



Our Mission is to Provide Quality Public Services in a Fiscally Responsible Manner While Preserving the City's Open Space Character

NOTICE OF MEETING

City Council Meeting

Tuesday, July 5, 2016 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

Agenda

A. Call to Order/Pledge of Allegiance

B. Approval of Agenda

C. Approval of Minutes

1. May 17, 2016; June 28, 2016

D. Public Comments/Inquiries

E. Presentations

F. Consent Agenda

2. Approve Payment of Disbursements
3. Accept Fire Department Report
4. Approve Vacating Watermain Easements on Property Located at 8574 Eagle Point Circle N, Lake Elmo, Washington County, MN PID #33.029.21.43.0004
5. Approve Ordinance to Amend Article XV: Land Usage; Chapter 154: Zoning Code; Section 205: Fencing Regulations; Subd. 6.: Easement Encroachment of the Lake Elmo Code of Ordinances to Allow Administrative Approval of Encroachment Agreements – *Ordinance 08-140; Resolution 2016-57*
6. Approve Ordinance to Amend Section 10.99 Penalties of the Lake Elmo Code of Ordinances – *Ordinance 08-141*
7. Approve Renaming of Layton Ave to Wildflower Drive – *Ordinance 08-145*
8. Approve Hunting Ordinance and Summary Publication – *Ordinance 08-142; Resolution 2016-55*
9. Approve Appointment of Election Judges for 2016 Primary and General Elections – *Resolution 2016-52*
10. Approve Resolution Declaring the PT Fire Department Administrative Assistant Position a Firefighter Position – *Resolution 2016-56*
11. 2016 Street, Drainage, and Utility Improvements – Change Order No. 1
12. Inwood Trunk Watermain Improvements – Change Order No. 1
13. Approve Amending the Comprehensive Land Use Plan Planned Land Use Category for Rural Single Family Such That The City Council Can Allow Connection To The Sanitary Sewer System Where Practical – *Resolution 2016-50*
14. Adopt Street Naming Policy – *Ordinance #08-144*

G. Regular Agenda

15. Public Hearing on Moratorium Extension
16. Funding Request for Fishing with Deputies Event
17. Stormwater Ordinance Amendment – Consideration to Reinstate 1% Rule Provisions
18. Ordinance No. 08-143, An Ordinance Amending The Lake Elmo City Code of Ordinance by Amending the City's Provisions Related to the City Council and Summary Publication – *Resolution 2016-54*
19. Direct Parks Commission to Work On Plans For a Neighborhood Park In The Savona Neighborhood And Include This Project in the 2017 CIP
20. Consideration Regarding Whether Any Action Needs To Be Taken Regarding Employee Complaint Against Council Member Bloyer That Was Found To Be Unsustained By The City Attorney

H. Council Reports

I. Staff Reports and Announcements

J. Adjourn

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
MAY 17, 2016**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Pearson called the meeting to order at 7:00 pm.

PRESENT: Mayor Mike Pearson and Councilmembers Julie Fliflet, Anne Smith, Justin Bloyer, and Jill Lundgren.

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Finance Director Bendel, Planning Director Wensman, Fire Chief Malmquist and City Clerk Johnson.

APPROVAL OF AGENDA

Item 16 was removed from the Agenda and a Closed Session was added. Items 18, 19, 21 and 22 were moved to the Regular Agenda. Item 20 was postponed to the next meeting.

Agenda approved as amended by unanimous consent.

ACCEPT MINUTES

Minutes of the March 15, 2016 and April 19, 2016 meeting were approved as amended. Minutes of the April 5, 2016 meeting were approved as presented.

PUBLIC COMMENTS/INQUIRIES

Mike Reeves, 10347 Grand Valley Ln., Woodbury, MN provided context for the comments made at the May 3, 2016 meeting regarding actions of past City Councils regarding infrastructure projects.

Barry Weeks, 3647 Lake Elmo Avenue, referred to the City Organizational Chart, noting residents are the bosses of the City Council and stated he does not support the decision to hire a parliamentarian.

Wally Nelson, 4582 Lilac Lane N., responded to statements made at the May 3, 2016 City Council meeting related to actions of the former City Council related to infrastructure.

PRESENTATIONS

Huff N' Puff Days Proclamation

Casey Block, Lake Elmo Jaycees President, received the Proclamation and reported that the Lake Elmo Chapter recently received the honor of being named top chapter in the state at the Jaycees spring convention.

CONSENT AGENDA

- 2. Approve Payment of Disbursements**
- 3. Accept April 2016 Financial Statements**

4. Approve Mutual Aid Agreement with the City of Woodbury
5. Accept April 2016 Assessor's Report
6. Accept April 2016 Building Department Report
7. Approval to Abate a 2016 Special Assessment –*Resolution 2016-45*
8. Approve Valley Branch Watershed District Boundary Update –*Resolution 2016-38*
9. Approve Temporary Liquor License for Lake Elmo Jaycees Huff n' Puff Days
10. Approve Inwood Trunk Watermain Improvements – Pay Request No. 1
11. Approve Inwood Water Tower – Pay Request No. 1
12. Approve Eagle Point Boulevard Street Improvements – Change Order No. 3
13. 2016 Seal Coat Project – Approve West Lakeland Township Joint Services Agreement
14. 2016 Seal Coat Project – Accept Bids and Award Contract – *Resolution 2016-40*
15. 2016 Street Full Depth Patching – Accept Bids and Award Contract

Consent agenda approved as presented by unanimous consensus.

ITEM 18: Approve Boulder Ponds 2nd Addition Final Plat

Planning Director Wensman confirmed that the plat does meet the City's street naming convention and Phase 1 is in compliance with the conditions of approval.

Mayor Pearson, seconded by Councilmember Smith, moved TO APPROVE RESOLUTION 2016-41 APPROVING THE FINAL PUD AND FINAL PLAT FOR BOULDER PONDS 2ND ADDITION WITH 5 CONDITIONS. Motion passed 3 – 1 – 1. (Lundgren – nay; Fliflet – present/not voting)

ITEM 19: Approve Boulder Ponds 2nd Addition Developers Agreement

Planning Director Wensman provided a brief overview of the Developers Agreement.

Councilmember Smith, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2016-42 APPROVING THE DEVELOPERS AGREEMENT FOR THE BOULDER PONDS 2ND ADDITION PLANED RESIDENTIAL DEVELOPMENT. Motion passed 4 – 1. (Lundgren – nay)

ITEM 21: Approve Planning Department Plan of Work

Planning Director Wensman stated he would add a study of rural density north of 10th Street at the request of Councilmember Smith.

Mayor Pearson, seconded by Councilmember Smith, moved TO ADOPT THE 2016 PLANNING DEPARTMENT WORK PLAN AS AMENDED.

Mayor Pearson requested the addition of multi tenant discussion general performance standards

Councilmember Fliflet, seconded by Mayor Pearson, moved TO ADD SPECIFICITY TO THE GENERAL PERFORMANCE STANDARDS TO ADD MULTI TENANT TO THE PLAN. Motion passed 5 – 0.

Councilmember Bloyer, seconded by Councilmember Smith, moved TO ADD SPECIFICITY TO LOOK INTO MINIMUM LOT SIZE NORTH OF 10TH STREET TO THE WORK PLAN. Motion passed 5 – 0.

Primary motion as amended passed 5 – 0.

ITEM 22: Adopt Resolution Supporting Washington County HRA

City Administrator Handt provided an overview of the Washington County request for support authorizing Washington County to create a Housing and Redevelopment Authority.

Mayor Pearson, seconded by Councilmember Smith, moved TO APPROVE RESOLUTION 2016-39 SUPPORTING PROPOSED LEGISLATION TO AUTHORIZE THE COUNTY OF WASHINGTON TO CONFER ECONOMIC DEVELOPMENT POWERS UPON THE WASHINGTON COUNTY HOUSING AND REDEVELOPMENT AUTHORITY. Motion passed 3 – 1- 1. (Lundgren – nay; Fliflet – abstain)

ITEM 23: Presentation of 2016A Bond Issuance Results

Tammy Omdahl, Northland Securities, reviewed six bids received and noted that due to the strong interest and low rates, the total amount of the bonds was reduced.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO ADOPT RESOLUTION 2016-44 AUTHORIZING THE ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$9,860,000 GENERAL OBLIGATION BONDS, SERIES 2016A. Motion passed 5 – 0.

ITEM 24: Lions Park RFP

City Administrator Handt and Parks Commission Chair Shane Weis presented an overview of the Request for Proposal process the Parks Commission has followed to create the RFP document to be used by bidders.

Mayor Pearson moved TO AMEND THE APPROVAL OF THE LIONS PARK RFP TO INCLUDE REMOVAL OF THE PARKS BUILDING. Motion died – no second.

ITEM 25: Library Parking Lot

Brett Emmons, Library Board President, reviewed the project and design options and explained the conceptual costs to date. Landscape architect Brad Aldrich also presented concepts for the parking lot.

Councilmember Fliflet, seconded by Councilmember Smith, moved FOR THE CITY TO COST SHARE 50% ON THE ENTIRE PROJECT NET OF GRANT FUNDS APPLIED

AND APPROVE OPTION B INCLUDING THE WALKWAY, WITH THE USE SHARING OF THE PARKING LOT TO BE NEGOTIATED.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO AMEND THE MOTION TO STRIKE THE PERCENTAGE OF COST SHARE. Motion withdrawn.

Councilmember Smith, seconded by Councilmember Bloyer, moved to amend the primary motion to limit the cost to \$113,000. Motion withdrawn.

Primary motion passed 3 – 2. (Pearson, Bloyer – nay). Councilmember Bloyer stated he could not support the project without hard numbers and given his concerns about the cost to residents for other projects currently under construction. Mayor Pearson expressed concerns over cost of maintenance and cost of improvements when similar features were removed from the downtown plan.

ITEM 26: Clarification on Zoning Code Amendment for Rural Districts

Planning Director Wensman reviewed the staff memo explaining the need to review the motion made at the December 15, 2015 Council meeting regarding Article IX, Section 154.401 of the zoning code. Councilmember Fliflet added that the intent of her motion in December was to remove the newly created permitted uses, not to disallow renewal of the existing uses.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO RESCIND THE MOTION MADE AT THE DECEMBER 15, 2015 COUNCIL MEETING AND TO AMEND THE EXISTING ARTICLE IX TO REVERT TO LAND USES IN 2013 PER THE TABLE IDENTIFIED IN THE STAFF REPORT. Motion passed 3 – 2. (Pearson, Bloyer – nay)

ITEM 27: Shared Services and Fire Department Staffing

Administrator Handt requested direction from the Council prior to spending a large amount of staff time exploring options.

Councilmember Smith, seconded by Councilmember Fliflet, moved TO DIRECT STAFF TO RESEARCH SHARED SERVICES OR OTHER AGREEMENTS AND STAFFING OPTIONS FOR THE FIRE DEPARTMENT.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO AMEND THE PRIMARY MOTION TO ADD A REPORT BACK TO THE CITY COUNCIL AFTER TWO COUNCIL MEETINGS. Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO AMEND THE PRIMARY MOTION TO ADD THAT INFORMATION WILL BE SHARED AT A CITY COUNCIL WORKSHOP TO INCLUDE THE PUBLIC SAFETY COMMITTEE AND FIRE DEPARTMENT PERSONNEL. Motion passed 5 – 0.

Primary motion passed 5 – 0.

ITEM 28: June 7, 2016 City Council Meeting

Administrator Handt stated that there will not be a quorum available for the regularly scheduled June 7, 2016 Council Meeting and offered alternate dates to meet to address time sensitive matters.

Council agreed by consensus to meet on May 27, 2016 at 8:00 a.m. for a Closed Session and 9:00 a.m. for a Special Meeting and that the Parliamentarian does not need to preside.

COUNCIL REPORTS

Mayor Pearson: Applauded first responders; attended meetings with Met Council, State representatives and business representatives; attended Fire Department Appreciation Dinner, Parks Commission meeting, union meeting, Lake Elmo Elementary School Fundraiser; hosted Visit with the Mayor at Family Means; warned that taxpayers will be paying for the cost of Clean-up Day and recognized individuals important in establishing parks in Lake Elmo.

Councilmember Fliflet: Attended Environmental Committee meeting, Finance Committee meeting, Human Resources Committee Meeting, union meeting, Library Board meeting, Fire Department Appreciation Dinner.

Councilmember Smith: Received calls regarding the library; thanked the Lake Elmo Jaycees for their contributions, the Environmental Committee, and Rolf Larsen for his contributions to the City's weekly email newsletter.

Councilmember Lundgren: Attended Fire Relief meeting, Environmental Committee meeting; spoke with Met Council regarding WAC and SAC fees; hosting Farmers Market vendor meeting May 25th.

Councilmember Bloyer: Assisted residents with concerns regarding city signs and neighbor issues.

STAFF REPORTS AND ANNOUNCEMENTS

City Administrator Handt: Attended meetings with Met Council and local businesses to discuss deferrals for business and residential hookups, funds for business disruption and other programs. Reported on the Finance Committee meeting, Human Resources Committee and Parks Commission.

City Clerk Johnson: Working on equipment upgrades for recording meetings and providing a monitor in the lobby and thanked Cable Commission Representative Ginny Holder for her assistance, summer interns start next week.

Finance Director Bendel: Working on bonding and audit, anticipate audit report coming soon, hired a summer intern who is from the community.

City Attorney Sonsalla: Drafting easements; noted all five Councilmembers need to be in attendance at the May 27th meetings.

LAKE ELMO CITY COUNCIL MINUTES
May 17, 2016

Planning Director Wensman: Working on a new railroad crossing at Village Parkway.

City Engineer Griffin: Managing heavy construction activity, addressing issue with MNDOT

Meeting adjourned at 11:09 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Julie Johnson, City Clerk

Mike Pearson, Mayor

**CITY OF LAKE ELMO
CITY COUNCIL SPECIAL MEETING MINUTES
JUNE 29, 2016**

CALL TO ORDER

Mayor Pearson called the meeting to order at 7:32 pm.

PRESENT: Mayor Mike Pearson and Councilmembers Julie Fliflet, Anne Smith, and Jill Lundgren.

ABSENT: Councilmember Bloyer

Staff present: Administrator Handt, City Attorney Sonsalla, and City Clerk Johnson.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE THE AGENDA WITH THE ADDITION OF PUBLIC COMMENT. Motion passed 4 – 0.

DISCUSSION OF LIBRARY BOARD DECISION WITH REGARD TO JOINING THE WASHINGTON COUNTY LIBRARY SYSTEM

Councilmember Fliflet reviewed the process the Library Board has followed to explore options for future library operations and presented the terms of the Library Board recommendations.

PUBLIC COMMENT

Barry Weeks, 3647 Lake Elmo Avenue North, spoke about the history of the library and questioned the City Council not utilizing Commissioner Kriesel for assistance with the library process.

Sarah Linder, 11108 12th Street North, Library Board Vice President, encouraged the City Council to support the Library Board recommendations.

Dick Weir, 3645 Laverne Avenue North, reviewed discussion from the December 15, 2015 City Council meeting and Commissioner Kriesel's comments as a member of the County Board and MELSA.

Mike Reeves, former and future Lake Elmo resident, reviewed the guiding principles found on the City's website and stated the City has deviated from those principles during this process.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE THE RESOLUTION REGARDING LIBRARY SERVICES IN LAKE ELMO AND DIRECT STAFF TO PROVIDE NOTICE OF THE SIGNED RESOLUTION TO THE WASHINGTON COUNTY AUDITOR AND WASHINGTON COUNTY ADMINISTRATOR TODAY.

Mayor Pearson moved TO REMOVE THE MEMORANDUM OF UNDERSTANDING FROM THE RESOLUTION. Motion died – no second.

Primary motion passed 3 – 0 – 1. (Pearson – present/not voting)

*Mayor Pearson, seconded by Councilmember Lundgren, moved TO ADJOURN AT 9:30 A.M.
Motion passed 4 – 0.*

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: July 5, 2016
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$277,328.96

SUBMITTED BY: Patty Baker, Accountant

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$277,328.96

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$277,328.96. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

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

Claim #	Amount	Description
ACH	\$ 14,818.51	Payroll Taxes to IRS & MN Dept of Revenue 06/23/16
ACH	\$ 7,248.34	Payroll Retirement to PERA 06/23/16
ACH	\$ 1,200.00	Payroll Retirement to ICMA 06/23/16
DD7242-DD7272	\$ 35,476.84	Payroll (Direct Deposits) 06/23/16
44491-44532	\$ 217,745.27	Accounts Payable 07/05/16
2761-2774	\$ 840.00	Library Card Reimbursement 07/05/16
TOTAL	\$ 277,328.96	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$277,328.96.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

