

FILE

**City of Lake Elmo**

3800 Laverne Avenue North  
Lake Elmo, MN 55042  
City Council Meeting  
March 6, 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 February 21, 2012, 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. **REPORTS AND ANNOUNCEMENTS:**  
(These are verbal updates and do not have to be formally added to the agenda.)
  - Mayor and Council
  - Administrator
  - City Attorney
  - City Engineer
  - Planning Director

- J. **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.)

2. Approve Payment of Disbursements and Payroll
3. Authorize Signatures for Grant Fund and Savings Fund from LE Bank
4. 2012 Fee Schedule
5. Appointment of Finance Director
6. Reestablishing Precincts and Polling Places

- K. **REGULAR AGENDA:**

7. MnDNR Watercraft Inspection Grant
8. Lot Area (Size) and Width Variance – 5577 Lake Elmo Ave. N.
9. Fire Relief Association Raffle Drawing
10. Public Hearing: Demontreville Highlands Area Street Improvements and Authorization for Preparation of Plans and Specifications
11. Public Hearing: Keats Avenue North Street and Watermain Improvements and Authorization for Preparation of Plans and Specifications
12. Council – Staff Goal-Setting Retreat w/Don Salverda & Associates
  - a. Set Date

- L. Adjourn

City of Lake Elmo  
City Council Minutes

February 21, 2012

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

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

Also Present: City Administrator Zuleger, Attorney Snyder, City Engineer Griffin, Planning Director Klatt, and Interim City Clerk Luczak

APPROVAL OF AGENDA:

*MOTION: Council Member Smith moved to approve the February 21, 2012, City Council Agenda as amended. Council Member Pearson seconded the motion. The motion passed 5-0.*

ACCEPTED MINUTES:

The February 8, 2012, City Council minutes were accepted as amended by consensus of the City Council.

PUBLIC COMMENTS/INQUIRIES:

Christian Le, 89 Cimarron, Stillwater High School student, introduced himself and that his Government class assignment was to report on a local government meeting.

Sarah Quick, Lake Elmo Jaycees President, presented a check to the City in the amount of \$7,500.00. Updates of the various scheduled events will continue to be communicated to the residents and City Council.

The City Council thanked the Jaycees for all of their work in the community and looked forward to continuing their partnership with the City.

Matt Moore, South Washington Watershed District, reported to the Council the 2012 planned activities and updates on the sub-watershed projects, including Afton and Denmark Township. SWWD now has three management groups utilizing storm water. Clean Water Grant to assist with water quality improvements, Colby Lake neighborhood, communication and education to residents

Council discussed collective water quality improvements; better communication of storm water costs to homeowners.

REPORTS:

Council Member Emmons reported that the Village Committee are meeting and are in general agreement, and continue to work to finalize a map; attended the Gateway Commission meeting to discuss mass transit options.

Council Member Smith thanked the Jaycees for donating their time, effort and work in the City, the new Christmas lights and Park Shelter at Carriage Station Park. She also recognized Fire Fighter Mr. VanDammelTraadt for his 18 years of service.

Council Member Pearson reported he had attended the Fire Relief Association meeting.

City Administrator Zuleger received a Council Member request for a Workshop on February 28, 2012, at 6:30 p.m. to discuss the Demontreville Highlands Area Street Improvements and the Keats Ave. N. MSA Street and Trunk Watermain Improvements

Planning Director Klatt reported that a variance request was received from Steve Weber and will be discussed at the February 27, 2012, Planning Commission meeting; Village Workshops Open House is tentatively scheduled for mid-March; I-94 Work Group continues to meet weekly.

City Attorney Snyder reported two matters of interest that he will address in writing.

City Engineer Griffin informed the Council that the well chlorination was almost complete; test well drilled showed high capacity well and samples sent out and waiting for results.

CONSENT AGENDA:

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

- Approved Disbursements and Payroll in the amount of \$333,388.18
- Authorized Signatures for Payment of Funds from Lake Elmo Bank
- Authorized dues paid for City Administrator to be a Rotary Member

REGULAR AGENDA:

Planning Commission: Second Alternate Appointment

Administrator Zuleger informed the City Council about the current Planning Commission opening, and requested they consider appointing Justin Bloyer as Second Alternate to the Planning Commission.

Council Members discussed their brief interview/discussion with Mr. Bloyer, stating that good discussion had occurred and different viewpoints welcome.



*MOTION: Council Member Pearson moved to appoint Justin Bloyer as Second Alternate on the Planning Commission. Council Member Smith seconded the motion. The motion passed 5-0.*

Keats Avenue North: MSA Street Improvements – Resolution Requesting a Design Variance from State Aid Operations

City Engineer Griffin request City Council approval of the Resolution requesting a design variance from State Aid Operations standards. The next quarterly State Aid Variance Committee meeting is March 1, 2012, and in order to have the City's request reviewed the completed application must be submitted by March 1, 2012. He would be attending the hearing on March 22, 2012.

*MOTION: Council Member Smith moved to adopt Resolution No. 2012-005 Requesting a Design Variance from Standards for State Aid Operations for Keats Avenue North MSA Street Improvements State Aid Project 206-105-002. Council Member Pearson seconded the motion. The motion passed 5-0.*

MnDNR Water Grant

City Administrator Zuleger reported that the Tri-Lakes Association had applied for a DNR Watercraft Inspections Grant, and requested the City participate in a matching grant to funds pledged by the VBWD in the amount of \$2,000.00.

Justin Bloyer, 8881 Jane Rd., updated the Council regarding the MnDNR deadline, the invasive species, the monitoring of boat launches and concerns since it is a public boat launch.

Council discussed the City involvement, problems since it was a public boat launch, possible use of park dedication funds.

Attorney Snyder requested the City provide a resolution to authorize funds advising direction of money after Park Commission approval.

*MOTION: Council Member Smith moved to commit to funding of \$2,000.00 to the Lake Elmo Tri-Lakes Association for the MnDNR 2012 Grant for Watercraft Inspection, with funding to be defined. Council Member Park seconded the motion. The motion passed 4-1, with Council Member Pearson voting against.*

Council members applauded the efforts of Tri-Lakes residents, property owners responsibilities, community resources not used uniformly, and exploring other opportunities.

Justin Bloyer, 8881 Jane Rd., stated that current Tri-Lakes Association Members dues pay for weed and algae treatments.

Steve DeLapp, 8468 Lake Jane Trl., commented that with watercraft inspections would reduce the odds of contaminating the lakes.

Pat Dean, stated it was an investment, quality of life issue, affects property values and lake habitat. MN may end up performing the inspections (CA and NV have inspection stations) and need a cooperative effort with the City.

Roger Johnson, president of Olson/Demontreville, stated their Association will withdraw their application without financial support.

*MOTION: Council Member Emmons moved to amend the prior motion to provide for the City to match the \$1300 amount currently paid by the Association. Council Member Pearson seconded the motion. Motion failed 3-2 with Mayor Johnston, Council Members Smith and Park voting against.*

#### Property/Building for Lake Elmo

City Administrator Zuleger requested that the City Council consider constructing an offer to purchase certain properties for the purpose of housing a community-sponsored library. He asked that the Council discuss funding and negotiating options for the purchase/lease of a building for use as a Municipal Library during the Closed session, and to focus on four policy issues: Practical affordability for both the Library Board and the City; Short and long-term effects on the City's financial position; the Selected Option Impact on the Library's Board operational functionality; and financial and asset management contingencies based on the success of the Library.

Council Members discussed internal finance options, budget staffing time; lock-in price at time of signing; pay as you go option; internal loan funding; control of asset. Sarah Linder, 11108 12<sup>th</sup> St., reported that the Library Board has very detailed budget which includes general budget which included contingency funds and reserves. Andy Fields, Oak-Land Junior High School Principal, applauded the efforts of a library and informed the Council that the National Jr. High Society students are available to volunteer hours, stock shelves, and tutor programs.

Steve DeLapp, 8468 Lake Jane Trl., apologized for not addressing the lease option for a library and informed Council that SAHS students are currently volunteering.

Justin Bloyer, 8881 Jane Rd., requested the Council to spend money wisely when considering purchasing a building.

Kathy Haggard, 12154 Marquess Ln., thanked the Old Village and Planning Commission for their work but has reservations about purchasing; need to consider options to move to a new location as the Old Village grows; flexible if desire to move; no investment return.

*MOTION: Council Member Emmons moved to move to Closed Session. Mayor Johnston seconded the motion. The motion passed 5-0.*

LAKE ELMO COUNCIL MINUTES  
DRAFT

The City Council recessed the Open Meeting at 9:10 p.m. to a Closed Meeting to discuss real estate negotiations, per State Stat. 13D.05, subd. 3 (3)

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

Also Present: Administrator Zuleger, Attorney Snyder, Library Consultant Cummings

*MOTION: Council Member Emmons moved to end the Closed meeting at 10:00 p.m. Council Member Park seconded the motion. Motion passed 5-0.*

The Council meeting reconvened to Open session at 10:02 p.m.

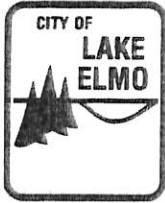
*MOTION: Council Member Emmons moved to direct Staff to construct an offer to purchase 3357 Lake Elmo Avenue North (Clock building) for the purpose of housing the Lake Elmo Public Library. Mayor Johnston seconded the motion. Motion passed 4-1; Council Member Smith voting against.*

The meeting was adjourned at 10:03 p.m.

Respectfully submitted by Carole Luczak, Interim City Clerk

Resolution 2012-005: Approved a Design Variance from Standards for State Aid  
Operations for Keats Avenue North MSA Street Improvements  
State Aid Project 206-105-002





## MAYOR & COUNCIL COMMUNICATION

DATE: 3/6/2012  
CONSENT  
ITEM #: 2  
MOTION *as part of Consent Agenda*

**AGENDA ITEM:** Approve Disbursements in the Amount of \$119,849.92

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

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Joan Ziertman, Finance Consultant

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$119,849.92. 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	\$ 6,239.44	Payroll Taxes to IRS 2/23/2012
ACH	\$ 1,197.71	Payroll Taxes to MN Dept. of Revenue 2/23/2012
ACH	\$ 4,279.25	Payroll Retirement to PERA 2/23/2012
DD3823 – DD3837	\$ 19,125.77	Payroll Dated 2/23/2012 (Direct Deposit)
38108-38110	\$ 556.33	Payroll Dated 2/23/2012 (Payroll Paper Checks)
38111-38167	\$ 86,771.42	Accounts Payable Dated 3/6/2012
1325-1352	\$ 1,680.00	Accounts Payable Dated 3/6/2012 (Library Checks)
<b>TOTAL</b>	<b>\$ 119,849.92</b>	

