

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota

July 20, 2010 – Proposed Amended Agenda (Item 2a added)

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ DeLapp ___ Emmons, ___ Park ___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES:
 - 1. Approval of the July 6, 2010 City Council minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by City staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
 - 2. Approve payment of disbursements and payroll
 - a. Approve proposed City Hall improvements
 - 3. Approve Resolution No. 2010-034 approving election judges to work on August 10th and November 2nd elections
 - 4. Approval Resolution No. 2010-035 regarding final Assessments for 2009 Street Improvements
 - 5. Approve City Ordinance No. 08-028 Regarding Administrative Enforcement
- J. REGULAR AGENDA:
 - 6. Update by Fire Chief Malmquist Regarding FAST Deployment to Wadena
 - 7. Financial Update – FY 2010 2nd Quarter Review

8. Discussion of Ordinance No. 08-027 Regarding Home Occupations
9. Consider Resolution No. 2010-036 regarding Application for Planned Unit Development and Open Space Preservation Concept Plan for "Lake Elmo Senior Living and Farm School"

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor – Regional Economic Development
- City Council
- Administrator
 - Request for Guidance on coordinated County/City approach to aging sidewalk infrastructure in downtown
 - Update on Library Discussions
- City Engineer
- Planning Director

L. ADJOURN

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

City of Lake Elmo
City Council Minutes

July 6, 2010

Mayor Johnston called the meeting to order at 7:00 p.m.

PRESENT: Mayor Johnston and Council Members DeLapp, Emmons (arrived at 7:04 p.m.), Park

Absent: Council Member Smith

Also Present: Administrator Messelt, City Engineer Griffin, Attorney Sandstrom, League of MN Attorney John Baker, Planning Director Kyle Klatt, Planning Intern Danielle Bailey, Finance Director Bouthilet and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member Park moved to approve the July 6, 2010 City Council agenda. Council Member DeLapp seconded the motion. The motion passed 3-0.

GROUND RULES:

APPROVED MINUTES:

The June 15, 2010 City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

CONSENT AGENDA:

MOTION: Council Member Emmons moved to approve the Consent Agenda. Council Member Park seconded the motion. The motion passed 4-0.

- Approve payment of disbursements and payroll in the amount of \$234,270.30
- Approve 3.2 liquor license for Lake Elmo Jaycees Huff'n Puff days, August 12-15, 2010 and waive fees for license and Lions Park ballfield lights
- Approve new off-sale intoxicating liquor license for Lake Elmo Wine Company, 3511 Lake Elmo Avenue N., Applicant: Kimberly Ommerborn and submit application for approval by the Minnesota Public Safety Inspector
- Authorize execution of the easement encroachment agreement for 12211 Marquess Lane Cove

- Authorize the City Engineer and City Administrator to further investigate and, if appropriate, affect a mutually advantageous partnership with the Minnesota Pollution Control Agency for temporary location of shallow aquifer monitoring wells on appropriately-identified public lands/municipal property.

REGULAR AGENDA:

Consideration of Ordinance 08-026 Amending the definition of "Wayside Stand:

The City Council was asked to consider the Planning Commission's recommendations to modify the definition of "Wayside Stand" in the City Code. That definition, in Section 11.01 of the City Code, presently defines a Wayside Stand as a "temporary structure or vehicle used for seasonal retail sale of agricultural goods produced by the operation of the wayside stand on-site on other property in Lake Elmo. The proposed revision to be considered would delete from the definition the words "or on other property in Lake Elmo".

Mayor Johnston opened up the meeting for public discussion.

Kaye Hilpisch, 10732 Stillwater Blvd., asked the Council to keep the farmers operating for many years even if they have to go outside of the City to secure products.

Ed Gorman, 11011 Stillwater Blvd., asked that the Council set up a committee to study this item or set up a referendum voted by the residents. He believes the City Council is going down the wrong path.

Kathy Lohmer, 8199 Hill Trail N., didn't want to see Lake Elmo loose businesses. It didn't make any sense to her for businesses not being able to sell all their products.

Dick Bergmann, 5500 Lake Elmo Avenue N., stated he is a fourth generation farmer and has sold items outside of Lake Elmo since 1972 and now the City is telling him if you sell products you have to grow them in Lake Elmo. This would put him out of business. He was not aware of the extreme violation until December, 2009.

Cari Myhra, 456 Manning Avenue N., stated since there is ambiguous language in the ordinance a study committee should be formed. A farmers market is not a cure all because there are other perishable items that can't be sold at a farmers market.

Keith Bergmann, 5833 Lake Elmo Avenue N., stated the wording affects all the farms in the City because it makes it harder for the small farmer to sell their products. He said they have been selling products not grown on the site for years. He pointed out that Lake Elmo Sod Farm grows sod in Lake Elmo and has to cross the street to West Lakeland Township to sell their product. He asked the Council to re-examine the ruling and strike out "Ag sales grown on the premises".

Randy Schwartz, 1750 Lake Elmo Avenue, stated his family worked for Bergmann's for years selling quality products. He asked why the City isn't protecting these residents.

Jeanne Novak, 2925 Klondike, asked why has the wording changed, has the Bergmann's done something wrong, and how can the City make an adjustment so the Bergmann's can carry on their business.

Mike Sivigny, 5535 Lake Elmo Avenue N., emphasized freedom, permit a business to operate the way they want.

Jeff Salus, 2950 Janero Avenue, asked that the City let them farm, it's the American way.

Kevin Gorman, 11011 Stillwater Blvd. N., stated there are six families affected by this decision. He asked the Council to table and makes a healthy decision on the ordinance.

Donald Slinger, 4620 Lake Elmo Avenue N., thought the ordinance was very restrictive and harmful to our community. It should be expanded so any kid can sell locally...maybe up to \$5,000 in sales.

Sue Dunn, 11018 Upper 33rd Street, thought it was too stringent of an ordinance when you know you can't grow everything on your land.

Ann Sivigny, 5535 Lake Elmo Avenue N., stated the Bergmann's welcome her to the United States and employed her daughter. They have even dropped items off at their residence.

Administrator Messelt noted that Council Member Smith, who was not in attendance, indicated she favored the recommendation by the Planning Commission. Council discussion continued on the proposed definition of "Wayside Stand".

MOTION: Mayor Johnston moved to adopt Ordinance No. 08-026 amending the definition of Wayside Stand in Section 11.01 of the City Code, pursuant to the unanimous recommendation of the Planning Commission and the denoted findings of fact. Council Member DeLapp seconded the motion. The motion passed 3-1: (Council Member Park favored forming study committee.).

Home Occupations Ordinance No. 08-027

The Council discussed the issue of enforcement of regulations stated in the ordinance. The consensus of the Council was to discuss this agenda item at the July 20, 2010 City Council meeting.

Unanswered Area Population Projections and Density Analysis – Review of 2030 Comprehensive Plan Information

The Council moved this agenda item to the July 13, 2010 City Council workshop.

Drainage and Utility Easement Vacation – 11950 21st Street N.

The City Council was asked to consider a request from Richard and Elizabeth Heath, 11950 21st Street N, to vacate a portion of an existing drainage and utility easement on their property and to further accept the dedication of new easement on this property to replace the one being vacated. This request was made to comply with a condition of the variance that was recently granted for this property.

Mayor Johnston opened up the public hearing at 9:18 p.m.

There was no one to speak for or against the easement vacation.

Mayor Johnston closed the public hearing at 9:19 p.m.

MOTION: Council Member Park moved to adopt Resolution No. 2010-033 vacating a drainage and utility easement and dedicating a new easement over a portion of Lot 1, Block 1 of Eden Park 2nd Addition. Council Member Emmons second the motion. The motion passed 4-0.

Whistling Valley Development, Phases 1, 2 and 3 – Request to extend the Development Completion Deadline June 30, 2010

The City Council was asked to allow an extension to complete the remaining work in Whistling Valley Development Phases 1, 2 and 3. The completion dates in the Development Agreements of all phases have passed. Due to recent economic times the Developer has indicated that he has not been able to complete the improvements in accordance with the Development Agreement.

MOTION: Mayor Johnston moved to table this agenda item until the August 4th Council meeting, but to communicate with the developer the City wants to work with them. Council Member Emmons seconded the motion. The motion passed 4-0.

The Council adjourned the meeting at 10:37 p.m.

MOTION: Mayor Johnston moved to adjourn the regular Council Meeting to an Executive Session to discuss litigation relating to the Linda Hardy House and Country Sun Farm CUP. Council Member Emmons seconded the motion. The motion passed 4-0.



MAYOR & COUNCIL COMMUNICATION

DATE: 07/20/2010
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 234,270.30

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BA*

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements and payroll in the amount of \$ 225,714.87. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

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

Claim #	Amount	Description
ACH	\$ 7,233.52	Payroll Taxes to IRS 07/15/2010
ACH	\$ 1,103.38	Payroll Taxes to MN Dept. of Revenue 07/15/2010
ACH	\$ 3,605.67	Payroll Retirement to PERA 07/15/2010
DD 2859 -DD 2892	\$ 23,586.66	Payroll Dated 07/15/2010 (Direct Deposit)
35829 - 357842	\$ 4,679.82	Payroll Dated 07/15/2010 (Payroll)
35843 - 35881	\$ 185,505.82	Accounts Payable Dated 07/20/2010
TOTAL	\$ 225,714.82	

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

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$ 225,714.87.

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

**“Move to approve the July 20th, 2010 Disbursement and Payroll, as
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 07/20/2010

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

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

Accounts Payable To Be Paid Proof List

User: Administrator

Printed: 07/15/2010 - 8:56 AM

Batch: 002-07-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POnLine #
ACS Animal Control Services										
678	07/05/2010	535.70	0.00	07/20/2010	Animal Control Services		-			No 0000
101-420-2700-43150	Contract Services									
	678 Total:	535.70								
	ACS Total:	535.70								
ARAM Aramark, Inc.										
629-7025567	07/01/2010	61.49	0.00	07/20/2010	Mats & Soap		-			No 0000
101-430-3100-44010	Repairs/Maint Bldg									
	629-7025567 Total:	61.49								
629-7025568	07/01/2010	22.97	0.00	07/20/2010	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7025568 Total:	22.97								
629-7030226	07/08/2010	22.97	0.00	07/20/2010	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7030226 Total:	22.97								
	ARAM Total:	107.43								
BIFBS Biff's Inc.										
W409422-IN	06/30/2010	61.29	0.00	07/20/2010	Portable Restrooms - Sunfish Lake Park		-			No 0000
101-450-5200-44120	Rentals - Buildings									
	W409422-IN Total:	61.29								
W409423-IN	06/30/2010	122.57	0.00	07/20/2010	Portable Restrooms - Lions Park		-			No 0000
101-450-5200-44120	Rentals - Buildings									
	W409423-IN Total:	122.57								
W409424-IN	06/30/2010	61.29	0.00	07/20/2010	Portable Restrooms - VFW Park		-			No 0000
101-450-5200-44120	Rentals - Buildings									
	W409424-IN Total:	61.29								
W409425-IN	06/30/2010	61.29	0.00	07/20/2010	Portable Restrooms - DeMontreville Park		-			No 0000
101-450-5200-44120	Rentals - Buildings									
	W409425-IN Total:	61.29								
W409426-IN	06/30/2010	61.29	0.00	07/20/2010	Portable Restrooms - Reid Park		-			No 0000
101-450-5200-44120	Rentals - Buildings									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
W409426-IN Total:										
W409427-IN	06/30/2010	61.29								
101-450-5200-44120	Rentals - Buildings	61.29	0.00	07/20/2010	Portable Restrooms - Tablyn Park		-		No	0000
W409427-IN Total:										
W409428-IN	06/30/2010	61.29								
101-450-5200-44120	Rentals - Buildings	61.29	0.00	07/20/2010	Portable Restrooms - Pebble Park		-		No	0000
W409428-IN Total:										
W409429-IN	06/30/2010	61.29								
101-450-5200-44120	Rentals - Buildings	61.29	0.00	07/20/2010	Portable Restrooms - Stonegate Park		-		No	0000
W409429-IN Total:										
W409430-IN	06/30/2010	61.29								
101-450-5200-44120	Rentals - Buildings	61.29	0.00	07/20/2010	Portable Restrooms - Carriage Station		-		No	0000
W409430-IN Total:										
W409431-IN	06/30/2010	61.29								
101-450-5200-44120	Rentals - Buildings	61.29	0.00	07/20/2010	Portable Restrooms - Ridge Park		-		No	0000
W409431-IN Total:										
BIFFS Total:		674.18								
C&J CONS C & J Consulting Services, LLP										
06-2010	07/12/2010	1,100.00	0.00	07/20/2010	Monthly Accounting Services - June 2010		-		No	0000
101-410-1520-43150	Contract Services	1,100.00								
06-2010 Total:										
C&J CONS Total:		1,100.00								
CENWOOD CENTRAL WOOD PRODUCTS										
12455	07/12/2201	1,821.13	0.00	07/20/2010	Recreation Mulch - Carriage Station		-		No	0000
404-480-8000-45300	Improvements Other Than Bldgs	1,821.13								
12455 Total:										
CENWOOD Total:		1,821.13								
COMCAST COMCAST										
877210535008914	06/27/2010	7.89	0.00	07/20/2010	Monthly Service		-		No	0000
101-420-2220-44300	Miscellaneous	7.89								
877210535008914 Total:										
COMCAST Total:		7.89								
CTYOAKDA City of Oakdale										
10000460-01	07/12/2010	10,065.05	0.00	07/20/2010	Water - I94		-		No	0000
601-494-9400-43820	Water Utility	10,065.05								
10000460-01 Total:										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYOAKDA Total:		10,065.05								
CTYROSEV City of Roseville										
0010865	07/06/2010	1,551.58	0.00	07/20/2010	Monthly IT Services	- July 2010	-			0000
101-410-1450-43180 Information Technology/Web										
0010865 Total:		1,551.58								
CTYROSEV Total:		1,551.58								
CUSH Cushman Motor Co., Inc.										
150477	06/28/2010	640.43	0.00	07/20/2010	Alternator-Cushman		-			0000
101-450-5200-42210 Equipment Parts										
150477 Total:		640.43								
CUSH Total:		640.43								
ECKBERG Eckberg Lamers Briggs Wolff										
06 2010	06/30/2010	3,759.90	0.00	07/20/2010	Legal Services - Criminal		-			0000
101-420-2150-43045 Attorney Criminal										
06 2010 Total:		3,759.90								
105200	06/30/2010	6,513.65	0.00	07/20/2010	Legal Services - Civil		-			0000
101-410-1320-43040 Legal Services										
105200	06/30/2010	234.00	0.00	07/20/2010	Legal Services - Development		-			0000
203-490-9070-43040 Legal Services										
105200 Total:		6,747.65								
ECKBERG Total:		10,507.55								
ENVENTIS ENVENTIS										
737500	06/13/2010	454.34	0.00	07/20/2010	Telephone/Data Service - Public Works		-			0000
101-430-3100-43210 Telephone										
737500 Total:		454.34								
738507	06/13/2010	536.67	0.00	07/20/2010	Telephone/Data Service - City Hall		-			0000
101-410-1940-43210 Telephone										
738507 Total:		536.67								
ENVENTIS Total:		991.01								
FURH FURH TRENCHING INC>										
07/07/2010	07/07/2010	2,800.00	0.00	07/20/2010	Secure Hardy House		-			0000
101-420-2400-44300 Miscellaneous										
07/07/2010 Total:		2,800.00								
FURH Total:		2,800.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HACH HACH Company 6807887 601-494-9400-42160 Chemicals 6807887 Total: HACH Total:	07/08/2010	389.97 389.97 389.97	0.00	07/20/2010	Lab Test Supplies - Water		-		No	0000
ICMAA ICMA 383203 101-410-1320-44330 Dues & Subscriptions 383203 Total: ICMAA Total:	07/14/2010	800.00 800.00 800.00	0.00	07/20/2010	Annual Dues - City Administrator		-		No	0000
IIMC IIMC 25254 101-410-1320-44330 Dues & Subscriptions 25254 Total: IIMC Total:	07/06/2010	25.00 25.00 25.00	0.00	07/20/2010	Renewal-membership dues		-		No	0000
KDV Kern DeWenter Viere Ltd 113112 101-410-1520-43150 Contract Services 113112 Total: KDV Total:	06/30/2010	7,641.00 7,641.00 7,641.00	0.00	07/20/2010	Financial Services - June 2010		-		No	0000
LEOIL Lake Elmo Oil, Inc. 06/30/2010 101-420-2220-42120 Fuel, Oil and Fluids 06/30/2010 Total: B01203 101-430-3120-42120 Fuel, Oil and Fluids B01203 Total: SO1208 101-430-3120-42120 Fuel, Oil and Fluids SO1208 Total: LEOIL Total:	06/30/2010	446.33 446.33 1,361.25 1,361.25 47.50 47.50 1,855.08	0.00	07/20/2010	Fuel Fuel Public WWorks Fuel		-		No	0000
Lillie Newspapers Inc. Lillie Suburban 07/26/2010 101-410-1320-43510 Legal Publishing 07/26/2010 Total:	07/26/2010	81.13 81.13	0.00	07/20/2010	Legal Notices		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	Lillie Total:	81.13								
MENARDSO Menards - Oakdale										
82150 07/12/2010		119.44	0.00	07/20/2010	Window Curtains-Annex		-		No	0000
411-480-8000-45700 Office Equipment & Furnishings										
82150 Total:		119.44								
MENARDSO Total:		119.44								
MESSELT Messelt Bruce										
Chk Req 07/14/2010		85.67	0.00	07/20/2010	City's Portion of Cell Phone Service-Adm		-		No	0000
101-410-1940-43210 Telephone										
Chk Req Total:		85.67								
MESSELT Total:		85.67								
METCOU Metropolitan Council										
0000935191 07/01/2010		1,374.96	0.00	07/20/2010	Monthly Wastewater Service - August 2010		-		No	0000
602-495-9450-43820 Sewer Utility - Met Council										
0000935191 Total:		1,374.96								
METCOU Total:		1,374.96								
METROFIR Metro Fire										
38311 06/24/2010		161.33	0.00	07/20/2010	Gear Washing Detergent		-		No	0000
101-420-2220-44040 Repairs/Maint Eqpt										
38311 Total:		161.33								
METROFIR Total:		161.33								
MFRA McCombs Frank Roos Assoc Inc.										
67095 07/01/2010		287.10	0.00	07/20/2010	Planning Services - June 2010		-		No	0000
101-410-1910-43150 Contract Services										
67095 Total:		287.10								
MFRA Total:		287.10								
MILLEREX Miller Excavating, Inc.										
14875 06/30/2010		665.00	0.00	07/20/2010	Haul & Dispose of Street Sweeping		-		No	0000
603-496-9500-44010 Street Sweeping										
14875 06/30/2010		741.60	0.00	07/20/2010	Grading Gravel Roads		-		No	0000
101-430-3120-43150 Contract Services										
14875 Total:		1,406.60								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	MILLEREX Total:	1,406.60								
MN NATIV Minnesota Native Landscapes										
5786 06/30/2010		75.00	0.00	07/20/2010	Prairie Restoration - Sunfish Lake Park		-		No	0000
404-480-8000-43050 Other Park Ded Prof Services										
5786 Total:		75.00								
5860 07/08/2010		212.50	0.00	07/20/2010	Consulting on drainfield Farms of LE		-		No	0000
203-490-9070-43150 Contract Services										
5860 Total:		212.50								
MN NATIV Total:		287.50								
MNDOT Commissioner of Transportation										
T79 21300051553 07/01/2010		18,501.75	0.00	07/20/2010	City's Portion for Hwy 5 Roundabout		-		No	0000
417-480-8000-43150 Contract Services										
T79 21300051553 Total:		18,501.75								
MNDOT Total:		18,501.75								
NORTHL Northland Trust Services, Inc.										
ELMO04A 07/01/2010		67,268.75	0.00	07/20/2010	GO Capital Improvement Bond 2004A Int		-		No	0000
313-480-8000-46110 Bond Interest										
ELMO04A Total:		67,268.75								
NORTHL Total:		67,268.75								
OAKDRC Oakdale Rental Center										
10071622 06/30/2010		63.95	0.00	07/20/2010	Propane for Patching Trailer		-		No	0000
101-430-3100-42240 Street Maintenance Materials										
10071622 Total:		63.95								
OAKDRC Total:		63.95								
ONECALL Gopher State One Call										
0060627 06/30/2010		249.90	0.00	07/20/2010	Line Locates - June 2010		-		No	0000
101-430-3100-43150 Contract Services										
0060627 Total:		249.90								
ONECALL Total:		249.90								
PRESS Press Steven										
07/14/2010		58.88	0.00	07/20/2010	Cable-Planning Comm. 7/13/2010		-		No	0000
101-410-1450-43620 Cable Operations										
07/14/2010		58.88	0.00	07/20/2010	City Council 7/6/2010		-		No	0000
101-410-1450-43620 Cable Operations										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
101-410-1450-43620	07/14/2010 Cable Operations Total: PRESS Total:	58.88 176.64 176.64	0.00	07/20/2010	Cable Council Workshop	7/14/2010	-		No	0000
RIVRCOOP River Country Cooperative										
141352	06/30/2010	145.25	0.00	07/20/2010	Fuel - Fire Dept.		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids 141352 Total:	145.25								
35744	06/30/2010	6.92	0.00	07/20/2010	Fuel		-		No	0000
101-420-2400-44300	Miscellaneous 35744 Total:	6.92								
	RIVRCOOP Total:	152.17								
RUD Prince-Rud Diane										
07/14/2010	07/14/2010	320.00	0.00	07/20/2010	Cleaning City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
07/14/2010	07/14/2010	240.00	0.00	07/20/2010	Cleaning Fire Hall		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg 07/14/2010 Total:	560.00								
	RUD Total:	560.00								
S&T S&T Office Products, Inc.										
010B4356	06/24/2010	240.82	0.00	07/20/2010	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies 010B4356 Total:	240.82								
010B4362	06/24/2010	20.25	0.00	07/20/2010	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies 010B4362 Total:	20.25								
	S&T Total:	261.07								
SAMSLUB Sam's Club										
5508	07/13/2010	132.02	0.00	07/20/2010	Supplies Fire Station 1 & 2		-		No	0000
101-420-2220-44300	Miscellaneous									
5508	07/13/2010	26.93	0.00	07/20/2010	EMS Supplies		-		No	0000
101-420-2220-42090	Fire Prevention									
5508	07/13/2010	57.35	0.00	07/20/2010	EMS Supplies		-		No	0000
101-410-1320-44300	Miscellaneous									
5508	07/13/2010	19.03	0.00	07/20/2010	EMS Supplies		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
5508	07/13/2010	12.45	0.00	07/20/2010	Cleaning Supplies City Hall		-		No	0000
101-410-1320-44300	Miscellaneous									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
5508 Total:		247.78								
SAMSCLUB Total:		247.78								
<hr/>										
STOTKO Stotko Speeding Const. Inc.										
Cert #3	06/09/2010	7,353.75	0.00	07/20/2010	Partial Pay Carriage Park - Shelter		-		No	0000
404-480-8000-45200	Buildings & Structures	7,353.75								
Cert #3 Total:		7,353.75								
STOTKO Total:		7,353.75								
<hr/>										
TASCH T.A. Schifsky & Sons Inc										
49495	06/23/2010	684.90	0.00	07/20/2010	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials	684.90								
49495 Total:		684.90								
59579	07/09/2010	232.41	0.00	07/20/2010	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials	232.41								
59579 Total:		232.41								
TASCH Total:		917.31								
<hr/>										
TKDA TKDA, Inc.										
000201001720	07/07/2010	1,641.78	0.00	07/20/2010	Development Whistling Valley III		-		No	0000
203-490-9070-43030	Engineering Services	1,641.78								
000201001720 Total:		1,641.78								
000201001721	07/07/2010	277.70	0.00	07/20/2010	Lake Elmo Farms		-		No	0000
203-490-9070-43030	Engineering Services	277.70								
000201001721 Total:		277.70								
000201001722	07/07/2010	231.42	0.00	07/20/2010	Sanctuary		-		No	0000
203-490-9070-43030	Engineering Services	231.42								
000201001722 Total:		231.42								
000201001723	07/07/2010	1,155.90	0.00	07/20/2010	I-94 to 30th Street - Village Sanitary		-		No	0000
413-480-8000-43030	Engineering Services	1,155.90								
000201001723 Total:		1,155.90								
000201001724	07/07/2010	1,782.62	0.00	07/20/2010	Surface Water Mgmt Plan		-		No	0000
603-496-9500-43030	Engineering Services	1,782.62								
000201001724 Total:		1,782.62								
000201001725	07/07/2010	161.99	0.00	07/20/2010	2009 Transportation Plan		-		No	0000
409-480-8000-43030	Engineering Services	161.99								
000201001725 Total:		161.99								
000201001726	07/07/2010	6,043.08	0.00	07/20/2010	Lake Elmo Area Village Eng Support		-		No	0000
413-480-8000-43030	Engineering Services	6,043.08								
000201001726 Total:		6,043.08								
000201001727	07/07/2010	1,170.89	0.00	07/20/2010	Lake Elmo 2010 Street & Water Quality		-		No	0000
417-480-8000-43030	Engineering Services	1,170.89								
000201001727 Total:		1,170.89								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
000201001728	07/07/2010	46.28	0.00	07/20/2010	General Engineering		-		No	0000
101-430-3100-43030	Engineering Services									
000201001728	07/07/2010	3,775.83	0.00	07/20/2010	General Engineering		-		No	0000
101-410-1930-43030	Engineering Services									
000201001728	07/07/2010	138.85	0.00	07/20/2010	General Engineering		-		No	0000
101-410-1910-43030	Engineering Services									
000201001728	07/07/2010	3,960.96	0.00	07/20/2010	General Engineering VRA		-		No	0000
101-420-2400-43030	Engineering									
000201001729	07/07/2010	993.80	0.00	07/20/2010	General Engineering VRA		-		No	0000
101-410-1910-43030	Engineering Services									
000201001729	07/07/2010	2,924.01	0.00	07/20/2010	General Engineering VRA		-		No	0000
409-480-8000-43030	Engineering Services									
000201001729	07/07/2010	1,515.89	0.00	07/20/2010	General Engineering VRA		-		No	0000
603-496-9500-43030	Engineering Services									
000201001729	07/07/2010	666.53	0.00	07/20/2010	General Engineering VRA		-		No	0000
601-494-9400-43030	Engineering Services									
000201001729	07/07/2010	46.28	0.00	07/20/2010	General Engineering VRA		-		No	0000
602-495-9450-43030	Engineering Services									
000201001730	07/07/2010	6,516.78	0.00	07/20/2010	TH 5 & Jamaca Ave Roundabout		-		No	0000
417-480-8000-43030	Engineering Services									
000201001730	07/07/2010	398.08	0.00	07/20/2010	Lake Elmo City Hall Improvements		-		No	0000
411-480-8000-45200	Buildings and Structures									
000201001731	07/07/2010	796.46	0.00	07/20/2010	Lake Elmo 2010 Sealcoat		-		No	0000
409-480-8000-43030	Engineering Services									
000201001732	07/07/2010	2,369.31	0.00	07/20/2010	Lake Elmo Water Systems Strat/Fin		-		No	0000
601-494-9400-43030	Engineering Services									
000201001733	07/07/2010	3,254.59	0.00	07/20/2010	Lake Elmo 2010 Street Ratings		-		No	0000
409-480-8000-43030	Engineering Services									
000201001734	07/07/2010	975.21	0.00	07/20/2010	Lake Elmo Living/Farm Development		-		No	0000
203-490-9070-43030	Engineering Services									
000201001735	07/07/2010	995.68	0.00	07/20/2010	Clean Up Days		-		No	0000
000201001735	07/07/2010	995.68	0.00	07/20/2010	Clean Up Days		-		No	0000
000201001735	07/07/2010	31,732.45	0.00	07/20/2010	Clean Up Days		-		No	0000
TKDA Total:		6,091.10	0.00	07/20/2010	Clean Up Days		-		No	0000
VEOLIA Veolia Environmental Services		6,091.10	0.00	07/20/2010	Clean Up Days		-		No	0000
G50001245567	06/25/2010	6,091.10	0.00	07/20/2010	Clean Up Days		-		No	0000
101-430-3100-44380	Clean-up Days									
G50001245567	Clean-up Days									
G50001245567	Clean-up Days									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
VEOLIA Total:		6,091.10								
XCEL Xcel Energy										
51-4504807-7	07/20/2010	176.05	0.00	07/20/2010	Lights at Legion Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-4504807-7	07/20/2010	88.83	0.00	07/20/2010	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-4504807-7	07/20/2010	32.55	0.00	07/20/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4504807-7	Total:	297.43								
51-4572945-7	07/20/2010	22.64	0.00	07/20/2010	Street Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4572945-7	Total:	22.64								
51-4576456-3	07/20/2010	251.13	0.00	07/20/2010	Fire Station 2		-		No	0000
101-420-2220-43810	Electric Utility									
51-4576456-3	Total:	251.13								
51-4580376-5	07/20/2010	531.86	0.00	07/20/2010	City Hall		-		No	0000
101-410-1940-43810	Electric Utility									
51-4580376-5	07/20/2010	29.21	0.00	07/20/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4580376-5	Total:	561.07								
51-4733556-8	07/20/2010	13.08	0.00	07/20/2010	Tennis Courts		-		No	0000
101-450-5200-43810	Electric Utility									
51-4733556-8	Total:	13.08								
51-5044219-0	07/20/2010	43.13	0.00	07/20/2010	Parks Building		-		No	0000
101-450-5200-43810	Electric Utility									
51-5044219-0	Total:	43.13								
51-5275289-3	07/20/2010	13.54	0.00	07/20/2010	Pebble Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-5275289-3	Total:	13.54								
51-5356323-8	07/20/2010	2,063.40	0.00	07/20/2010	Wells 1 & 2		-		No	0000
601-494-9400-43810	Electric Utility									
51-5356323-8	Total:	2,063.40								
51-5522332-2	07/20/2010	40.89	0.00	07/20/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-5522332-2	Total:	40.89								
51-5747685-4	07/20/2010	98.67	0.00	07/20/2010	Arts Center		-		No	0000
101-450-5200-43810	Electric Utility									
51-5747685-4	Total:	98.67								
51-5916043-7	07/20/2010	17.42	0.00	07/20/2010	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-5916043-7	Total:	17.42								
51-6429583-8	07/20/2010	15.16	0.00	07/20/2010	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-6433976-2	07/20/2010	15.16								
101-420-2220-43810	Electric Utility	264.12	0.00	07/20/2010	Fire Station 1		-		No	0000
51-6625457-1	07/20/2010	264.12								
101-450-5200-43810	Electric Utility	47.79	0.00	07/20/2010	Legion Park		-		No	0000
51-6736544-2	07/20/2010	47.79								
101-430-3160-43810	Street Lighting	1,738.45	0.00	07/20/2010	Street Lights		-		No	0000
51-6928283-3	07/20/2010	1,738.45								
101-430-3160-43810	Street Lighting	30.69	0.00	07/20/2010	Traffic Lights		-		No	0000
51-6956201-4	07/20/2010	30.69								
101-450-5200-43810	Electric Utility	676.33	0.00	07/20/2010	VFW Ballfield Lights		-		No	0000
51-7538112-1	07/20/2010	676.33								
101-430-3100-43810	Electric Utility	386.20	0.00	07/20/2010	Public Works		-		No	0000
51-8126093-5	07/20/2010	386.20								
601-494-9400-43810	Electric Utility	20.80	0.00	07/20/2010	Water Tower 2		-		No	0000
51-8711719-3	07/20/2010	20.80								
101-430-3160-43810	Street Lighting	10.53	0.00	07/20/2010	Speed Sign Hwy 5		-		No	0000
XCEL Total:		6,612.47								
Report Total:		185,505.82								