K. Hunt

User: PattyB
Printed: 06/30/2016 - 11:25 AM
Batch: 006-06-2016

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
BEEHIVE Beehive Industries LLC											
1426	06/17/2016	1,650.50	0.00	07/05/2016	Streets License Renewal		-			No	0000
101-430-3120-43180	Software Support										
1426	06/17/2016	1,650.50	0.00	07/05/2016	Water License Renewal		-			No	0000
601-494-9400-43180	Software Support										
1426	06/17/2016	1,650.50	0.00	07/05/2016	Wastewater Renewal		-			No	0000
602-495-9450-43180	Software Support										
1426	06/17/2016	1,597.50	0.00	07/05/2016	Storm water Renewal		-			No	0000
603-496-9500-43180	Software Support										
1426	06/17/2016	1,650.50	0.00	07/05/2016	Streets		-			No	0000
101-000-0000-15500	Prepaid Items										
1426	06/17/2016	1,650.50	0.00	07/05/2016	Water		-			No	0000
601-000-0000-15500	Prepaid Items										
1426	06/17/2016	1,650.50	0.00	07/05/2016	Sewer		-			No	0000
602-000-0000-15500	Prepaid Items										
1426	06/17/2016	1,597.50	0.00	07/05/2016	Storm water		-			No	0000
603-000-0000-15500	Prepaid Items										
1426 Total:		13,098.00									
BEEHIVE Total:		13,098.00									
BOLTONME Bolton & Menk, Inc											
0191104	06/15/2016	222.00	0.00	07/05/2016	39th Street - Street and Sewer		-			No	0000
602-495-9450-43030	Engineering Services										
0191104 Total:		222.00									
0191105	06/15/2016	6,222.50	0.00	07/05/2016	Village Preserve		-			No	0000
803-000-0000-22910	Developer Payments										
0191105 Total:		6,222.50									
0191106	06/15/2016	7,912.50	0.00	07/05/2016	Wildflower		-			No	0000
803-000-0000-22910	Developer Payments										
0191106 Total:		7,912.50									
BOLTONME Total:		14,357.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
BRAUN Braun Intertec Corporation											
B061930	06/23/2016	7,036.50	0.00	07/05/2016	2016 Street, Drainage Improvements		-		No		0000
409-480-8000-43030	Engineering Services										
B061930 Total:		7,036.50									
B062035	06/23/2016	946.50	0.00	07/05/2016	Inwood Trunk Waterrain		-		No		0000
601-494-9400-43030	Engineering Services										
B062035 Total:		946.50									
BRAUN Total:		7,983.00									
CAPRA Capra's Utilities Inc.											
4160	06/28/2016	3,250.00	0.00	07/05/2016	Sewer Connection - Fire Station 1		-		No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
4160 Total:		3,250.00									
CAPRA Total:		3,250.00									
CARDMEMB Cardmember Service											
06192016	06/19/2016	64.26	0.00	07/05/2016	Holiday		-		No		0000
101-420-2220-44300	Miscellaneous										
06192016	06/19/2016	210.99	0.00	07/05/2016	Landscape Materials		-		No		0000
101-420-2220-44010	Repairs/Maint Bldg										
06192016	06/19/2016	45.00	0.00	07/05/2016	Constant Contact		-		No		0000
101-410-1450-43180	Information Technology/Web										
06192016	06/19/2016	125.02	0.00	07/05/2016	Supplies		-		No		0000
206-450-5300-42000	Office Supplies										
06192016	06/19/2016	465.08	0.00	07/05/2016	Supplies		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
06192016	06/19/2016	362.83	0.00	07/05/2016	Building codes		-		No		0000
101-420-2400-44350	Books										
06192016 Total:		1,273.18									
CARDMEMB Total:		1,273.18									
CARQUEST Car Quest Auto Parts											
2055-381507	06/16/2016	78.13	0.00	07/05/2016	Parts		-		No		0000
101-450-5200-42210	Equipment Parts										
2055-381507	06/16/2016	60.82	0.00	07/05/2016	Parts 09-1		-		No		0000
101-430-3100-42210	Equipment Parts										
2055-381507 Total:		138.95									
CARQUEST Total:		138.95									
CENTPOW Century Power Equipment											
691176	06/15/2016	31.64	0.00	07/05/2016	Parts		-		No		0000
101-450-5200-44040	Repairs/Maint Eqpt										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	691176 Total:	31.64								
	CENTPOW Total:	31.64								
<hr/>										
CENTURYL CenturyLink										
06192016	06/19/2016	181.34	0.00	07/05/2016	Phone Service - Library		-		No	0000
206-450-5300-43210	Telephone									
06192016	06/19/2016	50.64	0.00	07/05/2016	Internet - Library		-		No	0000
206-450-5300-43250	Internet									
	06192016 Total:	231.98								
	CENTURYL Total:	231.98								
<hr/>										
COORDIN Coordinated Business Systems										
CNIN213985	06/22/2016	123.75	0.00	07/05/2016	Maintenance		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Egpt									
	CNIN213985 Total:	123.75								
	COORDIN Total:	123.75								
<hr/>										
CTYOAKDP City of Oakdale										
201606205245	06/20/2016	3,583.04	0.00	07/05/2016	Keats Lift Station - Hammes		-		No	0000
803-000-0000-22910	Developer Payments									
	201606205245 Total:	3,583.04								
201606205246	06/20/2016	3,521.76	0.00	07/05/2016	Keats Ave Liftstation - Hammes		-		No	0000
803-000-0000-22910	Developer Payments									
	201606205246 Total:	3,521.76								
	CTYOAKDP Total:	7,104.80								
<hr/>										
CTYROSEV City of Roseville										
221587	06/17/2016	4,166.25	0.00	07/05/2016	IT Services - June		-		No	0000
101-410-1450-43180	Information Technology/Web									
	221587 Total:	4,166.25								
221613	06/17/2016	112.53	0.00	07/05/2016	Admin Phones - June		-		No	0000
101-410-1320-43210	Telephone									
221613	06/17/2016	17.77	0.00	07/05/2016	Building Phones - June		-		No	0000
101-420-2400-43210	Telephone									
221613	06/17/2016	17.77	0.00	07/05/2016	Communication Phones - June		-		No	0000
101-410-1450-43210	Telephone									
221613	06/17/2016	17.77	0.00	07/05/2016	Engineering Phones - June		-		No	0000
101-410-1930-43210	Telephone									
221613	06/17/2016	35.55	0.00	07/05/2016	Finance Phones - June		-		No	0000
101-410-1520-43210	Telephone									
221613	06/17/2016	49.30	0.00	07/05/2016	Planning Phones - June		-		No	0000
101-410-1910-43210	Telephone									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
221613	06/17/2016	234.87	0.00	07/05/2016	PW Phones - June		-		No		0000
101-430-3100-43210	Telephone										
	221613 Total:	485.56									
	CTYROSEV Total:	4,651.81									
<hr/>											
FIRSTTIR First State Tire Recycling											
101386	06/28/2016	620.80	0.00	07/05/2016	Clean up day		-		No		0000
101-430-3100-44380	Clean-up Days										
	101386 Total:	620.80									
	FIRSTTIR Total:	620.80									
<hr/>											
FOCUS Focus Engineering, Inc.											
2839-2842	06/25/2016	45.00	0.00	07/05/2016	PW		-		No		0000
101-430-3100-43030	Engineering Services										
2839-2842	06/25/2016	3,718.32	0.00	07/05/2016	General		-		No		0000
101-410-1930-43030	Engineering Services										
2839-2842	06/25/2016	780.00	0.00	07/05/2016	Planning		-		No		0000
101-410-1910-43030	Engineering Services										
2839-2842	06/25/2016	262.00	0.00	07/05/2016	ROW		-		No		0000
101-430-3100-43030	Engineering Services										
	2839-2842 Total:	4,805.32									
2843	06/25/2016	1,893.80	0.00	07/05/2016	Water		-		No		0000
601-494-9400-43030	Engineering Services										
2843	06/25/2016	440.00	0.00	07/05/2016	Sewer		-		No		0000
602-495-9450-43030	Engineering Services										
2843	06/25/2016	1,851.00	0.00	07/05/2016	Surface water		-		No		0000
603-496-9500-43030	Engineering Services										
	2843 Total:	4,184.80									
2844	06/25/2016	240.00	0.00	07/05/2016	Transportation & Traffic		-		No		0000
409-480-8000-43030	Engineering Services										
2844	06/25/2016	517.50	0.00	07/05/2016	Street System Maintenance		-		No		0000
409-480-8000-43030	Engineering Services										
2844	06/25/2016	240.00	0.00	07/05/2016	Capital Improvement		-		No		0000
409-480-8000-43030	Engineering Services										
	2844 Total:	997.50									
2845	06/25/2016	292.00	0.00	07/05/2016	Section 34		-		No		0000
601-494-9400-43030	Engineering Services										
2845	06/25/2016	438.00	0.00	07/05/2016	Section 34		-		No		0000
602-495-9450-43030	Engineering Services										
	2845 Total:	730.00									
2846	06/25/2016	647.28	0.00	07/05/2016	CSAH 15		-		No		0000
602-495-9450-43030	Engineering Services										
	2846 Total:	647.28									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2847	06/25/2016	8,300.80	0.00	07/05/2016	LE Ave Corridor		-	No		0000
409-480-8000-43030	Engineering Services									
	2847 Total:	8,300.80								
2848	06/25/2016	676.00	0.00	07/05/2016	Inwood Booster Station		-	No		0000
601-494-9400-43030	Engineering Services									
	2848 Total:	676.00								
2849	06/25/2016	11,219.78	0.00	07/05/2016	Inwood Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services									
	2849 Total:	11,219.78								
2850	06/25/2016	225.00	0.00	07/05/2016	Eagle Point Blvd		-	No		0000
409-480-8000-43030	Engineering Services									
	2850 Total:	225.00								
2851	06/25/2016	466.74	0.00	07/05/2016	CSAH 13		-	No		0000
409-480-8000-43030	Engineering Services									
	2851 Total:	466.74								
2852	06/25/2016	14,400.50	0.00	07/05/2016	2016 Street Improvement		-	No		0000
409-480-8000-43030	Engineering Services									
	2852 Total:	14,400.50								
2853	06/25/2016	280.00	0.00	07/05/2016	Inwood Water Tower		-	No		0000
601-494-9400-43030	Engineering Services									
	2853 Total:	280.00								
2854	06/25/2016	634.32	0.00	07/05/2016	2016 Seal Coat		-	No		0000
101-430-3120-42250	Street Maintenance Materials									
	2854 Total:	634.32								
2855	06/25/2016	153.18	0.00	07/05/2016	Village East Trunk Sewer		-	No		0000
803-000-0000-22910	Developer Payments									
	2855 Total:	153.18								
2856	06/25/2016	337.50	0.00	07/05/2016	Lennar - 194		-	No		0000
803-000-0000-22910	Developer Payments									
	2856 Total:	337.50								
2857	06/25/2016	1,084.44	0.00	07/05/2016	Boulder Ponds		-	No		0000
803-000-0000-22910	Developer Payments									
	2857 Total:	1,084.44								
2858	06/25/2016	412.50	0.00	07/05/2016	Hammes		-	No		0000
803-000-0000-22910	Developer Payments									
	2858 Total:	412.50								
2859	06/25/2016	755.94	0.00	07/05/2016	Hunters Crossing		-	No		0000
803-000-0000-22910	Developer Payments									
	2859 Total:	755.94								
2860	06/25/2016	1,203.24	0.00	07/05/2016	Wildflower		-	No		0000
803-000-0000-22910	Developer Payments									
	2860 Total:	1,203.24								
2861	06/25/2016	3,368.70	0.00	07/05/2016	Village Preserve		-	No		0000
803-000-0000-22910	Developer Payments									
	2861 Total:	3,368.70								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
2862	06/25/2016	2,297.70	0.00	07/05/2016	Easton Village		-		No		0000
803-000-0000-22910	Developer Payments										
	2862 Total:	2,297.70									
2863	06/25/2016	925.04	0.00	07/05/2016	Inwood		-		No		0000
803-000-0000-22910	Developer Payments										
	2863 Total:	925.04									
2864	06/25/2016	5,635.38	0.00	07/05/2016	Savona III		-		No		0000
803-000-0000-22910	Developer Payments										
	2864 Total:	5,635.38									
2865	06/25/2016	248.10	0.00	07/05/2016	Auto Owner		-		No		0000
803-000-0000-22910	Developer Payments										
	2865 Total:	248.10									
2866	06/25/2016	150.00	0.00	07/05/2016	Legends		-		No		0000
803-000-0000-22910	Developer Payments										
	2866 Total:	150.00									
2867	06/25/2016	1,068.00	0.00	07/05/2016	ISD 916		-		No		0000
803-000-0000-22910	Developer Payments										
	2867 Total:	1,068.00									
2868	06/25/2016	560.00	0.00	07/05/2016	Arbor Glen		-		No		0000
803-000-0000-22910	Developer Payments										
	2868 Total:	560.00									
2869	06/25/2016	509.16	0.00	07/05/2016	Savona IV		-		No		0000
803-000-0000-22910	Developer Payments										
	2869 Total:	509.16									
2870	06/25/2016	10,770.36	0.00	07/05/2016	Inwood III		-		No		0000
803-000-0000-22910	Developer Payments										
	2870 Total:	10,770.36									
2871	06/25/2016	240.00	0.00	07/05/2016	Boulder Ponds - II		-		No		0000
803-000-0000-22910	Developer Payments										
	2871 Total:	240.00									
2872	06/25/2016	340.00	0.00	07/05/2016	Village Preserve II		-		No		0000
803-000-0000-22910	Developer Payments										
	2872 Total:	340.00									
2873	06/25/2016	540.00	0.00	07/05/2016	The Royal Golf		-		No		0000
803-000-0000-22910	Developer Payments										
	2873 Total:	540.00									
2874	06/25/2016	930.00	0.00	07/05/2016	Meijer Superstore		-		No		0000
101-410-1930-43030	Engineering Services										
	2874 Total:	930.00									
	FOCUS Total:	79,097.28									
GKSERVIC G&K Services											
1182760059	06/22/2016	35.67	0.00	07/05/2016	Uniforms		-		No		0000
101-430-3100-44170	Uniforms										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	1182760059 Total:	35.67								
1182771397	06/29/2016	35.67	0.00	07/05/2016	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	1182771397 Total:	35.67								
	GKSERVIC Total:	71.34								
GREATAM Great America Financial										
18922761	06/15/2016	415.58	0.00	07/05/2016	Copier maintenance		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
	18922761 Total:	415.58								
	GREATAM Total:	415.58								
HANDT Handt Kristina										
	06/23/2016	73.44	0.00	07/05/2016	Mileage		-	No		0000
101-410-1320-43310	Mileage									
	06/23/2016	32.90	0.00	07/05/2016	parking		-	No		0000
101-410-1320-44300	Miscellaneous									
	Total:	106.34								
	HANDT Total:	106.34								
HDSUPPLY HD Supply Waterworks, Ltd.										
F673694	06/16/2016	53.55	0.00	07/05/2016	Maintenance supplies		-	No		0000
601-494-9400-42270	Utility System Maintenance									
	F673694 Total:	53.55								
F675585	06/16/2016	197.75	0.00	07/05/2016	Tools		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
	F675585 Total:	197.75								
	HDSUPPLY Total:	251.30								
HOTSYS HotsyMinnesota.com										
LA70150	06/20/2016	709.22	0.00	07/05/2016	Building Maintenance		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg									
	LA70150 Total:	709.22								
	HOTSYS Total:	709.22								
INNOVAT Innovative Office Solutions										
1219210	06/16/2016	9.36	0.00	07/05/2016	Supplies		-	No		0000
101-410-1910-42000	Office Supplies									
1219210	06/16/2016	25.74	0.00	07/05/2016	Supplies		-	No		0000
101-410-1320-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
1219210	06/16/2016	8.49	0.00	07/05/2016	Supplies		-		No		0000
101-410-1520-42000	Office Supplies										
1219210	06/16/2016	89.61	0.00	07/05/2016	Supplies		-		No		0000
101-410-1910-42000	Office Supplies										
	1219210 Total:	133.20									
	INNOVAT Total:	133.20									
ISAACSON Isaacson John											
2016-66	06/27/2016	280.00	0.00	07/05/2016	Lawn mowing - PCA site		-		No		0000
101-450-5200-42250	Landscaping Materials										
	2016-66 Total:	280.00									
	ISAACSON Total:	280.00									
kathfuel Kath Fuel Oil Service Co											
557861	06/15/2016	902.02	0.00	07/05/2016	Fuel		-		No		0000
101-430-3100-42120	Fuel, Oil and Fluids										
	557861 Total:	902.02									
	kathfuel Total:	902.02									
KENGRAVE Kennedy & Graven, Chartered											
132063	06/22/2016	8,591.64	0.00	07/05/2016	Civil Matters		-		No		0000
101-410-1320-43040	Legal Services										
132063	06/22/2016	193.75	0.00	07/05/2016	Library		-		No		0000
206-450-5300-43040	Legal Services										
132063	06/22/2016	645.00	0.00	07/05/2016	Savona IV		-		No		0000
803-000-0000-22910	Developer Payments										
132063	06/22/2016	430.47	0.00	07/05/2016	Boulder Ponds II		-		No		0000
803-000-0000-22910	Developer Payments										
132063	06/22/2016	6,687.18	0.00	07/05/2016	3M Litigation		-		No		0000
101-410-1320-43040	Legal Services										
132063	06/22/2016	376.25	0.00	07/05/2016	Inwood III		-		No		0000
803-000-0000-22910	Developer Payments										
132063	06/22/2016	268.75	0.00	07/05/2016	Village Preserve II		-		No		0000
803-000-0000-22910	Developer Payments										
132063	06/22/2016	666.50	0.00	07/05/2016	Local 49 petition		-		No		0000
101-410-1320-43040	Legal Services										
132063	06/22/2016	38.75	0.00	07/05/2016	Nature Center		-		No		0000
101-410-1320-43040	Legal Services										
	132063 Total:	17,898.29									
	KENGRAVE Total:	17,898.29									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
KINGK King Cassidy											
Bonus	06/29/2016	25.00	0.00	07/05/2016	Planning 6/28/16 - Bonus		-	No			0000
101-410-1450-43620	Cable Operations										
	Bonus Total:	25.00									
Cable	06/21/2016	55.00	0.00	07/05/2016	Planning comm. 6/13/16		-	No			0000
101-410-1450-43620	Cable Operations										
Cable	06/29/2016	55.00	0.00	07/05/2016	Planning 6/28/16		-	No			0000
101-410-1450-43620	Cable Operations										
	Cable Total:	110.00									
	KINGK Total:	135.00									
MANUFACT Manufactured Housing Special.											
2016-260	06/30/2016	250.00	0.00	07/05/2016	Escrow Refund 291 Cimarron		-	No			0000
803-000-0000-22900	Deposits Payable										
	2016-260 Total:	250.00									
2016-261	06/30/2016	250.00	0.00	07/05/2016	Escrow Refund 407 Cimarron		-	No			0000
803-000-0000-22900	Deposits Payable										
	2016-261 Total:	250.00									
2016-262	06/30/2016	250.00	0.00	07/05/2016	Escrow Refund 20 Cimarron		-	No			0000
803-000-0000-22900	Deposits Payable										
	2016-262 Total:	250.00									
	MANUFACT Total:	750.00									
MENARDSON Menards - Oakdale											
6163	06/09/2016	25.32	0.00	07/05/2016	Floor dri		-	No			0000
101-420-2220-42400	Small Tools & Equipment										
6163	06/09/2016	5.58	0.00	07/05/2016	Rehab		-	No			0000
101-420-2220-44300	Miscellaneous										
6163	06/09/2016	20.74	0.00	07/05/2016	Station supplies		-	No			0000
101-420-2220-44010	Repairs/Maint Bldg										
6163	06/09/2016	-2.22	0.00	07/05/2016	Rebate		-	No			0000
101-420-2220-44010	Repairs/Maint Bldg										
	6163 Total:	49.42									
6382	06/09/2016	429.99	0.00	07/05/2016	Station 2 - AC replacement		-	No			0000
101-420-2220-44010	Repairs/Maint Bldg										
	6382 Total:	429.99									
6499	06/14/2016	53.62	0.00	07/05/2016	Shop supplies		-	No			0000
101-450-5200-42150	Shop Materials										
	6499 Total:	53.62									
6549	06/14/2016	126.47	0.00	07/05/2016	Equip maintenance		-	No			0000
101-450-5200-44040	Repairs/Maint Eqpt										
	6549 Total:	126.47									
6679	06/16/2016	55.26	0.00	07/05/2016	Shop supplies		-	No			0000
101-450-5200-42150	Shop Materials										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
6938	06/20/2016	55.26									
		6679 Total:									
6938	06/20/2016	55.52	0.00	07/05/2016	Landscaping supplies		-		No		0000
		6938 Total:									
6955	06/20/2016	55.52									
		6955 Total:									
101-450-5200-42150	06/20/2016	16.14	0.00	07/05/2016	Shop supplies		-		No		0000
		6955 Total:									
7079	06/22/2016	16.14									
		7079 Total:									
101-450-5200-42230	06/22/2016	116.67	0.00	07/05/2016	Hardware		-		No		0000
		7079 Total:									
7082	06/22/2016	116.67									
		7082 Total:									
101-420-2220-44010	06/22/2016	109.91	0.00	07/05/2016	Bulbs, door knob - Station 1		-		No		0000
		7082 Total:									
7082	06/22/2016	109.91									
		7082 Total:									
101-420-2220-44010	06/22/2016	-55.96	0.00	07/05/2016	Return		-		No		0000
		7082 Total:									
101-420-2220-44010	06/22/2016	53.95	0.00	07/05/2016	Shop supplies		-		No		0000
		7101 Total:									
7101	06/22/2016	67.84									
		7101 Total:									
101-450-5200-42150	06/22/2016	67.84	0.00	07/05/2016	Shop supplies		-		No		0000
		7101 Total:									
7148	06/22/2016	71.96									
		7148 Total:									
101-420-2220-44010	06/27/2016	74.74	0.00	07/05/2016	Shop supplies		-		No		0000
		7415 Total:									
7415	06/27/2016	74.74									
		7415 Total:									
601-494-9400-42300	06/27/2016	74.74	0.00	07/05/2016	Water Meters & Supplies		-		No		0000
		7415 Total:									
		MENARDSO Total:									
		1,171.58									
		MENARDSO Total:									
		61.50	0.00	07/05/2016	Landscaping supplies		-		No		0000
		89571 Total:									
		61.50									
		MENARDST Total:									
		61.50									
		MENARDST Total:									
		14,502.88	0.00	07/05/2016	Inwood Trunk Watermain		-		No		0000
		601-494-9400-43030 Engineering Services									
		10 Total:									
		14,502.88									
		601-494-9400-43030 Engineering Services									
		11 Total:									
		13,707.11									
		601-494-9400-43030 Engineering Services									
		11 Total:									
		13,707.11									
		MSAPROF Total:									
		28,209.99									
		MSAPROF Total:									
		28,209.99									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NORDSTRM Nordstrom Emily										
Bonus	06/21/2016	25.00	0.00	07/05/2016	CC 6.21.16		-	No		0000
101-410-1450-43620	Cable Operations									
	Bonus Total:	25.00								
Cable	06/21/2016	55.00	0.00	07/05/2016	CC 6.21.16		-	No		0000
101-410-1450-43620	Cable Operations									
	Cable Total:	55.00								
	NORDSTRM Total:	80.00								
READYWAT Ready Watt Electric										
100134	06/16/2016	3,745.00	0.00	07/05/2016	Warning Siren repair and maintenance		-	No		0000
101-420-2500-43150	Contract Services									
	100134 Total:	3,745.00								
	READYWAT Total:	3,745.00								
RIVERPRT River Valley Printing										
5418	06/19/2016	182.00	0.00	07/05/2016	Truck usage forms		-	No		0000
101-420-2220-42000	Office Supplies									
	5418 Total:	182.00								
	RIVERPRT Total:	182.00								
SEH Short Elliott Hendrickson, Inc										
316511	06/09/2016	2,015.94	0.00	07/05/2016	Inwood Water Tower		-	No		0000
601-494-9400-43030	Engineering Services									
	316511 Total:	2,015.94								
	SEH Total:	2,015.94								
SPRINT Sprint										
761950227-159	06/18/2016	61.01	0.00	07/05/2016	Cell phone - Admin		-	No		0000
101-410-1940-43210	Telephone									
761950227-159	06/18/2016	290.48	0.00	07/05/2016	Cell phone - Fire		-	No		0000
101-420-2220-43210	Telephone									
761950227-159	06/18/2016	108.13	0.00	07/05/2016	Cell phone - Building		-	No		0000
101-420-2400-43210	Telephone									
761950227-159	06/18/2016	160.93	0.00	07/05/2016	Cell phone - PW		-	No		0000
101-430-3100-43210	Telephone									
761950227-159	06/18/2016	136.04	0.00	07/05/2016	Cell phone - Parks		-	No		0000
101-450-5200-43210	Telephone									
761950227-159	06/18/2016	15.19	0.00	07/05/2016	Cell phone - Planning		-	No		0000
101-410-1910-43210	Telephone									
	761950227-159 Total:	771.78								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
STATE OF State of MN Dept of Public										
8207500132015	06/29/2016	25.00	0.00	07/05/2016	Hazardous Waste		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg									
	8207500132015 Total:	25.00								
	STATE OF Total:	25.00								
SPRINT Total:		771.78								
<hr/>										
TENNISRO Tennis Roll Off, LLC										
1641343	06/11/2016	8,024.88	0.00	07/05/2016	Clean up day		-	No		0000
101-430-3100-44380	Clean-up Days									
	1641343 Total:	8,024.88								
	TENNISRO Total:	8,024.88								
<hr/>										
TKDA TKDA, Inc.										
002016001184	06/10/2016	3,013.21	0.00	07/05/2016	Water & Sewer Study		-	No		0000
601-494-9400-43030	Engineering Services									
002016001184	06/10/2016	3,013.21	0.00	07/05/2016	Water & Sewer Study		-	No		0000
602-495-9450-43030	Engineering Services									
002016001184	06/10/2016	1,506.60	0.00	07/05/2016	Water & Sewer Study		-	No		0000
603-496-9500-43030	Engineering Services									
	002016001184 Total:	7,533.02								
002016001419	05/13/2016	163.47	0.00	07/05/2016	Eagle Point Blvd		-	No		0000
409-480-8000-43030	Engineering Services									
	002016001419 Total:	163.47								
	TKDA Total:	7,696.49								
<hr/>										
TMOBILE T Mobile										
947226095	06/12/2016	21.57	0.00	07/05/2016	SCADA Line		-	No		0000
601-494-9400-43210	Telephone									
	947226095 Total:	21.57								
	TMOBILE Total:	21.57								
<hr/>										
TOOLGUY The Tool Guy, LLC										
18073	06/21/2016	77.76	0.00	07/05/2016	Tools		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
	18073 Total:	77.76								
	TOOLGUY Total:	77.76								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TOWNCTRY Town & Country Cleaning Co										
616779	06/01/2016	370.00	0.00	07/05/2016	June cleaning		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	616779 Total:	370.00								
	TOWNCTRY Total:	370.00								
<hr/>										
TWINCTYS Twin City Saw Co.										
A22071	06/20/2016	33.93	0.00	07/05/2016	Grinding wheel		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
	A22071 Total:	33.93								
A22074	06/21/2016	14.94	0.00	07/05/2016	Worm gear		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
	A22074 Total:	14.94								
	TWINCTYS Total:	48.87								
<hr/>										
VERIZON Verizon Wireless										
9766913574	06/10/2016	35.01	0.00	07/05/2016	Monthly service		-	No		0000
101-420-2220-43210	Telephone									
	9766913574 Total:	35.01								
	VERIZON Total:	35.01								
<hr/>										
WASRRADIO Washington County										
89273	06/22/2016	309.06	0.00	07/05/2016	2nd quarter radio usage		-	No		0000
101-430-3100-43230	Radio									
	89273 Total:	309.06								
89274	06/20/2016	3,914.76	0.00	07/05/2016	1/4ly user fee for 800 MHz radios		-	No		0000
101-420-2220-43230	Radio									
	89274 Total:	3,914.76								
	WASRRADIO Total:	4,223.82								
<hr/>										
Whiteani White Anita										
Cable	06/20/2016	55.00	0.00	07/05/2016	Parks Comm 6.20.16		-	No		0000
101-410-1450-43620	Cable Operations									
Cable	06/29/2016	55.00	0.00	07/05/2016	Special CC meeting 6.29.16		-	No		0000
101-410-1450-43620	Cable Operations									
	Cable Total:	110.00								
	Whiteani Total:	110.00								
	Report Total:	210,485.67								

