FLOOD PLAIN CONDITIONAL  
USE PERMIT

APPLICANT: LAKE DEMONTREVILLE/OLSEN HOMEOWNERS ASSOC. / PAT DEAN BOARD MEMB  
(Name) (Address) (Zip)

TELEPHONE: Work: (651) 224-5686 Home: (651) 748-0129

FEE OWNER: (Name) (Address) (Zip)

TELEPHONE: Work: Home:

PROPERTY LOCATION (Street Address and Complete (Long) Legal Description):

LAKE DEMONTREVILLE PUBLIC DOCKS - ALONG SIDE BOAT RAMP

## DETAILED REASON FOR REQUEST:

SIGNAGE AT THE BOAT LANDING IS SMALL AND NOT FOLLOWING.  
LARGE SIGN 6'x8' LONG TO DETAIL CURRENT ORDINANCES.  
TWO SIDED SIGN (1 SIDE SUMMER RULES - 1 SIDE WINTER RULES)

\* VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code the applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of Applicant

Date

Signature of Fee Owner

Date

MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
Management Resources - Sign Shop

DATE: June 19, 2006

FAXING ONE PAGE

TO: Pat Dehn  
Phone and Fax: 651.770.9430

FROM: Connie Vincent, Sign Shop Supervisor  
218.999.7872 FAX: 218.999.7877

SUBJECT: Cost Estimate

<p>BOATING RESTRICTIONS ON THIS LAKE</p> <ul style="list-style-type: none"><li>- SLOW-NO WAKE SPEED (5 MPH MAX.) FROM SUNSET TIL NOON THE FOLLOWING DAY.</li><li>- FROM 12 NOON UNTIL SUNSET ALL BOATS EXCEEDING SLOW-NO WAKE SPEED MUST TRAVEL IN A COUNTERCLOCKWISE DIRECTION.</li><li>- SLOW-NO WAKE SPEED AT ALL TIMES IN THE OLSEN-DEMONTREVILLE CHANNEL.</li></ul> <p>THIS IS A LAKE ELMO CITY ORDINANCE AND IS ENFORCED BY THE WASHINGTON CO. SHERIFF'S DEPARTMENT</p>	<p>2" 1 ½"</p>
<p>ICE ANGLERS</p> <p>WELCOME TO LAKE DEMONTREVILLE</p> <ul style="list-style-type: none"><li>- BE A GOOD NEIGHBOR - PLEASE REMEMBER TO TAKE ALL YOUR TRASH WITH YOU AND PROPERLY DISPOSE OF IT WHEN YOU LEAVE THE LAKE.</li><li>- IT IS ILLEGAL UNDER MINNESOTA LAW TO DEPOSIT LITTER OR OTHER WASTE ON PUBLIC LAND, ON ICE OR IN THE WATER.</li></ul>	<p>2" 2" 1 ½"</p>

Yellow letters, with oxford brown background, routed both sides, with square corners.

Using four 2 x 10 x 7' for \$1,200.00. Overall size would be 36" high x 7' long.

Yes, I would like to order this two sided sign:

\_\_\_\_\_ Date \_\_\_\_\_

## Suggested Sign for Access at Lake Demontreville

### Summer

#### BOATING RESTRICTIONS ON THIS LAKE

- Slow-No Wake speed (5mph max.) from sunset till noon the following day
- From 12 noon until sunset all boats exceeding slow-no wake speed must travel in a counterclockwise **G** direction
- Slow no wake speed at all times in the Olson-Demontreville channel

This is a Lake Elmo city ordinance & is enforced by the Washington Co. Sheriff's Department

### Winter

#### Ice Anglers

#### Welcome to Lake Demontreville

- Be a good neighbor - please remember to take all your trash with you and properly dispose of it when you leave the lake.
- It is illegal under Minnesota law to deposit litter or other waste on public land, on ice or in the water.

TO: PAT Dehn - PORT AUTHORITY  
FROM: Kim Elverum - DNR

Post-It® Fax Note 7671		Date 5/31/02	# of pages 2
To Pat Dehn	From Maxella Severini		
Co/Dept Port Authority	Co. DNR Boat: Water		
Phone # 651.223.5686	Phone # 651.297.5706		
Fax # 651.223.5198	Fax # 651.296.0902		

1-5686



## Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-4076

Cynthia Young  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042

June 12, 2002

Post-It* Fax Note	7671	Date	6-14-02	# of pages	1
To	PAT Dehn		From	Marcella Jerome	
Co./Dept.			Co.	DNR	
Phone #	651.224.5686		Phone #	297.5708	
Fax #	651 223 5198		Fax #	296.0902	

Dear Ms Young

Occasionally, I visit Minnesota lakes and rivers with approved local water surface use (boating) ordinances.

I visit to insure that the notification provisions of Minnesota law and rules are evident. Usually this includes signage that summarizes the restrictions unique to that body of water posted at all public access sites on that lake or river.

On May 28, 2002, I visited the access sites at Lake Demontreville and Lake Jane. At that time, I was pleased to see regulation signs posted. The signs are, however beginning to show signs of weather damage. The lake association has asked for suggestions of sign design to replace them. I have included a copy of the sign suggestions that we sent the association as well as a photo of the signs posted at the time I visited.

Congratulations and thank you for offering boaters and anglers information they need to comply with the local ordinance.

Sincerely,

*Marcella Jerome*

Marcella Jerome  
Boating Staff Specialist  
Phone: (651) 297-5708  
Fax: (651) 296-0902  
e-mail: [Marcella.Jerome@dnr.state.mn.us](mailto:Marcella.Jerome@dnr.state.mn.us)  
Enc. Access site photos  
Sign suggestions

C: WSUM File





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

**RESOLUTION NO. 2006-066  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 335, 336, DD799 through DD821, 29336 through 29356, were used for Staff Payroll dated July 6<sup>th</sup>, 2006; claims 337, 29357 through 29419, in the total amount of \$206,460.37 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 18<sup>th</sup> day of July, 2006.

---

Dean A. Johnston  
Mayor

ATTEST:

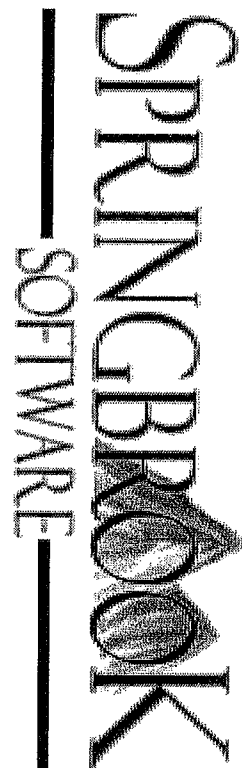
---

Martin J. Rafferty  
City Administrator



# Accounts Payable Computer Check Proof List

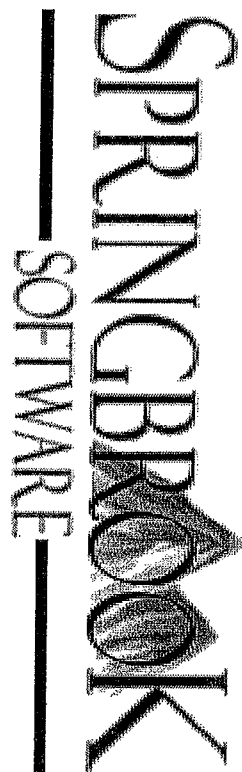
User: administrator  
Printed: 07/14/2006 - 8:58 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:MNLABOR Q2 Bldg Permits	DEPT of LABOR & INDUSTRY 2nd Quarter Surcharge Pmts Check Total:	6,049.46 6,049.46	07/18/2006	Check Sequence: 1 101-420-2400-43060	ACH Enabled: No
Total for Check Run:		6,049.46			
Total Number of Checks:		1			

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 07/14/2006 - 9:00 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ABDO 224192	Abdo Eick & Meyers Review, Annual Rpt to State Auditor Check Total:	450.00 450.00	07/18/2006	Check Sequence: 1 101-410-1530-43010	ACH Enabled: No
Vendor:ACEHARD 25480 25862 26518 26784	Ace Hardware Parts - Fire Dept Locks, Padlocks - Public Works Tape, Plugs, Gloves, Wire City Hall - New Cube Check Total:	8.48 143.65 15.73 67.77 235.63	07/18/2006 07/18/2006 07/18/2006 07/18/2006	Check Sequence: 2 101-420-2220-42210 101-430-3100-42230 101-430-3100-42150 101-410-1940-42230	ACH Enabled: No
Vendor:ACS 585	Animal Control Services Animal Control - June 19 - July 02 Check Total:	637.38 637.38	07/18/2006	Check Sequence: 3 101-420-2700-43150	ACH Enabled: No
Vendor:AN-SOREN 4157 4538	Anderson-Sorenson Return Dep. for 9682 Whist. Vly, 4157 Return Dep. for 9676 Whist. Vly, 4538 Check Total:	1,000.00 1,000.00 2,000.00	07/18/2006 07/18/2006	Check Sequence: 4 803-000-0000-22900 803-000-0000-22900	ACH Enabled: No
Vendor:ARAM 629-6013081	Aramark Mats, Linen - City Hall Check Total:	65.94 65.94	07/18/2006	Check Sequence: 5 101-410-1940-44010	ACH Enabled: No
Vendor:ASPENMI 68087 68088 68089 68090	Aspen Mills, Inc. Vests - Fire Dept Shirts, Tags, Patches - Fire Dept Scoutlike Transfer - Fire Dept Shirts, Ties, Badges - Funeral	1,061.00 41.39 925.00 349.76	07/18/2006 07/18/2006 07/18/2006 07/18/2006	Check Sequence: 6 101-420-2220-45800 101-420-2220-44170 101-420-2220-44170 101-420-2220-44170	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:BIFFS W295362/9	Check Total:  Biff's Inc. Rentals - Portables - Parks Check Total:	2,377.15  591.43 591.43	07/18/2006	Check Sequence: 7 101-450-5200-44120	ACH Enabled: No
Vendor:BLICO 3585 LE	Bill & Company Inc. Repairing Arts Bldg Pkng Lot Check Total:	2,500.00 2,500.00	07/18/2006	Check Sequence: 8 404-480-8000-45300	ACH Enabled: No
Vendor:COPYMAG 73948	Copy Images, Inc. Monthly Copier Maint. Check Total:	281.16 281.16	07/18/2006	Check Sequence: 9 101-410-1940-44040	ACH Enabled: No
Vendor:CPTLECO 651-207-1000	CP Telecom Telephone Service - City Hall Check Total:	515.90 515.90	07/18/2006	Check Sequence: 10 101-410-1940-43210	ACH Enabled: No
Vendor:Davies S01027754.001 S01030017.001	Northern Water Works Supply Water Meter, Supplies Flanges Check Total:	428.60 28.32 456.92	07/18/2006	Check Sequence: 11 601-494-9400-42300 601-494-9400-42300	ACH Enabled: No
Vendor:DILLERUD Tvl Claim 7/3	CharlesDillerud Mileage, Lodging - LMC Conference Check Total:	163.57 163.57	07/18/2006	Check Sequence: 12 101-410-1910-43310	ACH Enabled: No
Vendor:DTI 651-254-5341 651-254-5341 651-254-5341 651-254-5341	DTI Telephone Service - Fire Dept Telephone Service - Public Works Telephone Service - Well 1 Telephone Service - Lift Stations Check Total:	120.37 71.25 35.28 105.84 332.74	07/18/2006	Check Sequence: 13 101-420-2220-43210 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210	ACH Enabled: No
Vendor:ELLINGS 13186.000	Ellingson Drainage Water Mains Check Total:	30,236.12 30,236.12	07/18/2006	Check Sequence: 14 601-494-9400-46400	ACH Enabled: No



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ELMOLUM 034175-01	Elmo's Lumber & Plywood Chainsaw Sharpening Check Total:	6.39 6.39	07/18/2006	Check Sequence: 15 101-420-2220-44040	ACH Enabled: No
Vendor:EMERGAPP 25541 25542 25543 25545 25548 26150	Emergency Apparatus Maint. Annual Certification/Tests - 3173 Annual Certification/Tests - 3183 Annual Certification/Tests - 3176 Annual Certification/Tests - 3175 Annual Certification/Tests - 3178 Brake shoes, rear spring bolts - 3175 Check Total:	1,046.65 1,408.26 775.00 1,039.52 217.00 1,611.00 6,097.43	07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006	Check Sequence: 16 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040	ACH Enabled: No
Vendor:EVENSON MN Relaf 05-07	Richard Evenson Oak Wilt Program Reimbursement Check Total:	325.00 325.00	07/18/2006	Check Sequence: 17 101-450-5200-44030	ACH Enabled: No
Vendor:FARMERS 141352 141372	River County Cooperative Fuel - Fire Dept Fuel - Bldg Dept Check Total:	83.00 102.39 185.39	07/18/2006 07/18/2006 07/18/2006	Check Sequence: 18 101-420-2220-42120 101-420-2400-42120	ACH Enabled: No
Vendor:FIREQUI 4594	Fire Equipment Specialties Suspenders - Fire Dept Check Total:	31.58 31.58	07/18/2006	Check Sequence: 19 101-420-2220-45800	ACH Enabled: No
Vendor:FIRSTTIR 51751	First State Tire Recycling Tire Recycling - Clean Up Days Check Total:	250.00 250.00	07/18/2006	Check Sequence: 20 101-430-3100-44380	ACH Enabled: No
Vendor:GENESIS IVC01162	Next Genesis Productions Desktop - Asst Planner Check Total:	1,277.00 1,277.00	07/18/2006	Check Sequence: 21 101-410-1910-42000	ACH Enabled: No
Vendor:GRTSTILL 2512	Greater Stillwater Chamber Annual Due Check Total:	625.00 625.00	07/18/2006	Check Sequence: 22 101-410-1320-44330	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:HILLD MN Relief 05-07	Dean Hill Oak Wilt Program Reimbursement Check Total:	500.00 500.00	07/18/2006	Check Sequence: 23 101-450-5200-44030	ACH Enabled: No
Vendor:IMC 2007 Dues	IMC Annual Dues - Sharon Lumby Check Total:	125.00 125.00	07/18/2006	Check Sequence: 24 101-410-1320-44330	ACH Enabled: No
Vendor:INHOUSE 5930	In House Inc. Recycling T-Shirts Check Total:	230.00 230.00	07/18/2006	Check Sequence: 25 101-430-3200-42100	ACH Enabled: No
Vendor:LEOIL S01203 S01208 S01208 S01208 S01208	Lake Elmo Oil, Inc. Fuel - Fire Dept Fuel - Bldg Dept Fuel - Public Works Fuel - Parks Fuel - Sewer School Check Total:	596.66 36.00 792.78 405.31 49.00 1,879.75	07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006	Check Sequence: 26 101-420-2220-42120 101-420-2400-42120 101-430-3100-42120 101-450-5200-42120 602-495-9450-43310	ACH Enabled: No
Vendor:LIFESTYL Permit 3952	Lifestyle Homes Return Dep. for 41.55 Kirkwood - 3952 Check Total:	1,000.00 1,000.00	07/18/2006	Check Sequence: 27 803-000-0000-22900	ACH Enabled: No
Vendor:MARONEYS 155633 155633 155633	Maroney's Sanitation, Inc Refuse - City Hall Refuse - Public Works Refuse - Parks Check Total:	119.86 95.89 183.96 399.71	07/18/2006 07/18/2006 07/18/2006	Check Sequence: 28 101-410-1940-43840 101-430-3100-43840 101-450-5200-43840	ACH Enabled: No
Vendor:MCNAM Airfare	JamesMcNamara Airfare Reimb. Check Total:	257.09 257.09	07/18/2006	Check Sequence: 29 101-420-2400-43310	ACH Enabled: No
Vendor:MENARDSO 84879	Menards - Oakdale Shovel - New Fire Truck Check Total:	7.54 7.54	07/18/2006	Check Sequence: 30 410-480-8000-45800	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: MENARDST 59824 61349 62620 62620	Menards - Stillwater Surge Protector, Outlets - New Cube Fence Posts - Fire Dept Lumber - Public Works Stones - Playground Check Total:	32.95 13.68 240.38 84.49 371.50	07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006	Check Sequence: 31 101-410-1940-42230 101-420-2220-42090 101-430-3100-42230 101-450-5200-42250	ACH Enabled: No
Vendor: METCOU 0000827663	Metropolitan Council Wastewater Charge - Met Council Check Total:	942.77 942.77	07/18/2006	Check Sequence: 32 602-495-9450-43820	ACH Enabled: No
Vendor: MILLEREX 11672	Miller Excavating, Inc. Grading Roads Check Total:	417.50 417.50	07/18/2006	Check Sequence: 33 101-430-3100-43150	ACH Enabled: No
Vendor: MIRACLE 645330	Miracle Recreation Equipment Co. Playground - Carriage Station Check Total:	44,998.91 44,998.91	07/18/2006	Check Sequence: 34 404-480-8000-45300	ACH Enabled: No
Vendor: MNFIREAS 2006-2007	MN State Fire Dept Assn Annual Dues Check Total:	180.00 180.00	07/18/2006	Check Sequence: 35 101-420-2220-44330	ACH Enabled: No
Vendor: MNPLAYGR 2006178	Minnesota Playground Inc. Picnic table Frames Check Total:	1,377.05 1,377.05	07/18/2006	Check Sequence: 36 101-450-5200-44030	ACH Enabled: No
Vendor: Natl Wat 3627812	National Waterworks Supplies - Water Check Total:	168.26 168.26	07/18/2006	Check Sequence: 37 601-494-9400-42300	ACH Enabled: No
Vendor: NFPA 3526562Y	NFPA Sprinkler Sys Book - Fire Dept Check Total:	126.45 126.45	07/18/2006	Check Sequence: 38 101-420-2220-44350	ACH Enabled: No
Vendor: OAKDALE 1000046000	City of Oakdale South Pt	7,152.63	07/18/2006	Check Sequence: 39 601-494-9400-43820	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	7,152.63			
Vendor:ONECALL 6060533	Gopher State One-CallOne Call Concepts, Inc Line Locates Check Total:	270.50 270.50	07/18/2006	Check Sequence: 40 101-430-3100-44300	ACH Enabled: No
Vendor:PLANTH 819-06	PLANT HEALTH ASSOCIATES, INC Forestry Services Check Total:	2,005.00 2,005.00	07/18/2006	Check Sequence: 41 101-450-5200-44030	ACH Enabled: No
Vendor:PRESS 07/05/06 07/05/06	StevenPress Cablecast - Council Mtg Copies Check Total:	55.60 27.80 83.40	07/18/2006	Check Sequence: 42 101-410-1320-43620 101-410-1320-43620	ACH Enabled: No
Vendor:REED 3307727	Reed Business Information Bid Publication - Northern Main Ext. Check Total:	186.56 186.56	07/18/2006	Check Sequence: 43 101-410-1320-43510	ACH Enabled: No
Vendor:Rivertwn 50035963	RiverTown Newspaper Group Legal Publications Check Total:	371.46 371.46	07/18/2006	Check Sequence: 44 101-410-1320-43510	ACH Enabled: No
Vendor:ROBENGST OV Plan Phase I	Robert Engstrom Companies OV Plan Phase I Check Total:	8,000.00 8,000.00	07/18/2006	Check Sequence: 45 803-490-9070-44300	ACH Enabled: No
Vendor:ROGERS 13854 13860 13869 13878 13878	Rogers Printing Services July 2006 Newsletter Envelopes Window Envelopes Business Cards - Kelli Business Cards - Karl Check Total:	1,023.47 216.20 177.86 35.15 35.14 1,487.82	07/18/2006	Check Sequence: 46 101-410-1320-43090 101-410-1320-42000 101-410-1520-42000 101-410-1910-42030 101-420-2400-42030	ACH Enabled: No
Vendor:ROSEFLOR 273264	Rose Floral & Greenhouse Floral Arrg	106.45	07/18/2006	Check Sequence: 47 101-420-2220-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:RUD 07/04-07/12 07/04-07/12	Diane Prince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total:	240.00 240.00 480.00 106.45	07/18/2006 07/18/2006 07/18/2006	Check Sequence: 48 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:S&T 01KY2490 01KY3119 01KY4681 01KY5841 01KY7009 01KZ1657	S&T Office Products, Inc. DVDs DVDs DVDs Storage Boxes Storage Boxes Organizers, Folders Check Total:	3.81 1.91 1.91 81.90 167.66 121.43 378.62	07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006	Check Sequence: 49 101-410-1320-42000 101-410-1320-42000 101-410-1320-42000 101-410-1320-42000 101-410-1320-42000 101-410-1320-42000	ACH Enabled: No
Vendor:SEH 0142535	Short Elliott Hendrickson, Inc Comp Trail Plan Check Total:	6,500.00 6,500.00	07/18/2006	Check Sequence: 50 404-480-8000-43050	ACH Enabled: No
Vendor:SHREDIT 25 3091889	Minnesota Shredding LLC Shredding Service Check Total:	260.74 260.74	07/18/2006	Check Sequence: 51 101-410-1320-44300	ACH Enabled: No
Vendor:SMITHANN Tvl Claim	Anne Smith Mileage, Lodging - LMC Conference Check Total:	151.35 151.35	07/18/2006	Check Sequence: 52 101-410-1110-43310	ACH Enabled: No
Vendor:SMOKE SMOKEY	SMOKE EATER Annual Subscription - Fire Dept Check Total:	137.50 137.50	07/18/2006	Check Sequence: 53 101-420-2220-44330	ACH Enabled: No
Vendor:TASCH 39427	T.A. Schitsky & Sons Sand Mix Check Total:	105.97 105.97	07/18/2006	Check Sequence: 54 101-430-3100-42240	ACH Enabled: No
Vendor:TWINCIT 2729	Twin City Water Clinic, Inc. Bacteria Analysis - June 2006	20.00	07/18/2006	Check Sequence: 55 601-494-9400-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	20.00			
Vendor: United 01/01-06/30	United Properties Investment Eagle Point OEA Dues Check Total:	180.00 180.00	07/18/2006	Check Sequence: 56 601-494-9400-44030	ACH Enabled: No
Vendor: USBANK 33395470	US Bank Trust N.A. 2001 State Aid Bond Interest Check Total:	16,410.00 16,410.00	07/18/2006	Check Sequence: 57 310-480-8000-46110	ACH Enabled: No
Vendor: Valley T 341126	Valley Trophy Inc. Cup Trophies - Recycling Check Total:	68.11 68.11	07/18/2006	Check Sequence: 58 101-430-3200-42100	ACH Enabled: No
Vendor: VASKO 784771	Veolia ES Vasko Solid Waste Clean Up Days Rubbish Removal Check Total:	6,537.60 6,537.60	07/18/2006	Check Sequence: 59 101-430-3100-44380	ACH Enabled: No
Vendor: VISALE40 8040	VISA ULI Registration Check Total:	50.00 50.00	07/18/2006	Check Sequence: 60 101-410-1110-44370	ACH Enabled: No
Vendor: WASCOUN 49856	Washington County Assessment Appeal Charges Check Total:	400.00 400.00	07/18/2006	Check Sequence: 61 101-410-1550-43100	ACH Enabled: No
Vendor: WEBSTERG PW VPW	Webster Electrical Constr. Parts for Generator VPW Park Check Total:	457.52 2,860.00 3,317.52	07/18/2006 07/18/2006	Check Sequence: 62 101-430-3100-42210 404-480-8000-45300	ACH Enabled: No
Vendor: XCEL 51-4504807-7 51-4504807-7 51-4504807-7 51-4570456-3 51-4580376-5 51-4733556-8 51-5044219-0	Xcel Energy Softball Field Traffic at 194/Inwood Lift Station at 8860 Hudson Blvd 4259 Jamaca City Hall Tennis Courts 11194 Upper 33rd	234.82 28.46 48.30 118.93 451.01 7.97 40.81	07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006 07/18/2006	Check Sequence: 63 101-450-5200-43810 101-430-3160-43810 602-495-9450-43810 101-430-3100-43810 101-410-1940-43810 101-450-5200-43810 101-450-5200-43810	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
51-5275289-3	Pebble Park	9.58	07/18/2006	101-450-5200-43810	
51-5356323-8	Wells at 3303 Langly/11975 55th St	1,906.78	07/18/2006	601-494-9400-43810	
51-5522332-2	Traffic at 998 Inwood	34.68	07/18/2006	101-430-3160-43810	
51-5747685-4	3585 Laverne Ave	90.57	07/18/2006	101-450-5200-43810	
51-5916043-7	11062 34th St	14.60	07/18/2006	602-495-9450-43810	
51-6433976-2	3510 Laverne - Fire Hall 1	188.47	07/18/2006	101-420-2220-43810	
51-6625457-1	3511 Laverne - Fire Hall 2	46.61	07/18/2006	101-420-2220-43810	
51-6736544-2	City Lights	1,720.54	07/18/2006	101-430-3160-43810	
51-6928283-3	Traffic at Manning/Stillwater Blvd	26.82	07/18/2006	101-430-3160-43810	
51-6956201-4	3675 Layton Ave	8.25	07/18/2006	101-450-5200-43810	
	Check Total:	4,977.20			
Total for Check Run:		162,261.69			
Total Number of Checks:		63			