MAYOR & COUNCIL COMMUNICATION

DATE: 7/20/2010

CONSENT

ITEM #: 2a

MOTION as part of Consent Agenda

AGENDA ITEM: City Hall Improvements – Approval of Requested Activities

SUBMITTED BY: Bruce Messelt, City Administrator *BAM*

THROUGH: Tom Bouthilet, Finance Director

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to approve certain improvements to City Hall. Quotes have been solicited and received from contractors to perform the proposed improvements. No specific motion is needed, as it is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: During the 2010 Budget preparation and approval process, it was identified by both City staff and the Budget & Finance Subcommittee that timely expansion of the existing City Hall, let alone construction of a New City Hall, was well beyond the City's current planning horizon, especially given the current economic conditions.

As a result, the Budget & Finance Subcommittee recommended and the City Council acted to remove the proposed new City Hall from the City's five-year Capital Improvement Program, defeased some of the bonding proceeds being held for such a project to lower existing bond payments on the Public Works Building, and dedicated approximately \$400,000 for updating, maintaining and modestly improving existing municipal structures, including City Hall and the "temporary annex."

Further, modest improvements to the City Hall Annex's conference space, office space, and restroom facilities were identified as a high priority with low cost but high customer service and community payback. As a result, the City Council approved on June 1st, 2010 improvements to the Annex. These improvements are nearing completion and appear to be on or under budget.

Also in May, the City Council approved acceptance of a used City Council Dias and Chamber chairs from the City of Oak Park Heights. While the basic structure is in place, final installation of existing microphones (determined as better than the system received from Oak Park Heights) and related electrical wiring has yet to be undertaken, pending modest repairs to the Dias.

In addition, a June lightning strike and resulting damage to video, audio and computer equipment added immediacy to planned smaller renovations. Finally, Long-term storage needs, landscaping and security considerations have also been raised as potentially addressable at this time.

STAFF REPORT: While initial estimates placed planned *individual* City Hall renovations and improvements at less than the \$2,500 threshold for specific Council approval, City staff is now of the opinion that the cumulative sum will exceed \$2,500 and that formal City Council consent and approval is not only warranted but highly desired from both a fiduciary management and public transparency perspective. Current estimated renovations break down as follows:

IMPROVEMENT ITEM	BUDGET	AMOUNT
• Dias repair, finish work & staff table	Capital Imp.	\$ 1,685.00
◦ Optional folding extensions for Planning/Parks Commission	Capital Imp.	200.00
• Electrical/Sound Wiring Improvements	Capital Imp.	250.00
◦ Electrical/Sound Labor	- nc -	
◦ Feedback Monitors (grant application in)	- nc -	
• Landscaping Improvements	Capital Imp.	500.00
◦ Landscaping Labor	- nc -	
◦ Landscaping Materials (trees donated)	Capital Imp.	250.00
• Repair of Cameras & Sound Equipment (Ins. Deductable)	Insurance	500.00
SUB-TOTAL		\$ 3,385.00
• Security Improvements (Re-Keying)	Capital Imp.	\$ 1,000.00
• Cold Storage Area		
◦ Materials	Capital Imp.	750.00
◦ Labor	- nc -	
• Signage for City Hall and Annex		
◦ Materials	Capital Imp.	250.00
◦ Labor	- nc -	
• Misc. Improvements (work/kitchen/bathroom areas)	Capital Imp.	500.00
◦ Labor	- nc -	
TOTAL		\$ 5,885.00

If all of the above were undertaken, the Capital Improvement Budget for Facilities Improvements (411480800045700) would be charged for \$5,385 and the Insurance Line Item within the General Fund (101410132043610) would be charged for \$500.00. A proposed Budget Adjustment/Designation is attached for Council consideration.

RECOMMENDATION: It is recommended that the City Council affirmatively consider the proposed improvements to City Hall in the amount of \$5,635.00 as part of tonight's Consent Agenda.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate this recommendation prior to taking action. The Council may table this item at its discretion, take no action (in essence denying the recommendation), or amend the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

***“Move to approve the designated City Hall improvements in the amount
\$5,885.00 [as amended at tonight's agenda].”***

ATTACHMENTS:

1. Proposed Dias Repairs & Improvements
2. Proposed Budget Adjustment/Designation: 2010-005

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

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

Proposal

Page No.

of

Pages

Countryside Wood Products

8603 34th Street North
Lake Elmo, Minnesota 55042
Tel (651) 748-3636
Fax (651) 748-3674

PROPOSAL SUBMITTED TO City of Lake Elmo		PHONE 779-6230	DATE July 6, 2010
STREET 3800 Laverne Ave. N		JOB NAME	
CITY, STATE and ZIP CODE Lake Elmo, Minn. 55042		JOB LOCATION	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

Metal brackets for existing top.

New Desk with Plastic laminate top to match existing.

Trim bottom of existing desks.

Repair P.lam - various items.

\$1,685.00

Opt: + Two COUNCIL WINGS \$200.00

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:
Sixteen hundred eighty five & no/100 dollars (\$ **1,685.00**).

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature

Note: This proposal may be
withdrawn by us if not accepted within **30** days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: **7/9/2010**

Signature 

Signature



BUDGET ADJUSTMENT - 2010

DATE: 7/20/2010 ACTIVITY # 2010-005

DESCRIPTION: Designation of Funds for City Hall Renovations

TYPE OF ACTIVITY:

☐ **TRANSFER OF FUNDS**

FROM ACCOUNT # _____ NAME _____ AMOUNT: _____

TO ACCOUNT # _____ NAME _____ AMOUNT: _____

PURPOSE: _____

☒ **BUDGET ADJUSTMENT/DESIGNATION**

FROM ACCOUNT # 411480800045700 NAME: Capital Imp. - Facilities AMOUNT: \$ 5,385.00

PURPOSE: City Hall Renovations

DESIGNATION/NEW ACCOUNT # _____

☐ **OTHER**

FROM ACCOUNT # _____ NAME _____ AMOUNT: _____

PURPOSE: _____

City
Approval:

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

Bruce Messelt, Administrator
(Attest)



MAYOR & COUNCIL COMMUNICATION

DATE: 7/20/2010
CONSENT
ITEM #: 3
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Resolution No. 2010-034 Appointing Election Judges for the upcoming 2010 Elections

SUBMITTED BY: Sharon Lumby, City Clerk

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to appoint election judges who meet the qualifications, to serve at the upcoming 2010 elections.

BACKGROUND INFORMATION: The City of Lake Elmo has legal authority and responsibility to perform certain administrative duties related to the conduct of local elections. Tonight's action is in accordance with State law and City policies and procedures regarding performance of such duties.

STAFF REPORT: Pursuant to M.S. 204B.19, subd. 2, the City Clerk recommends election judges to be appointed for the upcoming elections and then the City Council makes the appointments at least 25 days before the election.

RECOMMENDATION: It is recommended that the City Council approve as part of tonight's Consent Agenda Resolution No. 2010-034 appointing Election Judges for the upcoming 2010 Elections.

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

"Move to adopt Resolution No. 2010-34 appointing election judges for the 2010 primary and general elections [as modified at tonight's meeting]."

ATTACHMENTS: Resolution No. 2010-034

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

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

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

RESOLUTION NO. 2010-034

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE
2010 PRIMARY AND GENERAL ELECTION**

WHEREAS, the City of Lake Elmo is dependent upon and appreciative of citizen assistance for its election process and,

WHEREAS, the Lake Elmo 2010 Primary and General Election Judge appointments consist of individuals recommended by the City Clerk with the approval of the majority of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council do hereby approve the following appointments for the 2010 Primary and General Election Judges and set the wages for their services at \$11.00/Hour to the Head Judges, \$10.00/Hour Assistant Judges and \$9.00/Hour to all other judges.

Precinct 1: Jim Allen, Diane Allen, Judy Brockway, Matthew Brockway, Florence Bergloff, Barbara Bjorkman, Carol Crimmins, Michelle Deziel, Shirley Durand, Betty Herzfeld, Gloria Knoblauch, Jan Krueger, Joyce Mehsikomer, Don Meyer, Jim Roth, Paul Ryberg, Bob Schumacher, Bud Schneider, Bill Wacker, Violet Wagoner, Tom Walker, Linda Wagner, Bruce Weeks

Precinct 2: Keith Bogut, Joseph Dardis, George Dege, Nancy Hansen, Suzanne Haugen, Wil Hirsch, Barb Holm, Loren Johnson, Ginny Johnson, Dick Johnson, Jan Kiefner, Barb Kiesling, Wendy Loos, Joe McGrath, Paula McGrath, Karen Meister, Judy Moris, Pat O'Donnell, Jackie Pierre, Phyllis Paulson, Ruth Pallmeyer

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO
THIS 20th DAY OF July, 2010.**

Dean A. Johnston, Mayor

ATTEST:

Sharon Lumby, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: 7/20/10
CONSENT
ITEM #: 4
MOTION *as part of Consent Agenda*

AGENDA ITEM: 2009 Street Improvements - Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for Hearing on Proposed Assessment

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Jack Griffin, City Engineer
Tom Bouthilet, Finance Director
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is respectfully requested to approve Resolution No. 2010-035 declaring costs to be assessed for the 2009 Street Improvements, ordering preparation of the proposed assessments, and calling for a Hearing on the proposed assessments.

BACKGROUND INFORMATION: The 2009 Street Improvement Project has been completed and the total project costs are known. Pursuant to Minnesota Statutes Section 429, the Council must declare the amount to be assessed against the benefiting properties and the Hearing on the Proposed Assessment for these improvements needs to be conducted.

The Assessment Hearing is scheduled to be conducted at the August 17, 2010, City Council Meeting with the Final Assessment Roll being certified to the County Auditor by November 30, 2010.

Of Note: Assessments and assessment policies for future street projects are to be reviewed by the Assessment Review Committee (made up of appointed Council Members and Staff) and subsequently discussed with the Council.

The final costs and assessments compared to planned costs are as follows:

	Final Project Costs	Preliminary Project Costs
Total Project Costs	\$445,368	\$478,400 (Post Bid Estimate)
Assessments		
Myron Ellman Sub-Division	\$700	\$800
Assessments		
Eden Park Development	\$1,750	\$2,430
Assessments		
Eden Park 2nd Development	\$2,200	\$2,430
Assessments		
The Forest Development	\$1,750	\$2,430
Total City Share	\$311,318	\$334,670

STAFF REPORT: The final project costs have been tabulated for each development. Through careful management of the construction contract and coordination with the Contractor, Tower Asphalt, Inc., the final project costs for the assessable street improvements were below the Post-Bid project cost estimate amount of \$478,400. The final costs came in 6.8% below the Post-Bid project cost estimate, resulting in a total savings of \$33,032. The City portion was reduced by \$23,352.

This savings was shared by the benefitting property owners as follows: Myron Ellman unit assessment was reduced by \$100 (12.5%), Eden Park unit assessment was reduced by \$680 (28%), Eden Park 2nd unit assessment was reduced by \$230 (9.5%), and The Forest unit assessment was reduced by \$680 (28%). The existing bituminous curb was salvaged on the streets in Eden Park and The Forest. Eden Park 2nd Addition had new bituminous curb installed with this project. Myron Ellman did not have curb originally and did not have new curb installed with this project.

In addition, the final project costs for the Tablyn Park Entrance Road and Parking Lot improvements were below the Post-Bid project cost estimate amount of \$64,500, resulting in a total savings to the City of \$2,800.

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda Resolution No. 2010-035 declaring costs to be assessed for the 2009 Street Improvements, ordering preparation of the proposed assessments, and calling for a Hearing on the proposed assessments.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. Indefinite tabling action at tonight's meeting may prove problematic, however, as statutory timelines dictate deadlines for formal adoption of such assessments.

In particular, the Council may elect to consider amending the motion to leave the 2009 Street Improvements assessments as presented in the preliminary assessment hearing (as shown in the Preliminary Project Costs column in the table above). While such action will be consistent with that originally estimated, and the results will leave the City in a slightly better financial position, this action would not allocate actual cost savings back to the benefitting properties.

***“Move to approve Resolution No. 2010-035 [as amended at tonight's meeting];
A Resolution Declaring Costs to be Assessed, Ordering Preparation of
Proposed Assessment, and Calling for the Hearing on the Proposed
Assessment for the 2009 Street Improvements.”***

ATTACHMENTS: (3)

1. Resolution No. 2010-035
2. Notice of Hearing
3. Final Assessment Roll

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

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

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

RESOLUTION NO. 2010-035

**A RESOLUTION DECLARING COST TO BE ASSESSED, ORDERING
PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR
HEARING ON PROPOSED ASSESSMENT FOR THE
2009 STREET IMPROVEMENTS**

WHEREAS, a contract has been let for the 2009 Street Improvements including street reclamation and storm sewer improvements located in the Myron Ellman Subdivision, Eden Park, Eden Park 2nd Addition, and The Forest developments.

AND WHEREAS, the total cost of the improvements will be \$445,368;

AND WHEREAS, the clerk has prepared the proposed assessment roll and will maintain said assessment roll on file in the City offices for public inspection.

