

City of Lake Elmo  
City Council Workshop  
3800 Laverne Avenue North  
Lake Elmo, MN 55042  
Thursday, August 12, 2010

6:30 p.m. – 8:30 p.m. (?)

Revised Agenda

1. Comprehensive Plan Sewer Density Area Analysis
2. Budget Prep
3. Adjourn

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



## MAYOR & COUNCIL WORKSHOP

DATE: 8/12/10

**WORKSHOP**

ITEM #: 1

**DISCUSSION**

**AGENDA ITEM:** Sewered Area Population Projections and Density Analysis – Review of 2030 Comprehensive Plan Information

**SUBMITTED BY:** Kelli Matzek, City Planner

**THROUGH:** Bruce Messelt, City Administrator *BMM*

**REVIEWED BY:** Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:** The City Council is asked to review the housing, employment and population projections, utilizing information from the Lake Elmo Comprehensive Plan, the Memorandum of Understanding, the Village Area AUAR, TKDA, the rural density analysis done by staff, and the Village Area Master Plan. The Council is further requested to specifically discuss the analysis and resulting figures as they relate to the City's future sewered development areas. City staff has analyzed the land areas available for development, the housing and employment counts required, and the corresponding densities for the two areas in the city guided for future sewered development – the Village Area and South of 10<sup>th</sup> Street.

Your staff found a few discrepancies and conflicting data in utilizing various guiding documents and therefore, some assumptions were made in the attached analysis. The attached charts and maps contain a significant amount of information that will be more thoroughly discussed at the Council workshop.

### **REVIEW OF COMP PLAN PROJECTIONS:**

#### **I-94 to 10<sup>th</sup> Street**

One of the attached charts provides information on the acres available for both residential and non-residential development for the future sewered areas South of 10<sup>th</sup> Street. This analysis found that almost 50 acres of land guided for residential development is in a floodplain and is unbuildable. However, staff also found that a parcel guided for Public Facilities may be more aptly developed for sewered residential housing and would, therefore, accommodate the loss of land to floodplains. Staff found the inclusion of this parcel and resulting calculation to be close to that identified in the Comprehensive Plan.

The same chart analyzes the proposed future sewered non-residential development in the I-94 corridor. Staff found the numbers to be lower than that identified in the Comprehensive Plan – however, the number of sewered employees (the unit used in the land use chapter of the Comp Plan) is inclusive of both the I-94 corridor and the Village Area and is identified as “Total Sew. Employees.” The remaining employment required is identified on the chart for Village Area Employment Analysis.

Your staff has concerns of the ability of the City to meet the employees per acre requirement as outlined in the Memorandum of Understanding (MOU) and Lake Elmo Comprehensive Plan. The density requirement for employment in the I-94 corridor is 40 employees per acre for both the area guided as Business Park and Limited Business. This high density may be difficult to achieve under the rubric of a corporate campus (or other dense employment center) at the corner of Manning and I-94. As a real world example, staff is providing a map showing some examples in the Lake Elmo Eagle Point Business Park development of the number of employees per acre. In addition, staff found that the Imation Corporate Campus, located in Oakdale, has just over 22 employees per acre. This may help to visualize what 40 employees per acre may look like in the future.

#### Village Area Residential

The residential analysis chart was a challenge, as the majority of the discrepancies in the guiding documents (2006 Comprehensive Plan, Village Area Master Plan, Village Area AUAR, and a letter dated 12-3-07 from the previous City Attorney) is in the interpretation of the number of future residential housing units that are required in the Village Area. Staff will go through some of the discrepancies during the meeting, but the focus of the discussion should not be on the discrepancies, but instead how the City would like to move forward. Staff is recommending focusing on a more specific range of housing units in moving forward with additional planning endeavors, such as the writing of district requirements. Staff would recommend Council consider focusing on moving forward with a proposed “working” range of 900 to 1,200 new housing units to be added to the Village Area. As you see in the chart, if the I-94 area develops at an average density of 3.5 units per acre and all 194 existing homes in the Village Area hook up to sewer, only 916 units per acre are needed to meet the required number of residential RECs. However, if the Master Plan is utilized, the average of 3.0 units per acre could not be achieved using that number. Staff will further discuss this information during the Council’s workshop.

#### Village Area Non-Residential

Your staff is also providing a separate chart showing information for the employment requirements in the Village Area. As shown on the chart, the 53.6 RECs are additional employment required in the Village Area. However, it is misleading to look at the land areas in the Village Master Plan Designation guided for non-residential development, and then divide by the remaining required employment, to get the number of employees per acre; because a good portion of the area guided for mixed use in the Master Plan would be redevelopment of existing businesses. To do so would result in the double counting of the land area. For example, Gorman's Restaurant is included in the existing Village Area REC count, but it is also identified in the Master Plan as an area for mixed-use. This chart provides information, but includes less

analysis, as it is not currently understood which businesses may be replaced with what REC count.

**FUTURE SEWERED AREA ANALYSIS:** Your staff is also providing an overview chart that identifies the numbers found through the analysis on the previous charts, along with the requirements outlined in a chart in the MOU. Based on the information assembled, the City will need to add 3,590 homes South of 10<sup>th</sup> Street, connect the 194 existing homes in the Village Area, and add at least 916 new homes in the Village Area to meet the residential RECs required by the MOU. Staff found that 12,419 people will need to be added to the future sewered areas to meet the 24,000 population identified for 2030 (based on a 2.75 people per household average). As mentioned earlier, the employment count will need to be revisited, as staff opines that the city will likely be unable to reach the 40 employees per acre south of 10<sup>th</sup> Street.

The total amount of available land that is devoted to sewered residential development is 1,426 acres. In that calculation, staff removed the land in floodplain, as it is unable to be developed, but was unable to fully analyze this area as to other undevelopable characteristics, such as steep slopes. Staff is also unaware of any recent or potential future lands placed or intended to be placed in conservation easements, which are also currently guided for future sewered development.

**ADDITIONAL INFORMATION:** Given the complex nature of this information, your staff is planning to take time with the City Council to review and discuss the attached report and charts at the Council workshop.

**RECOMMENDATION:** The City Council is not being asked to take any specific action at this time. Rather, your staff is seeking feedback concerning the methodology used to achieve the information provided.

**ATTACHMENTS:**

1. I-94 Area Analysis Chart
2. Village Area Residential Analysis Chart
3. Village Area Employment Analysis Chart
4. Overview Chart
5. Village Area Housing – Conflicting Information Summary Chart
6. Memorandum of Understanding (MOU)
7. Excerpts from 2006 Lake Elmo Comprehensive Plan
8. Future Land Use Map
9. Existing Eagle Point Business Park Map (Employees per Acre)

10. Comprehensive Plan Village Area Future Land Use Map
11. Excerpts from Village Area Master Plan
12. Excerpts from Lake Elmo Village Area AUAR
13. Ltr. Attorney Filla 12-3-07
14. Village Area ½ & ¾ Mile Radius Map