Accounts Payable To Be Paid Proof List

User: PalyB
 Printed: 06/30/2016 - 1:17 PM
 Batch: 007-06-2016

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
DELTA Delta Dental Of Minnesota											
6532165	06/16/2016	1,414.60	0.00	07/05/2016	July premium		-			No	0000
101-000-0000-21706 Medical Insurance											
		6532165 Total:									
		DELTA Total:	1,414.60								
HOUSEWR Housewright David											
206-450-5300-42500	06/30/2016	250.00	0.00	07/05/2016	Author Presentation 7/19/16		-			No	0000
Library Collection Maintenance											
		Total:	250.00								
		HOUSEWR Total:	250.00								
HUELLER Hueller Andy											
206-450-5300-42500	06/30/2016	125.00	0.00	07/05/2016	Author Presentation 7/6/16		-			No	0000
Library Collection Maintenance											
		Total:	125.00								
		HUELLER Total:	125.00								
LEASSOC Lake Elmo Associates, LLP											
July 16	07/01/2016	2,461.00	0.00	07/05/2016	July Rent		-			No	0000
101-410-1940-44120 Rentals - Building											
		July 16 Total:	2,461.00								
		LEASSOC Total:	2,461.00								
NCPERS 566200-NCPERS Minnesota											
5662216	06/23/2016	64.00	0.00	07/05/2016	July premium		-			No	0000
101-000-0000-21708 Other Benefits											
		5662216 Total:	64.00								
		NCPERS Total:	64.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
RABOUIN RABOUIN, INC											
July	07/01/2016	2,500.00	0.00	07/05/2016	July 2016 Payment		-		No		0000
101-410-1320-43100	Assessing Services										
	July Total:	2,500.00									
	RABOUIN Total:	2,500.00									
ROSEWOOD Rosewood Puppets											
06/30/2016		445.00	0.00	07/05/2016	Childrens performance 7/13/16		-		No		0000
206-450-5300-42500	Library Collection Maintenance										
	Total:	445.00									
	ROSEWOOD Total:	445.00									
	Report Total:	7,259.60									



MAYOR & COUNCIL COMMUNICATION

DATE: July 5, 2016

CONSENT

ITEM #3

MOTION

AGENDA ITEM: Monthly Fire Department Update

SUBMITTED BY: Greg Malmquist, Fire Chief

THROUGH: City Administrator

SUMMARY AND ACTION REQUESTED: Review monthly activity update from fire department. Advise on any additional information requested.

LEGISLATIVE HISTORY: As a result of information requested by and provided to Council in the past, City Administrator Kristina Handt directed Chief Malmquist to provide month end updates. Information in the past was received very positively and appreciated by Council.

STAFF REPORT:

32 calls for the month of June.

Fire – 4

EMS-17

Hazardous-4

Good intent call-6

False alarm-1

8 of the 32 calls had 3 or less total responders on apparatus.

Department drills for the month were:

#1 – Communication and initial response

#2 – CEU Hands on for Flammable liquid response, at EMPSTF (East Metro Public Safety Training Facility) see photos

#3 – Basic fire ground functions and communication, at EMPSTF, see photos

One staff attended a make-up quarterly EMS training drill.

One call this month involved a 10 y/o girl that fell off of her bike in front of Station One receiving minor injuries. The event ended with the need for an ambulance. She would not have received the level of care and maybe no care at all if it weren't for Captain Witter working in the station at the time and hearing her crying after the fall.



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/05/2016

CONSENT

ITEM #: 4

AGENDA ITEM: Auto-Owners Easement Vacation
SUBMITTED BY: Emily Becker, City Planner
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Auto-Owners recorded a Permanent Water Main Easement on December 23, 2015 as requested by the City on PID# 3302921430014. After this was recorded, the City moved the location of the water mains and hydrants, and a new Permanent Water Main Easement was recorded on this same property to accommodate this move on April 19, 2016. Auto Owners is requesting the original easement be vacated.

ISSUE BEFORE COUNCIL:

The Council should decide if the originally recorded easement should be vacated.

PROPOSAL DETAILS/ANALYSIS:

The only amendment to the originally recorded Permanent Water Main Easement is the location/legal description of the location of the easement. All other terms and conditions remain.

A public hearing was held on June 13, 2016 considering this easement vacation request. No one was at the public hearing to speak and the only inquiry received from the public was from Machine Shed; no concern was expressed after explanation of the application. The Planning Commission is recommending that the Council approve the easement vacation request.

FISCAL IMPACT:

There is no fiscal impact as a new Permanent Water Main Easement exists to accommodate the new locations of the water mains and fire hydrants.

OPTIONS:

The Council may approve or deny the request to vacate the originally recorded Permanent Water Main Easement.

RECOMMENDATION:

Staff respectfully requests, as part of tonight's consent agenda, Council approve the request to vacate the Permanent Water Main Easement as outlined in 1238129 Permanent Water Main Easement Agreement, Exhibit B-2, dated September 29, 2015 and recorded December 23, 2015. If removed from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the request of Auto-Owners to vacate the easement recorded for PID# 3302921430014, as outlined in Exhibit B-2/1238129 Water Main Easement, as recorded by Washington County on December 23, 2015.”

ATTACHMENTS:

1. Letter of Easement Vacation Request from Auto-Owners showing originally recorded easement documents as well as revised recorded easement documents.
2. Resolution No. 2016-⁵⁸ Vacating a Water Main Easement Over a Portion of Lot 1 Block 1 of Eagle Point Business Park 8th Addition.
3. Planning Commission Meeting Minutes from discussion on Auto Owners Easement Vacation.

AUTO-OWNERS INSURANCE COMPANY
AUTO-OWNERS LIFE INSURANCE COMPANY
HOME-OWNERS INSURANCE COMPANY
OWNERS INSURANCE COMPANY
PROPERTY-OWNERS INSURANCE COMPANY
SOUTHERN-OWNERS INSURANCE COMPANY



BOX 30660, LANSING, MICHIGAN 48909-8160 517-323-1200
FAX 517-323-8796
WWW.AUTO-OWNERS.COM

May 27, 2016

The City of Lake Elmo
Attn: Planning Commission
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: EASEMENT VACATION: A request by the City of Lake Elmo to vacate watermain easement on property located at 8574 Eagle Point Circle N, City of Lake Elmo, Washington Count, MN, PID #33.029.21.43.0014

Members of the Planning Commission,

As owner of the property impacted by the referenced watermain easement, Auto-Owners Life Insurance Company fully supports vacating said easement, which is recorded document number 1238129 with the Office of the Registrar of Titles, Washington County, Minnesota. This document is enclosed for reference, as well as a diagram showing its location.

This easement to be vacated has already been replaced with a new watermain easement, which is recorded document number 1239943 with the Office of the Registrar of Titles, Washington County, Minnesota. The new easement was created to cooperate with the City's request to relocate a fire hydrant. The replacement easement and a diagram depicting it's location are also enclosed.

We appreciate your support in having the original watermain easement vacated from the Auto-Owners property.

Sincerely,

J. Daniel Keefe
Director, Real Estate Development & Acquisition

COPY

Easement To Be Vacated

Receipt:# 310086
Attested Copy

EAS \$46.00
AT \$2.00
CRV Not Required
No Tax Due

Return to:
SUNDE LAND SURVEYING
LLC
9001 E BLOOMINGTON
FRWY #118
BLOOMINGTON MN 55420

1238129



Certified Filed and/or recorded on:

12/23/2015 1:41 PM

1238129

Certificate #: 73220

Office of the Registrar of Titles
Washington County, Minnesota

Jennifer Wagenius, Registrar of Titles
Kevin Corbid, Auditor Treasurer

PERMANENT WATER MAIN EASEMENT AGREEMENT

THIS PERMANENT WATER MAIN EASEMENT AGREEMENT shall be effective as of the date that the last party executes this Agreement, is made by and between Auto-Owners Life Insurance Company, a Michigan Corporation, hereinafter referred to as the "Owner," and the City of Lake Elmo, a Minnesota Municipal Corporation, hereinafter referred to as the "City."

The Owner owns the real property situated within Washington County, Minnesota as described on the attached **Exhibit A** (hereinafter "Owner's Property").

The Owner in consideration of one dollar (\$1.00) and other good and valuable consideration does hereby grant and convey to the City, its successors and assigns, the following:

1. A permanent easement for water main and, all such purposes ancillary, incident or related thereto (hereinafter "Permanent Easement") under, over, across, through and upon that real property identified and legally described on **Exhibit B**, (hereinafter the "Permanent Easement Area") attached hereto and incorporated herein by reference.

The Permanent Easement rights granted herein are forever and shall include, but not be limited to, the construction, maintenance, inspection, repair and replacement of water mains, pipes, hydrants, and all facilities and improvements ancillary, incident or related thereto, under, over, across, through and upon the Permanent Easement Area.

EXEMPT FROM STATE DEED TAX

The rights of the City also include the right of the City, its contractors, agents and servants:

- a.) to enter upon the Permanent Easement Area at all reasonable times for the purposes of construction, reconstruction, inspection, repair, replacement, grading, sloping, and restoration relating to the purposes of this Permanent Easement; and

- b.) to maintain the Permanent Easement Area, any City improvements and any underground pipes or mains, together with the right to excavate and refill ditches or trenches for the location of such mains; and
- c.) to remove from the Permanent Easement Area, trees, brush, herbage, aggregate, undergrowth and other obstructions interfering with the location, construction and maintenance of the pipes or mains; and
- d.) to remove or otherwise dispose of and replace as necessary all earth or other material excavated from the Permanent Easement Area as the City may deem appropriate.
- e.) to prohibit obstructions or interference with its use of the Easement Area.

The City shall not be responsible for any costs, expenses, damages, demands, obligations, penalties, attorneys' fees and losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, petroleum, pollutants, and contaminants which may have existed on, or which relate to the Permanent Easement Area or the Owner's Property prior to the date hereof.

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by the Owner, its successors or assigns, shall be subject to any governmental immunity defenses of the City and the maximum liability limits provided by Minnesota Statute, Chapter 466.

The Owner, for itself and its successors and assigns, does hereby warrant to and covenant with the City, its successors and assigns, that it is well seized in fee of the Owner's Property described on Exhibit A, and the Permanent Easement Area described on Exhibit B, and has good right to grant and convey the Permanent Easement herein to the City. In addition, the Owner, for itself and its successors and assigns, does hereby warrant to and covenant with the City, its successors and assigns, the right of after acquired title to the Permanent Easement granted and conveyed in this Agreement provided that the Owner receives title to all or part of the Permanent Easement Area after the recording of this Agreement.

This Permanent Easement Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

EXHIBIT A
LEGAL DESCRIPTION OF OWNER'S PROPERTY

Lot 1, Block 1, HOA 3rd ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

EXHIBIT B
LEGAL DESCRIPTION OF
THE PERMANENT WATER MAIN EASEMENT AREA

An easement over, under and across that part of Lot 1, Block 1, HOA 3rd ADDITION, according to the recorded plat thereof, Washington County, Minnesota, described as commencing at the southwest corner of said Lot 1; thence on an assumed bearing of North, along the westerly line of said Lot 1, a distance of 219.13 feet; thence on a bearing of East 9.50 feet to the point of beginning of the easement to be described; thence on a bearing of North 43.50 feet; thence on a bearing of East 177.06 feet; thence on a bearing of North 25.50 feet; thence on a bearing of East 23.80 feet; thence North 45 degrees 00 minutes 00 seconds East 60.10 feet; thence North 22 degrees 30 minutes 00 seconds East 43.50 feet; thence on a bearing of North 142.26 feet; thence on a bearing of East 30.00 feet; thence on a bearing of South 89.44 feet; thence South 72 degrees 18 minutes 14 seconds East 20.02 feet to the easterly line of said Lot 1; thence southwesterly 70.48 feet, along said easterly line of Lot 1, along a curve concave to the southeast not tangential with the last described line, to a point of tangency; thence South 16 degrees 02 minutes 57 seconds West, tangent to said curve, along said easterly line of Lot 1, a distance of 27.53 feet to a point of curvature; thence southwesterly 25.37 feet along said easterly line of Lot 1, along a tangential curve concave to the northwest to a point of reverse curvature; thence southwesterly 58.80 feet, along said easterly line of Lot 1, along a reverse curve; thence South 45 degrees 00 minutes 00 seconds West 57.49 feet; thence on a bearing of South 41.77 feet; thence on a bearing of East 48.00 feet; thence North 65 degrees 00 minutes 00 seconds East 17.31 feet to said easterly line of Lot 1; thence southeasterly 39.00 feet, along said easterly line of Lot 1, along a curve concave to the northeast not tangential with the last described line, to an easterly corner of said Lot 1; thence South 1 degree 23 minutes 22 seconds East, along said easterly line of Lot 1, a distance of 3.93; thence South 65 degrees 00 minutes 00 seconds West 50.04 feet; thence on a bearing of West 84.66 feet; thence on a bearing of North 78.06 feet; thence on a bearing of West 121.49 feet; thence on a bearing of South 13.50 feet; thence on a bearing of West 30.00 feet to the point of beginning.

12960:00151:2414228-2

1/2/16

EAS \$46.00
CRV Not Required



Certified Filed and/or recorded on:
4/19/2016 2:42 PM

1239943

Certificate #: 73220
Office of the Registrar of Titles
Washington County, Minnesota
Jennifer Wagenius, Registrar of Titles
Kevin Corbid, Auditor Treasurer

Revised Easement

PERMANENT WATER MAIN EASEMENT AGREEMENT

THIS PERMANENT WATER MAIN EASEMENT AGREEMENT shall be effective as of the date that the last party executes this Agreement, is made by and between Auto-Owners Life Insurance Company, a Michigan Corporation, hereinafter referred to as the "Owner," and the City of Lake Elmo, a Minnesota Municipal Corporation, hereinafter referred to as the "City."

The Owner owns the real property situated within Washington County, Minnesota as described on the attached **Exhibit A** (hereinafter "Owner's Property").

The Owner in consideration of one dollar (\$1.00) and other good and valuable consideration does hereby grant and convey to the City, its successors and assigns, the following:

1. **A permanent easement for water main and, all such purposes ancillary, incident or related thereto** (hereinafter "Permanent Easement") under, over, across, through and upon that real property identified and legally described on **Exhibit B**, (hereinafter the "Permanent Easement Area") attached hereto and incorporated herein by reference.

The Permanent Easement rights granted herein are forever and shall include, but not be limited to, the construction, maintenance, inspection, repair and replacement of water mains, pipes, hydrants, and all facilities and improvements ancillary, incident or related thereto, under, over, across, through and upon the Permanent Easement Area.

EXEMPT FROM STATE DEED TAX

The rights of the City also include the right of the City, its contractors, agents and servants:

- a.) to enter upon the Permanent Easement Area at all reasonable times for the purposes of construction, reconstruction, inspection, repair, replacement, grading, sloping, and restoration relating to the purposes of this Permanent Easement; and

- b.) to maintain the Permanent Easement Area, any City improvements and any underground pipes or mains, together with the right to excavate and refill ditches or trenches for the location of such mains; and
- c.) to remove from the Permanent Easement Area, trees, brush, herbage, aggregate, undergrowth and other obstructions interfering with the location, construction and maintenance of the pipes or mains; and
- d.) to remove or otherwise dispose of and replace as necessary all earth or other material excavated from the Permanent Easement Area as the City may deem appropriate.
- e.) to prohibit obstructions or interference with its use of the Easement Area.

The City shall not be responsible for any costs, expenses, damages, demands, obligations, penalties, attorneys' fees and losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, petroleum, pollutants, and contaminants which may have existed on, or which relate to the Permanent Easement Area or the Owner's Property prior to the date hereof.

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by the Owner, its successors or assigns, shall be subject to any governmental immunity defenses of the City and the maximum liability limits provided by Minnesota Statute, Chapter 466.

The Owner, for itself and its successors and assigns, does hereby warrant to and covenant with the City, its successors and assigns, that it is well seized in fee of the Owner's Property described on Exhibit A, and the Permanent Easement Area described on Exhibit B, and has good right to grant and convey the Permanent Easement herein to the City. In addition, the Owner, for itself and its successors and assigns, does hereby warrant to and covenant with the City, its successors and assigns, the right of after acquired title to the Permanent Easement granted and conveyed in this Agreement provided that the Owner receives title to all or part of the Permanent Easement Area after the recording of this Agreement.

This Permanent Easement Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

EXHIBIT A
LEGAL DESCRIPTION OF OWNER'S PROPERTY

Lot 1, Block 1, HOA 3rd ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

EXHIBIT B
LEGAL DESCRIPTION OF
THE PERMANENT WATER MAIN EASEMENT AREA

An easement over, under and across that part of Lot 1, Block 1, HOA 3rd ADDITION, according to the recorded plat thereof, Washington County, Minnesota, described as commencing at the southwest corner of said Lot 1; thence on an assumed bearing of North, along the westerly line of said Lot 1, a distance of 219.13 feet; thence on a bearing of East 9.50 feet to the point of beginning of the easement to be described; thence on a bearing of North 43.50 feet; thence on a bearing of East 177.06 feet; thence on a bearing of North 25.50 feet; thence on a bearing of East 23.80 feet; thence North 45 degrees 00 minutes 00 seconds East 60.10 feet; thence North 22 degrees 30 minutes 00 seconds East 43.50 feet; thence on a bearing of North 24.57 feet; thence on a bearing of West 42.03 feet; thence North 45 degrees 00 minutes 00 seconds West 130.37 feet; thence North 45 degrees 00 minutes 00 seconds East 30.00 feet; thence South 45 degrees 00 minutes 00 seconds East 117.94 feet; thence on a bearing of East 54.10 feet; thence South 72 degrees 18 minutes 14 seconds East 25.80 feet to the easterly line of said Lot 1; thence southwesterly 70.48 feet, along said easterly line of Lot 1, along a curve concave to the southeast not tangential with the last described line, to a point of tangency; thence South 16 degrees 02 minutes 57 seconds West, tangent to said curve, along said easterly line of Lot 1, a distance of 27.53 feet to a point of curvature; thence southwesterly 25.37 feet along said easterly line of Lot 1, along a tangential curve concave to the northwest to a point of reverse curvature; thence southwesterly 58.80 feet, along said easterly line of Lot 1, along a reverse curve; thence South 45 degrees 00 minutes 00 seconds West 57.49 feet; thence on a bearing of South 41.77 feet; thence on a bearing of East 48.00 feet; thence North 65 degrees 00 minutes 00 seconds East 17.31 feet to said easterly line of Lot 1; thence southeasterly 39.00 feet, along said easterly line of Lot 1, along a curve concave to the northeast not tangential with the last described line, to an easterly corner of said Lot 1; thence South 1 degree 23 minutes 22 seconds East, along said easterly line of Lot 1, a distance of 3.93; thence South 65 degrees 00 minutes 00 seconds West 50.04 feet; thence on a bearing of West 84.66 feet; thence on a bearing of North 78.06 feet; thence on a bearing of West 121.49 feet; thence on a bearing of South 13.50 feet; thence on a bearing of West 30.00 feet to the point of beginning.