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

**RESOLUTION NO. 2006-067  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Number 29420, in the total amount of \$270.00 is hereby approved.

ADOPTED, by the Lake Elmo City Council on the 18<sup>th</sup> day of July, 2006.

---

Dean A. Johnston  
Mayor

ATTEST:

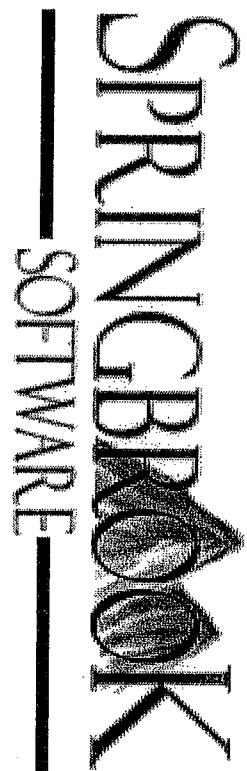
---

Martin J. Rafferty  
City Administrator



# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 07/14/2006 - 9:18 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:JOHNSONC July-Sep 2006	Johnson Construction Storage Rental - Fire Dept Check Total:	270.00 270.00	07/18/2006	Check Sequence: 1 101-420-2220-44120	ACH Enabled: No
Total for Check Run:		270.00			
Total Number of Checks:		1			



4B

Monthly Operating Report - Revenue

As of June 2006	Description	Budget	Amount	Variance
	Current Ad Valorem Taxes	2,149,940	50,819	2,099,121
	Mobile Home Tax	0	0	0
	Fiscal Disparities	12,000	0	12,000
	Liquor License	9,000	0	9,000
	Waste hauler License	420	100	320
	General Contractor License	175	1,420	-1,245
	Heating Contractor License	1,000	1,310	-310
	Blacktopping Contractor Licenses	100	0	100
	Building Permits	478,387	177,100	301,287
	Surcharge	35,900	0	35,900
	Heating Permits	23,500	45,563	-22,063
	Plumbing Permits	23,500	14,423	9,078
	Sewer Permits	18,000	1,400	16,600
	Animal License	1,500	1,417	83
	Utility Permits	6,500	1,634	4,866
	Burning Permit	1,200	980	220
	CDBG Old Village	60,200	10,108	50,093
	Local Government Aid	0	0	0
	MSA - Maintenance	0	0	0
	State Fire Aid	54,000	0	54,000
	PERA Aid	2,749	0	2,749
	Miscellaneous State Grants	0	3,030	-3,030
	Gravel Tax	4,000	3,253	747
	Recycling Grant	15,270	0	15,270
	Cable Franchise Revenue	17,102	29,910	-12,808
	Zoning & Subdivision Fees	20,000	5,307	14,693
	Plan Check Fees	283,181	80,322	202,859
	Sale of Copies, Books, Maps	1,500	276	1,224
	Assessment Searches	500	120	380
	Clean Up Days	5,700	4,035	1,665
	Cable Operation Reimbursement	2,670	1,268	1,402
	Fines	65,000	32,092	32,908
	Miscellaneous Revenue	10,000	12,977	-2,977
	Interest Earnings	50,000	9,564	40,436
	Interfund Operating Transfers	213,610	0	213,610
	General Fund Total	3,566,604	488,427	3,078,177
	Water Sales	238,747	126,105	112,642
	Tower Rent	26,500	23,523	2,978
	Total Water Enterprise	265,247	149,627	115,620
	Total Sewer Enterprise Fund	39,877	0	39,877
	Total Surface Enterprise Fund	78,000	20	77,980
	Total Report	3,949,728	638,074	3,311,654



Monthly Operating Report				
As of 07/18/2006 (Period 7)	Budget	Amount	Variance	Comments
<b>Mayor &amp; Council</b>				
Part-time Salaries	12,100	6,050	6,050	
FICA Contributions	750	375	375	
Medicare Contributions	175	88	87	
Travel Expense	4,000	291	3,709	
Miscellaneous	10,000	1,000	9,000	
Dues & Subscriptions	9,000	2,864	6,136	
Conferences & Training	4,000	778	3,222	
<b>Sub-Total</b>	<b>40,025</b>	<b>11,446</b>	<b>28,579</b>	
<b>Administration</b>				
Full-time Salaries	133,933	68,278	65,655	
PERA Contributions	8,036	3,418	4,618	
FICA Contributions	8,304	4,284	4,020	
Medicare Contributions	1,942	997	945	
Health/Dental Insurance	29,854	9,387	20,468	
Workers Compensation	2,424	2,319	105	Annual Premium Paid
Office Supplies	9,000	3,964	5,036	
Printed Forms	900	119	781	
Newsletter/Website	15,000	3,275	11,725	
Postage	10,500	2,413	8,087	
Travel Expense	5,100	456	4,644	
Legal Publishing	6,500	3,865	2,635	
Insurance	41,357	39,210	2,147	Annual Premium Paid
Cable Operation Expense	4,500	886	3,614	
Miscellaneous	15,000	7,490	7,510	
Dues & Subscriptions	3,000	2,052	948	
Books	1,000	213	787	
Conferences & Training	3,000	296	2,704	
Professional Development	2,000	18	1,982	
Transfer Out	160,439	0	160,439	
<b>Sub-Total</b>	<b>461,789</b>	<b>152,938</b>	<b>308,851</b>	
<b>Elections</b>				
Part-time Salaries	9,900	0	9,900	
FICA Contributions	614	0	614	
Medicare Contributions	144	0	144	
Office Supplies	400	0	400	
Printed Forms	500	0	500	
Travel Expense	125	0	125	
Miscellaneous	600	0	600	
Conferences & Training	50	0	50	
Other Equipment	1,000	340	660	
<b>Sub-Total</b>	<b>13,333</b>	<b>340</b>	<b>12,993</b>	

	Budget	Amount	Variance	Comments
<b>Finance</b>				
Full-time Salaries	66,829	28,658	38,171	
PERA Contributions	4,010	1,686	2,324	
FICA Contributions	4,143	1,779	2,364	
Medicare Contributions	969	416	553	
Health/Dental Insurance	11,079	5,774	5,305	
Workers Compensation	1,122	745	377	Annual Premium Paid
Office Supplies	1,500	604	896	
Printed Forms	2,250	1,567	683	
Software Support	16,000	12,861	3,139	
Hardware Support	2,000	249	1,751	
Software Programs	2,000	0	2,000	
Travel Expense	1,000	36	964	
Miscellaneous	2,000	949	1,051	
Dues & Subscriptions	150	275	-125	
Books	200	94	106	
Conferences & Training	800	40	760	
<b>Sub-Total</b>	<b>116,052</b>	<b>55,733</b>	<b>60,319</b>	
<b>Accounting Services</b>	<b>30,000</b>	<b>23,507</b>	<b>6,493</b>	
<b>Assessing Services</b>	<b>41,000</b>	<b>30,852</b>	<b>10,148</b>	
<b>City Attorney - Civil</b>	<b>60,600</b>	<b>21,690</b>	<b>38,910</b>	
<b>City Attorney - Criminal</b>	<b>49,500</b>	<b>27,255</b>	<b>22,245</b>	
<b>Planning &amp; Zoning</b>				
Full-time Salaries	116,259	37,619	78,640	
PERA Contributions	6,976	3,776	3,200	
FICA Contributions	7,208	2,348	4,860	
Medicare Contributions	1,686	549	1,137	
Health/Dental Insurance	21,911	8,189	13,722	
Workers Compensation	1,266	840	426	
Office Supplies	1,500	1,684	-184	Computer for new Asst Planner
Printed Forms	500	118	382	
Comm Facilities Planning-CDBG	0	0	0	
Old Village Design Study-CDBG	0	0	0	
Zoning Ordinance Dev - CDBG	5,000	0	5,000	
Cimarron Study - CDBG	60,200	276	59,924	
Comprehensive Planning	0	5,312	-5,312	Comp Plan Amendment - Expenditure funded by reserves.
Engineering Services	3,000	0	3,000	
Legal Services	0	3,408	-3,408	
Infiltration Project	0	0	0	
Old Village Tax Abatement	0	0	0	
Travel Expense	3,700	416	3,284	
Cable Operation Expense	1,450	556	894	
Miscellaneous	500	103	397	
Dues & Subscriptions	450	695	-245	
Books	650	175	475	
Conferences & Training	2,750	737	2,013	
<b>Sub-Total</b>	<b>235,006</b>	<b>66,802</b>	<b>168,204</b>	

	Budget	Amount	Variance	Comments
<b>Engineering Services</b>	<b>30,000</b>	<b>30,050</b>	<b>-50</b>	
<b>Gov't Building</b>				
Cleaning Supplies	1,000	164	836	
Building Repair Supplies	1,000	167	833	
Telephone	5,500	4,143	1,357	Coding to be corrected-See Bldg, Parks & Public Works Phone Accounts
Insurance	0	0	0	
Electric Utility	10,000	4,012	5,988	
Refuse	2,500	777	1,723	
Repairs/Maint Contractual Bldg	10,000	6,197	3,803	
Repairs/Maint Contractual Eqpt	10,000	2,534	7,466	
Miscellaneous	1,000	542	458	
<b>Sub-Total</b>	<b>41,000</b>	<b>18,536</b>	<b>22,464</b>	
<b>Law Enforcement Services</b>	<b>365,200</b>	<b>172,415</b>	<b>192,785</b>	
<b>Fire</b>				
Full-time Salaries	66,561	20,657	45,904	
Part-time Salaries	139,713	83,296	56,417	Chief's Wages to be transferred into Full-time Fire Salary
PERA Contributions	3,994	4,401	-407	
FICA Contributions	12,789	6,447	6,342	
Medicare Contributions	2,991	1,508	1,483	
Health/Dental Insurance	24,321	14,260	10,061	
Workers Compensation	6,838	4,538	2,300	Annual Premium Paid
Office Supplies	1,000	1,038	-38	
Printed Forms	500	0	500	
EMS Supplies	1,600	660	940	
Fire Prevention	4,000	1,190	2,810	
Fuel	5,400	2,971	2,429	
Equipment Parts	500	256	244	
Building Repair Supplies	400	290	110	
Small Tools & Equipment	1,500	962	538	
Physicals	5,100	2,227	2,873	
Telephone	6,000	2,666	3,334	
Radio	7,900	3,923	3,977	
Internet	700	0	700	
Travel Expense	3,500	3,331	169	
Vehicle Insurance	15,836	14,025	1,811	Annual Premium Paid
Electric Utility	12,200	4,739	7,461	
Repairs/Maint Contractual Bldg	20,000	3,793	16,207	
Repairs/Maint Contractual Eqpt	35,000	8,821	26,179	
Rentals - Building	1,188	810	378	
Uniforms	4,500	4,240	260	
Miscellaneous	4,000	1,639	2,361	
Dues & Subscriptions	2,800	1,607	1,194	
Books	250	126	124	
Conferences & Training	15,000	7,457	7,543	

	Budget	Amount	Variance	Comments
Pension Contribution	0	0	0	
Fire State Aid	54,000	0	54,000	
Vehicle	0	0	0	
Equipment	10,000	10,821	-821	6374.00 for AED, 2232 for Hose Racks
Transfer Out	98,443	0	98,443	
<b>Sub-Total</b>	<b>568,524</b>	<b>212,698</b>	<b>355,826</b>	
<b>Building Inspection</b>				
Full-time Salaries	129,938	67,318	62,620	
PERA Contributions	7,796	3,531	4,265	
FICA Contributions	8,056	4,183	3,873	
Medicare Contributions	1,884	978	906	
Health/Dental Insurance	28,030	9,727	18,303	
Workers Compensation	2,276	1,510	766	Annual Premium Paid
Office Supplies	1,400	439	961	
Printed Forms	2,250	198	2,052	
Fuel	6,000	276	5,724	
Engineer Serv Utility Permits	6,500	0	6,500	
Plan Review Charges	10,000	0	10,000	
Surcharge Payments	35,900	13,898	22,002	
Inspector Contract Services	0	225	-225	Outside Inspector for New Public Works
Telephone	1,135	232	903	
Travel Expense	2,000	407	1,593	
Insurance	1,200	895	305	
Repairs/Maint Contractual Eqpt	700	689	11	Bldg Dept Truck Repairs ,Tires
Rentals - Building	4,500	2,237	2,264	
Uniforms	700	68	632	
Miscellaneous	4,600	100	4,500	
Dues & Subscriptions	500	0	500	
Books	500	13	487	
Conferences & Training	3,000	525	2,475	
Equipment	2,300	0	2,300	
Transfer Out	7,000	0	7,000	
<b>Sub-Total</b>	<b>268,165</b>	<b>107,452</b>	<b>160,713</b>	
<b>Civil Defense</b>	<b>9,000</b>	<b>0</b>	<b>9,000</b>	
<b>Animal Control</b>				
Printed Forms	250	0	250	
Contract Services	9,200	4,029	5,171	
Impounding	10,000	5,160	4,840	
Miscellaneous	200	0	200	
<b>Sub-Total</b>	<b>19,650</b>	<b>9,190</b>	<b>10,460</b>	

