

Mayor:
Dean Johnston
Council members:
Rita Conlin
Steve DeLapp
Liz Johnson
Anne Smith

Lake Elmo City Council

Tuesday, April 4, 2006

3800 Laverne Avenue No.
Lake Elmo, MN 55042
777-5510 777-9615 (fax)

Please read:

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

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

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes:

March 21, 2006

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INFORMATIONAL:

(1) Water Ski Show-Joe Kiesling

(2) Arbor Day Proclamation

B. Public Inquiries

Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.

4. CONSENT AGENDA

A. Resolution No. 2006-031: Approving Claims

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

5. FINANCE:

6. NEW BUSINESS:

A. Request from West Lakeland for financial support to ensure the protection of ground water.

7. MAINTENANCE/PARK/FIRE/BUILDING:

A.

8. CITY ENGINEER'S REPORT:

A. Update on Chris Riley Construction-verbal

Tom Prew

<p>9. <u>PLANNING, LAND USE & ZONING:</u></p> <p>A. Septic Drain Field Setback Variance – 7949 Hill Trail (Scharrer)</p> <p>B. Reconsideration - Variances – Haire (8160 Hill Trail)</p> <p>C. CDBG Project Update – Cimarron Gas Line Replacement</p>	<p>C. Dillerud</p>	
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p>		
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u></p> <p>A. Carriage Station Park Improvements - verbal</p> <p>B. April 19th-Presentation of Village Area Master Plan, Lake Elmo Elementary School-verbal</p>	<p>M. Rafferty</p>	
<p>12. <u>CITY COUNCIL REPORTS:</u></p> <p>A. Mayor Johnston</p> <p>B. Council Member Conlin</p> <p>C. Council Member DeLapp</p> <p>D. Council Member Johnson</p> <p>E. Council Member Smith</p> <p>13. CLOSED SESSION to discuss the performance review for the City Administrator</p>		
<p>Council Workshop: April 11, 6 p.m.</p>	<p>BOARD OF REVIEW: May 3, 4-6 p.m.</p>	
<p>Presentation of Village Area Master Plan, April 19, 6:30 p.m., Lake Elmo Elementary School</p>	<p>CLEAN UP DAY: June 3, 2006, 8 a.m. to Noon, Washington County Fairgrounds</p>	

**CITY OF LAKE ELMO
CITY COUNCIL MEETING
MARCH 21, 2006**

1. AGENDA
2. MINUTES: March 6, 2006
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. PUBLIC INQUIRIES:
 - B. PUBLIC INFORMATIONAL:
 - (1) Ginny Holder-Ramsey/Washington Cable Commission Representative
4. CONSENT AGENDA:
 - A. Resolution No. 2006-026: Approving Claims
 - B. Minutes and Structure
 - C. Monthly Operating Report
5. FINANCE:
 - A. Annual Audit
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Building Dept.: Jim McNamara
 - B. New Recruits: Matt Mazzara and Kristine Johnson to be placed on probation. Rick Myran to be moved from probation to firefighter status.
8. CITY ENGINEER'S REPORT:
 - A. Water System Interconnect Phase IV: Award contract to Ellingson Drainage Resolution No. 2006-027
 - B. Receive Feasibility Report for 2006 Overlay - Tablyn Park Neighborhood: Resolution 2006-029
9. PLANNING, LAND USE & ZONING:
 - A. Request for Reconsideration: Haire Variance (8160 Hill Trail)
 - B. Septic Systems Setback Variance and Request of Waiver of Fees: 7949 Hill Trail (Scharrer) Resolution 2006-028 – NOT ADOPTED
 - C. Zoning Ordinance / City Code Amendments: Home Occupations
 - D. Zoning Text Amendment – CUP in AB Zone for Outdoor Social Events: Ordinance No. 97-167 – NOT ADOPTED
 - E. Amend GB Zoning District Text Restaurant Drive-Up Facilities: Ordinance No. 97-168 -- NOT ADOPTED
 - F. Village Area Master Plan Recommendation – Next Step
 - G. Zoning Ordinance
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Update on RFP for Animal Control - verbal
12. CITY COUNCIL REPORTS:

Council adjourned at 10:50 pm

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

Pledge of Allegiance

1. AGENDA:

The City Administrator asked to add 8C-Chris Riley Utilities, Inc. performance; change 4B Minutes and Structure to 6A; Fire Chief asked to move Fire Dept. Updates 7B to 3A. M/S/P Johnson/Conlin - to approve the Agenda as amended. (Motion passed 5-0)

2. MINUTES:

M/S/P Johnson/Conlin - to approve the Minutes of March 6, 2006, as amended. (Motion passed 4-0-1: Conlin Abstained-did not attend meeting)

3. PUBLIC INFORMATIONAL:

A. Public Inquiries:

Resident Jim McLeod, 11580 30th Street, is currently building a colonial style home. He questioned the copper main pipe requirement vs. high density pipe to run water to his home. City Administrator Rafferty offered a friendly amendment to direct the City Engineer for engineering stats for copper lines.

Mr. McLeod was also concerned about the type of lights allowed. In keeping with his home style, the lights he wants installed are not allowed. Due to a break-in, a Deputy suggested motion sensor lights.

M/S/P Johnson/Conlin - to have the Planning Commission review the ordinance for lighting. (Motion passed 5-0)

B. Ginny Holder – Ramsey / Washington Cable Commission Rep.

Ginny Holder notified the City of Lake Elmo has 14,800 cable hook-ups. The Commission gave the City \$29,000 plus to help provide a new cable system. A Grant is available for further funding. The new Public Works building will have Inet capability for residents.

4. CONSENT AGENDA:

A. Resolution No. 2006-026: Approving Claims

M/S/P Smith/Johnson – to adopt Resolution No. 2006-026 approving Claim Numbers 315, 316, DD664 through DD681, 28819 through 28850, which were used for staff payroll dated March 16, 2006; claims 28851 through 28900, in the total amount of \$272,067.69. (Motion passed 5-0)

B. Minutes and Structure: (moved to New Business 6A)

City Administrator Rafferty presented research from LMC and the City Attorney. Minutes should be concise, to-the-point, comments are not recommended. Council

Member DeLapp wants precise, exact wording on motion or second of motion and to retain comments if they are a valuable summary by members; or the background of decision. Council Member Conlin said that would be achieved if motions included Findings of Fact. Council Member Johnson said watch the meeting or check out the tape. Minutes are not appropriate with comments.

M/S/P Johnson/Conlin - to approve the amended Minutes and Structure documentation process as presented to record all City Council and Commission meetings.
(Motion passed 4-1: DeLapp- wants history behind rationale on split decisions from Commissions)

C. Monthly Operating Report:

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

5. FINANCE:

A. Annual Audit:

Steve McDonald from Abdo, Eick & Meyers presented the report and responded to inquiries. Audit was compliant. Finance Director Bouthilet and City Administrator Rafferty are in agreement with the figures and findings. Recommendation was to accept the 2005 Annual Audit Report.

M/S/P Conlin/Johnson- to accept the 2005 Annual Financial Report (Motion 5-0)

6. NEW BUSINESS:

See Consent Agenda 4B

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Building Dept.: Jim McNamara

The Building Official reported on the operation of the car wash at the Marathon gas station located at Hwy. 5 and Manning Avenue. Reclamation-type recycling system car wash using four – 500 gallons, filtered and back into use. Meyer Sanitation pumps quarterly with filters cleaned/emptied. Council Member DeLapp questioned what percentage of salt/gas/oil/grease goes back into the ground.

Building Official McNamara recognized Karl Horning receiving Full Certification as a Building Official. State of MN currently utilizes 2000 ICC and they are updated every 3 years. Revisions of ICC 2003 were never completed by State of MN. ICC 2006 will be the next edition adopted by the State in early 2007.

B. Fire Dept. Updates: Chief Malmquist–Moved to Public Informational Section

Fire Chief Malmquist recommended new recruits Matt Mazzara and Kristine Johnson be placed on probation.

M/S/P -- Johnson/Smith, to place Matt Mazzara and Kristine Johnson on probation with the Lake Elmo Fire Dept. (Motion passed 5-0)

Fire Chief Malmquist recommended that Rick Myran be moved from probation to firefighter status.

M/S/P – Johnson/DeLapp, to place Rick Myran to Firefighter status. (Motion passed 5-0)

Update on Firefighter Grant – Fifteen departments in Washington County with radios. Cost is \$1,500,000 for the City, but the County will pay a cap of \$1,000,000. User's fee is \$300/year. The Fire Dept. will be celebrating 50 years in 2007, and a Committee is being formed to plan a 50th Year celebration. Help and suggestions are welcome.

8. CITY ENGINEER'S REPORT:

A. Resolution 2006-027: Award Bid for Phase IV of the Water System Interconnect Project

In his letter dated March 10, 2006, the City Engineer reported that seven bids were opened on March 10, 2006, for this project. The City Engineer recommended awarding the contract to Ellingson Drainage for their bid of \$412,758.68.

M/S/P DeLapp/Johnson– to adopt Resolution 2006-027, a Resolution awarding the bid for the Phase IV of the Water Interconnect Project to Ellingson Drainage on the amount of \$412,758.68. (Motion passed 5-0)

B. Resolution 2006-029: Accept Feasibility Report for 2006 Overlay – Tablyn Park Neighborhood

The City Engineer presented the Council the Feasibility Report for 2006 Overlay – Tablyn Park Neighborhood Project.

M/S/P Johnson/DeLapp - to adopt Resolution 2006-029, a Resolution Receiving the Feasibility Report and calling a Public Hearing on April 18, 2006, on Street Repairs for Tablyn Park Neighborhood. (Motion passed 5-0)

C. Resolution 2006-030: Chris Riley Utilities, Inc.

City Engineer Prew was notified by letter Chris Riley Utilities, Inc. will not be completing Water System Interconnection Phase I and III Contracts. Recommendation is to terminate the contract "for cause." Travelers Casualty and Surety Company was notified by Riley Utilities, Inc. for non-performance

M/S/P Johnson/DeLapp – to adopt Resolution 2006-030, authorizing and directing City Staff to initiate or continue action with respect to the City's claim on the performance bonds. (Motion passed 5-0)

9. PLANNING, LAND USE & ZONING:

A. Request regarding the application for the Haire Variance – 8160 Hill Trail.

The City Planner reported that these variances to the OHW setback and minimum lot were denied by the Council at the March 6, 2006, Council meeting. Due to extenuating circumstances, the Council agreed the applicants should have the opportunity to be

reconsidered based on new information and written statements at the next Council meeting but that this does not mean the Council members will change their decision.

M/S/P - Johnston/Johnson – to reconsider the Haire Variance, 8160 Hill Trail, at the April 4, 2006, Council meeting.

(Motion passed 4-0-1: Conlin Abstained-did not attend the March 6, 2006, meeting)

B. Variance for Septic System Setback for 7949 Hill Trail (Scharrer).

City Planner Dillerud said the existing septic system at 7949 Hill Trail is no longer functioning. The system is not yet a health hazard and the applicants are being responsible about the problem. They are requesting a variance to Septic 700 septic / design standards to permit a replacement drain field within 15 feet of the existing house where a 20 foot setback is otherwise required.

M/S/P Johnston/Conlin – to direct Staff to come back with a Motion for denial of Resolution No. 2006-028, because applicant can construct a mound style drain field without need for set back variance, and waive the variance application fee.

(Motion passed 5-0)

C. Zoning Ordinance / City Code Amendments – Home Occupations

The City Planner reported that over the past two years there have been numerous meetings with the City Council and Planning Commission, and numerous drafts prepared addressing the regulation of Home Occupations. He presented a draft set of City Code amendments that had been created and recommended by the Planning Commission, and on which the required Public Hearing had been conducted.

Council Member Smith passed out a handout and said she believes that the Home Occupations ordinance from the City of Oak Park Heights is the model to follow, not the Shoreview model on which the Planning Commission recommended amendments to the City Code are generally based. City Planner Dillerud said that the Planning Commission has reviewed the Home Occupation regulation strategies of several cities, including Oak Park Heights.

Mayor Johnston said the Home Office is an asset to the City. Perpetual licenses are not recommended. Licenses should be renewed annually and a mechanism is needed to operate a business in a residential zone. Storage-related businesses need to have a numerical limit, i.e., 2,000 sq. ft. AG businesses need more storage. Council Member DeLapp said AG zone is not a residential zone and space is hard to control. Council Member Conlin said she would like to see what is in the ordinance before deciding to license. Council Member Johnson said she was on the Planning Commission during the early work sessions on regulating Home Occupation, and she is not supportive of an overly complex set of regulations.

City Administrator Rafferty suggested that Home Occupations be moved to the next Council Workshop, and changes that need to occur by the Council.

M/S/P DeLapp/Johnson – to move Home Occupations to the next Council Committee meeting on April 11, 2006. (Motion passed 5-0)

D. Ordinance 97-167: Zoning Text Amendment – CUP in AG Zone for Outdoor Social Events

The City Planner reported that the Planning Commission conducted a Public Hearing regarding a proposal to amend the Zoning ordinance to permit “Outdoor Social Events” on properties within the AG zoning district. The Commission recommends another Conditional Use to the AG District for Outdoor Social Events with nine required conditions.

Council Member Conlin expressed concerns about the noise ordinance, police and parking. Residents could apply for a CUP. Council Member Smith expressed that tastefully done, with adequate screening, would be acceptable.

Council Member Smith requested clarification of “over by 10 pm,” to include that lighting would be turned off, and everything cleaned.

M/S/P – Johnson/Conlin – to table to the next Council Workshop, April 11, 2006. (Motion passed 4-0-1: DeLapp-he was unable able to provide comment)

E. Ordinance 97-168: Amend GB Zoning District Text Restaurant Drive-Up Facilities

The City Planner reported that the Planning Commission has conducted a Public Hearing and recommends amendment to the General Business District list of “Permitted Uses” to include drive-up service windows at cafes and restaurants, as otherwise regulated by the City Code. He noted that the Commission’s recommendation specifically excludes both menu boards and intercom systems associated with the drive-up window.

Business owner Ed Gorman, of Gorman’s Restaurant, stated that customers are changing and would like to see a menu board approved. It would be limited to 10% or less of his menu and can be placed out-of-sight.

Council Member Conlin asked if adequate vehicle stacking was a concern. City Planner Dillerud said probably not for Gorman’s site but would have to be reviewed on individual sites.

City Attorney Miller explained “café menu” and said it was a “slippery slope for fast food.” He could redraft ordinance to draw a distinction between fast food and Gorman’s.

M/S/P DeLapp/Johnson – to bring back provisions to preclude fast-food to the April 11, 2006, Council Workshop, and reconsideration to the April 18, 2006, City Council meeting when all members will be in attendance. (Motion passed 5-0)

F. Village Area Master Plan Recommendations – Next Step

The City Planner reported that the City Council and Planning Commission were presented the recommendations of the Village Area design team/master planners at a Workshop March 14, 2006. Staff recommends directing the plan to be presented again at a larger Public Forum in early April, and focus on public commentary regarding the plan. A complete Public “airing” of the plan prior to addressing details and implementation strategy is the most efficient approach.

City Administrator Rafferty felt that Engstrom’s team did a great job, but the Plan now needs Public review and interaction.

M/S/P Johnson/DeLapp – to direct City Planner and Village Area Master Planner to proceed to introduce the Village Area Master Plan to the public with a dual presentation - poster board presentation, and a formal presentation. (Motion passed 5-0)

G. Direction to Staff / Planning Commission for New Zoning Ordinance

The City Planner reported that the Planning Commission has previously reviewed “Performance Zoning” as an alternative to “Euclidian” zoning, and made substantial progress with its consultant toward drafting a new Performance Zoning Ordinance for Lake Elmo. He noted that the City must have a completed Zoning Ordinance Map and Text corresponding with the 2030 Comprehensive Plan within 9 months of the Comprehensive Plan being approved by the METC; approximately February, 2007.