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

RESOLUTION NO. 2016-58

*A RESOLUTION VACATING A WATER MAIN EASEMENT OVER A PORTION OF LOT 1
BLOCK 1 OF EAGLE POINT BUSINESS PARK 8TH ADDITION*

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

WHEREAS, the City Council approved the Preliminary and Final PUD Plans for the Auto Owners Insurance Building located in Eagle Point Business Park as Lot 1, Block 1 HOA 3rd Addition (Lot) on August 18, 2015; and

WHEREAS, the Lot is owned by Auto Owners Insurance Company, 6101 Anacapri Boulevard, Lansing, MI 48917 (Owner); and

WHEREAS, the City of Lake Elmo was granted a Water Main Easement over a portion of the Lot, and this easement was recorded by the Office of the Registrar of Titles of Washington County on December 23, 2015; and

WHEREAS, the City requested an amendment to the originally proposed locations of fire hydrants on the Lot; and

WHEREAS, consequentially an amendment to the originally proposed location of the Water Main Easement was required and was recorded by the Office of the Registrar of Titles of Washington County on April 19, 2016; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the Water Main Easement recorded on December 23, 2015 over a portion of Lot 1 Block 1 of Eagle Point Business Park 8th Addition legally described as follows:

An easement over, under and across that part of Lot 1, Block 1, HOA 3rd ADDITION, according to the recorded plat thereof, Washington County, Minnesota, described as commencing at the southwest corner of said Lot 1; thence on an assumed bearing of North, along the westerly line of said Lot 1, a distance of 219.13 feet; thence on a bearing of East 9.50 feet to the point of beginning of the easement to be described; thence on a bearing of North 43.50 feet; thence on a bearing of East 177.06 feet; thence on a bearing of North 25.50 feet; thence on a bearing of East 23.80 feet; thence North 45 degrees 00 minutes 00 seconds East 60.10 feet; thence North 22 degrees 30 minutes 00 seconds East 43.50 feet; thence on a bearing of North 142.26 feet; thence on a bearing of East 30.00 feet; thence on a bearing of South 89.44 feet; thence South 72 degrees 18 minutes 14 seconds East 20.02 feet to the easterly line of said Lot 1; thence southwesterly 70.48 feet,

along said easterly line of Lot 1, along a curve concave to the southeast not tangential with the last described line, to a point of tangency; thence South 16 degrees 02 minutes 57 seconds West, tangent to said curve, along said easterly line of Lot 1, a distance of 27.53 feet to a point of curvature; thence southwesterly 25.37 feet along said easterly line of Lot 1, along a tangential curve concave to the northwest to a point of reverse curvature; thence southwesterly 58.80 feet, along said easterly line of Lot 1, along a reverse curve; thence South 45 degrees 00 minutes 00 seconds West 57.49 feet; thence on a bearing of South 41.77 feet; thence on a bearing of East 48.00 feet; thence North 65 degrees 00 minutes 00 seconds East 17.31 feet to said easterly line of Lot 1; thence southeasterly 39.00 feet, along said easterly line of Lot 1, along a curve concave to the northeast not tangential with the last described line, to an easterly corner of said Lot 1; thence South 1 degree 23 minutes 22 seconds East, along said easterly line of Lot 1, a distance of 3.93; thence South 65 degrees 00 minutes 00 seconds West 50.04 feet; thence on a bearing of West 84.66 feet; thence on a bearing of North 78.06 feet; thence on a bearing of West 121.49 feet; thence on a bearing of South 13.50 feet; thence on a bearing of West 30.00 feet to the point of beginning.

WHEREAS, the City Clerk reviewed and examined the signatures on said request and determined that such signatures constituted all of the landowners abutting upon the portion of easement to be vacated and rededicated; and

WHEREAS, a public hearing to consider the vacation of the Water Main Easement was held on the 13th day of June 2016 before the Planning Commission in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given, as well as personal mailed notice to all property owners within 350 feet of the Lot by the City Clerk on the 25th day of May 2016 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Planning Commission in its discretion has determined that the vacation will benefit the public interest because:

- 1) The new Water Main Easement will serve requested hydrant locations.

WHEREAS, the Council, at its meeting on the 5th day of July 2016, considered the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of an existing Water Main Easement is hereby granted in accordance with the property descriptions provided above.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this 5th day of July 2016.

Effective Date: _____

Approved:

Mike Pearson, Mayor

Attested by:

Julie Johnson, City Clerk



**City of Lake Elmo
Planning Commission Meeting
Minutes of June 13, 2016**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dunn, Fields, Larson, Griffin, Dodson, and Williams.

COMMISSIONERS ABSENT: Haggard, Kreimer, & Lundquist

STAFF PRESENT: Planning Director Wensman & City Planner Becker

Approve Agenda:

Agenda is approved as presented.

Approve Minutes: May 23, 2016

M/S/P: Dunn/Fields, move to approve the May 23, 2016 minutes as amended, **Vote: 4-0, motion carried with Griffin and Dodson not voting.**

Public Hearing – Easement Vacation 8574 Eagle Point circle

Becker started her presentation regarding the easements related to Auto Owners water mains and hydrants. The city moved the location of the water mains and hydrants, so new easements were recorded. Auto Owners is requesting the old easements be vacated.

Public hearing opened at 7:07 pm

No one spoke

There was written comment from Machine Shed, but once the application was explained to them, they were fine with the item.

Public hearing closed at 7:08 pm

Dunn stated it was straight forward and she has no issue with it.

M/S/P: Dunn/Griffin, move to recommend approval of the request to vacate the easement as outlined in Exhibit B-2/2138129 Water Main Easement as recorded, **Vote: 6-0, motion carried unanimously.**

Lake Elmo Planning Commission Minutes; 6-13-16



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/2016

CONSENT

ITEM #: ⁵_____

AGENDA ITEM: Fence Easement Encroachment Agreement
SUBMITTED BY: Emily Becker, City Planner
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Section 205, Subd. (D) (6) of the Zoning Code Fencing Regulations mandates that an easement encroachment agreement be approved by the City Council, along with a fence permit, for any fence that will be installed within a City easement. This was first added to the Zoning Code in 2011.

This process takes up a significant amount of Staff time as Staff must prepare a report, have it reviewed and added to the City Council agenda as a Consent Agenda Item, and discuss the item if it is taken off the Consent Agenda. This is in addition to preparing the Easement Encroachment Agreement, having the owners sign and notarize the document, collect the document after it has been signed by the Mayor and City Clerk, and have it recorded by the County. Not only does this process take a significant amount of Staff time, but it also delays the approval process.

The current fee for an easement encroachment is \$150.00. This is in addition to the \$75.00 for a fence permit, bringing the cost of a permit for a fence to be erected in an easement to be \$225.00.

ISSUE BEFORE COUNCIL:

It is respectfully requested of the Council to determine if it is necessary that it approve encroachments in to City easements, or if approval from the Planning Director or his/her designee after approval from the City Engineer or his/her designee is sufficient.

PROPOSAL DETAILS/ANALYSIS:

The Planning Commission recommends that fence easement encroachments be approved administratively. The approval process will be as follows:

- Applicant completes fence permit application, which will include a survey that delineates easements.
- Application will include the Easement Encroachment Agreement that the applicant will fill out and have notarized if the proposed fence is in a City easement.

- Planning and Engineering Staff will review the application and approve or deny based on compliance.
- If application is approved, Staff will issue the fence permit and file the Easement Encroachment Agreement with the County.

Because the amount of Staff time allocated to this proposed approval process would be reduced, the Planning Commission proposes that Council consider a fee reduction for the processing of fence easement encroachment agreements. The following added costs should still be considered while approving this fee, however: the City Engineer needs to approve these easement encroachments, which most times requires a site visit; and a \$50.00 fee is paid to Washington County to record the Easement Encroachment Agreement.

It should also be noted that it is only being proposed that fence easement encroachments be approved administratively. Driveway and other easement encroachments would still require Council approval. Fence easement encroachments are quite common, especially in urban residential lots that are smaller parcels, as the applicant generally wants a larger fenced-in space that can only be attained when encroaching on City easements outlining the lot.

FISCAL IMPACT:

Allowing the Fence Easement Encroachment Agreements to be approved administratively will reduce time Staff spends on processing fence permit applications that require Easement Encroachment Agreements. Additionally, because less time will be spent, and because review of the fence permit application in and of itself requires minimal staff time, it is being proposed that Council consider reducing the Easement Encroachment Agreement fee when the fee schedule is determined for 2017.

OPTIONS:

The Council may approve allowing Fence Easement Encroachment Agreements to be approved administratively or deny the request. If the Council approves the request, it may also consider a fee reduction for this agreement when the fee schedule is determined for next year, keep it the same, or increase the fee if it so chooses.

RECOMMENDATION:

Staff respectfully requests that the City Council approve, as part of tonight's consent agenda and as recommended by the Planning Commission, allowing Fence Easement Encroachment Agreements to be approved administratively by the Planning Director or designee after review and approval by the City Engineer or designee. If the Council wishes to remove this item from the Consent Agenda, the recommended action may be approved by the following motion:

“Move to approve an ordinance amendment to Chapter 154: Zoning Code; Section 205: Fencing Regulations; Subd. (D) (6), to allow approval of a fence easement encroachment agreement by the Planning Director or his/her designee after review and approval by the City Engineer or his/her designee.”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

“Move to adopt Resolution 2016-57, authorizing summary publication of Ordinance 08-140”

ATTACHMENTS:

1. Draft Ordinance 08-140
2. Resolution 2016-57 Summary Publication of Fence Easement Encroachment Ordinance Amendment.
3. Draft Planning Commission Meeting Minutes from discussion on Fence Easement Encroachment Ordinance Amendment.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-¹⁴⁰____

SECTION 1. The City Council of the City of Lake Elmo hereby amends Article XV: Land Usage; Chapter 154: Zoning Code; Section 205: Fencing Regulations; Subd. 6: Easement Encroachment of the Lake Elmo Code of Ordinances to read the following:

6. *Easement Encroachment.* An easement encroachment agreement ~~must be approved by the City Council~~ must be approved by the Planning Director or his/her designee after review and approval from the City Engineer or his/her designee along with a fence permit, for any fence that will be installed within a City easement.

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

SECTION 3. Adoption Date. This Ordinance 08-¹⁴⁰____ was adopted on this ____ day of ____, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-¹⁴⁰____ was published on the ____ day of _____, 2016.

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

RESOLUTION NO. 2016-57

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-140 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-140, an ordinance to amend the City's Fencing Regulations of its Zoning Code; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-140 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-140, which amends Chapter 154: Zoning Code; Section 205: Fencing Regulations; Subd. 6: Easement Encroachment of the Lake Elmo Code of Ordinances to allow fence easement encroachment agreements to be approved by the Planning Director or Designee after approval by the City Engineer or Designee.

The full text of Ordinance No. 08-140 is available for inspection at Lake Elmo City Hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: July 5, 2016

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof: _____ and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.

Public Hearing – Zoning Text Amendment – To amend the fencing regulations to allow administrative approval of encroachment agreements.

Becker stated that the current code the way it is written requires any easement encroachment agreement be approved by the City Council. This change would allow for those agreements to be approved administratively by staff. The current process is time consuming for staff as well as the resident and delays the issuing of the permit. The fee for this agreement is \$150.00, making a fence permit \$225.00. In the future, we might be able to reduce the fee with the reduced staff time.

Dunn is wondering why this was added in 2011 and how often this happens. Becker stated that it has happened quite a bit since she has been here. The new developments all have the utility easements located on the properties.

Larson asked what happens if there is conflicting rules between the City and the HOA. Becker stated that this change doesn't in effect change any of the rules other than who is allowed to make the approval. Wensman stated that the City does not regulate HOA covenants between property owners.

Public hearing opened at 7:20 pm

No one spoke and there was no written comments received.

Public hearing closed at 7:21 pm

M/S/: Fields/Dunn, would like to add a sentence at the end of the suggested motion to read that the fee be reduced to \$50 when the city Council considers the fee schedule.

M/S/P: Williams/Dunn, would like to make an amendment to the motion that the fee not be specified, but only that it be reduced. **Vote: 6-0, motion carried unanimously.**

Original motion as amended to add "that the fee be reduced when the City Council considers the fee schedule", **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Griffin, move to recommend approval of an ordinance to amend Chapter 154: Zoning Code; Section 205: Fencing Regulation; Subp. (D) (6) to allow approval of a fence easement encroachment agreement by the Planning Director or his/her designee after review and approval and furthermore recommends that the fee be reduced when the City Council considers the fee schedule, **Vote: 6-0, motion carried unanimously.**



CITY COUNCIL

DATE: 07/05/2016

CONSENT

ITEM #: 6

AGENDA ITEM: Amending Section 10.99 of the City Code regarding Penalties

SUBMITTED BY: Emily Becker, Planner

REVIEWED BY: Stephen Wensman, Planning Director

Sarah Sonsalla, City Attorney

BACKGROUND:

Paragraphs C-K, Administrative citations and civil penalties of Section 10.99 (Penalties) of the Lake Elmo City Code of Ordinances was created as an alternative method to criminal citations for enforcement of the City Code. The rationales for such penalties were that there is inherent delay in the criminal citation system that does not ensure prompt resolution; that citizens resent being labeled as criminals for violations of administrative regulations; and that the higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations.

City Attorney Sonsalla, upon review of these provisions, recommended that the City consider repealing them. She stated that in recent years, the Legislature has proclaimed that statutory cities such as Lake Elmo are not authorized by state law to have these types of penalties with the exception of such penalties for certain types of traffic citations that have a specific process set forth in state law.

ISSUE BEFORE COUNCIL:

The City Council is respectfully requested to adopt Ordinance No. 08-141, An Ordinance Amending the Lake Elmo City Code of Ordinances Pertaining to Administrative Citations and Civil Penalties.

PROPOSAL DETAILS/ANALYSIS:

The penalties section of the City Code (Section 10.99) currently outlines prohibited acts and penalties for violations. The enforcement options the Section provides include:

- Charge the violator with a misdemeanor and criminally prosecute (up to \$1000 fine or up to 90 days in jail).
- Deny pending City applications if applicable.
- Bring a civil action to stop the violations from occurring.
- Administrative citations/civil penalties.

A flow chart is attached to outline the administrative citation process along with Section as further explanation of the process.

FISCAL IMPACT:

According to research performed by Staff, recorded by former Staff, since June of 2013, there have been 31 citations issued totaling an amount of \$3900.00, \$500 of which was eventually waived.

OPTIONS:

1. Adopt Ordinance No. 08-141 and repeal the administrative penalties provisions of the City Code;
2. Not Adopt Ordinance No. 08-141. The administrative citations and civil penalties provisions will remain in the City Code; or
3. Suggest changes to Ordinance No. 08-141.

RECOMMENDATION:

Staff respectfully requests that the City Council adopt Ordinance No. 08-141 by consent on the Consent Agenda. If the item is removed from the Consent Agenda, then by making the following motion:

“Move to adopt Ordinance No. 08-141, An Ordinance Amending the Lake Elmo City Code of Ordinances Pertaining to Administrative Citations and Civil Penalties.”

ATTACHMENTS:

- Section 10.99: Penalties.
- Flow chart outlining paragraphs C-K of Section 10.99 of the City Code.
- Ordinance 08-141

punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.16 COPIES OF CODE.

The official copy of this code shall be kept in the office of the City Clerk for public inspection. The City Clerk shall provide a copy for sale for a reasonable charge.

§ 10.17 ADOPTION OF STATUTES AND RULES BY REFERENCE.

It is the intention of the City Council that, when adopting this code, all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

§ 10.18 STATUTORY RULES ADOPTED BY REFERENCE.

The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in M.S. Ch. 645, as it may be amended from time to time, are adopted by reference and made a part of this code. As so adopted, references in that M.S. Ch. 645 to laws and statutes mean provisions of the code and references to the legislature mean the City Council.
(1997 Code, § 100.03)

§ 10.99 GENERAL PENALTY.

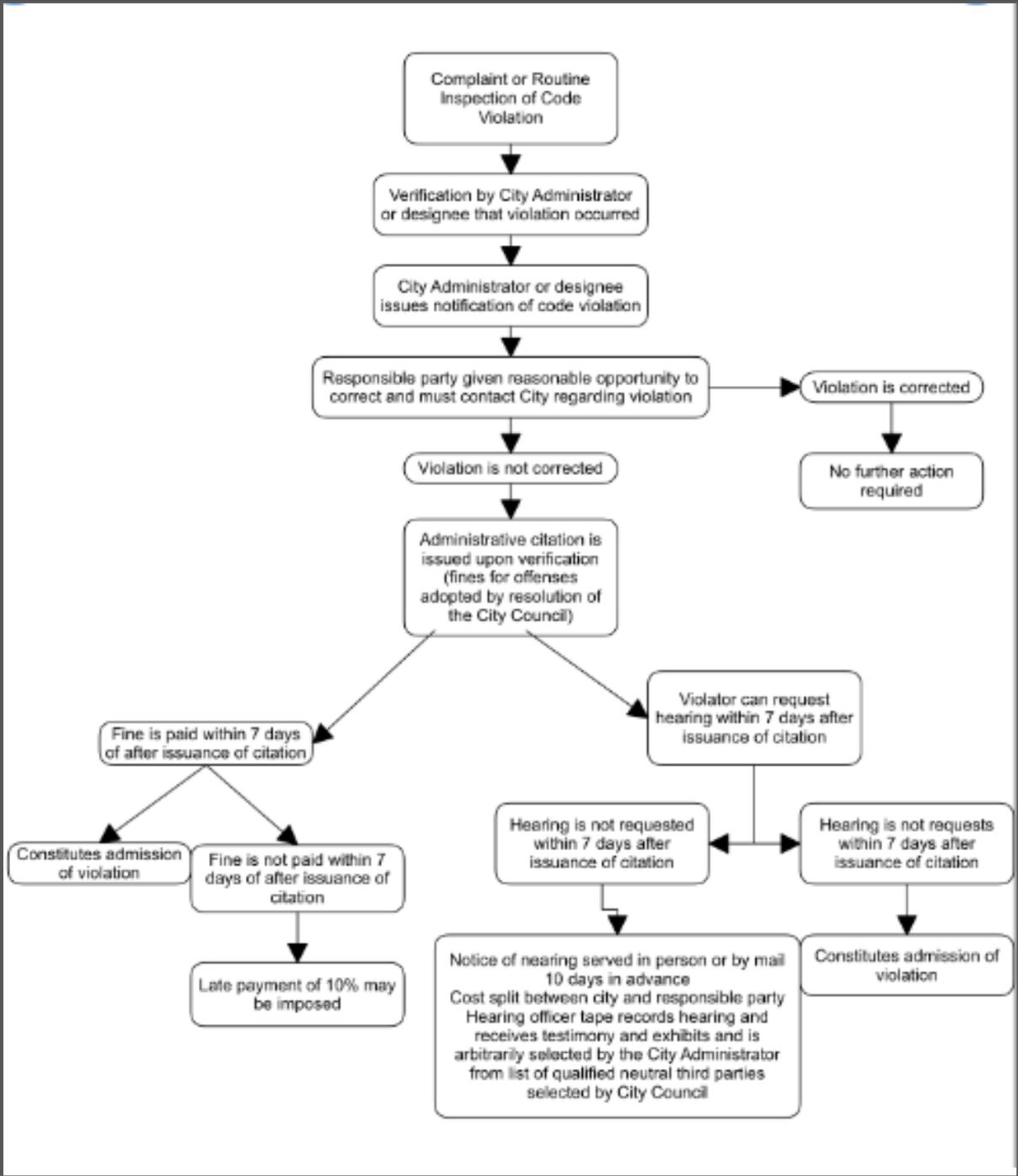
(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

Lake Elmo - General Provisions

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.



CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-141

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING
TO ADMINISTRATIVE CITATIONS AND CIVIL PENALTIES

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 10: Rules of Code Construction; Section 10.99: Penalties; paragraphs (C) through (K) by repealing these paragraphs in their entirety.

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

SECTION 3. Adoption Date. This Ordinance 08-141 was adopted on this ____ day of _____, 2016, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-141 was published on the ____ day of _____, 2016.



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/05/2016

CONSENT

ITEM #: 7

AGENDA ITEM: Rename Layton Avenue North to Wildflower Drive North
SUBMITTED BY: Emily Becker, City Planner
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Layton Avenue North, as designated on the Brookman 3rd Addition Plat, now extends to Wildflower Drive North, as designated on the Wildflower at Lake Elmo 1st Addition Plat. It has been requested to change the name of Layton Avenue North to Wildflower Drive North. The aforementioned street is the only street named Layton Avenue North in the city currently.

ISSUE BEFORE COUNCIL:

The Council should decide if renaming the street Layton Avenue North as designated on the Brookman 3rd Addition Plat to Wildflower Drive North is appropriate or not.

PROPOSAL DETAILS/ANALYSIS:

The proposal was made to create continuity and avoid confusion for drivers. The Wildflower Drive North was an approved street name on the Wildflower at Lake Elmo 1st Addition plat, and this street connects to Layton Avenue North directly.

FISCAL IMPACT:

None.

OPTIONS:

The Council may approve the renaming of Layton Avenue North as designated on the Brookman 1st Addition Plat to Wildflower Drive North or deny the renaming.

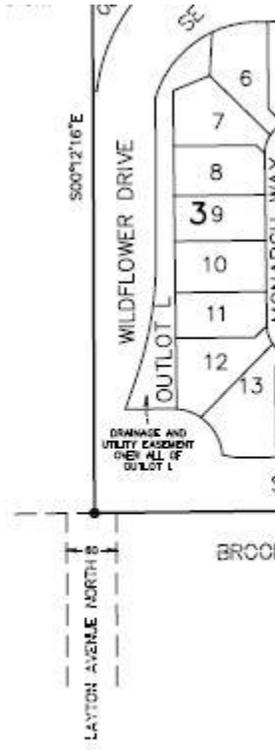
RECOMMENDATION:

Staff respectfully requests, as part of tonight's consent agenda, Council approve renaming Layton Ave North to Wildflower Drive North by adoption of Ordinance 08-145. If removed from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the renaming of Layton Avenue North as designated on the Brookman 1st Addition Plat to Wildflower Drive North.”