	Budget	Amount	Variance	Comments
<b>Public Works</b>				
Full-time Salaries	120,077	51,314	68,763	
Part-time Salaries	5,160	0	5,160	
PERA Contributions	7,205	3,059	4,146	
FICA Contributions	7,445	3,183	4,262	
Medicare Contributions	1,741	744	997	
Health/Dental Insurance	31,931	11,775	20,156	
Workers Compensation	9,014	5,982	3,032	Annual Premium Paid
Office Supplies	350	41	309	
Fuel, Oil and Fluids	19,550	9,686	9,864	
Shop Materials	3,000	890	2,110	
Equipment Parts	6,000	3,106	2,894	
Building Repair Supplies	2,000	994	1,006	
Street Maintenance Materials	14,000	1,403	12,597	
Landscaping Materials	2,500	437	2,063	
Sign Repair Materials	4,240	2,403	1,837	
Sand/Salt	30,000	13,062	16,938	
Small Tools & Minor Equipment	3,000	803	2,197	
Engineering Services	7,000	0	7,000	
Sealcoating & Crack Sealing	105,000	0	105,000	
Contract Services	61,750	35,632	26,118	Street Sweeping = 12,476.00, 57th Overlay = 13,458.00
Telephone	4,000	863	3,137	
Radio	600	0	600	
Travel Expense	1,250	323	927	
Insurance	14,000	12,030	1,970	
Electric Utility	13,500	5,462	8,038	
Refuse	2,400	718	1,682	
Repairs/Maint Contractual Bldg	5,000	0	5,000	
Repairs/Maint Imp Not Bldgs	7,000	3,510	3,490	
Repairs/Maint Contractual Eqpt	6,000	1,894	4,106	
Rentals - Buildings	500	0	500	
Uniforms	500	469	31	
Miscellaneous	6,000	1,601	4,399	
Dues & Subscriptions	500	250	250	
Conferences & Training	1,500	115	1,385	
Clean-up Days	12,000	6,788	5,212	
Buildings	0	0	0	
Vehicles	0	0	0	
Other Equipment	12,250	2,908	9,342	
Transfer Out	200,439	0	200,439	
<b>Sub-Total</b>	<b>728,402</b>	<b>181,446</b>	<b>546,956</b>	
<b>Street Lighting</b>	<b>23,000</b>	<b>12,856</b>	<b>10,144</b>	
<b>Sanitation</b>				
Recycling Supplies	6,000	298	5,702	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	0	7,100	
<b>Sub-Total</b>	<b>18,100</b>	<b>298</b>	<b>17,802</b>	

	Budget	Amount	Variance	Comments
<b>Parks</b>				
Full-time Salaries	54,569	24,614	29,955	
Part-time Salaries	31,946	7,267	24,679	
PERA Contributions	3,971	1,748	2,223	
FICA Contributions	5,364	1,981	3,383	
Medicare Contributions	1,254	463	791	
Health/Dental Insurance	12,224	4,413	7,811	
Workers Compensation	4,763	3,161	1,602	Annual Premium Paid
Office Supplies	450	0	450	
Fuel, Oil and Fluids	2,640	714	1,926	
Shop Materials	1,000	17	983	
Chemicals	2,500	0	2,500	
Equipment Parts	5,000	741	4,259	
Building Repair Supplies	500	131	369	
Landscaping Materials	7,000	470	6,530	
Small Tools & Minor Equipment	2,000	1,457	543	
Engineering Services	0	0	0	
Telephone	1,000	125	875	
Travel Expense	0	60	-60	
Insurance	3,000	3,904	-904	
Electric Utility	8,800	3,897	4,903	
Refuse	2,640	1,288	1,352	
Repairs/Maint Contractual Bldg	1,200	0	1,200	
Repairs/Maint Imp Not Bldgs	7,500	9,792	-2,292	Forestry Services, Oak Tree Program Refunds-Grant Revenue offset
Repairs/Maint Contractual Eqpt	1,000	1,184	-184	
Rentals - Buildings	4,000	2,775	1,225	
Uniforms	413	0	413	
Miscellaneous	500	0	500	
Dues & Subscriptions	100	0	100	
Conferences & Training	0	0	0	
Transfer Out	20,000	0	20,000	
<b>Sub-Total</b>	<b>185,334</b>	<b>70,203</b>	<b>115,131</b>	
<b>Total General Fund</b>	<b>3,303,680</b>	<b>1,205,706</b>	<b>2,097,974</b>	



Water Enterprise Operating	Budget	Amount	Variance	Comments
Full-time Salaries	73,382	51,027	22,355	
PERA Contributions	4,403	2,849	1,554	
FICA Contributions	4,550	3,173	1,377	
Medicare Contributions	1,064	742	322	
Health/Dental Insurance	11,974	8,373	3,601	
Workers Compensation	5,442	3,611	1,831	Annual Premium Paid
Office Supplies	505	0	505	
Printed Forms	2,562	114	2,448	
Chemicals	6,532	646	5,886	
Utility System Maintenance	7,640	240	7,400	
Water Meters & Supplies	100,100	4,749	95,351	
Small Tools & Minor Equipment	2,000	164	1,836	
Engineering Services	22,737	282,392	-259,655	Revenue Offset from 3M due
Software Support	13,976	1,000	12,976	
Telephone	4,515	507	4,008	
Postage	2,140	0	2,140	
Travel Expense	3,150	468	2,682	
Insurance	14,797	6,104	8,693	
Electric Utility	39,446	9,204	30,242	
Water Utility	53,045	40,660	12,385	
Repairs\Maint Imp Not Bldgs	10,210	2,938	7,273	
Miscellaneous	15,917	14,900	1,017	Includes Legal Services
Conferences & Training	2,057	203	1,854	
Other Equipment	6,655	0	6,655	
<b>Sub-Total</b>	<b>408,799</b>	<b>434,064</b>	<b>-25,265</b>	
<b>Sewer Operating Enterprise</b>				
Full-time Salaries	12,586	12,150	436	
PERA Contributions	755	676	79	
FICA Contributions	780	756	24	
Medicare Contributions	182	177	5	
Health/Dental Insurance	2,151	1,863	288	
Workers Compensation	960	637	323	Annual Premium Paid
Utility System Maint Supplies	650	0	650	
Small Tools & Minor Equipment	600	0	600	
Engineering Services	1,500	56	1,444	
Telephone	1,775	741	1,034	
Travel Expense	750	509	241	
Electric Utility	2,300	441	1,859	
Sewer Utility - Met Council	11,400	24,257	-12,857	Offset by Revenue-SAC Charges Collected and paid to Met Council
Repairs\Maint Imp Not Bldgs	500	0	500	
Miscellaneous Expenses	1,000	0	1,000	
Conferences & Training	1,500	720	780	
<b>Sub-Total</b>	<b>39,389</b>	<b>42,981</b>	<b>-3,592</b>	





# MEMORANDUM

**To:** Chuck Dillerud

**Copies To:** St. Croix Farms LLC

**From:** Thomas D. Prew, P.E.

**Date:** July 13, 2006

<b>Reference:</b>	Escrow Reduction
	Tapestry
	City of Lake Elmo, Minnesota
<b>Project No.</b>	13267.000
<b>Routing:</b>	

All of the streets in Tapestry have the initial bituminous course completed. All of the sewer and watermain work has been installed. The septic system is complete. The site has been seeded and is growing. Landscaping well in excess of our standards has been installed.

I would recommend that escrow be reduced to the amounts listed below:

Item	Original Amount	Work Remaining
Site Grading/ Turf Establishment	\$10,000.00	\$2,000.00
Storm Sewer	\$10,000.00	\$2,000.00
Sanitary Sewer and Drainfield	\$767,900.00	\$4,000.00
Watermain	\$489,300.00	\$2,000.00
Streets	\$645,530.00	\$125,000.00
Street Signs	\$1,000.00	\$0.00
Landscaping	\$100,500.00	\$0.00
<b>Subtotal</b>	<b>\$2,024,230.00</b>	<b>\$135,000.00</b>
<b>125% Security</b>	<b>\$2,530,287.50</b>	<b>\$168,750.00</b>



<b>Lake Elmo City Council 07-18-2006</b>	<b>Agenda Section: CONSENT</b>	<b><u>No . 4E</u></b>
<b><u>Agenda Item:</u> State of Minnesota Partnership Contract</b>		
<p><b><u>Background Information for July 18, 2006:</u></b> The Public Works Superintendent as part of his on going efforts to reduce expenditures has determined that purchasing street sign etc. through the Minnesota Department of Transportation would result in substantial savings. The State of Minnesota is asking the City to enter into a Partnership Contract in order to take advantage of sign purchases.</p>		
<b><u>Action Items:</u></b>		<b><u>Person responsible:</u></b> Tom Bouthilet
1. Authorizing the Mayor on the behalf of the City to sign The State of Minnesota Partnership Contract		
<b><u>Attachments:</u></b> State of Minnesota Partnership Contract		



## STATE OF MINNESOTA PARTNERSHIP CONTRACT

This contract is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and City of Lake Elmo.

### Recitals

Pursuant to Minnesota Statutes §471.59, subdivision 1, two or more governmental units may enter into an agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units; and

Pursuant to Minnesota Statutes §174.02, subdivision 6, the Commissioner of Transportation may enter into agreements with other governmental or non-governmental entities for research and experimentation, for sharing facilities, equipment, staff, data or other means of providing transportation related services; or for other cooperative programs that promote efficiencies in providing governmental services or that further develop innovation in transportation for the benefit of the citizens of Minnesota; and

The State, through its "Program Support" and "Program Delivery" Groups, offers a variety of transportation-related technical assistance and support services to other governmental units on a fee-for-service basis; and

The Local Government Unit desires that the State provide transportation-related technical assistance and support. The State is willing to provide such support, upon request and subject to the terms and conditions contained in this contract.

### Contract

#### 1 Term of Contract

- 1.1 **Effective date:** This contract is effective on the date the State obtains all required signatures under Minnesota Statutes §16C.05, subdivision 2.
- 1.2 **Expiration date:** This contract will expire five years from its effective date, unless terminated earlier pursuant to Article 10.
- 1.3 **Survival of Terms:** The following clauses survive the expiration or cancellation of this contract: 6. Liability; 7. State Audits; 8. Government Data Practices; and 9. Governing Law, Jurisdiction, and Venue.

#### 2 Duties of the Parties

2.1 The Local Government Unit may request that the State perform any of the services shown on Exhibit A, "Available Services". The Local Government unit may also request that the State perform transportation-related services other than those shown on Exhibit A.

- 2.1.1 The Local Government Unit must submit a brief written request for any services to the State. The request may be in the form of a letter, memorandum or purchase order and may be transmitted by fax or e-mail. A request may be made via telephone, but will not be considered accepted unless acknowledged in writing by the State. The request must include sufficient detail on the scope of work to be performed to afford State the opportunity to assess the resources necessary to accomplish the work and develop a cost estimate.

- 2.2 Upon receipt of a written request from the Local Government Unit, the State will evaluate the request and promptly inform the Local Government Unit if the State will perform the work, either as submitted or with modifications. If accepting the work, the State will identify a project manager for the work to be performed. Any work assignment accepted by the State pursuant to this contract is subject to all terms and conditions of this contract.
- 2.3 After the State accepts a work assignment, the State will promptly perform the work in a professional manner and in accordance with generally accepted government standards. If the Local Government Unit deems that the work is not proceeding in a satisfactory manner, the Local Government Unit will bring such concerns to the State's Project Manager in charge of the particular project. The Parties will endeavor to resolve any disputes concerning work under this contract in the most informal and cost-effective manner reasonably available.

### 3 Consideration and Payment

3.1 **Payment Basis.** The State may, at its option, charge the Local Government Unit on either a lump-sum or actual cost basis for performance of the work.

3.2 **Actual Cost Basis.** Unless a lump sum or other payment arrangement is agreed upon, all work performed by the State will be billed on an actual cost basis. For work performed upon an actual cost basis, the State will provide a report showing the actual cost of the services performed by the State under this contract. The State's "Actual Cost" will consist of all of the following elements:

- (1) The actual cost of any materials provided by the State; and
- (2) Travel expenses reasonably and necessarily incurred by the State in the performance of the work. Such travel expenses will be subject to the limitations contained in the "Minnesota Department of Transportation Travel Regulations" in effect at the time the work is performed; and
- (3) Labor costs incurred by the State in performance of the work. Such labor costs will consist of:
  - (a) The actual hourly wage or salary of State personnel for time spent working on the project; and
  - (b) Labor and overhead additive, at a rate to be determined annually by the appropriate State Financial/Accounting Officer. Labor additive will include fringe benefits, holiday and vacation pay, and applicable workers compensation and payroll tax expenses.
- (4) Equipment costs incurred by the State in the performance of the work. Such cost will consist of:
  - (a) The hourly rental rate of the equipment; and
  - (b) Fuel and other direct operational costs not included in the equipment rental rate.

#### 3.3 **Payment**

(A) The State will invoice the Local Government Unit upon completion of the services, or at regular intervals not more than once monthly as agreed upon by the parties:

(B) The Local Government Unit will promptly pay the invoice(s) submitted by the State. Payment must be remitted to the address below:

Minnesota Department of Transportation  
Attn: Cash Accounting  
RE: MN/DOT INVOICE NUMBER (include the Mn/DOT invoice number)  
Mailstop 215  
395 John Ireland Blvd.  
St. Paul, MN 55155

IMPORTANT: THE REMITTANCE MUST INCLUDE THE "Mn/DOT INVOICE NUMBER."

**4 Authorized Representatives**

**4.1 State's Authorized Representative.** The State's Authorized Representative for the administration of this contract is Richard Stehr, Assistant Commissioner or his/her successor.

**4.2 Local Government Unit's Authorized Representative.** The Local Government Unit's Authorized Representative for the administration of this contract is The Local Government Unit's Engineer for technical matters, and the Local Government Unit's Administrator or Auditor for financial matters.

**5 Assignment, Amendments, Waiver, and Contract Complete**

- 5.1 Assignment.** Neither party may assign or transfer any rights or obligations under this contract without a written Assignment Agreement, executed and approved by the same parties who executed and approved this contract, or their successors in office.
- 5.2 Amendments.** Any amendment to this contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original contract, or their successors in office.
- 5.3 Waiver.** If the State fails to enforce any provision of this contract, that failure does not waive the provision or the State's right to subsequently enforce it.
- 5.4 Contract Complete.** This contract contains all negotiations and agreements between the State and the Local Government Unit. No other understanding regarding this contract, whether written or oral, may be used to bind either party.

**6 Liability**

Each party will be solely responsible for its own acts and omissions in connection with or related to this contract. The liability of the State is governed by Minnesota Statutes §3.736 and other applicable law. The liability of the Local Government Unit is governed by Minnesota Statutes chapter 466 and other applicable law. Each party will be solely responsible for its own employees for any workers compensation claims. As any deliverables, including plans and documents, produced by the State pursuant to this contract may be incorporated into larger projects of which the State may not be aware, the State expressly disclaims any liability for the use of such deliverables and the results thereof.

**7 State Audits**

Under Minnesota Statutes § 16C.05, subd. 5, the Local Government Unit's books, records, documents, and accounting procedures and practices relevant to this contract are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the expiration date of this contract.

**8 Government Data Practices**

The Local Government Unit and the State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided to or by the parties under this contract. The Act provides, *inter alia*, disclosure and non-disclosure provision for various types and classifications of data provided to or by the State or the Local Government Unit. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the Local Government Unit or the State.

**9 Governing Law, Jurisdiction, and Venue**

Minnesota law, without regard to its choice-of-law provisions, governs this contract. Venue for all legal proceedings arising out of this contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

**10 Termination**

**10.1 Termination by the State.** The State may cancel this contract at any time, with or without cause, upon 30 days' written notice to the Local Government Unit. Upon termination, the State will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

**10.2 Termination by the State for Insufficient Funding.** The State may immediately terminate this contract if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding or staffing levels cannot be continued at a level sufficient to allow for the provision of the services covered here. Termination must be by written or fax notice to the Local Government Unit. The State will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the effective date of such termination. The State will not be liable for any damages sustained by the Local Government Unit as a result of the termination of this contract by the State.

**10.3 Termination by the Local Government Unit for Insufficient Funding.** The Local Government Unit may immediately terminate this contract if it does not obtain funding from its governing body, or other funding source, or if funding cannot be continued at a level sufficient to provide for payment for the services covered here. Upon such termination, the State will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the effective date of such termination.

**11 Additional Provisions**

**11.1** Exhibit A is attached and incorporated into this contract.

**11.2** The parties intend that the services provided under this contract will not be construed as an interchange of employees subject to Minnesota Statutes §15.51, *et. seq.* If the provision of the services under this contract is deemed to be subject to Minnesota Statutes §15.51, *et. seq.*, and any provision in this contract is determined to conflict with such statute, then the statute will control to the extent of any such conflict.



**LOCAL GOVERNMENT UNIT**

The Local Government Unit certifies that the appropriate person(s)  
Have executed the contract as required by applicable  
articles, bylaws, resolutions, or ordinances.

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_  
(with delegated authority)

Title \_\_\_\_\_

Date \_\_\_\_\_

**Mn/DOT CONTRACT MANAGEMENT**

By \_\_\_\_\_

Date \_\_\_\_\_



<b>Lake Elmo City Council July 18 2006</b>	<b>Agenda Section:</b> Building/Fire/Maintenance	<b><u>No.</u> 7 <del>A</del>.</b>
<p><b>AGENDA</b></p> <p>1) <b>Construction activity update for June</b>  2) <b>Miscellaneous.</b></p>		
<b><u>Action Items:</u></b> Informational. No action needed.	<b><u>Person responsible:</u></b> J. McNamara	



### Summary Building Report

June-2006			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	0	\$0.00	New Residential	14	\$5,627,888.00
New Commercial	2	\$12,514,000.00	New Commercial	4	\$13,622,080.00
Other Residential	41	\$491,516.00	Other Residential	173	\$3,313,528.00
Other Commercial	9	\$4,915,355.00	Other Commercial	22	\$5,314,616.00
<b>Total</b>	<b>52</b>	<b>\$17,920,871.00</b>	<b>Total</b>	<b>213</b>	<b>\$27,878,112.00</b>
<b>Total Building Fees Collected</b>		<b>\$131,544.57</b>	<b>Total Building Fees Collected</b>		<b>\$315,641.11</b>
Summary Plumbing Report			Summary Plumbing Report		
Plumbing	12	\$1,014,350.00	Plumbing	47	\$1,926,350.00
<b>Total Plumbing Fees Collected</b>		<b>\$10,066.50</b>	<b>Total Plumbing Fees Collected</b>		<b>\$14,886.50</b>
Summary HVAC Report			Summary HVAC Report		
HVAC	11	\$3,989,000.00	HVAC	56	\$4,579,306.00
<b>Total HVAC Fees Collected</b>		<b>\$39,934.51</b>	<b>Total HVAC Fees Collected</b>		<b>\$45,497.76</b>
<b>Summary Grand Total Fees</b>		<b>\$181,545.58</b>	<b>Summary Grand Total Fees</b>		<b>\$376,025.37</b>
Surcharge Fee Paid to State		\$8,940.03	Surcharge Fee Paid to State		14,528.89
SAC Fees Paid to Met Council		\$0.00	SAC Fees Paid to Met Council		18,600.00
WAC Fees Paid to Oakdale		\$0.00	WAC Fees Paid to Oakdale		6,000.00
Misc. Expenses			Misc. Expenses		0.00
<b>Total Fees Retained</b>		<b>\$172,605.55</b>	<b>Total Fees Retained</b>		<b>\$336,896.48</b>
Credit Fees to Bldg		\$172,605.55	Credit Fees to Bldg		293,794.48
Credit Fees to Water			Credit Fees to Water		42,500.00
Credit Fees to Sewer			Credit Fees to Sewer		602.00



SA

# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

July 14, 2006

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

Re: Authorization for Professional Services  
Groundwater Modeling and Municipal Well Siting  
City of Lake Elmo, Minnesota

Dear Mr. Rafferty:

Enclosed please find three originals of the referenced Authorization for Professional Services, presented for review and signature. Upon execution, please return two copies to this office for confirmation. A fully executed copy of the Authorization will be returned to you for your files.

We look forward to working with you on this project. If you have any questions, please call.

Sincerely,



Bernie R. Bullert, P.E.  
Project Manager

BRB:adh  
Enclosures

cc: Tom Prew, TKDA



## CITY OF LAKE ELMO, MINNESOTA

## AUTHORIZATION FOR PROFESSIONAL SERVICES

TO: Toltz, King, Duvall, Anderson  
and Associates, Incorporated  
1500 Piper Jaffray Plaza  
444 Cedar Street  
St. Paul, Minnesota 55101

---

Pursuant to our Agreement dated February 2, 1988, you are hereby authorized to proceed with the professional services described as follows. Hereinafter, the City of Lake Elmo is referred to as the OWNER.