NOW, THEREFORE, BE IT RESOLVED,

- 1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$311,318, and the portion of the cost to be assessed against benefited property owners is declared to be \$134,050.*
- 2. The City Clerk, with the assistance of the City Engineer, has calculated the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land to be benefited by the improvements, and the Clerk has filed a copy of such proposed assessment in the City offices for public inspection.*
 - a. The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Myron Ellman Subdivision along Legion Avenue North is declared to be \$700.*
 - b. The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Eden Park Development along the streets of Legion Lane North, Legion Lane Court North, Legion Lane Circle North, and Lisbon Avenue North is declared to be \$1,750.*
 - c. The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Eden Park 2nd Addition along the street of 21st Street North is declared to be \$2,200.*

- d. *The amount to be specially assessed against each particular lot, piece, or parcel of land located within the Forest Development along the street of 3rd Street Place North is declared to be \$1,750.*
3. *Assessments shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 2011, and shall bear interest at the rate of 5 percent per annum from the date of the adoption of the assessment resolution.*
4. *A public hearing shall be held on the 17th day of August, 2010, in the council chambers of the city hall at 7:00 pm to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.*
5. *The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.*
6. *The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. A property owner may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.*

Date: _____, 2010

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
2009 STREET IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the Council Chambers of the City Hall at or approximately after 7:00 P.M. on Tuesday, August 17, 2010, to consider, and possibly adopt, the proposed assessment against abutting property for the 2009 Street Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following are the areas proposed to be assessed:

Myron Ellman Subdivision:

The amount to be specially assessed against each particular lot, piece, or parcel of land located along Legion Avenue North from 30th Street to the south end, is \$700.

Eden Park:

The amount to be specially assessed against each particular lot, piece, or parcel of land located along Legion Lane North, Legion Lane Court North, Legion Lane Circle North and Lisbon Avenue North, is \$1,750.

Eden Park 2nd Addition:

The amount to be specially assessed against each particular lot, piece, or parcel of land located along 21st Street North from Manning Trail North to the west end, is \$2,200.

The Forest:

The amount to be specially assessed against each particular lot, piece, or parcel of land located along 3rd Street Place North from Lake Elmo Avenue to the west end, is \$1,750.

Said assessments are proposed to be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January 2011, and will bear interest at the rate of 5.00 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2010. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 5.00 percent per year.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed assessment is \$134,050. *The City contribution for the project is \$311,318.* Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council is authorized in its discretion to defer the payment of an assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

DATED: July 20, 2010

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Dean Johnston, Mayor

(Published in the Oakdale-Lake Elmo Review on July 28, 2010)

FINAL ASSESSMENT ROLL

MYRON ELLMAN SUBDIVISION
LEGION AVENUE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	CONSTANCE A SPAISE	2995 LEGION AVE N LAKE ELMO	55042 2402921120002	1	\$700
2	DONALD J & JERILYN M GARNER	2988 LEGION AVE N LAKE ELMO	55042 2402921210016	1	\$700
3	MICHAEL L & MARIE D JARA	2971 LEGION AVE N LAKE ELMO	55042 2402921120001	1	\$700
4	WILLIAM T & GAIL C SULLIVAN	2968 LEGION AVE N LAKE ELMO	55042 2402921210014	1	\$700
5	FLORAIN J & CYNTHIA STEVENS	2955 LEGION AVE N LAKE ELMO	55042 2402921120005	1	\$700
6	WILLIAM T & GAIL C SULLIVAN		2402921210015	0	\$0
7	JASON R & GINA M GORMAN	2939 LEGION AVE N LAKE ELMO	55042 2402921120004	1	\$700
8	GERALD C & CANDYCE J OLSEN	2932 LEGION AVE N LAKE ELMO	55042 2402921210013	1	\$700
9	JOSEPH W & MARSHA K COLIANNI	2921 LEGION AVE N LAKE ELMO	55042 2402921120003	1	\$700
10	LARRY J & DIANA R NUEMANN	2916 LEGION AVE N LAKE ELMO	55042 2402921210018	1	\$700
11	DANIEL J & STEPHANIE M LAMOTTE	2903 LEGION AVE N LAKE ELMO	55042 2402921120009	1	\$700
12	RONALD JR & KAREN L ROBINETTE	2898 LEGION AVE N LAKE ELMO	55042 2402921210019	1	\$700
13	WILLIAM R & DOROTHY MURRAY	2891 LEGION AVE N LAKE ELMO	55042 2402921120010	1	\$700
14	ERLING B & LOU AN ZETTERLUND		2402921210020	0	\$0
15	DANA M & CHRISTINE A NELSON	2871 LEGION AVE N LAKE ELMO	55042 2402921120011	1	\$700
16	ERLING B & LOU AN ZETTERLUND	2866 LEGION AVE N LAKE ELMO	55042 2402921210021	1	\$700
17	CITY OF LAKE ELMO		2402921210022	1	\$700
18	CITY OF LAKE ELMO		2402921120012	1	\$700
19	DAVID V & BEVERLY A GEBHARD	2837 LEGION AVE N LAKE ELMO	55042 2402921120013	1	\$700
20	ELIZABETH E & THEODORE C OLSEN	2832 LEGION AVE N LAKE ELMO	55042 2402921210023	1	\$700
21	DAVID A STASKA	2817 LEGION AVE N LAKE ELMO	55042 2402921120014	1	\$700
22	BRADLEY J & MOLLY A WINKELS	2814 LEGION AVE N LAKE ELMO	55042 2402921210024	1	\$700
23	STEVEN D & ROSALIE SHANLEY	2797 LEGION AVE N LAKE ELMO	55042 2402921120015	1	\$700
24	THOMAS C & BARABARA C DECK	2790 LEGION AVE N LAKE ELMO	55042 2402921210025	1	\$700
25	MARK E & MICHELLE R DEZIEL	2783 LEGION AVE N LAKE ELMO	55042 2402921120016	1	\$700
26	ALLEN P SEHLOFF	2778 LEGION AVE N LAKE ELMO	55042 2402921210026	1	\$700
27	ALAN W & RALEA KUPFFERSCHMIDT	2769 LEGION AVE N LAKE ELMO	55042 2402921120017	1	\$700
28	RODNEY A & JUDY A TOFT	2764 LEGION AVE N LAKE ELMO	55042 2402921210027	1	\$700
29	AUTHER M & MARY C FRIENDT	2749 LEGION AVE N LAKE ELMO	55042 2402921130001	1	\$700
TOTAL				27	\$18,900

FINAL ASSESSMENT ROLL

EDEN PARK

LEGION LANE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	CATHERINE A FOSTER	2110 LEGION LN N LAKE ELMO	55042 2402921430016	1	\$1,750
2	THOMAS M & CYNTHIA J KINDLER	2111 LEGION LN N LAKE ELMO	55042 2402921430011	1	\$1,750
3	STEPHEN D & JEAN S MANLOVE	2120 LEGION LN N LAKE ELMO	55042 2402921430017	1	\$1,750
4	SHEILA S & DANA W SMITH	2121 LEGION LN N LAKE ELMO	55042 2402921430010	1	\$1,750
5	CRIAG & SHANNON SCHAEFER	2131 LEGION LN N LAKE ELMO	55042 2402921430009	1	\$1,750
6	KENT N & LOIS E MAFFITT	2134 LEGION LN N LAKE ELMO	55042 2402921430018	1	\$1,750
7	EDWARD G & MARY E LENTH	2141 LEGION LN N LAKE ELMO	55042 2402921430008	1	\$1,750
8	GWEN A WELCH		2402921430007	1	\$1,750
9	RANDALL H HELLAND CYNTHIA A GACKLI	2201 LEGION LN N LAKE ELMO	55042 2402921430003	1	\$1,750
10	GREGORY A & JANE HUSNIK	2224 LEGION LN N LAKE ELMO	55042 2402921430022	1	\$1,750
11	DALE W SHIMEK & JANE E HARE	2225 LEGION LN N LAKE ELMO	55042 2402921430002	1	\$1,750
12	JOHN B & BONNIE K RECHTIENE	2245 LEGION LN N LAKE ELMO	55042 2402921420017	1	\$1,750
13	JAMES L & VANCE MARY L FISH	2267 LEGION LN N LAKE ELMO	55042 2402921420016	1	\$1,750
14	J MICHAEL MCQUADE	2289 LEGION LN LAKE ELMO	55042 2402921420015	1	\$1,750
15	CITY OF LAKE ELMO		2402921420026	1	\$1,750
16	MATTHEW C & JUDY A BROCKWAY	2311 LEGION LN N LAKE ELMO	55042 2402921420014	1	\$1,750
17	WILLIAMS DEEB	2333 LEGION LN N LAKE ELMO	55042 2402921420013	1	\$1,750
18	AARON MARSHALL & JENNIFER GOULD	2340 LEGION LN N LAKE ELMO	55042 2402921420025	1	\$1,750
19	WESLEY P SLY JR. & DJ WILLER-SLY	2345 LEGION LN N LAKE ELMO	55042 2402921420012	1	\$1,750
20	ROBERT A & CYNTHIA A KISH	2360 LEGION LN N LAKE ELMO	55042 2402921420024	1	\$1,750
22	GAROLD M & MARY K FELLAND	2377 LEGION LN N LAKE ELMO	55042 2402921420004	1	\$1,750
21	PETER J & ELIZABETH A REKSTAD	2380 LEGION LN N LAKE ELMO	55042 2402921420004	1	\$1,750
23	PAUL T & TAMELA A DEVETTER	2383 LEGION LN N LAKE ELMO	55042 2402921420003	1	\$1,750
24	DANIEL E & ROSEMARY J MEYER	2389 LEGION LN N LAKE ELMO	55042 2402921420002	1	\$1,750
25	WILLIAM C III & STACY A STROGGREGEN	2390 LEGION LN N LAKE ELMO	55042 2402921420022	1	\$1,750
26	SHARON R HIGGINS	2395 LEGION LN N LAKE ELMO	55042 2402921420001	1	\$1,750
TOTAL				26	\$45,500

FINAL ASSESSMENT ROLL

EDEN PARK (CONTINUED)

LEGION LANE CIRCLE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	GARY SMITH & JANINE PETERSON	2174 LEGION LN CIR N LAKE ELMO	55042 2402921430019	1	\$1,750
2	DUANE & KATHLEEN A ROETTGER	2194 LEGION LN CIR N LAKE ELMO	55042 2402921430020	1	\$1,750
3	TERRY S EMERSON	2204 LEGION LN CIR N LAKE ELMO	55042 2402921430021	1	\$1,750
TOTAL				3	\$5,250

LEGION LANE COURT NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	DEANNA J JANILLA		2402921430006	1	\$1,750
2	MARY J HALLER	2175 LEGION CT N LAKE ELMO	55042 2402921430005	1	\$1,750
3	JOHN F & MARY K FEIKEMA	2189 LEGION CT N LAKE ELMO	55042 2402921430004	1	\$1,750
TOTAL				3	\$5,250

LISBON AVENUE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	JAMES P & KATHLEEN M EGAN	2410 LISBON AVE N LAKE ELMO	55042 2402921420005	1	\$1,750
2	MARVIN H & MARY ANN KLOETZKE	2415 LISBON AVE N LAKE ELMO	55042 2402921420011	1	\$1,750
3	CHARLES F JR. & MARILYN GALLO	2440 LISBON AVE N LAKE ELMO	55042 2402921420006	1	\$1,750
4	JOHN P & CONSTANCE M LENGVEL	2445 LISBON AVE N LAKE ELMO	55042 2402921420010	1	\$1,750
5	JAMES W & GAY H VAN PELT	2461 LISBON AVE N LAKE ELMO	55042 2402921420009	1	\$1,750
6	REBEKA J RONCHETTI	2470 LISBON AVE N LAKE ELMO	55042 2402921420007	1	\$1,750
7	TIMOTHY L & NANCY L MANDEL	2479 LISBON AVE N LAKE ELMO	55042 2402921420008	1	\$1,750
TOTAL				7	\$12,250

TOTAL EDEN PARK NEIGHBORHOOD

39

\$68,250

FINAL ASSESSMENT ROLL

EDEN PARK 2ND ADDITION
21ST STREET NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	ROGER M & VIRGINIA COLOMBO	21ST ST N LAKE ELMO	55042 2402921440016	1	\$2,200
2	RICHARD & ELIZABETH HEATH	21ST ST N LAKE ELMO	55042 2402921440008	1	\$2,200
3	RICHARD & ELIZABETH HEATH		2402921440007	0	\$0
4	JOHN FRANCIS & MAUREEN TUMULTY	21ST ST N LAKE ELMO	55042 2402921440015	1	\$2,200
5	DANIEL J FLESHER	21ST ST N LAKE ELMO	55042 2402921440009	1	\$2,200
6	DOUGLAS C & KRISTIL KILLIAN	21ST ST N LAKE ELMO	55042 2402921440012	1	\$2,200
7	HAMMON T & KATHERINE BECKEN	21ST ST N LAKE ELMO	55042 2402921440010	1	\$2,200
8	HAMMON T & KATHERINE BECKEN		2402921440011	1	\$2,200
TOTAL				7	\$15,400

FINAL ASSESSMENT ROLL

THE FOREST

3RD STREET PLACE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	BRUCE J & AUDREY R GILMAN	10963 3RD ST PL N LAKE ELMO 55042	3502921410007	1	\$1,750
2	MARCUS J & REBECCA L GERNES	10950 3RD ST PL N LAKE ELMO 55042	3502921410002	1	\$1,750
3	GARY T & NANCY H OLSON	10931 3RD ST PL N LAKE ELMO 55042	3502921410008	1	\$1,750
4	MICHAEL P & TAMERA A WELCH	10922 3RD ST PL N LAKE ELMO 55042	3502921410003	1	\$1,750
5	THOMAS M & MICHELE A TAYLOR	10903 3RD ST PL N LAKE ELMO 55042	3502921410009	1	\$1,750
6	MICHELE M REVOIR	10886 3RD ST PL N LAKE ELMO 55042	3502921410004	1	\$1,750
7	ROBERT DALE KOSS	10875 3RD ST PL N LAKE ELMO 55042	3502921410010	1	\$1,750
8	PHYLLIS M AAMODT	10858 3RD ST PL N LAKE ELMO 55042	3502921410005	1	\$1,750
9	SUSAN L GILLMAN	10847 3RD ST PL N LAKE ELMO 55042	3502921410011	1	\$1,750
10	JAMES L & MARY D NAGEL	10830 3RD ST PL N LAKE ELMO 55042	3502921410006	1	\$1,750
11	BENJAMIN D & PAMELLA J ROTH	10819 3RD ST PL N LAKE ELMO 55042	3502921410012	1	\$1,750
12	VICTOR A JR & JEANNE M MASANZ	10802 3RD ST PL N LAKE ELMO 55042	3502921420012	1	\$1,750
13	PATRICIA A & GERALD E ANDERSON	10791 3RD ST PL N LAKE ELMO 55042	3502921420008	1	\$1,750
14	LAWRENCE A & MELANIE H WALSH	10774 3RD ST PL N LAKE ELMO 55042	3502921420005	1	\$1,750
15	LINDA J BEALL	10763 3RD ST PL N LAKE ELMO 55042	3502921420009	1	\$1,750
16	GLEN A & KAREN J LOWNSBERY	10746 3RD ST PL N LAKE ELMO 55042	3502921420006	1	\$1,750
17	VERNON K & VICKIE E NIEMAN	10735 3RD ST PL N LAKE ELMO 55042	3502921420010	1	\$1,750
18	PATRICK J & JOYCE L MURRAY	10728 3RD ST PL N LAKE ELMO 55042	3502921420007	1	\$1,750
TOTAL				18	\$31,500



MAYOR & COUNCIL COMMUNICATION

DATE: 7/20/2010
REGULAR
ITEM #: 5
MOTION as part of *Consent Agenda*

AGENDA ITEM: Ordinance No. 08-028 and Resolution No. 2010-037 Regarding Administrative Enforcement

SUBMITTED BY: Danielle Bailey, Planning Intern

THROUGH: Bruce A. Messelt, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director
Amy Schmidt, Assistant City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to affirmatively consider as part of tonight's *Consent Agenda* approval of Ordinance No. 08-028 regarding Administrative Enforcement and Resolution No. 2010-037 (necessary for summary and publication).

BACKGROUND INFORMATION: At the July 13th, 2010 direction of the City Council, City staff have been researching and preparing the draft Administrative Enforcement Ordinance to better streamline existing compliance and enforcement provisions across the City Code and to introduce a more effective and efficient compliance process, while still preserving the representational and due process rights of affected parties.

STAFF REPORT: The work of City staff has been predicated upon successful implementation and administration of similar ordinances in other Minnesota cities. City staff has previously briefed the City Council on its efforts and has finalized its draft for Council consideration. On July 13th, the City Council directed final preparation of this Ordinance and placement of such on tonight's *Consent Agenda*.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve as part of tonight's *Consent Agenda* Ordinance No. 08-028 regarding Administrative Enforcement and Resolution No. 2010-037 (necessary for summary and publication).

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss or deliberate prior to taking action. The Council may table any recommended action, direct City staff to undertake additional effort and/or prepare an amended draft ordinance, or modify certain provisions or language at tonight's meeting. If the latter is done so, the appropriate action of the Council following such would be:

"Move to approve Ordinance No. 08-028 regarding Administrative Enforcement, as amended at tonight's meeting, and Resolution No. 2010-037."

ATTACHMENTS:

1. Ordinance No. 08-028 regarding Administrative Enforcement
2. Resolution No. 2010-037

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

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Council Discussion Mayor & City Council
- Council Action/Direction Mayor Facilitates

CITY OF LAKE ELMO

WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 08-028

AN ORDINANCE AMENDING CHAPTER 10 OF THE LAKE ELMO CODE OF ORDINANCES FOR THE CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA, RELATED TO PENALTIES FOR VIOLATIONS OF THE CITY CODE, AND AMENDING SECTION 10.99 TO DELETE THE SAME IN ITS ENTIRETY AND SUBSTITUTE THE FOLLOWING THEREFOR:

THE CITY COUNCIL FOR THE CITY OF LAKE ELMO ORDAINS:

Section 1: Amendment. The Section title of Section 10.99 and the provisions of that section of the Code of Ordinances for the City of Lake Elmo is hereby amended to delete the same in its entirety and provide the following therefor:

§ 10.99 PENALTIES.

(A) Prohibited Acts.

1. Any person must not to any of the following:
 - a. violate, fail to comply with, or assist, authorize, or permit the violation of a provision of this Code;
 - b. violate, fail to comply with, or assist, authorize, or permit the violation of the terms and conditions of a City approval, including permits and licenses, required or granted under this Code; or
 - c. Knowingly make or submit a false statement, document, or material omission in connection with an application or procedure required by this Code.
2. No section of part of this Code designating the duties of an official, employee, or appointee of the City may be construed to make that person liable for the penalties provided herein.

(B) Penalties.

1. A person who violated Section 10.99(A) is guilty of a misdemeanor and upon conviction will be punished in accordance with State law; provided, that if a different punishment is stated in this Code, that provision governs the punishment for the violation.

2. Designation as a petty misdemeanor means that upon conviction the sentence will be in accordance with State law. If not designated as "petty misdemeanor," a violation is a misdemeanor as set forth above in paragraph 1.
3. Each calendar day that Section 10.99(A) is violated constitutes a separate offense.
4. A violation of Section 10.99(A) constitutes sufficient grounds for denial of an application required by this Code that is related to the violation.
5. Action prohibited by Section 10.99(A) may, at the option of the City, void a City approval that is related to the violation.
6. The City Attorney may institute a legal proceeding in the name of the City of Lake Elmo to prevent, restrain, remedy, or abate a violation of Section 10.99(A).
7. Nothing in this Section prevents the City from taking other action permitted by law, and the penalties and remedies provided here and under other law are cumulative.

(C) Administrative Citations and Civil Penalties.

Sections 10.00(C) through 10.99(K) govern administrative citations and civil penalties for violations of the City Code.

(D) Purpose.

The City Council finds that there is a need for alternative methods of enforcing this code. While criminal citations have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the imposition of civil penalties, including the use of administrative citations, is a legitimate and necessary alternative method to enforce and create compliance with the city code. The use of administration citations as a method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

(E) General Provisions.

1. A violation of the City Code or that acts prohibited in Section 10.99(A), in addition to being possible criminal violations, is an administrative offense that may be subject to administrative citations and civil penalties. Each day a violation exists constitutes a separate offense. The city may elect to pursue either the administrative offense or the applicable criminal offense, but not both for the same offense date.

2. The city council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council may adopt a schedule of fees to be paid to administrative hearing officers. Administrative hearing officers are not bound by that schedule when a matter is appealed to the hearing officer for administrative review.

3. An administrative offense may be subject to a civil penalty not exceeding two thousand dollars (\$2,000.00) per violation, plus cost of remediation if incurred by the city.

4. The City Administrator must adopt procedures for administering the administrative citation program.

(F) Notification of Violation.

1. Following a complaint or a routine inspection of a Code violation, the City Administrator or designee may issue a notification of a code violation upon verification that a violation has occurred. The person responsible for the violation will be given reasonable opportunity to correct the violation based on the nature of the offense.

2. It is the obligation of the person responsible for the violation to contact the City regarding compliance.

(G) Administrative Citation.

1. If the violation is not corrected, the City Administrator or designee may issue an administrative citation of a Code violation upon verification that a violation has occurred. The citation must be issued in person or by mail to the person responsible for the violation, or attached to the motor vehicle in the case of a vehicular offense. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation.

2. The person responsible for the violation must either pay the scheduled fine or request a hearing within seven (7) days after issuance of the citation. Payment of the fine or failure to request a hearing within seven (7) days after issuance of the citation constitutes admission of the violation. A late payment fee of ten

percent (10%) of the scheduled fine amount may be imposed under subsection (J) of this section.

(H) Administrative Hearing.

1. Notice of the hearing must be served in person or by mail on the cited party at least ten (10) days in advance, unless a shorter time is accepted by all parties. The cost of the hearing will be split equally between the city and the person responsible for the violation. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing, and may receive testimony and exhibits. The officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

2. The City Council will periodically approve a list of lawyers, arbitrators, and qualified neutral third parties from which the City Administrator will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The cited party will have the right to request that the assigned hearing officer be removed from the case. That request must be made no later than five (5) days before the date of the hearing. One request for each case will be granted automatically by the city administrator. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she cannot fairly and objectively review the case. The city enforcement officer may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the City Administrator will assign another hearing officer. The hearing officer is not a judicial officer but is a public officer as defined by Minnesota statutes section 609.415. The hearing officer must not be a City employee. The city administrator will establish a procedure for evaluating the competency of the Hearing Officers, including comments from accused violators and city staff.

3. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:

- a. The duration of the violation;
- b. The frequency or reoccurrence of the violation;
- c. The seriousness of the violation;
- d. The history of the violation;

- e. The violator's conduct after issuance of the notice of hearing;
- f. The good faith effort by the violator to comply;
- g. The economic impact of the penalty on the violator;
- h. The impact of the violation upon the community; and
- i. Any other factors appropriate to a just result.

The hearing officer may exercise discretion to impose a fine for more than one day of continuing violation, but only upon a finding that:

- a. The violation caused a serious threat of harm to the public health, safety, or welfare; or that
- b. The accused intentionally and unreasonably refused to comply with the code requirement. The hearing officer's decision and supporting reasons must be in writing.

4. The failure to attend the hearing constitutes a waiver of the violator's right to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" include but are not limited to death or incapacitating illness of the accused or the accused's family member; a Court Order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include forgetfulness or intentional delay.

(I) Judicial Review.

An aggrieved party may obtain judicial review of the decision of the Hearing Officer by proceeding by Petition for a Writ of Certiorari in District Court pursuant to Minnesota Statutes Section 484.03.

(J) Recovery of Civil Penalties.

- 1. If a civil penalty is not paid within the time specified, it will constitute:
 - a. A lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
 - b. A personal obligation of the violator in all other situations.

2. A lien may be assessed against the property and collected in the same manner as taxes.
3. A personal obligation may be collected by appropriate legal means, including correction of the violation by the city at the expense of the property owner. If correction of the offense requires entrance upon the property, a warrant must first be secured by the city.
4. A late payment fee of ten percent (10%) of the fine may be assessed for each thirty (30) day period, or part thereof, that the fine remains unpaid after the due date.
5. Failure to pay a fine is grounds for suspending or revoking a license or permit related to the violation.
6. Failure to pay a fine is grounds for denial of future city permits.

(K) Double Jeopardy.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the City may not prosecute a criminal violation in District Court based on the same set of facts. This does not preclude the City from pursuing a criminal conviction for a violation of the same provision based on a different set of facts, or a separate date of violation or offense.

Section 2. Severability. If any provision of this ordinance or its application to any person is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the ordinance prior to removal of the portions declared invalid.

Section 3. Effective Date. This Ordinance shall take effect from upon publication of the Ordinance in the City's official newspaper.

PASSED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA,
THIS _____ DAY _____, 2010.

APPROVED:

Dean Johnston, Mayor

ATTESTED:

Sharon Lumby

CITY OF LAKE ELMO

RESOLUTION NO. 2010-037

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-028 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-037, an ordinance to update the existing city code to improve home occupation regulations; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-028 to be published in the official newspaper in lieu of the entire ordinance:

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-028 which amends Section 10.99 and the provisions of that section of the Code of Ordinances for the City of Lake Elmo. The proposed amendments create a new process penalties in the civil code by codifying the process for administrative enforcement and civil penalties.

The full text of Ordinance No. 08-028 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean Johnston

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that she post a full copy of the ordinance in a public place within the city.

Dated: July 20, 2010.

Mayor Dean Johnston

ATTEST:

Bruce A. Messelt
City Administrator

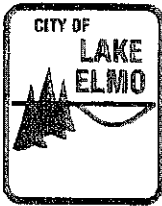
(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR & COUNCIL COMMUNICATION

DATE: 07/20/2010
REGULAR
ITEM #: 6
DISCUSSION

AGENDA ITEM: Report from Fire Chief Malmquist on FAST Deployment to Wadena

SUBMITTED BY: Fire Chief Greg Malmquist

THROUGH: Bruce A. Messelt, City Administrator *BAW*

REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council receive a brief presentation by Fire Chief Malmquist on his recent deployment as part of the Minnesota State Fire Chief's Association's FAST response to the Wadena F4 tornado disaster.

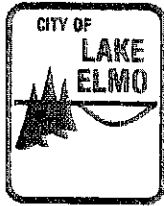
BACKGROUND INFORMATION & STAFF REPORT: With the consent of the City Council, Chief Malmquist is part of the F.A.S.T (Fire Chiefs Assistance and support Team) statewide response team. Chief Malmquist will give brief presentation on his recent deployment through the Minnesota State Fire Chiefs Association to assist the Wadena community following the F4 tornado. The Chief's deployment was from June 19th and 20th, 2010.

RECOMMENDATION: It is respectfully recommended that the City Council receive a brief presentation by Fire Chief Malmquist on his recent deployment to Wadena as part of the Minnesota State Fire Chief's Association's FAST program.

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Fire Chief
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: 7/20/2010

REGULAR

ITEM #: 7

DISCUSSION

AGENDA ITEM: Review of 2nd Quarter of 2010 General Fund Budget (Unaudited)

SUBMITTED BY: Joe Rigdon, Financial Consultant

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: Pursuant to City Council direction, the City Council is asked to receive an update on the now-closed 2nd Quarter 2010 General Fund (unaudited) and discuss, as appropriate, any findings or trends identified therein.

No specific action or motion is recommended at tonight's meeting. However, should the Council feel so moved to undertake specific action, the Council motion and should be to:

Move to revise the 2010 Budget and to begin preparation of the 2011 Budget [as agreed to at tonight's meeting].

BACKGROUND INFORMATION: The City of Lake Elmo has both the legal and fiduciary responsibility under Minnesota State Statue to actively manage its annual Budget and Capital Improvement Program (CIP). Tonight's presentation is part of Lake Elmo's quarterly review of major budget issues and activities.

STAFF REPORT: City staff has completed the "closing of the books" for the 2nd Quarter of 2010 and, in particular, the General Fund (attached). While unaudited at this time, staff has a high degree of confidence in the material provided and would like to brief the City Council on the major identified findings and trends. A summary of Staff's findings is attached, along with the detailed report.

RECOMMENDATION: It is recommended that the City Council receive an update on the now-closed 2nd Quarter of the 2010 General Fund (unaudited) and discuss, as appropriate, any potential implications for the 2010 Budget and planned preparations for the 2011 Budget.

No specific action or motion is recommended at tonight's meeting. However, should the Council feel so moved to undertake specific action, the Council motion and should be to:

Move to revise the 2010 Budget and to begin preparation of the 2011 Budget [as agreed to at tonight's meeting].

Alternatively, the City Council does have the authority to discuss and adjust the 2010 Budget, either tonight or during subsequent action, and to direct the City staff accordingly with respect to execution of the 2010 budget and preparation of the 2011 draft budget.

ATTACHMENTS:

1. Staff Report on 2nd Quarter 2010 General Fund (Unaudited)
2. Detailed Report on 2nd quarter 2010 General Fund (Unaudited)

SUGGESTED ORDER OF BUSINESS:

- Introduction..... Bruce Messelt, City Administrator
- Staff Report/Presentation..... Joe Rigdon, Financial Consultant
Tom Bouthilet, Finance Director
- Questions from Council to Staff..... Mayor Facilitates
- Discussion..... Mayor & City Council
- Action or Motion, if Appropriate..... Mayor Facilitates

Memorandum

To: City of Lake Elmo City Council

From: Joe Rigdon, KDV

Date: July 15, 2010

Re: General Fund Revenues/Expenditures through 2nd Quarter 2010 (Unaudited)

The attached report details year-to-date City of Lake Elmo General Fund revenues and expenditures through June 30, 2010 (unaudited). Highlights are as follows:

Revenues:

- Property taxes were 0.0% of budget, as projected (1st half taxes will be received in 07/10 and 2nd half taxes will be received in 12/10).
- Building permits through June 30, 2010 amounted to \$70,388 (70.4% of budget), as compared to \$57,493 through June 30, 2009.
- Plan check fees through June 30, 2010 amounted to \$27,467 (85.8% of budget), as compared to \$13,368 through June 30, 2009.
- Miscellaneous revenues totaled \$858 through June 30, 2010, as compared to \$24,041 through June 30, 2009. The decrease is due to one-time reimbursements received from Northern Natural Gas for use of City property in 2009.
- Total revenues were \$254,610 (8.9% of budget) through June 30, 2010, decreasing 1.0% from \$257,092 through June 30, 2009.

Expenditures:

- General government expenditures totaled \$433,082 (44.6% of budget) through June 30, 2010, increasing 2.5% from \$422,381 through June 30, 2009.
- Public safety expenditures totaled \$214,621 through June 30, 2010, increasing 0.7% from \$213,031 through June 30, 2009. Total public safety expenditures through June 30, 2010 were 20.1% of budget due to no 2010 police contract invoices received or paid.
- Public works expenditures totaled \$223,490 (44.8% of budget) through June 30, 2010, increasing 11.4% from \$200,677 through June 30, 2009. The increase is due to higher quantities of sand/salt purchased within the ice and snow removal department during 2010 (114.8% of budget).
- Parks and recreation expenditures totaled \$79,271 (41.5% of budget) through June 30, 2010, decreasing 5.3% from \$83,674 through June 30, 2009.
- Total expenditures and transfers out were \$958,464 (33.6% of budget) through June 30, 2010, increasing 3.4% from \$927,263 through June 30, 2009.

Quarterly Report

Quarterly Report
07/15/2010
12:20 PM
Periods 01 to 06
Fiscal Year 2010 to 2010

Account Number	Description	2010 Budget	2010 Year-to-Date (06/30/10)	2010 Percentage of Budget	2009 Year-to-Date (06/30/09)
101	General Fund				
	Revenue				
000	General				
0000	General				
101-000-0000-31010	Current Ad Valorem Taxes	-\$2,381,871.00	\$0.00	0.0%	\$0.00
101-000-0000-31030	Mobile Home Tax	-\$8,000.00	\$0.00	0.0%	\$0.00
101-000-0000-32110	Liquor License	-\$7,200.00	-\$750.00	10.4%	\$0.00
101-000-0000-32180	Wastehauler License	-\$1,000.00	-\$230.00	23.0%	-\$1,365.00
101-000-0000-32181	General Contractor License	-\$1,800.00	-\$3,110.00	172.8%	-\$2,095.00
101-000-0000-32183	Heating Contractor License	-\$200.00	\$0.00	0.0%	-\$60.00
101-000-0000-32184	Blacktopping Contractor Licens	-\$60.00	\$0.00	0.0%	\$0.00
101-000-0000-32210	Building Permits	-\$100,000.00	-\$70,388.04	70.4%	-\$57,493.45
101-000-0000-32220	Heating Permits	-\$3,000.00	-\$4,320.50	144.0%	-\$6,376.60
101-000-0000-32230	Plumbing Permits	-\$3,000.00	-\$3,355.50	111.9%	-\$1,830.00
101-000-0000-32231	Sewer Permits	-\$500.00	-\$561.00	112.2%	-\$370.50
101-000-0000-32240	Animal License	-\$2,000.00	-\$2,721.00	136.1%	-\$1,626.00
101-000-0000-32250	Utility Permits	-\$6,000.00	-\$4,519.84	75.3%	-\$13,999.50
101-000-0000-32260	Burning Permit	-\$1,000.00	-\$1,015.00	101.5%	-\$560.00
101-000-0000-33130	CDBG Old Village	\$0.00	\$0.00	0.0%	\$0.00
101-000-0000-33418	MSA - Maintenance	-\$68,500.00	-\$38,673.50	56.5%	-\$44,398.62
101-000-0000-33420	State Fire Aid	-\$40,000.00	\$0.00	0.0%	-\$1,690.00
101-000-0000-33422	PERA Aid	-\$2,750.00	\$0.00	0.0%	\$0.00
101-000-0000-33620	Gravel Tax	-\$3,100.00	\$0.00	0.0%	-\$1,566.85
101-000-0000-33621	Recycling Grant	-\$15,000.00	-\$15,588.00	103.9%	-\$15,476.00
101-000-0000-33622	Cable Franchise Revenue	-\$35,000.00	-\$35,366.96	101.0%	-\$34,916.22
101-000-0000-34103	Zoning & Subdivision Fees	-\$1,000.00	-\$4,370.00	437.0%	-\$1,050.00
101-000-0000-34104	Plan Check Fees	-\$32,000.00	-\$27,466.71	85.8%	-\$13,368.31
101-000-0000-34105	Sale of Copies, Books, Maps	-\$300.00	-\$67.00	22.3%	-\$64.08
101-000-0000-34107	Assessment Searches	-\$200.00	-\$240.00	120.0%	-\$195.00
101-000-0000-34109	Clean Up Days	-\$4,000.00	-\$3,425.00	85.6%	-\$4,367.00
101-000-0000-34111	Cable Operation Reimbursement	-\$2,400.00	-\$999.84	41.7%	-\$911.20
101-000-0000-35100	Fines	-\$52,000.00	-\$28,561.53	54.9%	-\$20,771.78
101-000-0000-36200	Miscellaneous Revenue	-\$17,130.00	-\$858.40	5.0%	-\$24,040.97
101-000-0000-36210	Interest Earnings	-\$60,000.00	\$0.00	0.0%	\$0.00
101-000-0000-36230	Donations	\$0.00	-\$8,022.46	0.0%	-\$8,500.00
0000	General	-\$2,849,011.00	-\$254,610.28	8.9%	-\$257,092.08
000	General	-\$2,849,011.00	-\$254,610.28	8.9%	-\$257,092.08
	Revenue	-\$2,849,011.00	-\$254,610.28	8.9%	-\$257,092.08
	Expense				
410	General Government				
1110	Mayor & Council				
101-410-1110-41030	Part-time Salaries	\$16,435.00	\$8,217.50	50.0%	\$8,217.50
101-410-1110-41220	FICA Contributions	\$1,019.00	\$509.49	50.0%	\$509.49
101-410-1110-41230	Medicare Contributions	\$238.00	\$119.14	50.1%	\$119.14
101-410-1110-43310	Mileage	\$1,000.00	\$0.00	0.0%	\$0.00
101-410-1110-44300	Miscellaneous	\$2,000.00	\$518.15	25.9%	\$3,039.12
101-410-1110-44330	Dues & Subscriptions	\$9,800.00	\$3,987.00	40.7%	\$3,165.00
101-410-1110-44370	Conferences & Training	\$3,500.00	\$745.71	21.3%	\$848.00

Quarterly Report

Quarterly Report
07/15/2010
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Periods 01 to 06
Fiscal Year 2010 to 2010

Account Number	Description	2010 Budget	2010 Year-to-Date (06/30/10)	2010 Percentage of Budget	2009 Year-to-Date (06/30/09)
1110	Mayor & Council	\$33,992.00	\$14,096.99	41.5%	\$15,898.25
1320	Administration				
101-410-1320-41010	Full-time Salaries	\$220,753.00	\$94,334.93	42.7%	\$91,592.69
101-410-1320-41210	PERA Contributions	\$15,453.00	\$3,465.08	22.4%	\$6,182.57
101-410-1320-41215	ICMA Employer Contribution	\$0.00	\$3,020.15	0.0%	\$0.00
101-410-1320-41220	FICA Contributions	\$13,687.00	\$5,770.39	42.2%	\$5,670.00
101-410-1320-41230	Medicare Contributions	\$3,201.00	\$1,349.55	42.2%	\$1,326.11
101-410-1320-41300	Health/Dental Insurance	\$36,680.00	\$19,309.51	52.6%	\$10,674.11
101-410-1320-41510	Workers Compensation	\$1,741.00	\$1,921.00	110.3%	\$1,843.21
101-410-1320-42000	Office Supplies	\$8,000.00	\$1,772.80	22.2%	\$2,241.69
101-410-1320-42030	Printed Forms	\$0.00	\$457.56	0.0%	\$347.93
101-410-1320-43040	Legal Services	\$60,000.00	\$20,452.05	34.1%	\$9,553.28
101-410-1320-43090	Newsletter/Website	\$0.00	\$500.00	0.0%	\$0.00
101-410-1320-43100	Assessing Services	\$45,500.00	\$12,000.00	26.4%	\$12,591.10
101-410-1320-43220	Postage	\$7,000.00	\$2,000.00	28.6%	\$1,500.00
101-410-1320-43310	Mileage	\$3,500.00	\$1,015.50	29.0%	\$165.20
101-410-1320-43510	Legal Publishing	\$0.00	\$89.93	0.0%	\$0.00
101-410-1320-43610	Insurance	\$39,500.00	\$38,563.04	97.6%	\$38,800.50
101-410-1320-44300	Miscellaneous	\$6,000.00	\$553.72	9.2%	\$3,039.23
101-410-1320-44330	Dues & Subscriptions	\$4,000.00	\$1,195.00	29.9%	\$1,042.19
101-410-1320-44370	Conferences & Training	\$3,500.00	\$3,204.05	91.5%	\$240.00
101-410-1320-44380	Staff Development	\$1,000.00	\$125.00	12.5%	\$0.00
1320	Administration	\$469,515.00	\$211,099.26	45.0%	\$186,809.81
1410	Elections				
101-410-1410-41030	Part-time Salaries	\$10,000.00	\$0.00	0.0%	\$0.00
101-410-1410-42000	Office Supplies	\$250.00	\$55.68	22.3%	\$0.00
101-410-1410-42030	Printed Forms	\$350.00	\$0.00	0.0%	\$0.00
101-410-1410-44300	Miscellaneous	\$1,350.00	\$940.00	69.6%	\$940.00
1410	Elections	\$11,950.00	\$995.68	8.3%	\$940.00
1450	Communications				
101-410-1450-41010	Full-time Salaries	\$10,920.00	\$3,182.39	29.1%	\$3,923.30
101-410-1450-41210	PERA Contributions	\$764.00	\$222.49	29.1%	\$264.80
101-410-1450-41220	FICA Contributions	\$677.00	\$197.31	29.1%	\$243.22
101-410-1450-41230	Medicare Contributions	\$158.00	\$46.12	29.2%	\$56.87
101-410-1450-41510	Workers Compensation	\$398.00	\$430.00	108.0%	\$649.12
101-410-1450-43090	Newsletter	\$5,400.00	\$1,894.89	35.1%	\$4,513.06
101-410-1450-43180	Information Technology/Web	\$29,000.00	\$16,244.25	56.0%	\$15,147.57
101-410-1450-43510	Public Notices	\$4,000.00	\$1,001.31	25.0%	\$222.46
101-410-1450-43620	Cable Operations	\$4,000.00	\$1,557.79	38.9%	\$1,492.32
1450	Communications	\$55,317.00	\$24,776.55	44.8%	\$26,512.72
1520	Finance				
101-410-1520-41010	Full-time Salaries	\$34,060.00	\$15,196.00	44.6%	\$15,327.00
101-410-1520-41210	PERA Contributions	\$2,384.00	\$1,061.75	44.5%	\$1,034.57
101-410-1520-41220	FICA Contributions	\$2,112.00	\$935.74	44.3%	\$944.07
101-410-1520-41230	Medicare Contributions	\$494.00	\$218.86	44.3%	\$220.74
101-410-1520-41300	Health/Dental Insurance	\$3,915.00	\$2,131.05	54.4%	\$2,407.94
101-410-1520-41510	Workers Compensation	\$161.00	\$176.00	109.3%	\$151.66
101-410-1520-42000	Office Supplies	\$500.00	\$0.00	0.0%	\$0.00
101-410-1520-42030	Printed Forms	\$0.00	\$0.00	0.0%	\$0.00

Quarterly Report

Quarterly Report
07/15/2010
12:20 PM
Periods 01 to 06
Fiscal Year 2010 to 2010

Account Number	Description	2010 Budget	2010 Year-to-Date (06/30/10)	2010 Percentage of Budget	2009 Year-to-Date (06/30/09)
101-410-1520-43010	Audit Services	\$29,500.00	\$21,000.00	71.2%	\$0.00
101-410-1520-43150	Contract Services	\$30,000.00	\$36,017.25	120.1%	\$30,557.51
101-410-1520-43310	Mileage	\$250.00	\$0.00	0.0%	\$0.00
101-410-1520-44300	Miscellaneous	\$2,000.00	\$2,007.00	100.4%	\$2,890.00
101-410-1520-44330	Dues & Subscriptions	\$100.00	\$0.00	0.0%	\$0.00
101-410-1520-44350	Books	\$100.00	\$0.00	0.0%	\$0.00
101-410-1520-44370	Conferences & Training	\$300.00	\$0.00	0.0%	\$0.00
1520	Finance	\$105,876.00	\$78,743.65	74.4%	\$53,533.49
1910	Planning & Zoning				
101-410-1910-41010	Full-time Salaries	\$102,265.00	\$42,481.42	41.5%	\$46,603.90
101-410-1910-41210	PERA Contributions	\$7,159.00	\$2,784.55	38.9%	\$3,128.87
101-410-1910-41220	FICA Contributions	\$6,340.00	\$2,522.47	39.8%	\$2,763.73
101-410-1910-41230	Medicare Contributions	\$1,483.00	\$589.87	39.8%	\$646.34
101-410-1910-41300	Health/Dental Insurance	\$25,138.00	\$10,198.32	40.6%	\$11,752.05
101-410-1910-41510	Workers Compensation	\$485.00	\$526.00	108.5%	\$484.97
101-410-1910-42000	Office Supplies	\$2,000.00	\$87.53	4.4%	\$84.13
101-410-1910-43020	Comprehensive Planning	\$15,000.00	\$0.00	0.0%	\$2,185.60
101-410-1910-43030	Engineering Services	\$10,000.00	\$7,178.73	71.8%	\$11,798.54
101-410-1910-43150	Contract Services	\$10,000.00	\$2,128.00	21.3%	\$16,014.90
101-410-1910-43310	Mileage	\$500.00	\$0.00	0.0%	\$0.00
101-410-1910-43620	Cable Operation Expense	\$0.00	\$0.00	0.0%	\$0.00
101-410-1910-44300	Miscellaneous	\$500.00	\$19.26	3.9%	\$76.70
101-410-1910-44330	Dues & Subscriptions	\$500.00	\$495.00	99.0%	\$305.00
101-410-1910-44350	Books	\$250.00	\$0.00	0.0%	\$211.96
101-410-1910-44370	Conferences & Training	\$1,000.00	\$725.00	72.5%	\$1,270.00
1910	Planning & Zoning	\$182,620.00	\$69,736.15	38.2%	\$97,326.69
1930	Engineering Services				
101-410-1930-43030	Engineering Services	\$70,000.00	\$17,881.78	25.5%	\$23,724.11
1930	Engineering Services	\$70,000.00	\$17,881.78	25.5%	\$23,724.11
1940	City Hall				
101-410-1940-42110	Cleaning Supplies	\$550.00	\$280.17	50.9%	\$270.83
101-410-1940-42230	Building Repair Supplies	\$1,000.00	\$159.98	16.0%	\$0.00
101-410-1940-43210	Telephone	\$8,400.00	\$3,010.86	35.8%	\$3,647.28
101-410-1940-43810	Electric Utility	\$12,500.00	\$3,822.22	30.6%	\$6,080.44
101-410-1940-43840	Refuse	\$1,300.00	\$414.64	31.9%	\$414.64
101-410-1940-44010	Repairs/Maint Contractual Bldg	\$11,000.00	\$6,419.82	58.4%	\$6,090.25
101-410-1940-44040	Repairs/Maint Contractual Eqpt	\$5,000.00	\$974.38	19.5%	\$1,082.62
101-410-1940-44300	Miscellaneous	\$1,000.00	\$669.64	67.0%	\$49.87
1940	City Hall	\$40,750.00	\$15,751.71	38.7%	\$17,635.93
410	General Government	\$970,020.00	\$433,081.77	44.6%	\$422,381.00
420	Public Safety				
2100	Police				
101-420-2100-43150	Law Enforcement Contract	\$474,935.00	\$0.00	0.0%	\$0.00
2100	Police	\$474,935.00	\$0.00	0.0%	\$0.00
2150	Prosecution				
101-420-2150-43045	Attorney Criminal	\$51,000.00	\$19,175.62	37.6%	\$17,410.76