ATTACHMENTS:

- 1) Ordinance 08-145
- 2) Snapshot of Wildflower at Lake Elmo Final Plat showing location of Layton Avenue North as it relates to Wildflower Drive North.



CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-145

AN ORDINANCE RENAMING A STREET IN THE CITY OF LAKE ELMO.

SECTION 1. The City Council of the City of Lake Elmo hereby renames Layton Avenue North as platted in the Brookman 3rd Addition Plat:

SECTION 2.

Subd. 1. For the purpose of this ordinance, the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. Existing Street Name. The term existing street name shall mean the name by which a street is designated on the Brookman 3rd Addition Plat.

Subd. 3. New Street Name. The term new street name shall mean the name by which a street shall be known from and after the effective date of this ordinance.

SECTION 3. The Existing Street Name of Layton Avenue North as designated on the Brookman 3rd Addition Plat shall have a New Street Name of Wildflower Drive North.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 08-145 was adopted on this ___ day of _____ 2016, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-___ was published on the ___ day of _____, 2016.



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/2016

CONSENT

ITEM #: 7

AGENDA ITEM: Hunting Ordinance
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Sarah Sonsalla, City Attorney
Washington County Sheriff's Department

BACKGROUND:

In fall of 2015, City staff receive numerous complaint calls about illegal or perceived illegal hunting. In response, Planning Staff drafted an amendment to the Weapons Ordinance, Section 130.15 and held a public hearing at the January 11, 2016 Planning Commission meeting. No member of the public spoke at that public hearing, but the Planning Commission raised a number of issues including wanting to know how the changes related to the MN conceal and carry legislation. Because of the complexities of this Statute, Planning Staff had the City Attorney draft the Ordinance Amendment attached to this report.

The City Attorney has informed Planning Staff that the public hearing was not necessary because the Ordinance is not part of the City's zoning code.

ISSUE BEFORE COUNCIL:

The Council should consider approval of the new hunting ordinance and map.

PROPOSAL DETAILS/ANALYSIS:

Hunting is presently addressed by the Weapons Ordinance, Section 130.15. Section 130.15 prohibits hunting as follows:

(B) *Unlawful acts.* Except as otherwise provided in this section, it shall be unlawful for any person:

(1) To fire, discharge, release, throw, or in any other manner propel a weapon within 500 feet of a residence, whether or not inhabited, or any other structure or building or within 500 feet of any platted area in the city and , except on an approved target range;

The average resident is not likely to know the differences between platted and unplatted property, making self-enforcement difficult.

The new Hunting Ordinance is an amendment of the Weapons Ordinance, Section 130.15. The ordinance allows hunting in areas designated on a hunting map established by Council Resolution each year. This allows the City to adjust allowed hunting areas as the City grows and develops. The ordinance references a hunting map which will be updated by City staff from time to time as needed. The hunting map will be posted on the City's website and at City Hall and will enable residents a greater ability to determine where hunting is allowed and prohibited.

In addition to hunting, the amendment also amends Section 130.15B to align with conceal and carry law, MN Statute 624.714. Since the enactment of this statute, the City Attorney believes it is unlawful for the City of Lake Elmo to require a person carrying a loaded weapon to obtain written permission from a property owner in order to carry the weapon on the property. The Statute does allow the city to require written permission from a property owner for another to hunting on the property.

FISCAL IMPACT:

The proposed hunting ordinance will likely lessen the number of complaints taken by City Staff pertaining to illegal hunting and may eliminate costs associated to enforcement.

OPTIONS:

The City Council may approve or deny approval to the hunting ordinance.

RECOMMENDATION:

Staff respectfully requests, as part of tonight's consent agenda, that the Council approve the Ordinance 08-142 as it pertains to hunting in the City of Lake Elmo, Section 300.15, and Resolution 2016-55 approving summary publishing of the ordinance. If removed from the Consent Agenda, the recommended action can be completed through the following motions:

1. *“Move to approve Ordinance 08-142 as it pertains to hunting in the City of Lake Elmo, Section 300.15.”*
2. *“move to approve Resolution 2016-55 approving the summary publishing of Ordinance 08-142”*

ATTACHMENTS:

- 1) Ordinance 08-142.
- 2) Draft Hunting Map.
- 3) Resolution 2016-55 approving the summary publishing of ordinance 08-142.

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

ORDINANCE NO. 142

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING SECTION 130 OF THE CITY CODE WHICH REGULATES WEAPONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 130.15, paragraph (B) of the City Code by adding the double underlined language and deleting the ~~stricken~~ language as follows:

§ 130.15 POSSESSION, DISCHARGE, OR SALE OF WEAPONS

(B) *Unlawful acts.* Except as otherwise provided in this section, it shall be unlawful for any person:

(1) To fire, discharge, release, throw, or in any other manner propel a weapon within 500 feet of any residence, whether or not inhabited, or any other structure or building or within 500 feet of any platted area in the city, except on an approved target range;

(2) To ~~wear or carry a loaded weapon for hunting or other purposes~~ hunt on land not owned by the person ~~wearing or carrying the weapon,~~ hunting in the city, without specific written and dated permission of the owner of the land. The writing containing the permission shall also describe with reasonable accuracy the boundaries of the land owned by the owner giving the permission except on an approved target range.

SECTION 2. The City Council of the City of Lake Elmo hereby amends the City Code by inserting the following new sections in Section 130 of the Code as follows:

§ 130.16 RESTRICTIONS ON THE DISCHARGE OF FIREARMS; HUNTING.

No person may discharge any firearm or bow and arrow, or engage in hunting of any game birds or other animals by any means within the corporate limits of the city:

(A) Except as otherwise provided in this section;

(B) Unless discharged in lawful defense of person or property; or

(C) Unless the person is a duly authorized law enforcement officer engaged in the performance of his or her official duties.

§ 130.17 HUNTING REGULATIONS.

(A) Hunting with a shotgun or with a bow and arrow as authorized by the Minnesota Department of Natural Resources, state laws pertaining to trespass, and by landowner permission, is allowed but only in the areas established by the city council. No other firearms, including long

guns or hand guns, or any other weapon, except a bow and arrow, are permitted to be used for hunting within the city.

(B) The city council shall, by resolution, establish by map or other means the areas in which the discharge of shotguns and the use of a bow and arrow are allowed for hunting and the areas in which only the use of a bow and arrow is allowed for hunting. No hunting shall be allowed in other areas of the city.

§ 130.18 HUNTING TO MANAGE WILDLIFE

Notwithstanding anything herein to the contrary, the city’s law enforcement agency shall be entitled to issue permits to hunt in any area of the city to manage wildlife populations upon evidence that all required state permits have been secured and a determination by law enforcement that such hunting will not pose an undue risk to public health and safety.

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

SECTION 5. Adoption Date. This Ordinance No. ¹⁴²_____ was adopted on this _____ day of _____, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

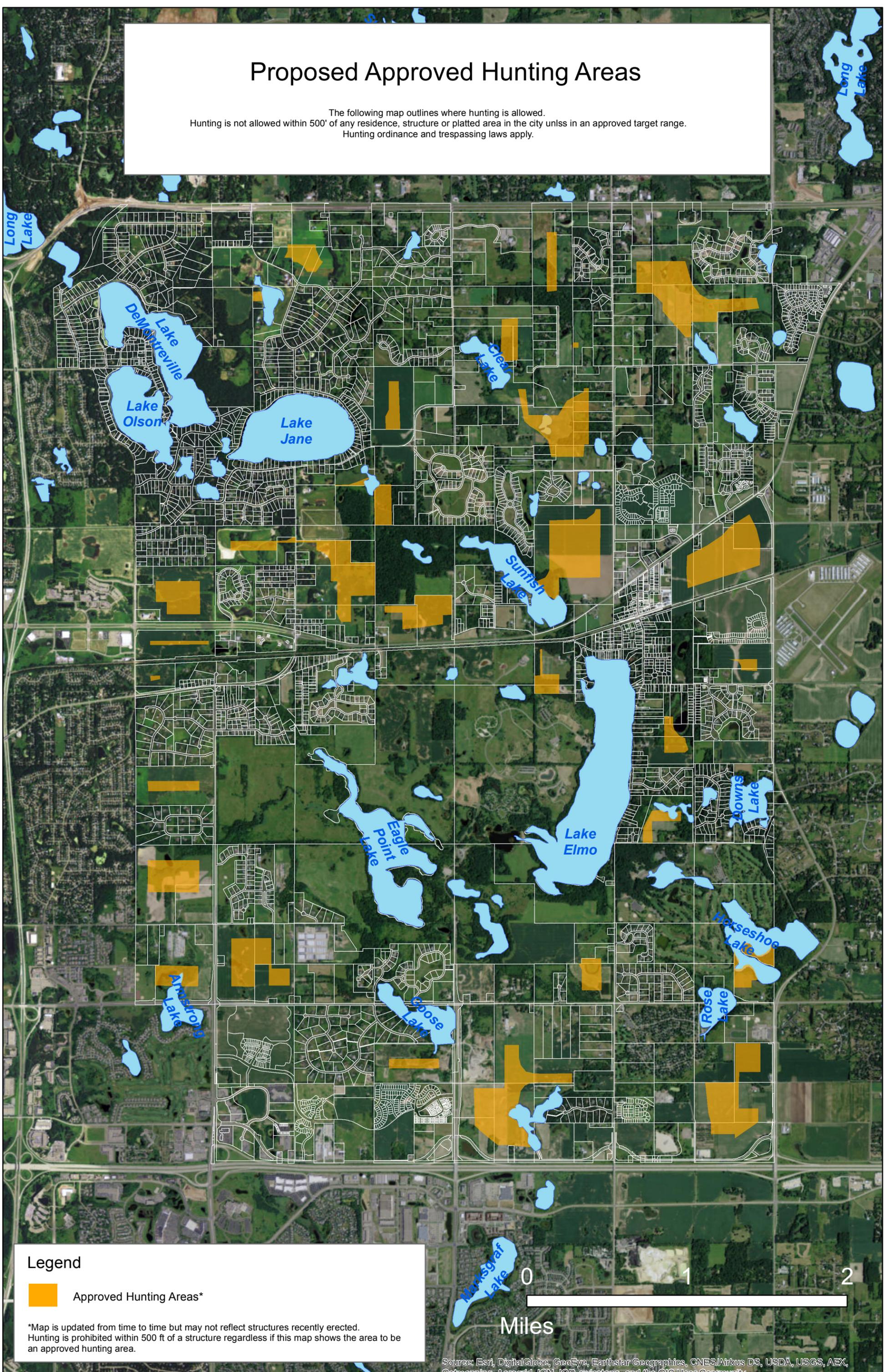
ATTEST:

Julie Johnson, City Clerk

This Ordinance ¹⁴²_____ was published on the _____ day of _____, 2016.

Proposed Approved Hunting Areas

The following map outlines where hunting is allowed.
Hunting is not allowed within 500' of any residence, structure or platted area in the city unless in an approved target range.
Hunting ordinance and trespassing laws apply.



Legend

 Approved Hunting Areas*

*Map is updated from time to time but may not reflect structures recently erected.
Hunting is prohibited within 500 ft of a structure regardless if this map shows the area to be an approved hunting area.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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

RESOLUTION NO. 2016-55

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-142 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-142, an ordinance to amend Section 130 of the Lake Elmo City Code which regulates weapons; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-142 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-142, which amends the Chapter 130: General Offenses:

- By amending Section 15: Possession, discharge, or sale of weapons, to replacing language that makes it unlawful to wear or carry a loaded weapon with language that makes it unlawful to hunt on land not owned by the person or without specific written and dated permission of the owner.
- By inserting Section 16: Restrictions on the discharge of firearms; that restricts hunting of any game birds or other animals.
- By inserting Section 17: Hunting regulations, that establishes restrictions on hunting by establishing a map that designates areas in which the discharge of shotguns and the use of a bow and arrow are allowed for hunting.
- By inserting Section 18: Hunting to manage wildlife, that entitles law enforcement to issue permits to hunt in any area of the city to manage wildlife populations.

The full text of Ordinance No. 08-142 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: July 5, 2016

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof: _____ and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.



MAYOR & COUNCIL COMMUNICATION

DATE: 07/05/2016

CONSENT

ITEM # 9

AGENDA ITEM: Appointing 2016 Election Judges

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: City Administrator, Administrative Intern

BACKGROUND: Pursuant to Section 204B.21 of the Minnesota Election Laws, election judges shall be appointed by the municipality. The appointments shall be made at least 25 days before the election at which the judges will serve. The election judges are required to receive compensation equal to at least the prevailing Minnesota minimum wage for each hour spent carrying out duties at the polling place and attending training.

Staff is requesting the individuals listed on the attached Election Judges List be appointed to serve as election judges for the August 9, 2016 Primary Election and November 8, 2016 General and City Election at the hourly rate of \$10.00 for election judges and \$11.00 for head election judges.

The attached list of Election Judges is not conclusive and may be amended as needed by the City Clerk up to 25 days prior to the Primary and General elections.

FISCAL IMPACT: There will be a cost for paying election judges, \$10.00 per hour for election judges and \$11.00 per hour for head judges. These expenses are included in the 2016 Budget.

RECOMMENDATION: As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

“Move to approve Resolution No. 2016-52, Appointing 2016 Election Judges.”

ATTACHMENTS:

1. Resolution No. 2016-52
2. List of 2016 Election Judges

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

RESOLUTION NO. 2016-52

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE 2016 PRIMARY AND
GENERAL ELECTION**

WHEREAS, pursuant to Section 2014B.21 of the Minnesota Election Laws, Election judges shall be appointed by the municipality; and

WHEREAS, the appointments shall be made at least 25 days before the election at which the judges will serve; and

WHEREAS, election judges and election judge trainees shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out duties at the polling place and attending training.

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

WHEREAS, the Lake Elmo 2016 Primary and General Election Judge appointments consist of individuals recommended by the City Clerk with the approval by majority of the City Council and,

WHEREAS, the list of Election Judges may be amended by the City Clerk as needed up to 25 days prior to the Primary or General Election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the individuals listed on the attached Election Judges List are appointed to serve as election judges for the August 9, 2016 Primary Election and the November 8, 2016 General and City Election at the hourly rate of \$10.00 for election judges and \$11.00 for head election judges.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS 5th DAY OF
JULY, 2016.**

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson,
City Clerk

(SEAL)

2016 Election Judges

Barb Kiesling
Barbra Bjorkman
Bill Wacker
Dan O'Connor
Diane Allen
Donald Slinger
Gail M Olson
Jackie Pierre
James Roth
Jan Kiefner
Jan Krueger
Janet Carlson
Janice Roth
Jean Olinger
Jim Allen
Jim Carlson
JoAnne Meyer
Linda Wagner
Lisa Quinn
Michael Burrell
Patricia O'Donnell
Phyllis Paulson
Robert Schumacher
Sallyann Wacker
Sharon Simpson
Shirley Durand
Tom O'Donnell
Wendy Tait Loos
Mary Grundeen
Susan Dunn
Margot Rheinberger
Joe Rheinberger



MAYOR AND COUNCIL COMMUNICATION

DATE: July 5, 2016
CONSENT
ITEM #: 10
MOTION Resolution 2016-56

TO: Mayor and City Council
FROM: Julie Johnson, City Clerk
REVIEWED BY: Cathy Bendel, Finance Director
AGENDA ITEM: Job Classification for PERA purposes; Part-time Fire Department Administrative Assistant

BACKGROUND:

State statute 353.64 permits governments to allow non full-time employees to participate in the Police and Fire PERA defined benefit Plan, provided the fire service position regularly engages the employee in the hazards of fire-fighting as an employee of a designated fire department.

In 2013 when the part-time Fire Department Administrative Assistant position was proposed and approved, the recommendation from PERA was that this position should be eligible to participate in the Police and Fire PERA defined benefit Plan. This was based on the fact that this position was filled by a fire-fighter who can be called to respond to a fire anytime, in addition to performing many firefighter specific functions as listed in the job description.

As a result, the part-time Fire Department Admin was set up as eligible to participate in the Fire-fighter PERA Plan.

Anytime a non-full-time employee is added to the Police and Fire PERA benefit plan, PERA requires that a resolution must be passed by the City Council and provided to them to initialize the PERA account for the employee.

ISSUE BEFORE COUNCIL:

Should the City make a declaration and approve a resolution which allows for the employee in this part-time Fire Department Administrative position to be eligible to participate in the Police and Fire PERA Benefit plan (EE = 10.8%, ER = 16.2%) rather than the Basic PERA benefit Plan (EE = 6.5%, ER = 7.5%).

PROPOSAL DETAILS/ANALYSIS:

Staff recommends that this part-time fire department position continue to be eligible to participate in the Police and Fire PERA Benefit plan.

FISCAL IMPACT: None – position was budgeted to be participating in the Police and Fire PERA benefit Plan.

RECOMMENDATION:

“Move to approve Resolution 2016-56 declaring that the part-time Fire Department Administrative Assistant, Nick Witter, be eligible to participate in the Police and Fire PERA Benefit Plan effective as of 4/20/16.”

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

RESOLUTION NO. 2016-56

FIREFIGHTER DECLARATION

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for a non-full-time fire fighter provided the fire service position regularly engages the employee in the hazards of fire fighting as an employee of a designated fire department.

BE IT RESOLVED that the City Council of City of Lake Elmo hereby declares that the position of Part Time Fire Assistant currently held by Nick Witter is, for primary services provided, that of a firefighter engaged in the hazards of fire fighting; and,

BE IT FURTHER RESOLVED, that this governing body hereby requests that the named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire Plan salary deduction by the governmental subdivision

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: July 5, 2016
CONSENT
ITEM # 11

AGENDA ITEM: 2016 Street, Drainage, and Utility Improvements – Change Order No. 1

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS *if removed from the Consent Agenda*:

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: \$32,976.55.

This change order increases the contract amount for the project by \$32,976.55 bringing the revised construction contract to \$1,222,586.88. With this change order the project remains within the authorized project budget and contingencies.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Change Order No. 1 for the 2016 Street, Drainage, and Utility Improvements project.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

This change order is being processed at the request of the City for additional roadway drainage improvements within the Stonegate neighborhood, including roughly 1,200 feet of draintile to protect the new street. During the construction process there were two areas along the street improvement corridor that showed standing water within the subgrade once the street surface

was excavated. Drintile was installed in each of these areas to drain the roadway section to mitigate premature failure of the roadway due to inadequate drainage during the freeze/thaw cycles. In a third area, after exposing the street subgrade, a drintile was discovered that was discharging directly into the street, again saturating the subgrade. Drintile was routed and connected into the storm sewer system to prevent damage to the new pavement and protect the integrity of the concrete curb.

RECOMMENDATION:

Staff is recommending that the City Council approve, *as part of the Consent Agenda*, Change Order No. 1 for the 2016 Street, Drainage, and Utility Improvements project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Change Order No. 1 for the 2016 Street, Drainage, and Utility Improvements thereby increasing the contract amount by \$32,976.55”.

ATTACHMENT(S):

1. Change Order No. 1.

CHANGE ORDER NO. 1

2016 STREET, DRAINAGE AND UTILITY IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2015.129

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CHANGE ORDER			DESCRIPTION / JUSTIFICATION
			QUANTITY	UNIT PRICE	AMOUNT	
CO1-1	MOBILIZATION	LS	1.0	\$1,000.00	\$1,000.00	This change order is being processed to amend the Contract for the installation of draintile, cleanouts, concrete headwalls, and connection of the draintile to the existing storm sewer at the following locations: 1) On each side of Jasmine Ave North (Station 51+40 to 53+40). 2) Around the outer edge and inner landscape area of the 9th Street N cul de sac. 3) The north side of Jasime Ave North located (Station 44+40 to 46+00).
CO1-2	4" PVC PERFORATED EDGE DRAIN WITH BACKFILL & WRAP	LF	1,179.0	\$19.45	\$22,931.55	
CO1-3	DRAINTILE CLEANOUT	EA	11.0	\$330.00	\$3,630.00	
CO1-4	PRECAST CONCRETE HEADWALL	EA	2.0	\$295.00	\$590.00	
CO1-5	CORE DRILL INTO EXISTING STORM SEWER	EA	5.0	\$825.00	\$4,125.00	
CO1-6	CONNECT TO EXISTING DRAINTILE	EA	2.0	\$350.00	\$700.00	

TOTALS - CHANGE ORDER NO. 1

\$32,976.55



MAYOR & COUNCIL COMMUNICATION

DATE: July 5, 2016
CONSENT
ITEM # 12

AGENDA ITEM: Inwood Trunk Watermain Improvements – Change Order No. 1

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS *if removed from the Consent Agenda*:

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: \$2,200.

This change order increases the contract amount for the project by \$2,200 bringing the revised construction contract to \$1,413,937.31. With this change order the project remains within the authorized project budget and contingencies.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Change Order No. 1 for the Inwood Trunk Watermain Improvement project.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

This change order is being processed at the request of the City for two additional items. Two fire hydrants installed in the ditch along Inwood Avenue needed to be raised in order to maintain proper cover on the pipe to prevent freezing. A field change to use fittings instead of the planned hydrant extension was determined to be the most cost effective way to address the change.