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

**RECOMMENDATION:** It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$119,849.92.

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

**“Move to approve the March 6, 2012, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 3/6/2012

**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: 03/01/2012 - 5:09 PM  
Batch: 002-03-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALEXAIR Alex Air Apparatus, Inc 21266 101-420-2220-44040 Repairs/Maint Eqpt 21266 Total: ALEXAIR Total:	02/20/2012	565.00	0.00	03/06/2012	Service Maint on Breathing air compress		-	No		0000
AMDAHL Amdahl Chris 8746 101-420-2220-44010 Repairs/Maint Bldg 8746 Total: AMDAHL Total:	02/07/2012	198.21	0.00	03/06/2012	Rekey Cabinets and change station combo		-	No		0000
AMFLAG American Flagpole & Flag Corp 98755 101-420-2220-44010 Repairs/Maint Bldg 98755 Total: AMFLAG Total:	03/01/2012	53.33	0.00	03/06/2012	Replacement Flag at Station #1		-	No		0000
AMLEGAL American Legal Publishing Corp 85536 101-410-1910-44300 Miscellaneous 85536 Total: AMLEGAL Total:	03/01/2012	350.00	0.00	03/06/2012	City Ordinance Internet Renewal		-	No		0000
ARAM Aramark, Inc. 629-7434498 101-430-3100-44170 Uniforms 629-7434498 Total: 629-7439399 101-430-3100-44170 Uniforms 629-7439399 Total:	03/01/2012	22.91	0.00	03/06/2012	Uniforms		-	No		0000
	02/23/2012	22.91	0.00	03/06/2012	Uniforms		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	ARAM Total:	45.82								
ASPENMI Aspen Mills, Inc.										
118214	02/17/2012	158.95	0.00	03/06/2012	Medic Jackets x 2		-		No	0000
101-420-2220-44170	Uniforms									
118214 Total:		158.95								
ASPENMI Total:		158.95								
BATTERY Batteries Plus - MPLD #31, Cor										
32-745170	02/15/2012	35.15	0.00	03/06/2012	Shop - Misc. Batteries		-		No	0000
101-430-3100-42150	Shop Materials									
32-745170 Total:		35.15								
BATTERY Total:		35.15								
CARQUEST Car Quest Auto Parts										
2055-249401	02/16/2012	11.45	0.00	03/06/2012	Air Filter 04-2		-		No	0000
101-430-3100-42210	Equipment Parts									
2055-249401 Total:		11.45								
CARQUEST Total:		11.45								
COVERALL Coverall of The Twin Cities										
7070175694	03/01/2012	321.38	0.00	03/06/2012	Cleaning City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
7070175694 Total:		321.38								
COVERALL Total:		321.38								
CUMMINGS Cummings Mary Jo										
02/29/2012	02/29/2012	1,822.50	0.00	03/06/2012	40.5 hours Library Consultation		-		No	0000
206-450-5300-43150	Contract Services									
02/29/2012 Total:		1,822.50								
CUMMINGS Total:		1,822.50								
DAWSON Dawson Craig										
02/26/2012	02/26/2012	6.66	0.00	03/06/2012	Mileage		-		No	0000
101-410-1320-43310	Mileage									
02/26/2012	02/26/2012	40.00	0.00	03/06/2012	Reimb cell phone		-		No	0000
101-410-1940-43210	Telephone									
02/26/2012 Total:		46.66								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DAWSON Total:		46.66								
DELTA Delta Dental Of Minnesota										
4794069	03/01/2012	971.85	0.00	03/06/2012	March 2012 Dental Coverage		-	No		0000
101-000-0000-21706	Medical Insurance	971.85								
4794069 Total:		971.85								
DELTA Total:										
DITCHWIT Ditch Witch of Mn, Inc.										
P20228	02/15/2012	91.22	0.00	03/06/2012	Vac Exc Oil		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids	91.22								
P20228 Total:		91.22								
DITCHWIT Total:		91.22								
EMERGENC Emergency Services Marketing										
5181	02/07/2012	49.11	0.00	03/06/2012	Annual charge for IAMRESPONDING		-	No		0000
101-420-2220-44330	Dues & Subscriptions	49.11								
5181 Total:		49.11								
EMERGENC Total:		49.11								
EQUINOX Equinox Software										
2797	03/01/2012	3,100.00	0.00	03/06/2012	Library - Koha Software		-	No		0000
206-450-5300-42000	Office Supplies	3,100.00								
2797 Total:		3,100.00								
2805	03/01/2012	70.00	0.00	03/06/2012	Library - Koha Software		-	No		0000
206-450-5300-42000	Office Supplies	70.00								
2805 Total:		70.00								
EQUINOX Total:		3,170.00								
FASTENAL Fastenal										
MNOAK1104	02/17/2012	33.48	0.00	03/06/2012	Lock Out Tag Out Plugs		-	No		0000
101-430-3100-42150	Shop Materials	33.48								
MNOAK1104 Total:		33.48								
FASTENAL Total:		33.48								
FERGUSON Ferguson Waterworks, Inc.										
SO1349808.001	02/14/2012	537.94	0.00	03/06/2012	Cradle for Scanners		-	No		0000
601-494-9400-42300	Water Meters & Supplies	537.94								
SO1349808.001 Total:		537.94								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
FERGUSON Total:		537.94								
FIORILLO Fiorillo Megan										
02/14/12	02/14/2012	27.50	0.00	03/06/2012	CC Workshop 2/14/12		-		No	0000
101-410-1450-43620	Cable Operations	27.50								
02/14/12 Total:		27.50								
FIORILLO Total:		27.50								
FOCUS Focus Engineering, Inc.										
142 & 143	01/02/9201	6,483.11	0.00	03/06/2012	General Engineering		-		No	0000
101-410-1930-43030	Engineering Services	6,483.11								
142 & 143 Total:		450.00								
144	01/02/9201		0.00	03/06/2012	General Engineering		-		No	0000
101-410-1930-43030	Engineering Services	1,092.50	0.00	03/06/2012	General Engineering/VRA		-		No	0000
144	01/02/9201		0.00	03/06/2012	General Engineering/VRA		-		No	0000
101-420-2400-43030	Engineering	1,867.50	0.00	03/06/2012	General Engineering/VRA		-		No	0000
144	01/02/9201		0.00	03/06/2012	General Engineering/VRA		-		No	0000
101-410-1910-43030	Engineering Services	416.00	0.00	03/06/2012	General Engineering/VRA		-		No	0000
144	01/02/9201		0.00	03/06/2012	General Engineering/VRA		-		No	0000
404-480-8000-43030	Engineering Services	202.50	0.00	03/06/2012	General Engineering/VRA		-		No	0000
144	01/02/9201		0.00	03/06/2012	General Engineering/VRA		-		No	0000
101-430-3100-43030	Engineering Services	632.87	0.00	03/06/2012	General Engineering/VRA		-		No	0000
144	01/02/9201		0.00	03/06/2012	General Engineering/VRA		-		No	0000
601-494-9400-43030	Engineering Services	579.00	0.00	03/06/2012	General Engineering/VRA		-		No	0000
144	01/02/9201		0.00	03/06/2012	General Engineering/VRA		-		No	0000
602-495-9450-43030	Engineering Services	1,264.00	0.00	03/06/2012	General Engineering/VRA		-		No	0000
144	01/02/9201		0.00	03/06/2012	General Engineering/VRA		-		No	0000
603-496-9500-43030	Engineering Services	6,504.37	0.00	03/06/2012	Demontreville Highlands Feasibility		-		No	0000
144 Total:		3,018.71								
145	01/02/9201		0.00	03/06/2012	Transportation & Traffic Systems		-		No	0000
419-480-8000-43030	Engineering Services	489.82	0.00	03/06/2012	Street Maint		-		No	0000
145	01/02/9201		0.00	03/06/2012	Municipal Aid		-		No	0000
409-480-8000-43030	Engineering Services	1,342.50	0.00	03/06/2012	Capitol Improvement Planning		-		No	0000
145	01/02/9201		0.00	03/06/2012	2012 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services	3,353.00	0.00	03/06/2012	Wash Cty Demo Trail Reclamation		-		No	0000
145	01/02/9201		0.00	03/06/2012			-		No	0000
409-480-8000-43030	Engineering Services	202.50	0.00	03/06/2012			-		No	0000
145	01/02/9201		0.00	03/06/2012			-		No	0000
409-480-8000-43030	Engineering Services	559.98	0.00	03/06/2012			-		No	0000
145	01/02/9201		0.00	03/06/2012			-		No	0000
409-480-8000-43030	Engineering Services	112.50	0.00	03/06/2012			-		No	0000
145	01/02/9201		0.00	03/06/2012			-		No	0000
409-480-8000-43030	Engineering Services	9,079.01	0.00	03/06/2012			-		No	0000
145 Total:		9,079.01								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
147	01/02/9201	1,212.64	0.00	03/06/2012	Village Area Engineering Support		-			0000
413-480-8000-43030	Engineering Services									No
147 Total:		1,212.64								
148	01/02/9201	590.14	0.00	03/06/2012	10 Street Infrastructure Planning		-			0000
602-495-9450-43030	Engineering Services									No
148 Total:		590.14								
149	01/02/9201	206.50	0.00	03/06/2012	Supply Well & Pumphouse 4		-			0000
601-494-9400-43030	Engineering Services									No
149 Total:		206.50								
150	01/02/9201	1,687.82	0.00	03/06/2012	3M Litigation		-			0000
601-494-9400-43030	Engineering Services									No
150 Total:		1,687.82								
151	01/02/9201	461.44	0.00	03/06/2012	LE Water System Chlorination		-			0000
601-494-9400-43030	Engineering Services									No
151 Total:		461.44								
152	01/02/9201	270.00	0.00	03/06/2012	Sanctuary		-			0000
203-490-9070-43030	Engineering Services									No
152 Total:		270.00								
153	01/02/9201	5,714.79	0.00	03/06/2012	Keats Ave MSA Street & Trunk		-			0000
601-494-9400-43030	Engineering Services									No
153 Total:		5,714.79								
FOCUS Total:		32,209.82								
FXL FXL, Inc.										
Feb 12	03/01/2012	2,000.00	0.00	03/06/2012	February 2012		-			0000
101-410-1320-43100	Assessing Services									No
Feb 12 Total:		2,000.00								
FXL Total:		2,000.00								
HAWK Hawk Labeling Systems										
186232	03/01/2012	53.12	0.00	03/06/2012	Labels		-			0000
101-430-3100-42000	Office Supplies									No
186232 Total:		53.12								
HAWK Total:		53.12								
HOLIDAYC Holiday Credit Office										
02/15/2012	02/15/2012	136.00	0.00	03/06/2012	Fuel		-			0000
101-420-2220-42120	Fuel, Oil and Fluids									No
02/15/2012 Total:		136.00								
HOLIDAYC Total:		136.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
<hr/>										
INTERSTA Interstate All Battery Ctr										
44931	02/22/2012	155.50	0.00	03/06/2012	Replacement Battery for AED		-		No	0000
101-420-2220-42080	EMS Supplies									
	44931 Total:	155.50								
	INTERSTA Total:	155.50								
<hr/>										
JOHNSON& Johnson & Turner Attorneys										
Jan 11	02/08/2012	7,288.50	0.00	03/06/2012	Legal Services - Civil		-		No	0000
101-410-1320-43040	Legal Services									
Jan 11	02/08/2012	812.50	0.00	03/06/2012	Legal Services - Development		-		No	0000
203-490-9070-43040	Legal Services									
Jan 11	02/08/2012	4,250.00	0.00	03/06/2012	Legal Services - Prosecution		-		No	0000
101-420-2150-43045	Attorney Criminal									
Jan 11	02/08/2012	130.00	0.00	03/06/2012	Legal Services - Library		-		No	0000
206-450-5300-44300	Miscellaneous									
	Jan 11 Total:	12,481.00								
	JOHNSON& Total:	12,481.00								
<hr/>										
LEAGMN League of MN Cities										
02/19/2012	02/13/2012	40.00	0.00	03/06/2012	2011 Regional Meetings		-		No	0000
101-410-1320-44370	Conferences & Training									
	02/19/2012 Total:	40.00								
	LEAGMN Total:	40.00								
<hr/>										
LEINN Lake Elmo Inn										
12/31/2011	03/01/2012	159.59	0.00	03/06/2012	Administrator Interviews		-		No	0000
101-410-1320-44300	Miscellaneous									
12/31/2011	03/01/2012	150.49	0.00	03/06/2012	Administrator Interviews		-		No	0000
101-410-1320-44300	Miscellaneous									
12/31/2011	03/01/2012	72.58	0.00	03/06/2012	CC Meeting to hire Administrator		-		No	0000
101-410-1320-44300	Miscellaneous									
	12/31/2011 Total:	382.66								
	LEINN Total:	382.66								
<hr/>										
MCCARTHY McCarthy Well Company										
24305	02/17/2012	390.00	0.00	03/06/2012	Well I & II pump		-		No	0000
601-494-9400-42270	Utility System Maintenance				performance/Inspections					
24305	02/17/2012	200.00	0.00	03/06/2012	Re-pack & Test Well II Gland Seal		-		No	0000
601-494-9400-42270	Utility System Maintenance									
	24305 Total:	590.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MCCARTHY Total:		590.00								
MENARDSO Menards - Oakdale										
58169	03/01/2012	12.46	0.00	03/06/2012	Flush Handle Kit		-		No	0000
101-410-1940-42230 Building Repair Supplies										
58169 Total:		12.46								
59918	01/25/2012	10.13	0.00	03/06/2012	Trash Bags		-		No	0000
101-410-1940-42110 Cleaning Supplies										
59918 Total:		10.13								
65419	03/01/2012	69.38	0.00	03/06/2012	Plow Paint & Brushes		-		No	0000
101-430-3125-44040 Repairs/Maint Eqpt										
65419 Total:		69.38								
65663	03/01/2012	32.70	0.00	03/06/2012	Misc Shop Supplies		-		No	0000
101-430-3100-42150 Shop Materials										
65663 Total:		32.70								
67203	03/01/2012	224.98	0.00	03/06/2012	City Hall - Furnace Filters		-		No	00
101-410-1940-42230 Building Repair Supplies										
67203 Total:		224.98								
Credit	03/01/2012	-145.65	0.00	03/06/2012	Credit Memo		-		No	0000
101-420-2220-44010 Repairs/Maint Bldg										
Credit	03/01/2012	-139.79	0.00	03/06/2012	Credit Memo		-		No	0000
101-430-3100-44300 Miscellaneous										
Credit Total:		-285.44								
MENARDSO Total:		64.21								
MENARDST Menards - Stillwater										
53422	03/01/2012	5.85	0.00	03/06/2012	Maint Station #1		-		No	0000
101-420-2220-44010 Repairs/Maint Bldg										
53422 Total:		5.85								
54419	09/02/2011	466.65	0.00	03/06/2012	Upgrades to office Area Station 1		-		No	0000
101-420-2220-44010 Repairs/Maint Bldg										
54419 Total:		466.65								
MENARDST Total:		472.50								
MFRA McCombs Frank Roos Assoc Inc.										
70040B	02/29/2012	408.96	0.00	03/06/2012	Correct payment amount		-		No	0000
101-410-1910-43150 Contract Services										
70040B Total:		408.96								
MFRA Total:		408.96								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MNDOH MN Department of Health 02/29/2012	02/29/2012	1,508.00	0.00	03/06/2012	1st Qtr Water Supply connection Fee		-			No 0000
601-494-9400-43820	Water Utility	1,508.00								
	02/29/2012 Total:	1,508.00								
	MNDOH Total:									
MNFIRECH MN State Fire Chiefs Assn 02/13/2012	02/13/2012	335.00	0.00	03/06/2012	MSFCA annual Membership for 7 Officers		-			No 0000
101-420-2220-44330	Dues & Subscriptions	335.00								
	02/13/2012 Total:	335.00								
	MNFIRECH Total:									
MNLABOR DEPT of LABOR & INDUSTRY 2/17/2012	02/17/2012	90.00	0.00	03/06/2012	Certification Renewal		-			No 0000
101-420-2400-44330	Dues & Subscriptions	90.00								
	2/17/2012 Total:	90.00								
	MNLABOR Total:	90.00								
NCPERS 566200-NCPERS MINNESOTA 5662212	02/23/2012	48.00	0.00	03/06/2012	February 2012 Deductions		-			No 0000
101-000-0000-21708	Other Benefits	48.00								
	5662212 Total:	48.00								
	NCPERS Total:	48.00								
NEXTEL Nextel Communications 03/01/2012	03/01/2012	212.02	0.00	03/06/2012	Cell Phone - Admin		-			No 0000
101-410-1940-43210	Telephone	79.71	0.00	03/06/2012	Cell Phone - Fire Dept		-			No 0000
03/01/2012	03/01/2012	17.83	0.00	03/06/2012	Cell Phone - Build Dept		-			No 0000
101-420-2220-43210	Telephone	35.45	0.00	03/06/2012	Cell Phone - PW		-			No 0000
03/01/2012	03/01/2012	103.38	0.00	03/06/2012	Cell Phone - Parks Dept		-			No 0000
101-420-2400-43210	Telephone	448.39								
03/01/2012	03/01/2012	448.39								
101-430-3100-43210	Telephone									
03/01/2012	03/01/2012									
101-450-5200-43210	Telephone									
	03/01/2012 Total:									
	NEXTEL Total:									
NORTHOO HSBC Business Solutions 561031627	02/15/2012	26.77	0.00	03/06/2012	Admin - Amber Vehicle Light		-			No 0000
101-430-3100-42400	Small Tools & Minor Equipment									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
<hr/>										
	561031627 Total:	26.77								
	NORTHTOO Total:	26.77								
<hr/>										
PETTYFIR Petty Cash										
02/28/2012	02/28/2012	101.95	0.00	03/06/2012	Misc Supplies		-		No	0000
101-420-2220-44300	Miscellaneous									
	02/28//2012 Total:	101.95								
	PETTYFIR Total:	101.95								
<hr/>										
PITNEYRE Reserve Account Pitney Bowes										
02/29/2012	03/01/2012	500.00	0.00	03/06/2012	Postage		-		No	0000
101-410-1320-43220	Postage									
02/29/2012	03/01/2012	500.00	0.00	03/06/2012	Postage		-		No	0000
601-494-9400-43220	Postage									
	02/29/2012 Total:	1,000.00								
	PITNEYRE Total:	1,000.00								
<hr/>										
PITNEYSU Pitney Bowes Supplies										
784996	03/01/2012	131.10	0.00	03/06/2012	Postage Machine Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	784996 Total:	131.10								
	PITNEYSU Total:	131.10								
<hr/>										
PLANTH PLANT HEALTH ASSOCIATES, INC										
1076-12	03/01/2012	512.50	0.00	03/06/2012	Forester Services Jan & Feb 2012		-		No	0000
101-430-3250-43150	Contract Services									
	1076-12 Total:	512.50								
	PLANTH Total:	512.50								
<hr/>										
POMPS Pump's Tire Service, Inc.										
155807	02/14/2012	816.84	0.00	03/06/2012	2 Tires, 1 Wheel 00-1		-		No	0000
101-430-3125-44040	Repairs/Maint Eqpt									
	155807 Total:	816.84								
	POMPS Total:	816.84								
<hr/>										
PRESSA Anastasia Press										
02/21/2012	02/21/2012	55.00	0.00	03/06/2012	CC Meeting 2/21/12		-		No	0000
101-410-1450-43620	Cable Operations									
	02/21/2012 Total:	55.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
02/28/2012	02/28/2012	27.50	0.00	03/06/2012	Workshop 2/28/12		-			No 0000
101-410-1450-43620	Cable Operations									
	02/28/2012 Total:	27.50								
	PRESSA Total:	82.50								
<hr/>										
PROSTAFF PROSTAFF										
102-847539	03/01/2012	585.13	0.00	03/06/2012	Temp Svs WE 2/12/12		-			No 0000
101-410-1320-41010	Full-time Salaries									
	102-847539 Total:	585.13								
102-848291	03/01/2012	581.25	0.00	03/06/2012	Temp Svs WE 2/19/12		-			No 0000
101-410-1320-41010	Full-time Salaries									
	102-848291 Total:	581.25								
	PROSTAFF Total:	1,166.38								
<hr/>										
REGIONS Regions Hospital										
769349	02/16/2012	2,434.00	0.00	03/06/2012	EMS Training Contract Renewal, year 2		-			No 0000
101-420-2220-44370	Conferences & Training									
	769349 Total:	2,434.00								
	REGIONS Total:	2,434.00								
<hr/>										
RELIANC Reliance Standard Life										
03/01/2012	03/01/2012	119.82	0.00	03/06/2012	Life Insurance		-			No 0000
101-000-0000-21706	Medical Insurance									
03/01/2012	03/01/2012	16.18	0.00	03/06/2012	AD & D Insurance		-			No 0000
101-000-0000-21708	Other Benefits									
03/01/2012	03/01/2012	148.48	0.00	03/06/2012	LTD Insurance		-			No 0000
101-000-0000-21708	Other Benefits									
03/01/2012	03/01/2012	213.33	0.00	03/06/2012	STD Insurance		-			No 0000
101-000-0000-21708	Other Benefits									
	03/01/2012 Total:	497.81								
	RELIANC Total:	497.81								
<hr/>										
ROGERS Rogers Printing Services, Corp										
18465	02/13/2012	39.54	0.00	03/06/2012	Business Cards		-			No 0000
101-410-1320-42000	Office Supplies									
	18465 Total:	39.54								
	ROGERS Total:	39.54								
<hr/>										
S&T S&T Office Products, Inc.										
01PA5345	03/01/2012	175.75	0.00	03/06/2012	Office Supplies		-			No 0000
101-410-1320-42000	Office Supplies									