## GROUNDWATER MODELING AND MUNICIPAL WELL SITING

I. PROJECT DESCRIPTION

The OWNER is interested in determining new well sites. The Project will include developing a refined groundwater model that will be used to eliminate sites affected by contamination and contamination flow, and then identify available well sites. Then available well sites will be evaluated for suitability for the actual well sites.

II. SERVICES TO BE PROVIDED BY TKDA

TKDA is requested to provide the following services for the Project:

A. PROJECT MANAGEMENT

1. Attend meetings with the OWNER, Leggette, Brashears & Graham, Inc. (LBG), Minnesota Department of Health (MDH), and other as required to review and discuss submittals and receive input and comments.
2. Subcontract with LBG and provide coordination for the groundwater modeling and well siting tasks.

B. GROUNDWATER MODELING AND WELL SITING

1. Coordinate with LBG to gather available hydrogeologic and groundwater quality data from various sources available, including groundwater flow models from Washington and Ramsey Counties.



2. Develop a refined groundwater model for Lake Elmo. Using this model, eliminate sites affected by contamination and contamination flow, and identify available well sites.
3. From the identified available well sites, refine the model and determine suitability for actual well sites.

C. REPORTS

1. Develop and submit a Draft Report to the OWNER and MDH for comments. The Draft Report will be reviewed at a joint meeting and appropriate comments and revisions will be incorporated into the Final Report.
2. Prepare Final Report. Provide five copies of the Final Report to the OWNER. If desired, TKDA and LBG will meet with the OWNER'S elected officials to present and discuss the Final Report.

III. ADDITIONAL SERVICES

If the need for Additional Services is determined, and the fee for the additional work is agreeable and the OWNER authorizes such services in writing, TKDA shall furnish or obtain from others services which are not considered as normal or customary services. Additional Services shall be compensated for on an Hourly Rate basis as defined in Agreement Article 3, a part hereof, and such compensation shall be over and above any maximums or lump sum amounts set forth in this Authorization.

IV. OWNER'S RESPONSIBILITIES

The OWNER'S responsibilities are set forth in the Agreement, and as further described or clarified hereinbelow:

- A. Designate one individual to act as the OWNER'S representative with respect to the work to be performed, and such person shall have complete authority to transmit instructions, receive information, interpret and define policies, and make decisions with respect to critical elements pertinent to the Project.
- B. Provide TKDA with access to files, records, and data pertaining to the Project.
- C. Provide meeting space for the Project and MDH meetings.
- D. Provide timely review of reports and provide responses or decisions regarding TKDA-generated questions.

V. PERIOD OF SERVICE

TKDA shall start services promptly upon receipt of this executed Authorization and complete services within three months. The Work Plan schedule developed by LBG will be followed.

VI. COMPENSATION

Compensation to TKDA for services provided under SECTION II of this Authorization shall be on an Hourly Rate basis as defined in the Agreement Article 3, in an amount not to exceed \$23,600.

Approved at a \_\_\_\_\_ meeting of the \_\_\_\_\_ on \_\_\_\_\_, 2006.

By \_\_\_\_\_ Attest \_\_\_\_\_

Consultant Acceptance by \_\_\_\_\_, 2006.  
Authorized TKDA Representative



8A

# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

July 13, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Approval of Lateral Charges  
Water System Interconnect Phase I & II  
City of Lake Elmo, Minnesota  
TKDA Project No. 13186.000

Dear Mayor and City Council:

Attached are Lateral Benefit Worksheets for Phases I and II of the Water System Interconnect Project. These lateral costs would be charged to property owners along the route of these watermain only when they decide to use the public water supply. This amount would be adjusted for inflation over time.

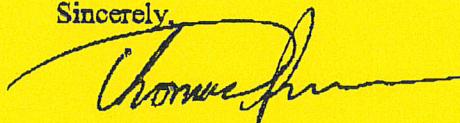
The costs are based on estimated final project costs. The average lot width takes into account zoning along the watermain route.

***City Council Action Requested***

Pass a Resolution approving a Lateral Benefit Charge for the Water System Interconnect Project Phase I of \$4,512.00 per lot.

Pass a Resolution approving a Lateral Benefit Charge for the Water System Interconnect Project Phase II of \$5,718.00 per lot.

Sincerely,



Thomas D. Prew, P. E.  
City Engineer

TDP:cme  
Enclosures



## LATERAL BENEFIT WORKSHEET

WATER SYSTEM INTERCONNECT PHASE I  
39TH STREET TO TAPESTRY*APPROVED 7-19-06*

Project Cost \$400,000    WAC 50% - \$200,000  
Lateral Charge 50% - \$200,000

Total Trunk Watermain 6649 LF  
Length

Lateral cost per foot      \$30.08

Assumed Average      150 Feet  
Lot Width

Lateral Cost per Lot      \$4,512.00

Estimated Number      41  
Of Lots

Potential Lateral      \$184,992  
Fees

Minneapolis ENR Index  
April, 2005      8622.76

LATERAL BENEFIT WORKSHEET

WATER SYSTEM INTERCONNECT PHASE II  
TAPESTRY TO JAMACA AVENUE

*APPROVED 7-19-06*

Project Cost \$415,000    WAC 50% - \$207,500  
Lateral Charge 50% - \$207,500

Total Trunk Watermain 4536 LF  
Length

Lateral cost per foot    \$45.75

Assumed Average    125 Feet  
Lot Width

Lateral Cost per Lot    \$5,718.00

Estimated Number    33  
Of Lots

Potential Lateral    \$188,694.00  
Fees

Minneapolis ENR Index  
June, 2005    9025.06



8c.

# TKDA

ENGINEERS - ARCHITECTS - PLANNERS

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

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

July 13, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: New Warning Sirens  
City of Lake Elmo, Minnesota  
TKDA Project No. 13593.000

Dear Mayor and City Council;

For many years now, the City has operated without an adequate siren system. As you can see from the attached map, we have very limited coverage from sirens within the City and some coverage from sirens in other communities. The need for a system that covers the entire community and is up to date has been recognized for many years. In fact, the City has been setting aside money for this updated system for many years now.

The proposed sirens are a Federal Model 2001SRNB which has an output of 128 decibels (dBC). The signal rotates at 3 revolutions per minute. At 5,600 feet the signal is rated at 70 dBC. The blue circles on the attached map show the idealized limits of 70 dBC.

The sirens run off of battery power but is kept charged by an electrical connection. The sirens are only activated in the event of severe weather or other emergencies. They are tested once a month.

The City has received quotes for Phase I of the project. Those quotes are attached. Phase II would be done next year, before the start of the next storm season.

### *City Council Action Requested*

1. Approve the attached siren plan.
2. Approve the quotes for the installation of Phase I.

Sincerely,



Thomas Prew, P. E.  
City Engineer

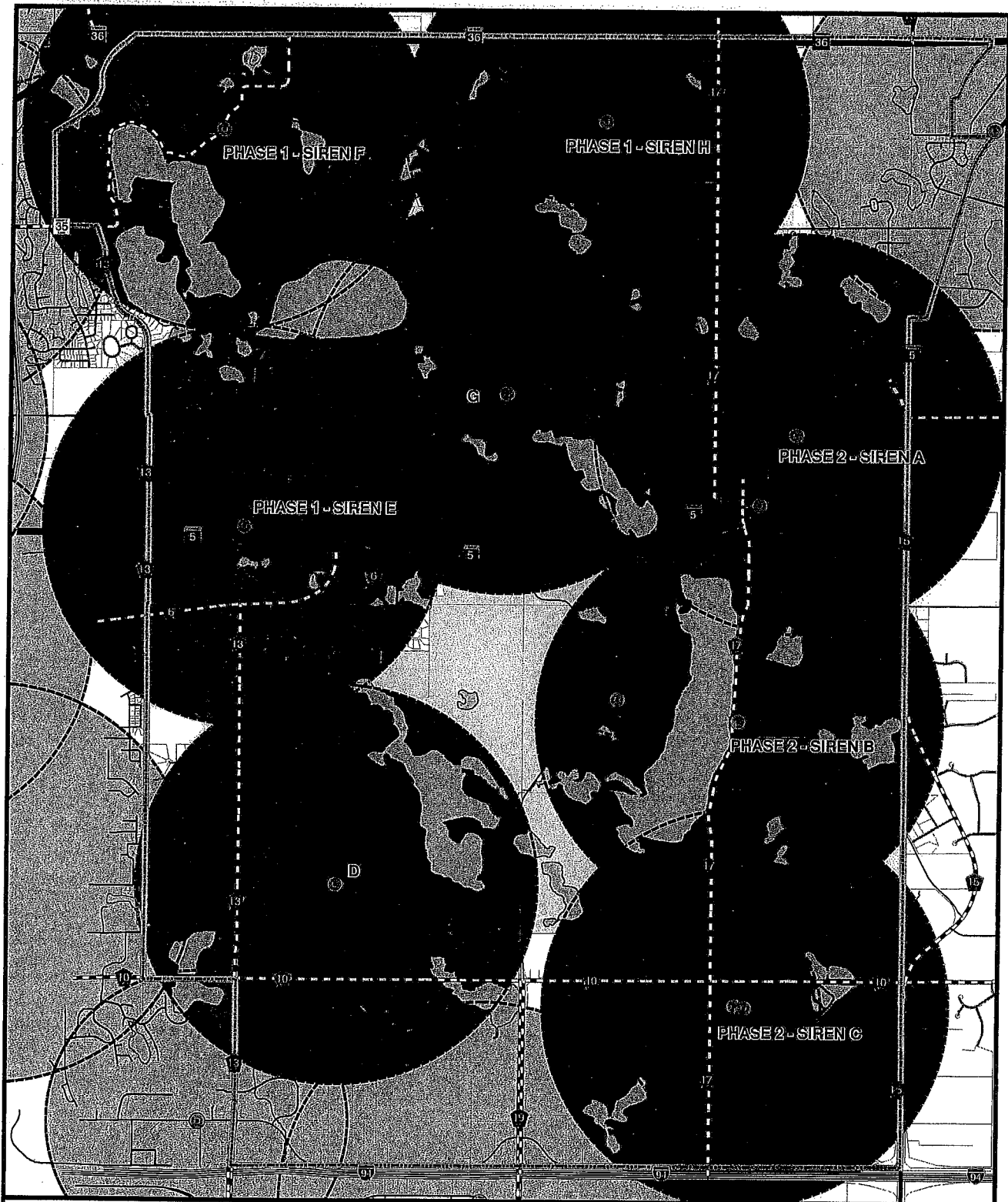
TDP:cme  
Enclosures



**City of Lake Elmo  
Warning Sirens  
Quote Comparison**

	Federal Warning	American Signal
Sirens (3)	<b>\$33,778.63</b>	<b>\$45,847.38</b>
Labor	<b>\$15,858.00</b>	<b>\$12,450.00</b>
Total	<b>\$49,636.63</b>	<b>\$58,297.38</b>

	2006	2007
Capital Fund Balance	<b>\$69,547.00</b>	<b>\$28,910.37</b>
Purchases	<b>\$49,636.63</b>	<b>\$49,636.63</b>
Transfer from General	<b>\$9,000.00</b>	<b>\$20,726.26</b>
Outstanding Balance	<b>\$28,910.37</b>	<b>\$0.00</b>

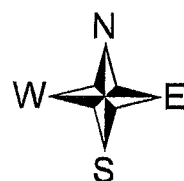
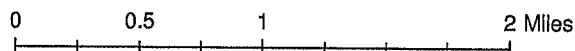


### Legend

- PROPOSED LAKE ELMO SIREN COVERAGE
- EXISTING LAKE ELMO SIREN COVERAGE
- EXISTING SIREN COVERAGE FROM OTHER CITIES

### LAKE ELMO TRANSPORTATION

- MNDOT INTERSTATE
- MNDOT TRUNK HIGHWAYS
- COUNTY ROADS
- CITY STREETS
- CITY LIMITS



MAP DATE: JULY 13, 2006

**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS



80

# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

July 14, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Approve Plans and Specifications  
2006 Overlays  
City of Lake Elmo, Minnesota  
TKDA Project No. 13688.000

Dear Mayor and City Council:

Plans are complete for the 2006 Overlays. This includes Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court. This work was designed in accordance with the approved Feasibility Report.

The work will include reclaiming the existing pavement surface and placing a new bituminous surface. The catch basins will also be repaired.

### ***City Council Action Requested***

Pass a Resolution approving Plans and Specifications and authorizing the advertisement for bids.

Sincerely,

Thomas D. Prew, P.E.  
City Engineer

TDP:art



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

**RESOLUTION NO. 2006-068  
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISMENT FOR THE 2006 OVERLAYS  
(Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, Jamaca Court**

WHEREAS, the City Engineer has prepared plans and specifications for the 2006 OVERLAYS Project and has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at the August 2, 2006 Council meeting, in the Council chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 18<sup>th</sup> day of July, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator



July 14, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Approve Plans and Specifications  
2006 Overlays  
City of Lake Elmo, Minnesota  
TKDA Project No. 13688.000

Dear Mayor and City Council:

Plans are complete for the 2006 Overlays. This includes Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court. This work was designed in accordance with the approved Feasibility Report.

The work will include reclaiming the existing pavement surface and placing a new bituminous surface. The catch basins will also be repaired.

***City Council Action Requested***

Pass a Resolution approving Plans and Specifications and authorizing the advertisement for bids.

Sincerely,

Thomas D. Prew, P.E.  
City Engineer

TDP:art



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

**RESOLUTION NO. 2006-068  
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISMENT FOR THE 2006 OVERLAYS  
(Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, Jamaca Court**

WHEREAS, the City Engineer has prepared plans and specifications for the 2006 OVERLAYS Project and has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at the August 2, 2006 Council meeting, in the Council chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 18<sup>th</sup> day of July, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator



8E.

# TKDA

---

ENGINEERS • ARCHITECTS • PLANNERS

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

(651) 292-4400  
(651) 292-0083 Fax  
[www.tkda.com](http://www.tkda.com)

July 14, 2006

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

Re: Design Questions  
47th Street Re-surfacing  
City of Lake Elmo, Minnesota  
TKDA Project No. 13687.000

Dear Mayor and City Council:

At the last City Council meeting we were asked to review 47th Street to see if it could be changed from a rural section street to an urban section street. I reviewed this with State Aid Rules, and have determined that it is feasible, but not recommended.

The street currently has a 32-foot wide surface; this allows adequate room for bicycles and pedestrians. The proposed traffic calming design would be 26 feet wide with bituminous curbs. Curb openings to drain water to the existing ditches would be used instead of catch basins. Trees could be planted near the street with this design.

The cost of the asphalt for the overlay would be about the same either way. However, with the bituminous curbs we would need to place topsoil and seed the entire length of the road. This would add about \$15,000.00 to the costs. Any landscape trees would also add to the cost.

The drainage may be a problem as the road is fairly flat in some areas. Adding curb may create some bird baths along the edge of the road.

As far as traffic calming, I do not see this as having much influence on traffic speed. The road will still be straight and level and have an open feeling despite any new trees. The isolated area the road is in will still tend to make it an attractive area for speeding.

I would recommend the City leave the design as is. I do not feel narrowing the road will accomplish much in the way of traffic calming for this location. Also, the loss of shoulder area will reduce its attractiveness as a bike and pedestrian route.



Name  
Company  
Subject  
Date  
Page 2

***City Council Action Requested***

Pass a Resolution approving authorizing the Engineer to prepare plans for the 2006 MSA resurfacing. Please specify whether 47th Street should be done as proposed in the Feasibility Report, or if the traffic calming design is preferred.

Sincerely,

\_\_\_\_\_  
Thomas D. Prew, P.E.  
City Engineer

TDP:cme



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-069

A RESOLUTION ORDERING IMPROVEMENT  
FOR 2006 MSA RESURFACING ON 45<sup>TH</sup> STREET, JULEP AVENUE,  
AND 47<sup>TH</sup> STREET

WHEREAS, a resolution of the city council adopted the 20<sup>th</sup> of June, 2006, fixed a date for a council hearing on the proposed improvement of 45<sup>TH</sup> Street, Julep Avenue, and 47<sup>th</sup> Street; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon the 5th day of July, 2006, at which all persons desiring to be heard were given an opportunity to be heard thereon.

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the Council resolution adopted the 5th of July, 2006.
3. Tom Prew, TKDA & Associates, is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. The city council declares its official intent to reimburse itself for the costs of the improvement.

ADOPTED by the Lake Elmo City Council this 18th day of July, 2006

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator  
City Administrator

M/S Johnston/Johnson – to approve Resolution No. 2006-063, ordering improvement for 2006 Overlays on Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court.  
No vote.

M/S/P Johnson/Johnston – to table the motion to the July 18, 2006, City Council meeting.  
(Motion passed 3-1: DeLapp-opposed to the project)

M/S/P Smith/Johnson – to reconsider the vote to table the original motion to approve Resolution No. 2006-063. (Motion passed 4-0)

Mayor Johnston thereby placed the matter of Resolution No. 2006-063, ordering improvement for 2006 Overlays on Irvin Court, Irvin Circle, Isle Avenue, Ivy Court, and Jamaca Court, back on the table for Council consideration. (Motion passed 4-0)

B. PUBLIC HEARING: Ordering Improvement for 2006 MSA Resurfacing on 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street: Resolution 2006-064 – NOT ADOPTED.  
City Engineer Prew recommended adoption of Resolution No. 2006-064, ordering improvements for 2006 MSA Resurfacing on 45<sup>th</sup> Street, Julep Avenue and 47<sup>th</sup> Street.

The Mayor opened the Public Hearing at 8:08 p.m.

Resident Bob Johnson, 10323 47<sup>th</sup> Street, stated he has refused to do anything with 50<sup>th</sup> Street and Kimbro Avenue, and that this road improvement should have more priority than the project now proposed. He said that there are 4 retired residents on 47<sup>th</sup> Street and all are against this project.

Resident Jeanne O'Neill, 10133 47<sup>th</sup> Street, requested clarification of AG Preserves and Green Acres assessment waivers. She said she has lived there for 5 years, and does not believe street repairs are needed. The improvement of the road will increase the speed of the vehicles; she doesn't allow her son to even ride his bike there now. Funds should be used elsewhere.

Resident Rosalie Wahl, 10231 47<sup>th</sup> Street, said has lived there for 51 years and doesn't see the need for improvements.

Resident Pat O'Neill, 10133 47<sup>th</sup> Street, restated their concerns and said the street is used as a drag racing strip.

Resident Mark Wahl, 10231 47<sup>th</sup> Street, made a suggestion of having speed bumps installed to help slow down traffic.

The Public Hearing was closed to Public Comment at 8:19 p.m.

Mayor Johnston summarized the following questions: 1) Should we be repairing 50<sup>th</sup> Street and Kimbro Avenue instead, and/or keep it a gravel road; 2) would the 50<sup>th</sup> Street and Kimbro Avenue improvement relieve some of the traffic on 45<sup>th</sup> Street, Julep

Avenue, and 45<sup>th</sup> Street; 3) AG Preserve and Green Acres clarification; 4) specific repairs needed on 45<sup>th</sup> Street and Julep Avenue?

City Engineer Prew informed Council the streets are 20 years old, and maintenance is recommended. Making the driving lanes narrower – as proposed by the project – will help slow down traffic some.

Consensus of the Council to direct staff to work with Washington County Sheriff department and to also use speed trailers to monitor the speed on 4<sup>th</sup> Street due to the concerns citizens addressed with this stretch of road becoming a racing track.

M/S/P Johnston/Smith – to return to the July 18, 2006, Council meeting for further discussion of Resolution ordering improvement for 2006 MSA Resurfacing on 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street. (Motion passed 4-0)

C. Easement for Northern Watermain:

City Engineer Prew informed the Council that they are waiting for appraisals of easements.

