

FILE

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

City Council Meeting
January 3, 2012

7:00 p.m.

- A. CALL TO ORDER:
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ____ Johnston ____ Emmons ____ Park ____ Pearson ____ 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 conducts its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. ACCEPT MINUTES:
 - 1. Accept December 6, 2011, City Council minutes
 - 2. Accept December 14, 2011, City Council minutes
 - 3. Accept December 20, 2011, Special City Council minutes
 - 4. Accept December 29, 2011, Special City Council minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.)
- I. CONSENT AGENDA: (Items 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.)
 - 5. Approve payment of disbursements and payroll
 - 6. Approve 2012 calendar for Council meetings and Workshops
 - 7. Appointment of Official Depositories for 2012
 - 8. Designation of Official Newspaper
 - 9. Review of Contracted Services

- J. REGULAR AGENDA:
10. Comprehensive Plan Amendment and Zoning Map Amendment - 5577 Lake Elmo Avenue
 11. Appointment of Acting Mayor
 12. Appointment to Lake Elmo Firefighters Relief Association
 13. Appointment to City Council (Sub)Committee
 14. Planning Commission Appointments
 15. Potential Additional Funding for Targeted Pay Adjustments
- K. REPORTS AND ANNOUNCEMENTS:
- (These are verbal updates and do not have to be formally added to the agenda.)
- Mayor
 - Administrator
 - City Attorney
 - City Engineer
 - Planning Director
- L. Adjourn

CLOSED MEETING:

The Lake Elmo City Council will hold a closed meeting regarding the City Administrator selection terms of employment and real estate negotiations.

City of Lake Elmo
City Council Minutes

December 6, 2011

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

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

Also Present: Interim Administrator Dawson, City Engineer Griffin, Attorney Snyder, Planning Director Kyle Klatt, Fire Chief Malmquist and City Clerk Lumby.

APPROVAL OF AGENDA:

MOTION: Council Member Emmons moved to approve the December 6, 2011 City Council agenda as presented. Council Member Pearson seconded the motion. The motion passed 5-0.

ACCEPTED MINUTES: The City Council accepted the November 15, 2011 minutes as amended. The City Clerk was directed to review tape for motion made on agenda items, Interim City Clerk and Finance Director.

PUBLIC COMMENTS/INQUIRIES: Tom Degree, Lake Elmo resident announced his candidacy for State Representative.

CONSENT AGENDA:

MOTION: Council Member Smith moved to approve Agenda Items 3, 4, 5 on the Consent Agenda. Council Member Pearson seconded the motion. The motion passed 5-0.

- Downtown District Sidewalk Improvements – Pay Request No. 1 (Final)
- Approve 2012 Liquor License Renewals
- Resolution No. 2011-056 removing 2012 delinquent storm water utility assessment

Approve payment of disbursements and payroll

Council Member Smith questioned the following claims: Foth Infrastructure for structural engineering inspect in the amount of \$897 and S&T Office Products for Library Board name plates at a cost of \$70.22.

MOTION: Council Member Emmons moved to pay Foth Engineering out of the General Fund and the S&T Office Products for name plates out of the Library Fund. Council Member Person seconded the motion. The motion passed 3-2 (Council Members Smith and Park voting against)

VISA

Council Member Smith asked why the City needs to pay \$41 for an annual card fee.

Audit Engagement Letter

MOTION: Council Member Pearson moved to approve ABDO, EICK and MEYERS, LLP letter of engagement for the City's 2011 financial statement audit and to consider placing contract out for bids in 2013. Council Member Park seconded the motion. The motion passed 5-0.

PERA Firefighter Declaration

The Public Employees Retirement Association (PERA) has notified the City that under Minnesota Statutes, the City must provide written certification of the eligibility for retirement plan membership of certain positions. The eligibility of employees who contribute to the PERA Police and Fire Plan but are not employed as full-time police officers or firefighters must be declared in writing to PERA through a resolution. The City created a part-time Firefighter/Administrative Assistant position in 2011, with responsibilities including the performance of duties of a Lake Elmo firefighter and essential duties including the responding to emergency calls.

MOTION: Council Member Pearson moved to approve Resolution No. 2011-057 Public Employees Retirement Association Firefighter Declaration. Council Member Park seconded the motion. The motion passed 5-0.

Final Cost of Monument Sign on Keats Avenue North of I-94

The costs for this project were assigned to the Furniture, Fixtures and Equipment (FFE) fund. Other activities have been recorded to this fund during 2011. As of November 29, 2011, the fund has a deficit of \$13,517.36. This deficit is being addressed by increasing the level of transfer from the General Fund from \$6,000 in 2011 to \$24,000 in 2012. If no further activity is recorded in the FFE fund, the resulting balance in the FFE Fund will be \$10,483 to start next year.

Council Member Smith made the comment that this sign cost the City \$31,470.22 without Council expenditure approval and now the City has to pay \$400/year to light the sign.

REGULAR AGENDA:

Promote Robin Goodspeed from Probation to Firefighter

MOTION: Council Member Smith moved to promote Robin Goodspeed from Probation to Full Firefighter. Council Member Park seconded the motion. The motion passed 5-0.

The City Council recognized District Chief Brad Winkels for completion of the officer series training 3-yr. program

The City Council recognized Sharon Lumby with a plaque for her 26 years of service as City Clerk for the City of Lake Elmo.

Public Meeting on 2012 on Proposed Tax Levy and General Fund Budgeted Taxes

While State statutory requirements to hold a truth-in-taxation hearing have been repealed, the City is still required to hold an advertised meeting at which the public is allowed to speak when the annual budget and property tax levy are discussed. This public meeting was duly advertised in the Oakdale-Lake Elmo Review, and no public comments have yet been received.

MOTION: Council Member Pearson moved to close the public meeting on the proposed 2012 Property Tax Levy and Proposed 2012 General Fund Budget as presented. Mayor Johnston seconded the motion. The motion passed 5-0.

Adopt 2012 Budget and Tax Levy, Resolution

Following the close of the public meeting on the 2012 proposed tax levy and budget, City Council acted on the resolutions necessary to adopt the 2012 Tax Levy and the 2012 General Fund Budget.

MOTION: Council Member Emmons moved to approve Resolution No. 2011-058 adopt the 2012 final property tax levy in the amount of \$3,113,017 (includes \$75,036 in levies to recover MVHC unallotted in 2010 and cut in 2011). Mayor Johnston seconded the motion. The motion passed 5-0.

MOTION: Council Member Emmons moved to approve Resolution No. 2011-059 adopt the 2012 General Fund Budget in the amount of \$2,900,986. Mayor Johnston seconded the motion. The motion passed 5-0.

Targeted Pay Adjustments for 2012

The Council allocated \$16,525 for targeted pay adjustments in the 2012 Proposed General Fund Budget in order to enhance retention and recruitment of City staff. There was concern with staff in public works maintenance positions should have been moving through the five-year steps in their pay range while the top of the pay range was frozen. Wages for other positions were also frozen in their steps at times during the past few years and had fallen notably behind peer positions in comparable cities.

Craig Dawson reported there were indications that some funds may have been "found" that would have covered the \$3,115 increase in the City's employee health insurance costs and thus make the full \$16,425 available for pay adjustments. He will clarify information and present further adjustments to consider for affected City employees.

There was general discussion about updating job descriptions and the City's

compensation schedule.

MOTION: Mayor Johnston moved to adopt the targeted pay adjustments for 2012 as recommended by staff and to further consider other options in the next several weeks. Council Member Park seconded the motion. The motion passed 4-1 (Council Member Pearson voting against. He was in agreement with regards to the increase for Public Works Staff but disagreed with the adjustment to Fire Chief.)

New Schedule for Firefighter Pay

The 2012 proposed General Fund budget included funds necessary to accomplish changes in the method of compensation for paid on-call firefighters. The changes would be from per call basis to per hour basis for calls and drills, with differential hourly pay for additional certifications or officer status.

In response to Council Member's Pearson's question, Fire Chief Malmquist responded that he can control these figures within budget.

MOTION: Council Member Smith moved to approve Ordinance No. 08-057 as amended (delete "rate of \$2,500"), an Ordinance Amending Section 216.03 of the City Code Relating to Firefighter Compensation. Council Member Park seconded the motion. The motion passed 5-0.

MOTION: Mayor Johnston moved to approve Resolution No. 2011-060 authorizing the Pay Schedule for paid On-Call Firefighters in accordance with Section 216.03 of City Code. Council Member Park seconded the motion. The motion passed 5-0.

Conditional Use Permit Amendment and Variances – Christ Lutheran Church Expansion
The City Council considered a request from Christ Lutheran Church, 11194 36th Street North, for a Conditional Use Permit amendment and variances related to an expansion of its present facility. The specific action required from the City is as follows:

- Conditional Use Permit Amendment to allow the expansion of a church within a Public Facility Zoning District.
- Variances from the required 50-foot side yard setback to allow an addition to the building that is setback 8 feet from the Laverne Avenue right-of-way and 38 feet from the western property line.
- A variance to allow the expansion of the existing facility, including new classroom and general meeting space, without an increase in the number of off-street parking stalls available to the Church.
- A Variance to allow an additional 2,320 sq. ft. of impervious coverage to be added to the site, which presently exceed the maximum impervious coverage limit of 39.5%.

MOTION: Council Member Smith moved to approve Resolution No. 2011-61 approving a Conditional Use Permit Amendment based on the nine conditions stated and Resolution No. 2011-062 approving variances for Christ Lutheran Church at 11194 36th Street North to expand its current facility and make other improvements to the property. Council Member Park seconded the motion. The motion passed 5-0.

DeMontreville-Highlands Area Street Improvements – Authorize the Preparation of the Feasibility Report

The City Council considered initiating the 2012 Street Improvement Project by authorizing FOCUS Engineering, Inc. to prepare the DeMontreville Highlands Area Street Improvements Feasibility Report in the Lump Sum amount of \$9,600. The study will report on the feasibility of the improvements and the estimated project costs to reclaim or construct each street segment, depending on the existing street conditions and findings from the geotechnical investigation which is already in process. During the study potential rain garden locations will be identified and residents will be encouraged to consider the placement of a rain garden within the right-of-way boulevard adjacent to their property.

MOTION: Council Member Pearson moved to authorize FOCUS Engineering, Inc. to prepare the Feasibility Report for the DeMontreville Highlands Area Street Improvements in the amount of \$9,600. Council Member Smith seconded the motion. The motion passed 5-0.

Kirkwood Avenue Street Improvements – Accept Petition and Authorize Feasibility Report

The City Council considered adopting a resolution Declaring Adequacy of Petition and Ordering the Preparation of the Feasibility Report for Street Improvements for Kirkwood Avenue North. On April 26, 2011 a petition was received to improve Kirkwood Avenue North from a gravel roadway to a paved roadway.

City Engineer Griffin reported Kirkwood Avenue North is not programmed for improvement in the 2011-2015 Street CIP. Therefore this improvement has not been previously presented to the Council as a planned improvement or budget item. The estimated cost to complete the feasibility report is \$5,200. Should the project be constructed and assessed to the benefitting properties, the City share for the various improvements is estimated to be \$45,000 if a lower cost shape and pave improvement is feasible. If a reconstruction is required, the more likely scenario, the City share is estimated to be \$120,000.

MOTION: Mayor Johnston moved to direct the city engineer to continue working on scenarios and come back within a year with a recommendation, but also continue dialogue with affected residents with the assistance of Council Member Park. Council Member Pearson seconded the motion. The motion passed 5-0.

The agreement with the property owners is they are required to pay the maintenance assessment, but the City has not been assessing property owners to maintain the gravel road.

Keats Avenue North Street & Watermain Improvements – Authorize Feasibility Report

The City Council considered initiating the 2012 MSA Street Improvement Project and the 2012 Trunk Watermain Improvement Project by authorizing FOCUS Engineering, Inc. to prepare the Keats Avenue North, Street and Trunk Watermain Improvements Feasibility Report in the Lump Sum amount of \$11,400.

MOTION: Council Member Emmons moved to authorize FOCUS Engineering, Inc. to Prepare the Feasibility Report for the Keats Avenue North Street and Trunk Watermain Improvements in the amount of \$11,400. Mayor Johnston seconded the motion. The motion passed 5-0.

Appointment for City Attorney

City Attorney David Snyder is leaving the Eckberg Lammers law firm and joining the law firm of Johnson & Turner, P.A. which has its main office in Forest Lake and a local office in Lake Elmo, as a shareholder. His relationship with Eckberg Lammers will continue through December 31, 2011. The Council considered the request to continue Mr. Snyder's appointment as City Attorney with the Johnson & Turner firm.

MOTION: Council Member Smith moved to appoint David K. Snyder as the City Attorney and City prosecutor with the law firm of Johnson & Turner, P.A. effective January 1, 2012. Council Member Emmons seconded the motion. The motion passed 4-0-1 Abstain: Council Member Pearson.

Discuss future meetings in December

The City Council will hold a short meeting on December 20, 2011 at 3 p.m. to approve the disbursements and payroll.

Adopting Mayor and City Council Salaries

The City Council considered adopting an increase in Mayor and City Council Salaries effective January 1, 2013. The annual salary of the Mayor shall be \$6,250 and the annual salary of each Council Member shall be \$4,860.

MOTION: Council Member Park moved to adopt an Ordinance relating to Mayor and Council Salaries. Council Member Smith seconded the motion. The motion failed 2-3 (Mayor Johnston, Council Members Emmons and Pearson voting against.)

The Council adjourned the meeting at 10:36 p.m.

City of Lake Elmo
City Council Minutes

December 14, 2011

Mayor Johnston called the meeting to order at 11:30 a.m.

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

The City Council discussed the City Administrator candidates, who were interviewed on Friday, December 9, 2011, and December 12, 2011.

Three candidates were chosen for second interviews.

The Council adjourned 2:45 p.m.

City of Lake Elmo
City Council Meeting Minutes

December 20, 2011

Mayor Johnston called the meeting to order at 3:25 p.m.

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

Also Present: Interim Administrator Dawson, Interim City Clerk Luczak

APPROVAL OF AGENDA:

MOTION: Mayor Johnston moved to approve the City Council Agenda. Council Member Park seconded the motion. The motion passed 5-0.

ACCEPTED MINUTES:

MOTION: Council Member Park moved to continue consideration of the December 6, 2011, Council minutes until the January 3, 2012, City Council meeting. Council Member Smith seconded the motion. The motion passed 5-0.

PUBLIC COMMENTS: None

CONSENT AGENDA:

Approve Payment of Disbursements in the Amount of \$101,247.91.

Interim City Administrator Dawson explained the American Legal Publishing Corporation amount.

Council Member Smith requested clarification of amount on the MFRA invoice.

Discussion ensued and the Council directed Staff to provide an itemized copy of the invoice.

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

Council Member Smith excused herself from the meeting at 3:30 p.m.

REGULAR AGENDA:

Library Update

Council Member Pearson confirmed that the City had a Lease Agreement signed by owner of the present Library location. It awaited action by the Library Board.

The City Council and Library Board discussed leasing versus purchasing options.

Library Board President DeLapp presented plans for review if the City determined that the "Clock" building was another option. The building is currently for sale and it would also assist in promoting the revitalization of the Old Village.

The City Council indicated its support of the Library Board obtaining a physical and structural assessment report of the building, and exploring purchase options if the report was favorable.

The City Council adjourned the meeting at 4:45 p.m.