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
01pa5809	03/01/2012	175.75								
101-410-1320-42000	Office Supplies	100.78	0.00	03/06/2012	Office Supplies		-		No	0000
01pa5809	Total:	100.78								
01PA8241	02/15/2012	15.99								
101-410-1320-42000	Office Supplies	15.99	0.00	03/06/2012	Office Supplies		-		No	0000
01PA8241	Total:	15.99								
01PA9490	03/01/2012	86.76								
101-410-1320-42000	Office Supplies	86.76	0.00	03/06/2012	Office Supplies		-		No	0000
01PB2057	03/01/2012	22.34								
101-410-1320-42000	Office Supplies	22.34	0.00	03/06/2012	Office Supplies		-		No	0000
CM01PA6844	03/01/2012	-56.42								
101-410-1320-42000	Office Supplies	-56.42	0.00	03/06/2012	Office Supplies		-		No	0000
CM01PA6844	Total:	345.20								
	S&T Total:									
SHI SHI International										
B00536723	02/15/2012	505.63								
101-410-1520-43190	Software Programs	505.63	0.00	03/06/2012	Office Standard 2010 DZ & CK Computers		-		No	0000
B00536723	Total:	505.63								
	SHI Total:									
SHORTELL Short Elliot Henderickson, Inc										
NW6262	03/16/2012	1,668.85								
601-494-9400-43030	Engineering Services	1,668.85	0.00	03/06/2012	Design Services for Test Well #4		-		No	0000
NW6262	Total:	1,668.85								
	SHORTELL Total:									
STILLGAZ Stillwater Gazette										
02/16/2012	02/16/2012	58.50								
101-410-1320-44330	Dues & Subscriptions	58.50	0.00	03/06/2012	6 Month Subscription Service		-		No	0000
02/16/2012	Total:	58.50								
	STILLGAZ Total:									
STILLMED Stillwater Medical Group										
2211	02/07/2012	324.95								
101-420-2220-43050	Physicals	324.95	0.00	03/06/2012	Physicals and Vaccinations		-		No	0000
2211	Total:	324.95								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	STILLMED Total:	324.95								
SW/WC SW/WC Service Cooperatives										
04/01/2012	04/01/2012	13,875.00	0.00	03/06/2012	April 2012 Premiums		-		No	0000
101-000-0000-21706	Medical Insurance									
	04/01/2012 Total:	13,875.00								
Credit	04/01/2012	-1,234.50	0.00	03/06/2012	Credit K. Matzek Premium		-		No	0000
101-000-0000-21706	Medical Insurance									
	Credit Total:	-1,234.50								
	SW/WC Total:	12,640.50								
TREGILGA Tregilgas Michael										
02/27/2012	02/27/2012	55.00	0.00	03/06/2012	PZ Meeting 2/27/12		-		No	0000
101-410-1450-43620	Cable Operations									
	02/27/2012 Total:	55.00								
	TREGILGA Total:	55.00								
WASHTAX Washington County										
71804	02/28/2012	35.00	0.00	03/06/2012	Year End Reports for Auditor		-		No	0000
101-410-1520-43010	Audit Services									
	71804 Total:	35.00								
	WASHTAX Total:	35.00								
YOCUM Yocum Oil Company, Inc.										
208142	02/23/2012	160.69	0.00	03/06/2012	Bulk Oil Tanks		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
	208142 Total:	160.69								
	YOCUM Total:	160.69								
	Report Total:	82,516.42								

# Accounts Payable To Be Paid Proof List

User: joan z  
Printed: 02/27/2012 - 2:44 PM  
Batch: 009-02-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SPRINGLA Spring Lake Park FD, Inc.										
BC-0018	02/24/2012	460.00	0.00	02/27/2012	Blue Card Practical & Cert G.		-			0000
101-420-2220-44370	Conferences & Training				Malmquist					
BC-0018	02/24/2012	460.00	0.00	02/27/2012	Blue Card Practical & Cert B. Winkels		-			0000
101-420-2220-44370	Conferences & Training									
BC-0018	02/24/2012	460.00	0.00	02/27/2012	Blue Card Practical & Cert S		-			0000
101-420-2220-44370	Conferences & Training				Rutkowski					
BC-0018 Total:		1,380.00								
SPRINGLA Total:		1,380.00								
Report Total:		1,380.00								

# Accounts Payable To Be Paid Proof List

User: Joan z  
 Printed: 02/28/2012 - 2:44 PM  
 Batch: 010-02-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MNDNR MN DNR Eco Waters										
1961.1031.2011	02/28/2012	1,339.00	0.00	02/28/2012	Annual Water DNR Permit		-	No		0000
601-494-9400-44300	Miscellaneous									
	1961.1031.2011 Total:	1,339.00								
	MNDNR Total:	1,339.00								
	Report Total:	1,339.00								

# Accounts Payable To Be Paid Proof List

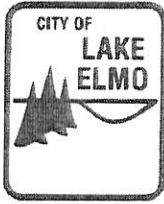
User: joan z

Printed: 03/01/2012 - 5:22 PM

Batch: 041-12-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
95	03/01/2012	1,536.00	0.00	03/06/2012	Water/Ice Rescue Equipment		-			0000
101-420-2220-42400	Small Tools & Equipment									
	95 Total:	1,536.00								
	RESCUPAX Total:	1,536.00								
	Report Total:	1,536.00								





## MAYOR & COUNCIL COMMUNICATION

DATE: 3/6/12  
CONSENT  
ITEM #: 3  
MOTION: *Resolution 2012-007*

**AGENDA ITEM:** Authorize Signatures for the Grant Fund and Regular Savings Account from the Lake Elmo Bank

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

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Carole Luczak, Interim City Clerk

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is respectfully requested to approve Resolution 2012-007 authorizing the Mayor, Acting Mayor, City Administrator and Finance Director as primary and secondary signatures for the Grant Fund and Regular Savings Account on deposit with the Lake Elmo Bank.

**BACKGROUND INFORMATION:** Current City policy requires two signatures on all Accounts from the Lake Elmo Bank. Please note that the City has no other Grant Fund and Savings Accounts at the Lake Elmo Bank.

**STAFF REPORT:** The City has historically utilized two members from the City Council to authorize Grant Fund and Regular Savings drawn from the Lake Elmo Bank. Staff has reviewed this practice with the Auditor and League of Minnesota Cities Financial personnel and has determined that a policy of utilizing one signature from an elected official and one from an appointed Staff member creates an additional degree of fiduciary "checks and balances" for funds withdraw from the bank.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council approve Resolution No. 2012-007 by undertaking the following action:

***"Move to approve Resolution No. 2012-007 Authorizing the Mayor and City Administrator as Primary Signatures and Acting Mayor and Finance Director as secondary signatures for the Grant Fund and Regular Savings Account on deposit with the Lake Elmo Bank."***

**ATTACHMENTS:**

1. Resolution 2012-007

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... 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



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

**RESOLUTION NO. 2012-007**

**A Resolution Authorizing Signatures for Grant Fund and Regular Savings from the Lake Elmo Bank**

WHEREAS, on March 6, 2012, the City designated the Lake Elmo Bank as one of the official depository for funds of the City of Lake Elmo; and

NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council hereby approves the following:

1. The Mayor and City Administrator shall be primary signatures on the Grant Fund and Regular Savings Account and order for payments and withdraw funds on deposit with the Lake Elmo Bank.
2. The Deputy Mayor and Finance Director shall be the secondary signatures on all savings and order for payments and withdraw funds on deposits with the Lake Elmo Bank, in the event absence of one of the primary signatures or an urgent special check is required.
3. Current Mayor Dean A. Johnston, Acting Mayor Brett Emmons, and City Administrator Dean A. Zuleger will serve in these capacities. Facsimile signatures may be used to all sign all checks and orders for payment of money and withdraw funds on deposit with the Lake Elmo Bank.
4. This Resolution shall continue to be in effect until modified by the City Council and express written notice of its rescission or modification has been received and recorded by the Lake Elmo Bank.

ADOPTED, by the Lake Elmo City Council this 6th day of March, 2012.

Date: March 6, 2012

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator

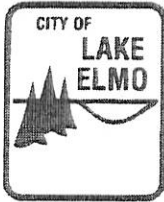
## CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on the 6<sup>th</sup> day of March, 2012, as shown by the minutes of said meeting in my possession.

---

Carole Luczak  
Interim City Clerk

(Seal)



## MAYOR & COUNCIL COMMUNICATION

DATE: 3/6/12  
**CONSENT**  
ITEM #: 4  
**MOTION / \$\$ Fiscal Impact**

**AGENDA ITEM:** 2012 Fee Schedule

**SUBMITTED BY:** Dean A. Zuleger, City Administrator

**THROUGH:** Carole Luczak, Interim City Clerk

**REVIEWED BY:** Dean A. Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** The Council is respectfully requested to adopt Ordinance No. 08-056, approving the 2012 Fee Schedule.

**“Move to adopt Ordinance No. 08-056 approving the 2012 Fee Schedule, as presented herein. The Council reserves the right to revisit at a late date certain fees, charges and rates associated with Municipal Enterprise Funds that may include but are not limited to sewer, water, storm water, and related utility functions.”**

**FISCAL IMPACT:** \$196,986 (General Operating Revenues)  
\$773,100 (Enterprise Revenues – Water, Sewer, Surface Water)

**BACKGROUND INFORMATION:** The City Council annually adopts an Ordinance approving the fee schedule. The fee schedule represents charge for services and are based on the City's time and expenditures for providing designated services. The 2012 fee schedule has no material changes from the previous year and has therefore been placed on the Consent Agenda.

However, City Staff, which includes a newly appointed City Administrator and soon to be appointed Finance Director, is still in the analysis phase of determining whether the City's current fee and rate structure is sufficient to provide cash flow to general operations and meet debt service obligations.

**RECOMMENDATION:** It is recommended that the City Council affirmatively consider adopting Ordinance No. 08-056 approving the 2012 fee schedule. The suggested motion is as follows:

**“Move to adopt Ordinance No. 08-056 approving the 2012 Fee Schedule, as presented herein. The Council reserves the right to revisit at a late date certain fees, charges and rates associated with Municipal Enterprise Funds that may include but are not limited to sewer, water, storm water, and related utility functions.”**

Alternatively, the City Council does have the authority to further discuss, deliberate and amend the proposed schedule, prior to taking action. While tabling this action is not recommended unless the existing fee schedule is extended for the time being, if changes are made by the Council, the appropriate action following such changes would be:

***“Move to adopt Ordinance No. 08-056 approving the 2012 Fee Schedule, as presented (and modified) herein.”***

**ATTACHMENTS:**

1. Ordinance No. 08-056
2. 2012 Fee Schedule

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... 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

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

**ORDINANCE NO. 08-056**

**AN ORDINANCE SETTING MUNICIPAL FEES FOR CALENDAR YEAR 2012**

The Lake Elmo City Council hereby adopts the following fee schedule for calendar year 2012 and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Appendix A – 2012 Fee Schedule

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 6th day of March, 2012.

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean A. Johnston  
Its: Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator

**EFFECTIVE DATE:** This Ordinance shall be effective the 6<sup>th</sup> day of March, 2012.

**PUBLICATION DATE:** Published on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

## City of Lake Elmo 2012 Fee Schedule

Development, Service, Building, Etc.	2012	Escrow or Additional Charge
Accessory Bldg Forward of Primary Structure	\$80.00	
Administrative / Fines	\$0.00	
Amateur Radio Antenna	\$875.00	
Appeal (to Board of Adjustment and Appeals)	\$150.00	
Assessment Search	\$25.00	
Building Demolition		
First 1000 Square Feet	\$105.00	Plus 5.00 Surcharge (State Mandated)
Each Additional 1000 sq feet or portion thereof	\$11.00	Plus 5.00 Surcharge (State Mandated)
Burning Permits		
Residential	\$45.00	
Commercial	\$80.00	
Illegal Burn	\$100.00	
Comprehensive Plan Amendment	\$1,300.00	
Conditional Use Permit (CUP) <new or amended>	New \$1,050.00 Amended \$500.00	Wireless Communication Facilities Escrow \$6,000.00 Flood Plain Ordinance Escrow \$500.00
CONTRACTOR LICENSE FEES		
Blacktopping	\$75.00	
Excavator License	\$75.00	
Heating and A/C	\$75.00	
Sign Installer	\$50.00	Sign Reinspection Fee \$25.00
Solid Waste Hauler	\$120.00	
Tree Contract	\$70.00	
COPY SERVICES		
Copies (B&W)	\$0.35	
Copies (B&W) 11 X 17	\$1.00	
Copies (Color)	\$0.50	
Copies (Color) 11 X 17	\$2.00	
City Map - colored	\$3.15	
City Street Maps 36 X 40	\$20.00	
GIS / Engineering Maps		
Existing Maps	\$5.00	Provided electronically or paper
Custom (Per Hour rate)	\$70.00	Provided electronically or paper
Plan Size Maps Larger than 11 X 17	\$20.00	
Development Standards Specification & Details	\$55.00	
Code Book	\$160.00	
Sections 1, 2, 4, 6-12, 14	\$12.00	
Section 3	\$52.00	
Section 5 and 13	\$27.00	
Comprehensive Plan	\$125.00	
OP Ordinance	\$12.00	
Parks Plan	\$80.00	
Culverts in Developments with Rural Section	\$160.00	
Dog License	\$20.00	
Service Dogs License (dogs with special training to assist individual with disabilities)	\$5.00	Renew on expiration of rabies vaccination
Unlicensed dog (first impound)	\$60.00	Plus Boarding Fee-20.00/Day
Licensed dog (first impound)	\$42.00	Plus Boarding Fee-20.00/Day
Cat Impound (first impound)	\$42.00	Plus Boarding Fee-20.00/Day
Subsequent dog/cat impound	\$85.00	Plus Boarding Fee-20.00/Day
Duplicate License or Tag	\$1.00	
Driveway		
Residential	\$70.00	Plus 5.00 Surcharge (State Mandated)
Commercial	\$160.00	Plus 5.00 Surcharge (State Mandated)
Easement Encroachment	\$100.00	Staff & Recording Fee
Electronic Fund Withdrawal / Bill Payment	Fee & Transaction Charge	
Excavating and Grading	\$125.00	Erosion Control Bond, Escrow, or Letter of Credit: \$1500.00 per acre.
False Alarm		
1 to 3 False alarms		
In excess of 3 up to and including 6 false alarms within a twelve (12) month period		
Residential	\$110.00	
Commercial	\$315.00	

## City of Lake Oswego 2012 Fee Schedule

Development, Service, Building, Etc.	2012	Escrow or Additional Charge
In excess of six false alarms within a twelve (12) month period		
Residential	\$185.00	
Commercial	\$520.00	
<b>Fire</b>		
Daycare inspection Fee	\$60.00	Plus 5.00 Surcharge (State Mandated)
Fire Alarm Systems	\$60.00	Plus 1% of Value
Fire Sprinkler System (Inspection Fee)	2% of value of work	Minimum \$100.00
Fire Sprinkler System (Renspection Fee)	\$50.00	
<b>Flood Plain District Delineation</b>	\$500.00	
<b>Fuel Tank Removal (Underground)</b>	\$100.00	Plus 5.00 Surcharge (State Mandated)
<b>Fuel Tank Install</b>	2% of value of work	Minimum \$100.00
<b>Heating</b>		
New Residential	\$150.00	Plus 5.00 Surcharge (State Mandated)
Addition to Residential	\$75.00	Plus 5.00 Surcharge (State Mandated)
Commercial (New or Addition)	Minimum \$175.00 or 1% of total job	Plus minimum 5.00 Surcharge
<b>Interim Use Permit (IUP)</b>	\$1,050.00	
<b>Interim Use Permit (IUP)-Renewal</b>	\$300.00	
<b>Interim Use Permit (IUP) AG Sales &amp; Entertainment</b>	\$250.00	2011 Only
<b>Lawn Sprinklers</b>	\$125.00	Plus 5.00 Surcharge (State Mandated)
<b>Liquor</b>		
Club On Sale Intoxicating	\$100.00 per year	
Off Sale Intoxicating	\$200.00 per year	
Off-Sale Non-Intoxicating	\$150.00 per year	
On-Sale Intoxicating	\$1500.00 per year	
On-Sale Intoxicating - 2nd Bldg	\$750.00 per year	
On-Sale Investigation	\$350.00	
On-Sale Non-Intoxicating	\$100.00 per year	
On-Sale Sunday Intoxicating	\$200.00 per year	
Temporary Non-Intoxicating	\$25.00 per event	
Wine	\$300.00 per year	
<b>Lot Line Adjustment</b>	\$310.00	
<b>Manufactured Home Parks</b>	\$1,000.00	
New	\$1,200.00	Plus 2500.00 Escrow
Move home out of City	\$100.00	Plus 5.00 Surcharge (State Mandated)
Move into City	\$150.00	Plus 5.00 Surcharge (State Mandated)
<b>Minor Subdivision</b>	\$500.00	
<b>Moving House or Primary Structure into City</b>	\$520.00	Plus bond with amount to be determined by City w/recommendation from Building Official
<b>Moving Accessory Structure into City</b>	\$305.00	Plus Escrow to be determined by the City w/recommendation from Building Official
<b>New Construction Plan Review</b>	Per 1997 UBC (65%)	
<b>Park Dedication (up to 3 lots)</b>	\$3600.00 for each	Four or more lots per Section 400 Formula
<b>Parking Lots</b>		
New Commercial	\$175.00	Plus 5.00 Surcharge (State Mandated)
Existing Commercial	\$100.00	Plus 5.00 Surcharge (State Mandated)
<b>Platting</b>		
Concept (PUD or OP)	\$1,250.00	
Preliminary Plat (and Development Stage)	\$1,850.00	
Final Plat (and Final Plan)	\$1,250.00	Plus 2.5% Administrative Fee Development Agreement
<b>Plumbing</b>		
New Residential	\$150.00	Plus 5.00 Surcharge (State Mandated)
Addition to Residential	\$75.00	Plus 5.00 Surcharge (State Mandated)
Commercial (New or Addition)	175	Plus minimum 5.00 Surcharge (State Mandated)
<b>Private Roads (permitted only in AG zone)</b>	\$150.00	Plus 5.00 Surcharge (State Mandated)
<b>Restrictive Soils and Wetland Restoration Protection and Preservation Permit</b>	\$800.00	1500.00 escrow