D. Approve Plans for Eagle Point Boulevard – Resolution No. 2006-064:

City Engineer Prew recommended adoption of Resolution No. 2006-064, approving Plans and Specifications for Eagle Point Boulevard, south of Hudson Blvd.

M/S/P Johnson/Smith – to approve Resolution No. 2006-064, approving Plans and Specifications for Eagle Point Boulevard. (Motion passed 4-0)

F. Water Tower Project: Verbal Update

The City Planner informed Council that CB & I Constructors, Inc. informed the City about the water tower being out-of-specification/out-of-tolerance by 4 inches. CB & I has proposed a remedy and solution.

The City Engineer recommended hiring an independent national consultant, Tank Industry Consultants, to evaluate the proposals for correction of the deviation. All costs will be covered by CB & I, Inc., including TKDA.

M/S/P DeLapp/Johnston – to authorize City Engineer Prew to pursue a contract with Tank Industry Consultants in an estimated amount of \$13,000.00, and recover costs by charging CB & I. (Motion passed 4-0)

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

A. Zoning Ordinance Text Interpretation – Accessory Buildings:

The City Planner reported that Staff discovered what appeared to be a wording problem within the table of the Zoning Ordinance that prescribes the number and allowable area of accessory structures in the AG zoning district.



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

**RESOLUTION NO. 2006-072**

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 3  
TO ELLINGSON DRAINAGE  
FOR WATER SYSTEM INTERCONNECT – PHASE IV**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 3 to ELLINGSON DRAINAGE in the amount of \$30,236.17 for work improvements to the Water System Interconnect Project – Phase IV.

ADOPTED by the Lake Elmo City Council the 18th day of July, 2006.

\_\_\_\_\_  
Dean A, Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator



**TKDA**

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza  
444 Cedar Street  
Saint Paul, MN 55101-2140(651) 292-4400  
(651) 292-0083 Fax  
www.tkda.com

Proj. No. 13186.000 Cert. No. 3 St. Paul, MN, July 14, 2006

To City of Lake Elmo, Minnesota Owner

This Certifies that Ellingson Drainage, Contractor

For Water System Interconnect - Phase IV

Is entitled to Thirty Thousand Two Hundred Thirty-Six Dollars and 17/100 (\$ 30,236.17)

being 3rd estimate for partial payment on contract with you dated March 21, 2006

Received payment in full of above Certificate. **TKDA**

Ellingson Drainage, 20 Thomas D. Prew, P.E.

**RECAPITULATION OF ACCOUNT**

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 412,758.68		
All previous payments		\$ 379,748.90	
All previous credits			
Extra No.			
Change Order No. 1	\$ 23,510.05		
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 30,236.17	
Totals	\$ 436,268.73	\$ 409,985.07	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 26,283.66	
	\$ 436,268.73	\$ 436,268.73	\$ -

TKDA  
Engineers-Architects-Planners

**PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS**

Estimate No. 3 Period Ending July 13, 20 06 Page 1 of 1 Proj. No. 13186.000  
Contractor Ellingson Drainage Original Contract Amount \$412,758.68  
Project Water System Interconnect - Phase IV  
Location City of Lake Elmo, Minnesota

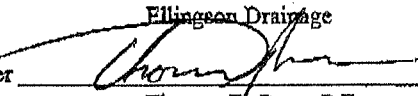
Total Contract Work Completed	\$	<u>408,053.18</u>
Total Approved Credits	\$	<u>0.00</u>
Total Approved Extra Work Completed: C.O. No. 1	\$	<u>23,510.05</u>
Approved Extra Orders Amount Completed	\$	<u>23,510.05</u>
Total Amount Earned This Estimate	\$	<u>431,563.23</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>5</u> % Retained	\$	<u>21,578.16</u>
Less Previous Payments	\$	<u>379,748.90</u>
Total Deductions	\$	<u>401,327.06</u>
Amount Due This Estimate	\$	<u>30,236.17</u>

Contractor \_\_\_\_\_

Ellingson Drainage

Date \_\_\_\_\_

Engineer 

Thomas D. Prew, P.E.

Date July 14, 2006

CHANGE ORDERTKDA  
Engineers-Architects-PlannersSaint Paul, MN July 13 20 06 Proj. No. 13186.000 Change Order No. 1To Ellingson Drainagefor Water System Interconnect - Phase IVfor City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated September 20, 2005. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (~~not change~~) the contract sum by Twenty-Three Thousand Five Hundred Ten Dollars and 05/100 (\$ 23,510.05).

This change order provides for changes in the work of this contract according to the following:

No.	Description	Unit	Qty	Unit Price	Total Amount
1	3 - 6" Services to Prairie Ridge Office Park	LS	1	23,510.05	\$23,510.05

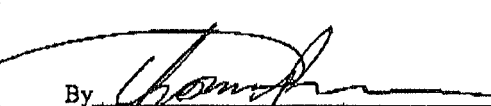
NET CHANGE = \$ 23,510.05

Amount of Original Contract	\$ 412,758.68
Additions approved to date (Nos. )	
Deductions approved to date (Nos. )	
Contract amount to date	\$ 412,758.68
Amount of this Change Order (Add) (Deduct) (No-Change)	\$ 23,510.05
Revised Contract Amount	\$ 436,268.73

Approved City of Lake Elmo, Minnesota  
Owner

TKDA

By \_\_\_\_\_

By   
Thomas D. Prew, P.E.Approved Ellingson Drainage  
ContractorWhite - Owner  
Pink - Contractor  
Blue - TKDA

By \_\_\_\_\_

**ESTIMATE NO. 2**PERIOD ENDING: May 9, 2006

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

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
1	MOBILIZATION	LS	1	1.0	\$ 17,458.20	\$ 17,458.20
2	TRAFFIC CONTROL	LS	1	1.0	\$ 3,100.00	\$ 3,100.00
3	JACK/AUGER 30" STEEL CASING	LF	175	175.0	\$ 414.00	\$ 72,450.00
4	CONNECT TO EXISTING 8" WATERMAIN	EA	1	1.0	\$ 1,190.00	\$ 1,190.00
5	16" MJDIP, CL.52 WATERMAIN IN CASING PIPE	LF	350	303.0	\$ 72.50	\$ 21,967.50
6	DIR. DRILL 16" HDPE SDR 17	LF	4586	4,591.0	\$ 50.50	\$ 231,845.50
7	6" DIP, CL.52 WATERMAIN	LF	82	99.0	\$ 34.00	\$ 3,366.00
8	16" BUTTERFLY VALVE & BOX	EA	4	3.0	\$ 3,415.00	\$ 10,245.00
9	WET TAP 16" BUTTERFLY VALVE	EA	1	1.0	\$ 9,035.18	\$ 9,035.18
10	6" GATE VALVE & BOX	EA	4	4.0	\$ 830.00	\$ 3,320.00
11	HYDRANT	EA	4	4.0	\$ 3,470.00	\$ 13,880.00
12	DIP WATERMAIN FITTINGS	LB	2,372	3,090.0	\$ 3.50	\$ 10,815.00
13	SILT FENCE	LF	858	343.0	\$ 3.10	\$ 1,063.30
14	TOPSOIL	CY	165	165.0	\$ 19.50	\$ 3,217.50
15	SEED & WOOD FIBER BLANKET	SY	1500	1,500.0	\$ 3.40	\$ 5,100.00
16	WATERMAIN MARKING SIGNS	EA	5	-	\$ 50.00	\$ -
TOTAL						\$ 408,053.18

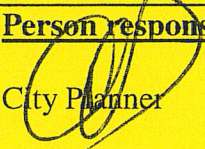
**CHANGE ORDER NO. 1**

1	3 - 6" SERVICES TO PRAIRIE RIDGE OFFICE PARK	LS	1	1.0	\$ 23,510.05	\$ 23,510.05
SUBTOTAL - CHANGE ORDER NO. 1						\$ 23,510.05

**TOTAL ESTIMATE NO. 3**

\$ 431,563.23



<b>Lake Elmo City Council July 18, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9A</b>
<b><u>Agenda Item:</u></b> Section 520 Site Plan and Zoning Variances – Lake Elmo Inn Event Center (Schiltz)		
<p><b><u>Background Information for July 18, 2006:</u></b></p> <p>At its meeting July 10 the Planning Commission conducted the required Public Hearing and unanimously adopted a recommendation to approve the Section 520 Site Plan and zoning variances to enable an addition of 1,800 square feet and significant site improvements to what was formerly referred to as the Lake Elmo VFW hall. The variance applications result from the new owner's efforts to design the site improvements responsive to the probable design guidelines of the Village Area Plan (obviously not reflected in current GB zoning standards); the determination that the dedicated alley west of the site must be viewed as a public street for set back purposes; and continuation of (but efforts to mitigate by the applicant) the excessive impervious surface that the site has exhibited for several years.</p> <p>Both planning staff and the Commission expressed concern with the GB zoning/Village Plan conflict, but both were supportive of the applicant's efforts to incorporate the probable Village Area design theme in his plans for site renovation as the "first step" to realize the "new" Village Area. The Commission (and staff) also recommend that conditions of Site Plan approval include the required screening to the residential properties to the south and (partial) to the west; and, redesign of the proposed parking at the west site periphery to eliminate parked vehicle encroachment onto the alley right-of-way.</p>		
<p><b><u>Action items:</u></b></p> <p style="text-align: center;">070</p> <p>Motion to approve Resolution #2006 - approving a Section 520 Site Plan and zoning ordinance variances for an addition to and site improvements at 3712 Layton Avenue per plans staff dated July 5, 2006 based on the Findings and Conditions recommended by the Planning Commission.</p>	<p><b><u>Person responsible:</u></b></p> <p style="text-align: center;">City Planner </p>	
<p><b><u>Attachments:</u></b></p> <p style="text-align: center;">070</p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2006 – Approving Site Plan and Variances</li> <li>2. Draft Planning Commission Minutes of July 10</li> <li>3. Planning Staff report</li> <li>4. Applicant's Plans and Documentation</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-070

A RESOLUTION APPROVING THE 520 SITE PLAN AND ZONING VARIANCES  
FOR THE LAKE ELMO INN EVENT CENTER

WHEREAS, at its July 10, 2006 meeting, the Lake Elmo Planning Commission reviewed and recommended approval of the application for a 520 Site Plan and zoning variances for Lake Elmo Inn Event Center, 3712 Layton Avenue, for an addition and site improvements at 3712 Layton Avenue subject to conditions.

WHEREAS, at its July 18, 2006 meeting, the Lake Elmo City Council reviewed and approved the Site Plan and zoning setback variances (Side and front for building and parking) to enable an addition of 1,800 square feet and site improvements to what was formerly referred to as the Lake Elmo VFW Hall based on the following findings:

1. The property can not be put to a reasonable use or a use in the best overall interest of the City as reflected by City plans for this neighborhood under the conditions allowed by the zoning code as now appearing.
2. The City has endorsed a Village Area Plan that geographically includes this site. That plan advocates and endorses design principals contrary to the current zoning ordinance setback standards, but consistent with the applicant's proposed site design. The plight of the land owner is due to this unique circumstance, and not created by the land owner.
3. The variances for parking and setback will not change the essential character of the neighborhood.

WHEREAS, at its July 18, 2006 meeting the Lake Elmo City Council reviewed and approved the Site Plan and the variance for impervious coverage from 45% to 76% based on the following findings:

1. The property can not be put to a reasonable use under the conditions allowed by the zoning code as now appearing. The proposed impervious site coverage will be no greater than that currently existing on the site, and will be mitigated at the point of most significant surface run-off concern by an on-site infiltration system.
2. The plight of the land owner is due to historic site impervious coverage actions by prior site owners, and is not created by the land owner.

3. The variance for impervious site coverage will not change the essential character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo does hereby approve the Section 520 Site Plan and zoning variances of Lake Elmo Inn Event Center, 3712 Layton Avenue N. , in accordance with plans Staff dated July 5, 2006, and subject to the following conditions recommended by the Planning Commission:

1. Compliance with the recommendations of the City Engineer and City Attorney.
2. Compliance with the recommendations of the Valley Branch Watershed District as found by the City Engineer to be practical and in the best interests of the City.
3. The portion of the site adjacent to residential property to the south and west must be screened in accordance with Section 1345.02.
4. The Site Plan should be revised to preclude the diagonal parking from encroaching in to the Public alley Right-of-Way to the west.

ADOPTED by the Lake Elmo City Council on the 18<sup>th</sup> day of July, 2006.

---

Dean A. Johnston, Mayor

ATTEST:

---

Martin J. Rafferty, City Administrator

The Planner explained the addition proposed to the existing building is approximately 1800 square feet but there are significant changes proposed to the site itself. Covered walkways are proposed up to the rights of way of both Highway 5 and Layton Avenue. That design concept of bringing the buildings to the street, is an important component of the New Urbanism the city is embracing in the Village Area Plan.

The Planner said the dedicated alley should be considered a public street for the purposes of this application according to an opinion of the City Attorney. The impervious coverage on the lot is already approximately 76%, and there is a surface water problem in the neighborhood.

Landscaped areas and islands have been introduced in the plan although there is also additional parking proposed. The added islands and added paving are close to a push as to surface water. A French Drain is proposed for the west side of the site to

**John Schiltz, Applicant and Owner of the Lake Elmo Inn Event Center**

Mr. Schiltz said owning an event center been a dream for a long time. He hopes that the work he has done in Lake Elmo over the last 22 years convinces the commission of his commitment and dedication. He is trying to sell this site to brides. It has to be modified inside and out. He will make the site look very nice. He hopes to create the same for his neighbors at this site that his neighbors enjoy near the Inn. He said he realizes that problems regarding this site were created in the past by a previous owner, and he plans to mend those fences however he can.

**Mark Putman, Owner/Operator, Putman Landscape Design**

Mr. Putman explained that he was a consultant for the Lynsky office building that presented a traditional neighborhood design now called New Urbanism. They tried to reintroduce those principals on that site.

Mr. Putman said he began working on the Village Area Plan one year ago, with designs where an entire site is covered by building, parking, plaza, and a few trees. When John Schiltz approached him he looked at this site through those eyes. If Highway 5 is to eventually become a Main Street, the general goal is to bring something of the building to the main street. What will cause people to want to have weddings here? That is one part of the mission for the exterior. They are attempting to create an event equivalent of the Lake Elmo Inn.

Mr. Putman says that in his designs he attempts to use alleys and carriage ways as much as possible. They believe it to be a traffic calming device. They do not intend cars to be hanging out into the alley. They will alter the angle to allow the largest pickup to park there.

The Planner said they will need 5 or 6 feet of fence or the equivalent down the south line and some portion of the west line to comply with Section 1345 of the City Code.

Mr. Putman said they would prefer some combination of living screening/fencing. Mr. Putman said that with regard to stormwater storage, Todd Erickson, P.E. of FFE has conveyed his letters of recommendation to the City Engineer. He said that Todd feels confident the concept of French Drains will work to mitigate some of the water issues.



Nobody came forward.

**DRAFT**

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:49 P.M.

Mr. Putman said the walkway element would provide a place for a classy sign and they would intend to use the design logo on the plans as a concept for signage.

M/S/P, Deziel/Van Zandt To recommend for approval the variances and site plan based on recommendations of staff with understanding conditions and a third condition to preclude angle parking from encroaching onto the public alley right of way. Vote: 6:0.

**DRAFT**

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** July 5, 2006 for the Meeting of July 10, 2006

**Applicant:** John Schiltz (Lake Elmo Inn)

**Location:** 3712 Layton Avenue

**Requested Action:** Section 520 Site Plan and Zoning Variances

**Land Use Plan Guiding:** C (Commercial)

**Existing Zoning:** GB (General Business)

**Site History and Existing Conditions:**

City Building Inspection records reveal that a 7,731 square foot structure was permitted and erected on this site of 51,000 square feet in 1966 as VFW Post 5725. Thereafter a number of City permits were issued for various replacements, minor remodeling and mechanical work. A new "201" waste treatment system and drain field was installed in 1987/88.

Although the exact date is not apparent from City records, it appears that the site was sold by the VFW in the late 1990's, and converted (as to use) into an "event center", hosting wedding receptions and similar special purpose social events.

A some point in 2001 the event center owner paved/repaved extensive areas of the site without obtaining the required City permit. Since the formal parking area was enlarged substantially by this action, a Section 520 Site Plan should also have been processed, and landscape islands installed. The (then) owner refused to correct some 5 specific City Code infractions (in addition to not securing the necessary permits) that resulted from the paving project. The most significant concern related to the additional surface run-off that resulted from the increased impervious surfacing in an area of the City where surface water drainage was already an issue for downstream property owners.

After the City was contacted by the property owner's attorney regarding the legality of the City's Violation Notice, the City Attorney advised staff in mid 2002 that the infractions should be prosecuted as a civil proceeding rather than as a criminal proceeding. Internal City staffing issues during the balance of 2002 and on into 2004 prevented further actions on the infractions. It is the understanding of staff that the event center ceased business and was sold in late 2005 or early 2006. No 2006 liquor license was issued to the event center.

**Discussion and Analysis:**

The applicant proposes a 1,800 square foot addition to the west side of the existing building and an extensive exterior and site renovation. It is proposed that the exterior/site renovations be completed in 6 phases. While no schedule of the phasing has been provided, it does not appear that at least Phase V (new parking south of the building over the current septic drain field site) can be completed until the site is served by municipal sewer – 2008 or later.

The proposed site renovation design will result in a dynamic and contemporary change to the site and a small addition to the building – and non-conformity with circa 1980 (or before) GB setback standards as well. This project proposal becomes the first property owner response to the latest Village Area planning efforts. As such, the proposal reflects the New Urbanism concepts that are the foundation for the Village Area Plan. Those concepts include bringing structures in close proximity to streets (think of any “classic” downtown) to create a more human-centered (as opposed to vehicle-centered) living environment.

As it exists today, this site is essentially the antithesis of New Urbanist site design. The structure is set well back on the site, with parking between the structure and both street frontages. When the facility is hosting an “event” of any scale, the site looks like a parking lot from both streets rather than an architectural feature with character. The applicant’s proposal for site renovation represents an effort to bring the structure (and use) to the streets by way of the covered walkways to both Highway 5 and Layton Avenue. This is probably the only way (short of a massive building addition) to renovate the site in keeping with the New Urbanist theme of the Village Plan.

There appears to be a hint at New Urbanist thinking (or maybe simply non-conformity avoidance) in the present GB setback standards reflected in the front setback (Highway 5 in this case) standard of 10 feet, rather than the 30+ feet found in other zoning districts. That standard appears to be contradicted in some respects by a “corner” side yard setback (Layton Avenue in this case) standard of 50 feet. Both standards conflict in large measure with New Urbanist design principals - and the Village Area Plan by reference, and variance to those standards would be necessary to accomplish the site plan as proposed.

The proposed 15 foot addition to the west side of the structure “fronts” on a dedicated alley running from Highway 5, south along the rear yards of the homes/businesses on Laverne Avenue and Layton Avenue. In common zoning practice a dedicated alley is treated (for setback purposes) as a street frontage. In this case, it becomes a corner side yard setback as well – hence a (somewhat illogical) 50 foot standard – a third variance proposed by the site plan.

As noted previously, impervious site coverage has been an issue with this site for several years. The GB impervious site coverage standard for a parcel of this size is 45%. From communications related to the 2002 issues with illegal site paving by the prior owner of the site, it is clear that the impervious site coverage pre-dating the 2000 paving work exceeded 45%, and even further exceeded 45% after the illegal paving activity by the prior owner. From 2006 surveyor’s calculations submitted with the current site plan it appears that the existing impervious site coverage is 76%. While no site impervious area calculations have been submitted reflecting the site renovations proposed, it appears that “Phase III” site landscaping plus “Phase IV” landscape islands will more than off-set the additional impervious surface the Phase V parking south of the building would create.