Quarterly Report

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Periods 01 to 06
Fiscal Year 2010 to 2010

Account Number	Description	2010 Budget	2010 Year-to-Date (06/30/10)	2010 Percentage of Budget	2009 Year-to-Date (06/30/09)
2150	Prosecution	\$51,000.00	\$19,175.62	37.6%	\$17,410.76
2220	Fire				
101-420-2220-41010	Full-time Salaries	\$63,803.00	\$28,234.26	44.3%	\$28,624.28
101-420-2220-41030	Part-time Salaries	\$110,000.00	\$24,041.61	21.9%	\$22,822.11
101-420-2220-41210	PERA Contributions	\$8,669.00	\$3,862.87	44.6%	\$3,907.17
101-420-2220-41220	FICA Contributions	\$7,106.00	\$1,596.18	22.5%	\$1,526.80
101-420-2220-41230	Medicare Contributions	\$2,520.00	\$741.39	29.4%	\$728.75
101-420-2220-41300	Health/Dental Insurance	\$15,855.00	\$8,070.83	50.9%	\$8,232.64
101-420-2220-41510	Workers Compensation	\$10,575.00	\$12,472.00	117.9%	\$10,306.81
101-420-2220-42000	Office Supplies	\$1,500.00	\$319.73	21.3%	\$312.10
101-420-2220-42080	EMS Supplies	\$1,200.00	\$0.00	0.0%	\$766.81
101-420-2220-42090	Fire Prevention	\$3,000.00	\$0.00	0.0%	\$96.80
101-420-2220-42120	Fuel, Oil and Fluids	\$11,500.00	\$3,919.29	34.1%	\$5,395.55
101-420-2220-42210	Equipment Parts	\$0.00	\$74.97	0.0%	\$390.00
101-420-2220-42400	Small Tools & Equipment	\$10,000.00	\$5,007.17	50.1%	\$1,844.85
101-420-2220-43050	Physicals	\$7,550.00	\$396.00	5.2%	\$1,445.00
101-420-2220-43210	Telephone	\$5,100.00	\$1,765.50	34.6%	\$1,678.39
101-420-2220-43230	Radio	\$19,920.00	\$4,114.20	20.7%	\$4,960.41
101-420-2220-43310	Mileage	\$600.00	\$408.48	68.1%	\$0.00
101-420-2220-43630	Vehicle Insurance	\$15,475.00	\$13,980.20	90.3%	\$14,472.00
101-420-2220-43810	Electric Utility	\$13,900.00	\$5,247.98	37.8%	\$5,138.33
101-420-2220-43840	Refuse	\$1,000.00	\$182.48	18.2%	\$182.48
101-420-2220-44010	Repairs/Maint Bldg	\$10,000.00	\$12,405.76	124.1%	\$4,593.73
101-420-2220-44040	Repairs/Maint Eqpt	\$26,907.00	\$10,751.10	40.0%	\$9,794.61
101-420-2220-44170	Uniforms	\$5,600.00	\$1,213.28	21.7%	\$1,032.84
101-420-2220-44300	Miscellaneous	\$2,800.00	\$5,555.89	198.4%	\$9,619.98
101-420-2220-44330	Dues & Subscriptions	\$2,200.00	\$1,264.00	57.5%	\$2,365.56
101-420-2220-44350	Books	\$850.00	\$635.91	74.8%	\$805.56
101-420-2220-44370	Conferences & Training	\$20,225.00	\$10,946.23	54.1%	\$10,244.13
101-420-2220-45800	Equipment	\$0.00	\$0.00	0.0%	\$0.00
2220	Fire	\$377,855.00	\$157,207.31	41.6%	\$151,287.69
2250	Fire Relief				
101-420-2250-44920	Fire State Aid	\$40,000.00	\$0.00	0.0%	\$1,690.00
101-420-2250-44925	City Contribution	\$17,864.00	\$0.00	0.0%	\$0.00
2250	Fire Relief	\$57,864.00	\$0.00	0.0%	\$1,690.00
2400	Building Inspection				
101-420-2400-41010	Full-time Salaries	\$59,740.00	\$25,822.61	43.2%	\$26,156.39
101-420-2400-41210	PERA Contributions	\$4,182.00	\$1,804.17	43.1%	\$1,762.22
101-420-2400-41220	FICA Contributions	\$3,704.00	\$1,572.57	42.5%	\$1,594.06
101-420-2400-41230	Medicare Contributions	\$866.00	\$367.78	42.5%	\$372.79
101-420-2400-41300	Health/Dental Insurance	\$9,015.00	\$4,432.64	49.2%	\$4,245.54
101-420-2400-41510	Workers Compensation	\$2,143.00	\$2,319.00	108.2%	\$5,133.82
101-420-2400-42000	Office Supplies	\$300.00	\$0.00	0.0%	\$0.00
101-420-2400-42030	Printed Forms	\$300.00	\$0.00	0.0%	\$0.00
101-420-2400-42120	Fuel, Oil and Fluids	\$3,750.00	\$0.00	0.0%	\$0.00
101-420-2400-43030	Engineering	\$5,000.00	\$1,893.74	37.9%	\$0.00
101-420-2400-43050	Plan Review Charges	\$1,000.00	\$0.00	0.0%	\$0.00
101-420-2400-43060	Surcharge Payments	\$0.00	-\$5,106.36	0.0%	-\$3,455.28
101-420-2400-43150	Inspector Contract Services	\$1,000.00	\$118.25	11.8%	\$891.00
101-420-2400-43210	Telephone	\$500.00	\$140.20	28.0%	\$164.15

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Periods 01 to 06
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Account Number	Description	2010 Budget	2010 Year-to-Date (06/30/10)	2010 Percentage of Budget	2009 Year-to-Date (06/30/09)
101-420-2400-43310	Mileage	\$250.00	\$0.00	0.0%	\$0.00
101-420-2400-43630	Insurance	\$1,000.00	\$903.41	90.3%	\$1,025.00
101-420-2400-44040	Repairs/Maint Eqpt	\$750.00	\$364.90	48.7%	\$832.01
101-420-2400-44170	Uniforms	\$300.00	\$0.00	0.0%	\$0.00
101-420-2400-44300	Miscellaneous	\$500.00	\$15.41	3.1%	\$0.00
101-420-2400-44330	Dues & Subscriptions	\$200.00	\$100.00	50.0%	\$100.00
101-420-2400-44350	Books	\$200.00	\$0.00	0.0%	\$0.00
101-420-2400-44370	Conferences & Training	\$500.00	\$155.00	31.0%	\$50.00
2400	Building Inspection	\$95,200.00	\$34,903.32	36.7%	\$38,871.70
2700	Animal Control				
101-420-2700-42030	Printed Forms	\$150.00	\$0.00	0.0%	\$0.00
101-420-2700-43150	Contract Services	\$12,600.00	\$3,335.00	26.5%	\$3,770.79
101-420-2700-44300	Miscellaneous	\$100.00	\$0.00	0.0%	\$0.00
2700	Animal Control	\$12,850.00	\$3,335.00	26.0%	\$3,770.79
420	Public Safety	\$1,069,704.00	\$214,621.25	20.1%	\$213,030.94
430	Public Works				
3100	Public Works				
101-430-3100-41010	Full-time Salaries	\$128,387.00	\$53,064.64	41.3%	\$55,430.14
101-430-3100-41030	Part-time Salaries	\$12,573.00	\$0.00	0.0%	\$0.00
101-430-3100-41210	PERA Contributions	\$9,867.00	\$3,707.59	37.6%	\$3,732.90
101-430-3100-41220	FICA Contributions	\$8,740.00	\$3,127.39	35.8%	\$3,270.97
101-430-3100-41230	Medicare Contributions	\$2,044.00	\$731.46	35.8%	\$765.05
101-430-3100-41300	Health/Dental Insurance	\$36,027.00	\$18,580.40	51.6%	\$16,749.06
101-430-3100-41510	Workers Compensation	\$11,500.00	\$13,541.00	117.7%	\$10,526.80
101-430-3100-42000	Office Supplies	\$500.00	\$108.41	21.7%	\$159.49
101-430-3100-42120	Fuel, Oil and Fluids	\$0.00	\$210.09	0.0%	\$0.00
101-430-3100-42150	Shop Materials	\$4,000.00	\$542.10	13.6%	\$931.53
101-430-3100-42210	Equipment Parts	\$0.00	\$12.56	0.0%	\$0.00
101-430-3100-42230	Building Repair Supplies	\$1,000.00	\$0.00	0.0%	\$0.00
101-430-3100-42240	Street Maintenance Materials	\$0.00	\$0.00	0.0%	\$0.00
101-430-3100-42290	Sand/Salt	\$0.00	\$0.00	0.0%	\$0.00
101-430-3100-42400	Small Tools & Minor Equipment	\$3,000.00	\$914.91	30.5%	\$959.35
101-430-3100-43030	Engineering Services	\$0.00	\$462.85	0.0%	\$932.72
101-430-3100-43150	Contract Services	\$13,400.00	\$721.30	5.4%	\$2,226.15
101-430-3100-43210	Telephone	\$7,500.00	\$3,406.79	45.4%	\$3,728.86
101-430-3100-43230	Radio	\$500.00	\$0.00	0.0%	\$0.00
101-430-3100-43310	Mileage	\$100.00	\$0.00	0.0%	\$0.00
101-430-3100-43630	Insurance	\$15,670.00	\$14,156.37	90.3%	\$14,243.00
101-430-3100-43810	Electric Utility	\$29,500.00	\$10,152.97	34.4%	\$13,156.53
101-430-3100-43840	Refuse	\$1,800.00	\$855.48	47.5%	\$530.51
101-430-3100-44010	Repairs/Maint Bldg	\$2,000.00	\$2,027.93	101.4%	\$2,057.61
101-430-3100-44040	Repairs/Maint Eqpt	\$6,000.00	\$519.77	8.7%	\$241.56
101-430-3100-44170	Uniforms	\$1,675.00	\$926.06	55.3%	\$682.93
101-430-3100-44300	Miscellaneous	\$2,000.00	\$267.98	13.4%	\$89.08
101-430-3100-44330	Dues & Subscriptions	\$150.00	\$0.00	0.0%	\$0.00
101-430-3100-44370	Conferences & Training	\$900.00	\$875.09	97.2%	\$0.00
101-430-3100-44380	Clean-up Days	\$7,500.00	\$0.00	0.0%	\$0.00
3100	Public Works	\$306,333.00	\$128,913.14	42.1%	\$130,414.24

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Account Number	Description	2010 Budget	2010 Year-to-Date (06/30/10)	2010 Percentage of Budget	2009 Year-to-Date (06/30/09)
3120	Streets				
101-430-3120-42120	Fuel, Oil and Fluids	\$32,000.00	\$9,867.32	30.8%	\$4,098.18
101-430-3120-42210	Equipment Parts	\$8,500.00	\$1,175.26	13.8%	\$131.96
101-430-3120-42240	Street Maintenance Materials	\$18,000.00	\$1,871.82	10.4%	\$5,821.60
101-430-3120-42260	Sign Repair Materials	\$3,000.00	\$2,398.93	80.0%	\$399.67
101-430-3120-43150	Contract Services	\$14,000.00	\$2,548.25	18.2%	\$3,465.61
101-430-3120-44040	Repairs/Maint Eqpt	\$5,000.00	\$71.60	1.4%	\$0.00
3120	Streets	\$80,500.00	\$17,933.18	22.3%	\$13,917.02
3125	Ice and Snow Removal				
101-430-3125-42250	Landscaping Materials	\$1,000.00	\$301.82	30.2%	\$0.00
101-430-3125-42290	Sand/Salt	\$50,000.00	\$57,410.89	114.8%	\$37,362.94
101-430-3125-43150	Contract Services	\$10,000.00	\$0.00	0.0%	\$0.00
101-430-3125-44040	Repairs/Maint Eqpt	\$2,500.00	\$1,694.64	67.8%	\$61.36
3125	Ice and Snow Removal	\$63,500.00	\$59,407.35	93.6%	\$37,424.30
3160	Street Lighting				
101-430-3160-43810	Street Lighting	\$24,000.00	\$9,304.22	38.8%	\$8,249.71
3160	Street Lighting	\$24,000.00	\$9,304.22	38.8%	\$8,249.71
3200	Recycling				
101-430-3200-42100	Recycling Supplies	\$3,500.00	\$0.00	0.0%	\$0.00
101-430-3200-43090	Newsletter	\$4,000.00	\$931.96	23.3%	\$0.00
101-430-3200-44300	Miscellaneous	\$7,500.00	\$12.24	0.2%	\$1,185.86
3200	Recycling	\$15,000.00	\$944.20	6.3%	\$1,185.86
3250	Tree Program				
101-430-3250-43150	Contract Services	\$10,000.00	\$6,988.00	69.9%	\$9,486.16
3250	Tree Program	\$10,000.00	\$6,988.00	69.9%	\$9,486.16
430	*Public Works	\$499,333.00	\$223,490.09	44.8%	\$200,677.29
450	Culture, Recreation				
5200	Parks & Recreation				
101-450-5200-41010	Full-time Salaries	\$77,561.00	\$30,208.15	38.9%	\$32,293.63
101-450-5200-41030	Part-time Salaries	\$30,551.00	\$8,392.35	27.5%	\$9,288.37
101-450-5200-41210	PERA Contributions	\$7,568.00	\$2,465.02	32.6%	\$2,602.19
101-450-5200-41220	FICA Contributions	\$6,703.00	\$2,329.55	34.8%	\$2,514.60
101-450-5200-41230	Medicare Contributions	\$1,568.00	\$544.82	34.7%	\$588.12
101-450-5200-41300	Health/Dental Insurance	\$14,044.00	\$7,079.64	50.4%	\$6,553.40
101-450-5200-41420	Unemployment Benefits	\$1,642.00	\$0.00	0.0%	\$2,505.97
101-450-5200-41510	Workers Compensation	\$6,703.00	\$7,253.00	108.2%	\$7,142.02
101-450-5200-42000	Office Supplies	\$300.00	\$0.00	0.0%	\$0.00
101-450-5200-42120	Fuel, Oil and Fluids	\$3,000.00	\$0.00	0.0%	\$0.00
101-450-5200-42150	Shop Materials	\$750.00	\$0.00	0.0%	\$436.89
101-450-5200-42160	Chemicals	\$1,000.00	\$0.00	0.0%	\$125.00
101-450-5200-42210	Equipment Parts	\$2,500.00	\$342.17	13.7%	\$232.31
101-450-5200-42230	Building Repair Supplies	\$500.00	\$220.17	44.0%	\$0.00
101-450-5200-42250	Landscaping Materials	\$3,500.00	\$0.00	0.0%	\$663.88
101-450-5200-42400	Small Tools & Minor Equipment	\$1,000.00	\$369.79	37.0%	\$326.21
101-450-5200-43210	Telephone	\$650.00	\$78.55	12.1%	\$238.76
101-450-5200-43310	Mileage	\$200.00	\$0.00	0.0%	\$0.00

Quarterly Report

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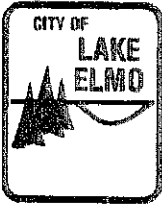
Account Number	Description	2010 Budget	2010 Year-to-Date (06/30/10)	2010 Percentage of Budget	2009 Year-to-Date (06/30/09)
101-450-5200-43630	Insurance	\$5,500.00	\$4,968.73	90.3%	\$5,084.00
101-450-5200-43810	Electric Utility	\$10,164.00	\$4,756.22	46.8%	\$4,722.71
101-450-5200-43840	Refuse	\$2,500.00	\$795.48	31.8%	\$795.48
101-450-5200-44010	Repairs/Maint Bldg	\$700.00	\$0.00	0.0%	\$11.18
101-450-5200-44030	Repairs/Maint Imp Not Bldgs	\$4,000.00	\$7,571.72	189.3%	\$1,344.44
101-450-5200-44040	Repairs/Maint Eqpt	\$2,000.00	\$0.00	0.0%	\$0.00
101-450-5200-44120	Rentals - Buildings	\$5,000.00	\$1,751.77	35.0%	\$1,921.93
101-450-5200-44300	Miscellaneous	\$1,500.00	\$144.00	9.6%	\$4,282.49
5200	Parks & Recreation	\$191,104.00	\$79,271.13	41.5%	\$83,673.58
450	Culture, Recreation	\$191,104.00	\$79,271.13	41.5%	\$83,673.58
493	Other Financing Uses				
9360	Transfers Out				
101-493-9360-47200	Transfers Out	\$118,850.00	\$8,000.00	6.7%	\$7,500.00
9360	Transfers Out	\$118,850.00	\$8,000.00	6.7%	\$7,500.00
493	Other Financing Uses	\$118,850.00	\$8,000.00	6.7%	\$7,500.00
	Expense	\$2,849,011.00	\$958,464.24	33.6%	\$927,262.81
101	General Fund	\$0.00	\$703,853.96	0.0%	\$670,170.73

PLEASE NOTE: Agenda Item J9.

The proposed City Council Resolutions will be delivered to the City Council on Monday, July 19th.

Attached is additional material submitted by the applicant. A written response by the applicant and additional related supporting documentation will also be delivered to the City Council on Monday, July 19th.

Sharon



MAYOR & COUNCIL COMMUNICATION

DATE: 7/20/2010

WORKSHOP

ITEM #: 9

ACTION *Resolution 2010-036A*
or *2010-036B*

AGENDA ITEM: Consider Resolution 2010-036 Regarding OP Open Space Preservation Concept Plan & Planned Unit Development General Concept Plan relating to the Lake Elmo Farm School and Senior Living Project, located at 9434 Stillwater Boulevard North (PIDs: 15-029-21-31-0001 & 15-029-21-31-0003)

SUBMITTED BY: Lake Elmo Planning Commission
Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Mayor and City Council (July 13th, 2010 Workshop)
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider Resolution 2010-036 regarding the Applicant's request for approval of an Open Space Preservation (OP) Development Concept Plan and Planned Unit Development (PUD) General Concept Plan, relating to a proposal to establish a 40-unit senior living multi-family building, 10 townhouse units (plus an existing single residential unit), and a farm-themed preschool on property located at 9434 Stillwater Boulevard North.

The City Council has previously approved a Comprehensive Plan Amendment related to the proposed development, in addition to a revision to the Zoning Ordinance to create a new OP-2 Overlay District, which will support the uses and densities proposed within the concept plans. On July 13th, 2010, the City Council discussed these items at its Workshop and directed City staff to work with the Applicant to modify the PUD to ensure eight key issues were adequately addressed. While the full Staff report for this item is attached to this summary and the Planning Commission report is included herein, these eight key issues are highlighted specifically below for Council consideration.

Council action to either approve or deny the proposed development is required at tonight's meeting, at State Statute requires action within 120 days of acceptance of a completed application. This statutory deadline is July 22nd, 2010. The Applicant may extend this deadline at his/her discretion. The necessary motion is as follows:

**SUGGESTED
MOTION TO
APPROVE:**

"Move to Approve Resolution No. 2010-036A granting approval of a Planned Unit Development and Open Space Preservation Development Concept Plan for the proposed Lake Elmo "Farm School and Senior Living" development, as delineated herein [and amended at tonight's meeting]."

or

**SUGGESTED
MOTION TO
DENY:**

“Move to Approve Resolution No. 2010-036B denying approval of a Planned Unit Development and Open Space Preservation Development Concept Plan for the proposed Lake Elmo “Farm School and Senior Living” development, as well as rescinding previous contingent approval of a related Comprehensive Plan Amendment and related Zoning Text Amendments, pursuant to the finding of facts denoted therein [and as amended at tonight’s meeting].”

BACKGROUND INFORMATION: At the July 13th direction of the City Council, City and the request of the Applicant, City staff has prepared for tonight’s presentation and discussion a draft resolution for either approval (2010-036A) or denial (2010-036B) for the proposed development, in accordance with compliance with the 120-day rule. Previous Council action has been to approve the proposed Comprehensive Plan Amendment and Zoning Text Amendment. Forwarded for tonight’s consideration is the approval of the development’s proposed PUD and OP Concept Plan.

In their totality, these four actions would allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units (plus an existing single residential unit), and a farm-themed preschool on a 30.9 acre parcel at 9434 Stillwater Boulevard North. The recommendation of the Planning Commission was to approve the proposed PUD and OP Concept Plan, with several specific comments and criteria.

The Open Space Preservation and Planned Unit Development concept plans are the final two elements of this larger request that has been previously considered by the City Council. The next step in the development process would be Applicant submission and City approval of a preliminary plat, ensuring full compliance with the above four previous actions. As noted in the attached Staff report, the City Council is asked to bring the submitted site plans previously distributed to the City Council meeting. Additional copies of these materials are available upon request.

PLANNING COMMISSION REPORT: The Planning Commission completed its review of the concept plans at its meeting conducted on June 14, 2010. This meeting also included a public hearing on this matter, at which time a resident of the neighborhood to the east of the project site submitted a petition opposed to any future access connection to Jamaca Court North. This petition is attached for consideration by the City Council.