## City of Lake Elmo 2012 Fee Schedule

Development, Service, Building, Etc.	2012	Escrow or Additional Charge
<b>Right-of-Way Permits</b>		
Annual Registration (1415.05 Subd.1)	\$100.00	
Excavation (1415.11 Subd. 1)	\$230.00	
Each Additional Excavation	\$40.00	
Trench Fee (boring or open cut)	.60 per foot	
Overhead Installation Fee	.60 per foot	
New Subdivisions (Alternate to per foot fee)	\$100.00	
Street Obstruction Fee (1415.11 Sub 2)	\$100.00	
Permit Extension	\$100.00	
Delay Penalty	25.00 per day	
<b>Sewage Disposal</b>		
<b>On-Site Septic Systems</b>		
New		Plus 5.00 Surcharge (State Mandated)
Alterations or Repairs		Plus 5.00 Surcharge (State Mandated)
Sewer Availability Charge (SAC)	\$5,730.00	per SAC unit - 2230.00 to Met Council; 3500 to City
Sewer	\$4.50 per 1,000 gallons	
<b>Wetland Treatment</b>		
Hookup to Existing System	\$100.00	Plus 5.00 Surcharge (State Mandated)
Alteration/Repair	\$75.00	Plus 5.00 Surcharge (State Mandated)
201 Off-Site Maintenance Fee	75.00 per unit per quarter	
Signs Permanent	\$180.00	Plus 5.00 Surcharge (State Mandated)
Signs Temporary	\$75.00	Plus 5.00 Surcharge (State Mandated)
Signs Temporary Renewal	\$25.00	Plus 5.00 Surcharge (State Mandated)
Site Plan Review (Chapter 520)	\$980.00	
Special Event Permit	\$75.00	Addl Services \$ 50.00/Hour
<b>Street Cleaning Erosion Control</b>		
Escrow	\$5,000.00	
Re-inspection	\$50.00 per hour	Portal to Portal from City Hall. Minimum: 1 hour
Processing Fee		10% of Contractor's Invoice to City
<b>Surface Water</b>		
Residential	\$50.00	
Non-Residential (commercial, ag., etc.)	\$50.00	Utility Rate Factor per code
Tennis Courts	Per 1997 UBC	Plus 5.00 Surcharge (State Mandated)
<b>Vacations (Streets or Easements)</b>		
Easements	\$515.00	\$500.00 Escrow
Streets	\$515.00	\$500.00 Escrow
Variance	\$750.00	
Video Reproduction	\$35.00	
<b>Water</b>		
Residential – Quarterly Rate	\$25.00 Base	
<b>Plus Rate Per 1000 Gallons</b>		
0-15,000 Gallons	\$2.14	
15,001 - 30,000 Gallons	\$2.86	
30,001 - 50,000 Gallons	\$3.77	
50,001 - 80,000 Gallons	\$5.00	
80,001+ Gallons	\$6.63	
Commercial – Quarterly Rate	\$25.00 Base	
0-15,000 Gallons	\$3.11	
15,001 - 30,000 Gallons	\$3.26	
30,001 - 50,000 Gallons	\$3.77	
50,001 - 80,000 Gallons	\$5.00	
80,001+ Gallons	\$6.63	
All Connection Permits	\$140.00	
Meters, MIU & Meter Installation Sets	\$300.00	
Delinquent Accounts	6% per quarter	Plus 25.00 or 8%, whichever is greater, if certified to County for collection with taxes
Disconnect Service	\$80.00	
Reconnect Service	\$80.00	
Service Call		
Water Storage Violation	\$15.00 per day	
Bulk Water from Hydrant	\$61.20 for first 5,000 gallons	Plus 3.26 per additional 1000 Gals



City of Lakeview 2012 Fee Schedule		
Development, Service, Building, Etc.	2012	Escrow or Additional Charge
Swimming Pool Fill	\$61.20 for first 5,000 gallons	Plus 3.26 per 1000 Gals & \$15.00 per labor hour
Pit Locking Lid	\$100	
<b>Water Availability Charge (WAC)</b>		
Existing Structures within Old Village	\$800.00	
New Development	\$3,900.00	
<b>Wind Generator</b>	\$850.00	\$2000.00 Escrow
<b>Wireless Communication Permit</b>	\$500.00	\$2000.00 Escrow
<b>Zoning Amendment ( Text or Map)</b>	\$1,245.00	



DATE: March 6, 2012

**CONSENT**

ITEM #: 5

**MOTION TO AFFIRM**

**AGENDA ITEM:** Appointment of Finance Director

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** City Council

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**SUMMARY AND ACTION REQUESTED:** As part of the Consent Agenda, the City Council is asked to approve the appointment of Cathy Bendel at the Finance Director for the City of Lake Elmo.

<b>FISCAL IMPACT</b>	<b>\$72,000 salary / \$21,600 benefits = \$93,600</b>
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**BACKGROUND INFORMATION:** Ms. Bendel was part of a candidate pool of 26 applicants and 5 finalists for the position of Finance Director. Candidates were screened and examined using nine specific rating categories and one variable category that analyzed specific strengths and weaknesses. The specific categories were: Fund Accounting Experience, Municipal Experience, Practical day-to-day accounting experience (AP, AR, Payroll, et al), Financial Policies/ Debt Service, Financial Analytical Skills, Budgeting, Audit & Internal Control, Advance Cost Accounting Skills, and Personnel Management. The final category revealed candidate strengths and weaknesses. Ms. Bendel ranked the highest in 5/ 10 categories and her relative strength was in the depth of knowledge in Lake Elmo financial issues and recommendations on garnering immediate savings and establishing discipline in the financial system. Her overall score was 3 (4%) points higher than the next highest finalist with a range of 16 separating the highest to the lowest. Ms. Bendel has been serving the City of Lake Elmo as a contract consultant (C & J Consulting) since December 2010. She has over 26 years of accounting experience, with 21 of the years at the Finance Director / Controller level.

**STAFF REPORT:** Ms. Bendel has been tentatively offered the position of Finance Director at a salary of \$70,000 with complimentary benefits offered to all City of Lake Elmo Full Time Equivalent employees. Pending the successful completion of one year of service with specific financial benchmark goals, her compensation will increase to \$72,000. Ms. Bendel has been given the immediate tasks of:

1. Improving Council Financial Reporting
2. Restructuring Current Debt to Maximize Interest Savings
3. Develop Financial Policies in the areas of Investments, Purchase Order Control, Debt Service, and Utility Rates & Fees
4. Cost Analysis of the Storm Water Utility;
5. Cost reduction / efficiency in operations, including Dept. Head Training
6. Software applications & compatibility between the General Ledger & Utilities
7. Hiring an Accounting Assistant
8. Preparation of 2013 Budget and 2013-2017 Capital Improvement Plan in conjunction with the City Administrator

The City of Lake Elmo has a contractual obligation with C & J Consulting that requires a 30 day notice of termination. This notice begins on March 18, 2012 which will be the first day of FTE employment for Ms. Bendel. During this time, Ms. Bendel will train for two weeks with Interim Finance Director Joe Rigdon on the higher management duties of the position including but not limited to bank reconciliations, investment management, audit preparation, and debt service management. At this time, Mr. Rigdon's services will no longer be required. Ms. Bendel will also be responsible for the hiring of an accounting assistant to replace Joan Ziertman services (no later April 18, 2012) in response to the City Administrator's nepotism policy. Ms. Ziertman is the sister of Ms. Bendel and partner in C & J Consulting. Until Ms. Ziertman's departure, she will be directly report to the City Administrator.

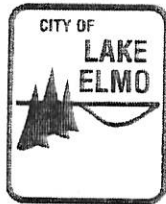
An employment contract will be drafted by the City Attorney pending Council affirmation.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council by undertaking the following action

***"Move to affirm the appointment of Cathy Bendel as Finance Director of the City of Lake Elmo at an annual salary of \$70,000 subject to six-month and twelve month reviews, after which time an increase to a \$72,000 annual salary may be exercise"***

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....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: 3/6/12  
CONSENT  
ITEM #: 6  
MOTION *Resolution 2012-008*

**AGENDA ITEM:** Reestablishing Precincts and Polling Places

**SUBMITTED BY:** Carole Luczak, Interim City Clerk

**THROUGH:** Carole Luczak, Interim City Clerk

**REVIEWED BY:** Dean A. Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** The Council is respectfully requested to adopt Resolution No. 2012-008, approving Reestablishing Precincts and Polling Places.

**“Move to adopt Resolution No. 2012-008 approving Reestablishing Precincts and Polling Places.”**

**BACKGROUND INFORMATION:** The City Council is required by Minnesota Statutes 204B.14 subdivision 5 to provide a map of precinct boundary changes to the Secretary of State's Office Elections Division. Precinct boundaries have not changed in the City of Lake Elmo.

**RECOMMENDATION:** It is recommended that the City Council affirmatively consider adopting Resolution No. 2012-008, approving Reestablishing Precincts and Polling Places. The suggested motion is as follows:

**“Move to adopt Resolution No. 2012-008 approving Reestablishing Precincts and Polling Places.”**

**ATTACHMENTS:**

1. Resolution No. 2012-008
2. Precinct Map

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... 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

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

**RESOLUTION NO. 2012-008**

**REESTABLISHING PRECINCTS AND POLLING PLACES**

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute section 204B.14, subd. 3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Lake Elmo, County of Washington, State of Minnesota, hereby reestablishes the boundaries of the voting precincts and polling places as follows:

**Precinct 1 (Fire Station 1, 3510 Laverne Avenue North)**

That part of the City lying South of County Road 5)

**Precinct 2 (City Hall, 3800 Laverne Avenue North)**

That part of the City lying North of County Road 5)

Attached to this resolution, for illustrative purposes, is a map showing said precincts and the location of each polling place.

ADOPTED, by the Lake Elmo City Council this 6th day of March, 2012.

Date: March 6, 2012

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator



# Lake Elmo Precinct Map

Lake Elmo P-2

Lake Elmo P-1

## LEGEND

### School Districts

- MAHTOMEDI AREA
- N ST PAUL - MAPLEWOOD - OAKDALE
- STILLWATER AREA

### Precinct Boundaries

- Precinct Boundaries

THE CITY OF  
**LAKE ELMO**







**DATE:** March 6, 2012  
**REGULAR**  
**ITEM #:** #7  
**RESOLUTION PASSAGE**

**AGENDA ITEM:** MNDNR Watercraft Inspection Grant

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Dean Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** At the February 21, 2012 The City Council voted 4-1 to expend funds as a matching grant for a MNDNR Watercraft Inspection to prevent the spread of invasive aquatic species to lakes within the confines of the City of Lake Elmo's boundaries. Lake Elmo's matching grant obligation is \$2,000 distributed from the City's undesignated fund balance and will be matched by the Valley Branch Watershed District. The Tri-Lakes Improvement Association will contribute \$650. The action requested:

**\*\*Adopt Resolution No. 2012-009 to expend \$2,000 from the City's undesignated fund balance as a matching grant to secure a MNDNR Watercraft Inspection Grant to prevent the spread of invasive aquatic species in Lake Elmo lakes.**

**FISCAL IMPACT: \$2,000 Fund Disbursement from the undesignated fund balance.**

**BACKGROUND INFORMATION:** The MNDNR Watershed Grant is for a total of \$9650 with a cost share breakdown as follows: MNDNR - \$5,000; Valley Branch Watershed - \$2,000; City of Lake Elmo - \$2,000, and the Tri-Lakes Improvement District - \$650. The grant funds 200 hours of boat landing inspections at Lake Elmo, Lake DeMontreville, Lake Olson, and Lake Jane during the summer of 2012.

**STAFF REPORT:** At the February 21, 2102 City Council meeting staff was directed to determine the appropriate funding mechanism to execute the grant. The City Administrator spoke with the Park Commission and it the consensus of the whole that Parkland Dedication Funds were not appropriate for this use as they are meant for capital purchases, land acquisition and parkland / trail development. After review of the 2012 budget and historical review of similar expenditures, it was determined that the City's Undesignated Fund Balance is the most suitable funding mechanism. The legislative intent and decision-making rationale is contained in the body of the corresponding resolution.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council adopt Resolution No. 2012-009 to expend \$2,000 as a matching grant for MNDNR Watercraft Inspections to prevent the spread of invasive aquatic species allocated from the Undesignated Fund Balance of the City of Lake Elmo.

**See Attached Resolution**

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... 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

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

**RESOLUTION NO. 2012-009**

**A RESOLUTION DISPERSING PUBLIC FUNDS FOR THE PURPOSE  
OF PROTECTING SURFACE WATERS WITHIN THE CONFINES  
OF THE BOUNDARIES OF THE CITY OF LAKE ELMO FROM  
CERTAIN AQUATIC INVASIVE SPECIES**

**WHEREAS**, surface water quality protection contributes to the value of homes located on Lake DeMontreville, Lake Jane, Lake Olson and Lake Elmo and subsequently the cumulative tax base of the City of Lake Elmo;

**WHEREAS**, the same surface waters, via public access, are frequented by resident and non-resident recreational boaters and sportsmen who may not reside on Lake DeMontreville, Lake Jane, Lake Olson and Lake Elmo;

**WHEREAS**, these recreational boaters and sportsmen may inadvertently and unintentionally transport certain aquatic invasive species, such as zebra mussels, Eurasian milfoil and spiny waterflea, that have attached to their watercraft or reside in bilge water;

**WHEREAS**, the Minnesota Department of Natural Resources (MNDNR) has an active Watercraft Inspections Grant program designed to mitigate the spread of aquatic invasive species to inland, freshwater surface waters;

**WHEREAS**, the Tri-Lakes Improvement Association (a homeowners group made up of residents of lake DeMontreville, Lake Jane and Lake Olson) have applied for a MNDNR Watercraft Inspection Grant totaling \$9650/\$5,000 MNDNR for the purposes of preventing aquatic invasive species from entering the surface waters within the confines of the City of Lake Elmo via 200 hours of watercraft inspections during the summer of 2012;

**WHEREAS**, the MNDNR grant is predicated on the acquisition of matching funds from stakeholder groups such as the Tri-Lakes Improvement Association, watershed districts and local municipalities;

**WHEREAS**, the Tri-Lakes Improvement Association has received a commitment for funds equaling \$2000 from the Valley Branch Watershed District, as well as a commitment from their own homeowners of \$650 to meet the requirements of the MNDNR Watercraft Inspection Grant;

**WHEREAS**, the City of Lake Elmo has a material economic interest in the protection of surface water quality within confines of its statutory boundaries and, has been requested to be matching grant partner for the MNDNR Watercraft Inspection Grant in the amount of \$2,000.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of Lake Elmo grant \$2,000 from the undesignated fund balance to be used for the purposes of 200 hours of watercraft inspection at public boat landings located at Lake DeMontreville, Lake Jane, Lake Olson, and Lake Elmo to mitigate the spread of aquatic invasive species; and

**BE IT FURTHER RESOLVED**, that the City Council of Lake Elmo grant these funds as a partnering match of already pledged funds from the Valley Branch Watershed District (\$2000) and the Tri-Lakes Improvement Association (\$650); and

**BE IT FURTHER RESOLVED**, that the City of Lake Elmo receive a final inspection report from the MNDNR and the Tri-Lakes Improvement Association no later than October 16, 2012 to determine the effectiveness tax dollar use for the prevention of the spreading of aquatic invasive species in Lake Elmo surface water.

Date: \_\_\_\_\_, 2012

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator

## CERTIFICATION

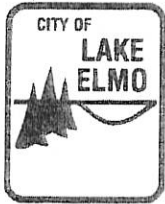
I, hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereto held on the 6<sup>th</sup> day of March, 2012 as shown by the minutes of said meeting in my possession.