The applicant proposes an innovative site improvement to at least partially mitigate what is now and upon completion of proposed site improvements will continue to be, a significant departure from the GB district maximum impervious standard of 45%. The greatest historic concern with drainage from this site has been that which runs off to the west (to the alley), and then south along the alley. That run-off crosses a residential yard further south and moves southeast thereafter. Not only has the alley repeatedly been damaged (to the point of becoming impassable), but rear yards (and probably septic drain fields) on properties across the alley from the site have become inundated as well. Most of the run-off causing the problems has been from the event center roof.

The applicant proposes installation of a storm water infiltration basin immediately west of the building to collect at least a portion of the surface water now flowing to the alley and the adjoining rear yards. Staff has requested an opinion of the City Engineer as to approximately how much this impacts the site in terms of impervious coverage percentage related to surface water. As of this writing that estimate is not available, but we suspect that several percentage points of impervious coverage are mitigated by this proposed feature. The resulting impervious site coverage will still be in excess of the 45% GB standard.

Staff has also reviewed the Section 520 Site Plan for compliance with applicable City Code provisions including general zoning standards, resulting in the following observations:

1. Off street parking along the Highway 5 and Layton Avenue frontages has historically been non-compliant as to setback, and would continue to be after the proposed site renovation. The parking setback to right-of-way standard in all zoning districts is at least 20 feet. Parking setback along the Layton Avenue frontage is and has been 0 feet. It appears that the Site Plan proposes to increase that parking setback to a minimum of 5 feet. Parking setback to the Highway 5 right-of-way has been and is about 11 feet, and the Site Plan proposes that setback remain unchanged.
2. Historically there has been informal parallel parking along the west side of the building adjacent to the alley. The applicant proposes to change that parking to diagonal and increase the number of parking spaces at that location., with direct access to the spaces from the dedicated alley. Since only 14+ feet would remain between the west structure addition and the structure addition, these diagonal spaces would appear to extend in to the alley right-of-way. Not only would there be a setback compliance issue with this design, public right-of-way can not be used for private parking.
3. The applicant proposes new parking along the south side of the structure as Phase V improvements. Since the existing septic drain field is located in this area, this improvement must await the arrival of municipal sewer to the site – not before (and maybe after) 2008.
4. Section 1345.01 of the Code requires any business structure or parking to be screened when the business parcel “is adjacent to property zoned or developed for residential use”. The property adjacent to this site to the south, and a portion of the property adjacent to this property to the west (across the alley) are both zoned and used as residential. There is/has been some measure of landscape screening to the south and west of the existing building responsive to this standard. No screening is proposed by the Site Plan following the Phase II and Phase V site modifications. The required screening – as specified by Section 1345.02 – should be required as a feature of the Site Plan.
5. No plans for exterior lighting or signage have been presented. Therefore, any such improvements will require formal Site Plan amendment if and when proposed.
6. No parking area landscape islands exist today. The Code standard responsive to the proposed 115 parking stalls requires 3,450 square feet of non-perimeter landscape island area. It appears that the proposed Site Plan provides sufficient landscape island to assure compliance with Code requirements.

### **Findings and Recommendations:**

The circumstances related to this Site Plan and the several requested variances are unique. The City Council has endorsed the latest Village Area Plan, and authorized the City’s consultant planning team to proceed with detailed plans and zoning ordinance modifications that will implement the Plan. Those ordinance revisions will reflect, encourage and accommodate the New Urbanist design features of the Village Area Plan, and those same features (primarily as to street setbacks) that appear on the applicant’s Site Plan. Said another way, the structure and parking



setback variances here applied for (to Highway 5, Layton Avenue, and the alley) maybe matters of zoning ordinance non-compliance in 1980 GB zoning terms, but will be in conformity with the 2006 plans and forthcoming zoning ordinance modifications for the Village Area. As such staff suggests the following Findings regarding the structure and parking setback variances applied for (and described above):

1. The property can not be put to a reasonable use or a use in the best overall interest of the City as reflected by City plans for this neighborhood under the conditions allowed by the zoning code as now appearing.
2. The City has endorsed a Village Area Plan that geographically includes this site. That plan advocates and endorses design principals contrary to the current zoning ordinance setback standards, but consistent with the applicant's proposed site design. The plight of the land owner is due to this unique circumstance, and not created by the land owner.
3. The variances for parking and setback will not change the essential character of the neighborhood.

Staff recommends that the variances for structure and parking setback be approved based on the forgoing Findings.

With regard to the variance for impervious site coverage, staff suggests the following Findings:

1. The property can not be put to a reasonable use under the conditions allowed by the zoning code as now appearing. The proposed impervious site coverage will be no greater than that currently existing on the site, and will be mitigated at the point of most significant surface run-off concern by an on-site infiltration system.
2. The plight of the land owner is due to historic site impervious coverage actions by prior site owners, and is not created by the land owner.
3. The variance for impervious site coverage will not change the essential character of the neighborhood.

Staff recommends approval of the variance for impervious site coverage.

With respect to the additional City Code matters observed on the Site Plan, staff recommends as follows:

1. No signage or exterior lighting of any description should be considered to be approved by this Site Plan action.
2. The portion of the site adjacent to residential properties to the south and west must be screened in accordance with Section 1345.02. This is not a zoning provision, and there is no variance procedure available to the applicant.
3. The Site Plan should be revised to preclude the diagonal parking from encroaching in to the Public alley Right-of-Way to the west.

Subject to the foregoing as conditions, Staff recommends approval of the Section 520 Site Plan.

**Planning Commission Actions Requested:**

1. Motion to recommend approval zoning variances for structure and parking setback as described by, and based on the Findings of, the Planning Staff Report of July 5, 2006 per applicant plans staff-dated July 5, 2006

2. Motion to recommend approval the variance for impervious site coverage based on the Findings of the Planning Staff Report of July 5, 2006 per the applicant plans Staff dated July 5, 2006.
3. Motion to recommend approval of the Section 520 Site Plan per applicant plans Staff-dated July 5, 2006, subject to the following conditions:
  - a. Compliance with the recommendations of the City Engineer and City Attorney.
  - b. Compliance with the recommendations of the Valley Branch Watershed District as found by the City Engineer to be practical and in the best interests of the City.
  - c. The portion of the site adjacent to residential properties to the south and west must be screened in accordance with Section 1345.02.
  - d. The Site Plan should be revised to preclude the diagonal parking from encroaching in to the Public alley Right-of-Way to the west.



Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Applicant's Documentation and Graphics

## Chuck Dillerud

---

**From:** Thomas D. Prew [prew.td@tkda.com]  
**Sent:** Thursday, July 06, 2006 4:00 PM  
**To:** Chuck Dillerud  
**Subject:** Event Center Variance

I reviewed the material submitted for the event center.

Concerns

Septic System.

The septic system should be located on the plan and protected. We have as-built plans. When this building is connected to public sewer, the system needs to be abandoned per Minnesota Rules 7080. No driveway or parking should be on the existing septic system.

The size of the existing system may not be large enough for the intended use. That water use should be estimated by the applicant. There is probably no room on site to expand the drainfield.

Water Service.

They should check the water flow, again the proposed water use may be larger than originally designed for.

Parking

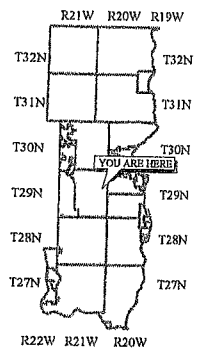
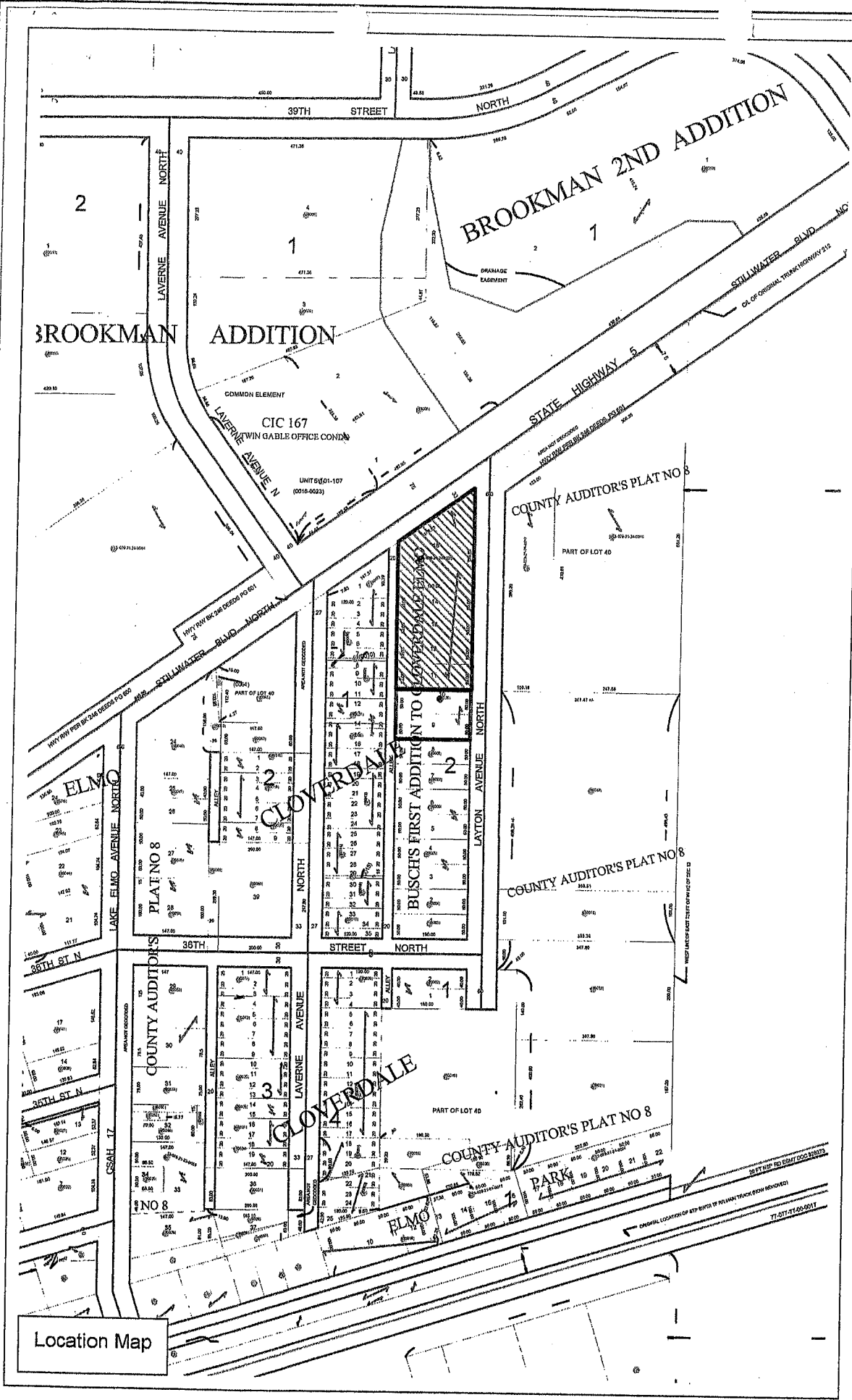
The proposed additional parking in Phase V is very close to the neighboring house. Screening would be necessary.

Drainage.

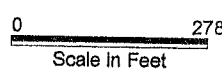
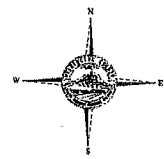
The site has had new bituminous added a few years ago. The construction of which created some drainage problems in the alley. This plan helps to reduce this impact of runoff in the alley.

A 30 foot wide drainage and utility easement across the south portion of the lot is requested for flexibility in planning for future public infrastructure.

Tom



Vicinity Map



Location Map

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

Source: Washington County Surveyor's Office, Phone (851) 430-8875

Parcel data based on A8400 information



<b>Lake Elmo City Council July 18, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9B</b>
<b><u>Agenda Item:</u></b> Comprehensive Plan Amendment and Rezoning – Apostolic Bible Church Site		
<p><b><u>Background Information for July 18, 2006:</u></b></p> <p>On July 10 the Planning Commission conducted the required Public Hearing and unanimously recommended approval of a City Council-initiated action to amend the Comprehensive Plan classification of this site from PF to RAD; and to rezone the site from PF to RR. The property owner (Apostolic Bible Church) was mailed a copy of the Hearing Notice at an address provided by the Washington County GIS, but did not respond or attend the Hearing. The property owner was again notified of this pending action by mail with a copy of this Memo to the City Council.</p>		
<p><b><u>Action items:</u></b></p> <p><b>Motion</b> to adopt Resolution #2006 – Approving a Comprehensive Plan Amendment, subject to Metropolitan Council concurrence.</p> <p><b>If the Resolution is Adopted</b></p> <p><b>Motion</b> to adopt Ordinance #97 – amending the Lake Elmo Zoning Map for conformance with Resolution #2006 - . Said ordinance not to be published until receipt of Metropolitan Council concurrence with the Plan amendment Resolution.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2006 Approving Comp Plan Amendment</li> <li>2. Draft Ordinance #97 – Approving Rezoning</li> <li>3. Draft Planning Commission Minutes of July 10, 2006</li> <li>4. Planning Staff Report</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	



Comprehensive Plan Amendment – Apostolic Bible Church Site: PF to RAD

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

**Resolution No. 2006-071**

**A RESOLUTION GRANTING A  
COMPREHENSIVE PLAN AMENDMENT  
GUIDING LAND USE FROM PF TO RAD  
TO THE CITY OF LAKE ELMO**

**WHEREAS**, the City of Lake Elmo has made application for a Comprehensive Plan Amendment, amending the land use guiding from PF to RAD for the following parcel of land; to wit:

**Legal Description**

That part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 28; thence on an assumed bearing of North 88 degrees 53 minutes 28 seconds East, along the south line of said Southeast Quarter, 1770.00 feet to the point of beginning; thence North 01 degrees 06 minutes 32 seconds West 245.00 feet; thence northeasterly, along a tangential curve, concave to the southeast, having a radius of 241.75 feet and a central angle of 40 degrees 00 minutes 00 seconds, 168.77 feet; thence North 38 degrees 53 minutes 28 seconds East, tangent to the last curve, 125.60 feet; thence northerly along a tangential curve, concave to the Northwest, having a radius of 254.72 feet and a central angle of 39 degrees 40 minutes 47 seconds, 176.41 feet; thence North 00 degrees 47 minutes 19 seconds West, tangent to the last curve, 74.17 feet; thence northeasterly along a tangential curve, concave to the southeast, having a radius of 60.00 feet and a central angle of 39 degrees 11 minutes 42 seconds, 41.04 feet to a point of reverse curve; thence northeasterly, northerly and westerly along said reverse curve, concave to the southwest, having a radius of 60.00 feet and a central angle of 162 degrees 33 minutes 43 seconds, 170.24 feet; thence North 00 degrees 47 minutes 19 seconds West, not tangent to last curve, 257.85 feet; thence South 88 degrees 47 minutes 13 seconds West, parallel with the north line of said Southeast Quarter of the Southeast Quarter 591.91 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence southerly along the west line of said Southeast Quarter of the Southeast Quarter 1116.18 feet to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence easterly along the South line of said

Southeast Quarter of the Southeast Quarter 464.71 feet to the point of beginning.  
Excepting the south 33.00 feet of said Southeast Quarter of the Southeast Quarter.

Note: The above-described Parcel contains 14.352 Acres, more or less.

**WHEREAS**, the Lake Elmo Planning Commission considered this Comprehensive Plan Amendment request at its July 10, 2006 meeting, and recommended that the Comprehensive Plan Amendment be granted.

**WHEREAS**, the Comprehensive Plan Amendment request was presented to the City Council at its July 18, 2006 City Council Meeting where the following Findings were made:

1. The subject site is an 'island' of PF surrounded by RAD land use guiding which is essentially 'spot-guiding' with no factual basis to support the existing PF classification, and RAD land use guiding continues to surround the site on three sides.
2. The record of the 1989 City action to reclassify the site from RAD to PF fails to provide Findings to support that reclassification beyond the interests of the property owner leading to the conclusion that an error may have resulted by the action.
3. There has been no evidence that the property owner intends to execute development of the site as a church during the past 7+ years. Conditions appear to have changed from those existing at the time of the 1989 Comprehensive Plan Amendment classifying the site as PF. The property owner has been officially notified of this pending amendment, and has not responded.

**NOW, THEREFORE, BE IT RESOLVED** that the land use designation on the Lake Elmo Comprehensive Plan for the foregoing described property is hereby amended from PF to RAD subject to review and concurrence by the Metropolitan Council.

**ADOPTED** by the Lake Elmo City Council this 19th day of July, 2006.

---

Dean A. Johnston, Mayor

ATTEST:

---

Martin Rafferty, City Administrator

**ORDINANCE 97-176**

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

**AN ORDINANCE AMENDING THE 1979 MUNICIPAL CODE OF LAKE ELMO**

The City Council of the City of Lake Elmo ordains:

Section 1. Amendment. Section 301.070C of the 1979 Municipal Code of Lake Elmo adopted October 16, 1979. It is hereby amended to change the zoning district map by rezoning the following described parcel from Public Facility to Rural Residential, to wit:

That part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 28; thence on an assumed bearing of North 88 degrees 53 minutes 28 seconds East, along the south line of said Southeast Quarter, 1770.00 feet to the point of beginning; thence North 01 degrees 06 minutes 32 seconds West 245.00 feet; thence northeasterly, along a tangential curve, concave to the southeast, having a radius of 241.75 feet and a central angle of 40 degrees 00 minutes 00 seconds, 168.77 feet; thence North 38 degrees 53 minutes 28 seconds East, tangent to the last curve, 125.60 feet; thence northerly along a tangential curve, concave to the Northwest, having a radius of 254.72 feet and a central angle of 39 degrees 40 minutes 47 seconds, 176.41 feet; thence North 00 degrees 47 minutes 19 seconds West, tangent to the last curve, 74.17 feet; thence northeasterly along a tangential curve, concave to the southeast, having a radius of 60.00 feet and a central angle of 39 degrees 11 minutes 42 seconds, 41.04 feet to a point of reverse curve; thence northeasterly, northerly and westerly along said reverse curve, concave to the southwest, having a radius of 60.00 feet and a central angle of 162 degrees 33 minutes 43 seconds, 170.24 feet; thence North 00 degrees 47 minutes 19 seconds West, not tangent to last curve, 257.85 feet; thence South 88 degrees 47 minutes 13 seconds West, parallel with the north line of said Southeast Quarter of the Southeast Quarter 591.91 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence southerly along the west line of said Southeast Quarter of the Southeast Quarter 1116.18 feet to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence easterly along the South line of said Southeast Quarter of the Southeast Quarter 464.71 feet to the point of beginning. Excepting the south 33.00 feet of said Southeast Quarter of the Southeast Quarter.

Note: The above-described Parcel contains 14.352 Acres, more or less.



Section 2. Effective Date. This ordinance shall become effective upon its passage and publication.

Adopted by the City Council of the City of Lake Elmo this 18<sup>th</sup> day of July, 2006.

---

Dean A. Johnston, Mayor

---

Martin Rafferty, City Administrator

**PUBLIC HEARING: Comprehensive Plan Amendment  
and Rezoning for the Apostolic Church Site**

**DRAFT**

The Planner said the City Council initiated this petition to reclassify and rezone this 13 acre portion of a parcel on the north side of 10<sup>th</sup> Street from PF to RAD (Comp Plan) ; and PF to RR (zoning). He reported that no church construction has taken place over 17 years, nor has there been any indication from the owner that church construction is contemplated in the near future..

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:18 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:19 P.M.