**SUGGESTED ORDER OF BUSINESS:**

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

I-94 Area Analysis - Future Sewered Residential and Non-Residential											
Land Analysis - Residential						The residential and non-residential analysis for the I-94 area was done utilizing information from the 2006 Comprehensive Plan, the Village Area AUAR and the Village Area Master Plan. Some conflicting data was found among the sources and assumptions were made by staff in the creation of this document.					
Residential Buildable Area Calculation		Acres									
Total Land Area Guided for SRD3.5 <sup>1</sup>		1,110.82									
(as guided in the Land Use Map)											
	Floodplains	49.1									
	Partially guided properties	35.87									
Potentially buildable area guided for SRD3.5		1,025.85									
Land Analysis - Residential											
		Acres	Density	Capacity							
Future Sewered Residential (S of 10th)		1,025.85	3.5	3,590							
Existing R-3 (Cimarron)		228.83 <sup>2</sup>		500 <sup>3</sup>							
Comprehensive Plan Requirements											
Land Guided SRD3.5 (pg III-7)		1,069	3.5	3,741.50							
Households - Other Sewered (pg III-17)				3,600							
(Cimarron is a separate line item in the chart and is not included in this number.)											
<sup>1</sup> Includes 14 acre parcel guided PF unintentionally											
<sup>2</sup> Including floodplain and PF guided properties											
Acreages calculated by staff, densities from Comp Plan used											
Land Analysis - Non-Residential											
		Acres	Density	Capacity	Difference						
Future LB (Future sewer - 40 Employees/Acre)		16.1	40 empl.	640							
Future BP (Future sewer - 40 Employees/Acre)		241	40 empl.	9640							
SUMMARY		257.1		10,280							
Acreages calculated by staff, densities from Comp Plan used											
LB Future Sewer		16	40 empl.	640	-4						
BP - Sewered (pg III-7)		241	40 empl.	9,640							
Existing BP (sewered)		121		1,000 <sup>3</sup>							
SUMMARY		378		11,280							
Acreages and densities used from Comp Plan											
Total Sewered Employees (pg III-17)											
New Sewered Employees (MOU)				13,000							
(The sewer employee counts calculated here do not include Village Area Employees, therefore the numbers do not match calculations above.)											
<sup>3</sup> As identified in the Comp Plan											
Acreages and densities calculated in Comp Plan											
SRD3.5 - Sewered Residential Development 3.5 unit Density											
LB - Limited Business											
BP - Business Park											

[illegible]

Village Area Employment Analysis			
Comprehensive Plan Requirements			
MOU Requires	REC's	Capacity	
Total	1,400 Employment RECs	14,000 Employees	
New	1,300 Employment RECs	13,000 Employees	
I-94 Analysis			
Total (Staff Projected)		11,280 Employees	
New (Staff Projected)		10,284 Employees	
Village Area			
Existing	218 Employment RECs**	2,180 Employees	
Remaining			
Total New Required		13,000	
Total New Projected - I-94		10,284	
Total Existing (New Connection) in Village		2,180	
Remaining Required	53.6 RECs	536 Employees	
**This number was calculated by TKDA using the Met Council standard of how to calculate REC's; planning staff converted to employees			
New Non-Residential Development in Village Area			
	RECs	Density	Capacity
	53.6	10 employees = 1 REC	536 Employees
Village Master Plan Designation			
	Acres	Density	Capacity
Land Guided for Civic	17		
Land Guided for Mixed Use Development (partial)	25.2		
Total	42.2	***	536 Employees
***Note: The 53.6 RECs are <u>additional</u> employment required in the Village Area. It is misleading to look at the land areas in the Village Master Plan Designation guided for non-residential development and divide by the remaining required employment to get the number of employees per acre because a good portion of the area guided for mixed use in the Master Plan would be redevelopment of existing businesses. To do so would result in the double counting of the land area. For example, Gorman's Restaurant is included in the existing Village Area REC count, but it is also identified in the Master Plan as an area for mixed-use.			
The employment analysis for the Village Area was done utilizing information from the 2006 Comprehensive Plan, the Village Area AUAR and the Village Area Master Plan. Some conflicting data was found among the sources and assumptions were made by staff in the creation of this document.			





## Village Area Housing - Conflicting Information Summary

MOU Statement	New RECs Required	
"...and/or new Old Village housing (up to 500 RECs)."	500	
"Up to 1,000 RECs may be used in the Old Village Area of Lake Elmo."	806	1000 - 194 (existing)
"...the average density of the aforementioned Old Village units shall be at least 3 units per acre."	1,200	if using Master Plan; assuming avg of just new units
"...the average density of the aforementioned Old Village units shall be at least 3 units per acre."	387	if using existing Comp Plan; assume avg. of just new units
<b>Comprehensive Plan Statement</b>		
pg III - 17 chart (Old Village - sewerer)	906	1,100 - 194 existing

**MEMORANDUM OF UNDERSTANDING**  
**Lake Elmo / Metropolitan Council**  
**Outline of criteria to be considered in preparation of City Comprehensive Plan**

The following criteria were developed as the result of discussions among representatives of the City of Lake Elmo ("City") and the Metropolitan Council ("Council"). These criteria are intended to provide guidance to the City and to the Met Council as Lake Elmo modifies its local comprehensive plan to ensure conformity with metropolitan system plans as required by state law.

1. The City of Lake Elmo will commit to 6,500 new Residential Equivalent Units ("RECs") of Regional Sewer service by the year 2030. The City will commit to a city-wide population of 24,000 by the year 2030. Performance measures for this agreement will be total population and total utilized RECs in Lake Elmo.

Note: The term "REC" shall be defined in Lake Elmo as one residential connection and/or the equivalent of 10 employees for new business operations.

2. The City will implement the population, employment, and RECs in the following manner.

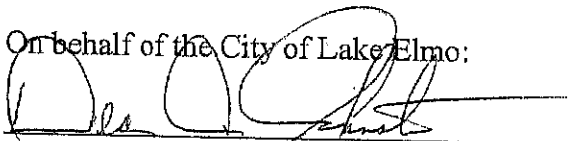
Year	2000	2010	2020	2030
Population	6,863	TBD	TBD	24,000
Residential RECs	0	TBD	TBD	5,200
Employment RECs	100	TBD	TBD	1,400
Total RECs	100	TBD	TBD	6,600

3. The City will determine the types of housing and businesses to be developed and will meet or exceed an average residential density of 3 units per acre or a non-residential density of 40 employees per acre in urban (sewered) areas in the area south of 10<sup>th</sup> Street.
4. The City will plan for 1,300 new RECs (20% of 6,500) to be used for sewered employment.
5. The City will plan for Regional Sewer service to be provided in the southwest corner of Lake Elmo via the WONE Interceptor, and at Lake Elmo Avenue via the Cottage Grove Interceptor. Sewer capacity will be provided to meet the needs as specified in paragraph 2. It is anticipated at this time that design flows for the Regional Sewer service provided to the City will be made available as follows:

	RECs	MGD
To WONE Interceptor - Metro Plant (estimated construction completion: Dec. 2006)	1,825	0.50
To Cottage Grove Interceptor - Eagles Point Plant		
Phase I (estimated construction completion: Dec. 2007)	1,825	0.50
Phase II (estimated construction completion: Dec. 2010)	4,675	1.28
Total	8,325	2.28

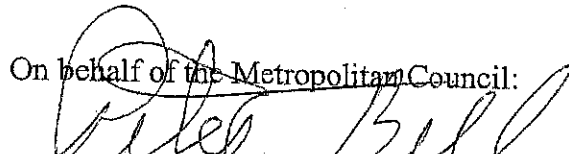
6. The City of Lake Elmo will achieve a city-wide population of 24,000 by 2030. All population will be counted. Lake Elmo will use 6,600 RECs by 2030. All RECs used will be counted.
7. Should the City determine to extend Regional Sewer service to the existing Cimarron manufactured housing neighborhood (500 RECs), existing Old Village housing (up to 500 RECs), and/or new Old Village housing (up to 500 RECs), all utilized RECs shall be counted toward the expected community totals. Up to 1,000 RECs may be used in the Old Village area of Lake Elmo. It is understood that the average density of the aforementioned Old Village units shall be at least 3 units per acre.
8. The City will complete its required plan modifications by April 15, 2005 and submit its plan to adjacent communities for review by that time. This will allow time for the City to complete its local planning and review processes and submit its required plan modifications to the Council on or before June 15, 2005 and prior to the expiration of the nine-month plan modification period specified in state law.
9. The City's comprehensive plan shall be flexible enough to allow for possible limited post 2030 development, redevelopment, or environmental mitigation utilizing any Regional Sewer capacity (see paragraph 5) that may remain post 2030.
10. The signatories will present and recommend these guidelines to their respective governing bodies for consideration with the understanding that: (a) the adoption of a modified comprehensive plan ultimately is the responsibility of the full Lake Elmo City Council; and (b) the full governing body of the Metropolitan Council ultimately is responsible for reviewing the plan submitted by the City and determining whether the modified comprehensive plan conforms with metropolitan system plans.