Respectfully submitted by Carole Luczak, Interim City Clerk

City of Lake Elmo
Special City Council Meeting Minutes

December 29, 2011

Mayor Johnston called the meeting to order at 9:14 a.m.

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

Also Present: Interim City Administrator Dawson (arrived at 10:00 a.m.), Interim City Clerk Luczak

AGENDA:

Employment of a City Administrator

City Council discussed the candidates. They stated that the second interviews with the two candidates made their decision very difficult as they were both well-qualified and had much to offer.

Council requested that the City Council Human Resources committee review a proposed contract with Attorney Snyder, and extend an offer to Dean Zuleger with terms to be defined no later than January 3, 2012.

MOTION: Council Member Pearson moved to extend an offer of employment to Dean Zuleger the City Administrator position. Council Member Park seconded the motion. The Motion passed 5-0.

Council Members Park and Emmons requested a meeting with the new Administrator be scheduled shortly after he begins.

Council recessed at 9:53 a.m.

The meeting reconvened at 10:00 a.m.

Library

Interim City Administrator Dawson presented the various issues regarding the potential purchase of a property available in the Old Village that could be used to house the Lake Elmo Public Library.

Council members discussed "due diligence", being fiscally responsible, the Library budget, transition, current opportunities and moving forward.

Council Member Park departed at 10:10 a.m.

Eric Lipman, 8249 Deer Pond Ct. N., stated he was angry and disappointed with the library services he will now receive, and believed his current County library card to be valuable as it provided him access to 12 locations, 1.3 million volumes and a rite of passage for children.

Library Board President DeLapp stated that the City will reimburse one card per household and the benefits and services will continue.

Council Member Pearson confirmed that no one is being cut off from the library system, but the City was not getting value from Washington County.

Council Member Emmons departed at 10:36 a.m.

Mr. Lipman reiterated that the decision made by the City to not be a part of the Washington County Library System is a degradation of services to the residents.

Mayor Johnston informed the audience that the inter-library loan program implemented through the County had been denied by the County Board to the City of Lake Elmo. The City Council adjourned the meeting at 10:49 a.m.

Respectfully submitted by Carole Luczak, Interim City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: 1/3/2012
CONSENT
ITEM #: 5
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$112,444.28

SUBMITTED BY: Joe Rigdon, Interim Finance Director *JR*

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Joan Ziertman, Finance Consultant

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$112,444.28. 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 paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 6,311.06	Payroll Taxes to IRS 12/29/2011
ACH	\$ 1,126.81	Payroll Taxes to MN Dept. of Revenue 12/29/2011
ACH	\$ 3,964.54	Payroll Retirement to PERA 12/29/2011
DD3720 – DD3734	\$ 17,673.63	Payroll Dated 12/29/2011 (Direct Deposit)
37900-37905	\$ 3,070.86	Payroll Dated 12/29/2011 (Payroll Paper Checks)
37906-37930	\$ 80,297.38	Accounts Payable Dated 01/03/2012
TOTAL	\$ 112,444.28	

STAFF REPORT: City staff has compiled 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 \$112,444.28.

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 January 3, 2012, Disbursements as Presented [and modified] herein.”

ATTACHMENTS:

1. Accounts Payable Dated 1/3/2012

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: joan z

Printed: 12/29/2011 - 12:22 PM

Batch: 021-12-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACEHARD Ace Hardware , Inc										
116558	12/20/2011	64.10	0.00	01/03/2012	Ice traction cover for boots		-			0000
101-450-5200-42400	Small Tools & Minor Equipment									
	116558 Total:	64.10								
	ACEHARD Total:	64.10								
ADVANTAG Advantage Signs & Graphics Inc										
17195	12/19/2011	487.72	0.00	01/03/2012	Park Signs		-			0000
404-480-8000-45200	Buildings & Structures									
	17195 Total:	487.72								
	ADVANTAG Total:	487.72								
ARAM Aramark, Inc.										
629-7389844	12/15/2011	21.71	0.00	01/03/2012	Uniforms		-			0000
101-430-3100-44170	Uniforms									
	629-7389844 Total:	21.71								
629-7394814	12/15/2011	22.86	0.00	01/03/2012	Uniforms		-			0000
101-430-3100-44170	Uniforms									
	629-7394814 Total:	22.86								
	ARAM Total:	44.57								
C&J CONS C & J Consulting Services, LLP										
Dec 11	12/29/2011	6,650.00	0.00	01/03/2012	Monthly Accounting Svs - Dec 2011		-			0000
101-410-1520-43150	Contract Services									
	Dec 11 Total:	6,650.00								
	C&J CONS Total:	6,650.00								
CARQUEST Car Quest Auto Parts										
2055-244814	12/21/2011	8.81	0.00	01/03/2012	Tool Cat Filter		-			0000
101-430-3120-42210	Equipment Parts									
	2055-244814 Total:	8.81								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	CARQUEST Total:	8.81								
DAWSON Dawson Craig										
Ck Req	12/28/2011	40.00	0.00	01/03/2012	Reimburse Cell Phone		-		No	0000
101-410-1940-43210	Telephone									
Ck Req Total:		40.00								
DAWSON Total:		40.00								
FIORILLO Fiorillo Megan										
12/29/2011	12/29/2011	55.00	0.00	01/03/2012	Cabled City Council Mtg 12/29/11		-		No	0000
101-410-1450-43620	Cable Operations									
12/29/2011 Total:		55.00								
FIORILLO Total:		55.00								
FXL FXL, Inc.										
December	12/29/2011	2,000.00	0.00	01/03/2012	December 2011 Assessing Services		-		No	0000
101-410-1320-43100	Assessing Services									
December Total:		2,000.00								
FXL Total:		2,000.00								
GARELICK Garelick Steel Co, Inc										
220427	12/14/2011	252.94	0.00	01/03/2012	Steel for Chipper Box		-		No	0000
101-430-3100-44040	Repairs/Maint Eqpt									
220427 Total:		252.94								
GARELICK Total:		252.94								
HOTSY HOTSY EQUIPMENT OF MINNESOTA										
39124	12/13/2011	363.16	0.00	01/03/2012	Wash Bay Hose, Trolly, gun Trigger		-		No	0000
101-430-3100-42230	Building Repair Supplies									
39124 Total:		363.16								
HOTSY Total:		363.16								
LEAGMN League of MN Cities										
12/20/2011	12/20/2011	75.00	0.00	01/03/2012	Handbook for MN Cities 2011 Edition		-		No	0000
101-410-1320-44300	Miscellaneous									
12/20/2011 Total:		75.00								
LEAGMN Total:		75.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MARVS Marv's Professional Tools										
244009	12/29/2011	578.22	0.00	01/03/2012	Tools for Utility Van		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
	244009 Total:	578.22								
244441	12/29/2011	109.71	0.00	01/03/2012	Tools for Utility Van (Sewer)		-	No		0000
602-495-9450-44300	Miscellaneous Expenses									
	244441 Total:	109.71								
	MARVS Total:	687.93								
MENARDSO Menards - Oakdale										
49541	12/20/2011	77.59	0.00	01/03/2012	Paint		-	No		0000
101-430-3120-44040	Repairs/Maint Eqpt									
49541	12/20/2011	9.96	0.00	01/03/2012	Cell Phone Holder		-	No		0000
101-430-3100-44300	Miscellaneous									
	49541 Total:	87.55								
51830	12/20/2011	48.53	0.00	01/03/2012	Ballasts		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg									
51830	12/20/2011	6.97	0.00	01/03/2012	Batteries		-	No		0000
101-430-3100-42150	Shop Materials									
	51830 Total:	55.50								
51862	12/20/2011	113.48	0.00	01/03/2012	Ballasts		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg									
	51862 Total:	113.48								
	MENARDSO Total:	256.53								
NAMERICA North American Salt Company										
70770505	12/13/2011	14,880.03	0.00	01/03/2012	Road Salt		-	No		0000
101-430-3125-42290	Sand/Salt									
	70770505 Total:	14,880.03								
	NAMERICA Total:	14,880.03								
NORTHTOO HSBC Business Solutions										
64468	12/29/2011	192.78	0.00	01/03/2012	Load Binders Chipper Box		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	64468 Total:	192.78								
	NORTHTOO Total:	192.78								
PLANTH PLANT HEALTH ASSOCIATES, INC										
1064-11	12/28/2011	1,150.00	0.00	01/03/2012	Forester Services - Nov & Dec 2011		-	No		0000
101-430-3250-43150	Contract Services									
	1064-11 Total:	1,150.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PLANTH Total:		1,150.00								
POMPS Pump's Tire Service, Inc.										
21148	12/12/2011	887.62	0.00	01/03/2012	2 Wheels for 98-2		-		No	0000
101-430-3100-44040	Repairs/Maint Eght									
21148 Total:		887.62								
POMPS Total:		887.62								
S&T S&T Office Products, Inc.										
01OY0699	12/14/2011	135.52	0.00	01/03/2012	Office Supplies - Name Tags		-		No	0000
101-410-1320-42000	Office Supplies									
01OY0699 Total:		135.52								
S&T Total:		135.52								
SACHSIM James Sachs										
Ck Req	12/20/2011	138.95	0.00	01/03/2012	Reimburse Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
Ck Req Total:		138.95								
SACHSIM Total:		138.95								
SHORTTELL Short Elliot Henderickson, Inc										
251501	12/14/2011	1,905.09	0.00	01/03/2012	Design Services for Test Well #4		-		No	0000
601-494-9400-43030	Engineering Services									
251501 Total:		1,905.09								
SHORTTELL Total:		1,905.09								
TIMAGNUS T I Magnuson										
Ck Req	12/27/2011	5,000.00	0.00	01/03/2012	Return Escrow 3536 Kelvin #7786		-		No	0000
803-000-0000-22900	Deposits Payable									
Ck Req Total:		5,000.00								
TIMAGNUS Total:		5,000.00								
WASRADIO WASHINGTON COUNTY										
71011	12/19/2011	3,800.76	0.00	01/03/2012	1/4rly user fee for 800 MHz radio		-		No	0000
101-420-2220-43230	Radio									
71011	12/19/2011	114.00	0.00	01/03/2012	Radio Repair/Maint fund		-		No	0000
101-420-2220-43230	Radio									
71011 Total:		3,914.76								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WASRADIO Total:		3,914.76								
XCEL Xcel Energy										
51-4572945-7	12/29/2011	30.87	0.00	01/03/2012	Street Lights		-			0000
101-430-3160-43810	Street Lighting	30.87								
51-4572945-7 Total:		30.87								
XCEL Total:		30.87								
Report Total:		39,221.38								

Accounts Payable GL Distribution Report

User: joan z
Printed: 12/29/11 12:24
Batch: 021-12-2011
Fiscal Period: 12
JE Date: 12/31/11

Fund	DR Amount	CR Amount	Account Number	Description
101 General Fund				
	0.00	31,140.64	101-000-0000-20200	Accounts Payable
	135.52	0.00	101-410-1320-42000	Office Supplies
	2,000.00	0.00	101-410-1320-43100	Assessing Services
	75.00	0.00	101-410-1320-44300	Miscellaneous
	55.00	0.00	101-410-1450-43620	Cable Operations
	6,650.00	0.00	101-410-1520-43150	Contract Services
	40.00	0.00	101-410-1940-43210	Telephone
	3,800.76	0.00	101-420-2220-43230	Radio
	114.00	0.00	101-420-2220-43230	Radio
	6.97	0.00	101-430-3100-42150	Shop Materials
	363.16	0.00	101-430-3100-42230	Building Repair Supplies
	192.78	0.00	101-430-3100-42400	Small Tools & Minor Equipment
	48.53	0.00	101-430-3100-44010	Repairs/Maint Bldg
	113.48	0.00	101-430-3100-44010	Repairs/Maint Bldg
	887.62	0.00	101-430-3100-44040	Repairs/Maint Bldg
	252.94	0.00	101-430-3100-44040	Repairs/Maint Bldg
	138.95	0.00	101-430-3100-44170	Repairs/Maint Bldg
	21.71	0.00	101-430-3100-44170	Repairs/Maint Bldg
	22.86	0.00	101-430-3100-44170	Repairs/Maint Bldg
	9.96	0.00	101-430-3100-44300	Uniforms
	8.81	0.00	101-430-3120-42210	Miscellaneous
	77.59	0.00	101-430-3120-44040	Equipment Parts
	14,880.03	0.00	101-430-3125-42290	Repairs/Maint Bldg
	30.87	0.00	101-430-3160-43810	Sand/Salt
	1,150.00	0.00	101-430-3250-43150	Street Lighting
	64.10	0.00	101-450-5200-42400	Contract Services
				Small Tools & Minor Equipment
404 Park Dedication	31,140.64	31,140.64		
	0.00	487.72	404-000-0000-20200	Accounts Payable
	487.72	0.00	404-480-8000-45200	Buildings & Structures
	487.72	487.72		

<u>Fund</u>	<u>DR Amount</u>	<u>CR Amount</u>	<u>Account Number</u>	<u>Description</u>
601 Water				
	0.00	2,483.31	601-000-0000-20200	Accounts Payable
	578.22	0.00	601-494-9400-42400	Small Tools & Minor Equipment
	1,905.09	0.00	601-494-9400-43030	Engineering Services
	<u>2,483.31</u>	<u>2,483.31</u>		
602 Sewer				
	0.00	109.71	602-000-0000-20200	Accounts Payable
	109.71	0.00	602-495-9450-44300	Miscellaneous Expenses
	<u>109.71</u>	<u>109.71</u>		
803 Escrow Fund				
	0.00	5,000.00	803-000-0000-20200	Accounts Payable
	5,000.00	0.00	803-000-0000-22900	Deposits Payable
	<u>5,000.00</u>	<u>5,000.00</u>		
	<u>39,221.38</u>	<u>39,221.38</u>		
Grand Total:				
	<u>39,221.38</u>	<u>39,221.38</u>		

Accounts Payable To Be Paid Proof List

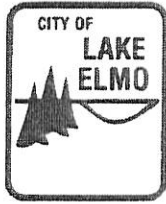
User: joan z
Printed: 12/29/2011 - 1:39 PM
Batch: 001-01-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BERKLEY INSURANCE TRUST LEAGUE OF MN CITIE										
20001231	01/16/2011	1,396.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-410-1320-41510	Workers Compensation									
20001231	01/16/2011	56.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-410-1450-41510	Workers Compensation									
20001231	01/16/2011	176.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-410-1520-41510	Workers Compensation									
20001231	01/16/2011	530.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-410-1910-41510	Workers Compensation									
20001231	01/16/2011	10,130.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-420-2220-41510	Workers Compensation									
20001231	01/16/2011	2,213.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-420-2400-41510	Workers Compensation									
20001231	01/16/2011	8,726.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-430-3100-41510	Workers Compensation									
20001231	01/16/2011	3,138.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-450-5200-41510	Workers Compensation									
20001231	01/16/2011	2,057.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
601-494-9400-41510	Workers Compensation									
20001231	01/16/2011	448.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
602-495-9450-41510	Workers Compensation									
20001231	01/16/2011	809.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
603-496-9500-41510	Workers Compensation									
20001231	01/16/2011	36.00	0.00	01/03/2012	Workers Comp Premium 2012		-		No	0000
101-410-1110-41510	Workers Compensation									
20001231	01/16/2011	29,715.00								
BERKLEY Total:		29,715.00								
		29,715.00								
BLUECROS Blue Cross/Blue Shield										
January 2012	12/29/2011	11,361.00	0.00	01/03/2012	January 2012 Premiums		-		No	0000
101-000-0000-21706	Medical Insurance									
January 2012 Total:		11,361.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
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BLUECROS Total:		11,361.00								
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Report Total:		41,076.00								
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MAYOR & COUNCIL COMMUNICATION

DATE: 1/3/12
CONSENT
ITEM #: 7
MOTION as part of Consent

AGENDA ITEM: Appointment of Official Depositories for 2012

SUBMITTED BY: Joe Rigdon, Interim Finance Director *JR*

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: Pursuant to State Statute §412.121, the City Council is being asked to designate official depositories for 2012. The recommended motion to act on this organizational function is as follows:

“Move to designate Lake Elmo Bank, Wells Fargo Advisors, Morgan Stanley Smith Barney LLC, and Northland Securities for the 2012 Depositories.”