Mayor Johnston’s concerns about Performance Zoning is that it is very “staff dependent,” and that only a few people understood it because of its complexity. Council Member DeLapp asked what is acceptable for this community. Council Member Smith agreed with the Planning Commission that “cleaning-up” the old zoning ordinance is wasting time. Council Member Johnson wants to see another presentation for a better understanding of the options available.

M/S/P DeLapp/Johnson – to direct Staff to have a presentation on Performance Zoning by Lane Kendig. The Planning Commission should be invited. (Motion passed 5-0)

10. CITY ATTORNEY’S REPORT:

None.

11. CITY ADMINISTRATOR’S REPORT:

A. Update on RFP for Animal Control – verbal

Administrator Rafferty requested City Council to extend the current Animal Control Officer’s Contract through April 30, 2006.

M/S/P – DeLapp/Smith – to extend the Animal Control Officer’s Contract through April 30, 2006. (Motion passed 5-0)

12. CITY COUNCIL REPORTS:

None.

Council Meeting ended at 10:50 p.m.

Respectfully submitted by Carole Freeman, Recording Secretary

Resolution No. 2006-026: Claims

Resolution No. 2006-027: Water Systems Interconnect Phase IV

Resolution No. 2006-029: 2006 Overlay Feasibility Report -Tablyn Park Neighborhood

Resolution No. 2006-030: Chris Riley Utilities, Inc. Contract Termination

DRAFT

**City of Lake Elmo
City Council Meeting
Minutes of March 6, 2006**

Mayor Johnston called to order the meeting of the Lake Elmo City Council at 7:00 p.m. COUNCILMEMBERS PRESENT: Smith, Johnson, and DeLapp. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Finance Director Bouthilet, and Recording Secretary Schaffel. ALSO PRESENT: City Attorney Filla.

1. AGENDA

M/S/P, Johnson/Smith to accept the Agenda as presented. Vote: 4:0.

2. MINUTES

M/S/P, Johnson/Smith to accept the Minutes of December 6, 2005 as presented. Vote: 4:0.

MINUTES OF JANUARY 17, 2006

Mayor Johnston said he called the meeting to order. Councilmember Smith said that Page 6, large paragraph, 95% who contacted her do not support a 4 year term. Page 7, 4:1 vote, Smith wanted to move forward with the purchase of the Gen Tek. Page 10, 2/3 down, closed at 9:44, Smith liked the idea of being able to drive to a service window for safety and convenience reasons. Page 12, 4th paragraph, pictures are worthless because there are no measurements. 2/3 down, Smith said she called into question the validity of the Resolution because it was never published. Page 14, he not she under Council Member Johnson.

M/S/P, DeLapp/Smith to accept the Minutes of January 17, 2006 as amended. Vote: 4:0.

MINUTES OF JANUARY 24, 2006

Page 2, Smith 24,000 and 6,600 REC units -- reiterated that Chair Bell and his staff present at meeting at Met Council office assured Lake Elmo would not have to go over the agreed upon numbers. Councilmember DeLapp left the table at 6:42 to chair the county planning commission meeting.

M/S/P, Johnson/Smith to accept the Minutes of January 24, 2006 as amended. As amended. Vote: 4:0

MINUTES OF JANUARY 27, 2006

Mayor Johnston paragraph about the MOU is not the intent for it to be silent page two. Paragraph two delete sentence with silent above. The Planner read from...

M/S/P, Johnson/Smith to accept the Minutes of January 27, 2006 as amended. Vote: 4:0

MINUTES OF FEBRUARY 7, 2006

Mayor Johnston, page 9, middle, Councilmember DeLapp Item C, speculative and inflammatory strike two paragraphs where he said he phoned Sedro. Remove from last page Mayor and administrator said they would take care of it. Mayor Johnston, page 9, agreed DeLapp contacted Pulkrabek and recommended Sedro to county planning commission. Strike first sentence indicating job was not done on page 10.

M/S/P, Johnson/Smith to accept the Minutes of February 7, 2006 as amended. Vote: 4:0.

MINUTES OF FEBRUARY 21, 2006

M/S/P, Johnson/Smith to accept the Minutes of February 21, 2006 as presented. Vote: 4:0.

3. PUBLIC INQUIRIES/INFORMATIONAL

A. PUBLIC INFORMATIONAL

Sheriff Steve Pott said there was a marijuana arrest in the city Friday at 2270 Manning Trail. 2 people are in custody. The police confiscated plants, cocaine, methamphetamines, guns, and ready for sale marijuana. The home

is owned by the woman arrested. He said it would be shortsighted to think drugs are not in the community. In a recent student survey, the use of marijuana has increased significantly. Growing and warehousing is more a problem in this area than distribution.

B. PUBLIC INQUIRIES

No inquiries.

4. CONSENT AGENDA

A. RESOLUTION NO. 2006-023: APPROVING CLAIMS

B. LEASE AGREEMENT: WASHINGTON COUNTY FAIRGROUNDS – CLEAN UP DAY

M/S/P, Johnson/Smith to adopt Resolution No. 2006-023 approving claims in the amount of \$427,452.21 and approving a lease agreement with Washington County Fairgrounds for Clean up Day. Vote: 4:0.

5. FINANCE

No report.

6. NEW BUSINESS

No new business.

7. MAINTENANCE/PARK/FIRE/BUILDING

A. PARKS DEPT.: LANDSCAPING AT LAKE ELMO ARTS CENTER

Administrator Rafferty said Bob Meyer requested expanding art into the living environment in the form of landscaping surrounding the Art Center. A presentation was made to Parks Commission and unanimously recommended.

M/S/P, Smith/DeLapp to support Robert Meyer's request for the addition of creative gardens at the Lake Elmo Art Center. Vote: 4:0.

B. UPDATE ON FIRE DEPT. ACTIVITIES: CHIEF MALMQUIST

No report. Postponed.

8. CITY ENGINEER'S REPORT

No report.

9. PLANNING, LAND USE & ZONING

A. 1990 PARK PLAN UPDATE

The Planner said the Parks Commission unanimously recommended a \$20,000 increase to the CIP to hire a consultant to update the 1990 Park Plan. The Park Plan will be needed to determine the need for community playfields among other needs

M/S/P, Johnson/Johnston to begin the consultant solicitation process and set a CIP hearing to amend the 2006 CIP increasing the Park Plan project from \$5,000 to \$25,000.

Council Member Smith said even now we do not have enough ball fields according to Parks Commissioners Todd Bruchu and John Heroff.

Councilmember Johnson said part of Council's role is to look, forecast and work to identify the needs of current and future Lake Elmo residents, and this is our opportunity to do that.

Mayor Johnston stated that it is the Council's role to manage the People's business, and it is more efficient to hire a consultant and keep staff low.

Administrator Rafferty said parks are being inventoried and will soon be finalized. A needs assessment was

requested after discussion with Oakdale about a joint park. The Park Plan needs to be updated since 1990. That will give us a vision for today and into the future.

Vote: 3:1 No – DeLapp; Councilmember DeLapp is opposed because he does not see how it benefits existing residents. Dollars for downtown plans have not been spent yet. Commissioner Todd Bruchu can tell Council what the city needs, and we don't need to spend money on a consultant. We do not need to pay someone to tell us what we need when we already know we need it.

**B. ZONING VARIANCES – HAIRE (8160 HILL TRAIL);
RESOLUTION NO. 2006-024**

The Planner explained the variance request for a complete tear-down of an existing home and construction of a new home. He said the Planning Commission recommended approval on a vote of 5:4. Two variances are required for the setback distance from OHW and construction of a new home on a lot substandard by area.

M/S/P, DeLapp/Smith to adopt Resolution No. 2006-024 denying zoning variances for 8160 Hill Trail based upon facts and data included in the staff report and Planning Memo of February 13, 2006. VOTE: 4:0.

**C. ORDINANCE NO. 97-166 RELATING TO PRIVATE WELLS/RESOLUTION NO. 2006-025
DECLARING POTENTIAL HAZARD**

The City Attorney prepared two actions for Council to consider. One has city-wide application to allow the sealing of wells when city water becomes available and the other is for an area where a potential hazard exists. The report should say sink faucet not sick faucet. City Attorney recommends changing
VIEW TAPE

M/S/P, Smith/Johnson to adopt Ordinance 97-166 amending sick faucet to sink faucet and adding 600.21 B. A private well which has been declared to be a known or potential health hazard by resolution of the city Council shall be sealed pursuant to the regulations of the Minnesota Dept. of Health. Vote: 4:0

M/S/P, Smith/Johnson to adopt Resolution No. 2006-025 amending it to add "as illustrated by Exhibit A" and to add that "all of the private residential wells in the WCLE Area are located downstream from the source of contamination and draw water from the same aquifers." Vote: 4:0.

10. CITY ATTORNEY'S REPORT

No report

11. CITY ADMINISTRATOR'S REPORT

A. WORKSHOP ON MARCH 14TH-PRESENTATION OF OLD VILLAGE PLAN

Next week at the Council Workshop at 6:00 p.m. (televised) will be the presentation by the Bob Engstrom Team retained by the City as of the Village Plan. The Planning Commission will be invited to attend.

The Mayor said at the next council meeting the Council will take action to decide how to present it to the public.

12. CITY COUNCIL REPORTS

A. MAYOR JOHNSTON

B. COUNCIL MEMBER CONLIN

Absent

C. COUNCIL MEMBER DELAPP

- a. Wastewater from wash bays at gas station may be going into the ground at Cenex.
- b. Inwood street signs wired in and wondering if it was done. Budgeted money for speed signs. Administrator Rafferty said we have one and it is deployed by the Sheriff's office.

- c. After flurry of letters from Mary Devine in Afton, and it is obvious that Met Council is barely hitting horizon on townships. What we have been imposed with is a seven county issue. They do not necessarily have to sit down and take it alone. EAW called for 1.7 million gallons capacity to Lake Elmo and 2 million concurrently to communities along I-94. They are being told they have to take it in the EAW but after this was called to the attention of the Met Council, this directive was rescinded.

D. COUNCIL MEMBER JOHNSON

Wonderful local newspaper coverage of the Lake Elmo Inn and their recent awards.

E. Council Member Smith

Chelsea Jones with the Stillwater Ponies is somebody to watch.

Employee and Volunteer Recognition Banquet, Friday, March 10, 6 p.m., Tartan Park

Board of Review on May 3 from 4-6 p.m.

Clean-up Day June 3

Council Workshop: March 14, 6 p.m.

Adjourned at 7:29 p.m.

Respectfully submitted,

Kimberly Anez
Recording Secretary

Lake Elmo City Council April 4, 2006	Agenda Section: PUBLIC INFORMATIONAL	<u>No. 3A(1).</u>
<u>Agenda Item:</u> Water Ski Show: Joe Kiesling		
<p><u>Background Information for April 4, 2006:</u> Joe Kiesling, Tri-Lakes Assoc., is requesting Council approval of a Water Surface Use Permit for the Annual Water Ski Show on Lake Jane, August 12, 2006. The Tri-Lakes Assoc. has secured the appropriate insurance coverage and the Sheriff's Department will sign off on the permit pending Council approval. The Fire Department will be contacted to provide an emergency vehicle.</p> <p>Mr. Kiesling is requesting a waiver from surface water rules for the days of this event and a "No Parking" permit to park from Jamaca Avenue to Jane Road North.</p>		
<u>Action Item:</u> M/S/ to approve the permit request of Joe Kiesling, on behalf of the Tri-Lakes Association, to hold a Water Ski Show on Lake Jane, August 12, 2005, based on the submittal of the appropriate information and on past favorable requests.	<u>Person responsible:</u> S.Lumby	
<u>Attachments:</u> <ol style="list-style-type: none"> 1. Water Surface Use Permit 2. Insurance certificate 		

MAR-28-06 TUE 12:01 PM CITY-OF-LAKE-ELMO

FAX NO. 651 777 9615

P. 2

**Washington
County****Office of the Sheriff***Commitment to Excellence*Steve Pott
SheriffChuck Yetter
Chief Deputy**APPLICATION FOR WATER SURFACE USE PERMIT**

To Place a raft, buoy, or other structure on or in the waters of this county pursuant to MN Rules 6110.1800

Name: Joe Kiesling Home phone: 651-779-4663
Address: 9359 Jane Rd No Work Phone: 651-430-2550
lake Elmo Minn Zip Code: 55042Body of water where structure will be located: LAKE JANEType of structure: WATER SKI Show (SKI Show Practice)Installation of structure (dates): JULY 4th to AUG 13th 2006**Permit requirements:**

1. Diagram of water surface showing placement of structure, include the depth of the water at the location of the structure.
2. Permit must be issued before structure is placed on or in the water.
3. Floating rafts, swim buoys and mooring buoys must be placed between the permit holder's property lines as they extend into the lake. These structures must be within 100 feet of shore.
4. Structure must display proper reflective material as described in MN State Rule 6110.1800.
5. Permit number must be displayed on the structure using numbers that are at least two inches high and a contrasting color to the area where they are attached.
6. Permanent water ski slalom courses and water ski jumps must be approved by a representative of the City or Township where the course will be located. Slalom courses cannot exceed 900 feet in length and must display permit number on the end floats. Surface floats must be submerged or removed when the course is not in use. Property owners which the course directly affects MUST give written permission. Slalom courses and ski jumps cannot be a navigational hazard. Water ski jumps must be lighted during the hours of darkness.

City/Township Representative printed name: _____

Signature: _____

Signature of Applicant: Joseph P. KieslingDate: 3/25/06

MAR-28-06 TUE 12:01 PM CITY-OF-LAKE-ELMO

FAX NO. 651 777 9615

P. 3



CITY OF LAKE ELMO
WAIVER OF WATER SURFACE USE REGULATIONS

Permit No.

Date

Lake Elmo City Hall
 3800 Laverne Ave. No.
 Lake Elmo, MN 55042

Voice: 651-777-5510

Fax: 651-777-9615

Applicant

Joe Kiesling / Tri Lakes Assoc.

Organization

Tri-Lakes

Relationship to Org.

Ski Show Pres.

Applicant's Address

9359 Jane Rd No.

Phone Numbers

651-430-2550

Home @ 651-779-4663

Date Preferences

July 4th To Aug 13th

Hours

Week Days from 5:00 PM to 10:00 / weekends from 9 AM to 10 PM

Activity/Purpose

Ski Show Prizes & Ski Show

Ski Show on Aug 12, 2006

I hereby acknowledge the following:

I have received, read, and understand the requirements of the *Lake Elmo Ordinance 97-150*, for a Special Permit allowing the Waiver for Water Ski Shows. A copy of the permit will be at the event at all times during the permitted period of time.