The plans required the contractor to salvage and re-install a storm sewer flared end section at 21st Street North. While excavating the existing flared end it was discovered to be in poor condition and could not be salvaged. A new section was installed to maintain proper stormwater drainage once the watermain improvements were installed.

RECOMMENDATION:

Staff is recommending that the City Council approve, *as part of the Consent Agenda*, Change Order No. 1 for the Inwood Trunk Watermain Improvements project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Change Order No. 1 for the Inwood Trunk Watermain Improvements, thereby increasing the contract amount by \$2,200”.

ATTACHMENT(S):

1. Change Order No. 1.

CONTRACT CHANGE ORDER FORM

CITY OF LAKE ELMO, MINNESOTA INWOOD TRUNK WATERMAIN IMPROVEMENTS PROJECT NO. 2014.130	FOCUS ENGINEERING, inc.
--	--------------------------------

CHANGE ORDER NO. 1 **DATE:** June 27, 2016

TO: NORTHDALE CONSTRUCTION COMPANY, INC. 9760 71ST STREET NE ALBERTVILLE, MN 55301

This Document will become a supplement to the Contract and all provisions will apply hereto. The Contract Documents are modified as follows upon execution of this Change Order.

CHANGE ORDER DESCRIPTION / JUSTIFICATION:

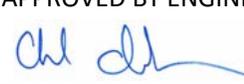
This change order is being processed to provide compensation for the time and materials to install offsets on two hydrants. This was completed to maintain cover over pipe in the County ditches. Additionally this change order provides compensation for the installation of an 18-inch flared end section at 21st Street North. The existing flared end was found to be in poor condition and could not be salvaged as planned.

Attachments (list documents supporting change): None

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
CO1-1	HYDRANT OFFSET	EA	2	\$500.00	\$1,000.00
CO1-2	18" FLARED END SECTION	EA	1	\$1,200.00	\$1,200.00
NET CONTRACT CHANGE					\$2,200.00

Amount of Original Contract	\$ <u>1,411,737.31</u>
Sum of Additions/Deductions approved to date (CO Nos.)	\$ <u>0.00</u>
Contract Amount to date	\$ <u>1,411,737.31</u>
Amount of this Change Order (ADD) (DEDUCT) (NO CHANGE)	\$ <u>2,200.00</u>
Revised Contract Amount	\$ <u>1,413,937.31</u>

The Contract Period for Completion will be (UNCHANGED) (~~INCREASED~~) (~~DECREASED~~) 0 days

<p>APPROVED BY ENGINEER: FOCUS Engineering, inc.</p> <p></p> <p>_____ ENGINEER</p> <p><u>6/27/2016</u> _____ DATE</p>	<p>APPROVED BY CONTRACTOR</p> <p>_____ BY</p> <p>_____ DATE</p>
<p>APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA</p> <p>_____ BY</p> <p>_____ DATE</p>	



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/16

CONSENT

ITEM #: 13

AGENDA ITEM: Comprehensive Plan Text Amendment to Rural Single Family Land Use Designation

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Emily Becker, City Planner

BACKGROUND:

On April 19, 2016, the Lake Elmo City Council approved a Comprehensive Plan Text Amendment to the City's Wastewater Facilities Plan by adding three properties to the Village MUSA. The Metropolitan Council, upon reviewing the amendment, requested that the Rural Single Family land use designation be amended to be in compliance with areas guided for sewer. The Comprehensive Land Use Plan designation is defined as being served by private on-site well and septic systems. Staff originally proposed an amendment to the current Rural Single Family land use designation to allow for sewer in a MUSA. After the public hearing held on June 13, 2016, and prior to the 6/21/16 City Council meeting, it was suggested that it might be better to create a new land use category similar to the Rural Single Family category, but for areas within the MUSA that will remain served by private on-site septic systems except where the City Council deems connection to municipal sanitary sewer practical. This proposed amendment will also re-guide all properties currently guided for Rural Single Family within a MUSA area to Rural Single Family – Sewered. These proposed amendments will have no impact on current or future density. While amending the category descriptions, Staff proposes to fix the incorrect reference to corresponding zoning districts. These corresponding districts are no longer R1 and R2, but rather RS – Rural Single Family. The two areas proposed to be reguided to Rural Single Family-Sewered are the MUSA areas in the Old Village and in the Tri-Lakes.

ISSUE BEFORE COUNCIL:

The Council is respectfully being asked to consider a Comprehensive Plan Text Amendment:

- to correct the reference to corresponding zoning districts in the existing Rural Single Family land use category description; and
- to create a new Rural Single Family – Sewered land use category that will allow municipal sanitary sewer where deemed practical by the City Council in MUSA areas; and
- to guide the properties currently guided for Rural Single Family within a MUSA area to Rural Single Family – Sewered.

PROPOSAL DETAILS/ANALYSIS:

The current Rural Single Family planned land use category description reads:

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

The category as defined is served by private on-site well and septic systems. In addition, the description references zoning districts that are no longer in existence. The amended land use description will reference the RS – Rural Single Family as the corresponding zoning district (deleted text is crossed out and inserted text is underlined):

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): ~~R-1, R-2~~ RS – Rural Single Family].

The proposed new land use category, Rural Single Family – Sewered, will allow on-site well and septic systems, unless the City Council considers connection to the sanitary sewer where practical. As amended above, the corresponding zoning district is RS - Rural Single Family. The proposed Rural Single Family-Sewered land use category is described as (inserted text is underlined):

RURAL SINGLE FAMILY- SEWERED – This category defines a portion of the City that was historically platted for conventional subdivision prior to 2005 that has historically been serviced by private on-site well and septic systems, located within a MUSA area, and may continue to be serviced by private on-site well and septic systems unless the City Council deems connection to the sanitary sewer system practical. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): RS – Rural Single Family].

The areas currently guided as Rural Single Family in the Old Village MUSA and the Tri-Lakes MUSA are proposed to be reguided to Rural Single Family – Sewered. Maps depicting the affected properties have been attached to this report.

This proposed amendment has been reviewed by the Metropolitan Council Staff and will require formal Metropolitan Council approval.

PUBLIC HEARING:

A public hearing on the Comprehensive Plan Text Amendment was held on June 13, 2016. Nobody from the public spoke for or against the amendment. During the Planning Commission discussion, Commissioner Dunn opposed the amendment, stating that residents should have a choice whether or not to connect to municipal sanitary sewer. The Planning Commission recommended approval of the Amendment.

FISCAL IMPACT:

None.

OPTIONS:

The City Council should consider whether the amended land use category description is acceptable or not.

RECOMMENDATION:

Staff and the Planning Commission respectfully request, as part of tonight’s consent agenda, that the City Council approve the Comprehensive Plan Text Amendment amending the Rural Single Family land use category to fix incorrect zoning code references, creating a new land use category called Rural Single Family – Sewered, and reguiding of areas currently guided as Rural Single Family that are within a MUSA to Rural Single Family – Sewered. Comprehensive Plan Text Amendments require a 4/5 affirmative vote of the City Council and Metropolitan Council approval.

If removed from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve Resolution 2016-50 Amending the City of Lake Elmo Comprehensive Land Use Plan amending the Rural Single Family land use category to fix incorrect zoning code references, creating a new land use category called Rural Single Family – Sewered, and reguiding of areas currently guided as Rural Single Family that are within a MUSA to Rural Single Family – Sewered.”

ATTACHMENTS:

- 1) Resolution 2016-50
- 2) Planning Commission Report
- 3) June 13, 2016 Planning Commission Minutes
- 4) Tri-lakes MUSA area
- 5) Old Village MUSA area

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

RESOLUTION NO. 2016- 50

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO COMPREHENSIVE LAND USE PLAN RURAL SINGLE FAMILY LAND USE CATEGORY DESCRIPTION, ADDING A NEW RURAL SINGLE FAMILY – SEWERED LAND USE CATEGORY; AND REGARDING AREAS WITH RURAL SINGLE FAMILY DESIGNATION IN MUSA AREAS TO RURAL SINGLE FAMILY – SEWERED.

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

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

WHEREAS, The City Council has approved the Old Village Phase 2 Street and Utility Improvement Project which will extend municipal sanitary sewer to some properties within the Old Village MUSA ; and

WHEREAS, the City has approved projects to connect properties within the Tri-Lakes Sewer Service Area to sanitary sewer;

WHEREAS, many of the properties within these areas have the land use designation of Rural Single Family in the City of Lake Elmo Comprehensive Plan; and

WHEREAS, the Rural Single Family land use definition states these properties have been and will continue to be serviced by private on-site well and septic systems; and

WHEREAS, the Rural Single Family land use definition should be amended to allow for municipal sanitary sewer connection consistent with the City's practice; and

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

Findings

1. The text amendment will not impact lot density or any other standards for the affected properties.
2. The Metropolitan Council has administratively reviewed the text amendment has appeared to have no objection and had waived adjacent jurisdictional review.

3. The expansion of the MUSA is consistent with improving the health, safety and welfare of the City of Lake Elmo residents.
4. The text amendment will remove an inconsistency between the MUSA designation and Land Use category definition in the City's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that based on the foregoing, the Lake Elmo City Council does hereby approve the Lake Elmo Comprehensive Plan Text Amendment amending the Rural Single Family Land Use category description, creation of a new Rural Single Family – Sewered category and regarding areas with Rural Single Family designation in MUSA areas to the Rural Single Family - Sewered, subject to and contingent upon the following:

1. The Metropolitan Council's approval of the Comprehensive Plan Text Amendment.

This resolution was adopted by the City Council of the City of Lake Elmo on this 5th day of July, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



PLANNING COMMISSION
DATE: 6/13/16
AGENDA ITEM: 4D – PUBLIC HEARING
CASE # 2016-19

ITEM: Comprehensive Plan Text Amendment to Rural Single Family Land Use Designation

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner
Lisa Barajas, Metropolitan Council

SUMMARY AND ACTION REQUESTED:

The Planning Commission is requested to review a Comprehensive Plan Text Amendment to bring the planned official land use plan category, Rural Single Family, into compliance with the Comprehensive Plan's Wastewater Facilities Plan as recently amended. Staff is recommending the Planning Commission recommend approval of the Comprehensive Plan Text Amendment.

GENERAL INFORMATION

Applicant: City of Lake Elmo

Location: Areas guided as Rural Single Family

Request: A Comprehensive Plan Text Amendment to bring the planned official land use plan category, Rural Single Family, into compliance with the Comprehensive Plan's Wastewater Facilities Plan as recently amended.

History: On 4/19/16, the City Council approved an amendment to the Village MUSA to add three properties. The Metropolitan Council requested that the Rural Single Family land use designation be amended to be in compliance with areas guided for sewer.

REQUEST DETAILS:

The Lake Elmo City Council, on April 19, 2016, approved a Comprehensive Plan Text Amendment to the City's Wastewater Facilities Plan by adding three properties to the Village MUSA. The Metropolitan Council, upon reviewing the amendment, requested that the Rural Single Family land use designation be amended to be in compliance with areas guided for sewer. Presently, there are two areas where properties guided for Rural Single Family are within a MUSA area; the Old Village and in the Tri-Lakes area near Oakdale.

The current Rural Single Family planned land use category reads:

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): R-1, R-2]

The category as defined is served by private on-site well and septic systems. In addition, the definition references zoning districts that are no longer in existence. The corresponding zoning district is RS - Rural Single Family. The proposed definition will allow on-site well and septic systems, unless the City Council considers connection to the sanitary sewer practicable. The corresponding zoning district is RS - Rural Single Family. The proposed Rural Single Family planned land use category reads (inserted text is underlined):

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems unless within a Metropolitan Urban Service Area (MUSA). If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): RS – Rural Single Family]

ANALYSIS:

The RS-Zoning District as defined in City Code Section 154.400, D. reads:

RS Rural Single Family District. The RS District is established for lands that have already been platted as conventional residential subdivisions prior to the 2005 adoption of the Comprehensive Land Use Plan. This district provides an environment of predominantly single-family detached dwellings on moderately sized lots in areas that have typically not been provided with public sanitary sewer services.

Staff believes the definition of RS - Rural Single Family suggests on-site septic systems, but does not preclude them from connecting to public sewer. No change to the RS Rural Single Family definition is needed and the proposed Comprehensive Plan Text Amendment will bring the Land Use Plan in compliance with the Wastewater Facilities Plan without changing existing densities, setbacks, etc.

DRAFT FINDINGS:

The City Code does not require specific findings for comprehensive plan amendments, however, Staff is suggesting the following findings in support of the amendment:

1. The comprehensive plan text amendment will bring the Lake Elmo Comprehensive Land Use Plan into conformity with the Comprehensive Wastewater Facilities Plan.
2. The comprehensive plan text amendment will not affect underlying density or zoning code regulations.

- 3. The Metropolitan Council has administratively reviewed the amendment, has no objection, and had waived adjacent jurisdictional review.

RECOMMENDATION:

Staff is recommending the Planning Commission recommend approval of the Comprehensive Plan Text Amendment with the following motion:

“Move to recommend the City Council approve the comprehensive plan text amendment to amend the planned land use category in the Comprehensive Land Use Plan to read:

RURAL SINGLE FAMILY – This category defines a large portion of the City that was historically platted for conventional subdivision prior to 2005, but has been and will continue to be serviced by private on-site well and septic systems unless within a Metropolitan Urban Service Area (MUSA). If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. Limited locations within this classification are allowed to have two-family dwellings based on zoning. [Corresponding Zoning District(s): RS – Rural Single Family]

ATTACHMENTS:

- None

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



**City of Lake Elmo
Planning Commission Meeting
Minutes of June 13, 2016**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dunn, Fields, Larson, Griffin, Dodson, and Williams.

COMMISSIONERS ABSENT: Haggard, Kreimer, & Lundquist

STAFF PRESENT: Planning Director Wensman & City Planner Becker

Approve Agenda:

Agenda is approved as presented.

Approve Minutes: May 23, 2016

M/S/P:Dunn/Fields, move to approve the May 23, 2016 minutes as amended, **Vote: 4-0, motion carried with Griffin and Dodson not voting.**

Public Hearing – Easement Vacation 8574 Eagle Point circle

Becker started her presentation regarding the easements related to Auto Owners water mains and hydrants. The city moved the location of the water mains and hydrants, so new easements were recorded. Auto Owners is requesting the old easements be vacated.

Public hearing opened at 7:07 pm

No one spoke

There was written comment from Machine Shed, but once the application was explained to them, they were fine with the item.

Public hearing closed at 7:08 pm

Dunn stated it was straight forward and she has no issue with it.

M/S/P: Dunn/Griffin, move to recommend approval of the request to vacate the easement as outlined in Exhibit B-2/2138129 Water Main Easement as recorded, **Vote: 6-0, motion carried unanimously.**

Lake Elmo Planning Commission Minutes; 6-13-16

Public Hearing – Zoning Text Amendment – To amend the fencing regulations to allow administrative approval of encroachment agreements.

Becker stated that the current code the way it is written requires any easement encroachment agreement be approved by the City Council. This change would allow for those agreements to be approved administratively by staff. The current process is time consuming for staff as well as the resident and delays the issuing of the permit. The fee for this agreement is \$150.00, making a fence permit \$225.00. In the future, we might be able to reduce the fee with the reduced staff time.

Dunn is wondering why this was added in 2011 and how often this happens. Becker stated that it has happened quite a bit since she has been here. The new developments all have the utility easements located on the properties.

Larson asked what happens if there is conflicting rules between the City and the HOA. Becker stated that this change doesn't in effect change any of the rules other than who is allowed to make the approval. Wensman stated that the City does not regulate HOA covenants between property owners.

Public hearing opened at 7:20 pm

No one spoke and there was no written comments received.

Public hearing closed at 7:21 pm

M/S/: Fields/Dunn, would like to add a sentence at the end of the suggested motion to read that the fee be reduced to \$50 when the city Council considers the fee schedule.

M/S/P: Williams/Dunn, would like to make an amendment to the motion that the fee not be specified, but only that it be reduced. **Vote: 6-0, motion carried unanimously.**

Original motion as amended to add "that the fee be reduced when the City Council considers the fee schedule", **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Griffin, move to recommend approval of an ordinance to amend Chapter 154: Zoning Code; Section 205: Fencing Regulation; Subp. (D) (6) to allow approval of a fence easement encroachment agreement by the Planning Director or his/her designee after review and approval and furthermore recommends that the fee be reduced when the City Council considers the fee schedule, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – To amend the accessory Structure Regulations

Becker stated that staff is bringing forward 3 suggested changes to the accessory structure ordinance. The first is to exempt fish houses to the requirement that a primary structure not be required prior to a fish house being located on the lot. The second is removing the portion of the code that allows an accessory structure to be located closer to the front lot line by resolution. Staff would like this removed because it is essentially granting a variance without the requirement to go through the variance process. The third change is to change the size of a tool shed from a maximum of 160 square feet to 200 square feet and move that to the exempted section with one being allowed on a residential lot.

Dodson is wondering why a fishhouse would be any different than something like a camper trailer. Wensman stated that the concern was that there would be storage on vacant lots if there are not specific standards.

Williams was wondering if the tool shed size is calculated into the overall size of accessory structure. Becker stated that no it would not be included for size or number.

Dodson thinks it might be beneficial to have the 120 square feet in the definition. Becker stated that there are fish houses that are larger. The size limit only applies if there is no primary structure.

Public hearing opened at 7:47 pm

No one spoke and there was no written comments received.

Public hearing closed at 7:48 pm

Williams is not in favor of exempting the tool shed from size and number in all districts and thinks it should adhere to the limitations of the district. Wensman stated that if that is the direction the Planning Commission wants to go, there should be some language added in the old "F" and would specify one.

M/S/P: Williams/Fields, move to change the wording of the definition for storage or tool sheds to be: Storage or Tool sheds: One storage or tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings, provided it complies with the maximum area requirements of the zoning district, providing a principal structure exists on the lot. ***Vote: 6-0, motion carried unanimously.***

Williams is wondering about separate lots of record owned by the person who lives next door. This might open up the door for someone to have a fishhouse on both lots.

Becker stated as it is written, that could happen. Williams is uncomfortable with this possibility because it could create a lot of clutter for the neighbors.

Dodson thinks that this seems like a really small problem and that there is not a lot of lots this would pertain to. Dodson wants the 3 proposals to be separate motions.

Williams would like to separate out the fishhouse portion and know how many parcels this would apply to.

M/S/P:Dodson/Williams, Move to recommend approval of Ordinance 08- the exception to 154.406, subd D, and the definition of “storage or tool shed” as amended, **Vote: 6-0, motion carried unanimously.**

Becker stated that there is roughly 50 parcels that are adjacent to the lake and could potentially put a fishhouse on the lot without a primary structure. Fields is comfortable with the language written as this is not a permanent structure.

M/S/P:Williams/Dodson, move to recommend the following finding of fact that there is some concern that if every one of these lots had a fishhouse, it may lead to complaints by the neighbors. **Vote: 6-0, motion carried unanimously.**

M/S/P: Dunn/Griffin, Move to recommend approval of the accessory structure ordinance as it pertains to fishhouses as amended, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Comprehensive Plan Text Amendment to allow connection to sanitary sewer in Rural Single Family zoning where practical.

Wensman stated that the Met Council suggested that we amend the definition of the rural single family definition in the Comprehensive Plan so that it would allow connections to sanitary sewer where reasonable.

Dodson would like it to also read to municipal water where practical. Wensman stated that we are really just talking about areas in the MUSA and the water system extends outside the MUSA.

Williams is wondering about the term practical. Wensman stated that it was what was suggested by Lisa Barajas at the Met Council. Williams asked what if the resident did not want to connect. Wensman stated that the connection would be determined by the City Council.

Dunn would like the “when practical” changed to “when requested”, which gives the resident much more control. Wensman stated that the MUSA dictates where the sewer can go, but this basically allows for Rural Single Family to connect.

Public hearing opened at 8:34 pm

No one spoke and there was no written comments received.

Public hearing closed at 8:35 pm

Dunn would like to see the option of sewer or private septic. She doesn't think that they should be forced to connect to sewer. Wensman stated that the comprehensive Plan is not in compliance with the projects that we are doing. If we don't do this amendment, the land use designation would need to be changed.

M/S/P: Fields/Dodson, Move to recommend the City Council approve the comprehensive plan text amendment to amend the planned land use category in the Comprehensive Land Use Plan to read as written, **Vote: 5-1, motion carried. Dunn voted no because she feels it is important that people have an option regarding connection.**

Business Item – Zoning Text Amendment to discuss the VMX Zoning Text .

Wensman began his presentation by showing the areas that are zoned as general business, but guided as VMX in the Comprehensive Plan. To bring the zoning into compliance with the Comprehensive Plan, Wensman would like to see these properties rezoned. Wensman believes by rezoning, it would actually eliminate some non conformities. The area that would change the most, would be in the Northern area by 39th Street. Wensman stated that this was intended to bring the district more in conformance than it is now and should be done as a district vs. one at a time. If there are things about the district that the Commission does not like, then changes should be made to the district.

Dunn feels that the premise is based on the Village Master Plan. Where is the master plan? Wensman stated that the plan was based on transfer of density and he is not sure what happened to that plan. Dunn did a rough calculation on what could be done if the maximum densities were used. With her calculation, there is potential for upwards of 3000 people. She feels it is quite intense and not appropriate for this target area. She would like to see more work done on the reductions for the comprehensive plan and possibly look at form based code. Dunn would like to see the Comprehensive Plan revisited as soon as possible for population reductions. She thinks we should take our time and do this right.