On behalf of the City of Lake Elmo:

  
Dean A. Johnston, Mayor

Date: 2005-01-27

On behalf of the Metropolitan Council:

  
Peter Bell, Chair

Date: 1/27/05

1/27/2005 3:02 PM

Existing Land Uses	Land Use Descriptions	Area (Acres)
BP	Business Park	121
C	Commercial	114
LB	Limited Business	243
PF	Public/Semi-Public Facilities	3450
RAD	Rural Agricultural Density	7020
RED	Residential Estates Density	760
ROW	Right-of-Way	509
SRD	Single-family Residential Density	1709
URD	Urban Residential Density	169
WAT	Water	1155
<b>TOTAL</b>		<b>15250</b>

Future Land Uses	Total Area (Acres)	Village Area (Acres)	South of 10th (Acres)
BP	362		362
C	58	54	1
LB Future sewer	16		16
LB Non-sewer	45		
NC	1658	116	
PF	3381	23	122
RAD	5029		74
RAD2	142		
RED	691		153
ROW	545	45	161
SRD3.5	1069		1069
URD	169		169
WAT	1155		25
VR-HD	7	7	
VR-LD	77	77	
VR-MU/MD	86	86	
VR-P/S	43	43	
VR-GB	717	717	
<b>TOTAL</b>	<b>15,250</b>	<b>1,168</b>	<b>2,152</b>

### Relationship to the Regional Development Framework

During the development, review and local adoption of this Land Use Plan the City Staff, Planning Commission, and City Council reflected repeatedly on the relationship of the Plan to the 2030 Regional Development Framework and the Metropolitan Council Draft 2030 Water Resources Management Plan. The details and amplifications of the 2005 Memorandum of Understanding (hereafter, "2005 MOU") have been incorporated in the Land Use Plan to the extent that such details and amplification modify or expand the Framework and/or Draft Water Resources Plan. MOU takes precedence where there is conflict with the Framework or Water Resources Plan.

1. The 2030 population and employment forecasts contained in Appendix A of the Metropolitan Council 2030 Development Framework – as adjusted in regard to forecasted persons-per-dwelling unit and the 2005 MOU.
2. The Regional wastewater flow targets for Lake Elmo from the Metropolitan Council Draft 2030 Water Resources Management Plan.
3. Paragraphs #2 and #5 of the City of Lake Elmo/Metropolitan Council 2005 MOU.
4. The City of Lake Elmo Community Facilities and Staffing Report – 2002

With respect to Regionally sewerage growth, Paragraph #5 of the 2005 MOU details the planned Regional Wastewater capacities available to Lake Elmo as follows:

	REC	MGD
To WONE Interceptor - Metro Plant (estimated construction completion: Dec. 2006)	1,825	0.50
To Cottage Grove Interceptor - Eagles Point Plant		
Phase I (estimated construction completion: Dec. 2007)	1,825	0.50
Phase II (estimated construction completion: Dec. 2010)	4,675	1.28
Total	8,325	2.28

As required by the Metropolitan Council "Local Planning Handbook," the Lake Elmo Development Staging Plan, in 5 year increments, shall be as follows:

	2000	2005	2010	2015	2020	2025	2030
Total Households	2347	2750	3619	5114	6324	7524	8727
Households							
Old Village – Sewered	0	0	515	600	600	600	1100
Cimarron – Sewered	0	0	0	0	500	500	500
Other Sewered	0	0	0	1050	1900	2750	3600
Total Population	6862	7700	9952	14064	18403	21895	24000
Total Sew. Employees	1000	1000	1000	3800	5950	8800	13000
Total Employment	1636	1943	2250	5050	7200	10050	14000

The foregoing projections of sewerage and unsewered dwelling units, population and employment shall be reviewed by the City at 5 year increments utilizing the data of the US Census Bureau for even year increments and the official estimates of the Metropolitan Council for odd year increments – when such data becomes available to the Public. If it is determined that the actual production of dwelling units, population and employment within the City is not equal to or greater than the foregoing projections, the City, with the cooperation and concurrence of the Metropolitan Council, will development measures to overcome any shortfalls during the ensuing 5 year period.

The City will adopt legal provisions to maintain this Staging Plan that may include a limitation on annual number of lots approved for platting, number of building permits issued, geographic extent of allowable development, or some combination of these or other suitable provisions. Such staging provisions shall provide for acceleration of the

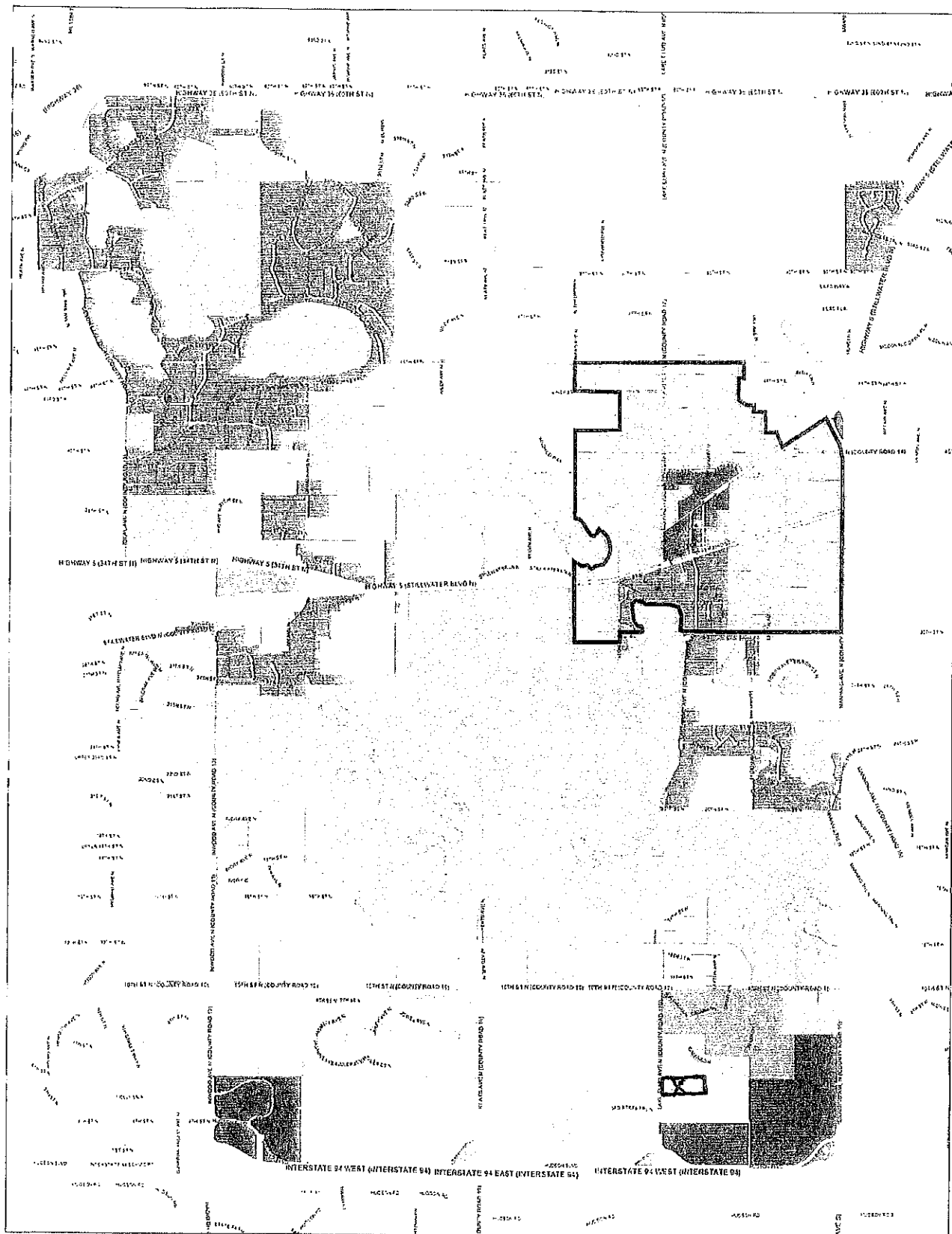
## Requirements for Areas Served by the Regional System