Signature of Applicant

Joseph R. Kiesling

Date

3/28/06

Approved ☐ Denied ☐ Notified Sheriff ☐

City Clerk Signature

City Administrator Signature

Date

ACORD CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
11/15/2005

PRODUCER (616)233-0910 FAX (616)233-0923
 Arthur J. Gallagher Risk Management Services, Inc.
 The Waters Building
 161 Ottawa, N.W., Suite 112
 Grand Rapids, MI 49503-2799

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
 ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
 HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
 ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED USA Water Ski Association
 1251 Holy Cow Road
 Polk City, FL 33868

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Century Surety Company

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

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

INBR ADD'L TYPE ASST	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	CCP 388 513	11/01/2005	12/31/2006	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Per occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ Excluded
	<input checked="" type="checkbox"/> Per Event Aggregate	2,000,000			PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE \$ 10,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Per accident) \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> NON-OWNED AUTOS				OTHER THAN EAACC \$
A	GARAGE LIABILITY				AUTO ONLY: AGG \$
	<input type="checkbox"/> ANY AUTO				EACH OCCURRENCE \$ 1,000,000
	EXCESS/UMBRELLA LIABILITY	CCP 381 960	11/01/2005	12/31/2006	AGGREGATE \$ 1,000,000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				\$
	DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU- TORY LIMITS \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				OTH- ER \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. EACH ACCIDENT \$
	OTHER				E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$

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

CERTIFICATE HOLDER

CANCELLATION

For Informational Purposes Only

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Len Dyer

CITY OF LAKE ELMO**ARBOR DAY PROCLAMATION**

WHEREAS: Minnesota is home of many of our nation's natural resources, foremost among them are our beautiful and abundant forests; and

WHEREAS: Trees are an increasingly vital resource in Minnesota today, enriching our lives by purifying the air, conserving soil, water and energy, creating jobs through a large forest products industry, serving as recreational settings, providing habitat for wildlife of all kinds, and creating beautiful landscapes to make our communities more livable, and

WHEREAS: Human activities such as construction damage, pollution and neglect, as well as climatic extremes, disease and insects threaten our trees, creating the need for concerned action to ensure the future of community and rural forests in our state and throughout the country; and

WHEREAS: Each individual can act locally to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead; and

WHEREAS: Each year on the last Friday in the month of April and throughout the month of May, the people of Minnesota pay special tribute to the vital natural resource that our trees represent and dedicate themselves to the continued vitality of our state's community and rural forests;

NOW, THEREFORE, I Dean Johnston, Mayor of the City of Lake Elmo, do hereby proclaim April 28, 2006 to be

ARBOR DAY

And the month of May, 2006 to be **ARBOR MONTH** in Lake Elmo, Minnesota.

Signed this 4th day of April, 2006

Dean Johnston, Mayor

Tree City U.S.A.

4A.

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

**RESOLUTION NO. 2006-031
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 317, 318, DD682 through DD694, 28901 through 28907, were used for Staff Payroll dated March 30th, 2006; claims 319, 28908 through 28948, in the total amount of \$493,366.20 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 4th day of April, 2006.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 03/30/2006 - 2:33 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD 20870	Ace Hardware Valve bail, Trap - Well #2 Check Total:	19.23 19.23	04/04/2006	Check Sequence: 1 601-494-9400-42400	ACH Enabled: No
Vendor: ALLSAFE 70986	All Safe Fire & Security Fire Extinguisher Service Check Total:	191.70 191.70	04/04/2006	Check Sequence: 2 101-420-2220-44040	ACH Enabled: No
Vendor: ARAM 629-5943696	Aramark Mats, Linen - City Hall Check Total:	70.02 70.02	04/04/2006	Check Sequence: 3 101-410-1940-44010	ACH Enabled: No
Vendor: BIFFS W284843	Biff's Inc. Rental - Portable - Sunfish Lake Park Check Total:	74.26 74.26	04/04/2006	Check Sequence: 4 101-450-5200-44120	ACH Enabled: No
Vendor: BOUTHTOM Rotary	ThomasBouthtomet Quarterly Due Reimb. Check Total:	125.00 125.00	04/04/2006	Check Sequence: 5 101-410-1520-44330	ACH Enabled: No
Vendor: CB & I 13253.000	CB & I Constructors, Inc. Payment #3 - Water Tank Construction Check Total:	114,000.00 114,000.00	04/04/2006	Check Sequence: 6 601-494-9400-45200	ACH Enabled: No
Vendor: DIVICON 10-0266	Diversified Contracting Spec. App. 7 - New PW Building Construction Check Total:	176,691.53 176,691.53	04/04/2006	Check Sequence: 7 410-480-8000-45200	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ENAUTO ST031506-4 ST031506-5	Emergency/Automotive Technology Inc. Strobe Lights - Public Works Strobe Lights - Public Works Check Total:	93.45 6.38 99.83	04/04/2006 04/04/2006	Check Sequence: 8 101-430-3100-42210 101-430-3100-42210	ACH Enabled: No
Vendor:FOUR 23-042064	Four Seasons Service Supplies - City Hall Check Total:	85.25 85.25	04/04/2006	Check Sequence: 9 101-410-1940-44300	ACH Enabled: No
Vendor:FREDS 431709	Fred's Tire Tires - Bldg Dept Truck Check Total:	218.55 218.55	04/04/2006	Check Sequence: 10 101-420-2400-44040	ACH Enabled: No
Vendor:FXL April 2006	FXL, Inc. Assessing Services - April 2006 Check Total:	2,000.00 2,000.00	04/04/2006	Check Sequence: 11 101-410-1550-43100	ACH Enabled: No
Vendor:GALIOV 2006 GFOA	Hristo Galiov Annual Membership Reimb. Check Total:	150.00 150.00	04/04/2006	Check Sequence: 12 101-410-1520-44330	ACH Enabled: No
Vendor:GARELICK 78946 79194	Garelick Steel Co. Inc Shop Racks - Public Works Shop Racks - Public Works Check Total:	414.28 129.92 544.20	04/04/2006 04/04/2006	Check Sequence: 13 101-430-3100-42230 101-430-3100-42230	ACH Enabled: No
Vendor:GFOA GFOA Books	Gov. Finance Officers Assn Books Check Total:	94.00 94.00	04/04/2006	Check Sequence: 14 101-410-1520-44350	ACH Enabled: No
Vendor:GOVTRNG McGinnis 06/15 VanZandt 04/12	Government Training Services Registration - Land Use Workshop Registration - Land Use Workshop Check Total:	125.00 125.00 250.00	04/04/2006 04/04/2006	Check Sequence: 15 101-410-1910-44370 101-410-1910-44370	ACH Enabled: No
Vendor:HAWK 152709	Hawk Labeling Systems Labeling Tapes - Fire Dept.	445.00	04/04/2006	Check Sequence: 16 101-420-2220-42000	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
<hr/>					
Vendor:LEAGMAN 1-000024906	League of MN Cities LMC Workshop - Finance Check Total:	445.00 40.00 40.00	04/04/2006	Check Sequence: 17 101-410-1520-44370	ACH Enabled: No
<hr/>					
Vendor:LMCIT	League of Minnesota Cities Insurance Trust			Check Sequence: 18	ACH Enabled: No
21646	Ins. Premium - Admin	33,904.00	04/04/2006	101-410-1320-43610	
21646	Ins. Premium - Fire Dept	12,152.00	04/04/2006	101-420-2220-43630	
21646	Ins. Premium - Bldg Dept	753.00	04/04/2006	101-420-2400-43630	
21646	Ins. Premium - Public Works	9,605.00	04/04/2006	101-430-3100-43630	
21646	Ins. Premium - Parks	3,549.00	04/04/2006	101-450-5200-43630	
21646	Ins. Premium - Water	4,353.00	04/04/2006	601-494-9400-43610	
21647	Ins. Premium - Admin	4,892.77	04/04/2006	101-410-1320-43610	
21647	Ins. Premium - Fire Dept	1,873.49	04/04/2006	101-420-2220-43630	
21647	Ins. Premium - Bldg Dept	141.97	04/04/2006	101-420-2400-43630	
21647	Ins. Premium - Public Works	1,656.28	04/04/2006	101-430-3100-43630	
21647	Ins. Premium - Parks	354.92	04/04/2006	101-450-5200-43630	
21647	Ins. Premium - Water	1,750.57	04/04/2006	601-494-9400-43610	
21648	Ins. Premium - Admin	413.00	04/04/2006	101-410-1320-43610	
	Check Total:	75,399.00			
<hr/>					
Vendor:MAMA 1446	Metropolitan Areal/Manager Association MAMA Luncheon Check Total:	18.00 18.00	04/04/2006	Check Sequence: 19 101-410-1320-44370	ACH Enabled: No
<hr/>					
Vendor:MENARDSO	Menards - Oakdale			Check Sequence: 20	ACH Enabled: No
68849	End Ice - Public Works	5.31	04/04/2006	101-430-3100-42150	
70158	Scrub Sponge, Lysol	11.83	04/04/2006	101-430-3100-42150	
	Check Total:	17.14			
<hr/>					
Vendor:MENARDST 35868	Menards - Stillwater Power Strips - City Hall Check Total:	9.98 9.98	04/04/2006	Check Sequence: 21 101-410-1940-44300	ACH Enabled: No
<hr/>					
Vendor:METROCA P0318076C	Metrocall Pagers - Fire Dept Check Total:	74.80 74.80	04/04/2006	Check Sequence: 22 101-420-2220-43210	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:MKCONS 2006-1	Molly Krakowski Consulting CDBG Consulting - Final Check Total:	276.25 276.25	04/04/2006	Check Sequence: 23 101-410-1910-43013	ACH Enabled: No
Vendor:MNSTATEC Myran Yarusso	Minnesota State Community & Technical College Fire School - Myran Fire School - Yarusso Check Total:	80.00 80.00 160.00	04/04/2006 04/04/2006	Check Sequence: 24 101-420-2220-44370 101-420-2220-44370	ACH Enabled: No
Vendor:MUNICI-P 2006 Lumby	Munici-Pals Annual Due - Lumby Check Total:	25.00 25.00	04/04/2006	Check Sequence: 25 101-410-1320-44330	ACH Enabled: No
Vendor:NEXTEL 761950227-036 761950227-036 761950227-036 761950227-036 761950227-036	NexTel Communications Cellular Service - Admin Cellular Service - Fire Dept Cellular Service - Bldg Dept Cellular Service - Public Works Cellular Service - Parks Check Total:	76.46 117.45 33.10 49.65 16.55 293.21	04/04/2006 04/04/2006 04/04/2006 04/04/2006 04/04/2006	Check Sequence: 26 101-410-1940-43210 101-420-2220-43210 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210	ACH Enabled: No
Vendor:NOSTPAUL 200603200455	City of North St Paul Sat/Sand Mix Check Total:	536.76 536.76	04/04/2006	Check Sequence: 27 101-430-3100-42290	ACH Enabled: No
Vendor:PETERSO 11135M 11140M 11145M 11150M 11155M 11161M	Peterson Fram & Bergman Admin Criminal Pros Legal Services - Water Connection Community Dev Civil Litigation Auto Forfeiture Check Total:	1,364.70 4,574.62 572.96 616.00 1,997.00 5.00 9,130.28	04/04/2006 04/04/2006 04/04/2006 04/04/2006 04/04/2006 04/04/2006	Check Sequence: 28 101-410-1610-43040 101-410-1610-43045 601-494-9400-44300 803-490-9070-43040 101-410-1610-43040 101-410-1610-43045	ACH Enabled: No
Vendor:PINNEY 2817997-MR06	Pinney Bowes Postage Equipment Rental Check Total:	693.00 693.00	04/04/2006	Check Sequence: 29 101-410-1940-44010	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:POSTOFF Account 19	POSTMASTER Postage Check Total:	500.00 500.00	04/04/2006	Check Sequence: 30 101-410-1320-43220	ACH Enabled: No
Vendor:PRESS 03272006	SievenPress Cablecast - Planning Check Total:	55.60 55.60	04/04/2006	Check Sequence: 31 101-410-1910-43620	ACH Enabled: No
Vendor:QUICKSI 6272633	Quicksilver Courier Service - Planning Check Total:	23.49 23.49	04/04/2006	Check Sequence: 32 101-410-1910-44300	ACH Enabled: No
Vendor:RAFFERTY Roitz	Martin Rafferty Quarterly Membership Reimb. Check Total:	125.00 125.00	04/04/2006	Check Sequence: 33 101-410-1320-44330	ACH Enabled: No
Vendor:ROBENGST 03/29/2006	Robert Engstrom Companies Old Village Plan Check Total:	12,500.00 12,500.00	04/04/2006	Check Sequence: 34 803-490-9070-44300	ACH Enabled: No
Vendor:RUD 03/20-03/29 03/20-03/29 466510	DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Trash Bags, Cleaner, Windex Check Total:	240.00 240.00 19.52 499.52	04/04/2006 04/04/2006 04/04/2006	Check Sequence: 35 101-410-1940-44010 101-420-2220-44010 101-410-1940-42110	ACH Enabled: No
Vendor:SANDCRK 88641	Sand Creek Group, Ltd Employee Assistance Program 2006 Check Total:	750.00 750.00	04/04/2006	Check Sequence: 36 101-410-1320-44330	ACH Enabled: No
Vendor:SOUTH CE 00049748	South Central College Fire School - Yansso/Cohen Check Total:	160.00 160.00	04/04/2006	Check Sequence: 37 101-420-2220-44370	ACH Enabled: No
Vendor:SPRINT 0526076028-3	Sprint Datalink - Fire Dept Check Total:	51.18 51.18	04/04/2006	Check Sequence: 38 101-420-2220-43210	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: TKDA					
000200601186	TKDA, Inc.	3,706.15	04/04/2006	Check Sequence: 39	ACH Enabled: No
000200601187	Water System Interconnection	2,456.73	04/04/2006	601-494-9400-43030	
000200601188	Water Storage Tank	1,856.03	04/04/2006	601-494-9400-43030	
000200601188	Comp Planning	1,543.66	04/04/2006	101-410-1910-43020	
000200601202	Tapestry, Farms, Sanctuary	5,769.21	04/04/2006	803-490-9070-43030	
000200601203	Public Works Building	24,282.64	04/04/2006	410-480-8000-43030	
000200601204	Tablyn Park/LIE Hgts Watermain	7,708.51	04/04/2006	601-494-9400-43030	
000200601208	Northern Watermain Ext.	503.31	04/04/2006	601-494-9400-43030	
000200601208	Manning Trail Project	849.96	04/04/2006	409-480-8000-43030	
000200601208	Public Works Building	6,557.23	04/04/2006	410-480-8000-43030	
000200601208	Water Meters, SCADA System	1,041.07	04/04/2006	601-494-9400-43030	
000200601208	MSA Reporting & Meetings	3,078.64	04/04/2006	402-480-8000-43030	
000200601208	Grad. Permits, Mtgs, Workshops	822.66	04/04/2006	101-410-1930-43030	
000200601208	Comp Plan	998.85	04/04/2006	101-410-1910-43020	
000200601208	Carriage Station Park	124.96	04/04/2006	404-480-8000-43030	
000200601208	Surface Water	55.94	04/04/2006	603-496-9500-43030	
000200601208	Sewer System	1,479.06	04/04/2006	602-495-9450-43030	
000200601209	Manning Ave Construction	62,834.61	04/04/2006	409-480-8000-43030	
Check Total:					
Vendor: UMCONTED					
958857	U of M Continuing Education	260.00	04/04/2006	Check Sequence: 40	ACH Enabled: No
	Training - C. Freeman	260.00		101-410-1320-44370	
Check Total:					
Vendor: XCEL					
51-4572945-7	Xcel Energy	26.79	04/04/2006	Check Sequence: 41	ACH Enabled: No
	Lights - 3014 Janley	26.79		101-430-3160-43810	
Check Total:					
Total for Check Run:					
		459,518.18			
Total Number of Checks:		41			

Accounts Payable Computer Check Proof List

User: administrator
Printed: 03/30/2006 - 2:29 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: REVENUE Q1 2006	MN Department of Revenue Use Tax 1st Q 2006	213.00	04/04/2006	Check Sequence: 1 101-410-1320-44300	ACH Enabled: No
Q1 2006	Sales Tax 1st Q 2006	613.00	04/04/2006	601-494-9400-44300	
	Check Total:	826.00			
Total for Check Run:		826.00			
Total Number of Checks:		1			

RECEIVED
MAR 20 2006

CITY OF LAKE ELMO

2006 BILLING SUMMARY

MONTH	11135 Administration	11140 Criminal Pros	11145 Public Imp. Proj	11150 Community Dev	11155 Civil Litigation	11161 Auto Forfeiture	TOTAL
Jan	\$2,381.27	\$3,516.24		\$363.00	\$1,821.52	\$135.00	\$8,217.03
Feb	\$1,364.70	\$4,574.62	\$572.96	\$616.00	\$1,997.00	\$5.00	\$9,130.28
March							\$0.00
April							\$0.00
May							\$0.00
June							\$0.00
July							\$0.00
Aug							\$0.00
Sept							\$0.00
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
Totals	\$3,745.97	\$8,090.86	\$572.96	\$979.00	\$3,818.52	\$140.00	\$17,347.31

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

Page: 1
02/28/2006
ACCOUNT NO. 11135M

	FEES	EXPENSES	ADVANCES	BALANCE
11135-000008 Comp. Plan Update 2000-2020	0.00	0.00	220.70	\$220.70
11135-920001 Administration	1,144.00	0.00	0.00	\$1,144.00
	<u>1,144.00</u>	<u>0.00</u>	<u>220.70</u>	<u>\$1,364.70</u>

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

ACCOUNT NO.