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Carole Luczak  
City Clerk

(seal)





## MAYOR & COUNCIL COMMUNICATION

DATE: 3/6/12

**REGULAR**

ITEM #: 8

**MOTION [RESOLUTION 2012-010]**

**AGENDA ITEM:** Lot Area (Size) and Width Variances – 5577 Lake Elmo Avenue

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

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick Johnson, Interim City Planner

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**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 allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size. One of the newly created lots would contain an existing home, while a new buildable lot would be created on the northerly portion of the site. A variance has been requested from the minimum lot size requirement of 10 acres in a RR – Rural Residential zoning district and the minimum width requirement of 300 feet for lots in this district (the proposed lot widths would be 195 and 95 feet respectfully).

The applicant has previously requested a Comprehensive Plan and Zoning Map Amendment on the same property, but has withdrawn that request in favor of the current variance application. The public hearing on the variance application was opened at the February 13, 2012 Planning Commission meeting, and was continued until February 27, 2012 because the applicant was not able to attend on the prior meeting date. The Planning Commission recommended denial of the variance request based on the draft findings prepared by Staff. The recommended motion to act on this on this request is as follows:

***“Move to adopt Resolution No. 2012-010 denying a request by Steven Weber for variances to allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size”***

**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, the attached resolution reflects the findings that were adopted by the Commission. If the Council decides to approve the variance, it will need to work with staff to develop findings of fact that

are supportive of this decision. Staff has suggested how such findings could be constructed under the alternate actions presented below.

**PLANNING COMMISSION REPORT:** The Planning Commission reviewed the variance requests at its February 13<sup>th</sup> and 27<sup>th</sup> meetings, and conducted a public hearing on this matter over the course of these two meetings. At the prior hearing, the Commission received public testimony from one neighboring property owner against the granting of the variance and noted receipt of a letter from another adjoining property owner opposed to the variance requests. At the latter meeting, the Commission heard testimony as follows:

- Eileen Bergman (5500 Lake Elmo Avenue) reviewed the history of the surrounding land, and restated her opposition to the proposed variances and lot split. She expressed concern over setting precedent for other rural property owners to subdivide their land.
- James DeLaplain, Attorney at Law, representing the applicant, indicted that all of the surrounding lots are consistent with the lots that would be created through the variance. He disagreed with the draft findings prepared by Staff, and expressed concern that the standards in the code had not properly been applied in this situation, noting:
  - That the shape of the lot is much more important to determine unique circumstances than lot size.
  - That the proposed lots would not be any different than surrounding parcels, many of which are actually smaller.
  - That the “adjacent properties and traffic” finding in the staff report does not address the issue of congestion, which is the term referenced in City Code.
- Steven Weber discussed the history of his family’s ownership of the parcel, and noted that the character of the surrounding land is not rural. He discussed future plans for a frontage road in the area, and explained that he would look at other options for the driveway access if needed.

The Commission generally discussed the proposed variances, and offered the following comments in support of the staff recommendation:

- Not being able to subdivide a lot further than allowed under the zoning regulations does not represent a practical difficulty. It was noted that the lot was created under a 5-acre minimum standard, and could have been subdivided into two 2.5-acre lots if that had been the requirement at the time.
- The lot was created by the landowner, and therefore any proposed hardship due to the shape of the lot would have been created by the property owner.
- The proposed variances would take an existing non-conforming lot and create two non-conforming lots, neither of which would come close to otherwise being considered a buildable lot under the Zoning Ordinance.



The Commission recommended denial of the variance requests, and suggested that Staff revise the first finding to better reflect that the Planning Commission does not consider the creation of a new 2.5-acre parcel within a 10-acre zoning district to be a reasonable use of the property. It was noted that the configuration of the lot does not have any relationship to this first finding because the split of any 5-acre lot in the Rural Residential District would be considered unreasonable.

The Planning Commission vote on the recommendation was unanimous, with one abstention.

**RECOMMENDATION:** Based upon the above background information, staff report and Planning Commission recommendation, it is recommended that the City Council deny the request from Steven Weber, 12729 22nd Street North, West Lakeland, MN to allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size by undertaking the following action

***“Move to adopt Resolution No. 2012-010 denying a request by Steven Weber for variances to allow the subdivision of a 5.11-acre lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size”***

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

- A. Recommend approval of the variance request, and developing appropriate findings of fact to support this action. These findings would need to address the following:
  1. That the inability to subdivide the property will cause practical difficulties for the property owner, and that the proposed subdivision is a reasonable use of the property.
  2. That the plight of the land owner is due to circumstances unique to the property, and specifically that the odd shape of the lot and the disconnected area of the parcel make it difficult to use.
  3. That the variance will not alter the essentially character of the locality, and that the surrounding properties are similar in size, shape, density, and usage. Furthermore, the surrounding land is comprised of smaller residential lots and commercial activity and is not rural in character.
  4. That the proposed variance will not negatively impact the adjacent properties and traffic in the area.
- B. Table taking action on the variance in order to request additional information from either staff or the applicants.
- C. 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. This action does not appear to be supported by the City Council based on its discussions concerning the applicant's previous request.

**ATTACHMENTS:**

1. Resolution No. 2012-010
2. Planning Commission Staff Report (2/27/12 Meeting)
3. Application Form
4. Legal Description
5. Application Narrative
6. Proposed Lot Split Drawing
7. Location Map
8. Septic Site Evaluation Report
9. Washington County Comments
10. Aerial Photograph
11. Lake Elmo Access Analysis Map
12. Letter from Mike and Mary Jo Neuman
13. City Engineer Review Letter
14. League of MN Cities Variance FAQ Sheet

**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  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2012-010**

*A RESOLUTION DENYING LOT AREA AND WIDTH VARIANCES TO ALLOW A MINOR  
SUBDIVISION AT 5577 LAKE ELMO AVENUE*

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

**WHEREAS**, Steven Weber, 12729 22<sup>nd</sup> Street North, West Lakeland, MN (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for variances to the minimum lot size and lot width requirements for a Rural Residential Zoning District to allow the subdivision of a 5.11-acre parcel at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on February 13, 2012 and continued this hearing until its February 27, 2012 meeting; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 6, 2012; and

**WHEREAS**, the City Council considered said matter at its March 6, 2012 meeting.

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

**FINDINGS**

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.
- 3) That the proposed variances are to allow the subdivision of property at 5577 Lake Elmo Avenue into two separate lots that do not meet the minimum requirements of the RR – Rural Residential zoning district, and include the following components:

- a) Variances from the minimum lot size requirement of 10 acres in a RR – Rural Residential zoning district in order to create two new lots of 2.27 and 2.84 acres in size.
  - b) Variances from the minimum lot width requirement of 300 feet in a RR – Rural Residential zoning district in order to create two new lots that are 195 and 95 feet in width.
- 4) That the Variance will be located on property 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 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 second 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.

More commonly known as 5577 Lake Elmo Avenue.

- 5) That the strict enforcement of Zoning Ordinance would **not** cause practical difficulties and that the property owner **does not** propose to use the property in a reasonable manner not permitted by an official control. *Specific findings:*
- a) *That the subdivision of an existing 5-acre parcel into two smaller parcels in a zoning district that requires a minimum lot size of 10 acres is not a reasonable use of the property.*
  - b) *That the proposed subdivision is not reasonable because the property as it exists can be used for a single family residential home. Reasonable use of the property already exists, and the variance is not needed in order to make use of the parcel under the Rural Residential zoning district requirements. The current configuration of the lot is not relevant to the establishment of*

*reasonable use because the lot would not have been usable for a single family home without this additional area.*

- 6) That the plight of the landowner is **not** due to circumstances unique to the property **and was** created by the landowner. *Specific findings:*

- a) That the applicant's property is not unique because the property is able to support a single family home, and because a large majority of parcels outside of Open Space Preservation developments in the Rural Residential zoning district are larger than the lot owned by the applicant. The ability to find a suitable use for the areas outside of the immediate building location is not something that is unique to the applicant's site since the intent of the Rural Residential district is to promote the preservation of open space and rural character, and therefore, the uses and densities allowed in the district are intentionally limited.*
- b) That the proposed lot was created by the land owner and met the minimum lot size requirements when it was subdivided. The land owner was able to build on the lot and has been able to use the property as a single family residential lot for over 30 years.*

- 7) That the proposed variance **will** alter the essential character of the locality in which the property in question is located. *Specific findings:*

- a) That the applicant's property is located in a portion of the City that is guided for Rural Agricultural Density (RAD) development, which corresponds to the City's RR - Rural Residential Zoning District. This district requires a minimum lot size of 10 acres, and the applicant's request to create two lots of under 2.5 acres in size represents a substantial departure from the district requirements. Although there are existing non-conforming lots in the vicinity of the applicant's property, the continued subdivision of lots less than 10 acres will continue to alter the character of the area and create a denser, more urban environment in an area that is not intended to be served by municipal water or sewer services.*

- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question **but will** substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings:*

- a) That the proposed variance will have a negative effect on adjacent properties and traffic because the proposed driveway to serve the new home would not comply with the City's access management policies and guidelines. In particular, new driveway accesses are discouraged along streets classified as Minor Arterials (such as Lake Elmo Avenue) at the traffic levels that are forecast for this road. The proposed driveway would also fail to comply with the City's use of best management practices for spacing guidelines, which include:*

*minimizing new access locations and reducing/consolidating existing access points, protecting and improving intersection functional and sight distance areas, and proper design of driveways and intersections. The creation of a new driveway/lot will create a safety concern and add to congestion on Lake Elmo Avenue by adding an access point to Lake Elmo Avenue in a location that has reduced visibility dues to an incline in the roadway.*

### **CONCLUSIONS AND DECISION**

Based on the foregoing, the Applicants' application for a Variance is denied.

Passed and duly adopted this 6<sup>th</sup> day of March 2012 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

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

\_\_\_\_\_  
Dean A. Zuleger, City Administrator

City of Lake Elmo Planning Department  
**Variance Review**

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*To:* **Planning Commission**

*From:* Kyle Klatt, Planning Director

*Meeting Date:* **2/27/12**

*Applicant:* **Steven Weber**

*Owner:* Steven Weber

*Location:* **5577 Lake Elmo Avenue**

*Zoning:* RR – Rural Residential

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***Introductory Information***

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***Application  
Summary:***

The Planning Commission is being asked to consider a request by Steven Weber, 12729 22<sup>nd</sup> Street North, West Lakeland, for variances to allow the subdivision of a 5.11 acres lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size. The applicant is seeking to create a new buildable lot while retaining the existing single family residence located at this address. The specific variances that have been requested are as follows:

- A variance from the minimum lot size requirement of 10 acres in a RR – Rural Residential zoning district. The proposed lots would be 2.27 and 2.84 acres in size.
- A variance from the minimum width requirement of 300 feet for lots in this district. The proposed lots would be 195 feet and 95 feet in width, which are 105 and 205 feet narrower than allowed in an RR zoning district.

The applicant has previously requested a Zoning Map and Comprehensive Plan Amendment that would have allowed the proposed lot split without variances, but decided to withdraw this application after the Planning Commission had completed its review and forwarded its recommendation to the City Council. The review requirements for consideration of a variance are different than those for zoning amendments, and the Planning Commission should keep this in mind while considering the present application. Staff has included the relevant background information from the Commission's previous review in this report, but updated the analysis section to reflect the specific aspects of the variance request and subsequent findings that must be considered.

Should the requested variances 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 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.



**Applicable  
Codes:**

**Section 150.017 Variances.**

(A-I) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

**Section 154.036 RR – Rural Residential**

Outlines the general requirements for the RR Rural Residential Zoning District in Lake Elmo, and includes the following minimum requirements:

**Lot Size:** Nominal 10 acres. A 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations

**Lot Width:** 300 feet

**Septic Drainfield Regulations:** All lots must have at least 1 acre of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.

***Findings & General Site Overview***

**Site Data:** Lot Size: 5.11 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

***Variance Review:***

***Variance  
Analysis:***

As part of the report concerning a previous zoning request on the applicant's property, Staff provided the Planning Commission with information concerning the future land use designation of this site. It was noted that this site is located in a portion of the City that is guided for RAD – Rural Agricultural Density, which represents the bulk of the rural development areas within the City. With the current application, Mr. Weber is not requesting any changes to either the future land use or the zoning classification for the property, and has instead requested a variance from the current zoning requirements for a RR – Rural Residential Zoning District.

The RR – Rural Residential Zoning district specifies a minimum lot size of 10 acres and a minimum lot width of 300 feet, and the proposed variance would allow two lots to be created that fall well under both of these requirements. The existing lot is considered a legal non-conforming lot since it was created prior to the adoption of the current standards, and splitting it into two separate parcels would not be allowed without a variance. In this case, the resulting lots would be 7.73 and 7.16 acres smaller than required in the RR zoning district. Moreover, the resulting lot widths would also fall 105 and 205 feet shorter than required.

The criteria for consideration of a variance is found in the Zoning Ordinance, which includes the following provision:

- A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. All requests for variances shall be reviewed in accordance with the required findings listed [below].

A more detailed analysis of the variance findings form Staff is included a little later in this report. The applicant has provided a narrative (attached) describing their request, which includes the following general comments:

- The proposed usage if the variance were granted would be consistent with the surrounding lot sizes, shapes, density, and usage.
- The existing parcel is very odd in its shape.
- The existing configuration of the parcel is inconsistent with the surrounding lot sizes, shapes, density, and usage.
- The proposed densities would be consistent with the surrounding land use and would not alter the character of the locality.
- The proposed land use and zoning would be in substantial conformity with the policies goals, and standards of the Comprehensive Plan.
- The soil has been perk tested and the size of the proposed parcels and soil type allow for a suitable septic system.
- The proposed variance would have no impact on an adequate supply of light and air to adjacent properties.
- The proposed use under a variance would not substantially increase the congestion of public streets.
- The proposed use under the variance would do nothing to diminish or impair property values in the neighborhood

All of the other information that has been submitted is either the same or substantially similar to the materials submitted as part of the previous request.

**Staff Review  
Comments**

In reviewing the present request for a variance, Staff would like to note that most of the general comments that were provided during the Commission's previous review are relevant as well. In particular Staff is concerned that the proposed variance would allow and augment a pattern of development that is contrary to the purpose and intent of the City's Rural Residential zoning requirements. In addition, the creation of smaller lots within rural areas presents numerous planning issues related to traffic, safety, provision of future services, and maintaining the character of rural areas.

Staff has also found that the proposed request also does not meet the four criteria that must be met in order for the City to grant a variance. In particular, the applicant's lot

was created to meet the minimum district requirements at the time, and the inability to further subdivide the lot does not constitute "practical difficulties". It is not reasonable to allow a subdivision that would otherwise not be permitted on a piece of property that already is five acres smaller than allowed in the underlying zoning district. Staff also does not support the argument that the property is unusable and therefore the City must allow the property to be split. A person's definition of usability can vary substantially from one individual to another, and there are many properties in the City's rural development areas that are larger parcels with large areas that have limited use options (which can be seen as an intentional restriction to help preserve rural areas). The shape of the property clearly is unusual for Lake Elmo, but was created and eventually purchased in this configuration with the clear understanding that only one house could be built on the property.

The City Engineer has submitted review comments for consideration by the Planning Commission, and has augmented his previous review by noting additional concerns regarding the location of the driveway and the current and future traffic levels along Lake Elmo Avenue. Lake Elmo Avenue is classified as a Minor Aerial (A) roadway in the City's Comprehensive Plan, and this designation is defined as follows:

"Minor arterials also emphasize mobility over property access and connect cities with adjacent communities and the metropolitan highway system. "A" minor arterials are roadways that are of regional importance because they relieve, expand, or complement the principal arterial system."

This designation specifically notes that mobility be given emphasis over access along these streets, and in this case, the creation of an additional driveway access to Lake Elmo Avenue would not be consistent with the roadway classification. Please also note the existing and future traffic counts that are included in the Engineer's report. Traffic levels along Lake Elmo Avenue are forecast to increase nearly four times beyond the current amount, and the continued operation of individual driveway accesses along this road segment will present serious safety concerns in the future. Although the County has stated that it will issue a permit for the new driveway, if requested, the County does rely in local jurisdictions to regulate access in accordance with their respective plans since it does not have land use authority over a city like Lake Elmo.

Other comments from Staff pertaining to the variance request, some of which were also applicable to the previous request, are as follows:

- 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).
- There have been no changes to the City since the applicant's lot was originally subdivided that would warrant a consideration of a request to further subdivide this lot. 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.
- The proposed driveway to serve the new lot would be located along an incline along Lake Elmo Avenue, which would reduce the visibility for vehicles entering and exiting the site and for vehicles that would be stopped and waiting for turn into the property.
- The City's access spacing standard for the distance between local streets on a Minor Arterial road is  $\frac{1}{4}$  mile, and as traffic increases on Lake Elmo Avenue in the future (once the counts exceed 7,500 average daily trips), no direct access for residential driveways is recommended. The attached access analysis map depicts all of the present driveway and road connections to Lake Elmo Avenue, which shows 12 existing (and the one proposed) road/driveway accesses over a distance that would support one such connection point under the City's guidelines.
- Staff does not support the creation of any new access points along Lake Elmo Avenue unless some of the existing driveways could be consolidated into one new public roadway.