## 1. Community Forecast of Households and Employment for Areas Served by Regional Sewer Service (SAC Units)

Year	New Households				Employment		
	W. O. N. E	Cott Gr. Old Village	Cottage Grove S of 10th	Total	W. O. N. E	Cottage Grove	Total
2005	0	0	0	0	100	0	100
2006	0	125	0	125	152	0	152
2007	0	250	0	250	204	0	204
2008	0	320	0	320	256	0	256
2009	0	390	0	390	308	0	308
2010	0	460	0	460	360	0	360
2011	0	530	0	530	384	0	384
2012	280	600	0	880	408	0	408
2013	560	600	0	1160	432	0	432
2014	840	600	0	1440	456	0	456
2015	1120	600	0	1720	480	0	480
2016	1120	600	100	1820	480	64	544
2017	1120	600	270	1990	480	128	608
2018	1120	600	440	2160	480	192	672
2019	1120	600	610	2330	480	256	736
2020	1120	600	780	2500	480	320	800
2021	1120	600	950	2670	480	384	864
2022	1120	600	1120	2840	480	448	928
2023	1120	600	1290	3010	480	512	992
2024	1120	600	1460	3180	480	576	1056
2025	1120	600	1630	3350	480	640	1120
2030	1120	600	2480	4200	480	920	1400

## 2. Sanitary Sewer Plan Map.

The Staging Plan Map shows sewer service staging in 5 year increments and future land use.



## FUTURE LAND USE

Lake Elmo Comprehensive Plan 2005 - 2030

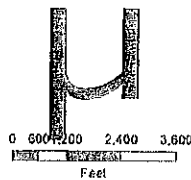
### Limitation of Liability

This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices and other sources.

Map Date: January 31, 2006

Created By: TKDA

Elmo Lake and Elmo Lake Road

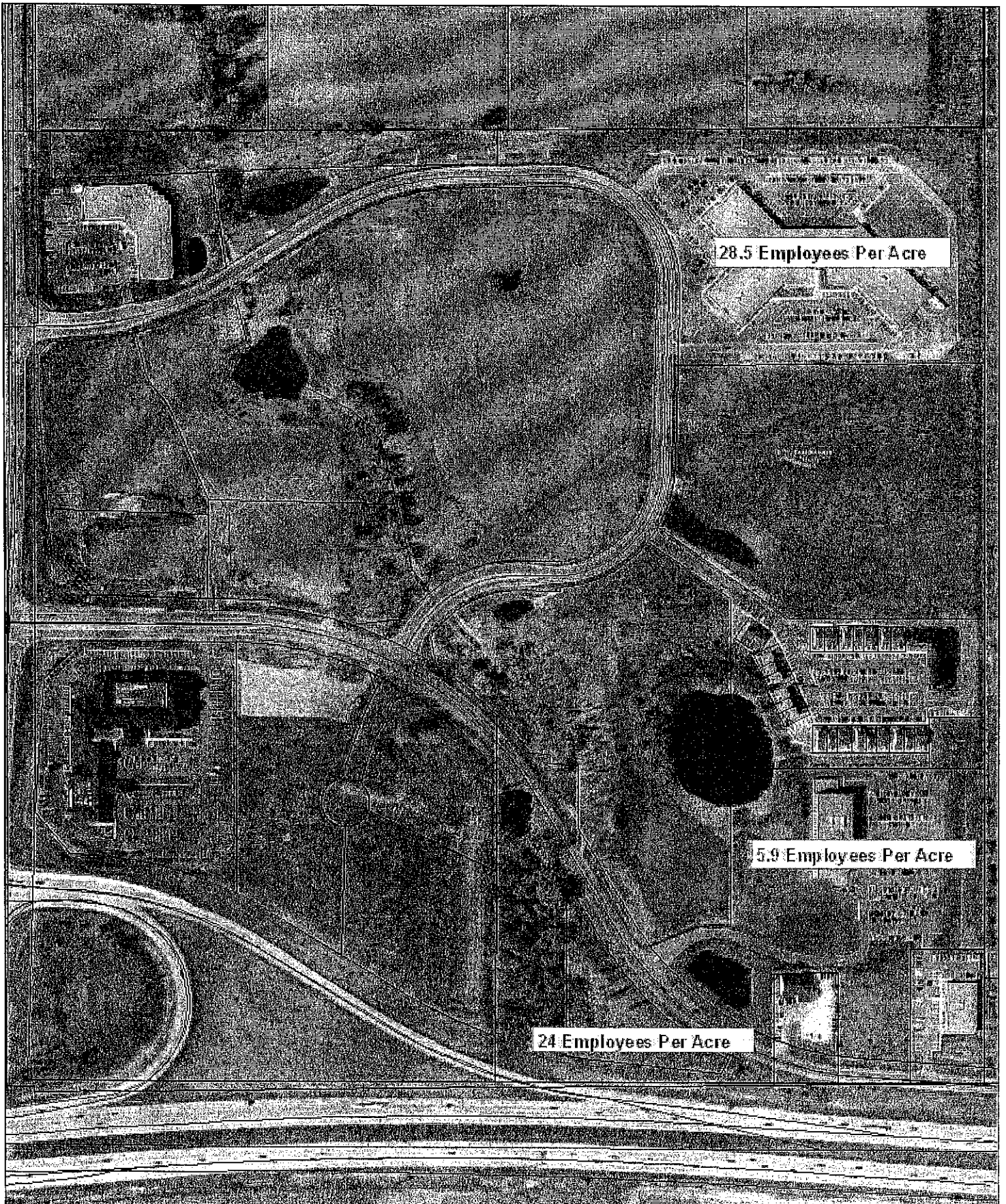


### Land Use

C	RED
BP - 40 Employees/Acre	NC
PF	ROW
RAD - 0.45 DU/Acre	WAT
RAD - 2 DU/Acre	VR
URD - Cimarron	
SRD - 3.5 DU/Acre	
LB Future sower - 40 Employees/Acre	
LB Non-sower	