BACKGROUND INFORMATION: The City must appoint official Depositories in accordance with Minn. State Statute §412.121.

STAFF REPORT: Based upon past practice and current and likely future needs, Staff recommends the following be designated as official depositories for 2012:

- Lake Elmo Bank
- Wells Fargo Bank
- Morgan Stanley Smith Barney LLC
- Northland Securities

RECOMMENDATION: It is recommended that the City Council designate official depositories for 2012 by the following action:

“Move to designate Lake Elmo Bank, Wells Fargo Bank, Morgan Stanley Smith Barney LLC, and Northland Securities for 2012 Depositories.”

Alternatively, the City Council may elect to consider different depositories.

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

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



MAYOR & COUNCIL COMMUNICATION

DATE: January 3, 2012

REGULAR

ITEM #: 9

Discussion; Motion?

AGENDA ITEM: Review of Contracted Services

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

REVIEWED BY: Carole Luczak, Interim City Clerk

SUMMARY AND ACTION REQUESTED: I have been made aware that the City Council has started a practice of reviewing arrangements for contracted services on a staggered three-year cycle. Accordingly, reviews would be done in 2012 for services to be performed in 2013, or for those that would end contractually during 2012. We located the 2011 list and have updated it for 2012.

Council has directed that a Request for Proposal (RFP) for audit services be issued in 2012 in order to perform the audit in 2013. Staff will plan to do the reviews and report to Council those providers listed for review in 2012 unless Council identifies which ones should not be reviewed in 2012.

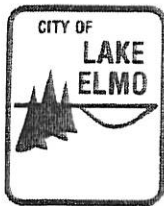
ATTACHMENTS:

- 2012 List of Contract Services

SUGGESTED ORDER OF BUSINESS:

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

<u>Contract</u>	<u>Contractor</u>	<u>Representative</u>	<u>Type</u>	<u>Start</u>	<u>Contract Ends</u>	<u>Review Due</u>
Accounting - General Ledger	KDV	Joe Rigdon	Active	2008	none	2012
Accounting - Payroll, Utilities, AP	C & J	Cathy & Joan Ziertman	Active	2009	none	2012
Animal Control	Washington County Sheriff		Active	2011	none	- NA -
Assessor	FXL	Frank Langer	Active	?	none	2011/12
Attorney - Civil/Municipal	Johnson and Turner	Dave Synder	Active	2012	none	- NA -
Attorney - Criminal	Johnson and Turner	Dave Synder	Active	2012	none	- NA -
Auditor	Abdo, Eick & Myers	Steve McDonald	Active	2002	2012	2012
Cleaning	Coverall Cleaning	Kathy Erie	Active	2011	none	2013/14
Engineering	Focus Engineering	Jack Griffin	Active	2011	none	2013/14
Forester	Plant Health Associates	Kathy Widin	Active	2004/2011	none	2013/14
Health Benefits	Financial Concepts	Andy Weitnauer	Active	2010	annual renew	2012/13
OSHA/Safety	Safe Assure		Active	2010	none	2012/13
Recycle Education & Support	Service on a Shoe String	Karen Ritchman	Active	2007	2012	2010/11
Rugs, Uniforms & Supplies	Aramark		Active	?	none	2012
Telephone Service	Events		Active	2007	none	2011/12
Waste	Maroney's		Active	?	none	2012/13
Bond Counsel	Dorsey & Whitney (thru Northland Securities, Inc)		On-Call	?		On-Call
Building Code/Inspection	City of Bayport		On-Call	2010		IGA
Electric	Linner		On-Call	?		On-Call
Emergency Communications/Code Red	Washington County		Active	2011		IGA
Financial Consulting	Northland Securities, Inc	Paul Donna	On-Call	?		On-Call
Financial Planning (Village)	Ehlers	Dave Callister	Active	2008		On-Call
Fire Maintenance	City of Oakdale & Local		On-Call	2010		IGA
Fuel	Lake Elmo Oil, Yokum		On-Call	?		On-Call
HR/Personnel	Springsted Inc.		On-Call	2009		On-Call
Investment Brokers	Northland Securities, Wells Fargo, Morgan Stanley		On-Call	?		On-Call
IT	City of Roseville	Terre Heiser	Active	2008		IGA
Keys/Security	Andahl/Curt's Lock		On-Call	?		On-Call
Medical Supplies			On-Call	?		On-Call
Planning Support	MFRRA	Ben Gozola	On-Call	?		On-Call
Police	Washington County	Commander Dexter	Active	?		IGA
Road Grading	Miller		On-Call	?		On-Call
Snowplow	Buelow/Kline		On-Call	?		On-Call
* Local Preference as a tie-breaker	** On-Call pre-register option/bid check					



MAYOR & COUNCIL COMMUNICATION

DATE: 1/3/12

CONSENT

ITEM #: 8

MOTION as part of Consent

AGENDA ITEM: Designation of Official Newspaper

SUBMITTED BY: Carole Luczak, Interim City Clerk

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: Pursuant to State Statute §412.121, the City Council is to select an official newspaper (the one in which its legal publications will appear). Two newspapers are potential candidates: *The Oakdale-Lake Elmo Review* and the *St. Croix Valley Press*. Based upon current and projected need, it is recommended that the City Council undertake the following action:

“Move to designate The Oakdale-Lake Elmo review as the official newspaper and to designate the Pioneer Press as an additional official newspaper on an as needed basis.”

BACKGROUND INFORMATION: According to the State Statute, the City must appoint an official newspaper for 2012. The City solicited proposals and the two responses are attached. An updated RFP was received from *The Oakdale Lake Elmo Review* on December 16, 2011, reducing their rates.

STAFF REPORT: City Staff has had an effective working relationship with *The Oakdale-Lake Elmo Review* as its official newspaper. As a back-up paper, the *St. Croix Valley Press* is available but publications are Thursday only. Due to that limited publishing, it is recommended that under unique circumstances, the *Pioneer Press* could be used when the City needs to get a quicker turn-around for publication to serve property owners and to meet the 60-day rule in particular. The *St. Paul Pioneer Press* allows the City a 2-day turn around time for publications that may be unexpected and time-sensitive. A proposal was not received from the *Pioneer Press*.

RECOMMENDATION: It is recommended that the City Council designate an official newspaper for 2012 by the following action:

"Move to designate The Oakdale-Lake Elmo review as the official newspaper and to designate the Pioneer Press as an additional official newspaper on an as needed basis."

Alternatively, the City Council may elect to consider an alternate official newspaper.

ATTACHMENTS:

1. The Oakdale-Lake Elmo Review Proposal
2. St. Croix Valley Press Proposal

SUGGESTED ORDER OF BUSINESS:

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

Lillie Suburban Newspapers, Inc.

2515 E. Seventh Avenue
North St. Paul, MN 55109
(651) 777-8800

DEC 16 2011

December 15, 2011

Sharon Lumby, City Clerk
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

Dear Ms. Lumby:

Thank you for the opportunity to bid on public notice publication services for the City of Lake Elmo. The *Oakdale-Lake Elmo Review* has been serving the needs of the Lake Elmo area for 40 years, and is pleased to provide ongoing coverage of city government and school issues and community events. Each week we mail over 1600 copies to residents and businesses in the city of Lake Elmo.

Lillie Suburban Newspapers is the oldest weekly newspaper company in the St. Paul area. It was founded in 1938 by the late T. R. Lillie. His grandsons, Jeffery Enright and Ted H. Lillie, are continuing the family tradition of publishing award-winning community newspapers in the St. Paul suburbs.

It is our sincere desire to provide the best possible local news coverage in the Lake Elmo area. Our experienced news staff provides readers with a well-balanced, lively and informative product each week. We realize that Lake Elmo area residents look to us as one of their primary sources of information about city activities and meetings, and we will continue to publish the city's press releases and photos.

Lillie Suburban Newspapers has the official designation of the neighboring communities of North St. Paul, Maplewood and Oakdale, to name a few, as well as the North St. Paul-Maplewood-Oakdale School District.

3 P.M. Friday is the deadline each week for submitting public notices to our office. Public notices should be directed to Anne Thillen, Lillie Suburban Newspapers, 2515 E. Seventh Ave., North St. Paul, MN 55109. Our fax number is 651/777-8288. Notices may also be sent via e-mail to:

legals@lillienews.com

Legal publication rates for minutes, advertisements for bids and other notices are as follows:

\$4.10 per column inch for a one-time publication
\$3.90 per column inch for each additional publication

Thank you for considering the *Oakdale-Lake Elmo Review* as the official legal newspaper for the City of Lake Elmo for 2012. If you have any further questions, don't hesitate to call us.

Sincerely,



Jeffery Enright
Publisher



Ramsey County Review • Maplewood Review • Oakdale-Lake Elmo Review • Review Perspectives
New Brighton Bulletin • Shoreview Bulletin • St. Anthony Bulletin • South-West Review
Roseville-Little Canada Review • Woodbury-South Maplewood Review • East Side Review

November 23, 2011

Carole Luczak, MCMC
Interim City Clerk
City of Lake Elmo
3800 Laverne Ave
Lake Elmo MN 55042

Carol,

Here is the information you requested regarding your RFP for Legal Newspaper for the City of Lake Elmo.

1) Name of Paper:

Oakdale-Lake Elmo Review

2) Owner of Paper:

Lillie Suburban Newspapers

3) Legal Location of Newspaper:

Main Office is 2515 E 7th Ave.
N. St. Paul MN 55109

4) Area of Distribution: The Oakdale-Lake Elmo Review is distributed throughout the cities of Lake Elmo, Oakdale, Stillwater and Landfall.

5) Distribution Method:

City of Lake Elmo Distribution
a. Direct Mail: 547 papers.
b. Motor Route: 811 papers
c. Subscriptions Direct Mail: 25 papers
d. Bulk Drops: 60 papers

6) Web Access for the Public: www.oakdalelakeelmoreview.com

7) Publication Schedule:

The Oakdale-Lake Elmo Review is distributed once a week on a weekly basis 52 weeks per year. The primary distribution days are Tuesday/Wednesday.

8) Deadlines for Accepting Notices for Publication:

3PM Friday for publication the following week.

9) Cost Per Column Inch Per Publication:

\$4.15 for first insertion.
\$3.90 for additional insertions



Ramsey County Review • Maplewood Review • Oakdale-Lake Elmo Review • Review Perspectives
New Brighton Bulletin • Shoreview Bulletin • St. Anthony Bulletin • South-West Review
Roseville-Little Canada Review • Woodbury-South Maplewood Review • East Side Review

Lillie Suburban Newspapers, Inc.

2515 E. Seventh Avenue
North St. Paul, MN 55109
(651) 777-8800

10) Distribution:

a) Distribution Area: Throughout Lake Elmo

b) Subscribers in City of Lake Elmo: 25 paid subscribers.*

*The Oakdale-Lake Elmo Review is a legal newspaper, not a shopper. It is distributed throughout Lake Elmo and is not subscriber based, however subscriptions are available.

c) Number of None Subscriptions Papers Delivered in City of Lake Elmo:

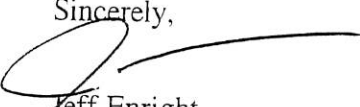
Mailed:	522
Motor Route:	811
Drop Route:	60

Areas of distribution and distribution method: Currently we deliver 1,443 newspapers to the city of Lake Elmo comprised of 572 direct mail, 811 motor routes and 60 retail drops. This gives us the most complete and comprehensive coverage in the City of Lake Elmo.

11) Most Recent Audited Circulation: Attached.

12) Estimated Number of News Stories on Lake Elmo in the Oakdale-Lake Elmo Review:
Typically *more* than one staff written news articles per week, plus numerous submitted community events, bulletin board items, faith articles, events and letters to the editor.

Sincerely,


Jeff Enright
Ted H Lillie
Publishers



Ramsey County Review • Maplewood Review • Oakdale-Lake Elmo Review • Review Perspectives
New Brighton Bulletin • Shoreview Bulletin • St. Anthony Bulletin • South-West Review
Roseville-Little Canada Review • Woodbury-South Maplewood Review • East Side Review

Oakdale-Lake Elmo Review

CIRCULATION DATA FOR ISSUE DATE: 09/22/2010

DISTRIBUTION ANALYSIS BY COUNTY:

TOTAL QUALIFIED CIRCULATION: 9,116

COUNTY NAME DISTRIBUTION

WASHINGTON COUNTY 8,743
MISCELLANEOUS 428
TOTAL GROSS DISTRIBUTION 9,171
LESS TARGET (BULK) RETURNS (53)
TOTAL QUALIFIED CIRCULATION 9,116

USPS

ZIP CODE COMMUNITY COUNTY U.S. INDEX INDEX COUNT DELIVERIES FREE + PAID = TOTAL PERCENT OF TOTAL DISTRIBUTION ESRUSPS COVERAGE

(NO ZONE ASSIGNED)

55128 SAINT PAUL

POPULATION/HOUSEHOLDS 28,928 / 11,438
AVERAGE HOUSEHOLD SIZE 2.50
MEDIAN HOUSEHOLD INCOME \$69,473
RACE... 90%-W 3%-B 4%-O
HISPANIC ORIGIN... HO: 4%
11,544 c 7,156 123 7,279 64% / 63%
Carrier Mail 6,468
Target (Bulk) 500

55042 LAKE ELMO

POPULATION/HOUSEHOLDS 8,769 / 3,030
AVERAGE HOUSEHOLD SIZE 2.90
MEDIAN HOUSEHOLD INCOME \$99,228
RACE... 95%-W 1%-B 2%-A 2%-O
HISPANIC ORIGIN... HO: 2%
3,009 c 1,436 28 1,464 48% / 49%
Carrier Mail 800
Target (Bulk) 60

TOTAL GROSS DISTRIBUTION FOR ZONE

MISCELLANEOUS 428
TOTAL GROSS DISTRIBUTION 9,171
Carrier Mail 7,268
Target (Bulk) 560

LESS TARGET (BULK) RETURNS

(53)
9,116

TOTAL QUALIFIED CIRCULATION

* The zip code percentage for the variable compared to the county or national percentage for the variable
** C-Postal Home Deliveries, P-Post Office Boxes (may include non-rented boxes), B-Postal Business Deliveries
*** Race: W = White, B = Black, A = Asian, O = Other, HO = Hispanic Origin (rounding error may occur)
Source for demographic data: ESRI Business Information Solutions, (2006) (1-800-795-7483)
August 2011 USPS zip update



4779 Bloom Ave., White Bear Lake, MN 55110 • Phone: 651-407-1200 • Fax: 651-429-1242

DEC 19 2011

December 14, 2011

Ms. Sharon Lumby
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042

Dear Ms. Lumby:

The *St. Croix Valley Press* wishes to be considered as your designated newspaper for 2012.