Dunn pointed out some of the differences between GB and VMX. She feels one of the biggest differences is the impervious surface coverage maximum goes from 40% based on acreage in GB to 75% in VMX.

Fields is confused because if the comprehensive plan is guided the way we want it, the rezoning should happen. If we are considering if the guiding is correct, then it should not be rezoned, but should be discussed what the guiding should be.

Larson thinks that what brings the guiding for VMX into question is that the density of this area is in transition. Larson understands the feeling of discomfort as this zone is less restrictive. There are still a lot of questions that make it uncomfortable for people to buy into this zone.

Williams thinks it would be good to ask the City Council if past projections of population in this area are still valid.

Dodson is wondering how big a project form based code is. Wensman stated that it is something that takes some technical skill to do and it would need to be contracted out.

Williams thinks it would help facilitate the vision, but would not be necessary to do the rezone.

M/:Dunn/, Move to recommend not rezoning the parcels to VMX until the City Council can review the target numbers and there is a form based code, **motion dies for lack of second.**

M/S/P: Williams/Dunn, Move to ask the City Council to give the Planning Commission guidance on updated population and development projections for the areas guided for VMX in the Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like to know what the driving force was for the VMX. If it was to bring more people to the downtown to make it more vibrant, or if it was to meet the Met Council mandates for housing population. Williams recollection was that it was for both of those reasons in addition to form based code to make it a more picturesque downtown and to incorporate business and residential in the same building, which general business does not do.

M/S/P: Williams/Dodson, Move to ask the City Council to approve funds for a consultant to work on a form based code for the downtown Old Village, **Vote: 6-0, motion carried unanimously.**

Fields would like any information that he could get on form based code. Williams believes that the City has a couple of videos on this topic.

Staff Updates

1. Upcoming Meetings
 - a. June 27, 2016
 - b. July 11, 2016

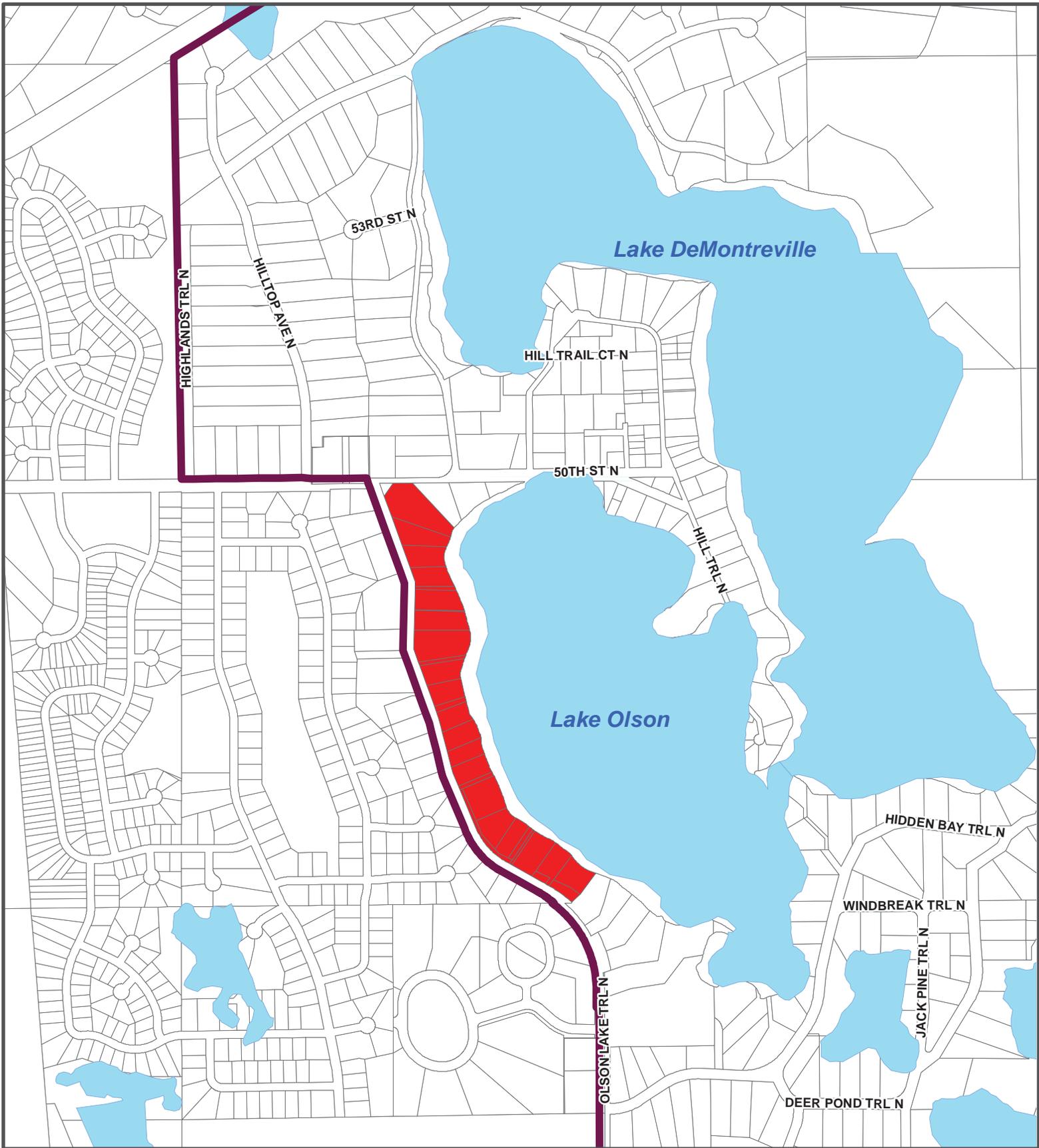
Commission Concerns

Dunn asked about the AUAR. Wensman stated that the City is overdue for the update and it is in the City Engineers hands right now.

Meeting adjourned at 9:28 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



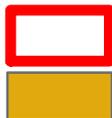
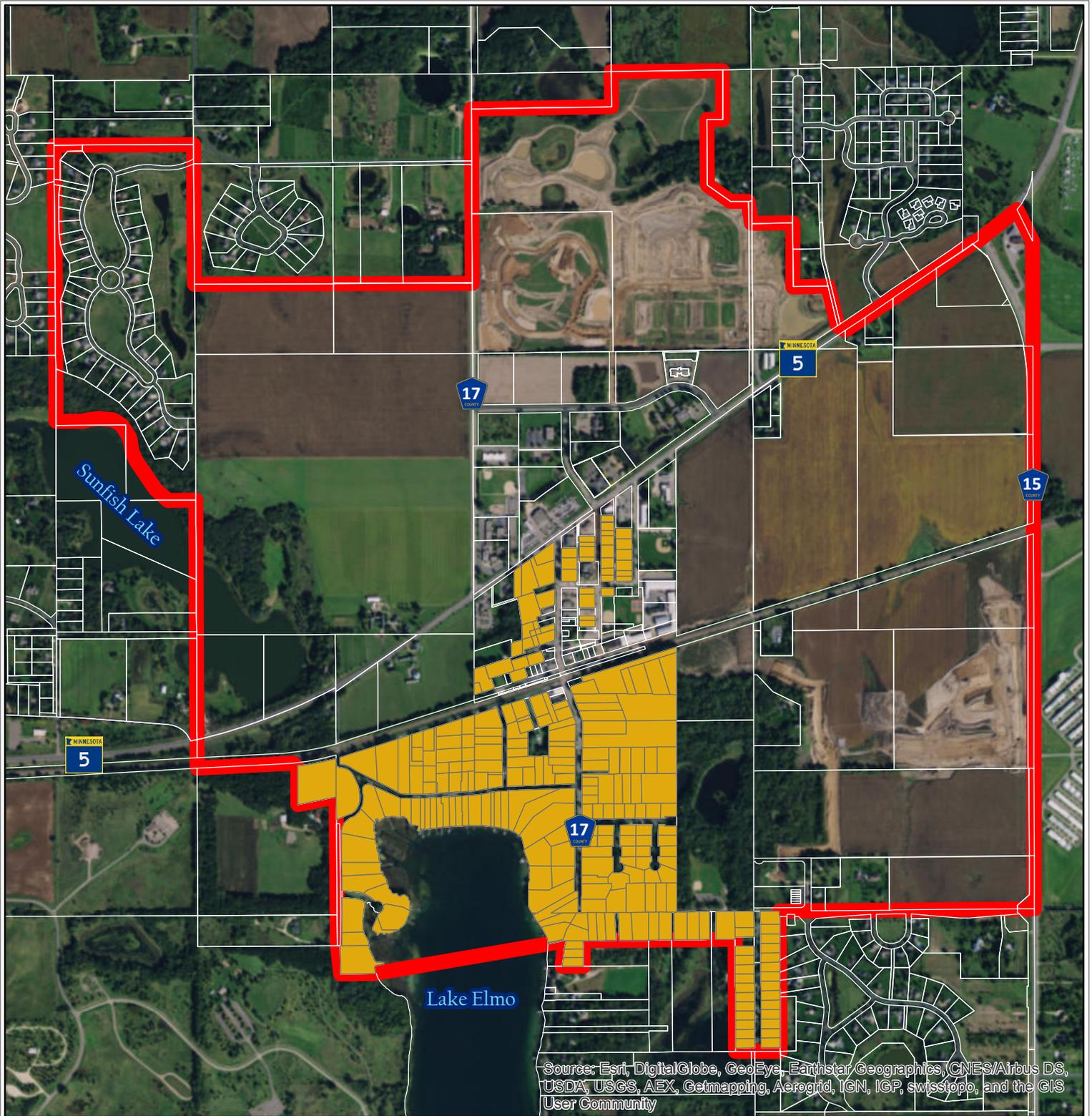
Map Date:
April 22, 2013



0 125 250 500 750 1,000
Feet

 Future Public
Sewer Service Area

Map 6-2



Village MUSA Boundary

Parcels Zoned RS in the Village MUSA

Source: Washington County & Metro GIS
6/22/2016

Proposed Village MUSA Amendment





MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/2016

CONSENT

ITEM #: 14

AGENDA ITEM: Street Naming Policy
SUBMITTED BY: Emily Becker, City Planner
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

Currently, Chapter 153: Subdivision Regulations, Section 07: Preliminary Plat, Subd. E: Proposed Design Features mandates that street names and numbering system shall comply with the County Uniform Street Numbering System. It also states that the “name of any street used in the city or its environs shall not be used [in a proposed plat] unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.”

The County Uniform Street Naming and Property Numbering System was developed by the County in 1967 and adopted by the City in an Agreement with the County in 1971. The City canceled the street naming portion of the agreement by Resolution #2000-071 in 2000 in response to the County’s refusal to record the Fields of St. Croix II plat because the street names did not correspond to the agreed-to system.

In 2005, Ordinance 97-149 was adopted reintroducing a uniform street naming system within the City that follows the general pattern (alphabetical west-to-east) of the 1971 Agreement, but which also allows some street naming latitude as long as the alphabetical range is adhered to. The purpose of this ordinance was to have the force of law for future plats in regards to street naming. This ordinance, however, no longer exists in the published Lake Elmo Code of Ordinances. The reason for this is unclear to Staff as there has been no found record of its repeal.

Without a current and clear street naming policy or ordinance, there has been recent confusion and discussion about street naming within new developments. Attached is research gathered on these discussions about street naming from Council meeting minutes in the past year. Summarily, with Staff transitions, it has not been clear what actual policy or ordinance to refer to when reviewing proposed street names.

Staff has found that a motion “that if the street dead ends, so does the name” was passed at the May 5, 2015 City Council meeting with a vote of 3-2. However, no formal document was prepared or approved. This supposed policy holds that when streets are not continuous, they should not have the same name (i.e. a street name should only be in one development within the City).

In order to provide clarity on this issue and to remove conflicting City Code, , Staff is proposing an official City street naming policy be enacted and that the policy be referred to in the City Code. Staff is also recommending the repeal of City Code references to the County Uniform Street Naming and Property Numbering System

ISSUE BEFORE COUNCIL:

The Council should decide if the City should adopt a street naming policy, repealing reference to the County Uniform Street Numbering System

PROPOSAL DETAILS/ANALYSIS:

Repeal Section 540. Ordinance No. 97-149, which added Section 540 relating to the uniform system for naming streets and numbering properties and principal buildings in the City of Lake Elmo, was never found to be repealed, according to research by Staff; there is no reference to the References to Ordinances Section of the City Code. As a result, the proposed ordinance will officially repeal this Section.

Amendment to Section 153.07: Preliminary Plat, Subd. (E) (1). It is being proposed that the reference to the County Uniform Street Numbering System in Chapter 153 be repealed as well as the language stating that the “name of any street used in the city or its environs shall not be used [in a proposed plat] unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.” Reference to the City Street Naming Policy should be placed here instead.

Proposed Policy. As previously explained, a number of changes have been made to how streets are named over the past years. With changes to the City, it is likely that changes will continue to happen in order to accommodate new development. Because of this, it is proposed that a street naming policy be enacted, and that this policy be referenced by ordinance. Resultantly, changes to the way streets are named can be made without ordinance amendments.

Partial Utilization of County Uniform Street Naming and Property Numbering System. There are a number of procedures from this manual that make sense and should be utilized in the City street naming policy. The following are proposed policies that follow the Uniform Street Naming and Property Numbering System:

North-South Streets. Streets running north-south are labelled as avenues. It is proposed that streets will need to be named based on alphabetical order east to west, starting with “Hi-“ on the far west side of the City and ending with “Ma-“ on the far east side of the City. A grid outlining this system is attached.

Exception. Because the City has deviated from this rule in the past (i.e. in the Wildflower, Tapestry, Whistling Valley) the Council should consider if street names that do not follow the alphabetical order but relate to the development name should be allowed.

East-West Streets. Streets running north-south are labelled as streets and are numbered, decreasing from 60th Street at the far north of the city, ending at Hudson Boulevard. A grid outlining this numbering system is attached.

All Other Streets. Such streets that do not directionally fit in to the above-mentioned categories should be named as follows:

NE to SW streets shall be called Boulevards.

NW to SE streets shall be called Roads.

Streets that relate to a base street from which it is extended shall be called Courts or Circles.

Streets that dip in form a connecting off-shoot from another street shall be called Lanes or Ways.

Meandering routes shall be called Trails.

Property Numbering System. There shall be 1000 property numbers, or 500 numbers on each side of the street, available per mile. Each 12 feet of street frontage shall be assigned a number.

Odd and Even Numbers. Odd numbers shall be used on the South and East sides of the streets and even numbers shall be used on the North and West sides of the streets.

Assignment of Numbers on Corner Lots. Property numbers should be assigned to according to what is meant to be the front lot line as defined by the Lake Elmo Code of Ordinances.

No Duplication. Any street that stops in one part of the City shall not be used in another part of the City, regardless if it is on the same grid as another street. Numbered streets are an exception to this rule.

Must End With “North.” In order to keep all street names uniform, it is proposed that all street names be required to end with “North.”

New Development. The City Street Naming Policy shall apply to new development. Existing street names shall remain the same.

FISCAL IMPACT:

Enacting a clarifying City Street Naming Policy may reduce Staff, Commission and Council time spent reviewing and approving street names.

OPTIONS:

The Council has the following options in regards to this Agenda Item:

- Approve the City Street Naming Policy as proposed.
- Approve the City Street Naming Policy with edits.
- Deny the City Street Naming Policy and keep existing language of Section 153.07: Preliminary Plat, Subd. (E) (1).
- Deny the City Street Naming Policy and direct Staff to prepare edits to Section 153.07: Preliminary Plat, Subd. (E) (1).
- Deny the City Street Naming Policy and direct Staff to prepare an Ordinance guiding street naming.

RECOMMENDATION:

Staff recommends that the Council approve the City Street Naming Policy as proposed.

ATTACHMENTS:

- City of Lake Elmo Street Naming Policy.
- Lake Elmo Address Map.
- Ord. No. 08-144
- Ordinance 97-149 and Staff Report.
- City Council Meeting Minutes Pertaining to Street Naming Research.

City of Lake Elmo Street Naming Policy

Title and Scope

This guide shall be known as the Lake Elmo Street Naming Policy. Its purpose is to establish standards for naming streets, assigning property numbers, and posting street signs. The goal of these standards is to assist emergency services, the United States Postal Service, and the public in timely and efficient delivery of services to residents and businesses.

Street Naming Agency

It will be the responsibility of the Planning Director or designee to assign street names and property numbers in accordance with the guidelines set forth in this Policy. The Planning Director should confer with the Fire Chief to ensure that street names and property numbers provide adequate directional assistance to emergency service providers. An inventory of City street names should also be kept so as to avoid duplication.

Street Naming Process

Streets are named and approved at the time of Preliminary Plat approval.

Street Naming Methodology

- I. *North-South Streets.* Streets running north-south are labelled as Avenues. Except as outlined in this Policy, such street names should be assigned alphabetically consistent with the Address Map attached to this Policy. The first two letters of street names should progress alphabetically from West to East along the grid.
 - i. *Exception.* Street names that relate to a specific development are allowed as approved by Council during Preliminary Plat approval. Street names must be easily identifiable with the development.
- II. *West-East Streets.* Streets running west-east are labelled as Streets. They must be numbered as outlined in the Address Map grid attached to this Policy. While proposed streets should be numbered according to the Address Map grid, chronological ordering of streets in relation to existing streets directly north and south of the proposed street takes precedence.
 - i. *Duplication.* There may be more than one street that has the same number only if the proposed street is both numbered according to the Address Map grid and is located in a logical numerical order in relation to existing streets directly to the north and south of the proposed street. If the proposed street does not meet the aforementioned criteria, the street need not be labelled Street, and a different name, as approved by Council, may be chosen, however, the street should still be assigned a number.

- III. *Deflecting Streets.* Parts of deflecting streets that run continuous may be categorized by preceding street numbers with the words “Upper” or “Lower,” depending on how the section of street relates to the grid.
- IV. *Streets Changing Direction.* Streets that run from west to east and turn to run from north to south, or vice versa, forming a logical angle and turning point for the driver, should have different names in order to match the grid. This standard shall not apply to streets that run circular, have no turning point and do not form an angle.
- V. *All Other Streets.* Such streets that do not directionally fit in to the above-mentioned categories shall be named as follows:
 - i. NE to SW streets shall be called Boulevards.
 - ii. NW to SE streets shall be called Roads.
 - iii. Streets that relate to a base street from which it is extended shall be called Courts or Circles.
 - iv. Streets that dip in form a connecting off-shoot from another street shall be called Lanes or Ways.
 - v. Meandering routes shall be called Trails.
- VI. *No Duplication.* Any street that stops in one part of the City shall not be used in another part of the City, regardless if it is on the same grid as another street. Numbered streets are an exception to this standard as provided in this Policy. Names tending to be confused as homonyms or have the same or similar pronunciation but with different spellings are also discouraged (i.e. Allen or Alan; Smith or Smyth; John or Jon, etc.).
- VII. *Theming.* If appropriate, names with the same theme (i.e. flowers, nature) are suggested for naming streets in an entire subdivision.
- VIII. *Pronounceability.* When possible, names should be easily pronounceable in order for children to read and pronounce them in emergency situations.
- IX. *Directional Suffix.* All street names must end with the directional suffix of North.

Property Numbering Methodology

- I. *Numbering System for Properties Located on Avenues.* Properties with front lot lines abutting avenues should be numbered according the Address Map grid whenever possible. In the event a street number does not correlate with the Address Map grid, properties should be numbered according to the street number above which they are perpendicularly located directly north. Each 12 feet of street frontage shall be assigned a number as demonstrated in Figure 1-1. In the case of an “Upper” and “Lower” street number prefix, or any other situation in which there may be two street numbers are adjacent to each other, property numbers should increase accordingly to the next street number. Similarly, in the case there is not enough lineal footage between numbered streets, properties shall be numbered accordingly.
- II. *Numbering System for Properties Located on Numbered Streets.* Properties with front lot lines abutting streets should be numbered according to the Address Map Grid.
- III. *Assigning Addresses.* Addresses should be assigned according to what is meant to be the front lot line as defined by the Lake Elmo Code of Ordinances.

- IV. *Odd and Even Numbers.* Odd numbers shall be used on the South and East sides of the streets and even numbers shall be used on the North and West sides of the streets.
- V. *Multi-Tenant Structures.* Multi-tenant structures including apartment buildings, office buildings, townhomes and duplexes shall be assigned a property number if all on one parcel and then unit numbers as secondary location indicators.
- VI. *Manufactured Home Parks.* Manufactured Home Parks may be assigned one number and then unit numbers for individual homes.
- VII. *Exemptions.* The following buildings and uses will be exempt from the addressing system, but may be addressed at the request of the property owner:
 - i. Unoccupied farm land or lots containing no dwellings or businesses.
 - ii. Farm buildings which are not residential or commercial.

Applicability

New Development. The City Street Naming Policy shall apply to new development only. Existing street names at the time of publication of this policy shall remain the same.