The Planning Commission reviewed the concept plans and offered several revisions to the conditions as drafted by Staff. During the course of its review, the Commission identified several issues and/or questions that will need to be further evaluated as the project moves forward. These concerns included the following:

- There was a question raised whether or not the proposed drainfield site would comply with the City’s minimum setback requirements. Staff has further researched this issue in response to the Commission’s inquiry and found that the City’s requirements for Alternative Septic Systems include the following statement: “All components of a wetland treatment system within a new residential or commercial development, including stilling tanks, pump stations, and treatment cells, shall be located a minimum of 100 feet from any property line, and 200 feet from any existing or proposed home”. The proposed drainfield does not appear to meet this requirement and therefore would either need to be moved or approved as part of a variance request.

- The Commission debated whether or not the proposed new barn structure should be included in the areas devoted to open space. Staff noted that the City has allowed structures, and in at least one case a new building, to be located within open space/conservation areas. The Commission, by a 5:3 vote, recommended that the barn be included as part of the open space calculations.
- The Commission was generally supportive of the proposed setback, height, and other exceptions that would be needed for the project to move forward, but did express some concern that the location of the animal buildings might need additional review.
- The Commission asked to further discuss the concept of density transfers and how such a program might impact the Applicant in the future.
- The Commission discussed the amount of contiguous farm land being preserved within the development site, and questioned whether or not there was enough room available for agricultural activity on the site.

Since the Planning Commission meeting, Staff has also received some additional feedback from Commissioners on the following issues:

- The accounting for the farm school as part of the overall density calculations for the site. The recently adopted OP-2 Ordinance maintains an upper limit on the overall density within a project area, but does not address how this should be handled when different uses (and in particular non-residential uses) area mixed together as part of a Planned Unit Development. The Council should consider the overall intensity of the development, taking into account both residential and non-residential activities, as part of the PUD review process.
- The amount of land, and location of this land, that is available for animals, and whether or not there is sufficient space to meet the City and MPCA requirements concerning the availability of grazing space. Staff will be requesting that the Applicant provide a plan as part of any future submissions to the City that clearly illustrates where grazing will be taking place on the site, which buildings will house animals, and how these areas will co-exist with the other activities on the site.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission has recommended that the City Council **approve** the request from the Applicant for an Open Space Preservation (OP) Development Concept Plan and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units (plus an existing single residential unit), and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The Applicant shall provide the City with a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the Applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.

- 2) The application shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
- 3) All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.
- 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
- 5) The developer shall provide an alternative access for emergency vehicles to the proposed development, to be devised and developed in conjunction with the City Planner and City Engineer. The developer shall also provide an easement for a future road connection to the property immediately to the north of the project site.
- 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- 7) The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- 8) The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:
 - a. Front yard setbacks to the proposed roads within the development area.
 - b. Buffering between the proposed development and open space preservation areas and neighboring properties.
 - c. Setbacks from the proposed animal buildings and neighboring parcels.
- 9) Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
- 10) The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
- 11) The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
- 12) The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.

- 13) The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
- 14) The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in a program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

CITY COUNCIL WORKSHOP: On July 13th, 2010, the City Council reviewed the following topics and directed that the following additions be made and/or issues be addressed by City staff in subsequent consultation with the Applicant. On Thursday, July 15th, City staff met with the Applicant and reached preliminary consensus in addressing the topics raised by the City Council. These are delineated in greater detail below:

- **Drainfield Setback:** The Planning Commission's recommended PUD Condition #1 includes demonstration of either written consent or an encroachment agreement from the power line utility easement holder. In addition:
 - The Applicant agrees to maximize the drainfield setback from any neighboring property lines and the City agrees to allow placement of such drainfield closer than 200 feet from the proposed internal development structures;
 - The Applicant will provide appropriate fencing around the drainfield site and landscaping along abutting property lines; and
 - These changes will be shown in their totality on the preliminary and final plat.
- **Setbacks, Buffering, and Height:** The Planning Commission's recommended PUD Condition #8 includes specific criteria regarding Setbacks and Buffering. In addition:
 - The Applicant agrees to provide drawings depicting the height of the proposed three-story structure in relation to the surrounding properties (or provide some other demonstration of the final building height) in support of the requested 3-story, 48ft average roof height;
 - The Applicant will maximize setbacks from property lines as much as possible, especially focusing upon the area west/southwest of the proposed townhouses and along the eastern property line. In particular:
 1. The Applicant will realign the townhomes to maximize this western buffer setback and to allow for sooner termination of the rear driveway;
 2. The Applicant will realign the larger residential structure to maximize the southwest buffer setback and to better allow for the proposed trail/roadway;
 3. The Applicant will also realign the school and farm-related structures to maximize the eastern buffer setbacks;
 - The Applicant will augment the vegetative buffering along all neighboring property lines;

- The City will agree to allow through the PUD greater flexibility and variation for interior setbacks to facilitate the above exterior buffer setback maximizations; and
 - These changes will be shown in their totality on the preliminary and final plat.
- **Rural Density Transfers:** The Planning Commission's recommended PUD Condition #14 addresses participation in future rural density transfer programs, should development not initiate within one year. The Applicant agrees to this criteria and its inclusion in the PUD.
- **Open Space Determinations:** The Planning Commission's recommended PUD Condition #11 addresses open space preservation. In addition:
 - The Applicant and the City agree that the new barn structure, the existing farm buildings, and constructed storm water facilities will be allowed within the open space/conservation land. However, the school structures will not be included in calculation of the Open Space Determination;
 - The percentage of Open Space will be recalculated accordingly and the development will be determined to either comply with the City's requirements or adjust their concept plan accordingly; and
 - These changes will be included in the PUD and shown on the preliminary and final plat.
- **Agricultural Uses:** The Planning Commission's recommended PUD Condition #13 addresses requirements for definitions for Senior Housing and Farm School. In addition:
 - The Applicant agrees to consider the existing agricultural buildings and new barn structure as part of the defined Farm School structures;
 - The Applicant will provide an accurate description of the proposed agricultural activities that will take place on the site;
 - The maximum barn size will be limited to 3,000 square feet, consistent with the maximum size allowed in a Rural Residential zoning district; and
 - These changes will be included in the PUD and shown on the preliminary and final plat.
- **Animal Areas:** The Planning Commission's recommended PUD Condition #10 addresses required compliance with City and State regulations regarding the keeping of animals.
 - The Applicant agrees to fully comply with all City and State (MPCA) requirements related to the keeping of farm animals;
 - The Applicant will demonstrate the ability to provide adequate grazing areas (and suitable access to these areas) on the site plans; and
 - The City and Applicant understand that this, along with the buffer setback requirements, will likely require a significant redesign of School and Farm-related buildings in accordance with the City Council's directions.
- **Density Calculations:** The Planning Commission's recommended PUD Condition #12 specifies the calculation of density without utilizing right-of-way area dedicated for State Highway 5. In addition:
 - The Applicant agrees that the area surrounding the school, school accessory buildings, and new barn structure shall not be included in the residential density calculations for the site (currently estimated at approximately 1 to 1½ acres);

- The Applicant and the City agree, however, that certain reconfiguration of proposed School and Farm facilities to accommodate road and buffer setback requirements, as well as grazing and agricultural considerations, may increase the subject area;
- Further, the Applicant intends to pursue preservation and restoration of the smaller historic farm structures, thereby seeking a density bonus for such;
- Therefore, City staff and the Applicant are of a preliminary consensus that the density calculation should reflect a reduction of 2 units for the School and Farm structures, resulting in a density calculation of 48 units (plus the existing 1 residential unit); and
- This calculation will be reflected in the PUD.
- **Farm School Operation:** The Planning Commission's recommended PUD Condition #13 relating to definitions of Farm School and Senior Housing. In addition:
 - The Applicant will provide specific documentation concerning the size and location of the Farm School structure, as well as the operation of the school; and
 - The Applicant will document for the City the state licensing requirements for preschools, the student capacity of the proposed facility, and the qualifications for instructors within the school (including in the areas of animal husbandry, agriculture, horticulture and floriculture; and
 - These changes will be reflected in the PUD.
- **Secondary Access:** The Planning Commission's recommended PUD Condition #5 regarding secondary emergency access only. However, the City Council, in its approval of the Comprehensive Plan Amendment, gave far greater importance to full secondary access for residents and patrons of the development. As such;
 - The City and the Applicant concur that secondary public safety access is a high priority that must be addressed either via a roadway or a limited accessway;
 - The City and the Applicant concur that secondary vehicular access for residents and patrons (or perhaps other additional safety measures yet to be fully determined and/or agreed upon) is an equally high priority;
 - The City and the Applicant concur that the long-term construction of a full public service road along the northern property line is more beneficial for both parties, that dedication (now or in the future) of a road easement for such is a requirement of the PUD; and
 - The City and the Applicant concur that existing residential properties to the west of the subject property are not in favor of extension of a public roadway, even if for an interim period until a future roadway to the north is constructed.
 - Therefore, City staff and the Applicant concur that the construction of an private, ungated driveway and limited access signage regarding such from Jamica Court eastward is a reasonable alternative to a public roadway which will still provide the necessary secondary public safety, residential and patron access; and
 - The Applicant agrees to construct and maintain such according to City standards and specifications, including connection to the public roadways located within the development and full winter maintenance and access; and

- City staff and the Applicant concur that such private roadway may or may not remain ungated and/or accessible to vehicular traffic, at the Applicant's discretion, once a future public roadway is constructed.
- These changes will be included in the PUD and shown on the preliminary and final plat.

City staff will present these in greater detail at Tuesday's City Council Meeting. In addition, the Applicant has indicated a desire to respond, in writing to these topics and may or may not provide additional information for Council consideration.

In particular, should the City Council elect to still require a full-service secondary public roadway from Jamaica Court, the PUD should be amended to include the intentions of the City to *either* require an additional, third public access in the future *or* to facilitate vacation of this interim public roadway and dedication of an alternative by the Applicant of a easement for a new public roadway to the north.

RECOMMENDATION: Based upon the above background information, attached staff report, and detailed recitation of Council's July 13th directions, it is recommended that the City Council consider Resolution 2010-036 regarding the Applicant's request for approval of an Open Space Preservation (OP) Development Concept Plan and Planned Unit Development (PUD) General Concept Plan.

Council action to either approve or deny the proposed development is required at tonight's meeting, at State Statute requires action within 120 days of acceptance of a completed application. This statutory deadline is July 22nd, 2010. The necessary motion is as follows [please note the bracketed language in the below two draft motions, should amendments be made during tonight's discussion]:

***SUGGESTED
MOTION TO
APPROVE:***

"Move to Approve Resolution No. 2010-036A granting approval of a Planned Unit Development and Open Space Preservation Development Concept Plan for the proposed Lake Elmo "Farm School and Senior Living" development, as delineated herein [and amended at tonight's meeting]."

or

***SUGGESTED
MOTION TO
DENY:***

"Move to Approve Resolution No. 2010-036B denying approval of a Planned Unit Development and Open Space Preservation Development Concept Plan for the proposed Lake Elmo "Farm School and Senior Living" development, as well as rescinding previous contingent approval of a related Comprehensive Plan Amendment and related Zoning Text Amendments, pursuant to the finding of facts denoted therein [and as amended at tonight's meeting] ."

Alternatively, the City Council may request that the Applicant extend, in writing, the statutory deadline for consideration of this application. The Applicant may also unilaterally extend this deadline at its own discretion. Staff will have prepared a draft extension agreement, should this possibility be further considered by the Council and/or Applicant on Tuesday.

ATTACHMENTS:

1. Staff Report – (OP/PUD Concept Plan Review)
2. Ordinance No. 08-025 (Establishing an OP-2 Overlay District)

3. Staff Notes from 6/9/10 Public Information Meeting
4. Additional Material from Applicant from 7/15/2010
5. Material to be delivered on 7/19/2010
 - o Draft Resolution 2010-036A
 - o Draft Resolution 2010-036B
 - o Additional Material from Applicant

Please Bring Materials Submitted from an Earlier Meeting (5/4/10):

- o Staff Report
- o Concept Plan Narrative & Zoning Text Amendment
- o Farm School and Senior Living Concept Plans
- o Development Application Form
- o Response to Incompletion Letter
- o Review Comments:
 - Minnesota Department of Transportation
 - Valley Branch Watershed District
 - Oakdale Fire Department (Public Safety)
 - City Engineer
- o Future Land Use Map (Applicant's Site and RAD2 Areas)
- o Aerial Image of Site

SUGGESTED ORDER OF BUSINESS:

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

City of Lake Elmo Planning Department
OP Concept Plan and PUD Concept Plan

To: Planning Commission

From: Kyle Klatt, Planning Director

Meeting Date: 7/20/10 – **SUBMITTED FOR REVIEW AT 6/13/10 WORKSHOP MEEETING**

Applicant: Tammy Malmquist

Owner: Tammy Malmquist; Marlene Friedrich

Location: 9434 Stillwater Blvd N

Zoning: RR – Rural Residential

Introductory Information

***Application
Summary:***

The City Council has previously received a packet with information concerning an application from Tammy Malmquist, 8549 Ironwood Trail North, for a Comprehensive Plan Amendment, Zoning Text Amendment, Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) Concept Plan. The individual elements of this request have been made to allow the establishment of a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on a 24.4 acre parcel at 9434 Stillwater Boulevard North. The request would be located on the property adjacent to the existing family care facility at 9442 Stillwater Boulevard North. As the current owner of the 24.4-acre parcel, Marlene Friedrich has signed as a co-applicant to this request.

Please note that the application form and submitted materials refer to a 30.9-acre parcel. For the reasons noted in the Staff report that follows, 24.4-acres is the area calculation that is most appropriate to use for the description of this parcel.

The Commission considered the first two components of this request on April 26th and May 10th, and continued a public hearing on the latter two items until its June 14th meeting. The staged review was intended to allow the City to consider the bigger picture items first, and then advance with the concept plan reviews as warranted. The Planning Commission did recommend approval of the Comprehensive Plan and Zoning Amendments, and the City Council has recently approved both of these specific components of the overall application.

As it currently stands, the City Council is being asked to take action as follows at its July 20, 2010 meeting and to specifically review the recommendation of the Planning Commission on follow items:

- Consider an Open Space Preservation (OP) Development Concept Plan as described below. The Planning Commission conducted a public hearing

(carried over to several different meetings) on this aspect of the application.

- Consider a Planned Unit Development (PUD) Concept Plan as described below. There is no public hearing requirement associated with a PUD at the concept stage. A public hearing will be required for the PUD Development (Preliminary) Plan stage.

The plans that are required as part of an OP Development and PUD request were submitted as part of a larger application package distributed to the City Council at its May 4, 2010 meeting. The Council is being asked to bring these materials to the next meeting as well to help reduce the amount of copying needed for the next meeting. Please contact Staff if you need an extra copy of this information.

**Application
Details:**

The four distinct components of the applicants request (and a status update from Staff) are describes as follows:

Comprehensive Plan Amendment. The proposed amendment would change the future land use designation of the parcel located at 9434 Stillwater Boulevard North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to RAD2 (Rural Agricultural Density – 2 dwelling units per acre). This change is necessary to move forward with the proposed development because the current designation as RAD would limit the overall number of units on the site to 14 units and the project that has been requested is for 51 units (1.7 units per acre), in addition to the existing single family residential site and proposed farm school. The applicant has proposed shifting density from an area guided for RAD2 west of the applicant's property to this site in order to avoid any impacts to the overall population projections in the Comprehensive Plan.

STATUS: *The Planning Commission recommended approval of the amendment on April 26th, and did not include a density transfer as part of this recommendation. The City Council approved the Comprehensive Plan Amendment at its June 1, 2010 with several conditions of approval via Resolution No. 2010-017*

Zoning Text Amendments. The applicant has requested an amendment to the OP Open Space Preservation Ordinance to add requirements for development in areas that are guided RAD2, and more specifically, to amend the OP District to allow for the proposed multi-family senior living facility and farm-based preschool. The current OP Ordinance does not contain any provisions that would allow residential development to exceed a density of 0.45 units per acre (or 18 units per 40 acres), and although one section ties the maximum allowed density to the Comprehensive Plan, another section very specifically limits densities in OP developments to 18 units per 40 gross acres of buildable land. The other proposed amendments to this section include the following:

- Adding Multi-Family Senior Housing buildings (only in areas guided for RAD2) and Farm Schools for preschool and school-aged children to the list of allowable uses in an OP development.

- Reducing the minimum land area for an OP development from 40 to 20 acres in areas guided RAD2.
- Reducing the amount of contiguous land required in open areas from 10 to 5 acres for land guided RAD2.
- Reducing the required buffer setback in areas guided RAD2 to 50 feet from 200 feet.
- Adding standards for Senior Housing Buildings and Farm Schools in the OP minimum district requirements table.

STATUS: The Planning Commission recommended approval of a new overlay district using the standards proposed by the applicant and with some additional language developed by Staff at its May 10, 2010 meeting. The City Council considered the proposed OP-2 Overlay District at its June 1, 2010 and adopted Ordinance No. 08-025 creating a new OP-2 Overlay District and adding new definitions to the City Code. The adopted ordinance is attached for review by the City Council.

OP – Open Space Preservation (OP) Development Concept Plan. The ultimate objective of the Comprehensive Plan and Zoning Text Amendments described above is to allow the development of a 40-unit senior housing building, 10-unit townhouse development, and farm-based preschool on a 24.4-acre property located at 9434 Stillwater Boulevard North. With the adoption of a new OP-2 Overlay District, the applicant is able to submit a request for the proposed development in accordance with the requirements of the OP-2 Open Space Preservation Overlay District. The first step in this process is the submission of a concept plan for review, and all plans and information required as part of this submission have been included as part of the overall application. A few of the details of this proposal include the following:

- The Wunder Years day care would remain in its current location, and would be updated along with the existing house at 9434 Stillwater Boulevard North to match the proposed townhouses.
- A community septic system is planned to serve the development.
- One access is planned off Stillwater Boulevard to serve the project area in the general location now used for access to the existing home and daycare.
- 50% of the project site area would be set aside as permanent open space in accordance with the OP district requirements.
- An open green area is planned within the center of the development area and a common architectural theme is planned throughout the development area consistent with the past agricultural use of the property.

STATUS: A public hearing (continued) was conducted by the Planning Commission on 6/14/10. The Planning Commission recommended approval of the Concept Plans.

Planned Unit Development (PUD) – Concept Plan. In addition to the OP Development concept plan submission, the application also includes a request for a Planned Unit Development concept plan. A PUD is necessary to move forward with the applicant's request since the project includes a mix of uses and activities that would otherwise not be possible under current zoning regulations. The PUD portion of the request will be considered by the City in conjunction with the review schedule for the OP Development concept plan. The staff review will group the concept plans together for the purpose of providing an analysis of the request in a this report.

STATUS: *The PUD concept plans (in conjunction with the Open Space Concept Plans) were considered by the Planning Commission on 6/14/10. The PUD concept plan does not require a public hearing, although a hearing was scheduled to comply with the OP Ordinance requirements. The Planning Commission recommended approval of the concept plans.*

**Property
Information:**

The applicant's property is located near the intersection of Jamaca Avenue North and Stillwater Boulevard North (Highway 5). The current uses consist of the original Friederich family farmstead and related outbuildings and the Wunder Years day care facility. Along with the agricultural fields, each of these uses would be considered a permitted residential and/or agricultural use of the property. The 24.4 acre farmstead (is zoned RR – Rural Residential while the day care site is zoned R-1 Single Family Residential and is 29,670 square feet (0.68 acres) in size. Each property currently has its own access to Stillwater Boulevard via two driveways that are approximately 25 feet apart.

Other notable features of the farm property include a larger wooded area in the northeast portion of the site (referred to as the "Oak Savanna" on the concept plans) and gently rolling topography throughout the proposed project area. The 24.4-acre parcel extends westward to Jamaca Court North, and connects to this street via a narrow connection point between two existing homes. The surrounding property uses include single family homes zoned R-1 to the south and east along Stillwater Boulevard, and agricultural uses located to the north and east that are zoned A – Agriculture and RR – Rural Residential. The Washington County Landfill and Sunfish Lake Park is located further to the north and northwest for the latter.

**Applicable
Codes:**

Section 150.175 through 150.189 OP Open Space Preservation

Describes the process and requirements associated with an OP Open Space Preservation development. The applicant has requested an amendment to this section of the City Code in order to allow a multi-family senior living building and farm-based preschool as part of an OP development.

Section 154.020 Amendments

Outlines the process and requirements for requesting an amendment to the Zoning Ordinance. Of particular interest, please note Subsection (J) which reads:

“Conformance with Comprehensive Plan. In granting or recommending any rezoning or other permit provided for in this chapter, the Zoning Administrator, the Planning Commission, or Council shall find that the proposed development conforms substantially to the policies, goals, and standards of the Comprehensive Plan.”

Section 154.036 RR – Rural Residential

Outlines the general requirements for the RR Rural Residential Zoning District in Lake Elmo.

Section 154.070 through 154.075. Planned Unit Development

Describes the process and requirements for submitting an application for a Planned Unit Development.

Findings & General Site Overview

Site Data:	<p><i>Lot Sizes:</i> 24.4 acres and 0.68 acres</p> <p><i>Existing Uses:</i> Single Family Residences/Agricultural/Agricultural Outbuildings</p> <p><i>Existing Zoning:</i> RR – Rural Residential and R-1 Single Family Residential</p> <p><i>Future Land Use:</i> RAD – Rural Agricultural Density and Neighborhood Conservation</p> <p><i>Property Identification Numbers (PID):</i> 15-029-21-31-0001 and 15-029-21-31-0003</p>
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OP and PUD Concept Plan Review:

Concept Plan Analysis:	<p>Rather than proving the City Council with a lengthy review of both the OP Development Concept Plan requirements and PUD Concept Plan requirements, Staff is instead focusing its review on the major issues that need to be addressed prior to the City’s review of preliminary (development stage) plans for the site. The City’s recently adopted OP-2 Ordinance contains specific development standards the proposed project will need to meet, while the PUD Ordinance includes special requirements and standards that are more general in nature. Given the limited amount of detail required at the concept plan stage, it will be more appropriate to review all required standards with once a preliminary plan is submitted.</p> <p>One of the significant issues that Staff has identified with the project concerns the overall densities being proposed, and specifically, how these densities are calculated. The applicant is reporting that the gross area of the development parcel is 30.9 acre; however, this figure includes over 6 acres that is subject to a MnDOT right-of-way that extends well outside of the immediate project area. Under the current OP Ordinance standards, the maximum density permitted is based on the amount of gross acres of <u>buildable land</u> with a project area. If this requirement was applied to the applicant’s site, Staff would not consider the highway right-of-way to be buildable land, and the applicant site would be calculated at 24.4 acres (or 6.5 acres less than reported in the project description).</p> <p>Please note that the City Code defines buildable land area as follows: “The gross land</p>
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area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over 25%, wetlands, and areas that cannot accommodate septic systems". The OP-2 Ordinance revisions as adopted include this language for "buildable land". If only buildable areas are counted, the applicant would be allowed 49 total units instead of 51 (not counting the existing R-1 property).