We meet all the legal publication requirements under state statutes. Our circulation is audited by Verified Audit Circulation, an independent firm.

We offer submittal of legal notices by mail, fax at (651) 429-1242, or e-mail to legals@presspubs.com. Please clearly identify them as "Legal Notices."

The rate will remain the same at 6.90 per column inch, in 7-point type at 9-lines per inch.

Our deadline for legal notices is Friday by 5:00 p.m. for the following Thursday's publication.

We look forward to the opportunity to serve you. We welcome any questions or concerns you may have.

Sincerely,

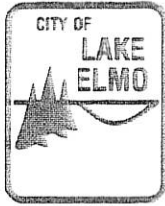
A handwritten signature in cursive script that reads "Lisa Graber".

Lisa Graber
Legal Notice Coordinator

Misc: LakeElmo2012.doc

Your Best Source For Community Information

White Bear Press • Vadnais Heights Press • St. Croix Valley Press • Quad Community Press • Shoreview Press • Forest Lake Press • The Citizen
news@presspubs.com ppcomp@presspubs.com pressadvertising@presspubs.com ppcirc@presspubs.com



MAYOR & COUNCIL COMMUNICATION

DATE: 1/3/12
REGULAR
ITEM #: 10
MOTION [RESOLUTION]

AGENDA ITEM: Comprehensive Plan Amendment and Zoning Map Amendment – 5577 Lake Elmo Avenue

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, Interim City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from Steven Weber, 12729 22nd Street North, West Lakeland, MN to change the zoning of property at 5577 Lake Elmo Avenue North from RR – Rural Residential to R-1 Single Family Residential and to also amend the City's future land use map designation of this property in the Lake Elmo Comprehensive Plan from RAD – Rural Agricultural Density to NC – Neighborhood Conservation.

The Planning Commission is recommending denial of the requested amendments, and therefore Staff has attached an ordinance that would support the proposed rezoning and comprehensive plan amendment as proposed by the applicant as well as a resolution of denial consistent with the Planning Commission recommendation. The recommended motion to act on this therefore includes action on only the resolution of denial and is as follows:

“Move to adopt a resolution denying the request by Steven Weber for a Zoning Text Amendment and Comprehensive Plan Amendment for property located at 5577 Lake Elmo Avenue North”

BACKGROUND INFORMATION: The attached Planning Commission report includes a detailed review of the application along with the original Staff recommendation to the Commission. Should the Council support the Planning Commission recommendation, no action should be taken on the Ordinance that has been drafted by Staff. The Ordinance should only be adopted if the Council supports the proposed Comprehensive Plan Amendment and rezoning.

STAFF REPORT: The Planning Commission reviewed the Comprehensive Plan Amendment and Zoning Map Amendment requests at its December 12, 2011 meeting and conducted a public

hearing at this time. In addition to the applicant and his attorney, three of the neighboring property owners spoke at the hearing. Steven Weber and his legal representative, made the following comments:

- Mr. Weber expressed frustration over owning a lot that is mostly unusable. He noted that all of the surrounding parcels are smaller than his.
- The applicant's legal counsel explained that the proposed request would not be considered spot zoning since it would be consistent with the use and densities of surrounding parcels. He also stated that the applicant would be willing to share the existing driveway to provide access to Lake Elmo Avenue.

Three neighboring property owners also spoke, and made comments as follows:

- The original owner of the applicant's land explained the history of the land and how it was subdivided.
- Allowing the rezoning would allow other properties in the area to request a similar zoning, which would lead to increased densities in the area.
- There was a concern expressed regarding the potential to set precedence by approving the proposed amendments.
- The neighboring property owner that owns the land surrounded by the applicant's parcel did not object to the proposed amendments and subdivision of land.

The Commission generally discussed the history of the City's Comprehensive Plan and Zoning Ordinance, and found that conditions have not changed in any manner since the lot was initially subdivided to warrant a rezoning of the current parcel. It was noted that the applicant's ability to use this land is no different now than when the lot was created.

The Planning Commission adopted a motion to recommend denial of the Comprehensive Plan Amendment and Zoning Text Amendment. This motion was passed with a vote of 6 to 1.

RECOMMENDATION: Based upon the above background information, staff report and Planning Commission recommendation, it is recommended that the City Council deny request from Steven Weber, 12729 22nd Street North, West Lakeland, MN to change the zoning of property at 5577 Lake Elmo Avenue North from RR - Rural Residential to R-1 Single Family Residential and to also amend the City's future land use map designation of this property in the Lake Elmo Comprehensive Plan from RAD - Rural Agricultural Density to NC - Neighborhood Conservation by undertaking the following action

"Move to adopt a resolution denying the request by Steven Weber for a Zoning Text Amendment and Comprehensive Plan Amendment for property located at 5577 Lake Elmo Avenue North"

Alternatively, the City Council may consider the other actions that were suggested as part of the Planning Commission report, which includes the following:

- A. Approve the Comprehensive Plan and Zoning Map Amendments by adopting the attached ordinance, and developing appropriate findings of fact to support this action which could then be incorporated as part of the attached resolution.
- B. Table taking action on the Comprehensive Plan Amendment and Zoning Map Amendment in order to request additional information from either staff or the applicants.
- C. Direct the applicant to consider an alternate action to support the proposed request, which could include applying for a variance to create a lot that does not conform to the underlying zoning requirements for lot size and road frontage.
- D. Direct Staff to consider the request as part of a broader Comprehensive Plan or Zoning Map amendment that would look at a change to the entire area, and in particular, the other non-conforming lots that were created in this area before the City's 1979 Comprehensive Plan and Zoning Ordinance.

ATTACHMENTS:

- 1. Ordinance – Comp Plan and Zoning Map Amendments
- 2. Resolution of Denial
- 3. Staff Report (Planning Commission Report)
- 4. Application Materials
- 5. Application Form
- 6. Legal Description
- 7. Application Narrative
- 8. Location Map
- 9. Septic Site Evaluation Report
- 10. Washington County Comments
- 11. Aerial Photograph
- 12. Zoning Map for Area
- 13. Future Land Use Map for Area
- 14. Review Letter from City Engineer
- 15. Letter from Richard and Eileen Bergmann

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-____

**AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF LAKE ELMO**

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-____, as follows:

Section 1: Zoning Map Amendment. The following property is hereby rezoned from RR - Rural Residential to R-1 Single Family Residential as depicted on the attached "Exhibit "A" :

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 1, Township 29 North Range 21 West, Washington County, Minnesota described as follows: Commencing at the Southwest corner of said Southwest 1/4 of the Northwest 1/4; thence North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees 00' 46" W) along the West line of said Southwest 1/4 of the Northwest 1/4, a distance of 334.70 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4, and the point of beginning of this description; thence continuing North 01 degrees 31 minutes 43 seconds West (recorded as N00 degrees 00' 46" W), a distance of 494.71 feet; thence North 87 degrees 32 minutes 27 seconds East (recorded as N 89 degrees 03' 24" E) a distance of 618.20 feet to the West line of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4; thence South 01 degrees 19 minutes 29 seconds East, along said West line of the East 695.22 feet, a distance of 502.85 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4; thence South 88 degrees 17 minutes 37 seconds West, along said North line of the South 334.70 feet, a distance of 616.33 feet to the point of beginning, together with an easement for roadway purposes over and across the North 60.00 feet of the South 334.70 feet which lies West of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4, excepting there from the North 209.00 feet of the South 639.40 feet of the West 417.42 feet of said Southwest 1/4 of the Northwest 1/4

PID: 01-029-21-23-0001

The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 2: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-____ was adopted on this 3rd day of January, 2012, by a vote of ____ Ayes and ____ Nays.

ATTEST:

Mayor Dean Johnston

Craig Dawson
Interim City Administrator

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

RESOLUTION NO. 2012-__

*A RESOLUTION DENYING A COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP
AMENDMENT TO CHANGE THE ZONING OF 5577 LAKE ELMO AVENUE NORTH FROM
RR – RURAL RESIDENTIAL TO R1 – SINGLE FAMILY RESIDENTIAL
PID: 01-029-21-23-0001*

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

WHEREAS, the City of Lake Elmo has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, Steven John Weber, 12729 22nd Street North, West Lakeland, MN (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for amendments to change the zoning of property at 5577 Lake Elmo Avenue North from RR – Rural Residential to R-1 Single Family Residential and to also amend the City’s future land use map designation of this property in the Lake Elmo Comprehensive Plan from RAD – Rural Agricultural Density to NC – Neighborhood Conservation, a copy of which is on file with the City; and

WHEREAS, the request to amend the Comprehensive Plan and Zoning Map was submitted along with plans to subdivide the lot for the purposes of creating a new building site on the property ; and

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on December 12, 2011; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated January 3, 2012; and

WHEREAS, the City Council considered said matter at its January 3, 2012, meeting.

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

FINDINGS

- 1) That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.
- 2) That the procedures for obtaining a Zoning Map Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.020.
- 3) That all the submission requirements of said Section 154.020 have been met by the Applicant.
- 4) That the request includes the following components:
 - a) To amend the Future Land Use Map (Map 1 in Chapter III – Land Use Plan) in the Lake Elmo Comprehensive Plan, and to specifically change the future land use designation of the parcel located at 5577 Lake Elmo Avenue North from RAD (Rural Agricultural Density – 0.45 dwelling units per acre) to NC (Neighborhood Conservation).
 - b) To amend the Lake Elmo Zoning Map (Section 154.032) by changing the zoning of the property at 5577 Lake Elmo Avenue North from RR – Rural Residential to R-1 Single Family Residential
- 5) That the Zoning Map Amendment and Comprehensive Plan Amendment will apply to property with the PID: 01-029-21-23-0001, commonly known as 5577 Lake Elmo Avenue North, and legally described as follows:

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 1, Township 29 North Range 21 West, Washington County, Minnesota described as follows: Commencing at the Southwest corner of said Southwest 1/4 of the Northwest 1/4; thence North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees DO' 46" W) along the West line of said Southwest 1/4, a distance of 334070 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4, and the point of beginning of this description; thence continuing North 01 degrees 31 minutes 43 seconds West (recorded as N00 degrees 00' 46" W), a distance of 494.71 feet; thence North 87 degrees 32 minutes 27 seconds East (recorded as N 89 degrees 03' 24" E) a distance of 618.20 feet to the West line of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4; thence South 01 degrees 19 minutes 29 seconds East, along said West line of the East 695.22 feet, a distance of 502.85 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4; thence South 88 degrees 17 minutes 37 seconds West, along said North line of the South 334.70 feet, a distance of 616.33 feet to the point of beginning, together with an easement for roadway purposes over and across the North 60.00 feet of the South 334.70 feet which lies West of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4, excepting therefrom the North 209.00 feet of the South 639.40 feet of the West 417.42 feet of said Southwest 1/4 of the Northwest 1/4
- 6) That the Zoning Map Amendment and proposed development does not conform substantially to the policies, goals, and standards of the Comprehensive Plan for the following reasons:

- a) The NC – Neighborhood Conservation (corresponding zoning of R-1 Single Family Residential) and RED – Residential Estates Density land use categories are not planned for any new development in the City. A change to this portion of the Comprehensive Plan would potentially open up other areas for similar changes.
- b) The City's overreaching goal of "preserving and enhancing the rural character and features of Lake Elmo that make the City a unique and desirable community" would not be met by allowing the subdivision of 1- 2 ½ acre lots within existing rural areas. The Comprehensive Plan and related zoning regulations clearly encourage any new development to be located within subdivisions that preserve open space as part of the development.
- c) The subdivision of lots less than 10 acres in size that are not otherwise part of an OP development is not consistent with the City's goal of preserving its rural character. The 10-acre minimum lot size in rural areas has been in place for over 30 years, with the RED zoning representing the only development allowed before the Open Space zoning regulations were adopted by the City in the mid 1990's.
- d) Lots less than five acres in size are not as efficient to serve with public services as compared to lots that are planned and developed as part of a broader subdivision. Some of the surrounding properties have been developed as an OP subdivision, which included plans for providing water and sanitary sewer services, roads, and other utilities throughout the subdivision.
- e) Adding another access to Lake Elmo Avenue is not recommended by the City Engineer, and could present problems for managing traffic in the future. Although the County would issue a new driveway permit for a lot along Lake Elmo Avenue, it is up to the City to plan for its future access needs and to ensure that the overall transportation network is planned in an efficient and safe manner. Considering current traffic levels, and with the increases projected in the Comprehensive Plan for Lake Elmo Avenue, individual driveways will not be a safe option for new homes.
- f) The applicant is not losing any rights to use his property in the way it was initially approved by the City, and the lot is already much smaller than would be allowed for a single family home on a separate parcel in this portion of the City (except when platted as part of an Open Space Preservation development).
- g) The zoning of a single parcel of land creates a spot zoning situation, which would convey development rights to an individual property owner rather than addressing the overall plan for orderly growth and development within the area.
- h) There have been no changes within the City since the applicant's lot was originally subdivided that would warrant a reconsideration of the land use classifications and other plans that have been adopted by the City. For example,

the City has not implemented any transportation improvements near the applicant's property that would provide for more efficient and safe access to this portion of the City.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Comprehensive Plan Amendment and Zoning Map Amendment is hereby denied.

Passed and duly adopted this 3rd day of January 2012 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Dean A. Johnston, Mayor

Craig Dawson, Interim City Administrator

City of Lake Elmo Planning Department
Comprehensive Plan and Zoning Map Amendment Review

To: **Planning Commission**

From: Kyle Klatt, Planning Director

Meeting Date: **12/12/11**

Applicant: **Steven Weber**

Owner: Steven Weber

Location: **5577 Lake Elmo Avenue**

Zoning: RR – Rural Residential

Introductory Information

***Application
Summary:***

The Planning Commission is being asked to consider a request by Steven Weber, 12729 22nd Street North, West Lakeland, for a Zoning Map Amendment to change the current zoning designation of his property at 5577 Lake Elmo Avenue from RR – Rural Residential to R-1 Single Family Residential. The proposed amendment has been requested in order to facilitate the subdivision of this existing 5.11 acre parcel into two parcels of 2.27 and 2.84 acres in size. A rezoning is required before the applicant can process with a subdivision of the property because the minimum lot size requirement in the RR Zoning District is 10 acres, while the R-1 District allows a minimum lot size of 1.5 acres.

The applicant did indicate that the request includes a Comprehensive Plan Amendment, but as part of his written narrative, notes that the proposed zoning would be in conformance with the policies, goals, and standards of the Comprehensive Plan. Although the property is guided for RAD – Rural Agricultural Density (0.45 units per acre), this designation is tied to the City's Rural Residential and Agricultural Zoning Districts. The only zoning classification that would support the lots as proposed would be the City's R-1 zoning district which corresponds to the future land use guidance of NC – Neighborhood Conservation. For the purposes of the public hearing and this review, Staff is including a request for a Comprehensive Plan amendment to change the future land use designation of the applicant's property from RAD to NC.

Should a Comprehensive Plan Amendment and Zoning Map Amendment be approved for the subject property, the applicant would then be able to apply for a Minor Subdivision to officially split the property into two parcels.