# Existing Eagle Point Business Park

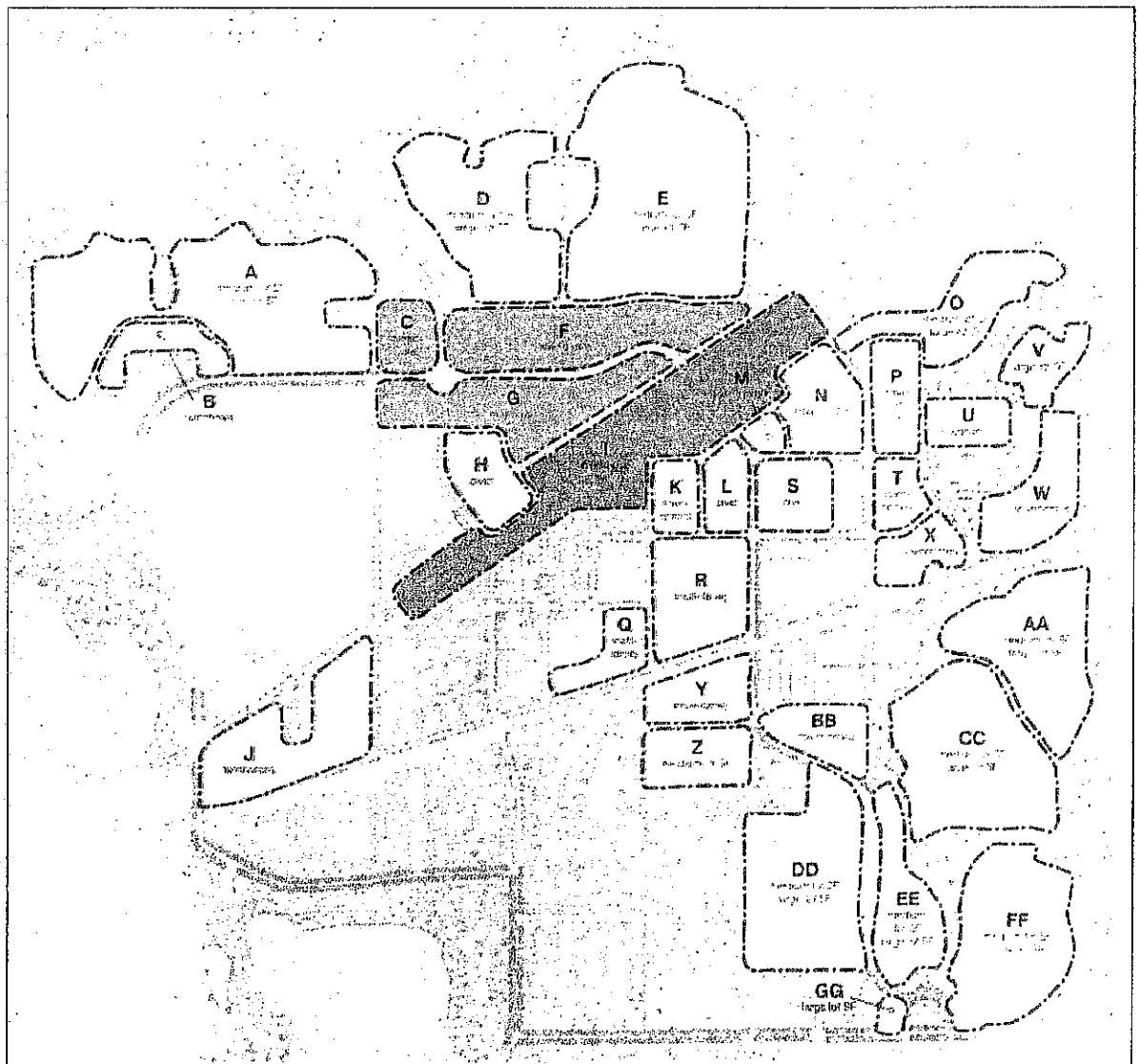


Approximate Employee per Acre Calculation



# Parcel Plan

Based on the Illustrative Master Plan, the Parcel Plan shown below offers two levels of additional information; First, it shows the relationship between proposed development area and preserved or enhanced greenspace (including new and existing parks, trails and greenbelt buffer) And second, it describes the recommended land use and/or housing type for each area (or parcel) within the Plan. It is important to note that the Parcel Plan can be considered the precursor to the future Village Area Zoning Map. Parcels on this plan depict relative size, approximate location and general land use category – all important information to be included in more detailed mapping, revised City code and regulations, development guidelines and other planning tools needed to further define and monitor Master Plan implementation.



## Unit Tabulation

Parcel	Unit Type	Range
A	Large SF & Medium SF	90-100
B	Twinhome	15-20
C	-	-
D	Large SF & Medium SF	50-65
E	Large SF & Medium SF	100-130
F	Apt/Condo	(80)
G	Apt/Condo	(80)
H	-	-
I	Housing over Retail	25-40
J	Twinhome	30-40
K	Townhouse	42-56
L	-	-
M	Townhouse	18-24
N	Small SF	45-60
O	Medium SF & Large SF	30-48
P	Small SF	32-40
Q	Apt/Condo	(80)
R	Apt/Condo	(120)
S	-	-
T	Townhouse	30-40
U	Townhouse	30-40
V	Large SF	10-15
W	Townhouse	72-94
X	Townhouse	36-48
Y	Apt/Condo	(80)
Z	Medium SF	12-15
AA	Medium SF & Large SF	30-60
BB	Townhouse	30-40
CC	Medium SF & Large SF	45-90
DD	Medium SF & Large SF	27-54
EE	Medium SF & Large SF	12-24
FF	Medium SF & Large SF	27-54
Total (given as a range)		800-1200

The unit tabulation chart is intended to show a general range for expected unit count represented by the Village Area Master Plan and on the Parcel Plan from the previous page. It does not specifically define the exact number of units per development parcel, nor does it seek to define the specific type or mix of units for each parcel.

A detailed unit count/distribution plan will be prepared as part of ongoing discussion that includes project infrastructure costs, financing options, schedule and other factors that ultimately will determine final recommendations. Again, it is important to note that from the outset, the Village Area Planning Process did not begin with a preconceived notion related to overall unit count, except to meet the terms of the Metropolitan Council agreement and to provide a comprehensive look at viable options.

The Guiding Principles and the basic framework of the Master Plan have a strong influence on the type and location of housing. And, it is increasingly evident that the Village Area can accommodate reasonable growth and development without losing its rural character. Ultimately the strength of the Master Plan relies on a built-in flexibility to accept a number of different future scenarios as possibilities – all leading to similar outcomes that emphasize place-making, health and livability, fiscal responsibility and permanence.

### Note:

This chart lists potential Apartment/Condominium housing (indicated in parenthesis), but does not include these units in the total. Additional study, including the AUAR, will provide a better understanding of site capacity and market demand for this unit type.

+440 units Apt/Condo

1240 - 1640 w. counts apt/condos.

TOTAL TOTAL

the potential development opportunities associated with each land use category included in the composite land use map.

**Table 6-1**  
**Village Master Plan Composite Land Use Map – Potential Development Opportunities**

Land Use Category	Acres	Potential Development Opportunities
Potential Future Redevelopment (Existing Developed Parcels)	44.5	Apartments/Condos, Neighborhood Retail, Housing Over Retail, Office
New Mixed Use Development	72.5	Apartments/Condos, Townhomes, and Small Lot Single Family. Commercial and Office Node (along TH 5 near 39th St.)
New Civic/Institutional Development	16.5	City Hall, Community Campus (family service center, library, wellness center, art center), New schools
New Residential Development	308.6	Variety of single family detached lot sizes, Townhomes
Existing Old Village City Fabric (Built Area)	154.2	Represents the portions of the Village that are not identified for future redevelopment
Buffer Zone/Open Space, New Parks/Open Space, Existing Parks/Open Space, Horse Farm, and Existing Old Village City Fabric (Open Space)	532.2	Active and passive recreational opportunities
Open Water	62.0	Active and passive recreational opportunities
Right of Way (existing)	84.0	Road maintenance and improvement projects

The only difference between the three scenarios based on the Village Master Plan is in the number of residential housing units (Scenarios A – 600 residential units, B – 1,000 residential units, and C – 1,600 residential units). All other development assumptions are the same between the scenarios (e.g., parks, open space, commercial, office, and institutional uses). A development scenario description is included in Table 6-2 and displayed on Figure 6-1.

**Table 6-2**  
**Village Master Plan Development Scenarios Description (Scenarios A, B, and C)**

Composite Land Use Plan	Scenario A	Scenario B	Scenario C	Source:
Parks and Open Space (current and future)	47%	47%	47%	Village Master Plan prepared by Engstrom and Close Landscape Architects
Existing Village Built Area	14%	14%	14%	Village Master Plan
New Commercial/Institutional	7%	7%	7%	Village Master Plan
• New Commercial	300,000 ft <sup>2</sup>	300,000 ft <sup>2</sup>	300,000 ft <sup>2</sup>	Close Landscape Architects
• New Office	150,000 ft <sup>2</sup>	150,000 ft <sup>2</sup>	150,000 ft <sup>2</sup>	Close Landscape Architects
• New Institutional	200,000 ft <sup>2</sup>	200,000 ft <sup>2</sup>	200,000 ft <sup>2</sup>	Close Landscape Architects
New residential	32%	32%	32%	Village Master Plan
• New Housing	600 units (B)	1,000 units (B)	1,600 units (B)	(A) Comp plan (B) Village Master Plan

#### COMPREHENSIVE PLAN – AUAR SCENARIO D

This future land use plan has been effectively replaced by the vision presented in the Village Master Plan for future development of the Village regardless of how many new housing units are part of the future development. Nevertheless, under the EQB's AUAR regulations, the city's comprehensive plan is a required scenario to be studied. The city attorney has determined the number of new housing units required in the comprehensive plan for the Village is 906 new units due to the number of actual existing housing units (Appendix D). This number is required to be used in evaluating the comprehensive plan impacts. However, the implementation of any new development scenario based on the Village Master Plan will require amending the comprehensive plan.