Page: 1
02/28/2006
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	4,080.00	17.66	0.00	\$4,097.66
11140-050148 Korgh, Allison Caron no park permit, no insurance	5.00	6.42	0.00	\$11.42
11140-050203 Carey, Brian Lee DAS	22.50	0.00	0.00	\$22.50
11140-050252 Pinkston, Keith Antonio DAC	5.00	1.61	0.00	\$6.61
11140-050261 Roth, Tanessa Lynn Violate restraining order	5.00	0.00	0.00	\$5.00
11140-050267 Brown, Nathaniel DAR, expired registration	5.00	0.00	0.00	\$5.00
11140-050270 Gonzalez, Leonardo 4th degree DUI, DAS	5.00	0.00	0.00	\$5.00
11140-050274 McAninch, Andrea J. 2nd degree DUI	45.00	1.61	0.00	\$46.61

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON
FRAM & BERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO

ACCOUNT NO.

Page: 2
02/28/2006
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-050283 Fletch, Jay William 3rd degree DUI	52.50	0.00	0.00	\$52.50
11140-050293 Pita, Andrew 4th degree DUI, not a drop violation, open bottle	5.00	3.21	0.00	\$8.21
11140-050295 Davis, Alia DAS, no insurance	5.00	0.00	0.00	\$5.00
11140-060012 Eide, Brian domestic assault	5.00	0.00	0.00	\$5.00
11140-060014 Sanchez, Anthony DAS	5.00	0.00	0.00	\$5.00
11140-060015 Thompson, Latasha M. DAS, no proof of insurance	5.00	0.00	0.00	\$5.00
11140-060016 Vogel, Martin Thomas illegal transport of BB gun	52.50	0.00	0.00	\$52.50
11140-060017 Senkler, Michael James GM-intent to escape MV tax	10.00	0.00	0.00	\$10.00
11140-060023 Antunes, Filiberto domestic assault	72.50	0.00	0.00	\$72.50

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

Suite 300
50 East Fifth Street
St. Paul, MN 55101-1197

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO

ACCOUNT NO.

Page: 3
02/28/2006
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-060024 Heller, James DAS, no proof of insurance	5.00	0.00	0.00	\$5.00
11140-060025 Leech, Jason Oliver 3rd degree DUI, 3rd degree test refusal	15.00	0.00	0.00	\$15.00
11140-060026 Parent, Doreen Diana 2nd degree DUI, 2nd degree .08	10.00	0.00	0.00	\$10.00
11140-060031 Eckert, Rachel Marie underage consumption	37.50	0.00	0.00	\$37.50
11140-060032 Helwig, Robert theft	0.00	1.61	0.00	\$1.61
11140-060036 Bjorkman, Joseph speed 45/30	10.00	0.00	0.00	\$10.00
11140-060040 Stevens, Michael L. 3rd degree DUI, DAC	75.00	0.00	0.00	\$75.00
11140-060041 Clasen, Christopher C. LSA, no proof of insurance	5.00	0.00	0.00	\$5.00
	<u>4,542.50</u>	<u>32.12</u>	<u>0.00</u>	<u>\$4,574.62</u>

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

ACCOUNT NO.

Page: 1
02/28/2006
11145M

	FEES	EXPENSES	ADVANCES	BALANCE
11145-060001 TABYLN PARK-LE HEIGHTS WATER CONNECTION				
	572.00	0.96	0.00	<u>\$572.96</u>

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CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

ACCOUNT NO.

Page: 1
02/28/2006
11150M

	FEES	EXPENSES	ADVANCES	BALANCE
11150-050007 LAKE ELMO DEVELOPMENT CORPORATION - OP	429.00	0.00	0.00	\$429.00
11150-050009 PLAT, REZONING AND COMP PLAN - PARK MEADOWS	44.00	0.00	0.00	\$44.00
11150-060002 HAIRE SHORELAND VARIANCE	88.00	0.00	0.00	\$88.00
11150-990006 Carriage Homes Development	55.00	0.00	0.00	\$55.00
	<u>616.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$616.00</u>

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

Page: 1
02/28/2006
ACCOUNT NO. 11155M

	FEES	EXPENSES	ADVANCES	BALANCE
11155-040002 ZIERTMAN/SESSING PROPERTY				
	1,228.50	0.00	335.00	\$1,563.50
11155-060002 J.P. BUSH HOMES V. CITY OF LAKE ELMO				
	432.00	1.50	0.00	\$433.50
	<u>1,660.50</u>	<u>1.50</u>	<u>335.00</u>	<u>\$1,997.00</u>

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

Page: 1
02/28/2006
ACCOUNT NO. 11161M

	FEES	EXPENSES	ADVANCES	BALANCE
11161-060001 McAninich, Andrea vehicle forfeiture	5.00	0.00	0.00	<u>\$5.00</u>

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
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PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

GA.



WEST LAKELAND TOWNSHIP

STILLWATER, MINNESOTA 55082

RECEIVED
MAR 28 2006

March 27, 2006

Dean Johnston, Mayor
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: XCEL Fly Ash Repository in the St. Croix Valley

Dear Mayor Johnston,

As you may know, Xcel Energy has been looking for a new fly ash dump in close proximity to its Alan S. King coal-fired power plant in Bayport. They have been depositing wet fly ash at a dump site in Oak Park Heights for many years and their goal is to continue depositing wet fly ash into a new facility, also within close proximity of the plant. After a search of many existing gravel pits, Xcel has identified a gravel pit in West Lakeland Township as its future site and they are moving forward to obtain the approvals necessary to use this site.

The fly ash being deposited contains toxic waste from the coal burning process and our concern is the long-term health and environmental risks posed by these wastes being stored in the highly sensitive St. Croix River valley, with its fragile geology and already threatened ground-water. I hope you would see this as not just a West Lakeland issue, but a valley-wide issue. This waste can certainly go elsewhere than in this valley.

The Xcel process must be monitored to ensure that the eventual solution respects the resources of the valley, especially its groundwater. As Xcel seeks their approvals, monitoring the process will take legal and engineering resources at some cost. There will be the permitting process through the PCA, local (West Lakeland Township and County) permitting, potentially Xcel seeking a "fly ash repository siting bill" at the legislature, and perhaps court actions.

"Fly Ash Fund" Started

These challenges will take human resources and money, and since the outcome of this process will affect this valley and its groundwater for generations, we are hoping you will see this

John McPherson

April 26, 2006

Page 2 of 2

challenge as something your community's officials will support. It would be a huge burden to ask just the residents of West Lakeland to carry the financial load.

I am therefore asking for the financial support of your community in an initial amount of \$1,500 to be added to a "fly ash fund" that can be used in any of the following ways:

- Engineering critique of Xcel's Environmental Assessment Worksheet (EAW) currently being prepared as required by the PCA
- Engineering critique of the anticipated follow-on Environment Impact Statement (EIS)
- Zoning, engineering and legal review of Xcel's anticipated CUP application with West Lakeland Township
- Legislative bill tracking and testifying at MN house and senate committees
- Potential court actions


Certainly costs can be defrayed in many ways, volunteer efforts and application escrows being just two methods. However qualified engineering and legal opinions will be needed, and these will come with a price tag that can not be avoided.

I do hope you and your community will join us in this most important effort. Thank you so much for your consideration.

Most cordially,



John McPherson
Chair, Board of Supervisors
West Lakeland Township
13520 Greenwood Trail North,
Stillwater, MN 55082

Lake Elmo City Council April 4, 2006	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9A
<u>Agenda Item:</u> Septic Drain Field Setback Variance – 7949 Hill Trail (Scharrer)		
<u>Background Information for April 4, 2006:</u> At its March 21 meeting the City Council directed staff to prepare a Resolution of Denial for this variance application. We have attached a draft of a Denial Resolution including Findings based on the City Council discussion of the application at the March 21 meeting.		
<u>Action items:</u> <div style="text-align: right;">028</div> Motion to adopt Resolution #2006 - denying the application of Jeff and Robin Scharrer, 7949 Hill Trail North to locate a septic drain field 15 feet from a structure where Section 700 of the City Code requires a 20 foot drain field setback from structures.	<u>Person responsible:</u> <div style="text-align: center;">  City Planner </div>	
<u>Attachments:</u> <div style="text-align: right;">028</div> <ol style="list-style-type: none"> 1. Draft Resolution #2006 – Variance Denial 2. Draft March 21, 2006 City Council Minutes 	<u>Time Allocated:</u>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-028
A RESOLUTION DENYING A VARIANCE FOR
JEFFERY JOHN AND ROBIN SCHARRER
LOCATED AT 7949 HILL TRAIL NORTH

WHEREAS, Jeffery John and Robin Scharrer, 7949 Hill Trail North, have made application for a variance to Section 700 of the Lake Elmo Municipal Code and Chapter 7080.0170 of Minnesota Rules to construct a replacement septic drain field approximately 15 feet from a structure where 20 feet are required.

WHEREAS, at its March 13th meeting, the Planning Commission reviewed and recommended approval of setback system variance at 7949 Hill Trail North.

WHEREAS, at its March 21st meeting, the Lake Elmo City Council reviewed the septic system setback variance application of Jeffery John and Robin Scharrer to permit construction of a replacement drain field, per plans staff-dated March 9, 2006, at 7949 Hill Trail N. within 15 feet of the existing house where a 20 foot setback is otherwise required.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council denies the variance at 7949 Hill Trail to construct a replacement septic drain field within 15 feet of an existing structure where a 20 foot setback is required by Section 700 of the City Code based on the following findings:

1. The property can be put to reasonable use without the granting of the variance requested. The applicant can construct a mound style drain field without need for a setback variance.
2. The variance requested does not result from circumstances unique to property. Alternative solutions for the treating of wastewater are available that would not require the requested variance.
3. Granting of the variance will not change the essential character of the neighborhood.

ADOPTED BY THE Lake Elmo City Council the 21st day of March, 2006.

Dean Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Scharrer Variance

reconsidered based on new information and written statements at the next Council meeting but that this does not mean the Council members will change their decision.

M/S/P - Johnston/Johnson – to reconsider the Haire Variance, 8160 Hill Trail, at the April 4, 2006, Council meeting.

(Motion passed 4-0-1: Conlin Abstained-did not attend the March 6, 2006, meeting)

B. Variance for Septic System Setback for 7949 Hill Trail (Scharrer).

City Planner Dillerud said the existing septic system at 7949 Hill Trail is no longer functioning. The system is not yet a health hazard and the applicants are being responsible about the problem. They are requesting a variance to Septic 700 septic / design standards to permit a replacement drain field within 15 feet of the existing house where a 20 foot setback is otherwise required.

M/S/P Johnston/Conlin – to direct Staff to come back with a Motion for denial of Resolution No. 2006-028, because applicant can construct a mound style drain field without need for set back variance, and waive the variance application fee.
(Motion passed 5-0)

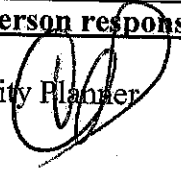
C. Zoning Ordinance / City Code Amendments – Home Occupations

The City Planner reported that over the past two years there have been numerous meetings with the City Council and Planning Commission, and numerous drafts prepared addressing the regulation of Home Occupations. He presented a draft set of City Code amendments that had been created and recommended by the Planning Commission, and on which the required Public Hearing had been conducted.

Council Member Smith passed out a handout and said she believes that the Home Occupations ordinance from the City of Oak Park Heights is the model to follow, not the Shoreview model on which the Planning Commission recommended amendments to the City Code are generally based. City Planner Dillerud said that the Planning Commission has reviewed the Home Occupation regulation strategies of several cities, including Oak Park Heights.

Mayor Johnston said the Home Office is an asset to the City. Perpetual licenses are not recommended. Licenses should be renewed annually and a mechanism is needed to operate a business in a residential zone. Storage-related businesses need to have a numerical limit, i.e., 2,000 sq. ft. AG businesses need more storage. Council Member DeLapp said AG zone is not a residential zone and space is hard to control. Council Member Conlin said she would like to see what is in the ordinance before deciding to license. Council Member Johnson said she was on the Planning Commission during the early work sessions on regulating Home Occupation, and she is not supportive of an overly complex set of regulations.

City Administrator Rafferty suggested that Home Occupations be moved to the next Council Workshop, and changes that need to occur by the Council.

Lake Elmo City Council April 4, 2006	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9B
<u>Agenda Item:</u> Reconsideration – Variance(s) Application at 8160 Hill Trail (Haire)		
<p><u>Background Information for April 4, 2006:</u></p> <p>At its March 21, 2006 meeting the City Council directed that this matter be placed on the April 4, 2006 City Council Agenda for reconsideration. On March 6, 2006 the Council unanimously adopted a Resolution denying the applied for variances (lot area and OHW setback) on a vote of 4-0 (Council Member Conlin absent). Due to the unusual meeting night on March 6 (a Monday rather than the usual Tuesday) the applicants were not in attendance at the Council meeting. They have requested the Council to open the matter for reconsideration to enable them to respond to the Findings adopted in support of the denial. The applicants have also provided the City with a written extension of the 60 day review period.</p> <p>We understand that the applicants may provide written materials in support of their reconsideration request. If such materials have been received by the publication time for this agenda they are attached.</p> <p>The Council's options with this matter are either to 1.) Affirm the earlier denial decision; or, 2.) Direct the staff to prepare a new Resolution with Findings (supplied by the Council on April 4) that support approval of one or both of the variances.</p>		
<p><u>Action items:</u></p> <p>Motions(s) to:</p> <ol style="list-style-type: none"> 1.) Affirm the March 6, 2006 denial decision in the Haire variance matter; or, 2.) Direct staff to prepare an alternate Resolution approving one of both of the variances requested by Hair – with alternative Findings and any required conditions to be specified by the Council in its action. 	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft City Council Minutes of March 21, 2006 2. Agenda Materials from March 6, 2006 3. Applicant's New Documentation – if any. 	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-024
A RESOLUTION DENYING ZONING VARIANCES FOR
KEVIN AND GENA HAIRE
LOCATED AT 8160 HILL TRAIL NORTH


WHEREAS, Kevin and Gena Haire, 8160 Hill Trail North, has made application for a variance for a nonconforming parcel area and a variance to Section 325.06 Shoreland Standards, Subd. 4. A. Setback from Ordinary High Water Level of Lake Demontreville to construct a new home (after razing the existing home) on a parcel of 34,700 square feet (8/10 acre).

WHEREAS, at its February 13th meeting, the Planning Commission reviewed and recommended approval of the variance from the OHW setback standards and minimum parcel area standards of the zoning ordinance at 8160 Hill Trail North, per the plans staff-dated February 9, 2006.