***Property
Information
and Site
Background:***

The applicant's property is located along Lake Elmo Avenue approximately one-third of a mile south of Highway 36. The property was split from an adjoining parcel to the west owned by the Bergmann family in 1978, and at the time the City Zoning regulations allowed for a minimum lot size of 5 acres. In looking back through the

**Applicable
Codes:**

Section 154.020 Amendments

Describes 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

City records for this parcel, it appears that the request was intended to allow the subdivision of the portion of the property that was not suitable for agricultural purposes to be split off from a larger farm site to create a new residential lot. The current boundaries of the applicant's parcel were therefore the result of the original owner's intent to keep any tillable acreage as part of the larger farm operation, as well as to meet the minimum lot area requirement of 5 acres. The result was the "U" or "C" shaped parcel that is presently owned by Mr. Weber, who inherited the property from his father (who originally purchased the land when it was subdivided). As part of the City's approval of the subdivision, the Bergmann's were required to grant easements to the City over a 60-foot wide segment that is located immediately to the south of the applicant's property, and to further allow the newly subdivided parcel to use this strip of land as its access to Lake Elmo Avenue. The easement agreement that is of record in the City files provides for an emergency vehicle access, installation and maintenance of public utilities, and the provision of public service, but does not otherwise appear to grant any rights of the public to use the property for access purposes. The agreement does provide for an option by the City to acquire this land if it is needed for a public street in the future, but otherwise only describes the potential for a private roadway to be built on this strip of land (not a public road). Shortly after the subdivision was approved, the applicant's father applied for a building permit and constructed the house that is on the site today. This house is located on the southern leg of the "C" shape, about 45 feet back from the Lake Elmo Avenue right-of-way, and centered in the middle of the 96-foot wide segment. The driveway providing access to the house does cross into the 60-foot wide segment still owned by the Bergmann's. Staff is not aware of any private easements that exist for such access, and would consider this a private matter between the two affected property owners. There are three other single family homes in close proximity to the applicant's property, and all of these are very close to one acre in size. In addition to the residential lots, there are two other parcels of one acre in size that do not have any buildings on them, one of which is owned by the neighboring property owner and the other of which was retained by the Bergmann family. All of these lots were split at a time then the City's (or township) zoning regulations allowed for the creation of these smaller lots. In 1977, the City of Lake Elmo adopted a zoning ordinance that closely followed the township zoning requirements, allowing for 5-acre lots in rural areas, but revised this code in 1979 in conjunction with the adoption of a Comprehensive Plan that changed the standards for rural development areas. The code after 1979 required a minimum lot size of 10 acres in rural areas, which is the standard that is still in place today.

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” and also Subsection (H) which notes: “Any amendment to this chapter shall amend the Comprehensive Plan in accordance with the amendment. The Planning Commission shall inform the Council of any zoning proposal which does not conform to the Comprehensive Plan and inform the Council as to why the plan should or should not be amended.”

Section 154.036 RR – Rural Residential

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

Section 154.041 R1 – Single Family Residential

Outlines the general requirements for the R1 – Single Family Zoning District in Lake Elmo.

Findings & General Site Overview

Site Data: Lot Size: 5.06 Acres
 Existing Uses: Single Family Residence
 Existing Zoning: RR – Rural Residential
 Future Land Use: RAD – Rural Agricultural Density
 Property Identification Number (PID): 01-029-21-23-0001

Comprehensive Plan and Zoning Text Amendment Review:

Comp Plan and Zoning Analysis: Of all the land use requests that are considered by a Planning Commission, a City has the most discretion to approve or deny proposals to amend the Comprehensive Plan. To a lesser extent, the City also has a considerable amount of discretion to approve or reject zoning amendments; however, any zoning change must “conform substantially to the policies, goals, and standards of the Comprehensive Plan”. In terms of the request under consideration by the Planning Commission, the applicant’s property is presented guided RAD – Rural Agricultural Density, which is described as follows in the Comprehensive Plan:

RAD (Rural Agricultural Density) This classification represents low density semi-rural residential development. Working farms, Alternative Ag uses, single family detached residences, and limited life cycle housing. New development responsive to this classification shall be primarily by Conditional Use Permit in accordance with the Preserved Open Space regulations of the Zoning Ordinance, with a maximum dwelling unit density of 0.40 units per Buildable Acre. The zoning classifications related to this Land Use Plan classification shall be AG, and RR.

This future land use classification applies to almost all of the City's land located north of the Village planning area and east of Keats Avenue, and all of the land outside of the City's future sewer service areas that were not previously subdivided prior to the adoption of the plan. Of particular note, is the connection between the RAD land use designation and the RR and AG zoning classification. All property that is guided for RAD has been zoned one of these two districts.

One of the reasons for the current classifications that exist in the Comprehensive Plan stems from the City's preparation of its 2006 Comprehensive Plan and its settlement with the Metropolitan Council. As a result of this process, the City elected to direct all higher density development into two portions of the City (the Village and South of 10th Street), while preserving the rural character open space development patterns that existed elsewhere in the community. Any existing subdivisions or smaller lots outside of the planned sewer service areas were allowed to continue and zoned as such. However, smaller lots outside of sewer areas were not planned for anywhere else in the City except as part of an Open Space Preservation development.

For higher density residential areas within the City, specifically those that were platted and developed prior to adoption of the 2006 Comprehensive Plan, there are two land use classifications that correspond to these areas as follows:

RED (Residential Estates Density) The RED classification is assigned only to lots and vacant land classified RED prior to the adoption of the 2005-2030 Comprehensive Plan. This classification is not assigned to any other lands within the City in the future. Development of RED classified lands is in accordance with the regulations of the RED zoning district, and be limited to large lot single family detached housing.

NC (Neighborhood Conservation) This land use classification applies only to lands that have been platted as conventional subdivisions prior to the 2005 adoption of this Land Use Plan. This classification is not assigned to any other lands within the City in the future. The zoning districts corresponding to the NC classification are R-1 and R-2 (Carriage Station Subdivision only).

Of particular note with each of these classifications is that they apply only to existing subdivisions or lands that were previously designated in that manner, and were not to be assigned to any other lands in the future. If the City were to change the applicant's parcel to reflect one of these land use categories, it would not be consistent with the language used to describe each classification and therefore would require a more extensive change to the Comprehensive Plan in order to avoid conflicting language within the document. Specifically, the City would need to change the Comprehensive Plan to allow the NC or RED designation to be expanded beyond the land currently designated in this manner. Such an expansion would not be consistent with the goals and policies of the City as stated in the plan, and would raise many additional questions concerning the City's ability to provide services to denser development in rural areas.

In summary, Staff has identified the following issues that should be considered with the applicant's request as submitted:

- A comprehensive plan amendment is necessary because the RAD designation would not allow the creation of lots less than 10 acres in size that are not otherwise part of an OP – Open Space Preservation Development. The RAD designation would not support a rezoning to R-1 Single Family Residential.
- The rural designation has applied to this lot since the City first adopted its 1979 Comprehensive Plan. This is not an area that has been planned for anything other than low density rural development.
- The NC – Neighborhood Conservation (corresponding zoning of R-1 Single Family Residential) and RED – Residential Estates Density are not planned for any new development in the City. A change to this portion of the Comprehensive Plan would potentially open up other areas for similar changes.
- The City's overreaching goal of "preserving and enhancing the rural character and features of Lake Elmo that make the City a unique and desirable community" would not be met by allowing the subdivision of 1- 2 ½ acre lots within existing rural areas. The Comprehensive Plan and related zoning regulations clearly encourage any new development to be located within subdivisions that preserve open space as part of the development.

**Staff Review
Comments**

Based on the above review, Staff is recommending that the Planning Commission recommend denial of the Comprehensive Plan Amendment and Rezoning requests, and would add the following additional comments to support this recommendation:

- The subdivision of lots less than 10 acres in size that are not otherwise part of an OP development is not consistent with the City's goal of preserving its rural character. The 10-acre minimum lot size in rural areas has been in place for over 30 years, with the RED zoning representing the only development allowed before the Open Space zoning regulations were adopted by the City in the mid 1990's.
- Lots less than five acres in size are not as efficient to serve with public services as lots that are planned and developed as part of a broader subdivision. Some of the surrounding properties have been developed as an OP subdivision, which included plans for providing water and sanitary sewer services, roads, and other utilities.
- Adding another access to Lake Elmo Avenue is not recommended by the City Engineer, and could present problems for managing traffic in the future. Although the County would issue a new driveway permit for a lot along Lake Elmo Avenue, it is up to the City to plan for its future access needs and to ensure that the overall transportation network is planned in an efficient and safe manner. Considering current traffic levels, and with the increases projected in the Comprehensive Plan for Lake Elmo Avenue, individual driveways will not be a safe option for new homes.
- The applicant is not losing any rights to use his property in the way it was initially approved by the City, and the lot is already much smaller than would

- be allowed for a single family home on a separate parcel in this portion of the City (except for OP development lots).
- The zoning of a single parcel of land creates a "spot zoning" situation, which Cities typically try to avoid, since they convey rights to an individual property owner rather than addressing the overall plan for orderly growth and development within a community.
- There have been no changes to the City since the applicant's lot was originally subdivided that would warrant a reconsideration of the land use classifications and other plans that have been adopted by the City. For example, the City has not implemented any transportation improvements near the applicant's property that would provide for more efficient and safe access to this portion of the City.
- The City Engineer has provided the Planning Commission with a recommendation to deny the applicant's request along with information to support this recommendation.

Conclusion:

Based on the report and analysis provided above, Staff is recommending that the Planning Commission recommend **denial** of the request by Steven Weber to change the zoning of property at 5577 Lake Elmo Avenue North from RR - Rural Residential and furthermore to **deny** the corresponding request to amend the City's future land use map designation of this property in the Lake Elmo Comprehensive Plan from RAD - Rural Agricultural Density to NC - Neighborhood Conservation.

Additional Information:

Valley Branch Watershed District did not submit any comments specific to the applicant's request, but did note that a Minor Subdivision would require a permit from the watershed district.

The City Engineer's comments are included as part of the attached memorandum.

Recommendation:

Staff is recommending that the Planning Commission recommend denial of the request by Steven Weber to change the zoning of property at 5577 Lake Elmo Avenue North from RR - Rural Residential to R-1 Single Family Residential and furthermore to deny the corresponding request to amend the City's future land use map designation of this property in the Lake Elmo Comprehensive Plan from RAD - Rural Agricultural Density to NC - Neighborhood Conservation based on the findings for denial as documented in the above Staff report.

Commission Options:

The Planning Commission should consider the following options with this request:

- A) Recommend approval of the Comprehensive Plan and Zoning Map Amendments, and developing appropriate findings of fact to support this action.
- B) Table taking action on the Comprehensive Plan Amendment and Zoning Map Amendment in order to request additional information from either staff or the applicants.
- C) Direct the applicant to consider an alternate action to support the proposed request, which could include applying for a variance to create a lot that does not conform to the underlying zoning requirements for lot size and road frontage.
- D) Direct Staff to consider the request as part of a broader Comprehensive Plan or Zoning Map amendment that would look at a change to the entire area, and in particular, the other non-conforming lots that were created in this area before the City's 1979 Comprehensive Plan and Zoning Ordinance.

cc: Steven Weber, 12729 22nd Street North, West Lakeland, MN

Comprehensive Plan and Zoning District Amendment Application
5577 Lake Elmo Avenue, PIN 01.029.21.23.0001
Property Owner: Steven Weber
November 13, 2011

Tab 1.

Application (§154.020(C)(1))
Schedule A. Legal Description
Schedule B. Detailed Reason for Request

Tab 2.

Colored Plat Drawing of the Area (§154.020(C)(2)(c))

Tab 3.

Rough Mark-Up of Proposed New Property Line with
Proposed Driveway and Homestead Drawn (§154.020(C)(2)(b))

Tab 4.

Rough Mark-Up from Percolation Test (§154.020(C)(2)(a))

Tab 5.

Correspondence Received from Washington County
Regarding Proposed New Driveway

Tab 6.

Address Labels of Nearby Property Owners (§154.020(C)(4))
(Obtained from Washington County – Receipt Included)

Tab 7.

Tax Search Printout Showing Ownership Information (§154.020(C)(3))



NOV 14 2011

Fee \$ _____

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- | | | |
|--|--|---|
| ☒ Comprehensive Plan Amendment | ☐ Variance * (See below) | ☐ Residential Subdivision Preliminary/Final Plat |
| ☒ Zoning District Amendment | ☐ Minor Subdivision | ☐ 01 - 10 Lots |
| ☐ Text Amendment | ☐ Lot Line Adjustment | ☐ 11 - 20 Lots |
| ☐ Flood Plain C.U.P. Conditional Use Permit | ☐ Residential Subdivision Sketch/Concept Plan | ☐ 21 Lots or More |
| ☐ Conditional Use Permit (C.U.P.) | ☐ Site & Building Plan Review | ☐ Excavating & Grading Permit |
| | | ☐ Appeal |
| | | ☐ PUD |

APPLICANT: Steven John Weber, 12729 22nd ST. N., West Lakeland, MN 55082
(Name) (Mailing Address) (Zip)

TELEPHONES: (651) 337-0541 (952) 851-8862 (612) 619-6595 (952) 767-3878
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Same as above
(Name) (Mailing Address) (Zip)

TELEPHONES: Same as above
(Home) (Work) (Mobile) (Fax)

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

5577 Lake Elmo Avenue, Lake Elmo, MN 55042

P.I.N. # 01.029.21.23.0001

Legal Description attached as Schedule A

DETAILED REASON FOR REQUEST: _____

See Reasons attached as Schedule B

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

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

Signature of Applicant

Date

Signature of Applicant

Date

Schedule "A" Legal Description

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 1, Township 29 North Range 21 West, Washington County, Minnesota described as follows: Commencing at the Southwest corner of said Southwest 1/4 of the Northwest 1/4; thence North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees 00' 46" W) along the West line of said Southwest 1/4 of the Northwest 1/4, a distance of 334.70 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4, and the point of beginning of this description; thence continuing North 01 degrees 31 minutes 43 seconds West (recorded as N 00 degrees 00' 46" W), a distance of 494.71 feet; thence North 87 degrees 32 minutes 27 seconds East (recorded as N 89 degrees 03' 24" E) a distance of 618.20 feet to the West line of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4; thence South 01 degrees 19 minutes 29 seconds East, along said West line of the East 695.22 feet, a distance of 502.85 feet to the North line of the South 334.70 feet of said Southwest 1/4 of the Northwest 1/4; thence South 88 degrees 17 minutes 37 seconds West, along said North line of the South 334.70 feet, a distance of 616.33 feet to the point of beginning, together with an easement for roadway purposes over and across the North 60.00 feet of the South 334.70 feet which lies West of the East 695.22 feet of said Southwest 1/4 of the Northwest 1/4, excepting therefrom the North 209.00 feet of the South 639.40 feet of the West 417.42 feet of said Southwest 1/4 of the Northwest 1/4

SCHEDULE B

Amendment Application
5577 Lake Elmo Avenue
PIN 01.029.21.23.0001
Owner: Steven Weber

NOV 14 2011

Detailed Reason for Request:

Applicant property owner requests rezoning of his parcel from RR – Rural Residential (§154.036) to R-1 One-Family Residential (§154.041), to allow a partition of the existing parcel into two new parcels, 2.27 and 2.84 acres in size, with one single family residential unit allowed on each parcel. All existing and intended future use would conform to the zoning requirements of R-1.