For the reasons noted above, Staff is recommending that the Planning Commission recommend denial of the variance request, and is proposing findings to support this action in the section that follows.

**Variance  
Criteria:**

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicants' request.

1. **Practical Difficulties.** *A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.*

The language concerning "practical difficulties" is the first standard that must be met in order for the City to consider granting a variance. Under this standard, the Planning Commission would need to find that the subdivision of an existing non-conforming lot is a reasonable use of the property not otherwise permitted under the zoning ordinance. The appropriate findings for this standard would therefore need to note the subdivision is a reasonable request within a Rural Residential zoning district. Using this standard as a basis, Staff is suggesting that the Planning Commission consider the following:

**FINDINGS:** That the proposed subdivision is not reasonable because the property as it exists can be used for a single family residential home. Reasonable use of the property already exists, and the variance is not needed in order to make use of the parcel under the Rural Residential zoning district requirements. The current configuration of the lot is not relevant to the establishment of reasonable use because the lot would not have been usable for a single family home without this additional area.

2. **Unique Circumstances.** *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

In order to demonstrate compliance with this standard, the Planning Commission would need to note those aspects of the applicant's property that would not pertain to other properties within the same zoning classification. In this case, all Rural Residential property is subject to the same area and width requirements, and the current lot presently does not meet these standards. Again, Staff is suggesting some findings that could be considered by the Planning Commission as follows:

**FINDINGS:** That the applicant's property is not unique because the property is able to support a single family home, and the vast majority of parcels in the Rural Residential zoning district are required to have a larger area than that owned by the



applicant. The ability to find a suitable use for the areas outside of the immediate building location is not something that is unique to the applicant's site since the intent of the Rural Residential district is to promote the preservation of open space and rural character, and therefore, the uses and densities allowed in the district are intentionally limited.

3. ***Character of locality.*** *The proposed variance will not alter the essential character of the locality in which the property in question is located.*

The subdivision of rural residential lots, by definition, changes the character of the City's rural areas by introducing higher densities into areas that have not been planned for more intensive uses. A more formal set of findings related to this standard is suggested as follows:

**FINDINGS:** That the proposed variance will alter the essential character of the locality in which the property in question is located. The applicant's property is located in a portion of the City that is guided for Rural Agricultural Density (RAD) development, which corresponds to the City's Rural Residential Zoning District. This district requires a minimum lot size of 10 acres, and the applicant's request to create two lots of under 2.5 acres in size represents a substantial departure from the district requirements. Although there are existing non-conforming lots in the vicinity of the applicant's property, the continued subdivision of lots less than 10 acres will continue to alter the character of the area and create a denser, more urban environment in an area that is not intended to be served by municipal water, sewer services.

4. ***Adjacent properties and traffic.*** *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.*

A large part of the Staff report above is devoted to transportation and access issues, and based partially on comments from the City Engineer, Staff is suggesting the following findings pertaining to this criterion:

**FINDINGS:** The proposed variance will have a negative effect on adjacent properties and traffic because the proposed driveway to serve the new home would not comply with the City's access management policies and guidelines. In particular, new driveway accesses are discouraged along streets classified as Minor Arterials (such as Lake Elmo Avenue) at the traffic levels that are forecast for this road. The proposed driveway would also fail to comply with the City's use of best management practices for spacing guidelines, which include: minimizing new access locations and reducing/consolidating existing access points, protecting and improving intersection functional and sight distance areas, and proper design of driveways and intersections. The creation of a new driveway/lot will create a safety concern by adding an access point to Lake Elmo Avenue in a location that

has reduced visibility dues to an incline in the roadway.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending denial of the variance request based on the findings noted in items 1-4 above.

**Conclusion:** Based on the report and analysis provided above, Staff is recommending that the Planning Commission recommend **denial** of the request by Steven Weber for variances to allow the subdivision of a 5.11 acres lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size.

**Additional Information:** Valley Branch Watershed District did not submit any comments specific to the applicant's variance 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 for variances to allow the subdivision of a 5.11 acres lot at 5577 Lake Elmo Avenue into two new lots of 2.27 and 2.84 acres in size.

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

- A) Recommend approval of the variance request, and developing appropriate findings of fact to support this action.
- B) Table taking action on the variance in order to request additional information from either staff or the applicants.
- C) 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. This action does not appear to be supported by the City Council based on its discussions concerning the applicant's previous request.

cc: Steven Weber, 12729 22<sup>nd</sup> Street North, West Lakeland, MN

City of Lake Elmo  
DEVELOPMENT APPLICATION FORM

Fee \$ \_\_\_\_\_

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

APPLICANT: Steven John Weber, 12729 22nd St. N., West Lakefield, 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 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:

See Schedule B

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

Variance Request Application  
5577 Lake Elmo Avenue  
PIN 01.029.21.23.0001  
Owner: Steven Weber

Detailed Reason for Request:

### **Summary of Request.**

Applicant property owner requests a partition of the existing 5.11 acre 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.

### **Practical Difficulties.**

The applicants submits that the strict enforcement of the city code zoning restrictions in regard to the affected property would cause practical difficulties because of circumstances unique to the property under consideration. The requested use would be in keeping with the spirit and intent of the chapter. The applicant proposes to use the property in a reasonable manner not permitted by an official control. Namely, the applicant wished to use the property in a way not inconsistent with the dwelling unit density allowed under the comprehensive plan, and with dwelling density in conformity with the majority of the surrounding parcels. In short, the proposed usage if the variance were granted would be consistent with the surrounding lot sizes, shapes, density, and usage.

### **Unique Circumstances.**

The existing parcel is very odd in its shape. It is unknown to applicant why the parcel was configured as it is. One of the members of the family of the original seller of the property around 1978 reports that it was shaped as it is to comply with a then existing 5 acre code requirement. At any rate, the parcel as it exists 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 a single property owner (one home on two one acre parcels owned by the occupant of the home). 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.

**Character of the locality: The proposed densities of the site would be consistent with surrounding land use and would not alter the character of the locality.**

The existing density of the parcels surrounding applicants parcel is in the range of 1 residential unit per one or two acres. 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, approximately 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.**

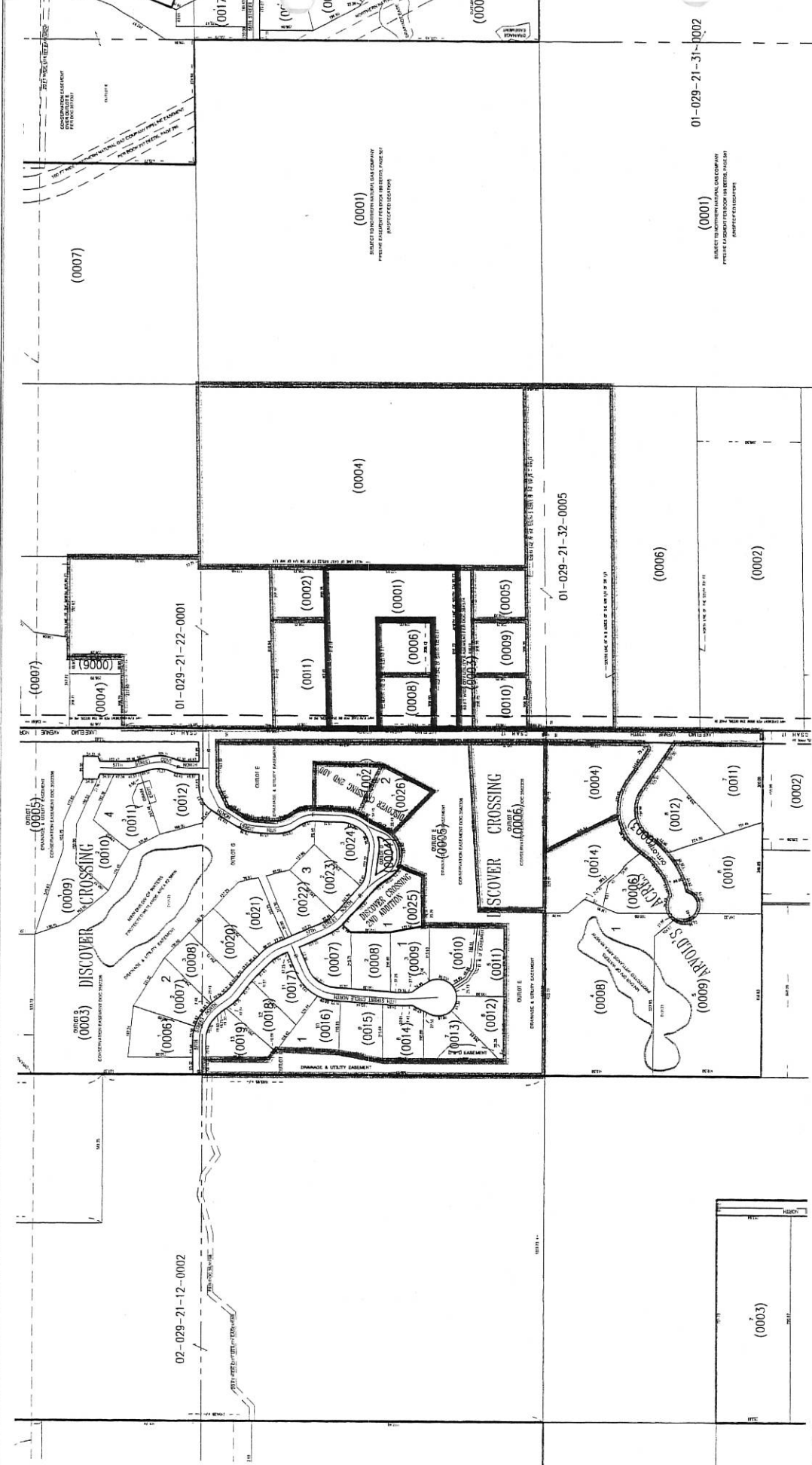
**The proposed variance would have no impact on an adequate supply of light and air to adjacent properties.**

**The proposed use under a variance would not substantially increase the congestion of public streets.**

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.

**The proposed use under the variance would do nothing to diminish or impair property values in the neighborhood.**



THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF  
DATA AND RECORDS AS THEY APPEAR IN VARIOUS 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.

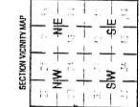
MAP LAST UPDATED: February 14, 2011

NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

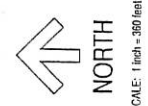
DATE OF CONTIGUOUS: April, 2009 DATE OF PHOTOGRAPHY: None

SECTION NUMBER	TRANSFER NUMBER	ENGINE NUMBER	QUARTER NUMBER	PLATE NUMBER
01	100	01	01	0000

(0001) - LAST FOUR DIGITS OF PROPERTY  
IDENTIFICATION NUMBER



SECTION-TOWNSHIP-RANGE INDEX	
3503021	3503021 3103020
0202921	0102921 0602320
1102921	1202921 0702320



SCALE: 1 inch = 360 feet

**LEGEND**

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

**Washington  
County**

**PUBLIC WORKS DEPARTMENT  
SURVEY AND LAND MANAGEMENT DIVISION**

14414 82nd Street North, P.O. Box 6  
Shawnee, Minnesota 55082-0006  
(651) 430-6875  
sumpster@co.washington.mn.us  
www.co.washington.mn.us

ADD

259.16

967.18

LAKE ELMO AVENUE NORTH

HWY R/W EASE PER BK 258 DEEDS, PG 45

Proposed New Driveway to 17

(0011)

417.42

618.19

(0002)

200.78

(B)

[New Parcel 123,963 sq. ft.  
Approx 2.84 acres]

(A)

New Boundary Line

200.78

WEST LINE OF EAST 695.23 FT

OF SW 1/4 OF NW 1/4

(0001)

(C)

[New Parcel Approx 98,931 sq. ft.  
2.27 acres]

(0006)

208.42

(0008)

209.00

494.71

NORTH LINE OF SOUTH 639.40 FT

NORTH LINE OF SOUTH 430.40 FT

417.42

NORTH LINE OF SOUTH 334.70 FT

616.32

60 FT WIDE CITY UTILITY EASEMENT PER DOC 384574

(0003)

616.12

208.70

208.70

Undivided Parcel is 01.029.21.23.0001

D) Proposed new boundary line

E) Approximate location of new North Parcel 123,963 sq. ft. (2.84 acres)

D) Proposed new driveway entering onto Lake Elmo Avenue North

E) Approximate location of existing entrance onto Lake Elmo Avenue North

01-029-21-23

(0004)



Ed Eklin 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. 82<sup>nd</sup> 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 Eklin

MPCA License #3321/Certification #C3268

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

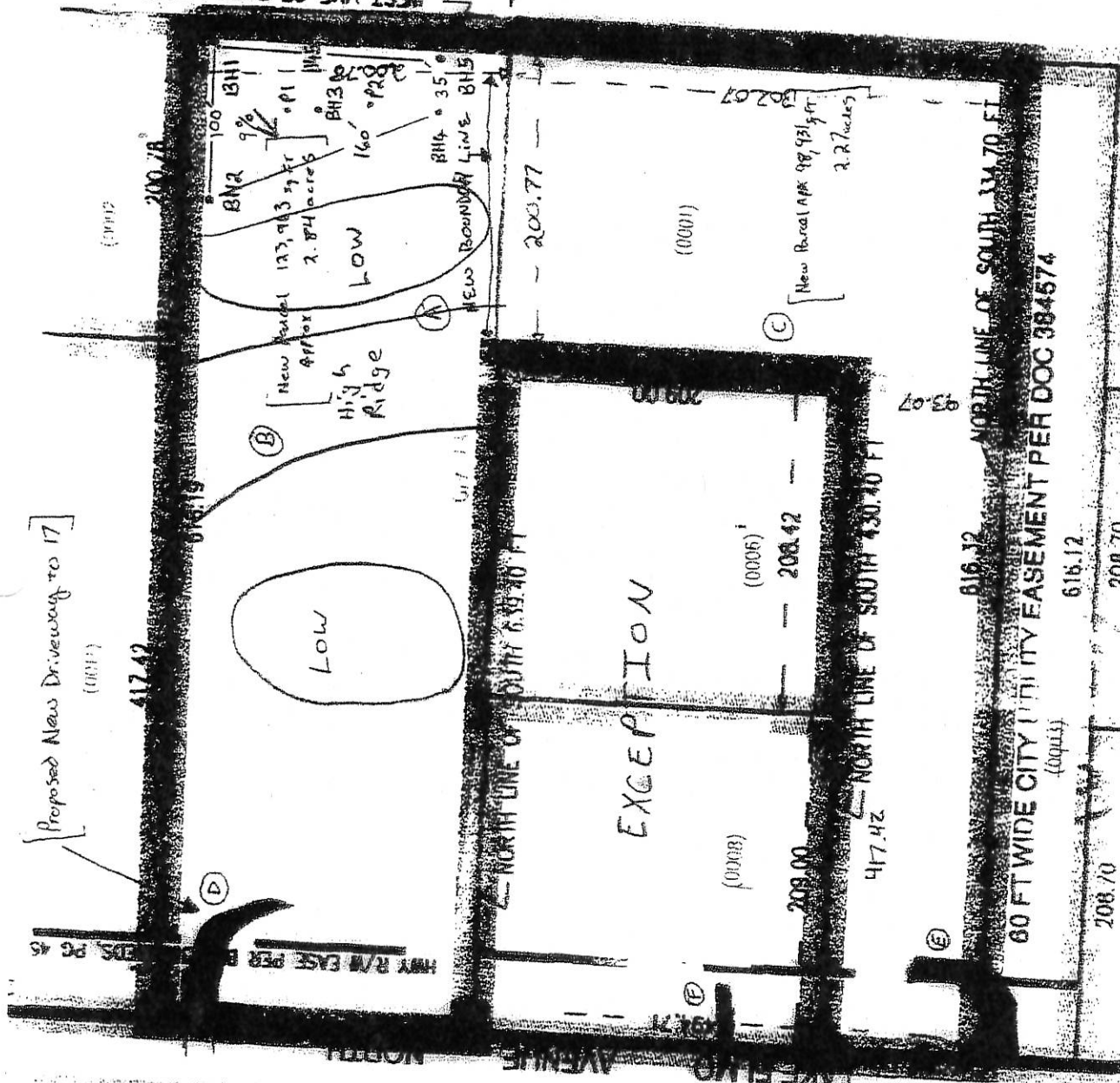
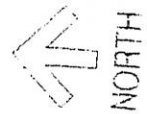


Steven Weber  
 5577 Lake Elmo Ave  
 Lake Elmo  
 1"=100'  
 Verify Septic  
 Location



Proposed  
 Property Line

01-029-21-23  
 (00001)



- (C) is approximate size of new south parcel.
- (D) is proposed new entrance to Lake Elmo Avenue from North Avenue.
- (E) is approximate location of existing entrance to Lake Elmo Avenue.
- (F) is approximate location of existing entrance.

undivided parcel is 01-029-21-23-0001

in proposed new boundary line

approximate size of new north parcel (highlighted in yellow)

END ADD

102

2





**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](mailto:carol.hanson@co.washington.mn.us).

Sincerely,

A handwritten signature in cursive script that reads "Carol Hanson".