The city's adopted future land use plan is shown in Figure 6-2. This plan provides for low density housing located east of Reid Park between 30<sup>th</sup> Street and the railroad tracks, a high density residential area located at the former lumberyard site, medium density and mixed use centered along Stillwater Blvd (TH 5), public space east of the new residential areas, and a green belt surrounding the existing and proposed built portions of the village. Table 6-3 includes a more detailed description of Scenario D.

**Table 6-3**  
**Comprehensive Plan Scenario Description (Scenario D)**

Village Future Land Use Designation	Acres	Housing Units	Commercial/Office (ft <sup>2</sup> )	Institutional (ft <sup>2</sup> )
Village Residential High Density (VR/HD)	7	102	-	-
Village Residential Low Density (VR/LD)	77	339	-	-
Village Residential Mixed Use/Medium Density (VR MU/MD)	45	465	450,000	-
Village Residential Mixed Use/Medium Density (VR MU/MD)	41	-	-	-
Village Residential Public/Semi Public (VR P/S)	43	-	-	200,000
Village Residential Green Belt (VR GB)	717	-	-	-
Open Water	62	-	-	-
Right of Way	84	-	-	-
No designation (existing Village Area) <sup>2</sup>	199	-	-	-
<b>Total</b>	<b>1,275</b>	<b>906</b>	<b>450,000</b>	<b>200,000</b>

<sup>1</sup> Refers to the "white" areas on the Village Area Future Land Use Map

#### DEVELOPMENT SCENARIO COMPARISON

A comparison of the four development scenarios is provided in Table 6-4. The table provides a summary of the residential units, square feet of non-residential uses, and the percent of the Village that would accommodate the proposed uses.

**Table 6-4**  
**AUAR Development Scenario Comparison**

Land Use Type	Scenario A	Scenario B	Scenario C	Scenario D
Parks and Open Space	47%	47%	47%	64%
New Residential	32%	32%	32%	11%
• New Housing	600 units	1,000 units	1,600 units	906 units
New Commercial/Institutional	7%	7%	7%	7%
• New Commercial	300,000 ft <sup>2</sup>	300,000 ft <sup>2</sup>	300,000 ft <sup>2</sup>	300,000 ft <sup>2</sup>
• New Office	150,000 ft <sup>2</sup>	150,000 ft <sup>2</sup>	150,000 ft <sup>2</sup>	150,000 ft <sup>2</sup>
• New Institutional	200,000 ft <sup>2</sup>	200,000 ft <sup>2</sup>	200,000 ft <sup>2</sup>	200,000 ft <sup>2</sup>
Existing Village Built Area	14%	14%	14%	18%



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Witt Fram  
enn A. Bergman  
ohn Michael Miller  
Michael T. Oberle  
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December 3, 2007

Mayor Dean Johnston and  
Lake Elmo City Councilmembers  
City of Lake Elmo  
3800 Laverne Ave. North  
Lake Elmo, MN 55042

Re: Sewered Housing Units  
Old Village Area

Dear Mayor Johnston and Members of the City Council:

In 2004, the Minnesota Supreme Court determined that the Metropolitan Council had the statutory authority to require the City to modify its proposed Comprehensive Plan in the manner provided by Metropolitan Council Resolution No. 2003-10. This particular Metropolitan Council Resolution effectively incorporated a list of nine (9) required modifications, including a requirement that there would be development to accommodate 7,850 Residential Equivalent Units (REC's) of regional sewer capacity. All City Councilmembers opposed this level of development and asked the Metropolitan Council if it would be willing to negotiate some other solution. The negotiation resulted in the Memorandum of Understanding.

The Memorandum of Understanding was intended to provide guidance to the City as it began the task of revising the Comprehensive Plan draft that had been rejected by the Metropolitan Council. The Memorandum of Understanding mandates that the City achieve certain development goals by 2030 (Population-24,000; residential REC's- 5,200; and employment REC's-1,400), but it permits the City to use its discretion in determining how to achieve the 2030 development goals. The specific manner in which the City chose to exercise its discretion is reflected in the Comprehensive Plan that was approved by the City and by the Metropolitan Council, and in the official control which the City has and will adopt to implement the policies of the Comprehensive Plan.

In regard to the Old Village (both existing and new), the Comprehensive Plan identifies the number of sewered housing units in two (2) ways. First, it specifically states that there will be 1,100 sewered housing units in the Old Village by 2030 (Comprehensive Plan III-17). The City Engineer advises me there are 194 current



December 3, 2007

Page 2

housing units in the Old Village. By subtracting current housing units from the projected housing units, the result is 906 new housing units.

Secondly, the Comprehensive Plan indirectly estimates the possible number of new housing units by adopting zoning categories for the Old Village (Comprehensive Plan III-3 through III-5); by specifying permissible densities within zoning categories for the Old Village (Comprehensive Plan III-3 through III-5); and by identifying the number of acres available for development within various zoning categories (Comprehensive Plan III-7).

Zone	Units/Acre	Acres	Max. Units
1. VR/HD	14.5	7	101.5
2. VR/LD	0.45	77	34.65
3. VR MU/MD	5-6	86	430-516
4. VR P/S	0.45	43	19.5
5. VR/GB	0.45	717	322.65

The above calculations indicate that there could be 909-995 new housing units to the Village area in addition to the existing 194.

If you have any questions please contact me.