The existing parcel is very odd in its shape. It is unknown to applicant why the parcel was configured as it is. The parcel is a little over 5 acres and, if a map is oriented to the North, is in the shape of a backwards C or a horseshoe. The two ends of the horseshoe front onto Lake Elmo Avenue. On the South prong of the horseshoe there is an existing single family home, with a driveway crossing over a City easement allowing access to Lake Elmo Avenue. There is no other access. The north prong of the horseshoe is not developed. In the interior of the horseshoe shape there are two 1 acre parcels owned by other property owners. If one were traveling north on Lake Elmo Avenue, one would see the north portion of the parcel at issue, with a driveway and a single family home, then a neighbors parcel, with a driveway accessing two parcels, then the south portion of applicants parcel, without a driveway or access.

The existing configuration of the parcel is inconsistent with the surrounding lot sizes, shapes, density, and usage. The majority of surrounding lots are 1 to 2 acres in size, each with one single family home. Applicant proposes a new boundary line between the north and south portions of the existing parcel, allowing the north parcel to be developed with a single family residential unit, rendering both the existing and new parcel consistent with the surrounding parcels and use.

The proposed densities of the site would be consistent with surrounding land use.

The existing density of the parcels surrounding applicants parcel is in the range of 1 residential unit per acre. Additionally, directly on the other side of Lake Elmo Avenue, in Discover Crossing, the residential lot sizes appear to be .75 acres.

The proposed partition would result in two new parcels, 2.27 and 2.84 acres each, with each anticipated to contain one residential dwelling unit. The existing parcel makes contact with 8 other parcels (ignoring the City Easement to the South). 7 of these 8 parcels are smaller than the two new proposed parcels. The two parcels surrounded on three sides by applicant's lot, the ones on the interior of the "horseshoe," are each one acre in size. (lots 01-029-21-23-0006 and 0007). The two parcels to immediate north are 2 acres (01-029-21-23-0011) and 1 acre (01-029-

21-23-0002). The three parcels to the south are 1 acre (01-029-21-23-0010), 1 acre (01-029-21-23-0009) and 1.2 acres (01-029-21-23-0005).

The proposed land use and zoning would be in substantial conformity with the policies goals and standards of the Comprehensive Plan

Future land use map for the City of Lake Elmo Comprehensive Plan, 2005-2030, shows the area designated as RAD - 0.45 DU/Acre. Petitioner understands this to mean a maximum dwelling unit density of .45 per acre. The proposed use and development is consistent as the new south parcel would contain one residence on 2.27 acres (0.44) and the north parcel would contain one residence on 2.84 acres (0.35).

The soil has been perk tested and the size of the proposed parcels and soil type allow for a suitable septic system.

The County will issue a permit for a new driveway for the proposed new north lot to access Lake Elmo Avenue. The County has not indicated any danger or hazard created by the new drive.

The County suggested that if feasible a driveway across the City Easement currently running on the south side of the south parcel would be preferable. The logistics of this appear difficult, but applicant is open to that suggestion if the City requires.

There are no safety or environmental concerns created by the proposed rezoning.

LEGEND

- DNR PROTECTED WATERS
- DNR PROTECTED WETLAND
- DNR PROTECTED WATERCOURSE
- MUNICIPAL BOUNDARY
- PARK BOUNDARY



NORTH

SCALE: 1 inch = 300 feet

SECTIONAL PLAT MAP INDEX

3503021	3503021	3103020
0202001	0202001	0202001
1102001	0202001	0202001



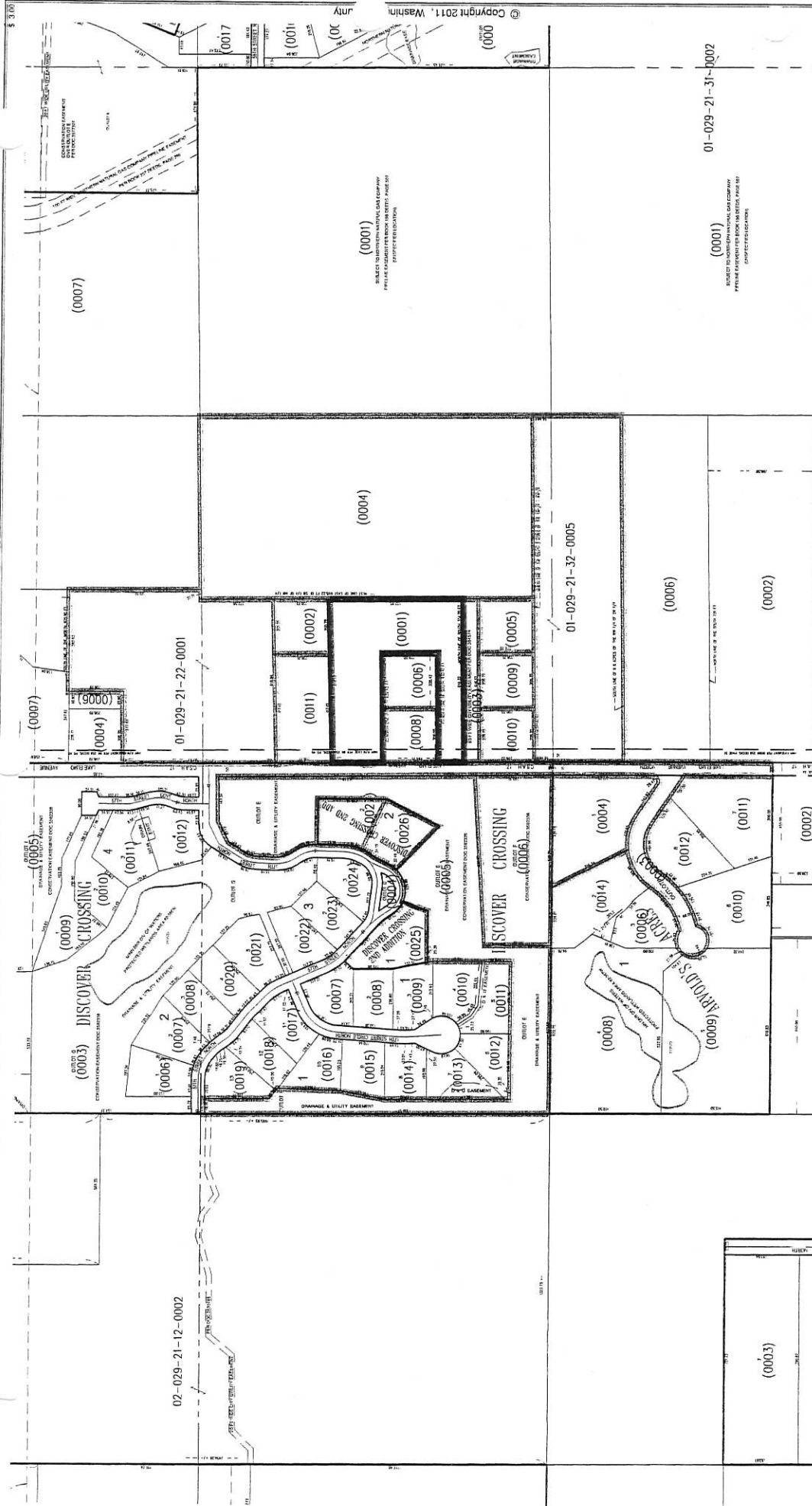
SECTIONAL PLAT MAP

NW	NE	SE
SW	SW	SE

PROPERTY IDENTIFICATION MAP INDEX

SECTION	TOWNSHIP	RANGE	ZONE	DATE
0001	11	11	11	11

THIS DRAWING IS THE RESULT OF A COMPARISON AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES. PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.
MAP LAST UPDATED: February 14, 2011
NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE
DATE OF CONTIGUOUS: April, 2008 DATE OF PHOTOGRAPHY: None



01-029-21-22-0001

01-029-21-32-0005

01-029-21-31-0002

02-029-21-12-0002

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0200

Ed Eklın Septic System Design & Inspection LLC
2303 County Road F East
White Bear Lake, MN 55110
651.485.2300

November 7, 2011

Steven Weber
2626 E. 82nd St., Suite 105
Bloomington, MN 55425

Dear Steven:

At your request, a site evaluation was performed at the property located at 5577 Lake Elmo Ave.
N., Lake Elmo, MN.

Since you propose to divide the lot into two parcels, I have established a sewage treatment area of
at least 10,000 square feet on the north east part of the property.

It appears that a trench drainfield could be installed in the area and there is plenty of area for a
possible house site.

This is a preliminary evaluation of the lot, a sewage treatment design and specific house plans will
be needed before a building permit can be issued.

The proposed septic area must not be excavated, compacted or filled and must remain as it is.

This site evaluation must be reviewed and approved by Washington County Public Health.

If you have any questions or concerns, please feel free to call me. I would be glad to help.

Sincerely,



Ed Eklın

MPCA License #3321/Certification #C3268

SEPTIC SYSTEM DESIGNS • PERCOLATION TESTS
SOIL BORINGS • SUB-DIVISION PLANNING

NORTH

10. 17. 1962

(C) is approximate size of new south parcel
(D) is proposed new entrance to late Elmwood
(E) is approximate location of existing east entrance
(F) is approximate location of existing east entrance

-0001-

line

Yellow)

100,000



Public Works Department
Donald J. Theisen, P.E.
Director
Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

November 10, 2011

James W. Delaplain
The Lowry Rose Building
2124 Dupont Avenue South
Minneapolis, MN 55405

STEVEN WEBER RESIDENTIAL ACCESS REQUEST TO COUNTY STATE AID HIGHWAY 17 (LAKE
ELMO AVENUE) CITY OF LAKE ELMO MINOR SUBDIVISION CONCEPT
PID 01-029-21-23-0004

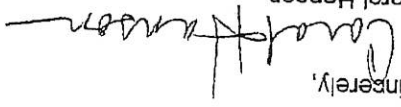
Dear Mr. Delaplain:

Washington County has reviewed the residential driveway location along Lake Elmo Avenue for a
proposed new parcel of record based on a concept plan for a minor subdivision of a 5 acre parcel of
property owned by Mr. Steven Weber, in the City of Lake Elmo.

Typically, the county process in cities within Washington County is to respond to formal applications
submitted to the local government since we do not have land use authority. Also, when a subdivision is
proposed, it is common practice to seek alternative access locations to local streets within a municipality.
If those alternatives are not feasible, access to a county highway would be permitted. Alternatives in this
case would be to consider a shared driveway and the feasibility of access to the 60 Ft wide City Utility
Easement shown on the plan that could be improved to provide local access.

Finally, as you are aware, Washington County requires driveway permits for access to a county road. In
this case, once the property owner has gone through the appropriate review and approval process at the
local level, the minor subdivision has been recorded and a permit application is filed with our office, an
access permit can be issued.

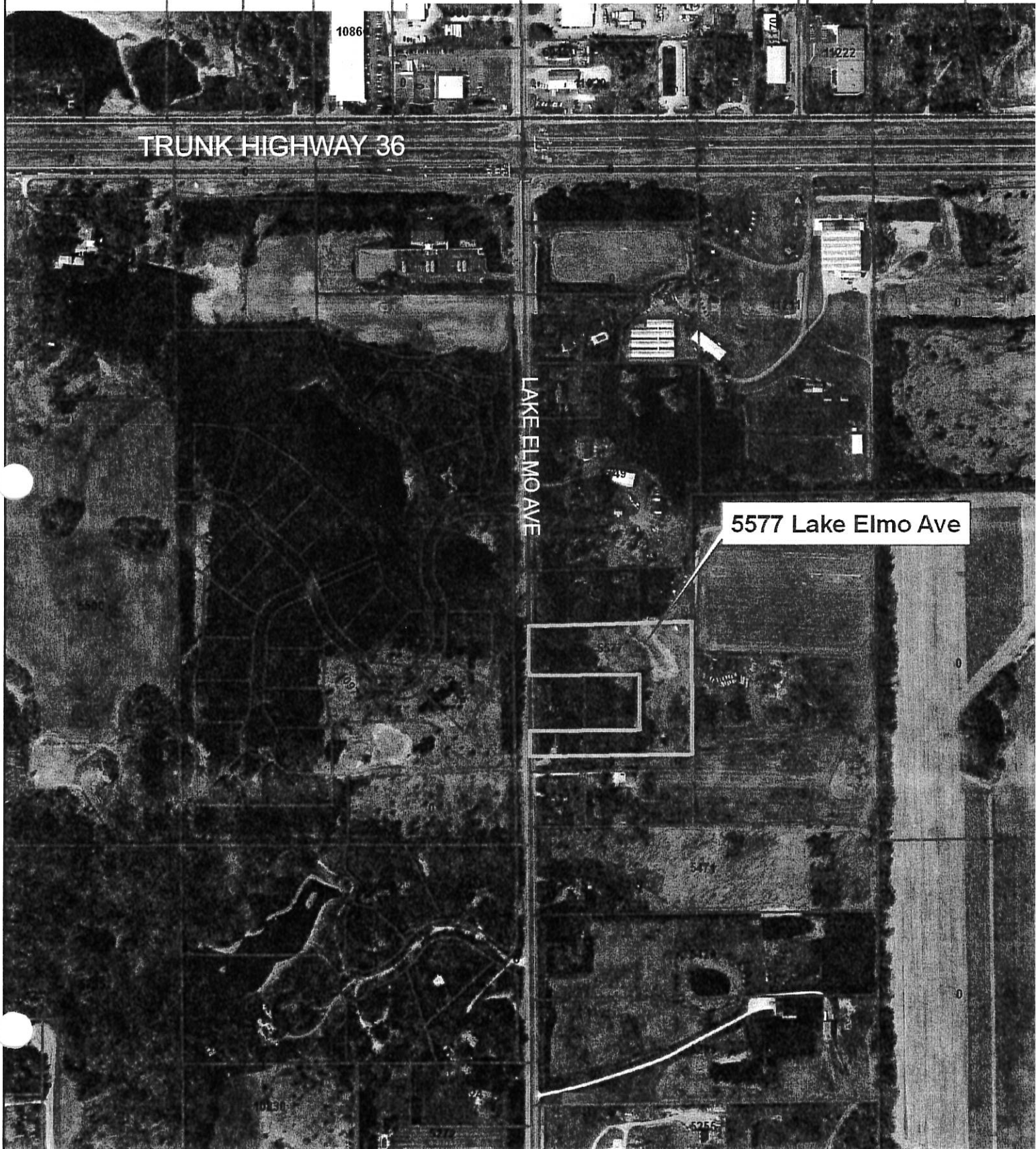
Please feel free to give me a call any questions at 651-430-4313 or email me at
carol.hanson@co.washington.mn.us.