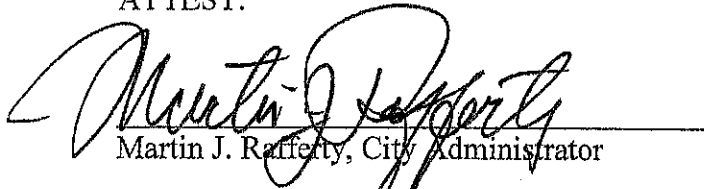
WHEREAS, at its March 6th meeting, the Lake Elmo City Council reviewed the variance to Shoreland OHW setback standards at 8160 Hill Trail and minimum parcel area standards for razing of an existing home and complete construction of a new home, with the proposed home is 52 feet from the OHW mark of Lake Demontreville and hereby denies said variances based on the following Findings:

1. The property can be put to reasonable use without the granting of the variances requested. The opportunity exists for the applicant to utilize the existing house as a basis for reconstruction/remodeling at a lesser scale and mass.
2. The minimum lot area variance requested does not result from circumstances unique to this property. A significant number of non-conforming vacant parcels and parcels with similar homes of a similar age as the existing home on this parcel are located in this and other neighborhoods of the City.
3. Granting of the variance will change the essential character of the neighborhood. The proposed house/garage is of substantially greater mass than those adjacent and would be out of scale with the existing neighborhood.
4. The floor plan of the proposed house includes multiple rooms that could, with minor alterations, become additional bedrooms thereby potentially overloading the septic system design for a 3 bedroom house.
5. Background information and the planning/zoning policy implications discussed in the February 8, 2006 Planning Staff Report on this application (attached hereto as Exhibit A)

ADOPTED BY THE Lake Elmo City Council the 6th day of March, 2006.


Dean Johnston, Mayor

ATTEST:


Martin J. Rafferty, City Administrator

Resol. Haire

Fire Chief Malmquist recommended that Rick Myran be moved from probation to firefighter status.

M/S/P – Johnson/DeLapp, to place Rick Myran to Firefighter status. (Motion passed 5-0)

Update on Firefighter Grant – Fifteen departments in Washington County with radios. Cost is \$1,500,000 for the City, but the County will pay a cap of \$1,000,000. User's fee is \$300/year. The Fire Dept. will be celebrating 50 years in 2007, and a Committee is being formed to plan a 50th Year celebration. Help and suggestions are welcome.

8. CITY ENGINEER'S REPORT:

A. Resolution 2006-027: Award Bid for Phase IV of the Water System Interconnect Project

In his letter dated March 10, 2006, the City Engineer reported that seven bids were opened on March 10, 2006, for this project. The City Engineer recommended awarding the contract to Ellingson Drainage for their bid of \$412,758.68.

M/S/P DeLapp/Johnson– to adopt Resolution 2006-027, a Resolution awarding the bid for the Phase IV of the Water Interconnect Project to Ellingson Drainage on the amount of \$412,758.68. (Motion passed 5-0)

B. Resolution 2006-029: Accept Feasibility Report for 2006 Overlay – Tablyn Park Neighborhood

The City Engineer presented the Council the Feasibility Report for 2006 Overlay – Tablyn Park Neighborhood Project.

M/S/P Johnson/DeLapp - to adopt Resolution 2006-029, a Resolution Receiving the Feasibility Report and calling a Public Hearing on April 18, 2006, on Street Repairs for Tablyn Park Neighborhood. (Motion passed 5-0)

C. Resolution 2006-030: Chris Riley Utilities, Inc.

City Engineer Prew was notified by letter Chris Riley Utilities, Inc. will not be completing Water System Interconnection Phase I and III Contracts. Recommendation is to terminate the contract "for cause." Travelers Casualty and Surety Company was notified by Riley Utilities, Inc. for non-performance

M/S/P Johnson/DeLapp – to adopt Resolution 2006-030, authorizing and directing City Staff to initiate or continue action with respect to the City's claim on the performance bonds. (Motion passed 5-0)

9. PLANNING, LAND USE & ZONING:

A. Request regarding the application for the Haire Variance – 8160 Hill Trail.

The City Planner reported that these variances to the OHW setback and minimum lot were denied by the Council at the March 6, 2006, Council meeting. Due to extenuating circumstances, the Council agreed the applicants should have the opportunity to be

reconsidered based on new information and written statements at the next Council meeting but that this does not mean the Council members will change their decision.

M/S/P - Johnston/Johnson – to reconsider the Haire Variance, 8160 Hill Trail, at the April 4, 2006, Council meeting.

(Motion passed 4-0-1: Conlin Abstained-did not attend the March 6, 2006, meeting)

B. Variance for Septic System Setback for 7949 Hill Trail (Scharrer).

City Planner Dillerud said the existing septic system at 7949 Hill Trail is no longer functioning. The system is not yet a health hazard and the applicants are being responsible about the problem. They are requesting a variance to Septic 700 septic / design standards to permit a replacement drain field within 15 feet of the existing house where a 20 foot setback is otherwise required.

M/S/P Johnston/Conlin – to direct Staff to come back with a Motion for denial of Resolution No. 2006-028, because applicant can construct a mound style drain field without need for setback variance, and waive the variance application fee.

(Motion passed 5-0)

C. Zoning Ordinance / City Code Amendments – Home Occupations

The City Planner reported that over the past two years there have been numerous meetings with the City Council and Planning Commission, and numerous drafts prepared addressing the regulation of Home Occupations. He presented a draft set of City Code amendments that had been created and recommended by the Planning Commission, and on which the required Public Hearing had been conducted.

Council Member Smith passed out a handout and said she believes that the Home Occupations ordinance from the City of Oak Park Heights is the model to follow, not the Shoreview model on which the Planning Commission recommended amendments to the City Code are generally based. City Planner Dillerud said that the Planning Commission has reviewed the Home Occupation regulation strategies of several cities, including Oak Park Heights.

Mayor Johnston said the Home Office is an asset to the City. Perpetual licenses are not recommended. Licenses should be renewed annually and a mechanism is needed to operate a business in a residential zone. Storage-related businesses need to have a numerical limit, i.e., 2,000 sq. ft. AG businesses need more storage. Council Member DeLapp said AG zone is not a residential zone and space is hard to control. Council Member Conlin said she would like to see what is in the ordinance before deciding to license. Council Member Johnson said she was on the Planning Commission during the early work sessions on regulating Home Occupation, and she is not supportive of an overly complex set of regulations.

City Administrator Rafferty suggested that Home Occupations be moved to the next Council Workshop, and changes that need to occur by the Council.

Lake Elmo City Council March 6, 2006	Agenda Section: Planning, Land Use and Zoning	No. 9B
Agenda Item: Zoning Variances – Haire (8160 Hill Trail)		
<p><u>Background Information for March 6, 2006:</u></p> <p>The Planning Commission, at its February 13 meeting, adopted a recommendation for approval of this application for nonconforming parcel area and OHW setback variances that would permit construction of a new home (after razing the existing home) on this “old platting” parcel of 34,700 square feet (8/10 acre). The Commission’s vote on the recommendation was split 5-4, with the commissioners voting nay (Pelletier, Schneider, Lyzenga, and Chair Helwig) all voicing concern with the scale of the proposed home in relation to the parcel area and the existing neighborhood character. Those concerns relate to the nonconforming parcel area variance. Little concern was voiced regarding the OHW setback variance, probably since the proposed house location would be 15 feet <u>less</u> nonconforming as to OHW setback (but still nonconforming) than the existing house location.</p> <p>This application was received by the City on January 17, 2006. Therefore City compliance with 60 application review requirements mandates that the Council take some action at the March 6, 2006 meeting. The only exception to this mandate will be if the applicant provides the City with a specific written waiver of the 60 day review period. Should the Council decide to instead deny the applications, the findings provided in the Planning Commission recommendation and included in the attached draft Resolution should be modified accordingly.</p>		
<p><u>Action items:</u></p> <p>024 Motion to adopt draft Resolution #2006 – approving parcel area and OHW setback variances at 8160 Hill Trail (applicants, Kevin & Gina Haire) per plans staff dated February 9, 2006 based on the Findings and recommendation of the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p>City Planner</p>	
<p><u>Attachments:</u></p> <p>024 1. Draft Resolution #2006 - Approving Variances 2. Approved Planning Commission Minutes of February 13, 2006 3. Planning Staff Report of February 8, 2006 4. Applicants’ Documentation and Graphics</p>	<p><u>Time Allocated:</u></p>	

Public Hearing:

Variance to OHW Setback and Minimum Lot Size Requirements, 8160 Hill Trail N.

The Planner explained the application proposes the razing of an existing home and complete construction of a new home on a lot fronting on both Lake Demontreville and Lake Olson.

The Planner said the original home does not comply with Shoreland Setback Standards; and, that construction of a new home on this non-conforming parcel is difficult without variances. The proposed home is 52 feet from the OHW mark of Lake Demontreville. He said that legal non-conforming status expires should the existing home be removed. The proposed home is much larger than its neighbors' homes. Positive findings can be made for the variance to shoreland setback, but the new construction on a non-conforming lot by area could establish a problematic precedent with carefully crafted findings addressing specific circumstances.. The Planner advised the Commission that he has worked with the City Attorney on potential findings that could support all of the variances requested, including new construction on a non-conforming lot, as follow:

1. The property can not be put to reasonable use without the granting of the variances requested. The OHW setback variance is the minimum possible given the unique circumstances of the parcel essentially "fronting" two lakes. The lot area variance responds to this "reasonable use" Finding only due to the existence of a habitable dwelling and functioning private wastewater treatment system on this parcel. This Finding would not be applicable were this non-conforming vacant parcel of similar parcel area non-conformity.
2. The variances requested result from circumstances unique to this property platted prior to the adoption of Shoreland Regulations by the City resulting in OHW setback applicable from two lake frontages, and an existing home/functioning private wastewater treatment system constructed prior to current zoning ordinance/City Code lot area and septic treatment standards; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood. Significant mature trees on the parcel will effectively mitigate the visual impact of increased structure mass of the new house.

Based on those findings, the Planner recommends approval subject to the following conditions:

1. Compliance with VBWD recommendations pertaining to silt fencing, erosion control, and rain guttering.
2. The City Forester must be involved in the staking of trees on this lot prior to and during construction.

Commissioner Schneider asked how tall the house will be from the lake.

The Planner said he thinks about 30 to 35 from the adjoining ground level plus the elevation difference from ground near the house and the lake elevation – several more feet.

Commissioner Fliflet asked if the chance of saving the trees is good.

The Planner said the new house is a little bit farther from the lake but in an entirely new area on the parcel that will improve the odds on saving the trees. He also noted that the City Forester could participate in reviewing tree protection measures during construction

Commissioner Ptacek asked about the backup septic system.

The planner reported that there is enough room to enlarge the drain field site adjacent to the existing drain field if they need to in the future.

Commissioner Pelletier asked who would verify silt would not go into the lake.

The Planner said the Building Official monitors erosion control during construction.

Commissioner Lyzenga asked the rationale for 1.5 acre minimum in the R-1 Zoning District.

The Planner said it was before his time with the City and he is not aware Of the exact rationale.

Commissioner Ptacek said the rationale was room for primary and backup traditional septic systems.

Commissioner Armstrong said the reason was concern for the environment. The mid 1980's failure of numerous septic systems and the resulting 201 Septic System Program had a great deal to do with the lot area zoning, especially on lake lots. The City did not want to repeat a 201 program in the future.

Chairman Helwig asked if the existing 201 Mound System on this lot meets current standards.

The Planner said he does not know.

Todd Ganz, Merit Custom Homes representing The Haire Family

Mr. Ganz said that all the trees are at least 25 feet from the new house location.

Chairman Helwig asked what about footings in relation to the trees..

Mr. Ganz said the plan puts the footings about 23 feet from the trees and they will be happy to work with the City Forester regarding tree protection measures.. The proposed house is 28 feet tall from 934 elevation to the highest peak. He said the existing 1200 gallon dual compartment tank will be replaced with a new dual tank treating 1600 gallons. The mound has been tested by Barry Brown and the future system would be next to and south of the existing septic system.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:30 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:31 P.M.

Commissioner Ptacek said he has no problem with the proposed OHW setback because it is further from the lake than the existing house. He said he does have a problem continuing to grant variances without the new zoning for Neighborhood Conservation Districts. He supports the OHW variance but does not feel comfortable with the minimum lot size variance.

Commissioner Deziel said this lot is almost nine-tenths of an acre. He asked if we should force people who live on lakeshore to live in shanties. He complimented the applicant for locating the house behind the trees instead of a more exposed location. He encouraged them to make the house as dark a color as possible to decrease visibility from the lake.

Commissioner Armstrong said he is concerned that the plan says three bedrooms, but that plan

shows an unheated storage room and a family room that could be converted to bedrooms. This is more accurately a four bedroom home on a mound system that cannot handle it. He wants to be sure this septic system will be sufficient. He believes we should look at a square footage equation instead of a bedroom count for future variances.

M/S/P, Armstrong/Fliflet, To recommend approval based on three findings in the staff report and three conditions to include that staff and the City engineer review applicable Code to insure that the septic system is up to date. PASSED: 5:4 passed. Nay: Pelletier, Schneider, Lyzenga, Helwig.

Commissioner Pelletier asked for staff and the applicant to watch to prevent erosion into the lake.

The Planner said there are scores of lots like this one. Presumably these findings are specific enough to this lot.

Commissioner Schneider said this is a very large house on a non-conforming lot on two lakes.

Commissioner Lyzenga said she looks at the plans as a five bedroom home. She is not convinced the scale of the home is supported by this lot. It is disproportionately out of scale.

HAIRE
AMENDED STAFF FINDINGS – FEBRUARY 13, 2006

1. The property can not be put to reasonable use without the granting of the variances requested. The OHW setback variance is the minimum possible given the unique circumstances of the parcel essentially "fronting" two lakes. The lot area variance responds to this "reasonable use" Finding only due to the existence of a habitable dwelling and functioning private wastewater treatment system on this parcel. This Finding would not be applicable were this non-conforming vacant parcel of similar parcel area non-conformity.
2. The variances requested result from circumstances unique to this property platted prior to the adoption of Shoreland Regulations by the City resulting in OHW setback applicable from two lake frontages, and an existing home/functioning private wastewater treatment system constructed prior to current zoning ordinance/City Code lot area and septic treatment standards; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood. Significant mature trees on the parcel will effectively mitigate the visual impact of increased structure mass of the new house.

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: February 8, 2006 for the Meeting of February 13, 2006

Applicant: Kevin & Gina Haire

Location: 8160 Hill Trail

Requested Action: Shoreland Overlay District Variances

Land Use Plan Guiding: SRD

Existing Zoning: R-1 (Subject to Shoreland Overlay)

Site History and Existing Conditions:

The Washington County Assessor records reveal that this 34,700 square foot parcel contains a 1,267 square foot split entry house (1,056 square foot print) constructed in 1930. City records for this parcel date back to 1971 and reveal only the customary septic and HVAC upgrades expected with a house of this age.

The site slopes gradually east (Lake Demontreville) and west (Hill Trail and Olson Lake) from a high point of 940 at the north center of the parcel to 931 at Hill Trail, 933 at the south property line, and 930 at Lake Demontreville. The existing house is situated approximately 37 feet from the Lake Demontreville OHW; and the septic drain field (single site 201) is well outside the 75 foot septic setback on the north extremity of the parcel. There is a detached storage shed, but no garage on the site.

Discussion and Analysis:

The applicant proposes to raze the existing residence and construct a new residence reported to be designed as 4,239 square feet with a 3,742 square foot footprint (including attached 2 car garage). An existing 70 square foot storage shed is proposed to be retained on the site. While the proposed total site coverage percentage (including drive) will exceed one Shoreland maximum (15%), the total impervious square feet will remain less than the other (6,000 square feet) maximum. The ordinance specifies the greater of the two standards as applicable. Therefore, though extensive, the proposed impervious does comply with the Shoreland standards, but little more impervious can be added on the site in the future.

The new house is proposed to be located a minimum of 52 feet from the OHW – set back 15 feet further than the existing house, but still well within the 100 foot OHW set back. The proposed location would place the house at or behind a line drawn between the houses north and south and parallel to the OHW; and, (as noted by the applicant) the proposed location would also retain several mature Oak trees within the OHW set back.

The applicant's variance request is similar in circumstances and claimed hardship to several variances approved by the City in recent years where mid-20th Century lakeside houses/cabins originally constructed prior to Shoreland standards are proposed to be brought up to 21st Century

standards resulting in conflict with those standards.. In some cases these have been garage additions and some cases they have been home additions.