Very truly yours,

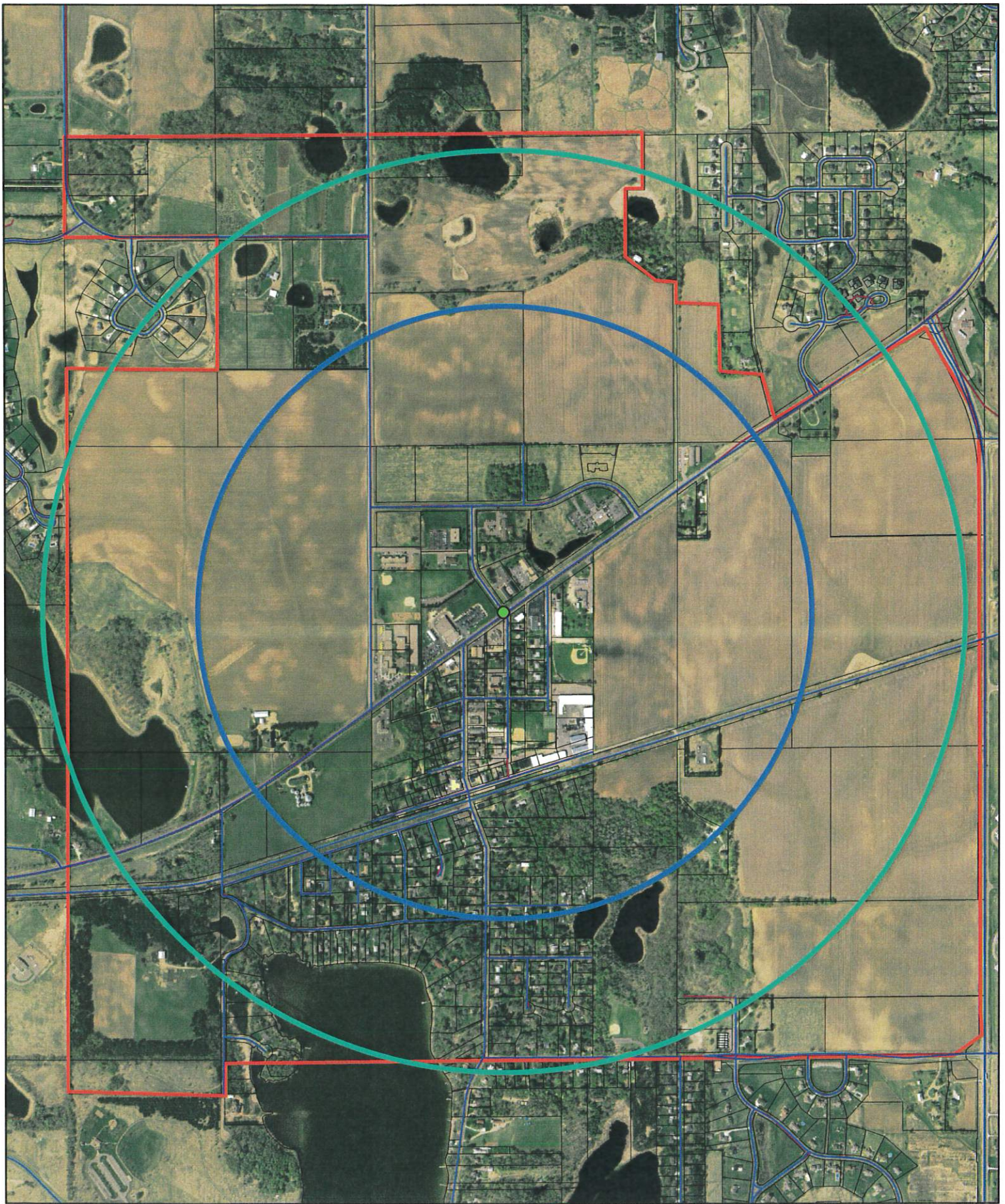
/s/

Jerome P. Filla

JPF/jmt



# Village Area



1/2 Mile Radius



3/4 Mile Radius





## MAYOR & COUNCIL WORKSHOP

DATE: 8/12/10  
**WORKSHOP**  
ITEM #: 2  
**DISCUSSION**

**AGENDA ITEM:** Home Occupations Ordinance No. 08-027

**SUBMITTED BY:** Lake Elmo Planning Commission  
Danielle Bailey, Planning Intern  
Kelli Matzek, City Planner

**THROUGH:** Bruce Messelt, City Administrator *BAM*

**REVIEWED BY:** Kyle Klatt, Planning Director

---

**SUMMARY AND ACTION REQUESTED:** The City Council is asked to review and provide Staff with feedback on a revised draft of Lake Elmo's Home Occupation regulations. This issue has been under review since 2004 with significant discussion (see Home Occupation Timeline) and was tabled by the City Council on July 18, 2006. It was revisited by the City Council on July 6, 2010. At that meeting, the City Council tabled discussion so that all members could be present to discuss the Planning Commission's recommendation.

**BACKGROUND INFORMATION:** Staff is providing the Council with a Timeline of the Home Occupation Ordinance, 2006 proposed Home Occupation regulations from Council Members Smith and DeLapp, Ordinance No. 08-027, and Resolution No. 2010-024 (necessary for summary publication).

If it is desirous by the Council to further discuss this ordinance given its complexity and history, the City Council may schedule additional time for future discussion and consideration.

The main discrepancies between the Planning Commission's recommended Ordinance and the 2006 regulations proposed by Council Members Smith and DeLapp fall upon 9 principle items:

Item	Planning Commission Recommendations	2006 City Council Directions
<b>Classifications</b>	2 Classifications: Home offices and Home Based Businesses	1 Classification
<b>Business Vehicles</b>	3 (to include employees) allowed on site at any onetime for Home Based Businesses. Must comply with city parking regulations	1 pickup truck or van allowed
<b>Equipment</b>	No limit	Limited by those normally found at a residence
<b>On Premise Sales</b>	Home Offices: not permitted. Home Based Businesses: not regulated but limited by customer visits (5 per day)	Not permitted
<b>Employees</b>	Home Office: no non-resident employees. Home Based Businesses: 2 non-resident employees	No non-resident employees
<b>Customer Visits</b>	Home Office: Not permitted. Home Based Businesses: 5 per day	Not permitted
<b>Accessory Buildings</b>	Office/Business allowed to operate within.	Not allowed to operate within
<b>Storage</b>	Within residential/garage/accessory building structures/	Enclosed and limited to 100sqft
<b>Infrequent Sales</b>	Twice a year no more than 3 days in length	Twice a year no more than 6 days in length

**STAFF REPORT:** The Home Occupation Ordinance is currently out of date. It is only referenced in the definition section of the City Code, does not address garage sales or merchandise sales, and provides no review process to evaluate how intrusive a Home Occupation is on surrounding property. Now that more and more individuals are beginning to use Home Occupations, it is becoming a necessity to update Lake Elmo's regulation in order to provide better guidance on the proper usage of Home Occupations.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council discuss the discrepancies between City Council recommended regulations and those recommended by the Planning Commission. Staff is seeking direction on moving forward with the Home Occupation Ordinance.

**ATTACHMENTS:**

1. Home Occupation Timeline
2. 2006 Proposed Regulations by Council Members Smith and DeLapp
3. Ordinance No. 08-027

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation .....Planning Staff
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Council Discussion ..... Mayor & City Council
- Council Action/Director..... Mayor Facilitates

## Home Occupation Timeline

- July 6, 2010—City Council tabled decisions for all members to be present.
- June 28, 2010—Planning Commission recommended approval of the Home Occupation Ordinance to the City Council
- April 12, 2010—Planning Commission made the following decisions with regard to Home Occupations:
  - Home Occupations will be defined by two subtypes: Home Offices and Home Based Businesses.
  - Home Based Businesses should have a Home Based Business Permit that is monitored by the staff using an application procedure.
  - Home Offices should be regulated by performance standards.
  - Exceptions to the Home Occupation Ordinance should include garage sales, licensed facilities, and agricultural sales.
  - A Garage Sale provision should be added to the definition section.
- March 22, 2010—Planning Commission made the following decisions with regard to Home Occupations:
  - They wanted separate regulations and definitions for home offices and home based businesses and wanted to return to the old planning commission draft as a starting point.
  - Degree of storage should not be limited for any home occupation.
  - Home offices would not have a permit and home based businesses would require a Special Home Occupation Permit.
  - Signs would not be permitted for any home occupation
- March 8, 2010—Planning Commission reopened discussion on the Home Occupation Ordinance
- July 18, 2006—City Council
  - Tabled discussion
- June 12, 2006—Planning Commission made revisions to the recommended ordinance
  - Made the following changes:
    - Degree of storage should not be limited
    - Two non-resident employees are allowed in a home-based business
    - Annual license renewals is not needed
    - Three business related vehicles are allowed at any time (parked off street)
    - Limited visits from 10 to 5 per day
    - Deliveries limited to 6 trips daily
- June 6, 2006—City Council workshop
  - Made a draft ordinance
- March 27, 2006—Planning Commission Public hearing
  - Concern over stock and trade being limited because of invasion of privacy
  - Concern over how to address adverse impacts on adjacent property
- March 13, 2006—Planning Commission Public Hearing
  - Discussed Shoreview ordinance

- Discussed the definition currently in use and suggested splitting it into two categories: home based business, and home office
  - Discussed difference between seasonal and year long businesses
  - Discussed deliveries
- November 14, 2005—Planning Commission
  - Discussed Shoreview Ordinance and created a table
  - Discussed accessory structures
  - Discussed licensing
  - Discussed distinction between land uses
- October 24, 2005—Planning Commission
  - Discussed traffic concerns
  - Discussed exterior visibility of business
- March 14, 2005—Planning Commission
  - Home occupations discussed under a zoning text amendment
    - Was amended to include RR zoning
- February 28, 2005—Planning Commission
  - Set up schedule for March 14, 2005 text amendment, and suggest tabling rest of the issue
- February 7, 2005—City Council, Home Based Business Workshop

## Home Occupations

1. **Purpose:** The purpose of this section is to maintain the character and integrity of residential areas and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.