As part of its review and approval of the Comprehensive Plan Amendment for the property, the City Council specifically noted that the approval was contingent upon calculation of proposed density calculations NOT utilizing right-of-way area dedicated for State Highway 5. Based on this determination, the applicant can still propose the density shown on the concept plans if reviewed as part of a planned unit development (PUD). A PUD allows density increases above the base zoning requirements of up to 5% for projects that meet certain criteria. In this case, the bonus would allow an additional 2 units to bring the number back up to the requested amount. If the density bonus is requested in this manner, then the City has the right to seek certain enhancements to the PUD plans before granting the request.

Other issues associated with the concept plans that have been identified by Staff include the following:

Easements. The community septic system (including drain field and septic tanks), septic control building, and a portion of the trail system are all located within a power line easement. The applicant will need to provide the City with a statement of acknowledgement and consent (or an agreement to allow the proposed improvements) from the easement holder prior to the City's consideration of a preliminary plan with these facilities shown in their current location.

Storm Water and Erosion and Sediment Control. The application will need to submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted storm water ordinance. Additionally, the City Engineer has identified several issues that need to be resolved prior to the preparation of these plans, noted as follows:

- Whether or not any proposed storm water ponds should be included as part of the open space calculations, or if these areas should be excluded from these calculations. Staff is recommending that the storm water ponds not be included as part of the required open space since these facilities function as infrastructure needed to support the roads, buildings, and other development that is proposed. The City has historically allowed storm water ponds in open space/conservation easement areas within OP developments.
- Who should be responsible for maintenance of the storm water facilities. In the past the City has required that a homeowner's association be responsible for the storm water ponds within their development. This practice is not consistent with the City's updated Surface Water Management Plan, which calls for greater City oversight

of surface water management infrastructure.

- At a minimum, the City's surface water management regulations require that drainage and utility easements be provided to the City for all ponding areas below the 100-year flood elevation. As an alternative to this arrangement, and assuming that the City will be responsible for these areas, Staff is recommending that all storm water ponds be platted as outlots within the development and deeded over to the City as a requirement of plan approval. This arrangement would provide the City with the most flexibility for dealing with these areas in the future and help avoid any future conflicts over the City's ability to manage its storm water facilities.
- If the City chooses to keep the storm water ponds as a private responsibility for this development, at a minimum a storm water maintenance agreement between the City and the developer should be executed as part of the development plans. This agreement would specify the standards for future maintenance and upkeep of the storm water pond areas with the development.
- The City Engineer has recommended, regardless of eventual ownership and responsibility, that the storm water features incorporate a minimal buffer area between homes, roads, and other development on the site.

Since the applicant's project is quite different from other open space developments that have been considered by the City in the past, and because the Staff recommendations concerning the plans are being made under a new storm water plan and ordinance, Staff presented and asked the Planning Commission consider the following options in making its recommendation to the City Council:

- 1) Require all storm water ponds to be platted as outlots and deeded to the City as a condition of approval. These outlots should incorporate buffering from adjacent properties to the satisfaction of the City Engineer. By definition, the City would assume future maintenance responsibilities for the storm water ponds under this option. The separation of the pond outlots from open space area may or may not remove ponds from the required open space calculations.
- 2) Require drainage and utility easement to be dedicated on the plat for all storm water ponds. The City would then have the option either a) require private maintenance of the ponds through a maintenance agreement or b) assume responsibility for the ponds as a public feature dedicated by easement. Under this scenario, the ponds again could either be counted or not counted as open space.

Fire Protection/Water Service. The utility plans as submitted depict an eight inch service line providing water to the site, but this service line connects to existing four inch lines to the west and south of the applicant's property. The minimum pipe size necessary for the developer to provide adequate water

service levels to the proposed development is eight inches, which means the current plan does not address the sizing deficiencies that exist outside of the project area. In order to meet the requirements for service levels, the developer will need to provide an eight inch connection back to the existing water mains in the area, one of which is located long Jamaca Avenue and the other of which is located south of Stillwater Boulevard. In order to address this deficiency, the utility plan must be revised to show an adequately sized connection back to the City's existing mains to the satisfaction of the City Engineer. It is Staff's recommendation that the developer be responsible for all costs associated with this project, and that all final details, including any potential oversizing by the City beyond minimum service levels needed for the site, be addressed as part of the developer's agreement for the project.

Transportation/Access. Staff has identified long-term concerns with the proposed access and lack of connectivity from the proposed development site to other properties eligible for future development in the area. Of particular concern is the lack of a planned secondary access for the site that could provide an alternate access to the buildings on the site. The proposed access to Highway 5 also does not meet the City's access spacing guidelines, and without addressing the need for connectivity to other adjacent developable parcels, the development plans are at odds with the City's recently completed transportation plan that encourages controlling access to major roadways in the future. Regardless of these issues, the applicant will still be permitted to access Highway 5 based on the comments submitted by MnDOT, since there are no access restrictions along this portion of Highway 5.

In order to address the City's concerns regarding future access connections, Staff is recommending that the development plans be revised to show at least one additional connection outside of the project area, to be built with the proposed project. Since there are a few difference ways to accomplish this connectivity, Staff is suggesting that the developer consider the following options:

- Provide right-of-way and build a road connection either to the north (preferred) or to the east of the proposed development that could be used in the future to provide connectivity to the adjacent parcel. If this access is gained to the north, it could eventually lead to a secondary access off of Jamaca Avenue North.
- Provide a dedicated access to the north or east, but leave the eventual construction of this road to a later date in the future.
- Provide right-of-way and build a road connection back to Jamaca Court North from the proposed building site.
- Provide a limited access, emergency vehicle-only connection to Jamaca Court North that could be eliminated when other properties in the area are developed.

- Prepare a plan that uses a combination of the recommendations above and that accomplishes the objectives of a) providing a secondary access in the short term and b) provides for future connectivity and secondary access in the future.

Due to the size of the proposed development (and in particular, the number of residential units that will be accessing the highway), it is Staff's recommendation that the City require a secondary access be planned and constructed as part of the project. The preferred option is to have a connection made to one of the adjacent properties, which will help ensure that as adjacent properties are developed in the future there will be more than one way in and out of each project area. Another reason for taking this approach is to help minimize the number of new connections that might be required in the future to the major road corridors in the City. As other properties develop in the future, it may even be possible to eliminate the proposed access to Highway 5 for one that meets the City and State's access spacing guidelines.

Other transportation issues that will need to be addressed include constructing the improvements required by MnDOT to the Highway 5 at the entrance to the development, and addressing the concerns expressed by the Oakdale Fire Chief concerning the interior road network.

Buffering/Setbacks. With an application for an OP Development and PUD Concept Plan, the City does not require a significant level of detail to be provided on the site, and certainly not to the degree that will be needed on future plan submissions. There are a few issues that should be considered as these latter plans are developed:

- The entrance road into the development does not appear to leave enough room between the existing structures to meet required setbacks in either the OP District or R-1 District. Staff estimates that there is slightly over 120 feet between the closest two buildings, which would theoretically leave adequate room for a 60-foot right-of-way and street. The applicant's concept plans showing a divided roadway entrance may not leave enough room for required setbacks.
- Staff is recommending that additional buffering be provided between the "oak savanna" open space and the multi-family structure. This area has been identified as the prime open space with the project area and steps should be taken to provide as much protection as possible for the oak trees and other natural features in this part of the site.
- The proposed OP-2 Ordinance Revisions still include a minimum buffer setback of 50 feet that is not being met by the proposed plans. In particular, the access road and driveways associated with the townhouses are come within 10 feet of the adjacent single family residential lots.

Landscaping. The landscape plan that is submitted with the preliminary

development plans will need to comply with the OP Ordinance provisions, and the concept plan does not appear to meet these requirements. The OP Ordinance requires 1 tree every 30 feet along a public boulevard, and 10 trees per building site. This issue should be addressed when the more detailed preliminary plans are submitted to the City for review.

General Issues. Staff would like to note that as part of future reviews, the applicant will need to provide more detailed architectural plans for the buildings on this site, and that these plans are a crucial component of the Planned Unit Development concept. Also, the keeping of animals is associated with the farming activity/preschool will need to comply with any State and City requirements concerning domestic farm animals. Finally, staff recommends that any buildings required as part of the community septic system be either moved to a more central location within the development or screened from view from adjacent properties.

The concept plan is the first step in the process of moving forward with an Open Space Development and Planned Unit Development. The next stages will be a preliminary plan (and preliminary plat) followed by a final plan (and plat). With the additional detailed required at these stages, Staff will be able to conduct a much more thorough review for compliance with the City's development standards. Conditions of approval to address the issues noted above have been drafted for consideration along with the Staff recommendation found below.

**City Council
Action:**

As mentioned above, the City Council adopted the proposed Comprehensive Plan and Zoning Amendments related to this project at its June 1, 2010 meeting. Please note that the Council Resolution approving the Comprehensive Plan amendment included several conditions of approval that must be met in order for the amendment to become effective. These conditions can be summarized as follows:

- Requires final approval of all related zoning amendments and plan submissions (including preliminary and final Open Space and PUD plans) in order for the Comprehensive Plan amendment remain valid.
- Requires certain revisions or actions related to the development plans for the project.
- Directs the Planning Commission to take specific action related to the request or address broader issues associated with the Comprehensive Plan.

Staff has either incorporated Council conditions that would impact the preparation of preliminary plans for the project as part of the original staff recommendation on the concept plans, or has directly added these conditions to the list previously prepared by Staff.

The Council further adopted Ordinance No. 08-025 adding a new OP-2 Overlay District to the City's Zoning Ordinance. This Ordinance has been revised somewhat from the original recommendation made by the Planning Commission, most notably to add definitions consistent with State Statutes concerning preschools, day care centers, and educational institutions. The Council also reduced the maximum height requested

	for multi-family senior buildings and other minor modifications requested by the applicant with the understanding that flexibility from these standards could be considered as part of the PUD request.
Public Information Meeting:	One of the conditions that the Council included with the Comprehensive Plan approval directed Staff to prepare a <i>Proposed Development Fact Sheet</i> and conduct a public information meeting concerning the project proposal. A fact sheet has been prepared and was distributed to a wide area surrounding the subject property. In addition, the Planning Department conducted a public information meeting on June 9, 2010 to provide information and discuss the project at an informal review session. 24 people attended this meeting, and the attached notes summarize the comments that were received. The majority of comments received focused on transportation issues and secondary access options, and no one in attendance supported a permanent road connection to Jamaca Court North.
Conclusion:	<p>Based on the report and analysis provided above, Staff recommended that the Planning Commission recommend approval of the requests for a OP Development Concept Plan and a Planned Unit Development General Concept Plan, with several conditions of approval.</p> <p>After reviewing the concept plans and Staff recommendation, the Planning Commission made several changes to the conditions as drafted by Staff and recommended that the City Council approve the Open Space Preservation and Planned Unit Development concept plans.</p>
Additional Information:	Comments have been received for all four aspects of the applicant's request from MnDOT, Valley Branch Watershed District, the City of Oakdale Fire Department, and the City Engineer are attached for consideration by the Planning Commission, and were submitted as part of the previous Planning Commission meeting packet.

Planning Commission Recommendation:

The Planning Commission recommends that the City Council **approve** the request from Tammy Malmquist, 8549 Ironwood Trail North, for an Open Space Preservation (OP) Development Concept Plan, and Planned Unit Development (PUD) General Concept Plan related to a plan for a 40-unit senior living multi-family building, 10 townhouse units, and a farm-themed preschool on property located at 9434 Stillwater Boulevard North, provided the following conditions are met:

- 1) The applicant shall provide the City with either a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made

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- aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.
- 2) The application shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
 - 3) All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.
 - 4) In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
 - 5) The developer shall provide an alternative access for emergency vehicles to the proposed development, to be devised and developed in conjunction with the City Planner and City Engineer. The developer shall also provide an easement for a future road connection to the property immediately to the north of the project site.
 - 6) The developer shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
 - 7) The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
 - 8) The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:
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- a. Front yard setbacks to the proposed roads within the development area.
 - b. Buffering between the proposed development and open space preservation areas and neighboring properties.
 - c. Setbacks from the proposed animal buildings and neighboring parcels.
- 9) Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
 - 10) The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
 - 11) The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
 - 12) The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.
 - 13) The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
 - 14) The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

**Council
Options:**

The City Council should consider the following options:

- A) Denial of the Concept Plan Submissions with findings of fact that show the plans are not consistent with the Comprehensive Plan (either existing or as proposed by the applicant), or that the Concept Plans do not meet the requirements of the OP Open Space Preservation or PUD Ordinance.
- B) Table taking action on the Concept Plans in order to request additional information from either staff or the applicants. This item should only be tabled with written authorization from the applicant to do so because the City's 120-day review period expires on July 22, 2010.
- C) Recommend approval of the Concept Plans with revised/new/fewer conditions than recommended by Staff and the Planning Commission. Staff has also provided some alternatives regarding some of these conditions that should also

) | be considered by the City Council.

cc: Tammy Malmquist, 8549 Ironwood Trail
Tim Freeman, Folz, Freeman, Erickson, Inc.; 12445 55th Street N

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

ORDINANCE NO. 08-025

**AN ORDINANCE ADDING AN OP-2 OPEN SPACE PRESERVATION
OVERLAY DISTRICT 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:

~~**NURSERY, DAY.** A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.~~

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:

ELDERLY HOUSING (SENIOR HOUSING). A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as an accessory use. Senior housing shall typically consist of multiple-household attached dwellings, but may include other forms of attached or detached dwelling units as part of a wholly owned and managed senior project.

SENIOR HOUSING. *See Elderly Housing.*

PRESCHOOL. A licensed facility for the organized instruction of children who have not reached the age for enrollment in kindergarten. Does not include school-aged child care.

FARM SCHOOL. A facility that supports a school program that emphasizes fostering a child's intellectual, social, physical, and emotional growth, using farm animals, agriculture, and nature as the learning environment and conducted as part of an operational farm.

DAY CARE CENTER – Any facility licensed by the Minnesota Department of Human Services and operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

SCHOOLS, PUBLIC AND PRIVATE – Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business Schools and Professional Private Trade Schools.

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

§ 154.067 OP-2 – OPEN SPACE PRESERVATION OVERLAY DISTRICT.

(A) **Purpose.** The purpose of the Open Space Preservation Overlay District (OP-2) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district.

(B) **General regulation.** All regulations governing the OP Open Space Preservation District, Sections 150.175 through 150.189, shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.

(C) **Permitted uses.** Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:

- (1) Senior Housing
- (2) Farm Schools for pre-school children and school-aged children.
- (3) Townhouses (no more than 50% in any development)

(D) **Development Standards.** The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:

(1) All development within an OP-2 district shall only be permitted as a Planned Unit Development. All requests for flexibility from the standards of this Section shall be considered and documented as part of a request for a Planned Unit Development.

(2) The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.

(3) Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.

(4) *Buffer zones.* A 100 foot setback shall be provided between the property line of the abutting parcel and any structure and a 50 foot setback shall be provided between the property line and any driving surface within an OP-2 development.

(5) *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.

(7) *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable City and MPCA requirements related to livestock and other domestic farm animals.

(7) *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP Zoning District except as noted below:

<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Maximum Building Height:		
Primary Structure	2 stories or 35 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width: ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage:		
Calculated on a development-wide basis	25%	25%
Minimum Setback Requirements:		
Front Yard	20 feet	30 feet
Side Yard	10 feet	10 feet
Corner Lot Front	20 feet	30 feet
Corner Lot Side Yard	20 feet	30 feet
Well From Septic Tank	50 feet	50 feet

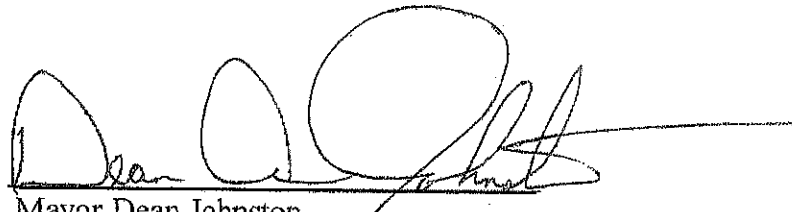
<i>OP-2 Overlay District</i>		
	<i>Senior Housing Buildings</i>	<i>Farm-based Preschool</i>
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

SECTION 4. Effective Date

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

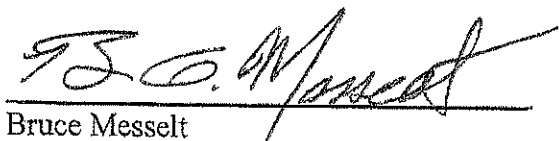
SECTION 5. Adoption Date

This Ordinance No. 08-025 was adopted on this 1st day of June 2010, by a vote of 5 Ayes and 0 Nays.



Mayor Dean Johnston

ATTEST:



Bruce Messelt
City Administrator

This Ordinance No 08-025 was published on the 23rd day of June, 2010.

Open House held at Lake Elmo City Hall

Malmquist Application – Senior Housing and Farm School at 9434 Stillwater Blvd. N

June 9, 2010

In Attendance: 24 attendees, Tammy Malmquist (applicant), Kyle Klatt (Planning Director), Kelli Matzek (City Planner)

Comments/Questions:

- Timeframe for construction to begin?
- Secondary access – required or optional?
 - Everyone from neighborhood would like no connection to Jamaca Ct
- Possible connection to the East?
- What is the project going to cost? To the taxpayers?
- Where is the 4-inch water pipe coming from? Ideal Avenue well?
- How far back does the pipe need to be replaced? On which road?
- If Jamaca Ct is another access
 - What road upgrades will be needed? Widening? Not adequate currently
 - Emergency vehicles would have to go past the property, through roundabout and around to use this second access – long way around and doesn't make sense
- It will increase the speed of vehicles on Jamaca Ct N
- Clarify potential East and North access roads for secondary access
- Could the development be sold to another developer?
- Could it turn into rental units?
- Description of trails? Width? Type?
- Timing of roundabout? How many lanes?
- Should consider a left hand turn lane as it is unsafe for seniors to take a left hand turn off of Jamaca Avenue onto Hwy 5
- Was stop light or stop sign considered for Hwy 5 at the location of the development's driveway entrance?
- Any plans to reduce speed on Highway 5?
 - Applicant stated that MnDOT told her signs would be posted identifying 20 mph 1,500 feet on both sides of the roundabout
- Could a metered stop light be considered so it would be tripped by someone leaving the development and would otherwise stay green for Hwy 5 users?
- What were MnDOT recommendations?
- 31st Street's access to Hwy 5 should be addressed and thought through with the escape lane to be added with this application
- It would make more sense to have another access to the North so when that property would develop another access point could be made
- How would the general public be deterred from using an emergency access only road connecting to Jamaca Ct N?
- Where would people park to use the public trails in the development?
- How does it work to have a public trail through private land?

- Are trails going to change from what is shown in the concept plan?
- How can a buffer setback for a barn be reduced to zero? It shouldn't be zero.
- Concern there is no limit on height for barns.
- This property does not have enough acreage as required for a farm
 - Not a farm, but a farm-themed school
- Could they build another barn on the site without a height requirement?
- What animals can they have?
 - It is only 20 acres
- A buffer is needed from the barn to the edge of the development – concern about smells and noise
- Buffer could be reduced to zero and that shouldn't be an option
- Developer has done a nice job trying to address issues
- Signed petition from Jamaca Court residents stating their opposition to an access being added to Jamaca Court

Senior Living/Farm School Petition

9434 Stillwater Boulevard North

Lake Elmo has received an application for this new development. They are looking at secondary access options to this project. One option they are proposing is to push Jamaca Ct No thru to this location. This petition is to voice our disapproval of this option.