M/S/P, Ptacek/Deziel To recommend amending the Comprehensive Plan to reclassify the site owned by Apostolic Church from PF to RAD. Vote: 6:0.

M/S/P, Ptacek/Van Zandt To recommend the Apostolic Bible Church site to be rezoned from PF to RR on the condition that the Comprehensive Plan amendment to reclassify the site to RAD is approved Vote: 6:0

**DRAFT**

**DRAFT**

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** July 7, 2006 for the Meeting of July 10, 2006

**Applicant:** City of Lake Elmo by It's City Council

**Location:** 8890 10<sup>th</sup> Street North

**Requested Action:** Comprehensive Plan Amendment and Rezoning

**Land Use Plan Guiding:** PF

**Existing Zoning:** PF

**Site History and Existing Conditions:**

City records regarding this 38 acre (overall) site date back to 1988. The site owner (Apostolic Bible Church) applied to the City to rezone the entire 38 acres from RR (Rural Residential) to PF (Public/Semi-Public Facilities) with the specific intent to build a church. There were also indications that the applicant may include a seminary facility on the site.

No application or discussion of a corresponding Comprehensive Plan amendment appears in the 1988/1989 records of this proceeding, except reference to a clause in the City Zoning Ordinance (that remains to this day as 301.060 E.8) stating that a rezoning action automatically amends the Comprehensive Plan to conform with the zoning. While that may have been the understanding of the City at that time (Comp Plan responds to zoning), Minnesota court decisions (and Statute amendments) that may have taken place subsequent to 1988/1989 clearly prescribe that zoning must respond to the Comp Plan. Hence (at least today) there can be no rezoning that is inconsistent with the Land Use Plan. Today, the Plan must be amended first.

Following initial review, Public Hearing and discussion at the Planning Commission level the applicant amended the rezoning application to reduce the area of the requested action to the westerly 13 + acres (net of road right-of-way) of the 38+ acre site. Although the Planning Commission recommended denial of the application, the City Council did eventually approve it and a related land division. That land division is not, however, of record with Washington County.

In 1991 the property owner (Apostolic Church) was asked by the City if they intended to proceed with the church project to which they responded in the affirmative, but that construction would not start until at least 1994. This inquiry by the City was initiated responsive to a suggestion that the land be rezoned back to RR since no church construction had taken place.

In 1998 the church advised the City that it planned to move forward with church construction during 1998. This may have been responsive to concurrent work by the City to amend the PF zoning district standards in a manner that was viewed by this church (and others) as constraining. Those PF amendments were eventually adopted by the City. There has been no contact of the City by the church regarding building plans since at least 2000.

## **Discussion and Analysis:**

The City Council has recently directed Staff to process a City Council-initiated Comprehensive Plan amendment for the subject 13+ acres to reclassify the Plan land use from PF to RAD – consistent with the surrounding lands. The Council also initiated a complimentary rezoning process for the site to reclassify zoning from PF to RR – again consistent with surrounding properties. The property owner (and property owners within 350 feet of the site) have been notified of the proposed actions.

Comprehensive Plan amendments are generally based on one or both of the following:

1. A change of conditions regarding the subject site, or the surrounding area.
2. An error in the existing Plan classification.

Staff review of the substantial records regarding the 1988/1989 proceedings that lead to the rezoning of this site from RR to PF reveal (as noted above) that there was no discussion of the Comprehensive Plan amendment except the reference to the “zoning equals Plan” clause of the Zoning Ordinance. No findings regarding either change of conditions or error supported that Plan amendment – rather, a basic determination of whether it was the “right” or “wrong” action by the City based on a substantially different understanding of the importance of comprehensive plans that cities are required by Statute to adopt in 2006.

Staff concedes the advantages of 20/20 hindsight as we address the land use guiding and zoning of this site today – 17 years after the action. There were no specific findings (reflected in Minutes) in support of the 1989 action to assist in determining the reasons for the actions – beyond the applicant’s ownership of the site – no error claimed, nor any change of conditions claimed (other than site ownership). Today, that alone could easily be construed as an error in the 1989 action, and the basis to return the site to RAD land use classification and RR zoning that the site held prior to the 1989 action to rezone (and automatically reclassify in the Comp Plan).

As the City has witnessed during the recent consideration of the Lakewood Church Comp Plan Amendment and rezoning applications, PF land use guiding and zoning tends to be a special case that is not easily addressed by planning theory or practice. Predetermining the need for and geographic placement of the PF-type uses as Comprehensive Plans are prepared is seldom accomplished, except in the case of large PUD projects (often hundreds of acres). In those cases the project alone may suggest PF needs (such as schools) and even church sites by mere project scale. Beyond that, PF land use decisions (other than accommodating existing PF uses) becomes an *ad hoc* practice based as much on judgment by planners and policy makers as on factual circumstances.

## **Findings and Recommendations:**

Staff suggests the following Findings be considered regarding the City Council initiated application for amendment of the Comprehensive Plan to reclassify this site from PF to RAD:

1. The subject site is a 13 acre “island” of PF surrounded by RAD land use guiding – essentially “spot guiding” with no factual basis to support the existing PF classification, and RAD land use guiding continues to surround the site on 3 sides.



2. The record of the 1989 City action to reclassify the site from RAD to PF fails to provide Findings to support that reclassification beyond the interests of the property owner leading to the conclusion that an error may have resulted by the action.
3. There has been no evidence that the property owner intends to execute development of the site as a church during the past 7+ years. Conditions appear to have changed from those existing at the time of the 1989 Comprehensive Plan amendment classifying the site as PF. The property owner has been officially notified of this pending amendment, and has not responded.

Based on the foregoing, staff recommends the Comprehensive Plan be amended for this site to reclassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council concurrence mandated by State Statute.

Staff further recommends that the subject site be rezoned from PF to RR on the condition that the recommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

**Planning Commission Actions Requested:**

Motion to recommend the Comprehensive Plan be amended for the site known as the Apostolic Bible Church site to reclassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council concurrence mandated by State Statute.

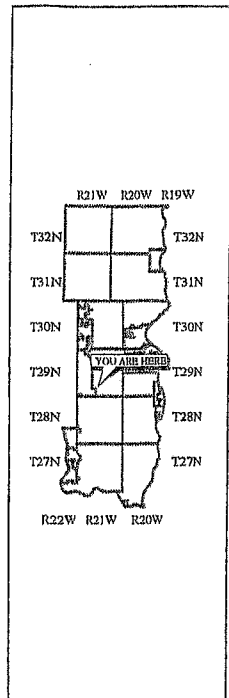
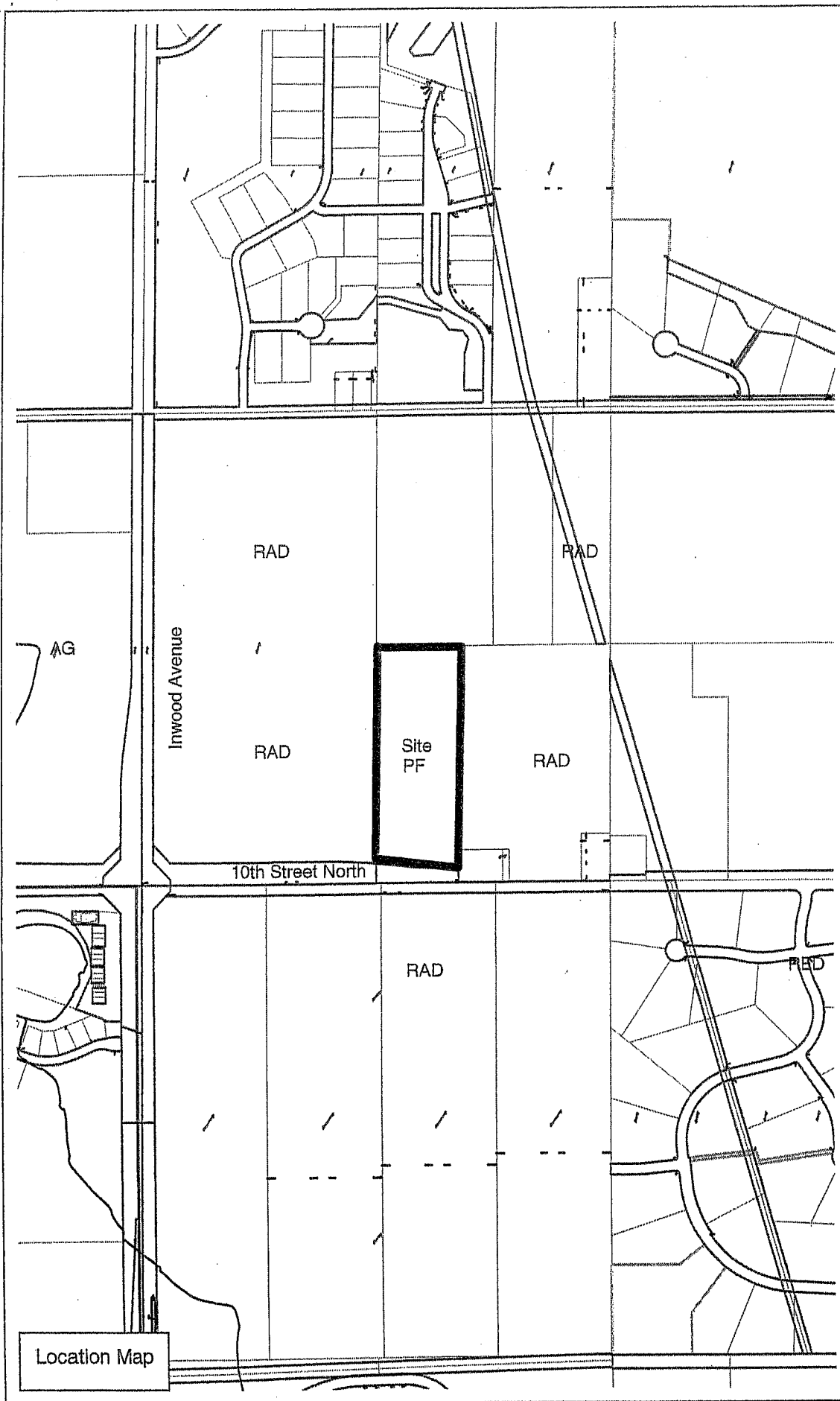
Motion to recommend that the subject site be rezoned from PF to RR on the condition that the recommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

---

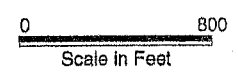
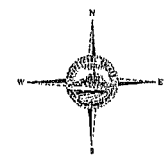
Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map



Vicinity Map



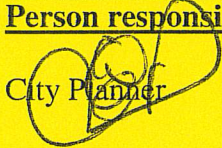
Location Map

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

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

Parcel data based on AS400 information



<p>Lake Elmo City Council July 18, 2006</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9C</p>
<p><b><u>Agenda Item:</u></b> Home Office/Home Based Business Ordinance</p>		
<p><b><u>Background Information for July 18, 2006:</u></b></p> <p>The Council discussed the latest draft of the ordinance at the Council Workshop meeting of July 11. While no formal votes were (or could be) taken at that meeting, staff concluded that there was general consensus among Council Members present that certain modifications to the draft could be incorporated for the Council agenda of July 18; and, certain other modifications (if any) would be better made by Motion of individual Council members at the July 18 Regular Meeting.</p> <p>We have attached the draft ordinance (and the definition amendments as well) including the modifications for which there appeared to be consensus at the Workshop. These are from the combined notes of the City Clerk and City Planner. Any further modifications should be made by specific Council Motion.</p> <p>One feature added to the draft that will require additional Code amendment in the immediate future is found in Section 1115.06, G. of the draft. Since the Workshop meeting staff has been unable to locate any ordinance provisions limiting the GVR of vehicles parked in the residential zoning districts – as most cities have. We are continuing to work with the City Attorney to produce a draft of such provisions to be considered by the City Council – hopefully at the next Workshop meeting in August.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to adopt Ordinances #97 – (Home Based Businesses) and Ordinance 97-<sup>178</sup> (Definition Amendments), including any additional modifications adopted by Council Motion.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner </p>	
<p><b><u>Attachments:</u></b></p> <p>1. Draft Ordinance #97<sup>177</sup> - (Home Based Businesses) 2. Draft Ordinance #97<sup>178</sup> - (Definitions)</p>	<p><b><u>Time Allocated:</u></b></p>	



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

**ORDINANCE NO. 97- 177**

**AN ORDINANCE ADDING HOME BASED BUSINESSES TO THE LAKE ELMO  
MUNICIPAL CODE**

The LE City Council hereby ordains that Section 1115 and its subdivisions is hereby added to the Lake Elmo Municipal Code to read as follows:

**Chapter 11 – Licensing**

**Section 1115 – Home Based Businesses**

**1115.01 Purpose and Intent**

The City of Lake Elmo recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes use of residences for limited business purposes, when such business use is appropriately regulated, may result in a reduction of vehicle trips on City streets as well as economic benefit to City residents. It is therefore the purpose and intent of this Section to allow the use of residences for limited business purposes while regulating such business use in a manner that precludes such business use from becoming a nuisance to neighboring residential property owners; and preserving the distinction between residential and commercial zoning districts.

**1115.02 Home Based Business and Home Office**

Licensing responsive to this Section shall be applicable to Home Based Businesses, but not to Home Offices, as both are defined by Section 150 of this City Code.

**1115.03 Licensing Procedures**

Property owners conducting or proposing to conduct a Home Based Business as defined by Section 150 of the City Code shall make application for a Home Based Business License in a form prescribed by the City Administrator. The City Administrator shall make a determination regarding compliance of the Home Based Business with the standards herein prescribed within 30 days of submission of a complete license application. A decision of the City Administrator regarding the issuance of a Home Based Business may be appealed to the Board of Adjustments and Appeals as prescribed by Section 200.01 of the City Code.



#### **1115.04 License Fee**

The City Council shall, from time to time, establish a Home Based Business license fee in a sufficient amount to fully compensate the City for costs of processing the license application and renewal.

#### **1115.05 Term of License and Revocation/Suspension**

A license to conduct a Home Based Business shall be annually renewed by the property owner in a manner specified by the City Administrator. The City Administrator may suspend, revoke or not renew a Home Based Business license upon a finding that the licensee fails to comply with the Home Based Business Performance Standards specified by this Section. A decision by the City Administrator to suspend, revoke or not renew a Home Based Business license may be appealed by the licensee to the Board of Adjustments and Appeals as prescribed by Section 200.01 of the City Code.

#### **1115.06 Home Based Business Performance Standards**

Review of applications for Home Based Business licensing and subsequent determinations regarding revocation of a Home Based Business license shall be based on the initial and continued compliance of a Home Based Business on the following Performance Standards:

**A. Tax Class Status** The property must be classified as Homestead by the Washington County Assessor.

**B. Impact on Adjacent Properties** The home based business shall have no measurable affect on adjacent properties due to traffic or offensive noise, light, odor, dust or other noxious substances, as may be defined elsewhere in the City Code.

**C. Exterior Appearance** There shall be no exterior evidence that a building is being used for any purpose other than as a residential dwelling or permitted accessory structure.

**D. Number of Businesses** More than one home based business is allowed, however the combined impact shall be considered when evaluating the terms of the License.

**E. Residency** A full-time resident of the property must conduct the business.

**F. Non-resident Employees** Not more than two (2) non-residents may work on the site.

**G. Business Vehicles** A maximum of (1) one business vehicle may be on site at any time, and the vehicles must be parked off-street at all times. Said vehicles

must be in compliance with City Code regulations regarding the maximum gross vehicle weight (GVW) of vehicles permitted to be parked in residential zones.

**H. Customer Visits to Site** Permitted only where specified by the Home Based Business license, and shall be limited to a maximum of 5 per day.

**I. Deliveries to Site** No more than six delivery/pickup trips per week. Delivery vehicles shall not be larger than a typical step van.

**J. Storage Related to the Home Based Business** All storage of equipment, material or stock must take place within a fully enclosed and roofed structure, and storage of materials or inventory shall be limited to 200 square feet total. Licensees shall specify the location within the structure(s) on the site that will be utilized for storage of inventory or materials at the time of application for license.

**K. Off-Street Parking** When customer site visits are specifically allowed by the Home Based Business license, adequate off Street Parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be located on an asphalt or bituminous surface, which is in character with the surrounding neighborhood.

**L. Specific Prohibitions** Exterior Business use, storage, or equipment, except vehicles as otherwise regulated; signage of any type related to the Home Based Business. Any noise, odor, vibration, light, glare, and/or electromagnetic interference as defined and regulated by the City Code and State Rules or Statute.

This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 18th day of July, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Published in the \_\_\_\_\_ Lake Elmo Leader

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

**ORDINANCE NO. 97-178**

**AN ORDINANCE AMENDING SECTION 150 OF THE LAKE ELMO  
MUNICIPAL CODE TO INCLUDE "HOME BASED BUSINESS" AND "HOME  
OFFICE" AND REPEALING "HOME OCCUPATION" DEFINITION**

Section 1. Amendment: Section 150 "Definitions" of the Lake Elmo Municipal Code is hereby amended to add the definitions of Home Based Business and Home Office to wit:

**Home Based Business**

Any occupation or profession engaged in by an owner/occupant of a dwelling when carried on totally within a dwelling unit or in an accessory building, and entrance to the home based business is or can be obtained from within the structure. A home based business shall not be interpreted to include barber shops, beauty shops, tourist homes, or restaurants.

**Home Office**

Any gainful occupation or profession engaged in only by an owner and full time occupant of a dwelling when carried on totally within a dwelling unit and entrance to the home office is or can be obtained from within the structure. There shall be no business-related deliveries, no non-resident employees, no business related vehicles, no signage of any type, no external evidence of a business, no keeping of stock or inventory and no customer visits to the site.

Section 2. Repeal: Section 150 "Definitions" of the Lake Elmo City Code is hereby amended to repeal the definition of Home Occupation.

Section 3. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 18<sup>th</sup> day of July, 2006.

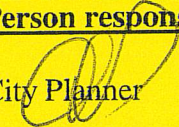
\_\_\_\_\_  
Dean A.. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Published in the \_\_\_\_\_ Lake Elmo Leader



<b>Lake Elmo City Council July 18, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9D</b>
<b><u>Agenda Item:</u></b> Park Meadows – Re-approval of Final Plat		
<b><u>Background Information for July 18, 2006:</u></b>  <p>Staff has been advised that the developer of the Park Meadows subdivision failed to record the Final Plat within the 120 days prescribed by the Subdivision Ordinance. With most of the site improvements installed, the City holding the Letter of Credit for all improvements, all City fees on the plat paid and no building permits issued yet, we are convinced that this has been a simple oversight on the part of the developer. Staff recommends adoption of the attached Resolution re-approving the Final Plat of Park Meadows thereby insuring continued compliance with the City Code.</p>		
<b><u>Action items:</u></b>  <div style="text-align: right; margin-right: 100px;">073</div> <p>Motion to adopt Resolution #2006 – re-approving the Final Plat of the Park Meadows Plat.</p>	<b><u>Person responsible:</u></b>  <div style="text-align: center;">   City Planner </div>	
<b><u>Attachments:</u></b>  <div style="text-align: right; margin-right: 100px;">073</div> <ol style="list-style-type: none"> <li>1. Draft Resolution #2006 – Approving Plat</li> <li>2. Developer's Letter of Request</li> </ol>	<b><u>Time Allocated:</u></b>	





*J.P. Bush*  
H O M E S

RECEIVED  
JUL 12 2006

July 12, 2006

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

RE: Park Meadows Subdivision

Dear City Council members:

I would like to make a request to get my final plat approval for Park Meadows extended. Please put me on the agenda for the July 18, 2006 City Council Meeting for this request.