2. **General Provisions:**

- A) No home occupation shall produce light, glare, noise, odor, ~~smoke, dust, heat or hazardous or toxic material~~ ~~shall not be produced, stored or kept on the premises that will in any way have an objectionable effect upon adjacent or nearby property.~~
- B) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- C) Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
- D) ~~No home occupation shall require internal~~ or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
- E) There shall be no exterior storage of equipment or materials used in the home occupation.
- F) Vehicles associated with a home occupation shall be ~~limited to one~~ automobile, pick-up truck or van on the premises.
- G) ~~Using only~~ equipment or machinery that is normally found at a residence.
- H) The home occupation shall meet all applicable fire and building codes.
- I) There shall be no exterior display or exterior signs which are visible from outside the dwelling.
- J) All home occupations shall comply with the provisions of the city code.
- K) No home occupation shall be conducted ~~between the hours of 10:00pm and 7:00am, unless said occupation is contained entirely within the principal building, excluding attached garage space and will not require any off street parking facilities.~~
- L) No commodity shall be sold on the premises excluding party based sales.
- M) ~~No persons other than those who customarily reside on the premises shall be employed.~~
- N) The general public shall not come to the premises in question for purposes pertaining to the conduct of the home occupation.
- O) All home occupations shall be conducted entirely within the principal dwelling ~~excluding the attached garage space, and may not be conducted in an accessory building.~~
- P) The home occupation shall not require storage of over 100 square feet.



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-027

AN ORDINANCE ADDING HOME OCCUPATION REGULATIONS  
TO THE CITY CODE

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

~~**HOME OCCUPATION.** Any gainful occupation or profession engaged in by the occupant, only, of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, that no over the counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Uses include professional office, hairdressing, or teaching limited to 3 students at any time, and similar uses. A **HOME OCCUPATION** shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, disorderly house as defined by M.S. § 609.33, Subd. 1, as it may be amended from time to time, or similar uses. No **HOME OCCUPATION** shall be permitted that creates the need for more than 3 parking spaces at any given time in addition to the parking spaces required by the occupants. **HOME OCCUPATIONS** shall not be carried on except between the hours of 7:00 a.m. and 10:00 p.m.~~

**SECTION 2.** The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definitions in alphabetical order with the already existing definitions:

**Garage Sales.** Any isolated or occasional display and sale of used personal property or home-crafted items conducted on residential premises by the occupant of the residential property. Garage sales shall include rummage sales, basement sales, yard sales, porch sales, craft sales, and seasonal boutiques. Garage sales are limited to no more than two (2) sales per calendar year at any one property. Such sale cannot exceed three (3) consecutive calendar days.

**Home Based Business.** A home occupation that does not meet the definition of home office either because it allows non-resident employees, additional parking, or customer visits.

**Home Occupation.** Any occupation, profession or trade engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of

the premises and does not change the character of said premises. There are two types of home occupations: home offices and home based businesses.

**Home Office.** A home occupation which consists primarily of an office or home crafts. It includes, but is not limited to, receiving or initiating correspondence, such as phone calls, mail, fax, or e-mail; preparing or maintaining business records; word or data processing; and telephone, mail order, and off-premise sales.

**Merchandise Parties.** Private parties held for the purpose of soliciting sales. Merchandise parties shall include but not be limited to Tupperware, Mary Kay, and Avon parties. Merchandise parties shall be limited to no more than six (6) sales per year from a residential dwelling unit.

**SECTION 3. The City Council of the City of Lake Elmo hereby adds 154.112: Land Usage; Chapter 154: Zoning Code, by adding the following language:**

**§ 154.112 Home Occupations.**

(A) **Purpose and Intent.** The City of Lake Elmo recognizes the desire and/or the need of some citizens to use their residences for business activities. The City also recognizes that the use of residences for limited business purposes 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 while preserving the distinction between residential and commercial zoning districts.

(B) **Home Based Business and Home Office.** Permits 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.

(C) **Administrative Enforcement.**

(1) **Home Based Business Permit.** Any Home Based Business shall require a "Home Based Business Permit." Permits shall not run with the land and shall not be transferrable. A complete application, including the signature of the property owner, shall be submitted to the City. The planning department may impose such conditions on the granting of a Home Based Business Permit as may be necessary to carry out the purpose and provisions of this Section.

(2) **Review.** The planning department shall approve or deny Home Based Business Permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights as indicated in section 31.10

(D) **Home Office Performance Standards.** Home Offices must meet the following Performance Standards:

(1) **Residency.** A full-time resident of the property must conduct the home office.

(2) **Impact on Adjacent Properties.** The Home Office shall have no adverse effect on adjacent properties which shall include but is not limited to traffic or offensive noise, light, odor, dust, electro-magnetic interference or other noxious substances, as may be defined elsewhere in the City Code.

(3) **Exterior Appearance.** There shall be no exterior evidence, including signs advertising the home occupation, that a building is being used for any purpose other than as a residential dwelling or permitted accessory structure.

(4) **Number of Businesses.** More than one Home Office is allowed, however the combined impact shall be considered when evaluating if it meets the requirements of a Home Office.

(5) **Non-resident Employees.** No non-residents may work on the site.

(6) **Customer Visits to Site.** The general public shall not come to the premises in question for purposes pertaining to the conduct of the Home Office.

(7) **Deliveries to Site.** No more than six (6) delivery/pickup trips per week. Delivery vehicles shall not be larger than a typical residential delivery truck.

(8) **Storage.** Any merchandise or stock in trade sold, repaired, or displayed shall be stored entirely within the residential structure, garage, or an accessory building.

(E) **Home Based Business Performance Standards.** Review of applications for Home Based Business Permit and subsequent determinations regarding revocation of a Home Based Business Permits shall be based on the initial and continued compliance of a Home Based Business on the following Performance Standards:

(1) **Residency.** A full-time resident of the property must conduct the business.

(2) **Impact on Adjacent Properties.** The Home Based Business shall have no adverse effect on adjacent properties which includes but is not limited to traffic or offensive noise, light, odor, dust, electro-magnetic interference or other noxious substances, as may be defined elsewhere in the City Code.

(3) **Exterior Appearance.** There shall be no exterior evidence, including signs advertising the home occupation, that a building is being used for any purpose other than as a residential dwelling or permitted accessory structure.

(4) **Number of Businesses.** More than one Home Based Business is allowed, however the combined impact shall be considered when evaluating the terms of the Home Based Business Permit.

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

(6) **Business Vehicles.** A maximum of three (3) business vehicles may be on site at any time, and the vehicles must be parked off-street at all times. No parking shall replace the required parking of the residents. Said vehicles must be in compliance with section 154.095 in the City Code regarding the maximum size of vehicles permitted to be parked in residential zones.

(7) **Customer Visits to Site.** Permitted only where specified by the Home Based Business Permit, and shall be limited to a maximum of five (5) per day.

(8) **Deliveries to Site.** No more than six (6) delivery/pickup trips per week. Delivery vehicles shall not be larger than a typical residential delivery truck.

(9) **Storage.** Any merchandise or stock in trade sold, repaired, or displayed shall be stored entirely within the residential structure, garage, or an accessory building.

(10) **Off-Street Parking.** When customer site visits are specifically allowed by the Home Based Business Permit, adequate Off-Street Parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be in compliance with section 154.095 in the City Code.

(11) **Hours of Operation.** Home Based Businesses can only have non-resident employees at the site, deliveries to the site, or customer visits to the site between the hours of 7:00 a.m. to 10:00 p.m. seven (7) days a week.

(F) **Exceptions.** Home Occupations do not pertain to Agricultural Sales, Garage Sales, Licensed Residential Facilities, or Merchandise Parties.

#### **SECTION 4. Effective Date**

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

#### **SECTION 5. Adoption Date**

This Ordinance No. 08-027 was adopted on this 6<sup>th</sup> day of July 2010, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

\_\_\_\_\_  
Mayor Dean Johnston

ATTEST:

\_\_\_\_\_  
Bruce Messelt  
City Administrator

This Ordinance No 08-027 was published on the \_\_\_\_ day of \_\_\_\_\_, 2010.