6/7/2010

Address

Name

Signature

9060 Jamaca Ct No

Tim Sauro

Signature

9150 Jamaca Ctn

Sandra Hobbs

Signature

9186 N. Jamaca Ct

Quang Pham

Signature

9184 N. Jamaca

Terry Duke

Signature

9130 N. Jamaca Ctn

Gary Duke

Signature

9033 JAMACA CT

Russ + Diane Rad

Signature

3351 Jamaca Ave

David Carls

Signature

3412 Jamaca Ave

John Hall

Signature

9090 Jamaca Ctn

Mike Hickey

Signature

9055 Jamaca Ct N

Matt Doman

Signature

9055 Jamaca Ct N

Nicole Doman

Signature

9165 Jamaca Ct

James Masterman

Signature

9110 JAMACA ST. N.

STAN HAUSER

Signature

9089 JAMACA CT N.

STEVE ROMANELLO

Signature

3424 Isle Ct.

Andrew Foote

Signature

9115 Jamaca Ctn

Blaine Morgan

Signature

9179 JAMACA CT N

PAUL WEBER

Signature

3415 Jamaca Ave N

Julie Beutel

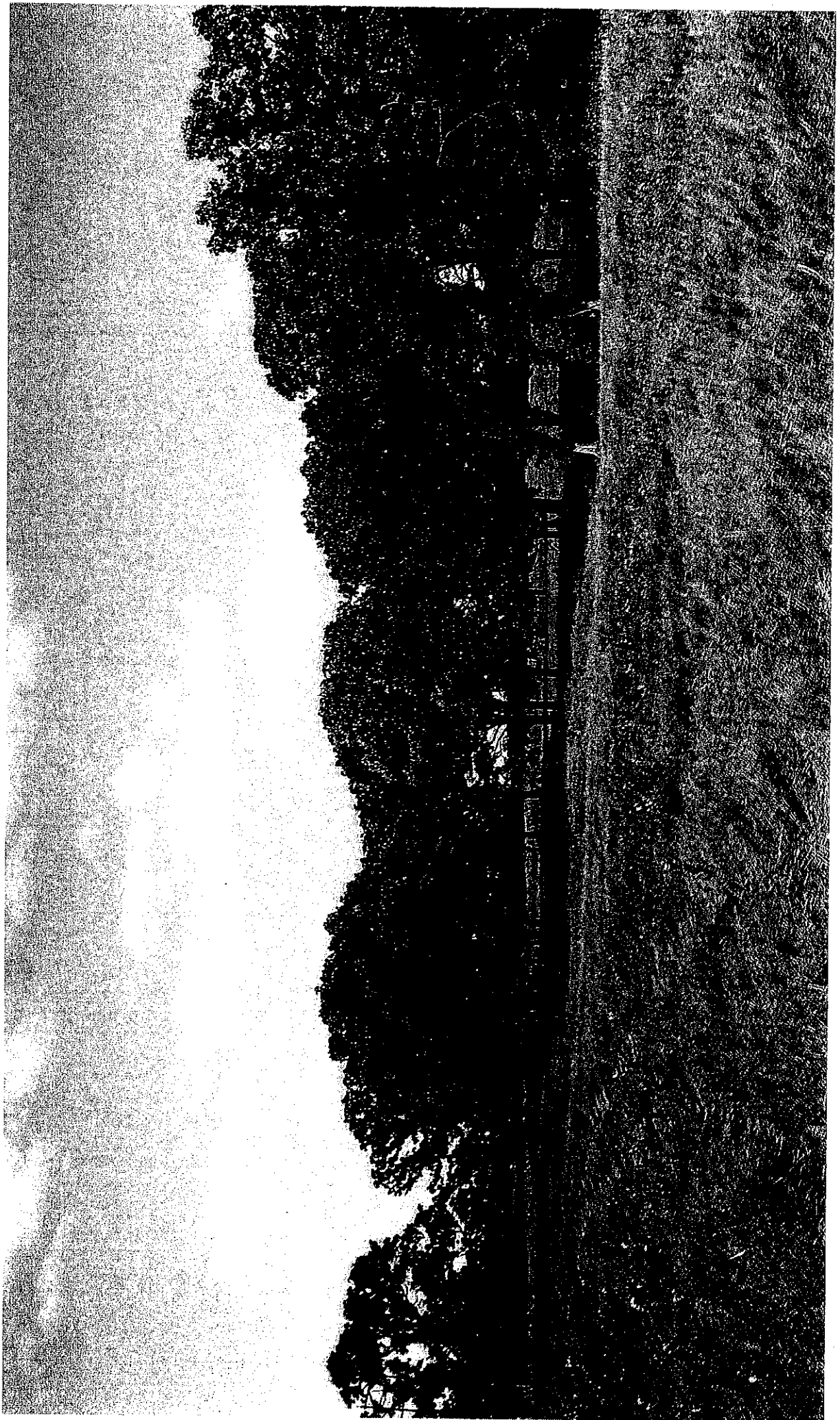
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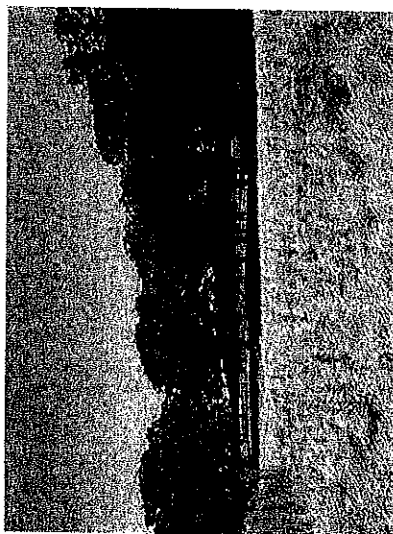
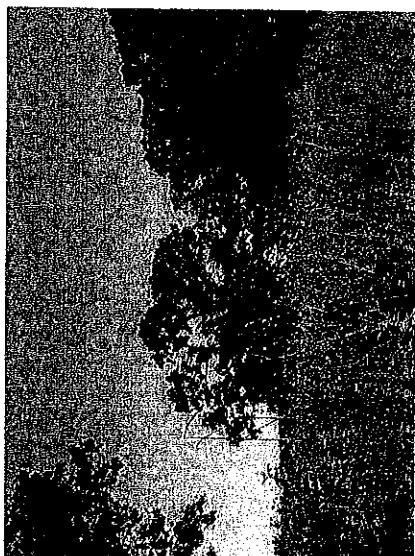
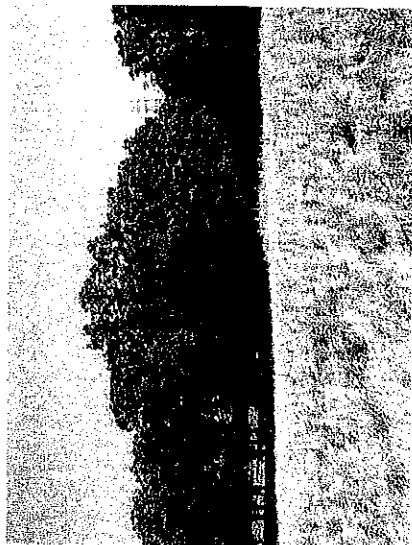
3415 JAMACA Ctn

JOYCE SANDERSON

Signature





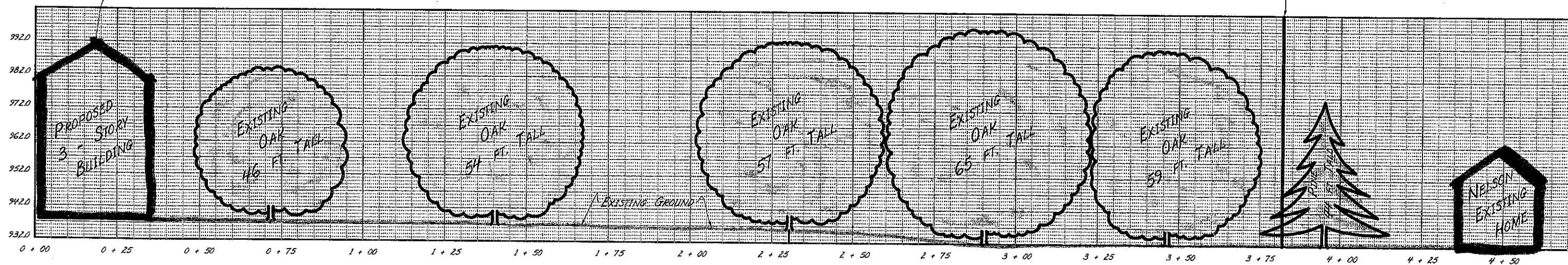


ORIGINAL SCALE
1 INCH = 30 FEET



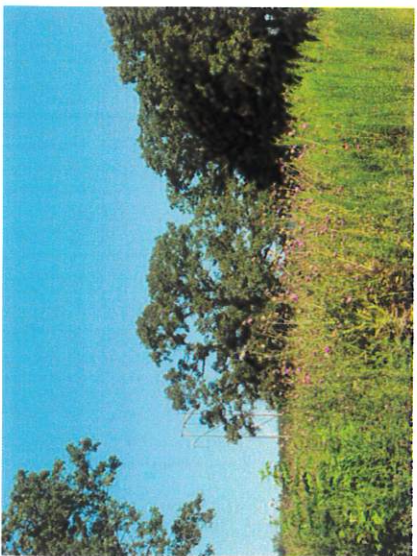
SCALE IN FEET

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53 FT. TO PEAK

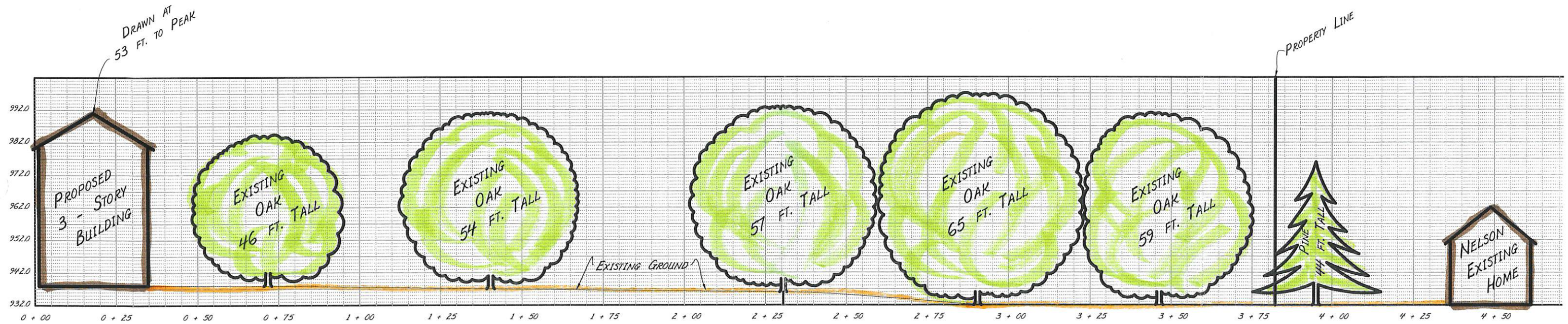
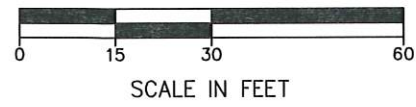








ORIGINAL SCALE
1 INCH = 30 FEET



CITY OF LAKE ELMO

RESOLUTION NO. 2010-036A

A RESOLUTION APPROVING AN OP – OPEN SPACE DEVELOPMENT CONCEPT PLAN AND PLANNED UNIT DEVELOPMENT GENERAL CONCEPT PLAN RELATED TO A SENIOR LIVING/FARM SCHOOL DEVELOPMENT

WHEREAS, Tammy Malmquist, 8549 Ironwood Trail North (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for a OP – Open Space Development Concept Plan and General Concept Plan for a Planned Unit Development (PUD), a copy of which is on file in the Lake Elmo Planning Department; and

WHEREAS, the proposed OP – Open Space Development Concept Plan and General Concept Plan for a PUD is to construct a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings on a 24.4 acre parcel at 9434 Stillwater Boulevard North; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on May 11, 2010 and continued this hearing until its May 25, 2010 and June 14, 2010 meetings to consider the OP Development Concept Plan and General Concept Plan for a PUD; and

WHEREAS, on June 14, 2010 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the OP Development Concept Plan and General Concept Plan for a PUD with conditions; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated July 13, 2010; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the OP Development Concept Plan and General Concept Plan for a PUD at a workshop meeting held on July 13, 2010 and at its regular meeting on July 20, 2010.

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

FINDINGS

- 1) That the procedure for obtaining approval of said OP Development Concept Plan is found in the Lake Elmo City Code, Section 150.182.
- 2) That the procedure for obtaining approval of said General Concept Plan for a PUD is found in the Lake Elmo City Code, Section 154.074.

- 3) That all the requirements of said City Code Sections 150.182 and 154.074 related to the OP Development Concept Plan and General Concept Plan for a PUD have been met by the Applicant.
- 4) That the proposed Concept Plan would allow the construction of a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings on property legally described on the attached Exhibit "A" and commonly known as 9434 Stillwater Boulevard North.
- 5) That the proposed OP – Open Space Development Concept Plan:
 - a) Is in conformance with the Comprehensive Plan for the City and that the uses proposed are consistent with the RAD2 – Rural Agricultural Development (2 units per acre) land use designation shown for the area on the official Comprehensive Land Use Plan.
 - b) Satisfies the intent and purpose of City's land use, zoning, and subdivision regulations, with certain exceptions to these regulations as permitted in accordance with the City's PUD requirements.
 - c) Would not negatively affect the public health, safety, and general welfare of occupants of surrounding lands.
- 6) That the proposed General Concept Plan for a PUD:
 - a) Is consistent with the goals, objectives, and policies of the Comprehensive Plan.
 - b) Is consistent with the purpose of Section 150.175 et seq. of the City Code.
 - c) Complies with the development standards of Section 150.175 et seq. of the City Code.
- 7) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land than if the applicant was required to conform to the standards of the existing zoning districts on this property.
- 8) That the uses proposed in the PUD will not have an adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
- 9) That the PUD is of sufficient size, composition, and arrangement that construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and open space are balanced and coordinated.

- 10) That the PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the development.
- 11) That the PUD is designed in such a manner as to form a desirable and unified environment within its own boundaries.

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicant's OP – Open Space Development Concept Plan and General Concept Plan for a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings is hereby approved, subject to the following:
 - a. The Applicant shall provide the City with a statement of acknowledgement and consent from the holder of the power line easement that runs along the northern portion of the development site granting permission for the placement of a community septic system and trails within this easement. As an alternative, the Applicant may provide an agreement that permits certain encroachments into the easement. The homeowner's association must be made aware of any issues as part of its articles of incorporation that could require future maintenance or repairs (or other actions that could have financial implications) to the drainfield area because of its location within said easement.
 - b. The applicant shall submit a storm water and erosion and sediment control plan as part of the preliminary plan submissions that complies with the City's recently adopted Storm Water and Erosion and Sediment Control Ordinance.
 - c. All storm water facilities and access required as part of the Storm Water Management Plan for the site that the City Engineer recommends be maintained by the City shall be platted as outlots and deeded to the City. The size and location of the outlots shall be sufficient to provide an adequate level of buffering from adjacent properties to the satisfaction of the City Engineer. The pond areas shall be counted as part of the required open space for the project.
 - d. In order to meet requirements for fire protection and adequate water service levels for the proposed buildings, the utility plans shall provide for an adequately sized connection back to an existing City water main. The plans for this connection will be subject to review and approval by the City Engineer. The developer shall be responsible for all costs associated with providing a minimum water service size of eight inches to an existing main of a larger size. The final plans and financing, including any potential oversizing above eight inches requested by the City, shall be included as part of a developer's agreement for the project.
 - e. The applicant shall provide a secondary vehicular access to the proposed development in the form of a private road connection to Jamaca Court North, to be devised and

developed in conjunction with the City Planner and City Engineer. The applicant shall also provide an easement for a future road connection to the property immediately to the north of the project site.

- f. The applicant shall be responsible for the installation of all improvements to Stillwater Boulevard North (State Highway 5) required by MnDOT and specified in a letter to the City of Lake Elmo dated April 19, 2010. These improvements shall be included as part of the construction plans submitted as part of a developer's agreement for the project.
- g. The interior City Streets shall meet all concerns provided by the City of Oakdale Fire Chief, acting on behalf of the City's emergency services personnel, in a letter to the City dated April 14, 2010.
- h. The preliminary plans shall incorporate appropriate Buffers, Setbacks and Building Heights, as determined by the Planning Commission and City staff, taking into consideration the necessity of a secondary vehicular access, the proposed massing of development structures, and the impact of such on adjoining properties, including, but not limited to, the following specific issues:
 - 1) Front yard setbacks to the proposed roads within the development area.
 - 2) Buffering between the proposed development and open space preservation areas and neighboring properties.
 - 3) Setbacks from the proposed animal buildings and neighboring parcels.
- i. Any buildings required as part of the community septic system shall be screened from view from adjacent properties.
- j. The keeping of animals associated with the agricultural activities on the site shall comply with all applicable City and Minnesota Pollution Control Agency requirements for the keeping of domestic farm animals.
- k. The open space preservation areas shall be reviewed for potential inclusion as part of a conservation easement protected by the Minnesota Land Trust.
- l. The preliminary plans shall incorporate the calculation of proposed development density calculations NOT utilizing right-of-way area dedicated for State Highway 5.
- m. The Planned Unit Development (PUD) and/or Development Agreement shall include specific definitions for Senior Housing and Farm School and incorporate provisions for any future changes regarding such uses to be reviewed and acted upon by the City Council as amendments to the PUD.
- n. The Planned Unit Development (PUD) and/or Development Agreement shall include specific development phases and/or expectations for timely onset of development and

construction activity, beginning no later than 1 (one) year following final City approval of said development, and provision for any future changes regarding such to be reviewed and acted upon by the City Council and to include any future requirement(s) for participation in program designed by the City to transfer density or development rights in accordance with the Comprehensive Plan, Zoning and related ordinances, and development programs in effect at that time.

- o. A part of the preliminary (development stage) plans, the applicant will:
 - 1) Maximize the setback of the communal septic system from neighboring property lines and provide necessary fencing and an additional landscape buffer around the perimeter of the drainfield site.
 - 2) Maximize the road and structure setbacks from the property lines adjacent to the development as much as possible, focusing on the area west and southwest of the proposed townhouses and along the eastern property lines. The City will consider flexibility and variation for interior setbacks to facilitate the above exterior buffer setback minimizations.
 - 3) Augment the vegetative buffer provided along external property lines.
 - 4) Demonstrate the ability to provide adequate grazing areas for the animals that will be housed on the site in addition to providing suitable access to these areas.
- p. The maximum size permitted for the new barn structure shall be limited to 3,000 square feet consistent with the maximum accessory building size permitted in a Rural Residential zoning district.
- q. The areas surrounding the school, school accessory buildings, and new barn structure shall not be included in the residential density calculations for the site, currently estimated at 48 units plus one additional unit. Bonuses, if any, for density otherwise permitted in the City Code, including, but not limited to, flexibility allowed through a PUD submission, historic barn preservation, or other means, shall be taken into account before establishing the overall density for the project.
- r. The preliminary (development stage) plans shall include a PUD agreement that will incorporate the following provisions:
 - 1) The new barn, existing farm structures, and storm water facilities shall be permitted within open space/conservation land.
 - 2) The applicant will provide an accurate description of the proposed agricultural activities that will take place on the site.

- 3) The applicant will provide information concerning the farm school structure, the operation of the school, the state licensing requirements for preschools, the size of the proposed facility, and the qualifications for the instructors within the school.
 - 4) The overall residential density (expressed in number of dwelling units) permitted on the site shall be specified.
- s. Detailed submissions for the preliminary (sketch) plan review phase will include, but not be limited to, plans addressing architectural design and materials, lighting, landscaping, grading, and storm water and erosion control, all of which are subject to review and approval by the City of Lake Elmo.
 - t. The foregoing conditions shall be performed according to the satisfaction of the City of Lake Elmo.

Passed and duly adopted this 20th day of July 2010 by the City Council of the City of Lake Elmo, Minnesota.

Dean Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

CITY OF LAKE ELMO

RESOLUTION NO. 2010-036B

A RESOLUTION DENYING AN OP – OPEN SPACE DEVELOPMENT CONCEPT PLAN AND PLANNED UNIT DEVELOPMENT GENERAL CONCEPT PLAN RELATED TO A SENIOR LIVING/FARM SCHOOL DEVELOPMENT

WHEREAS, Tammy Malmquist, 8549 Ironwood Trail North (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for a OP – Open Space Development Concept Plan and General Concept Plan for a Planned Unit Development (PUD), a copy of which is on file in the Lake Elmo Planning Department; and

WHEREAS, the proposed OP – Open Space Development Concept Plan and General Concept Plan for a PUD is to construct a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings on a 24.4 acre parcel at 9434 Stillwater Boulevard North; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on May 11, 2010 and continued this hearing until its May 25, 2010 and June 14, 2010 meetings to consider the OP Development Concept Plan and General Concept Plan for a PUD; and

WHEREAS, on June 14, 2010 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the OP Development Concept Plan and General Concept Plan for a PUD with conditions; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated July 13, 2010; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the OP Development Concept Plan and General Concept Plan for a PUD at a workshop meeting held on July 13, 2010 and at its regular meeting on July 20, 2010.

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

FINDINGS

- 1) That the procedure for obtaining approval of said OP Development Concept Plan is found in the Lake Elmo City Code, Section 150.182.
- 2) That the procedure for obtaining approval of said General Concept Plan for a PUD is found in the Lake Elmo City Code, Section 154.074.

- 3) That all the submission requirements of said City Code Sections 150.182 and 154.074 related to the OP Development Concept Plan and General Concept Plan for a PUD have been met by the Applicant; however, the concept plans do not conform to certain provisions of the City code as articulated in subsections (5) – (7) below.
- 4) That the proposed Concept Plan would allow the construction of a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings on property legally described on the attached Exhibit "A" and commonly known as 9434 Stillwater Boulevard North.
- 5) That the proposed OP –Development Concept Plan and General Concept Plan for a PUD is not in conformance with the Comprehensive Plan for the City, and specifically, that the mix and intensity of the uses proposed are inconsistent with the City's goals to a) preserve its rural character, open space, and green corridors, b) preserve the historic village center.
- 6) That the proposed OP –Development Concept Plan and General Concept Plan for a PUD does not satisfy the intent and purpose of the City's land use, zoning, and subdivision regulations because: a) the overall project density is too significant for the site and b) the impacts from the farm school buildings and related agricultural activities are not otherwise factored into the density calculations.
- 7) That the proposed OP –Development Concept Plan and General Concept Plan for a PUD would negatively affect the public health, safety, and general welfare of the occupants of surrounding lands for the following reasons:
 - a) The anticipated traffic from the site cannot be safely accommodated from one access point on to County State Highway 5. The provision of a secondary access from Jamaca Court North will bring traffic and related nuisances into an existing residential neighborhood.
 - b) The proposed development cannot be accommodated without reductions to the required setbacks from adjacent properties, placing additional structures, vehicular traffic, animal buildings, and animal grazing areas in close proximity to neighboring residential parcels.

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicant's OP – Open Space Development Concept Plan and General Concept Plan for a senior living complex consisting of a multifamily residential structure and separate townhouse units along with a farm-themed preschool that also preserves an existing single family residence and farm outbuildings is hereby denied.

2. The Comprehensive Plan Amendment for the applicant's property, which was contingent upon approval of the OP – Open Space Development Concept Plan and General Concept Plan for a PUD, is hereby nullified in accordance with Council Resolution No. 2010-017.

Passed and duly adopted this 20th day of July 2010 by the City Council of the City of Lake Elmo, Minnesota.

Dean Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

Drainfield Setback - We will maximize the drainfield setback from any neighboring property lines, obtain consent from the power line easement holder to place a drainfield within the easement and will provide landscaping around the edge of the drainfield site.

Setbacks, Buffering and Height - The attached drawing shows that by realigning the buildings we can maximize external setbacks. The drawing and photos depict the height impact of the three story building in relation to the surrounding properties.

Agricultural Uses - Teaching children the value of sustainability is an important part of a farm experience. Some of the ways to promote this is to grow vegetables, apple trees, grapes, strawberries, rhubarb and such.

Farm School Operation - The preschool buildings will be determined by city code for similar facilities, state license code and best practice for this type of facility.