In this case a completely new house and garage are proposed., thereby creating a zoning issue regarding construction on a non-conforming (by area) lot. As noted above, the subject parcel is made up of several "shotgun" lots is reported to be 34,700 square in area. The required lot area in the R-1 zone (and Shoreland Overlay R-1) is 1.5 acres – 65,340 square feet, but as a "parcel of record" prior to 1980, the parcel would qualify for a dwelling if it were at least 1 acre (43,560 square feet). The subject parcel fails to meet either standard, and a variance for lot area would be required to permit construction of a new house once the existing house (and legal non-conformity) is removed.

This lot area variance proposal could become far more of an issue for the City than the OHW set back variances we process on a regular basis in these neighborhoods that pre-exist the Shoreland standards. Within the R-1 zoned areas of the City, including the Tri-Lakes, Old Village and other neighborhood in the western half of the City there are numerous parcels of record that are not legally buildable as now vacant. There are numerous other non-conforming parcels that would become candidates for tear downs and new houses using a variance in this case as a precedent. By the approval of this application to build a totally new house on a legally sub-standard parcel – by any measure, Shoreland or R-1 – the City will be essentially re-writing the zoning ordinance. The Commission and City Council should address this proposal with "eyes open" as to the precedent consequences. While there is on-going discussion of a Neighborhood Conservation zoning district that may address this non-conformity issue, that discussion remains months away from conclusions and new code. This variance (lot area) is not an appropriate way to short circuit the new zoning ordinance.

In each of the prior similar cases the City addressed a Finding as to whether the applicant's proposed improvements/expansion constituted a "reasonable use" of the site given contemporary housing design/features and the scale of the resulting structures in relation to other contemporary structures on the subject lakefront and/or neighborhood. In some cases the City required modifications to applicant plans to reduce scale and/or mitigate lakefront impact of the expansion. In at least one recent case the City denied the variance based on scale, and the Court upheld the City's decision at subsequent litigation by the applicant.

As staff has done with recent OHW variance proposals, we have reviewed Washington County records regarding the scale/lake impact of existing homes that are in close proximity to the subject. In this case we have surveyed the existing homes 4 parcels north (one parcel is a vacant 20,000 square foot lot) and 3 parcels south. The north parcels (including the Frazzone parcel, for which an OHW set back variance was recently approved) present structure foot prints (including the approved additions in the Frazzone case) ranging from 830 square feet to 3,000 square feet and finished areas of 830 square feet to 3,400 square feet. The south neighboring parcels range 948 square feet to 1,288 square feet of foot print and 2,686 to 3,592 square feet of finished area. As noted above, the applicant's proposal is for 3,742 square feet of structure coverage and 4,239 square feet "finished" – in both cases larger than neighboring properties.

In previous cases where significant increases in house scale (and resulting out of proportion house scale compared to neighboring properties) have been proposed one mitigating factor has been the extent and scale of forestry between the proposed house and the lake. In this case the applicant has demonstrated a significant growth of mature trees that would be saved that would work to mitigate the impact of the larger structure as viewed from the lake.

Minnesota DNR and the Valley Branch Watershed have been asked to comment on the application. Valley Branch has responded by a letter of February 1 with no objections to the variances, but with several recommendations regarding erosion control and run-off mitigation. No response has been received from DNR as of this writing.

Findings and Recommendations:

The requested variance regarding OHW setback appears to respond favorably to the required variance findings – if structure scale is considered to be mitigated by the existing forestry on the site. A reduction in the degree of OHW encroachment represented by the proposed structure from that existing with the house to be razed along with conformity with the averaged setbacks of the adjoining structures appears to support OHW setback variance approval. Moving the structure further west on the site by as little as 10 feet will place it in the OHW setback of Olson Lake to the west – a unique physical circumstance.

The concern of staff regarding this application goes to the construction of a new residence on a parcel clearly non-conforming by area – the second variance. The City-wide ramifications of approval of this variance will be significant without Findings that are carefully structured to overcome precedent that would undermine the zoning ordinance. Staff continues to work with the City Attorney toward properly worded findings regarding the parcel area variance. We are publishing this staff report pending those findings to enable timely completion of the February 13 Commission packet.

With respect to the OHW setback variance only, we suggest the following findings:

1. The property can not be put to reasonable use without the granting of the variance requested. The variance is the minimum possible given the unique circumstances of the parcel essentially “fronting” two lakes.
2. The variance requested results from circumstances unique to this property platted prior to the adoption of Shoreland Regulations by the City resulting in OHW setback applicable from two lake frontages; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

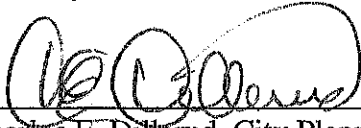
We therefore recommend approval of the OHW setback variance only (at this time) upon the following conditions:

1. Compliance with the Valley Branch Watershed District recommendations regarding silt fence erosion control and installation of rain gutters directed away from Lake Demontreville.
2. Compliance with any recommendations of the City Forester regarding protection of the existing forestry on the site during construction

Staff will report to the Commission on February 13 regarding recommendations and findings regarding the non-conforming lot area variance.

Planning Commission Actions Requested:

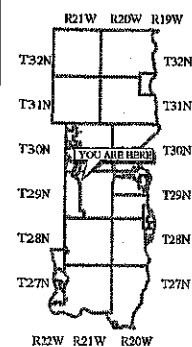
Motions for recommendation to the City Council regarding the OHW setback and non-conforming lot area variances requested to enable construction of a new residence at 8160 Hill Trail North based on the findings presented and conditions recommended by City Staff per plans staff-dated February 9, 2006.

A handwritten signature in black ink, appearing to read 'Charles E. Dillerud', written over a horizontal line.

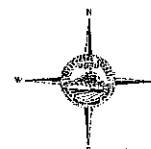
Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Valley Branch Letter of February 1, 2006
3. Applicant's Documentation and Graphics



Vicinity Map



0 200
Scale in Feet

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

Source: Washington County Surveyor's Office.
Phone (661) 450-6875

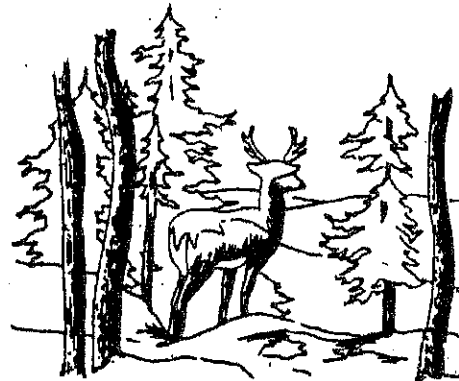
Parcel data based on A8400 information

February 1, 2006

Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: 8160 Hill Trail North, Lake Elmo

Dear Mr. Dillerud:



*Variance
File*

Thank you for submitting the request for a variance from the Ordinary High Water level setback from Lake DeMontreville at 8160 Hill Trail North. The project appears to involve tearing down the existing home and constructing a new home, driveway, and septic system.

Based on the information that was submitted, it appears that a Valley Branch Watershed District permit is not required for the work. It appears that less than 6,000 square feet of new impervious surfaces will be created, less than an acre of land will be disturbed, and no work will occur below the 100-year flood level of Lake DeMontreville (Elevation 931.5).

The proposed lowest floor is noted on the plans as Elevation 934.0, which is more than two feet above the 100-year flood level of Lake DeMontreville and in conformance to the Valley Branch Watershed District rules.

The plans show silt fence around the perimeter of the area to be disturbed. While this perimeter fencing will define the construction limits, silt fence should try to follow the ground contours so that runoff doesn't flow next to the fence to a low point and then break through or undermine the silt fence. To prevent this type of erosion control failure, the silt fence on the lake side should be installed to better follow the contours or an additional row of silt fence that follows the contours should be installed. Temporary rock checks or bio-rolls might need to be installed at the areas of concentrated flow to prevent sediment from leaving the site. All erosion controls should be installed prior to any earthwork activities, and the site should be re-vegetated as soon as possible. The silt fence should not be removed until the site is re-vegetated.

If possible, gutters should be installed on the house to direct all roof runoff to the front of the lot. A rainwater garden could be constructed at the southwest corner of the site by expanding the existing low area and planting vegetation that will encourage infiltration.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the District

c: David Bucheck, VBWD Vice President (via e-mail)
Gena Haire, property owner



LINCOLN FETCHER DAVID BUCHECK DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

www.vbwd.org
LAKE ELMO, MINNESOTA 55042-0538

Merit Custom Homes, Inc.
21471 Ulysses Street NE, #2
East Bethel, MN 55011
(763) 434-1500
(763) 434-6416 fax

January 26, 2006

2/9/06
ed

Planning Commission
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, MN 55042

Re: Variance at 8160 Hill Trail N

Dear Planning Commission:

Merit Custom Homes, Inc. (builder) is requesting a variance for the property at 8160 Hill Trail N for the following reasons:

Setback requirement from the normal high water level on Lake Demontreville is 100 feet, we are asking for a variance of 52 feet. Our proposed location for the new structure is 48 feet. The existing structure on the property is currently 37 feet from the normal high water level. We will be moving the new structure back an additional 11 feet from where the existing home sits, and the patio shown extending off the great room towards the lake will be moved to the south side, off the master bedroom.

By moving the future structure back and jogging the lake side of the home back away from the shoreline we preserve numerous mature oak trees and do not disturb any of the shoreline vegetation or the view from the lake towards the new home.

There are two hardships associated with this property:

1. There is Black Mold Infestation of the existing foundation. (see enclosed photos)
Due to the severity of the infestation and the expense to clean up with no guarantees that the mold will not return, the fee owner has decided not to use the existing foundation for the remodel that they had initially designed for this property.

8/19/06
CDB

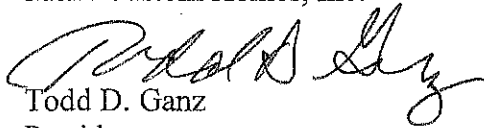
2. The limitation to move the structure back towards the road because of the area required for the future septic system.

Merit Custom Homes has been contracted to build/remodel and represent the Haire family for this project, which includes variance submittals and meetings. The Haire family has redesigned the home several times in order to abide by the rules of setback and also the preservation of the lake views, from the lake and also to the lake.

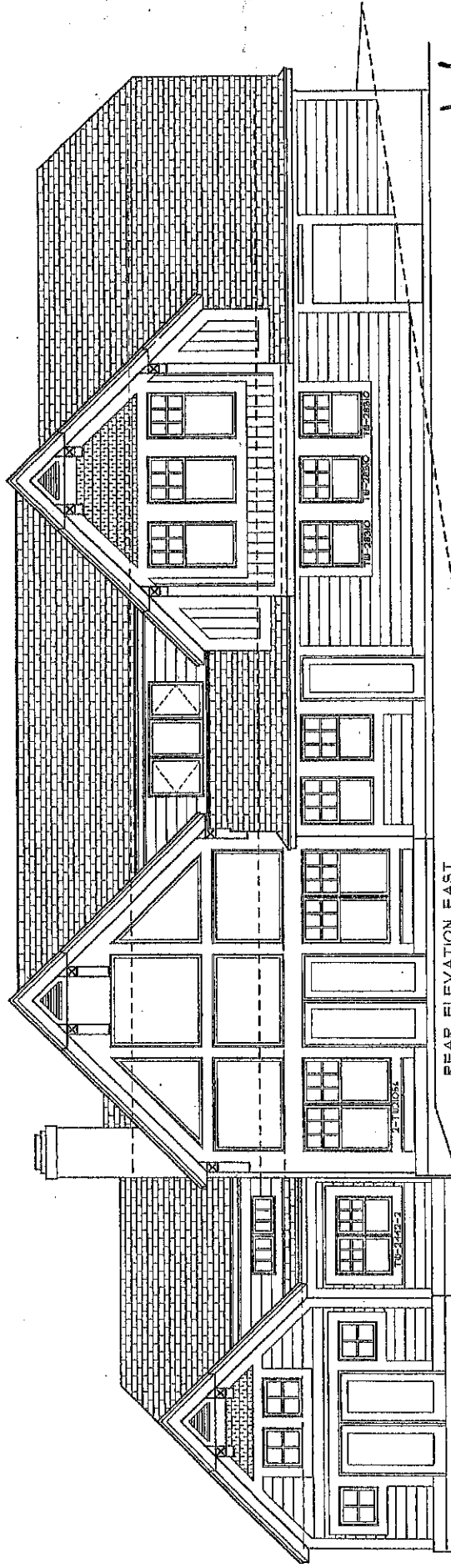
Merit Custom Homes has had preliminary conversations with Travis Germundson for the Minnesota DNR and John Hanson from the watershed district. They have also been sent pictures of the site and sketch plans of the location of the new house. Both had favorable comments about the site and what was planned for the improvement. Neither of them has seen the current survey which was submitted with this application.

In reference to the existing septic, it is currently in compliance for a three bedroom home and will be used for the new structure, which will also be a three bedroom home. The septic compliance and design was done by Barry Brown. As you can see on the survey the future septic locations is next to the existing septic. Soil borings for the future septic were done on the south side of the driveway and the mottled soils were too high in elevation to support a future septic system in that location.

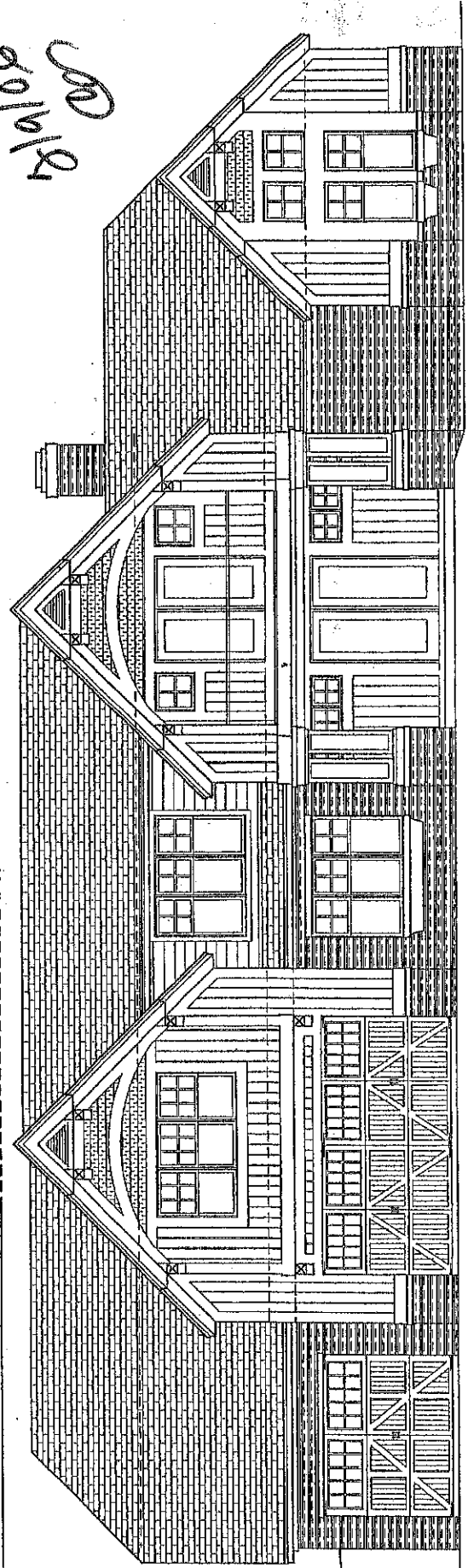
Merit Custom Homes, Inc.