Sincerely,

Carol Hanson
Office Specialist

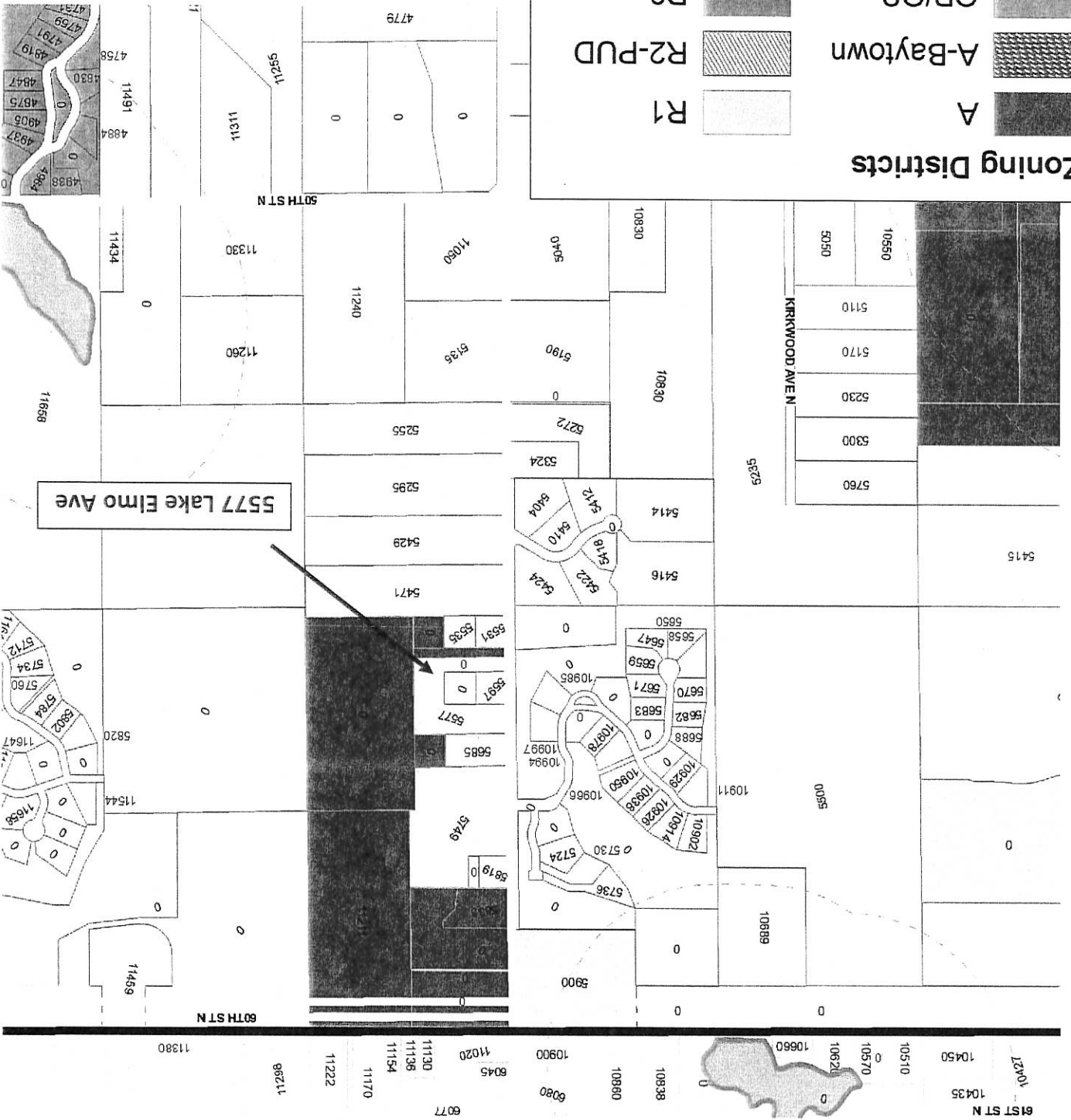
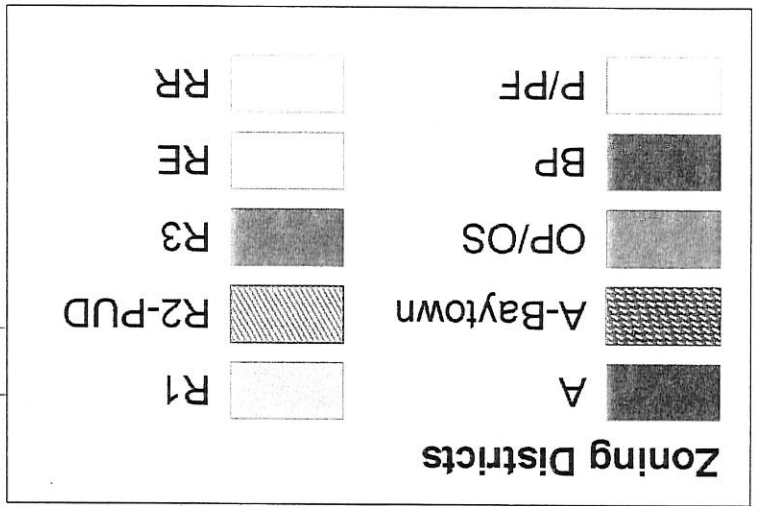
c: Joe Gustafson, Washington County Transportation Engineer
Ann Pung-Terwedo, Washington County Senior Planner
Kyle Klatt - City of Lake Elmo Community Development Director

11660 Myeron Road North, Stillwater, Minnesota 55082-9573
Phone: 651-430-4300 • Fax: 651-430-4350 • TTY: 651-430-6246
www.co.washington.mn.us
Equal Employment Opportunity / Affirmative Action

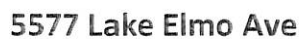
Location Map - 5577 Lake Elmo Ave



Lake Elmo Zoning Map



LET 2.



BP - 40 Employees/Acre

PF

RAD - 0.45 DU/Acre

RAD - 2 DU/Acre

URD - Címaron

SRD - 3.5 DU/Acre

LB Future sewer - 40 Employees/Acre

LB Non-sewer

RED

NC

ROW

WAT

VR

651.300.4261

Cara Geheren, P.E.

651.300.4264

Jack Griffin, P.E.

651.300.4267

Ryan Stempski, P.E.

Date: December 8, 2011

To:

Kyle Klatt, Lake Elmo Planning Director

Re:

City of Lake Elmo
5577 Lake Elmo Avenue
Comprehensive Plan and Zoning
Map Amendment Request

From:

Jack Griffin, P.E., City Engineer

We have received the Comprehensive Plan and Zoning Map Amendment submittal for 5577 Lake Elmo Avenue. The following items were received:

- Development Application Form (8 Pages)
 - a. Legal Description
 - b. Detailed Reason for Request
 - c. Proposed Sketch of Lot Split
 - d. Letter with attached septic location sketch from Ed Eklun dated November 7, 2011
 - e. Letter from Washington County dated November 10, 2011
- Location Map with Aerial Photo
- Lake Elmo Zoning Map

The engineering department does not find this application consistent with the City's Comprehensive Plan and therefore is recommending denial of this request. The Comprehensive Plan has guided the zoning in this area to allow development at 1 unit per 10 acres unless completed as part of a cluster type development with supporting infrastructure. When development is allowed to occur at higher densities, it is important to require that development to occur through a coordinated approach to allow for adequate and efficient supporting infrastructure. For this application, the proposed infrastructure is not consistent with the requested higher density development (1 unit per 2.5 acres). Surrounding development that allows higher density (i.e. Discover Crossing) was required to plan infrastructure differently to serve individual properties. Infrastructure needs to be planned in a safe, efficient way to serve the access and utility needs of a property.

Of primary concern in this area of the city is the location for future residential streets to be connecting to Lake Elmo Avenue for access to all properties. These connecting roadways need to be planned and coordinated to occur in accordance with County and City access spacing policies. Additional private driveways occurring along Lake Elmo Avenue need to be prohibited and discouraged. It is possible that at some point in the future, some of these private driveways may even need to be eliminated. This is typically a very expensive correction. Development at higher densities needs to require new driveway

access to a local residential road that then connects to Lake Elmo Avenue. MnDOT and Washington County typically cannot deny access to their roadways. They rely on the City or local authority to manage proper access spacing along state and county roadways through its land use controls.

In a similar manner, the extension of municipal water service needs to be planned in an efficient and cost effective way. Typically watermain is expanded along public roadway corridors to avoid easement acquisition costs. When higher density development is allowed without a planned supporting road network, the future expansion of other city services to the area results in significantly elevated costs. Future water system hookups become more costly and prohibitive for property owners due to easement acquisition costs and/or longer water services.

Higher density development also places greater pressure on the private infrastructure in a rural area, such as private wells and septic systems. With greater densities, the probability of failure for private wells and/or septic systems is increased. When septic systems fail, the available land needed for replacement systems becomes limited.

5500 Lake Elmo Ave. N.
Lake Elmo, Mn. 55042
Phone (651) 439-5999

December 7, 2011

City of Lake Elmo

To whom it may concern,

In 1978 we sold the parcel of land at 5577 Lake Elmo Ave. to Mr. Ron Weber. At this time, we kept a narrow strip of land just south of this parcel so that we could maintain access to the remainder of our property behind this parcel. At the time that Mr. Weber was going to build his house and put in a driveway, both the County and the City felt that due to the many driveways along this short stretch of road that is near the crest of a hill, that two driveways would be unacceptable. So to allow Mr. Weber to build his house, a driveway easement onto our already established driveway was granted to Mr. Weber.

This shared driveway is also used to access an additional lot just South and East of Mr. Weber's property which has not yet been built upon, and also gives access to our remaining property. At the time the driveway access was granted to Mr. Weber, it was understood that it was for one house only, not so that this property could again be subdivided and another driveway attached to this access point. At this time, we would have no interest in granting an additional easement for an additional home. Also, this lot at 5.78 acres is already a nonconforming lot in RR, and should not be additionally subdivided to make it even more nonconforming.

Additionally, nowhere within the vicinity of this property is any land zoned R1 which would allow for housing densities of 1.5 acres per lot instead of the current density of 10 acres per lot. If the planning commission and City Council allow for this zoning change, then I fear that virtually all of the current lots along Lake Elmo avenue could be subdivided to allow for a much greater housing density. This land was previously platted and the lot approved, there is no reason to go back and rezone this lot to allow for further development. If this occurs then many of the other 10 acre lots will be asking to be rezoned to allow for up to 6 houses where only 1 currently sits.

Finally, we enjoy the rural character and low housing density which has been established in Lake Elmo. If this rezoning takes place, then what we have previously planned for in the past years will be thrown away all for the sake of monetary gain, and will result in a precedent which would allow for an entire rezoning of much of the city.

Sincerely,

Eileen Bergmann

Richard Bergmann &
Eileen Bergmann



MAYOR & COUNCIL COMMUNICATION

DATE: 1/3/12

REGULAR

ITEM #: 11

MOTION

AGENDA ITEM: Appointment of Acting Mayor

SUBMITTED BY: Carole Luczak, Interim City Clerk

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: Pursuant to State Statute §412.121, The City Council is asked to select an Acting (Deputy) Mayor on the City's behalf, should Mayor Johnston be unavailable or unable to attend a meeting, sign an agreement, or attend functions on behalf of the City. Any member of the Council is eligible for this position. The recommended motion to act on this organizational function is as follows:

SUGGESTED MOTION: *"Move to approve Council Member _____ as Acting Mayor for 2012, to comply with and fulfill all duties enumerated in Minn. Statute §412.121 relating to selection of an Acting Mayor."*

BACKGROUND INFORMATION: Minnesota State Statute §412.121 reads: "As its first meeting each year the Council shall choose an Acting Mayor from the Council Members. The Acting Mayor shall perform the duties of Mayor during the disability or absence of the Mayor from the City, or, in case of vacancy in the Office of Mayor, until a successor has been appointed and qualifies." This requirement is repeated in City Code Section 31.01 (E) (3).

STAFF REPORT: City Staff has prepared this action in accordance with Minn. State Statute §412.121.

RECOMMENDATION: It is recommended that the City Council appoint an Acting Mayor for 2012, pursuant to State Statute, by undertaking the following action:

"Move to approve Council Member _____ as Acting Mayor for 2012, to comply with and fulfill all duties enumerated in Minn. State Statute §412.121 relating to selection of an Acting Mayor."

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

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

2011 Minnesota Statutes: 412.121 Acting Mayor

“At its first meeting each year the council shall choose an acting Mayor from the council members. The acting mayor shall perform the duties of mayor during the disability or absence of the mayor from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies.”



MAYOR & COUNCIL COMMUNICATION

DATE: January 3, 2012

REGULAR

ITEM #: 12

Motion

AGENDA ITEM: Appointment to Lake Elmo Firefighters Relief Association

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: The by-laws of the Lake Elmo Firefighters Relief Association provide that there be two officials of the City that serve on its Board of Trustees. One must be an elected official, and the other may be an elected or appointed official. Former finance director Tom Bouthilet served as one of the City officials on the Board, and with his retirement there is a vacancy on the Board. The Council should select one of its members (as required) and one other official (either a councilmember by name or a staff position by title) to the Firefighters Relief Association Board of Trustees.

BACKGROUND INFORMATION: The practice in the past regarding City membership on the Board of Trustees appears to have been the appointment of the mayor and the finance director. There is no requirement in the City Code for either position to serve on the Board of Trustees, and a reasonable review of resolutions did not result in finding such an official designation. It appears that the mayoral position has been viewed as an ex-officio appointment, and the other appointment has been fulfilled with the finance director.

FINANCIAL/LEGAL/OTHER CONSIDERATIONS: The Board of Trustees generally meets on a quarterly basis.

ATTACHMENTS:

- Excerpt from LEFRA By-laws re Composition and Duties of Board of Trustees

SUGGESTED ORDER OF BUSINESS:

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor & Council Members
- Motion(s)..... Mayor Facilitates

4.6 Separation. Any member who becomes a Deferred Member with the Association prior to requesting retirement benefits shall complete and submit a Membership Separation Form.

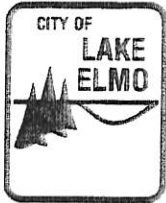
4.7 Termination. Any member who is terminated by the Fire Department or Municipality shall cease accruing benefits under the Association as of the date of termination.

ARTICLE V BOARD OF TRUSTEES

5.1 Composition. The Board of Trustees shall consist of nine (9) members. Six (6) trustees shall be elected from the membership of the relief association. There shall be three (3) officials drawn from the Municipality. The three (3) Municipal Trustees must be one (1) elected municipal official and one (1) elected or appointed municipal official who are designated as municipal representatives by the municipal governing board annually and the chief of the municipal fire department.

5.2 Duties. The Board of Trustees shall perform the functions and assume the same duties as a Board of Directors under Section 317A of the Minnesota Statutes. In addition, the Board of Trustees shall:

- (a) Have exclusive control and management of all funds received by the Treasurer pursuant to the statutes of the State of Minnesota and all moneys or property donated, given, granted or devised for the benefit of the Association.
- (b) Examine the books, papers, funds, securities and property in the custody of the Treasurer, and generally accounts, funds and securities, and property of the Association.
- (c) Examine and approve the validity of all claims prior to payment by the Treasurer.
- (d) Provide the forms on which members may submit claims to the Board of Trustees for their approval.
- (e) On an annual basis or more frequently as may be required to determine eligibility for benefits, confirm minimum firefighter and service standards pursuant to the Volunteer Firefighter definition in Section 2.1 of the Plan attached hereto.
- (f) Assume such additional duties as may be described in Article IX herein and in Association policies and procedures or required by state law including the establishment of any committee deemed necessary or appropriate.