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



# Location Map - 5577 Lake Elmo Ave









# 5577 Lake Elmo Ave N Access Analysis



## Legend

- Existing Access Point
- Proposed Access Point
- Parcel Boundary
- 200' Distance Between Access Points

0 150 300 600 Feet

City of Lake Elmo

2/23/2012

Data Source:

Washington County, MN



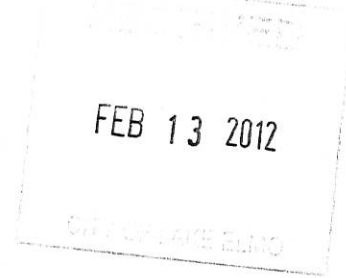




February 12, 2012

To: City of Lake Elmo

Subject: Variance for 5577 Lake Elmo Avenue



To whom it may concern:

We are opposing the division/variance of the property at 5577 Lake Elmo Avenue North.

Sincerely,

 Mary Jo Neuman 2/12/12

Mike and Mary Jo Neuman  
5685 Lake Elmo Avenue  
Lake Elmo, MN 55042

# MEMORANDUM

## FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267

Date: February 22, 2012

To: Kyle Klatt, Lake Elmo Planning Director

Re: City of Lake Elmo  
5577 Lake Elmo Avenue  
Lot Split Variance

Cc: Ryan Stempski, P.E.

From: Jack Griffin, P.E., City Engineer

We have received the Variance Request Development Application for 5577 Lake Elmo Avenue North; PIN 01.029.21.23.0001. The following items were received:

- Application with Schedule A [Legal Description] and Schedule B [Request Narrative].
- Plat Drawing; NTS. PIN 01.029.21.23.0001.
- Sketch drawing showing proposed Lot Split.
- Septic System preliminary site review letter by Ed Elkin Septic System Design, dated 11-07-2011.
- Washington County Review Letter dated 11-10-2011.

The engineering department continues to find that this Lot Split proposal and Variance Application remains inconsistent with the City's Comprehensive Plan, including the Transportation Plan, and therefore is recommending denial of this request.

**Coordinated, Efficient Infrastructure:** 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 the development to occur through a *coordinated approach* to allow for adequate and efficient supporting infrastructure. Adequate and efficient infrastructure will not occur if parcels are allowed lot splits, completed on an independent basis. 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.

**The Transportation Situation:** The Transportation issue relates to Access Management. Access management is the balance between corridor mobility and property access. Increased access results in a decrease in mobility and a decrease in safety. The City is responsible for creating and implementing Access Management policies as part of its Transportation Plan. While both the State and County own and operate roadways within the City **they cannot deny** access to local properties. They rely on the City



or local authority to manage the proper access spacing along State and County roadways through its land use controls.

In the vicinity of the proposed private driveway, there are currently 10 existing private driveways and two intersecting local roads. In accordance with the City Transportation Plan, private driveway access to Lake Elmo Avenue (A Minor Arterial Road) is to be prohibited. Lake Elmo Avenue is a County owned roadway that supports the City's transportation needs including mobility, safety, efficiency, and the local economy. This roadway is classified as an "A Minor Arterial" in the City's Transportation Plan. Minor Arterial roads are one step higher than collector roads in the Transportation hierarchy. They are intended to prioritize mobility, efficiency and safety over property access. Collector roads supplement the arterial roadway system by providing access between neighborhoods and to the arterial system. Local Streets have the primary purpose to provide direct access to local properties within neighborhoods. Therefore future development along this corridor needs to require a collector or local roadway to be constructed from Lake Elmo Avenue into the developed property. The local property access may then extend to this new road. As traffic increases along this corridor and other access points are needed, future corrective improvements may be required to actually remove the number of private driveways in this area.

**Access Spacing Guidelines from Transportation Plan:**

- Principal Arterials: No direct access to local properties. Access from Minor Arterials only.
- Minor Arterials (i.e. Lake Elmo Avenue): No direct access to local properties. ¼ Mile spacing between Collector Roadways. 1/8 Mile spacing between residential street intersections.
- Collector Roadways No direct access to local properties. ¼ Mile spacing between Collector Roadways. 1/8 Mile spacing between residential street intersections.

**Water and Sewer Treatment Systems:** 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 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.



## VARIANCES

Frequently Asked Questions  
(Reflects 2011 law change)

### **What is a variance?**

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

### **Who grants a variance?**

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council. For more information, see [Minn. Stat. § 462.357](#).

### **When can a variance be granted?**

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. For more information, see [Minn. Stat. § 462.357](#).

### **What kind of authority is the city exercising?**

A city exercises so-called "quasi-judicial" authority when considering a variance application. This means that the city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising "legislative" authority and has much broader discretion.

### **What is practical difficulties?**

Practical difficulties is a legal standard set forth in law that cities must apply the when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied. For more information, see [Minn. Stat. § 462.357](#).

This material is provided as general information and is not a substitute for legal advice.  
Consult your attorney for advice concerning specific situations.

**What are the practical difficulties factors?**

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line, or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land, and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

**Are there are other factors a city should consider?**

Yes. State statute provides variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. So, in addition to the three-factor practical difficulties test, a city evaluating a variance application should make findings as to (1) whether or not the variance is in harmony with the purposes and intent of the ordinance, and (2) whether or not the variance is consistent with the comprehensive plan.

**What about economic considerations?**

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exists only when the three statutory factors are met.

**What about undue hardship?**

"Undue hardship" was the name of the three-factor test prior to a May 2011 change of law. Effective May 6, 2011 Minnesota Laws, Chapter 19, amended Minn. Stat. § 462.357, subd. 6 to restore municipal variance authority in response to *Krummenacher v. City of Minnetonka*, 783 N.W.2d 721 (Minn. June 24, 2010). In *Krummenacher*, the Minnesota Supreme Court interpreted the statutory definition of "undue hardship" and held that the "reasonable use" prong of the "undue hardship" test was not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance.

**What did the 2011 law change?**

The 2011 law changed the first factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling. The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. The 2011 law also provides that: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

**Can a city grant a use variance?**

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located. For more information, see Minn. Stat. § 462.357.

**Is a public hearing required?**

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

**What is the role of neighborhood opinion?**

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

**What is the role of past practice?**

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

**When should a variance decision be made?**

A written request for a variance is subject to Minnesota’s 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval. For more information, see Minn. Stat. § 15.99.

**How should a city document a variance decision?**

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

**Can meeting minutes adequately document a variance decision?**

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

**Can a city attach conditions to a variance?**

By law, a city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the affect of excess height. For more information, see Minn. Stat. § 462.357.

**What happens to the variance once granted?**

A variance once issued is a property right that “runs with the land” so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

Jed Burkett 2011/06





## MAYOR & COUNCIL COMMUNICATION

DATE: 3/6/12

**REGULAR**

ITEM #: 9

**AGENDA ITEM:** Fire Relief Association Raffle Drawing

**SUBMITTED BY:** Brad Winkels, District Chief

**THROUGH:** Carole Luczak, Interim City Clerk

**REVIEWED:** Dean A. Zuleger, City Administrator

---

### **SUMMARY AND ACTION REQUESTED**

Requested that the Mayor and/or City Council members draw the winning raffle tickets from the Annual fund raising raffle.

### **BACKGROUND INFORMATION**

*The Lake Elmo Fire Relief Association has had the winning tickets drawn at City Council meeting for the last three years and would like to continue with this year's drawing.*

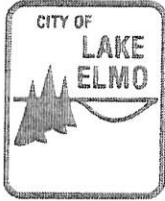
**ATTACHMENTS:** None

### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... Brad Winkels
- Report/Presentation ..... Brad Winkels







## MAYOR & COUNCIL COMMUNICATION

DATE: 3/06/2012  
**REGULAR**  
ITEM #: 10  
**MOTION** *Resolution # 2012-011*

**AGENDA ITEM:** DeMontreville Highlands Area Street Improvements – Public Improvement Hearing and Resolution No. 2012-011 Ordering Improvement and the Preparation of Plans and Specifications

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Ryan Stempski, Assistant City Engineer

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to hold the Public Improvement Hearing for the DeMontreville Highlands Area Street Improvements, and following the hearing, adopt Resolution No. 2012-011 thereby ordering the improvement and the preparation of plans and specifications.

**STAFF REPORT:** Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing has been noticed for March 6, 2012, sometime after 7:00 P.M. to consider making improvements to the following street segments:

- Highlands Trail North (from DeMontreville Trail to Trunk Highway 36)
- Hytrail Avenue North (Highlands Trail North to 59th Street North)
- 59th Street North (Hytrail Avenue North to Cul-de-sac)
- Highlands Court North (from Highlands Trail North to Cul-de-sac)
- DeMontreville Trail Circle North (from DeMontreville Trail to Cul-de-sac)
- DeMontreville Trail Place North (from DeMontreville Trail Circle to Cul-de-sac)
- 53rd Street North (from DeMontreville Trail to Cul-de-sac)

The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be impacted by these improvements. A Feasibility Report has been completed and adopted by the City Council defining the scope of the proposed improvements together with the estimated project costs. The detailed findings of the report will be presented at the meeting and an opportunity for public comment and input will be provided. This report is available for review at City Hall.

A Feasibility Report for these streets was completed and presented to the City Council at the February 7, 2012 Council Meeting and at the February 28, 2012 Workshop. The Report recommends a street reclamation improvement to be completed for all street segments. Street

Reclamation is a "Green Road" process that recycles the existing in-place bituminous surface and aggregate base materials to restore pavement strength and durability. This process, when it is feasible, allows the City to improve its streets at a significantly reduced cost while gaining a reasonable service life for the street. Subgrade corrections will be necessary in a few locations to address more distressed areas.

The Report provides total project cost estimates for two alternatives; 1) restoring the wider streets to their current widths of 32 feet; and 2) narrowing most of those streets to 28 feet. Estimated Total Project Costs for Reclamation of Neighborhood Streets to their current width of 32 feet is \$1,000,000. In this scenario the City cost participation would be \$700,000 and the estimated unit property assessment would be \$3,200 each. Estimated Total Project Costs for Reclamation of Neighborhood Streets with some streets reduced to 28 feet in width is \$1,046,000. In this scenario the City cost participation would be \$732,200 and the estimated unit property assessment would be \$3,350 each. There are an estimated 95 assessable properties for this improvement project.

In past years the feasibility reports provided cost estimates for council consideration regarding curb replacement with concrete curb and gutter and bituminous curb. However, at council direction last year the Street CIP was revised to reflect bituminous curb costs going forward.

Should the improvements be ordered, the project will be partially financed through special assessments. The Lake Elmo City Council adopted an assessment policy, dated November 16, 2010. The final assessments in the Report are consistent with this assessment policy.

The report also investigated the opportunity to incorporate rain gardens within the public right-of-way to improve water quality as part of the overall project. Nineteen (19) potential rain garden sites were identified. Should the council authorize the project, property owners will be contacted to determine if they want to participate in the rain garden program. The estimated costs for nineteen rain gardens is \$52,000. A funding application has been prepared and submitted through the VBWD Community Grant Program. In excess of 50%+ of the water quality improvement costs are grant eligible. The remaining amounts would be funded through the City's storm water utility fund. Staff will continue to implement this program through a cooperative effort between City staff, the VBWD and the Washington Conservation District.

**BACKGROUND INFORMATION:** The DeMontreville Highlands Area Streets were generally constructed in 1980 at 32 feet in width using bituminous curb and placed within a 60 foot right-of-way. Highlands Trail North serves as a minor collector roadway providing neighborhood access to Trunk Highway 36 to the north and DeMontreville Trail to the south. As a minor collector road, Highlands Trail North has been striped with 12-foot driving lanes and 4-foot shoulders. This road segment has an 80 foot right-of-way. As a minor collector roadway, a width reduction was not reviewed for Highlands Trail North. The four foot shoulders serve as bicycle/pedestrian routes for the neighborhood. DeMontreville Trail Circle North and DeMontreville Trail Place North were constructed with 24 foot widths and would remain at this width following the project.

**RECOMMENDATION:** Based upon the above staff report, the City Council is respectfully requested to consider adopting Resolution No. 2012-011, Ordering the Improvement and the Preparation of Plans and Specifications for the DeMontreville Highlands Area Street Improvements. Please note that because this project was initiated by the City Council, and not by a resident petition, the improvements must be ordered by a 4/5th majority of the City Council by undertaking the following action: The suggested motion to approve this action is as follows:

**“Move to adopt Resolution No. 2012-011, ordering the Improvement and the preparation of the Plans and Specifications for the DeMontreville Highlands Area Street Improvements.”**

Alternatively, the City Council may choose not to order a portion or all of the improvements.

**ATTACHMENTS:**

1. Resolution No. 2012-011
2. Notice of Public Hearing

**SUGGESTED ORDER OF BUSINESS:**

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

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

**RESOLUTION NO. 2012-011**

**A RESOLUTION ORDERING THE IMPROVEMENT AND  
PREPARATION OF PLANS AND SPECIFICATIONS FOR THE  
DEMONTREVILLE HIGHLANDS AREA STREET IMPROVEMENTS**

*WHEREAS, pursuant a resolution of the City Council adopted the 8th day of February, 2012, the Council ordered a hearing on Improvement for the DeMontreville Highlands Area Street Improvements, and*

*WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 6th day of March, 2012, at which all persons desiring to be heard were given the opportunity to be heard thereon,*

*WHEREAS, the feasibility report states that the project is necessary, cost-effective, and feasible,*

***NOW, THEREFORE, BE IT RESOLVED,***

- 1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report.*
- 2. Such improvement is hereby ordered as proposed in the Council resolution adopted the 8th day of February, 2012.*
- 3. The City Engineer is hereby designated as the engineer for this improvement. The engineer shall oversee the preparation of the Plans and Specifications for the making of such improvement.*
- 4. The City Engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement, and to assist the City Engineer during the construction phase of the improvement as requested.*
- 5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.*

*Adopted by the Council this 6th day of March, 2012.*

Date: \_\_\_\_\_, 2012

CITY OF LAKE ELMO

By: \_\_\_\_\_

Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator

## CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 6th day of March 2012, as shown by the minutes of said meeting in my possession.

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Carole Luczak  
Interim City Clerk

(Seal)



CITY OF LAKE ELMO  
NOTICE OF HEARING  
DEMONTREVILLE HIGHLANDS AREA STREET IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the City Hall at or approximately after 7:00 P.M. on Tuesday, March 6, 2012, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

**The improvement will consist of reclaiming the pavement surface and aggregate base the for DeMontreville Highlands Area street improvements consisting of Highlands Trail North (from DeMontreville Trail to TH 36), Hytrail Avenue North, 59th Street North, Highlands Court North, DeMontreville Trail Circle North, DeMontreville Trail Place North, and 53rd Street North (from DeMontreville Trail to end of cul-de-sac). The improvement will include the placement of a new bituminous surface in the current approximate location and grade.**

The area proposed to be assessed for these improvements include properties abutting the above referenced streets or properties that gain direct driveway access to their property from the above referenced streets. The estimated total cost of the street improvements is \$1,046,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

**DATED:** February 8, 2012

**BY ORDER OF THE LAKE ELMO CITY COUNCIL**

**Brett Emmons, Acting Mayor**

*(Published in the Oakdale-Lake Elmo Review on February 15, 2012 and February 22, 2012)*





## MAYOR & COUNCIL COMMUNICATION

DATE: 3/06/2012  
**REGULAR**  
ITEM #: 11  
**MOTION** *Resolution # 2012-012*

**AGENDA ITEM:** Keats Avenue North: MSA Street and Trunk Watermain Improvements – Public Improvement Hearing and Resolution No. 2012-xxx Ordering Improvement and the Preparation of Plans and Specifications

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Ryan Stempksi, Assistant City Engineer

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to hold the Public Improvement Hearing for the Keats Avenue North: MSA Street and Trunk Watermain Improvements, and following the hearing, adopt Resolution No. 2012-xxx thereby ordering the improvement and the preparation of plans and specifications.