Todd D. Ganz
President

enclosures

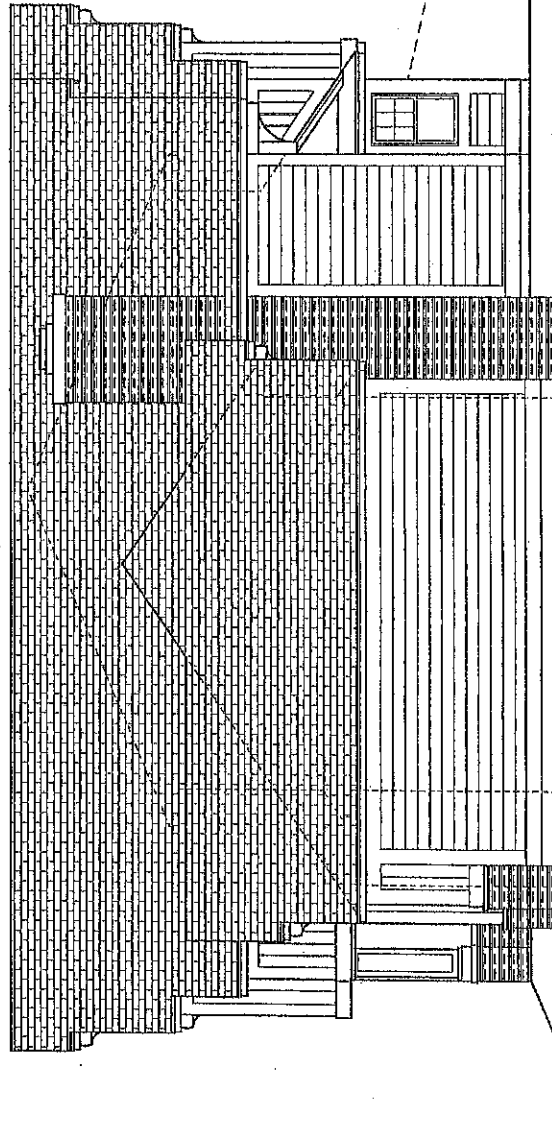


2/10/06
JOS



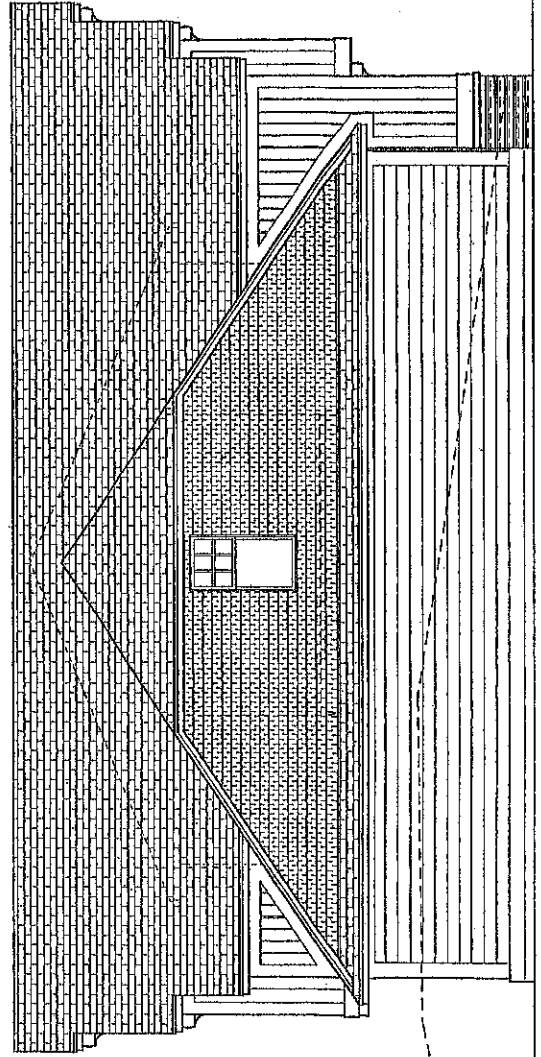
FRONT ELEVATION WEST

ELEVATIONS	1/4" NOLLET DESIGN	CLIENT 4,239 SQ. FT. FINISHED	SCALE: AS NOTED	DATE : 12/15/05	PLAN # 8160RH11A1
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SOUTH ELEVATION

2/19/06



NORTH ELEVATION

ELEVATIONS

1/4 NOLLET DESIGN

CLIENT

4,239 SQ. FT. FINISHED

SCALE: AS NOTED

DATE : 12/15/06 PLAN # 8180HUTR4H

Kimberly Schaffel

From: Travis Germundson [travis.germundson@dnr.state.mn.us]
Sent: Friday, February 10, 2006 11:51 AM
To: Kimberly Schaffel
Subject: 8160 Hill Trail N

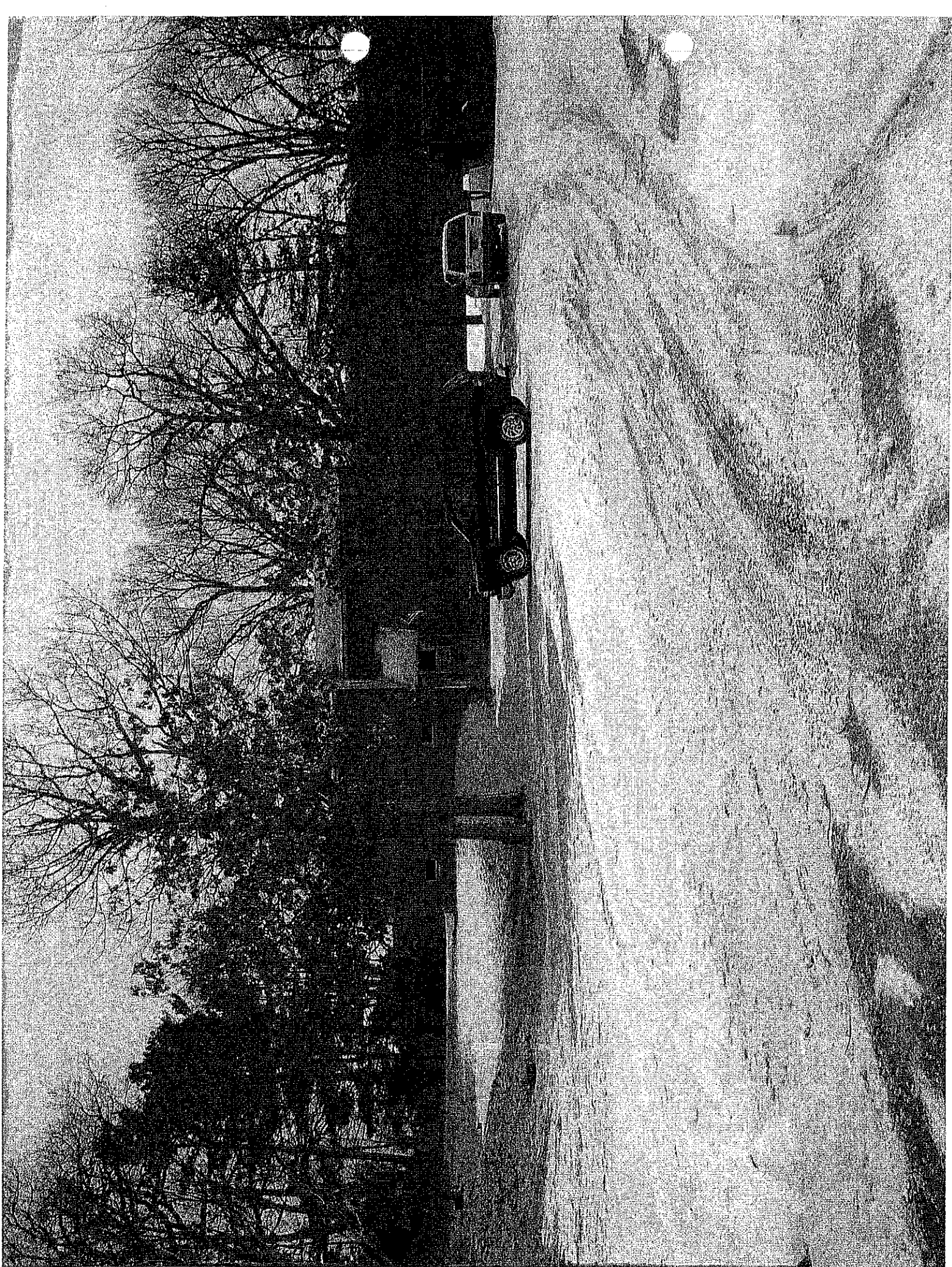
It appears to be a reasonable request. One consideration would be to require additional screening particularly from Olson Lake, as compensation for the increase in the building footprint and impervious surface coverage.

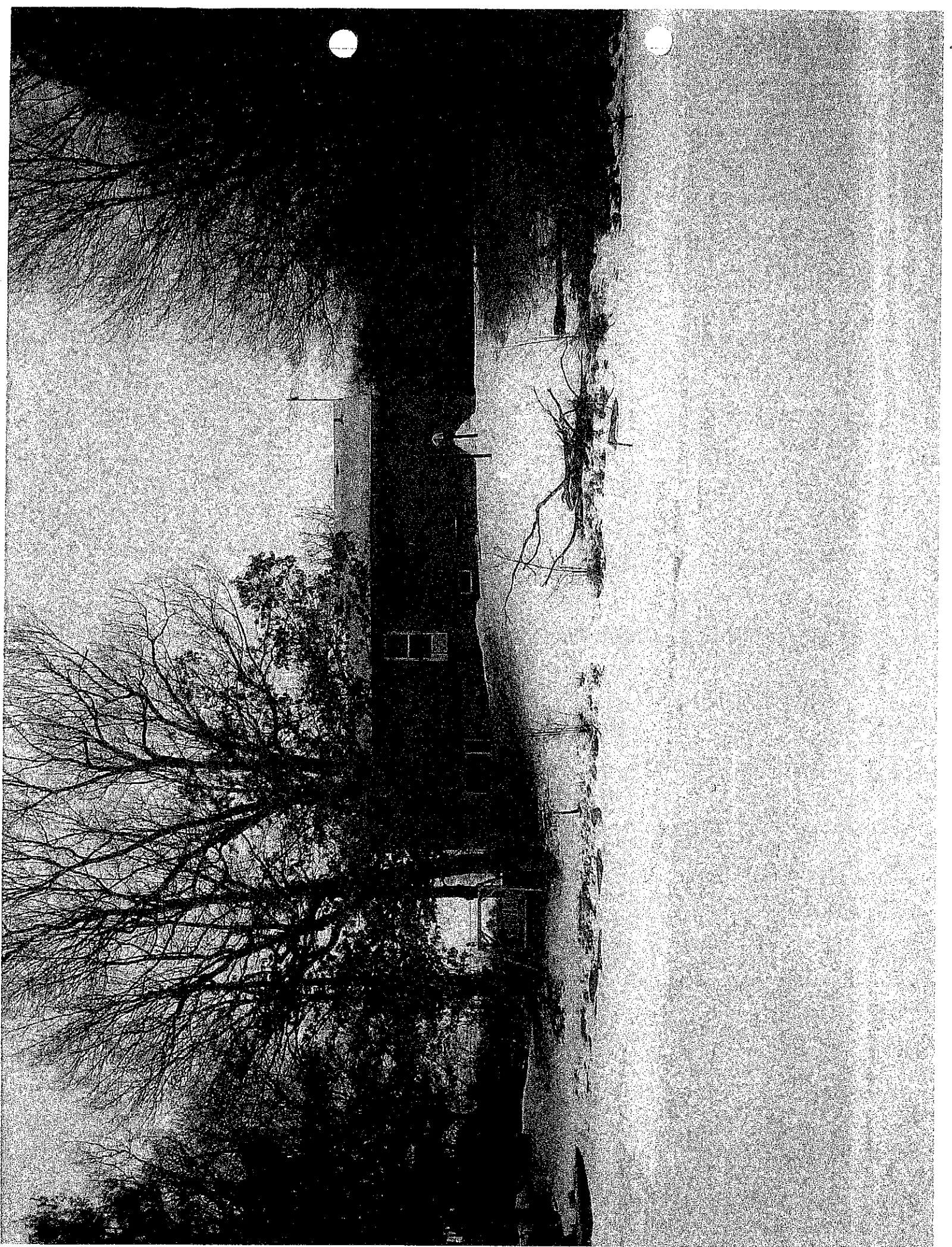
LAKE ELEVATION

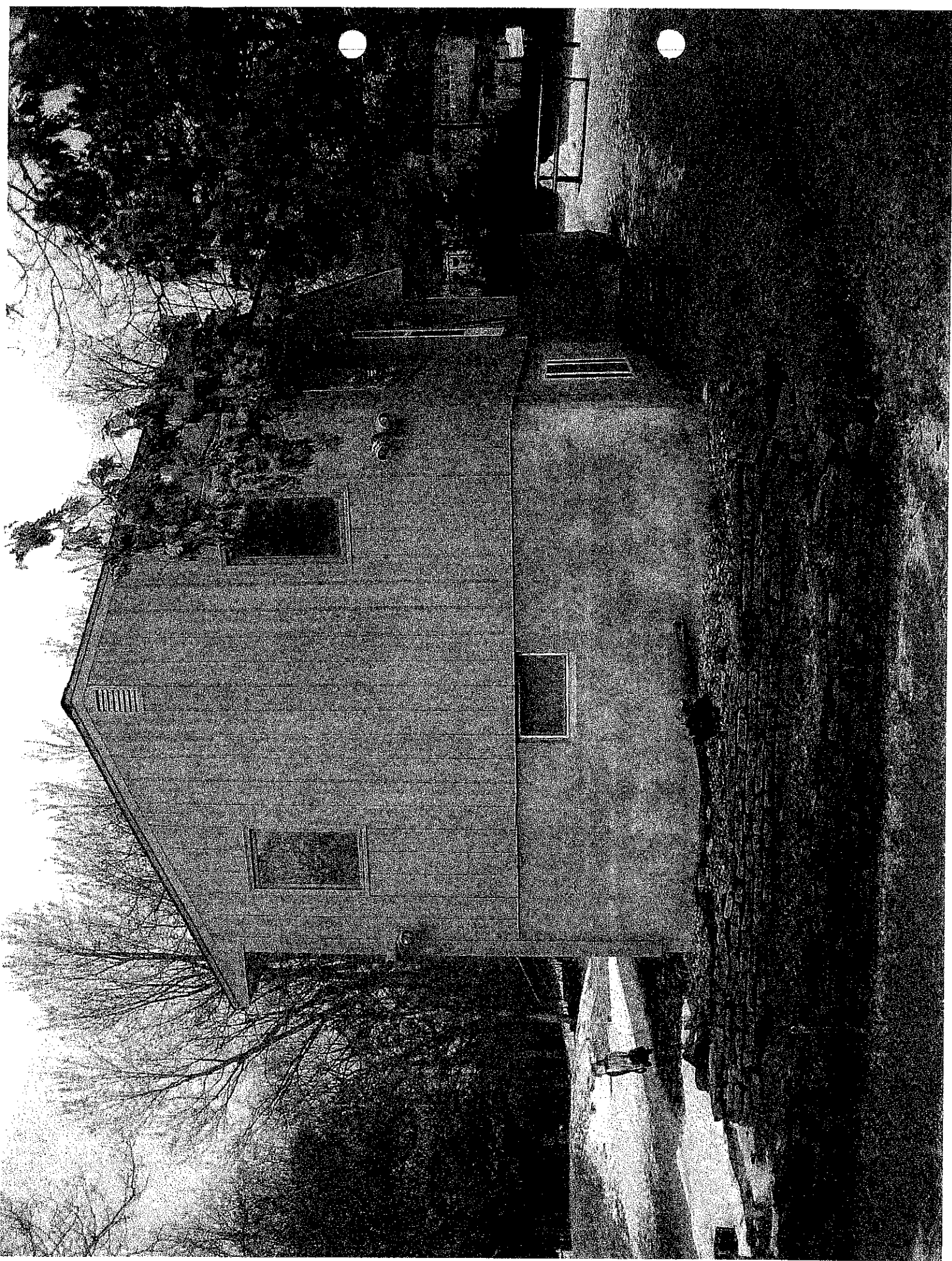
This architectural drawing illustrates the Lake Elevation of a two-story house. The structure features a gabled roof with a chimney on the left side. The facade is composed of horizontal siding and includes several windows: a large multi-paned window on the upper left, a smaller window below it, and a larger window on the right side. A small porch or entrance is visible on the far right. A large, dark silhouette of a tree dominates the foreground, partially obscuring the house. To the right of the house, the text "REAR ELEVATION" is visible, indicating this is the back view of the building. The drawing is a black and white line art style with some stippling for shading.