MAYOR & COUNCIL COMMUNICATION

DATE: January 3, 2012

REGULAR

ITEM #: 13

Motions

AGENDA ITEM: Appointments to City Council (Sub)Committees

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: For the past few years, the City Council has designated subcommittees and appointed councilmembers to serve on them. The Council may wish to review how these subcommittees have performed and consider making appointments for 2012. These appointments include:

- Finance
- Human Resources
- I-94 Corridor (aka Gateway Corridor)
- Jobs, Growth, and Business (aka South of 10th Street Planning)
- Old Village Planning
- Regional and State Affairs
- Fire Department Liaison

BACKGROUND INFORMATION: The 2011 councilmember appointments are as follows:

- | | |
|-------------------------------|-----------------------------|
| * Finance: | Mike Pearson, Anne Smith |
| * Human Resources: | Brett Emmons, Dean Johnston |
| * I-94 Corridor: | Brett Emmons, Dean Johnston |
| * Jobs, Growth, and Business: | Nicole Park, Mike Pearson |
| * Old Village Planning: | Brett Emmons, Anne Smith |
| * Regional/State Affairs: | Brett Emmons, Anne Smith |
| * Fire Dept Liaison: | Anne Smith |

LEGAL/OTHER CONSIDERATIONS: While the Council uses the term “subcommittee,” it is simpler and more proper to refer to them as “committees.” Whether a quorum or less than a quorum of the Council is appointed to such a body is irrelevant; as long as the Council has established a group, the meetings must be posted and open to the public. It would also be proper to have minutes in some form prepared from committee meetings.

ATTACHMENTS:

- Excerpt from *League of Minnesota Cities Handbook* re: Open Meeting Law

SUGGESTED ORDER OF BUSINESS:

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

B. Open meeting law

1. Purpose of the open meeting law

St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983).

The open meeting law requires that meetings of public bodies must generally be open to the public. It serves three vital purposes:

- Prohibits actions from being taken at a secret meeting where the interested public cannot be fully informed of the decisions of public bodies or detect improper influences.
- Ensures the public's right to be informed.
- Gives the public an opportunity to present its views.

2. Groups governed by the open meeting law

→ Minn. Stat. § 13D.01, subd. 1;
Minn. Stat. § 465.719, subd. 9.

Southern Minnesota Municipal Power Agency v. Boyne, 578 N.W.2d 362 (Minn. 1998).

Under the Minnesota open meeting law, all city council meetings and executive sessions must be open to the public, with only a few exceptions.

The open meeting law also requires meetings of any committee, subcommittee, board, department, or commission of a public body to be open to the public. The governing bodies of local public pension plans, housing and redevelopment authorities, economic development authorities, and city-created corporations are subject to the open meeting law. The Minnesota Supreme Court has held, however, that the governing body of a municipal power agency, created under Minn. Stat. §§ 453.51-453.62, is not subject to the open meeting law because the Legislature has granted these agencies authority to conduct their affairs as private corporations.

3. Gatherings governed by the open meeting law

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983); *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

The open meeting law does not define the term "meeting." The Minnesota Supreme Court, however, has ruled that under the open meeting law, meetings are gatherings where a quorum or more of the council or other governing body or of a committee, board, department or commission of the city council or other governing body are present, and at which the members intentionally discuss, decide or receive information as a group on issues relating to the official business of that body.

As a result, the open meeting law does not generally apply in situations where less than a quorum of the council is involved. However, serial meetings in groups of less than a quorum that are held in order to avoid the requirements of the open meeting law may be found to violate the law, depending on the specific facts.



MAYOR & COUNCIL COMMUNICATION

DATE: 1/3/2012

REGULAR

ITEM #: 14

MOTION

AGENDA ITEM: Planning Commission: Appointments

SUBMITTED BY: Nick Johnson, Interim City Planner

REVIEWED BY: Kyle Klatt, Planning Director
Carole Luczak, Interim City Clerk

SUMMARY AND ACTION REQUESTED: Pursuant to City Council Direction, the City Council is respectfully requested to consider appointing Members to the Planning Commission and, in doing so, balancing expiration of terms and reappointments, as per City Code § 32.027. The recommended motion to undertake this action is:

SUGGESTED MOTION: *“Move to re-appoint Todd Williams to a 3-year term as a Voting Member on the Lake Elmo Planning Commission; and*

- To re-appoint Julie Fliflet to an additional 3-year term as a Voting Member on the Lake Elmo Planning Commission”*

BACKGROUND INFORMATION & STAFF REPORT: The City Council is respectfully requested to approve the re-appointment of Commissioner Todd Williams to the Lake Elmo Planning Commission. Due to the fact that Commissioner Williams filled a previously vacated appointment, he remains eligible for two consecutive terms as a Voting Member.

In addition, the City Council is requested to consider the re-appointment of Commissioner Julie Fliflet as a Voting Member of the Lake Elmo Planning Commission. At the end of 2011, Commissioner Fliflet finished her 2nd consecutive term and would not be able to serve a 3rd consecutive term without the approval of the City Council. Since the completion of her 2nd term, she has expressed an interest to remain on the Planning Commission to fulfill an additional term. The reasons detailing this request are attached in a letter from Commissioner Fliflet to the members of the City Council.

Pursuant to Council direction, clarification regarding the status of Chairman Robert Van Zandt's term on the Planning Commission is necessary due to some confusion about the completion of his term. At the January 25th, 2011 City Council meeting, Robert Van Zandt was granted an

adjusted 2-year term to the Planning Commission in order to preserve Commission continuity and reduce overall Commission turnover. Under City Ordinance, the City Council has authority to make such appointment, upon due consideration of the overall applicant pool. Therefore, Chairman Van Zandt's current term runs through the end of 2012.

As such, if action is undertaken tonight, as directed, the following would be the composition of the Planning Commission:

Name	Term Expires	Notes
Julie Fiftlet	12/31/2014 - <i>if reappointed</i>	3rd consecutive term
Todd Williams	12/31/2014 - <i>if reappointed</i>	1st full term
Jennifer Pelletier	12/31/2012	1st term
Robert Van Zandt	12/31/2012	adjusted 2-year term
Joan Zierman	12/31/2012	1st term
Thomas Bidon	12/31/2013	1st term
Greg Hall	12/31/2012	2nd consecutive term
Nadine Obermuller		1st alternate
Kathy Haggard		2nd alternate

RECOMMENDATION: The City Council is respectfully requested to affirmatively consider appointing the identified individuals to the Planning Commission. In doing so, the City Council will also be acting to further balance expiration of terms and reappointments, as per City Code § 32.027. The recommended motion to undertake this action is:

“Move to re-appoint Todd Williams to a 3-year term as a Voting Member on the Lake Elmo Planning Commission; and
Upon consideration of the applicant pool and pursuant to City Ordinance, to re-appoint Julie Fiftlet to an additional 3-year term as a Voting Member on the Lake Elmo Planning Commission”
 Alternatively, the City Council does have the authority to modify or change the recommended appointments. If any changes are undertaken, the proposed motion would be as follows:
“Move to Appoint Members to the Planning Commission, as discussed and agreed to at tonight’s meeting.”

ATTACHMENTS:

1. Letter from Commissioner Todd Williams expressing his interest for re-appointment
2. Letter from Commissioner Julie Fiftlet detailing her request for re-appointment

3. Lake Elmo City Code § 32-027

SUGGESTED ORDER OF BUSINESS:

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

Carole Luczak

From: Todd Williams <toddwilli@comcast.net>
Sent: Wednesday, December 28, 2011 9:07 PM
To: Carole Luczak
Subject: Planning Commission

Carol, I am interested in serving a full term on the Planning Commission, beginning Jan 1, 2012.
Thank you.
Todd Williams

DEC 28 2011

Carole Luczak

From: Nick Johnson
Sent: Tuesday, December 27, 2011 10:52 AM
To: Carole Luczak
Subject: FW: Planning Commission

DEC 27 2011

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

From: jfliflet@spcomail.org [<mailto:jfliflet@spcomail.org>]
Sent: Tuesday, December 27, 2011 10:48 AM
To: Nick Johnson
Cc: Kyle Klatt
Subject: Planning Commission

Hello

Please forward this message to the City Clerk for me for forwarding on to the City Council:

Dear Council Members

I would be interested in continuing to serve on the Planning Commission. I have been asked and encouraged by many of the current members to continue on, as the current membership on the Commission does not have a lot of members that have served for very long and I feel I add great value in that regard. I am currently Vice Chair of the Commission as elected by my fellow commission members. Please consider my request for approval to continue to serve another term on the commission. Thank you!

Julie Fliflet

Julie Fliflet
Director of Finance
The Saint Paul Chamber Orchestra
jfliflet@spcomail.org <<mailto:jfliflet@spcomail.org>> T 651.292.3241

Third Floor
The Historic Hamm Building
408 Saint Peter St.
Saint Paul, MN 55102-1497
<http://www.thespco.org/>

§ 32.027 COMPOSITION.

(A) *Generally.* The Planning Commission shall consist of 7 voting members and 2 non-voting alternate members. The voting members shall be appointed for a 3-year term so that only 1/3 of the appointments will expire on December 31 of each year. Voting members may not serve more than 2 consecutive terms. Appointment to an additional term(s) will be considered with the available applicant pool. Alternate members shall be appointed to serve until there is a vacancy on the Planning Commission. The City Council shall appoint a first alternate and a second alternate who shall become voting members in the order of their appointment upon a vacancy on the Commission.

(1997 Code, § 210.03) (Am. Ord. 97-96, passed 1-15-2002; Am. Ord. 97-147, passed 2-15-2005; Am. Ord. 97-200, passed 11-5-2007; Am. Ord. 08-046, passed 6-21-2011)

(B) *Special appointments.*

(1) At the discretion of the City Council, up to 5 additional appointments can be made to the Planning Commission, for each special project, including but not limited to special projects currently in process, or directed by the City Council to be studied, drafted, and completed.

(2) The term of the special appointments shall expire 2 years from the date of appointment, or upon completion of the special project, whichever is first. Any special appointee may request reappointment if the specific project is not completed in that time.

(3) (a) Special project appointees shall have full voting privileges only on issues specifically related to the special project.

(b) Full voting privileges for the regular Planning Commission shall remain consistent with this section.

(Ord. 97-67, passed 1-2-2001; Am. Ord. 97-70, passed 1-16-2001)



MAYOR & COUNCIL COMMUNICATION

DATE: January 3, 2012

REGULAR

ITEM #: 15

Motion

AGENDA ITEM: Potential Additional Funding for Targeted Pay Adjustments

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

REVIEWED BY: Joe Rigdon, Interim Finance Director

SUMMARY AND ACTION REQUESTED: The Council included \$16,525 in funding for targeted pay adjustments in 2012 with the intent to enhance retention and recruitment of City employees. On November 1, the Council authorized \$3,114 of this amount to be used toward the City's employer's cost for health insurance premiums. On December 6, the Council approved pay adjustments using all of the remaining \$13,411 to take effect January 1, 2012. The Council requested staff to develop alternatives to consider in further pay adjustments using the \$3,114 that had been redirected toward the employer's health insurance cost. **The Council may make a motion to authorize the use of the balance in the General Fund for further pay adjustments; to authorize funding for suggested adjustments; to take no further action on pay adjustments at this time; or request further alternatives be developed** (and for which direction should be given to staff).

BACKGROUND INFORMATION: There apparently was an unclear understanding of what was meant in the City Council's decision that the 2011 employer contribution for health insurance was not to be increased in 2012. To oversimplify, there was a difference of approximately \$4,350 in what was *budgeted* for 2011 and what was actually to be *paid* in 2011. The figure used in developing the 2012 budget was based on what was to be *paid* in 2011. Hence, when it came to selecting the health insurance plan for employees in 2012, the one preferred was \$3,114 *more* than had been *paid* in 2011, and the Compensation Adjustment Account was considered to be used for this additional cost.

The \$4,350 difference between what was budgeted and what was to be paid in 2011 has been put in the balance of the General Fund. The unrestricted amount available in the General Fund is around \$1.7 million.

Policy Issue: The most important issues for the Council are (1) whether it wishes to revisit the policy decision it has already made regarding the use of funds within the Compensation Adjustment account, and (2) whether it wishes to use the balance in the General Fund for what will be on-going expenses. Council may recall my comment that similar adjustments may be needed for the next few years to make the City's pay levels competitive for more effective retention and recruitment of staff.

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

SUGGESTED ORDER OF BUSINESS:

- Adjustments to pay for selected positions to increase salaries of all of these positions to the same percentage of average pay as reported in 2011 League of Minnesota Cities salary survey
- Comparison of Lake Elmo salaries and pay ranges to cities with populations of 5,000 to 15,000 that participated in the 2011 League of Minnesota Cities salary survey

ATTACHMENTS:

\$3,114 in targeted salary adjustments would come from the balance in the General Fund. \$16,525 originally placed in the Compensation Adjustment Account. Funding for the additional adjustments already authorized and those under consideration in this memorandum would be the

FINANCIAL/LEGAL/OTHER CONSIDERATIONS: As noted earlier, the total of pay

STAFF REPORT: I have prepared potential pay adjustments using the \$3,114 in the Compensation Adjustment Account that was directed toward employer health insurance costs. This approach allocates the amount so that each position identified is increased to the same percentage of average pay for their respective position as reported by comparably-sized cities participating in the 2011 League of Minnesota Cities salary survey. This approach was used in making some of the targeted pay adjustments that the Council has already approved.

Alternatives for additional \$3,114 in salary adjustments
January 3, 2012

Using data from cities with 5,000 – 15,000 population participating in the 2011 League of Minnesota Cities Salary Survey

Potential Alternative: Distribute \$3,114 among the positions that have the lowest percentage of average pay for their comparable positions, to try to achieve the same “floor percentage” among the Lake Elmo positions affected.

	<u>Average Range</u>	<u>Actual “Aged” Average</u>	<u>Lake Elmo % of Actual Average</u>	<u>2012 Pay Adj.</u>	<u>2012 Salary</u>	<u>% of Average</u>
Office Support, Experienced	\$37,100-46,200	\$44,500				
Lake Elmo	\$31,200-40,600	\$35,506	79.8%	\$988	\$36,494	82.009%
Fire Chief	\$60,500-85,200	\$83,400				
Lake Elmo	\$53,400-67,600	\$66,269	79.4%	\$2,126	\$68,395	82.009%
Finance Dir.	\$68,500-89,700	\$85,100				
Lake Elmo	\$57,100-72,400	\$69,300 (vacant)	81.4%	\$ 0		81.4%
Cmty Dev Dir	\$73,700-93,200	\$88,600				
Lake Elmo	\$71,400-90,500	\$79,500	89.7%	\$ 0		89.7%
Total Adjustments				\$3,114		

Alternatives for additional \$3,114 in salary adjustments
January 3, 2012

Using data from cities with 5,000 – 15,000 population participating in the 2011 League of Minnesota Cities Salary Survey

Potential Adjustments: Distribute \$3,114 among the positions that have the lowest percentage of average pay for their comparable positions, to try to achieve the same "floor percentage" among the Lake Elmo positions affected.

Actual "Aged"	Average Range	Average % of Actual	Lake Elmo 2012	Adj. Salary Pay 2012	Average % of
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Office Support, Experienced	\$37,100-46,200	\$44,500			
Lake Elmo	\$31,200-40,600	\$35,506	79.8%	\$988	\$36,494 82.009%
Fire Chief	\$60,500-85,200	\$83,400			
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Cnty Dev Dir	\$73,700-93,200	\$88,600			
Lake Elmo	\$71,400-90,500	\$79,500	89.7%	\$ 0	89.7%

Total Adjustments \$3,114