Sincerely,

Joseph P. Bush  
J.P. Bush Homes

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-073

A RESOLUITON APPROVING THE FINAL PLAT AND DEVELOPMENT  
AGREEMENT OF PARK MEADOWS

**WHEREAS**, Barbara Berquist and J. P. Bush Homes, ("Applicants") submitted a completed application requests that the City of Lake Elmo approve an Residential Estates Final Plat and Development Agreement to be known as PARK MEADOWS. The parcel is legally described as follows:

Parcel Legal Description:

The Southwest Quarter of the Northwest Quarter of Section 14, Township 29 North, Range 21 West, except the Westerly 33 feet thereof, and except the North 660.00 feet of the East 660.0 feet of the Southwest Quarter of the Northwest Quarter, and also excepting a tract of land for roadway 66 feet in width (North to South), the South line of which is described as follows: Commencing at the intersection of the centerline of Old Minnesota State Trunk Highway 212 (now known as Meadowlark Lane) and the East line of the Northwest Quarter of the Southwest Quarter of said Section 14, thence North along said East line a distance of 766.9 feet to a point on the East and West Quarter line of said Section, said point being the East termination point of the said South line of said roadway, running thence West on said East and West Quarter Section line 461.2 feet to the West termination point of said South line of said roadway.

**WHEREAS**, at its September 6, 2005 meeting, the City Council reviewed and recommended approval of the Preliminary Plat of PARK MEADOWS for an eight lot (RE) Residential Estates subdivision.

**NOW, THEREFORE, BE IT RESOLVED** that the Lake Elmo City Council hereby:

Approves a Residential Estates Final Plat and Development Agreement for PARK MEADOWS as illustrated on J.P. Bush Homes survey prepared by Landmark Surveying, Inc., staff dated October 28, 2005, with the following conditions:

1. Compliance with the recommendations of the City Engineer and Valley Branch Watershed District.
2. Compliance with the recommendation of the City Attorney.

**WHEREAS**, at its November 1, 2005 meeting, the City Council reviewed and approved the Final Plat of PARK MEADOWS for an eight lot (RE) Residential Estates subdivision.

**WHEREAS**, at the Lake Elmo Municipal Code requires recording of plats within 120 days of approval or that approval becomes void, and more than 120 days has passed without the plat of PARK MEADOWS being recorded.

**WHEREAS**, the developer, Joseph Bush of J.P. Bush Homes has requested reapproval of the Final Plat of PARK MEADOWS.

**THEREFORE BE IT RESOLVED**, the Lake Elmo City Council approves the Final Plat of PARK MEADOWS. This approval is void if the plat is not recorded within 120 days.


**ADOPTED** by the Lake Elmo City Council on the 18th day of July, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator



<b>Lake Elmo City Council July 18, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9E</b>
<b><u>Agenda Item:</u></b> Metro Transit Park & Ride Project		
<p><b><u>Background Information for July 18, 2006:</u></b></p> <p>The Council, at its May 2, 2006 meeting considered a proposal by Metro Transit to construct a 500 car Park &amp; Ride facility in Lake Elmo at one of three locations along the I-94 corridor. The Planning Commission had previously (on April 24) recommended the Keats Avenue location. On May 2 a Motion to direct staff, "to direct Staff to meet with Metro Transit to continue discussion to build a Park &amp; Ride facility along Keats Avenue." failed on a 2-2 vote.</p> <p>A majority of Council Members attending the July 11 Council Workshop session requested Staff to place this matter on the July 18 Regular Council Meeting Agenda for consideration of direction to Staff to secure additional information regarding the Metro Transit proposal.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion directing Staff actions regarding the Metro Transit proposal to construct a Park &amp; Ride in Lake Elmo.</p>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. DRAFT Council Workshop Minutes of July 11, 2006</li> <li>2. City Council Minutes of May 2, 2006</li> <li>3. Planning Commission Minutes of April 24, 2006</li> <li>4. Planning Staff Memo of April 20, 2006</li> <li>5. Metro Transit letter of March 20, 2006</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	



**DRAFT**

**\*-Park and Ride**

Council member Smith asked to have this item on the agenda. She said she had talked to Arlene McCarthy and Peter Bell about a proposed park and ride in the City. The City of Woodbury has two park and rides already. Smith noted she would like to have an environmentally friendly park and ride. She asked questions such as what type of funding is there to support a Park and Ride. What's in it for Lake Elmo. Are you going to change the REC units south of 10<sup>th</sup> Street? Without getting an answer from her, Smith asked do we want to pose the questions would having a park and ride in the city lower the unit count. Smith suggested getting information from staff and Met Council staff to the city council so they could have complete information to make a decision on the proposed park and ride.

Mayor Johnston said he talked to people in the Old Village and Cimarron who stated they would like to have express bus service to downtown Mpls/St. Paul and a Park and Ride at Keats and I- 94 is a good location. Council member DeLapp said he would like to see a park and ride located in the Old Village.

Council member Johnson said she received calls requesting a transportation system. Council member Smith said she received calls from Stonegate.

Council consensus was to place this item on the July 18<sup>th</sup> City Council agenda so the Council could come prepared on what information they want obtained for discussion and then give direction to the staff on express bus service to downtown.

**DRAFT**

~~N. Restaurant Drive-Up Facilities in the GB Zone: Ordinance 97-170:~~

The City Planner presented the Planning Commission recommendation for amendment to the GB district Permitted Uses that had been tabled by the City Council on April 18, 2006.

~~M/S/P Johnson/Johnston - to adopt Ordinance 97-170 amending the GB zoning district standards to permit drive-up windows at restaurant facilities, but prohibiting menu boards and intercom systems. (Motion passed 4-0)~~

I. Metro Transit Park & Ride:

The Planning Commission reviewed and discussed the Park & Ride proposal at its April 24, 2006, meeting. City Engineer Prew advised that only the Keats Avenue site would "probably" work for a water tower co-locate. The Commission adopted a Motion that the City continue to work with Metro Transit and the Keats Avenue site as the preferred option.

Administrator Rafferty received a letter from Met Council about the possibility of constructing a park-and-ride facility in Lake Elmo. Mayor Johnston stated that Met Council implied we had to accept at the time of the Comprehensive Plan but it was successfully removed. He believes that a transit system is an asset to communities in the long-term in high density areas, and would benefit the City.

M/F Johnson/Johnston - to direct Staff to meet with Metro Transit to continue discussion to build a Park & Ride facility along Keats Avenue. (Motion Failed 2:2-DeLapp and Smith)

Council Member DeLapp disagreed, asking why we are even considering it. Council Member Smith questioned why we should even consider it as it shows an interest on the part of the City. Lake Elmo does not need or want a park-and-ride. Give it to another community if it is such a benefit.

~~J. Comprehensive Plan Amendment on 10<sup>th</sup> Street:~~

Council Member DeLapp requested that PF zoned parcel north of 10<sup>th</sup> Street be brought into conformity with the Land Use Plan and zoning of the other lands in the vicinity of the site - Land Use Plan guiding of RAD and zoning of either RR or AG.

M/S/P DeLapp/Johnston - to direct Staff to bring the PF to RAD proposal to the next Council Workshop for discussion. (Motion passed 4-0)

K. Performance Zoning:

~~Council Member Smith inquired about the status of work on a new zoning ordinance.~~

~~adjoining neighbors. The Council also suggested that some applicants should have their plans~~  
for screening and that liquor at these events and event closing time were also concerns. The  
Council suggested perhaps the site must be empty of everyone except the residents by 10:00 PM.

M/S/P Fliflet/Schneider to change the time for Outdoor Social Events so that no event shall  
operate outside the hours of 10 am through 10 p.m. Vote: 8:1, Deziel-Mornings could be  
earlier.

M/S/F, Deziel/Van Zandt to change the time for Outdoor Social Events so that no event shall  
operate outside the hours of 8 am through 10 p.m. Vote: 2:7, Nay: While 10 p.m. may be too  
late, 8 a.m. may be too early. Lyzenga, Armstrong, Fliflet, Helwig, Ptacek, Schneider, Pelletier.

M/S/F, Pelletier/Schneider, Attendance at Outdoor Social Events shall be limited to 20 persons  
per acre to a maximum of 250 persons. Vote: 3:6 Nay-Lyzenga, Fliflet, Van Zandt, Ptacek,  
Helwig, and Deziel. Fliflet would rather have it open and regulated when the application comes  
in. Maybe there are circumstances we have not yet considered.

M/S/P, Lyzenga/Ptacek to define Outdoor Social Events as events where no admission fee is  
charged. Vote: 9:0.

M/S/P, Armstrong/Ptacek to recommend that attendance at Outdoor Social Events be confined to  
20 persons per acre to a maximum of 500 people. Nay: 2 Schneider and Pelletier-Too many  
people. (KIM - THE VOTE IS MESSED UP HERE)

M/S/P, Ptacek/Schneider to limit Outdoor Social Events to comply with City Code Ambient  
Noise Standards and to allow no artificial lighting. Vote: 9:0.

~~The Chair recessed the meeting at 8:22 p.m. and reconvened at 8:28 p.m.~~

### **Metro Transit Park and Ride**

The Planner said Metropolitan Transit would like to place for a 500 car park and ride on a site  
where the City could also co-locate a water tower in the area of the City south of 10<sup>th</sup> street. He  
reported that Metro Transit are looking for a permanent facility to replace the temporary facility  
now at Guardian Angels Church. The Planner said that the City Council at their last Workshop,  
asked for a recommendation from the Planning Commission whether to support park and ride  
and if so, which of these three sites would be preferable. The City Engineer recommends the  
Keats location as most suitable topographically for a water tower.

The Administrator said this will be an express bus route with direct service to Cimarron. Metro  
Transit has its own security.

M/S/P, Park/Van Zandt to recommend the site at Keats and I-94 for a Park and Ride because it is  
the best site for a water tower. Vote: 6:3, Nay: Helwig, Schneider, Ptacek- Not enough  
information. Schneider- We do not have enough information, and we should not be pinning it  
down to a location.

### **Review of Setbacks in RR Zoning District**

~~The Planner presented a comparison between setbacks in two zoning districts. He noted that one~~  
~~is RR with low density and the other is RE with higher density, yet the setbacks in RE are greater~~  
~~than they are in RR. The Planner said the RR standards were written long before the RE~~

MEMO

(April 20, 2006 for the Meeting of April 24, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Metro Transit Park/Ride – I-94

---

The new Director of Transportation Services at the Metropolitan Council has approached the City Administrator regarding a potential permanent park/ride facility in Lake Elmo to replace the temporary facility now operated by Metro Transit at Guardian Angels Church. The City Council briefly reviewed the Director's letter and attached map at its April 11 Workshop, and referred the matter to the Planning Commission for advice and recommendations. I believe the City Council is requesting the Planning Commission's comments as to:

1. Should the City support a Park/Ride facility in Lake Elmo – regardless of location; and, if so,
2. Which of the three locations suggested by Metro Transit would be preferred for such a facility.

Ms. McCarthy has not, by her March 20 letter, provided specifics regarding the proposed facility. Most of what City staff knows of the proposal is based on information provided the City in 2004 related to a Metro Transit federal grant proposal to construct such a facility, as follows:

1. The facility would have a 500 car capacity.
2. The facility is designed to serve a dedicated bus route from Lake Elmo to Minneapolis – now operating out of Guardian Angels.
3. The buses utilizing this facility will be of special design utilizing alternative fuel to diesel.
4. The original federal grant application specified \$4 million to construct the facility, and another \$4 million to purchase the special buses.

Ms. McCarthy has indicated in her letter that enhanced transit service to the Cimarron neighborhood from this new facility could be a significant advantage to Lake Elmo residents. She also suggests that a Metro Transit Park/Ride site in Lake Elmo could also be utilized as a water tower site by the City. There is no question that a water tower site will be required south of 10<sup>th</sup> Street and remotely located from the Eagle Point Well #3. We requested advice from the City Engineer as to which of the 3 sites Ms. McCarthy has suggested would be suitable (from a topographic perspective) as a City water tower site.





# Metropolitan Council

Building communities that work

March 20, 2006

RECEIVED  
MAR 22 2006

Martin Rafferty, City Administrator  
City of Lake Elmo  
3800 Laverne Ave North  
Lake Elmo, MN 55042

Dear Mr. Rafferty,

As you may know, Nacho Diaz recently retired as the Metropolitan Council's Director of Metropolitan Transportation Services. I would like to introduce myself as the new Director. I am a registered professional engineer with a civil engineering, construction management and transportation background. My transportation experience includes both roads and transit in the private and public sectors.

I would like to talk with you about the potential permanent park-and-ride in the I-94 East corridor. My understanding is that there has been some previous discussion between City of Lake Elmo and Metropolitan Council staff regarding a park-and-ride including possible sites. I also understand that the City of Lake Elmo is interested in constructing a water tower on a potential park-and-ride site and would like to learn more about that concept.

A meeting would also offer the opportunity for me to share with you some possible enhanced bus service concepts in conjunction with start-up of operations at a new park-and-ride - specifically service for Lake Elmo's Cimarron neighborhood.

I hope you agree that the potential joint use of a water tower and park-and-ride facility plus enhanced bus service could be a starting place for us to discuss our needs and possible solutions. Please give me a call at (651) 602-1754 to arrange a meeting. I look forward to hearing from you.

Sincerely,

Arlene McCarthy  
Director, Metropolitan Transportation Services

cc: Tom Weaver, Regional Administrator





Lake Elmo  
City Council  
July 5, 2006  
July 18, 2006

**Agenda Section: Planning, Land Use and Zoning**

**No. 9A**

9F

**Agenda Item:** Zoning Ordinance Text Interpretation – Accessory Buildings

**Background Information for July 5, 2006:**

Staff has recently discovered what appears to be a wording problem within the table of the Zoning Ordinance that prescribes the number and allowable area of accessory structures in the various zoning districts. The nature of the possible problem is fully described by the attached June 22 Memo by Staff to the Planning Commission – essentially involving whether certain area standards where multiple buildings are other wise permitted are intended to be aggregated or individual, as well as the possible logic (or illogic) in the manner the standards are now written.

On June 26 the Planning Commission considered the questions raised by staff in this regard at length. The Commission's conclusion (and resulting recommendation to the Council) is that the term "combined" is used where the ordinance describes multiple buildings in the R1, RED, and OP section of the table. If the intent of the drafters had been to aggregate the stated allowable area then the term "combined" would have been used along with the terms "total area" in the text of the "Agricultural (Non-conforming)" of the subject table.

The Commission did consider recommending a formal amendment to that end, but concluded that a simple interpretation direction should suffice pending completion of the new zoning ordinance – where additional modifications to Accessory Building standards are likely as well.

**Action items:**

Motion directing staff regarding the interpretation of the terms "total area" contained within the "Agricultural – Non-conforming" paragraph of the table in Section 300.07 Subd. 4.B.2.b. of the City Code.

**Person responsible:**

  
City Planner

**Attachments:** Draft City Council Minutes of July 5, 2006

1. Draft Planning Commission Minutes of June 26, 2006
2. Planning Staff Memo and Attachment of June 22, 2006

**Time Allocated:**



Avenue, and 45<sup>th</sup> Street; 3) AG Preserve and Green Acres clarification; 4) specific repairs needed on 45<sup>th</sup> Street and Julep Avenue?

City Engineer Prew informed Council the streets are 20 years old, and maintenance is recommended. Making the driving lanes narrower – as proposed by the project – will help slow down traffic some.

M/S/P Johnston/Smith – to return to the July 18, 2006, Council meeting for further discussion of Resolution No. 2006-064, ordering improvement for 2006 MSA Resurfacing on 45<sup>th</sup> Street, Julep Avenue, and 47<sup>th</sup> Street. (Motion passed 4-0)

C. Easement for Northern Watermain:

City Engineer Prew informed the Council that they are waiting for appraisals of easements.

D. Approve Plans for Eagle Point Boulevard – Resolution No. 2006-064:

City Engineer Prew recommended adoption of Resolution No. 2006-064, approving Plans and Specifications for Eagle Point Boulevard, south of Hudson Blvd.

M/S/P Johnson/Smith – to approve Resolution No. 2006-064, approving Plans and Specifications for Eagle Point Boulevard. (Motion passed 4-0)

F. Water Tower Project: Verbal Update

The City Planner informed Council that CB & I Constructors, Inc. informed the City about the water tower being out-of-specification/out-of-tolerance by 4 inches. CB & I has proposed a remedy and solution.

The City Engineer recommended hiring an independent national consultant, Tank Industry Consultants, to evaluate the proposals for correction of the deviation. All costs will be covered by CB & I, Inc., including TKDA.

M/S/P DeLapp/Johnston – to authorize City Engineer Prew to pursue a contract with Tank Industry Consultants in an estimated amount of \$13,000.00, and recover costs by charging CB & I. (Motion passed 4-0)

9. PLANNING, LAND USE & ZONING:

A. Zoning Ordinance Text Interpretation – Accessory Buildings:

The City Planner reported that Staff discovered what appeared to be a wording problem within the table of the Zoning Ordinance that prescribes the number and allowable area of accessory structures in the AG zoning district.

The City Planner and the Planning Commission's recommendation to the Council is that the term "combined" is used where the ordinance described multiple buildings in the R1, RED and OP section of the table; and, therefore, the lack of that term in the AG district text implied that the stated maximum building area is applicable to each of the two accessory buildings allowed.

M/S/P Johnston/Smith – to reschedule consideration until the July 18, 2006, City Council meeting. (Motion passed 4-0)



## **Excerpt from June 26, 2006 Planning Commission DRAFT Minutes**

### **Zoning Text Interpretation – Accessory Structures**

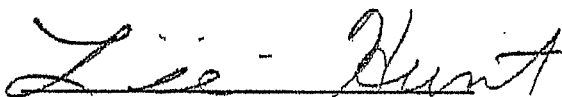
M/S/P Lyzenga/Van Zandt to recommend that staff should have the liberty to interpret the passage in the section of code relating to Maximum Number and Size of Accessory Buildings in the Agricultural Zone as relating to individual buildings based on the absence of the word, "Combined." Armstrong prefers more liberal interpretation. Vote: 6:2, Nay: Schneider, Abstain: Deziel cannot support it because it is not correct, it fails to be consistent, yet he can't go against it because it indicates proper use of the property.

Maximum Number and Size of Accessory Buildings	
<b>Agricultural</b>	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal forty (40) acres, or more and buildings are agricultural buildings as defined in 300.13 Subd 3 (A) (5)
<b>Agricultural (Non-conforming)</b>	
Up to ten (10) acres	Two buildings with a total area not to exceed one thousand (1,000) square feet
Over 10 but less than a nominal forty (40) acres	Two buildings with a total area not to exceed two thousand (2,000) square feet.
<b>Rural Residential</b>	
Up to 10 Acres (Nominal)	One 2000 square feet detached building in addition to an attached garage.
10 Acres to 15 Acres	One 2500 square feet detached building in addition to an attached garage.
15 Acres to 20 Acres	One 3000 square feet detached building in addition to an attached garage.
<b>Residential - R1, RED and OP</b>	
5,000 square feet to 1 Acre	A combined 1200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure.
Over 1 Acre to 2 Acres	One 1200 square feet detached residential garage or building in addition to an attached garage.
Over 2 Acres	One 1300 square feet detached residential garage or building in addition to an attached garage.

**Section 2. Amendment:** The following Section of the Lake Elmo Municipal Code is hereby repealed.

300.07 Subd. 4. B. 2. b.

**Section 3. Effective Date:** The ordinance shall become effective upon its passage and publication according to law.

  
Lee Hunt, Mayor

Adopted by the Lake Elmo City Council on the 17<sup>th</sup> day of November, 1998.

Attest:

\_\_\_\_\_  
Mary Kueffner, City Administrator

Published in the Stillwater Gazette.

August 5

1999