12" OAK

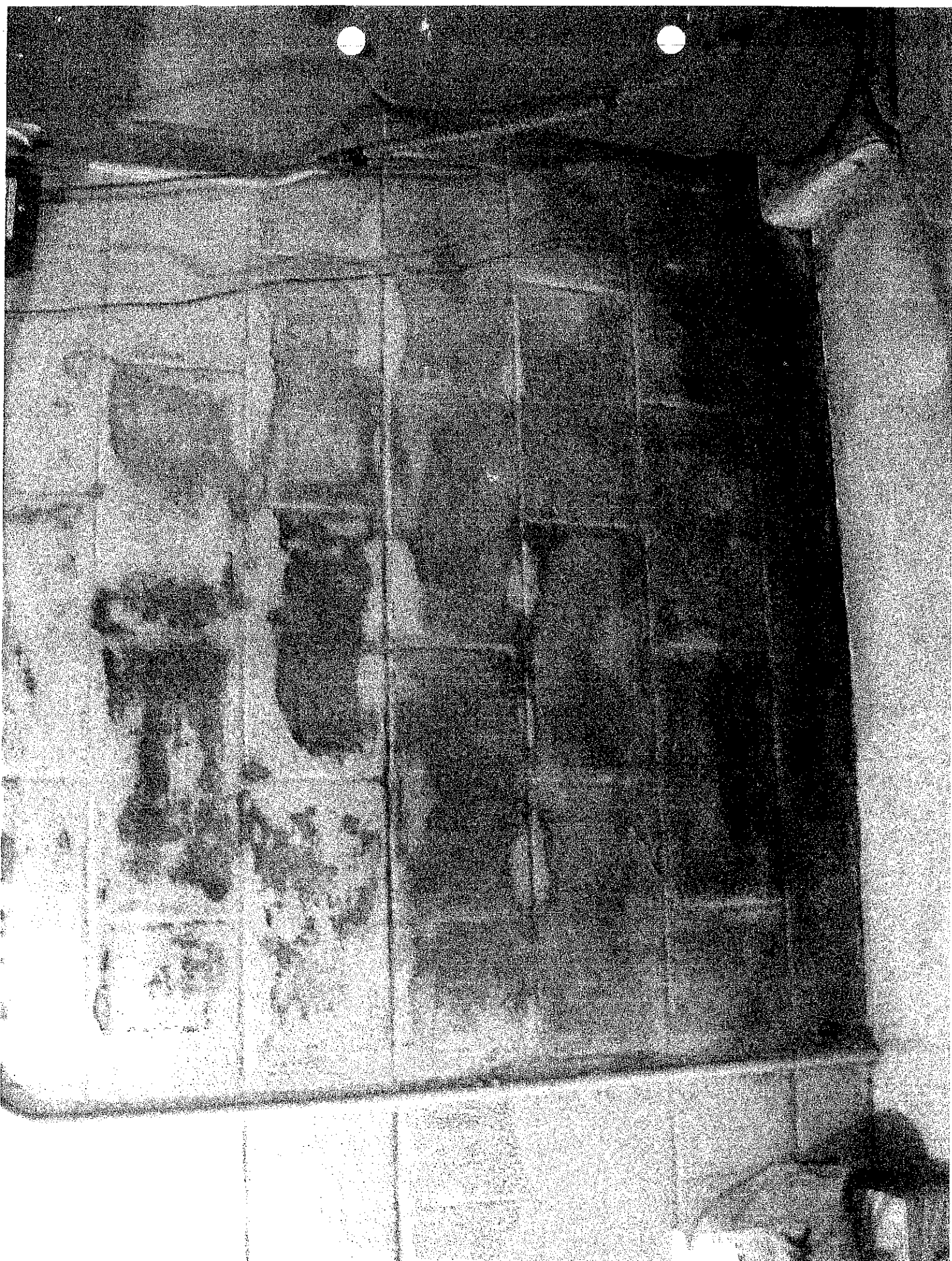
2/9/06













21471 Ulysses Street NE #2
East Bethel, MN 55011
Office: (763) 434-1500 Fax: (763) 434-6416

PAGES SENT: 3 (including cover)

ATTENTION: CHUCK DILERUD & CITY COUNCIL
FAX: 651-777-9615

CHUCK,

PLEASE ADD THIS LETTER TO THE COUNCIL
PACKET FOR THE AGENDA ITEM @ 8160 HILL TRAIL W.
WE WILL BE PRESENTING WITH POWERPOINT
ON THURSDAY EVENING AND HAVE ALREADY
WORKED IT OUT WITH TOM. CALL ME IF
YOU NEED ANYTHING ELSE.

FROM: TODD GANZ 612-369-2747

DATE: 3-30-06

Please call the above listed phone # if any of the page(s) did not come through.

March 29, 2006

City Council Members
City of Lake Elmo
3800 Leverage Avenue N
Lake Elmo, MN 55042

Re: 8160 Hill Trail N

Dear City Council Members:

We are respectfully coming to you with this statement to make you aware of the substantial amount of time, concern and effort that took place during the design phase of this home and to correct false information from the prior meeting

After several visits, by both the property owner and builder, to the Lake Elmo Planning office and listening to their concerns about the lot and its uniqueness we also sought out several experts to address concerns that were brought up. At the city level we had a number of discussions with Jim McNamara and Chuck Dillerud. The plan was originally designed to sit partially on the existing foundation and we were advised to design the home to step back further away from the OHW. This seemed to be the foremost variance requirement. As the black mold in the basement, room for septic and lot coverage became concerns we addressed these by moving the placement of the house altogether, requiring the additional variance that is before you.

Another design consideration was the height of the roofline. We purposefully designed a modified story-and-a-half to keep the home smaller. In fact the height of the home should be quite similar to the current home and it will appear to be shorter than the homes next to us, as they are both on hills and we are sandwiched in a small valley. We have pictures of the surrounding homes from the lake side and you will see a number that are three stories tall and considerably larger and that our plan does indeed fit into the neighborhood. At the planning and zoning committee meeting we were even advised as to a color scheme that gives the appearance of blending in and down playing the home, a point that was duly noted and was already a part of our design. We also identified your council concern about the cold storage area on the north end of the house and are eliminating the access from the interior of the home.

Unlike the surrounding homes we are not on a hill and are unable to build a home with a walk out basement. Therefore what is normally found in a basement (i.e. storage, utilities, and family/game rooms, etc.) are placed either on the main living area or on an upper level of this home.

The DNR and Water Shed District were contacted and *this home is well within their rules and guidelines for lot coverage*. They were pleased to hear our plans included moving away from the lake, maintaining the shore line as well as preserving the mature oak trees that would naturally block the back side of the home from those who are enjoying the lake. In addition they recommended gutters and a rain garden to better

control water run-off from the home and not into the lake which we are happy to comply with and welcome any other suggestion to better maintain the area.

We have also been working with a professional septic designer and the city to plan a septic system that is not only adequate for the current needs of the proposed home, but would also insure the sufficient space for a future site if that became necessary.

Incorrect information was given out at the first meeting on this very important point.

We have lived on a lake or a river for the past twelve years and are avid outdoor people. We desire to do everything within our ability to ensure that these lakes are kept healthy and understand that if it is not done correctly now it will only cost us more to take care of in the future.

We have owned this property for almost a year. During that time we have had the opportunity to meet several of the neighbors, including those who are adjacent to our property (one of which attended the Planning and Zoning meeting) and those who live in the cul-de-sac. Thus far our only neighbor to have any objection to our current plan is our mayor, Mr. Johnston whose own home is a part of the photo package. As you may well know this is a small dead-end road that most property owners to the north generally don't venture down and believe the greatest concern would be from those nine homes to our south and the home directly to the north. There are a number of other homes around the lake we feel are also comparable to this home.

Since sheds and "barn like garage structures" are discouraged and there is a city ordinance regarding boats parked in front yards, we carefully designed an unobtrusive three stall tuck-under garage and additional storage into the home. This space is needed to be able to park our vehicles inside and to have room for boats, yard equipment and other miscellaneous lake home and recreational equipment. To be in compliance with the current city ordinance is very important to us, as well as our neighborhood.

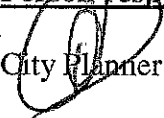
Because of the impervious requirement to be under 6,000 sq. ft., we have made our hard surface driveway considerable smaller than we desire, but again we want to meet the requirements of the city ordinance.

Over all we are greatly improving the property which will be of benefit to the surrounding neighborhood via the natural aesthetics of our property and the compliance to the city ordinances, but financially as well.

Sincerely,



Kevin & Gena Haire

Lake Elmo City Council April 4, 2006	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9C
<u>Agenda Item:</u> CDBG Project Update – Cimarron Gas Line Replacement		
<p><u>Background Information for April 4, 2006:</u></p> <p>Mayor Johnston has requested an update to the City Council on the subject project. The Council will recall that the City mailed a Request for Proposals to do the work to about 10 plumbing firms in 2005. We received a single written proposal at fixed per unit pricing that was rejected by Washington County as both too high and non-responsive to the RFP. The City was advised to reject the proposal and pinpoint the specific Cimarron units that the bidders were to address with their proposals. It was decided that the best way to do that was to solicit applications for CDBG grant assistance from the unit owners, and then focus a new RFP on just those units where we have owners <u>qualified for assistance</u>.</p> <p>The City hired (with CDBG funds) an independent consultant to interview and qualify to approximately 50 Cimarron applicants for grant assistance during the latter part of 2005 and early 2006. Each applicant was interviewed, asked to provide certain personal financial information and then determined to be qualified under very specific HUD rules as eligible as a Low/Mod income household. Of the initial group of about 50 applicants our consultant finally certified 44 as eligible for assistance.</p> <p>Upon staff being notified by our consultant which specific Cimarron units qualified for grant assistance (early 2006), a new Request for Proposals was prepared and sent to 15 plumbing firms – from a list of qualified firms provided by the Lake Elmo Building Official. As Washington County advised, this RFP made reference to Davis Bacon wage rules and the HUD paperwork entailed in the process. With that information added to the RFP, plus a list of <u>specific</u> units on which proposals for gas line replacement were contemplated the new (2006), RFP went out on February 5, with written proposals due March 10. <u>No written proposals were submitted</u>. One firm contacted the Building Official for more information, but passed on bidding.</p> <p>(CDBG – Continued on Page 2)</p>		
<p><u>Action items:</u></p> <p>None required</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>	
<p><u>Attachments:</u></p> <p>1. Cimarron RFP - 2006</p>	<p><u>Time Allocated:</u></p>	

(CDBG -- Continued from Page 1)

At some point between the initial Washington County concurrence with the 2006 RFP content and format, and the March 10 due date for written return proposals from vendors, Washington County CDBG staff decided that the RFP process we had used in 2005 and again in 2006 would possibly not comply with HUD contracting rules. The County had recently hired both additional CDBG staff and a consultant to assist with the maze of HUD rules. The City was advised within the past two weeks that we will be required to use the formal HUD-specified formal bidding procedure when we try again to get vendors interested in the Cimarron project.

The process we must now follow per the County CDBG staff requires publication of the Notice to Bidders 2 weeks in a row, and then a bid opening not less than 10 days thereafter. As of March 28 we were advised by the County CDBG consultant that HUD rules were again being modified and that she needs to get a new Davis Bacon Wage determination before we can start over with the vendor solicitation. In retrospect it is probably just as well that we received no proposals in response to our 2006 RFP. We probably would have had to start over (again) anyway. We expect to start over in the next week or two -- pending the Wage Determination from the County.

There has been no indication from the County CDBG staff that there is any issue with timing of grant funds expenditures -- yet. By Fall that may be an issue.

Request for Proposal

REPLACEMENT OF NATURAL GAS SERVICE LINES Cimarron Manufactured Housing Neighborhood Lake Elmo, Minnesota

Overview

This document solicits proposals from qualified natural gas service installation contractors to undertake a City-funded project to replace deteriorating natural gas services from meter to appliances on 44 manufactured housing units located in the Cimarron Manufactured Housing Neighborhood in Lake Elmo. All work shall be completed by June 30, 2006. This project is funded from Federal CDBG Grant funds. Therefore, Davis Bacon Wage Scales must be paid. The City will undertake all other Federal fiscal and reporting requirements.

Background

In 2003 the City contracted a visual inspection of the natural gas service connections of the 200 oldest manufactured housing units in the Cimarron – many of which are nearly 40 years old. The outcomes of that inspection project revealed circumstances of improper installation, improper alterations to the services and physical deterioration of service piping, unions and valves.

The City has determined that the gas service problems observed may constitute a potential threat to public safety, and replacement of those appurtenances is therefore in the Public interest. The City has also determined that many of the Cimarron manufactured housing owners with observed gas service line concerns do not have the personal financial resources available to expediently replace the natural gas services within their homes.

Responding to these two determinations by the City, 2004-2005 City Community Block Grant funds have been reserved to provide City financial assistance to qualifying Cimarron homeowners for the purpose of the necessary natural gas service line replacement. Those funds will be available to pay for the contractor's replacement services/materials where the property owner can not do so.

Description of Tasks

In development of the proposal, the contractor should assume that the following tasks will be performed for 44 manufactured housing units in Cimarron, as specified by the City:

- Preparation by the contractor of a complete Work Order for each manufactured housing unit which details the replacement tasks/materials deemed to be required, and the contractor's labor/materials quote and schedule to complete the required replacements.
- The contractor shall secure City permits for each unit on which gas service replacement work will be conducted. The City will waive all permit fees, but permits must be secured before work commences.
- Completion by the contractor of all work specified by the Work Order as approved in advance by the City.

Contractor Qualification

All contractors responding to this solicitation shall be licensed by the State as Plumber/Gas Fitter. Evidence of licensure must be attached to all proposals submitted responsive to this certification.

Proposal Content

The contractor shall provide proposed flat rate charges for the work to be performed on the specified units. Potential respondents to this RFP may secure the addresses of the 44 units from the City by written request. It is anticipated that multiple rates will be required to address varying per unit gas service line lengths to be replaced, and varying per unit numbers of appliances served with natural gas unit-by-unit.

The contractor should provide a proposed schedule for completion of gas service work to the 44 specified units; the man hours estimated to complete the project; and, the number of contractor's licensed personnel that will be assigned to this project.

Contractor Selection

One or more contractors will be selected by the City to complete the project. Selection of the contractor(s) will be based upon the sum of the following criteria:

1. Contractor's understanding of the tasks proposed above as reflected in the contractor's written proposal.
2. Contractor's experience with similar work, particularly with manufactured housing.
3. Contractor's proposed charges per unit to complete the required work.
4. Contractor's schedule for completion of the work.

We would sincerely appreciate your indication of interest in this contract by advising the City of your interest by Email at **Jim.McNamara@LakeElmo.org**, or by FAX at 651-777-5510 by February 15, 2006. The schedule for this RFP process is:

1. Request for Proposal will be mailed by the City of Lake Elmo to prospective consultants by February 5, 2006;
2. Contractors submit written proposals by – March 10, 2006
3. Lake Elmo Building Inspector will Certify Qualified Contractors by – March 17, 2006
4. Notice of Selection and Contract Offer(s) – April 14, 2006

Thank you for your interest in providing contract services to the City of Lake Elmo on this important project. Please direct any questions you may have regarding this solicitation to **Jim McNamara, Lake Elmo Building Official at 651-777-5510**.

Charles E. Dillerud
City Planner/Assistant City Administrator