**STAFF REPORT:** Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing has been noticed for March 6, 2012, sometime after 7:00 P.M. to consider making the following improvements:

- Street Reconstruction of Keats Avenue North, from 47th Street North to Trunk Highway 36
- Install 16-inch diameter Trunk Watermain from Julep Avenue North (Tapestry Development) along 47th Street North, then north along Keats Avenue North to 59th Street North

The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be impacted by these improvements. A Feasibility Report has been completed and adopted by the City Council defining the scope of the proposed improvements together with the estimated project costs. The detailed findings of the report will be presented at the meeting and an opportunity for public comment and input will be provided. This report is available for review at City Hall.

A Feasibility Report for these improvements was completed and presented to the City Council at the February 8, 2012 Council Meeting and at a February 28, 2012 Workshop. The Report recommends the reconstruction of Keats Avenue North using Municipal State Aid funding but designing to a 10 ton road using 11 foot driving lanes, 5 foot shoulders and a 15 foot clear zone; including 4 foot paved shoulders (30-foot wide paved surface). The four foot paved shoulders are needed to maintain adequate space to accommodate pedestrian/bicycle use. The reduced driving lane width will serve to keep the final lane/shoulder section within the current existing road foot print. Staying within the existing foot print will control the construction limits and impacts thereby reducing ditch

restoration, driveway and culvert replacement work. In order to utilize Municipal State Aid Funding a variance request will need to be approved to reduce the lane widths from 12 feet, the shoulder widths from 6 feet, and the clear zone from 30 feet. The recommended project improvements also include the replacement of all cross culverts and replacement of driveway culverts as deemed necessary.

The proposed trunk watermain improvements include the installation of a 16-inch diameter Trunk Watermain line to interconnect the water system from the Tapestry Development to Rock Point Church. The improvement includes approximately 8,400 feet of watermain. This trunk watermain extension project was programmed for construction in 2011 in the city Water System CIP and will provide a critical watermain connection needed to solidify the backbone of the city's water distribution system. With the roadway needing to be reconstructed, the placement of the watermain line can be accomplished at a significant cost savings by combining the project restoration costs. With this information it was determined that the proposed reconstruction of Keats Avenue North be completed concurrently with the Keats Avenue Trunk Watermain Extension project.

The Estimated Total Project Costs for the Reconstruction of Keats Avenue North meeting Municipal State Aid Standards and with a 30 foot paved surface is \$1,142,000. As a collector road, Keats Avenue North serves a broader role in the transportation system than just local traffic. Therefore, the project would be funded primarily using the City's Municipal State Aid construction account. However, some properties will receive a local benefit and it is proposed that properties with direct driveway access to Keats Avenue North be specially assessed a portion of the project consistent with the City's Assessment Policy. There are 23 properties that are proposed to be specially assessed and the estimated unit assessment is \$3,000. The City cost participation is therefore \$1,073,000.

The Estimated Total Project Costs for the Trunk Watermain Extension is \$1,028,000. As a trunk watermain line the improvement is being installed as a part of the community wide integrated water system. Therefore, the watermain extension project will be primarily funded using the City's \$1.0 million DEED water system grant with matching funds from the City's Water Enterprise Fund. Like the Keats Avenue North collector street improvement, a local benefit will be realized by the properties adjacent to the trunk watermain line. It is recommended that the City consider assessing a water lateral benefit charge to those 20 properties.

Should the improvements be ordered, the project will be partially financed through special assessments. The Lake Elmo City Council adopted an assessment policy, dated November 16, 2010. The final assessments in the Report are consistent with this assessment policy.

**BACKGROUND INFORMATION:** Keats Avenue North is major north and south collector roadway and a designated Municipal State Aid route within the City of Lake Elmo. It is a rural section roadway with a 24 foot wide bituminous surface and four foot gravel shoulders. The current speed limit is 45 mph. With the pavement surface showing significant distresses indicating subgrade failures, Keats Avenue North has been in the city Street CIP programmed for improvement in 2012.

In preparation of this improvement a geotechnical investigation was ordered to obtain more detailed information in regards to the current pavement, base and subgrade condition for Keats Avenue North. The primary objective was to determine if a street reclamation process could be used for the

roadway improvement project, a low cost pavement rehabilitation option. Unfortunately, the report findings indicated that a complete reconstruction will be required.

**RECOMMENDATION:** Based upon the above staff report, the City Council is respectfully requested to consider adopting Resolution No. 2012-012, Ordering the Improvement and the preparation of Plans and Specifications for the Keats Avenue North: MSA Street and Trunk Watermain Improvements. Please note that because this project was initiated by the City Council, and not by a resident petition, the improvements must be ordered by a 4/5th majority of the City Council by undertaking the following action: The suggested motion to approve this action is as follows:

**“Move to adopt Resolution No. 2012-012, ordering the Improvement  
and the preparation of the Plans and Specifications for the  
Keats Avenue North: MSA Street and Trunk Watermain Improvements.”**

Alternatively, the City Council may choose not to order a portion or all of the improvements.

**ATTACHMENTS:**

1. Resolution No. 2012-012
2. Notice of Public Hearing

**SUGGESTED ORDER OF BUSINESS:**

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

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

**RESOLUTION NO. 2012-012**

**A RESOLUTION ORDERING THE IMPROVEMENT AND  
PREPARATION OF PLANS AND SPECIFICATIONS FOR THE  
KEATS AVENUE NORTH: MSA STREET AND  
TRUNK WATERMAIN IMPROVEMENTS**

*WHEREAS, pursuant a resolution of the City Council adopted the 8th day of February, 2012, the Council ordered a hearing on Improvement for the Keats Avenue north: MSA Street and Trunk Watermain Improvements, and*

*WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 6th day of March, 2012, at which all persons desiring to be heard were given the opportunity to be heard thereon,*

*WHEREAS, the feasibility report states that the project is necessary, cost-effective, and feasible,*

***NOW, THEREFORE, BE IT RESOLVED,***

- 1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report.*
- 2. Such improvement is hereby ordered as proposed in the Council resolution adopted the 8th day of February, 2012.*
- 3. The City Engineer is hereby designated as the engineer for this improvement. The engineer shall oversee the preparation of the Plans and Specifications for the making of such improvement.*
- 4. The City Engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement, and to assist the City Engineer during the construction phase of the improvement as requested.*
- 5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.*

*Adopted by the Council this 6th day of March, 2012.*

Date: \_\_\_\_\_, 2012

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator



## CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 6th day of March 2012, as shown by the minutes of said meeting in my possession.

---

Carole Luczak  
Interim City Clerk

(Seal)

CITY OF LAKE ELMO  
NOTICE OF HEARING  
KEATS AVENUE NORTH: MSA STREET AND  
TRUNK WATERMAIN IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, March 6, 2012, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

**The improvement will consist of the street reconstruction of Keats Avenue North, a Municipal State Aid route, from 47th Street North to Trunk Highway 36; and will concurrently include the construction of a Trunk Watermain connection from Julep Avenue North, easterly along 47th Street North, then north along Keats Avenue North to 59th Street North (Rock Point Church). The improvement will include the reconstruction of Keats Avenue North with the placement of a new bituminous surface in the current approximate location and grade.**

The area proposed to be assessed for these improvements include properties abutting the above referenced streets or properties that gain direct driveway access to their property from the above referenced streets. The estimated total cost of the street improvements is \$1,142,000 and the estimated total cost of the trunk watermain improvements is \$1,028,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

**DATED:** February 08, 2012

**BY ORDER OF THE LAKE ELMO CITY COUNCIL**

**Brett Emmons, Acting Mayor**

*(Published in the Oakdale-Lake Elmo Review on February 15, 2012 and February 22, 2012)*



## MAYOR & COUNCIL COMMUNICATION

DATE: March 6, 2012

**REGULAR**

ITEM #: 12

**MOTION**    **\$\$**

**AGENDA ITEM:** Council – Staff Goal Setting / Development Retreat

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** Mayor Johnston & Council Member Emmons

**REVIEWED BY:** Dean Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** With the addition of new staff and the assignment of new roles, it has been suggested that a segregated time be committed to engage in a retreat to develop goals long/short-term goals for the City of Lake Elmo and create synergy in the execution of those goals between elected policy-makers and operational staff.

**FISCAL IMPACT:** \$2,500 Facilitator Fee, \$280 Educational Costs, \$500 Meeting Logistics = \$3,280 (Approximate Total)

**BACKGROUND INFORMATION:** For some time, it has been the desire of certain members of the City Council to facilitate a forum / retreat to define and improve the relationship between the elected City Council and appointed operational staff.

**STAFF REPORT:** Council Member Emmons, Mayor Johnston and the City Administrator have met with local government facilitator, Don Salverda, to discuss the parameters of a Council-Staff retreat for the purposes building relationships, establishing short-term and long-term goals, defining roles and responsibilities, and creating operational efficiency. In turn, Mr. Salverda has proposed a retreat that would accomplish these goals (see attached). This retreat would take place in late April at a time convenient to the Council.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council approved the expenditure of funds not to exceed \$3300 and to engage in a developmental retreat.

***“Move to funds not to exceed \$3300 for the purpose of conducting a Council-Staff Developmental Retreat to be held in April 2012”***

Alternatively, the City Council may decide to forego the Council – Staff Developmental Retreat and hold a one-day goal setting retreat focusing on five-core issues: Growth, Finances, Utilities, Park & Recreation, and Public Safety. This retreat would be facilitated by the City Administrator with staff presenters in each discipline. The cost of the event would be \$500 for meeting and meal purposes. The date of such a retreat would be in May 2012 prior to the budget creation season.

**ATTACHMENTS:** Donald Salverda & Associates Retreat Proposal

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....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

**Donald Salverda & Associates**

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*Roseville Professional Center • Suite 620 • 2233 N. Hamline Avenue • Roseville, MN 55113 (651) 484-1335*

**A PROPOSAL FOR  
THE 2012 LEADERSHIP - PLANNING -  
TEAM BUILDING RETREAT  
FOR  
COUNCIL MEMBERS AND  
DEPARTMENT HEADS  
OF  
THE CITY OF LAKE ELMO**

**Proposal To  
Mr. Dean Zuleger  
City Administrator**

**Proposed By  
Don Salverda  
Consultant/Facilitator**

## **WHY HAVE A LEADERSHIP – PLANNING – TEAM BUILDING RETREAT?**

- 1) Organizations need to periodically assess progress, reestablish direction and enhance team spirit
- 2) How well the mayor, council members, city administrator and department heads communicate and work together toward common goals is key to the city's effectiveness
- 3) It's easier to develop consensus on issues, opportunities, and goals in an off-site relaxed environment rather than the formality of the normal work environment
- 4) A Leadership – Planning – Team Building Retreat is an excellent way to integrate new members onto the leadership team



**CITY OF LAKE ELMO  
COUNCIL MEMBERS AND DEPARTMENT HEADS,  
2012 LEADERSHIP - PLANNING - TEAM BUILDING RETREAT**

**I      PRIMARY OBJECTIVES**

- 1)      To build trust, enhance communication, and develop positive team spirit among the city's new leadership team
- 2)      To review progress being made by the city during the last year
- 3)      To discuss changes and forces likely to impact the city
- 4)      To develop updated consensus on issues and opportunities facing the city (1-3 year perspective)
- 5)      To develop an updated Goals Program for the city (1-3 year perspective)
- 6)      To review the roles, responsibilities, and expectations of the city's leadership team
- 7)      To develop preliminary action plans for the highest priority goals
- 8)      To be both educational and enjoyable
- 9)      Other

**II     FORMAT OF THE RETREAT**

The sessions will be highly participative combining facilitator comments, group participation and discussion, and individual activities.

Seating Arrangements:      Tables (preferably round) seating five participants per table

Audio-visual Needs:      Three large, standing easels and writing pads  
(None required)              (facilitator will provide)

### III TIMING AND LOCATION

Timing: To be determined – suggest a Saturday in March

Location: To be determined

### IV PARTICIPANT MATERIALS

Each participant will receive a comprehensive outline, related supplemental materials and an Executive Summary of the Retreat

### V THE CONSULTANT/FACILITATOR

- Over twenty-five years experience in the professional development field
- Skilled seminar, workshop, and retreat leader
- Leadership experience in the private, public, and volunteer sectors
- Student of leadership

### VI INVESTMENT

Pre-Retreat Planning and Preparation.....	\$ 500.00
On-Site Retreat .....	1,500.00
Post-Retreat Executive Summary .....	500.00

Learning instrument investment of \$20.00 per participant, plus additional expenses incurred with the engagement such as duplicating of handout materials, easel pads, travel expenses @ \$.50/mile, etc.

**CITY OF LAKE ELMO  
COUNCIL MEMBERS AND DEPARTMENT HEADS,  
2012 LEADERSHIP - PLANNING - TEAM BUILDING RETREAT  
Tentative Agenda**

- |               |   |
|---------------|---|
| 8:00 – 8:30   | COFFEE AND DONUTS – INFORMAL VISITING   |
| 8:30 – 8:35   | OPENING REMARKS – MAYOR AND CITY ADMINISTRATOR  |
| 8:35 – 10:00  | SESSION 1: "WORKING AS A TEAM – THE CHALLENGE OF PUBLIC SECTOR LEADERSHIP"  |
|               | <u>Focus</u>  |
|               | <ul style="list-style-type: none"><li>• Objectives and expectations for the retreat</li><li>• Communication enhancement exercise</li><li>• Review of Progress</li><li>• Key elements of public sector leadership</li></ul>  |
| 10:00 – 10:15 | BREAK   |
| 10:15 – 12:00 | SESSION 2: "WORKING AS A TEAM - PROVIDING DIRECTION"  |
|               | <u>Focus:</u>   |
|               | <ul style="list-style-type: none"><li>• Changes and forces that are likely to impact the city</li><li>• Updated consensus on issues and opportunities</li><li>• Updating the city's goal's program (1-3 year perspective)</li><li>• The city's mission and values</li></ul> |
| 12:00 – 12:45 | LUNCH   |
| 12:45 – 2:30  | SESSION 3: "ROLES, RESPONSIBILITIES, EXPECTATIONS, AND POSITIVE WORKING RELATIONSHIPS"  |
|               | <u>Focus</u>  |
|               | <ul style="list-style-type: none"><li>• The importance of working together as a team</li><li>• Review of the roles and responsibilities of team members</li><li>• Understanding behavior styles</li><li>• Expectations and Contributions – Council and Staff</li></ul>      |
| 2:30 – 2:45   | BREAK   |
| 2:45 – 4:15   | SESSION 4: "PRELIMINARY ACTION PLANNING"  |
|               | <u>Focus</u>  |
|               | <ul style="list-style-type: none"><li>• Preliminary action plans on the highest priority goals</li><li>• Discussion and reaction to the preliminary action plans</li></ul>  |
| 4:15 – 4:30   | SUMMARY AND WRAP-UP COMMENTS  |
|               | <u>Focus</u>  |
|               | <ul style="list-style-type: none"><li>• Review of the day</li><li>• Importance of follow-up</li><li>• Making a positive impact</li></ul>  |



# DON SALVERDA

Don Salverda is President of DONALD SALVERDA & ASSOCIATES, a consulting firm dedicated to enhancing the leadership and management knowledge, skills and effectiveness of individuals and organizations in an ever-changing world.

He has designed and led leadership, goal setting, strategic planning and team building retreats and workshops for over twenty-five years for a variety of organizations in both the public and private sectors.

As a consultant and retreat and workshop facilitator, his positive and enthusiastic approach convey his own sense of purpose.

He further believes that:

- 1) People are busy with limited time; therefore, the process should be practical, results oriented, and highly productive
- 2) People learn from each other; therefore, the process should be highly participative
- 3) The process should be educational, enjoyable, and non-threatening

Combining an academic background in engineering with over thirty years of practical experience in the private, public, and volunteer sectors in a variety of roles and settings, he has gained a unique and broad perspective of the challenges facing individuals and organizations.

He has served as President of the Sales and Marketing Executives of Minneapolis, the Roseville-Falcon Heights Chamber of Commerce, the Association of Minnesota Counties, the Ramsey County League of Local Governments, the North Suburban Community Foundation, the Roseville Jaycees and the North Suburban Gavel Association. He is a former District Chair of the Indianhead Council of the Boy Scouts of America and has served on a number of other boards and commissions.

He has been elected to public office and served eighteen years on the Ramsey County Board of Commissioners.

He is an active member of the Rotary Club of Roseville and has been an avid downhill skier and biker.