Placement/Display Requirements

Each principal building shall bear the number assigned to the frontage on the side of the building that faces the assigned frontage. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

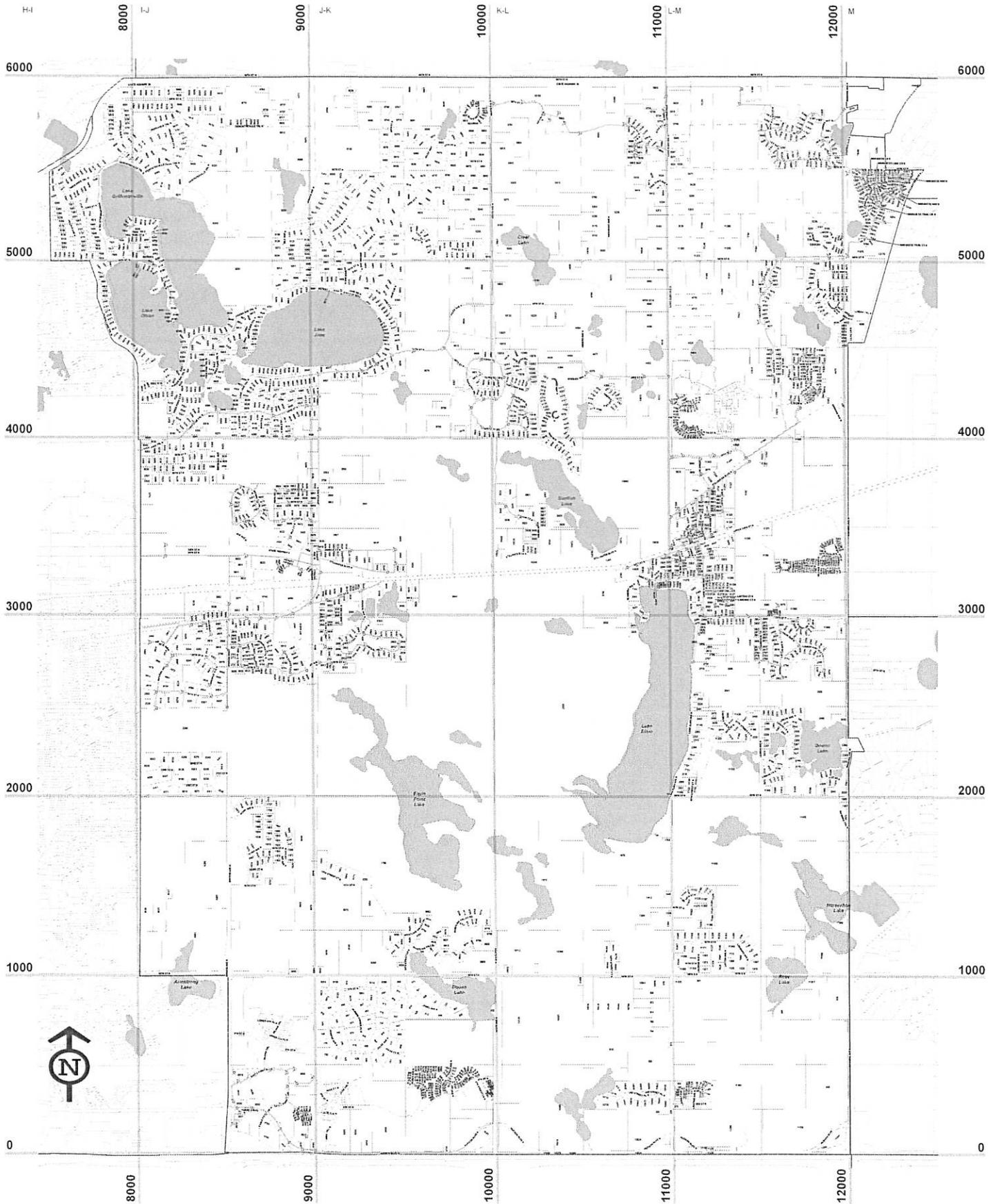
Visibility of Property Numbers. Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Numerals shall be at least four inches in height and located at a reasonable height on the building. Properties with principal buildings set back far enough for four inch numerals to be deemed illegible should bear larger numerals, while still complying with the City's Sign Code, or display property numbers both on the building and elsewhere on the property to make them visible from the street; Zoning Code regulations apply.

Street Signs. Street signs shall be displayed in accordance with City Engineer Design Standards.

Figure 1-1



The above example shows a property with front lot line frontage on Irish Avenue north, abutting 28th Street North. There is 135 feet of frontage on Irish Avenue North. 135 divided by 12 is approximately 11. Therefore, it is properly addressed as 2811; the property essentially starts at the 2800 block and is given one number for every 12 feet of street frontage.



THE CITY OF
LAKE ELMO

Lake Elmo Address Map

- Hydrant Locations
- Address Grid
- Water Pipe System

Map updated by Sambatek on 3-17-16



CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-144

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES PERTAINING
TO STREET NAMING

SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 540: Uniform Naming and Numbering System as it was adopted on the 15th Day of February of 2005 by officially repealing the Section in its entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153: Subdivision Regulations; Section 07: Preliminary Plat; Subd. (E) (1) to read the following:

(1) Layout of proposed streets showing the right-of-way widths, center line gradients, typical cross sections, and proposed names of streets in conformance with all applicable city ordinances and policies, and the City of Lake Elmo Street Naming Policy. ~~The name of any street used in the city or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. The street names and numbering system shall comply with the County Uniform Street Numbering System;~~

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

SECTION 3. Adoption Date. This Ordinance 08-144 was adopted on this _____ day of _____, 2016, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-144 was published on the ____ day of _____, 2016.

Street Naming Research 06/06/2016

153.06.E.1 in relation to subdivision general regulations

- Layout of proposed streets showing right-of-way widths, center line grade, typical cross sections, and proposed names of streets in conformance with all applicable city ordinances and policies; the name of any street used in the city or its environs shall not be used unless the proposed street is the logical extension of an already named street, in which event the same name shall be used. The names and number shall comply with the County Uniform Street Numbering System.

City Council Meeting 5/5/2015 Minutes

- Street naming for Hunters Crossing was discussed, and a motion was passed moved by Council Member Fliflet and passed 3-2: "That if the street dead ends, so does the name."

City Council Meeting 7/21/2015 Minutes

- Street naming was also discussed, with Mayor Pearson questioning the use of unique street names versus using the county system of naming streets.

City Council Meeting 8/4/2015 Minutes

- **Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2015-63 APPROVING THE DEVELOPER'S AGREEMENT FOR WILDFLOWER AT LAKE ELMO. Motion passed 5 – 0.**
- Councilmember Lundgren stated that she would like to change her vote on the street naming in Wildflower after reconsidering what the developer had initially proposed.
- **Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO RECONSIDER STREET NAMES IN WILDFLOWER TO USE THE NAMING SYSTEM PROPOSED BY THE DEVELOPER ON HIS INITIAL PROPOSED PLAT. Motion passed 3 – 2. (Pearson, Bloyer – Nay)**
- Discussion held concerning enforceability of changes to the plat that has already been approved. Attorney Snyder stated that the developer cannot be held to the changes but can make them if he chooses.
- Mayor Pearson stated that he felt it was better to abide by the recommendations of safety professionals and use the county street naming system.

City Council Meeting 3/15/2016 Minutes

- ITEM 10: Savona 4th Addition Final Plat
- Planning Director Wensman presented an overview of the Savona 4th Addition plat, zoning, site information and issues discussed by the Planning Commission. Discussion was held concerning street naming and avoiding duplication of street names for streets elsewhere in the City that do not connect to Savona.
- **Mayor Pearson moved TO APPROVE RESOLUTION 2016-16 GRANTING APPROVAL OF SAVONA 4TH FINAL PLAT WITH CONDITIONS. Motion failed – no second.**
- **Mayor Pearson, seconded by Councilmember Bloyer, moved TO DENY THE SAVONA 4TH ADDITION FINAL PLAT. Motion failed 0 – 5.**

<p>Lake Elmo City Council February 15, 2005</p>	<p>Agenda Section: Planning, Land Use & Zoning</p>	<p><u>No.</u> 9C</p>
<p><u>Agenda Item:</u> Street Naming Ordinance</p>		
<p><u>Background Information for February 15, 2005:</u></p> <p>On February 8 the Council’s Public Health and Safety Committee considered the present City policy for the naming/numbering of streets. The City Planner explained that the City continues to use the street/address <u>numbering</u> system that was developed for Washington County in 1967, and adopted by the City in an Agreement with the County in 1971. He explained that the City canceled the street <u>naming</u> portion of the Agreement by Resolution #2000-071 in 2000 in response to the County’s refusal to record the Fields of St. Croix II plat because the street names did not correspond to the agreed-to system.</p> <p>The Committee directed staff to draft City Council action that would reintroduce a uniform street naming system within the City that follows the general pattern (alphabetical west-to-east) of the 1971 Agreement, but which also allows some street naming latitude as long as the alphabetical range is adhered to. The City has never had an <u>ordinance</u> establishing street naming – only the 1971 Agreement. If street naming is to have the force of law for future plats, it must be addressed by ordinance. Staff has prepared a draft ordinance that would, by reference, adopt the County-wide street naming/numbering system – but with a slight modification to provide the street naming latitude noted above.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt draft Ordinance #97 - , adopting a uniform street naming and numbering system.</p>	<p><u>Person responsible:</u></p> <p>City Planner</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Ordinance #97 – 2. Copy of the County-wide system (portion) 	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-149

AN ORDINANCE ADDING SECTION 540 RELATAING TO THE
UNIFORM SYSTEM FOR NAMING STREETS AND NUMBERING PROPERTIES
AND PRINCIPAL BUILDINGS IN
CITY OF LAKE ELMO

BE it ordained by the City Council of the City of Lake Elmo as follows:

Chapter 5 – Building

Section 540 – Uniform Naming and Numbering System:

Section 540.01 Uniform Naming and Numbering System:

A uniform system of naming streets and numbering properties and principal buildings, as shown in the manual or procedures identified by the title Uniform Street Naming and Property Numbering System is adopted for use in the City. This map and all explanatory matter on the map is adopted and made a part of this section.

Section 540.02 Assignment of Names and Numbers:

Subd. 1 Conformance.

All properties or parcels of land within the City of Lake Elmo shall hereafter be identified by reference to the uniform numbering system adopted herein. Except as herein prescribed, the names of all streets in the City of Lake Elmo shall be designated by the Uniform Street Naming System.

Subd. 2 Placement/Display

Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

Subd. 3 Visibility.

Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located.

Subd. 4 Naming Assignment

Naming of North/South streets shall be governed by the referenced Uniform Street Naming System only to the extent that said street names are assigned alphabetically consistent with the System's 1 mile grid of street names Ideal, Jamaca, Keats, Lamar and Manning. Names of North/South streets located geographically between these streets need not be from the list provided in the Uniform Street Naming System, but must be within the alphabetical range between said mandatory street names.

Subd. 5 Number Assignment

The Building Official shall assign to any property owner in the City upon request a number for each principal building or separate front entrance to the building. In doing so, the Building Official shall assign only the numbers assigned to the building under the provisions of this section. The Recorder may assign additional numerals in accordance with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner.

Section 540.03 Administration:

Subd. 1 Responsibility for Maintaining System.

The Building Official shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of Section 2 of this ordinance.

Subd. 2 Records

The Building Official shall keep a record of all numbers assigned under this ordinance.

Section 540.04: Penalties: Violation of this ordinance shall be a misdemeanor. Each separate day such violation is continued shall constitute a separate offense.

Section 540.05: Effective Date: This ordinance shall become effective upon passage and publication according to law.

ADOPTED, by the Lake Elmo City Council on the 15th day of February, 2005.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty, Administrator

Street Naming Research 06/06/2016

153.06.E.1 in relation to subdivision general regulations

- Layout of proposed streets showing right-of-way widths, center line grade, typical cross sections, and proposed names of streets in conformance with all applicable city ordinances and policies; the name of any street used in the city or its environs shall not be used unless the proposed street is the logical extension of an already named street, in which event the same name shall be used. The names and number shall comply with the County Uniform Street Numbering System.

City Council Meeting 5/5/2015 Minutes

- Street naming for Hunters Crossing was discussed, and a motion was passed moved by Council Member Fliflet and passed 3-2: "That if the street dead ends, so does the name."

City Council Meeting 7/21/2015 Minutes

- Street naming was also discussed, with Mayor Pearson questioning the use of unique street names versus using the county system of naming streets.

City Council Meeting 8/4/2015 Minutes

- **Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2015-63 APPROVING THE DEVELOPER'S AGREEMENT FOR WILDFLOWER AT LAKE ELMO. Motion passed 5 – 0.**
- Councilmember Lundgren stated that she would like to change her vote on the street naming in Wildflower after reconsidering what the developer had initially proposed.
- **Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO RECONSIDER STREET NAMES IN WILDFLOWER TO USE THE NAMING SYSTEM PROPOSED BY THE DEVELOPER ON HIS INITIAL PROPOSED PLAT. Motion passed 3 – 2. (Pearson, Bloyer – Nay)**
- Discussion held concerning enforceability of changes to the plat that has already been approved. Attorney Snyder stated that the developer cannot be held to the changes but can make them if he chooses.
- Mayor Pearson stated that he felt it was better to abide by the recommendations of safety professionals and use the county street naming system.

City Council Meeting 3/15/2016 Minutes

- ITEM 10: Savona 4th Addition Final Plat
- Planning Director Wensman presented an overview of the Savona 4th Addition plat, zoning, site information and issues discussed by the Planning Commission. Discussion was held concerning street naming and avoiding duplication of street names for streets elsewhere in the City that do not connect to Savona.
- **Mayor Pearson moved TO APPROVE RESOLUTION 2016-16 GRANTING APPROVAL OF SAVONA 4TH FINAL PLAT WITH CONDITIONS. Motion failed – no second.**
- **Mayor Pearson, seconded by Councilmember Bloyer, moved TO DENY THE SAVONA 4TH ADDITION FINAL PLAT. Motion failed 0 – 5.**

- **Mayor Pearson, seconded by Councilmember Smith, moved TO APPROVE RESOLUTION 2016-16 GRANTING APPROVAL OF SAVONA 4TH FINAL PLAT WITH EIGHT CONDITIONS.**
- **Councilmember Fliflet, seconded by Councilmember Smith, moved TO ADD A 9TH CONDITION THAT THE PLAT FOLLOW THE CITY STREET NAMING CONVENTION POLICY. Motion passed 3 – 2. (Pearson, Bloyer –nay)**
- **Primary motion passed as amended 3 – 1- 1. (Bloyer – nay; Fliflet - abstain). Councilmember Bloyer stated he was opposed to forcing a naming policy on the developer.**

City Council Meeting 4/19/16 Minutes

- **ITEM 19: Village Preserve 2nd Addition Final Plat**
- **City Planner Wensman presented the final plat for Village Preserve 2nd Addition and Planning Commission recommendations for approval. Street naming was discussed to address potential conflicts with the use of Laverne as a street name.**
- **Councilmember Smith, seconded by Councilmember Fliflet, moved TO APPROVE RESOLUTION 2016-35 GRANTING APPROVAL OF THE VILLAGE PRESERVE 2ND ADDITION FINAL PLAT WITH 13 CONDITIONS BASED ON THE FINDINGS OF FACT IN THE STAFF REPORT.**
- **Councilmember Fliflet, seconded by Councilmember Smith, moved TO STRIKE CONDITION #8 AND REPLACE IT WITH A CONDITION STATING THAT ALL STREETS WILL COMPLY WITH THE CITY’S STREET NAMING CONVENTION POLICY. Motion passed 4 – 0.**
- **Primary motion passed 4 – 0 as amended.**
- **ITEM 20a: Inwood 3rd Addition Final Plat**
- **Planning Director Wensman reviewed the plat for the Inwood 3rd Addition and the proposed conditions of approval recommended by staff and the Planning Commission. Council added condition 11 by consensus that all streets follow the City’s naming convention.**
- **Councilmember Smith, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-34 APPROVING THE FINAL PLAT FOR INWOOD 3RD ADDITION WITH THE FINDINGS IN THE STAFF REPORT AND THE ADDITION OF CONDITION 11. Motion passed by unanimous consent.**



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/5/2016

REGULAR

ITEM #: 15

AGENDA ITEM: Consideration of an Interim Ordinance Extending the Moratorium on Development

SUBMITTED BY: Stephen Wensman, Planning Director

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Sarah Sonsalla, City Attorney

BACKGROUND:

On July 7, 2017, the City Council adopted Interim Ordinance No. 08-123 declaring a moratorium pertaining to development in the Stage 1, 2 and 3 development areas for a 12 month period. The ordinance went into effect upon its publication on July 22, 2015. It is due to expire on July 22nd of this year.

After conducting a public hearing, the City may extend an interim ordinance for up to an additional 120 days following the receipt of the final approval or review by a federal, state, or metropolitan agency when the approval is required by law and the review or approval has not been completed and received by the City at least 30 days before the expiration of the interim ordinance.

The City's shoreland regulations affect the use and development of property in the Stage 1, 2 and 3 Staging Areas. The City recently revised its shoreland regulations in order to bring them into compliance with the state law. The City sent its revised shoreland regulations to the Department of Natural Resources ("DNR") for the DNR's review. The shoreland regulations are required by law to be reviewed by the Department of Natural Resources ("DNR"). The City has not received notification from the DNR that the DNR's review has been completed. Therefore, the City could extend the interim ordinance on this basis.

At its June 21, 2016 meeting the City Council called for a public hearing on the extension. Notice of the public hearing was published in the City's official newspaper on June 22, 2016.

ISSUE BEFORE COUNCIL:

Whether to adopt an interim ordinance extending the moratorium on residential development within the Stage One Development Area and all development activity within Stage Two and Three Development Areas as described by the Lake Elmo Comprehensive Plan.

PROPOSAL DETAILS/ANALYSIS:

After conducting the public hearing on the extension of the interim ordinance, the City Council will need to decide whether or not to extend the interim ordinance.

PROCEDURE:

The City Council should conduct the public hearing on the extension of the interim ordinance. The following motion should be made:

“Motion to open the public hearing on the extension of the moratorium.”

After the public hearing is held, the City Council should close the public hearing. The following motion should be made:

“Motion to close the public hearing on the extension of the moratorium.”

If the City Council wishes to adopt the interim ordinance extending the moratorium, the following motion should be made:

“Motion to adopt Ordinance No. 146, An Interim Ordinance Extending the Moratorium on Residential Development within the Stage One Development Area and All Development Activity within the Stage Two and Three Development Areas as Described by the Lake Elmo Comprehensive Plan.”

ATTACHMENTS:

Interim Ordinance

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

ORDINANCE NO. 146

**AN INTERIM ORDINANCE EXTENDING
THE MORATORIUM ON RESIDENTIAL DEVELOPMENT WITHIN THE STAGE
ONE DEVELOPMENT AREA AND ALL DEVELOPMENT ACTIVITY WITHIN THE
STAGE TWO AND THREE DEVELOPMENT AREAS AS DESCRIBED BY THE LAKE
ELMO COMPREHENSIVE PLAN**

WHEREAS, on July 7, 2015, the City Council (the “Council”) of the City of Lake Elmo (the “City”) adopted Ordinance No. 08-123, pursuant to its authority under Minnesota Statutes, Section 462.355, subdivision 4, which established a 12 month moratorium on the consideration and/or or approval of any residential and related use or mixed-use subdivision or residential and related use or mixed-use development project within the Stage 1, 2 or 3 Staging Areas as identified in the Lake Elmo Comprehensive Plan with certain exceptions (the “Ordinance”); and

WHEREAS, the Ordinance was effective upon its publication on July 22, 2015 and expires 12 months thereafter, unless further extended by ordinance; and

WHEREAS, Minnesota Rules Part 6120.2800, subpart 1 requires cities to adopt the minimum standards and criteria set forth in Minnesota Rules Part 6120.2500 – 6120.3900 for shorelands of public waters of the state which are subject to local government land use controls and are to be incorporated into local government shoreland management controls; and

WHEREAS, the City’s shoreland regulations were not in conformance with the minimum standards and criteria set forth in Minnesota Rules Part 6120.2500 – 6120.3900; and

WHEREAS, the City has revised its shoreland regulations to bring them into compliance with Minnesota Rules Part 6120.2500 – 6120.3900; and

WHEREAS, Minnesota Statutes Section 103F.221, subdivision 1 requires a city having shorelands within its boundaries to submit ordinances or rules affecting the use and development of its shorelands to the Commissioner of the Department of Natural Resources (“DNR”) for review; and

WHEREAS, the City sent its revised shoreland regulations to the DNR for review and on June 21, 2016 and has not received notification from the DNR that the DNR’s review has been completed; and

WHEREAS, Minnesota Statutes Section 462.355, subdivision 4 (c)(1) permits a municipality to extend an interim ordinance for up to an additional 120 days following the receipt of the final approval or review by a federal, state, or metropolitan agency when the

approval is required by law and the review or approval has not been completed and received by the municipality at least 30 days before the expiration of the interim ordinance; and

WHEREAS, since review by the DNR of the City's shoreland regulations is required by law and the review has not been completed and received by the City at least 30 days before the expiration of the Ordinance, the City is authorized to extend the Ordinance pursuant to Minnesota Statutes Section 462.355, subdivision 4 (c)(1) if it deems necessary; and

WHEREAS, the Stage 1, 2 and 3 Staging Areas all contain areas that are within the City's shoreland district, including Sunfish Lake, Kramer Lake, Goose Lake, Rose Lake and Armstrong Lake; and

WHEREAS, because City's shoreland regulations affect the use and development of property in the Stage 1, 2 and 3 Staging areas, the Council finds it necessary to extend the moratorium in order to allow the City to receive the DNR's review of the City's shoreland regulations; and

WHEREAS, notice of the public hearing on the extension of the moratorium was published in the City's official newspaper on July 5, 2016; and

WHEREAS, a public hearing on the extension of the moratorium was held on June 22, 2016; and

NOW, THEREFORE, based on the foregoing, the City Council of the City of Lake Elmo does ordain:

SECTION 1. MORATORIUM ON STAGE 1, 2 AND 3 RESIDENTIAL DEVELOPMENT EXTENDED. The moratorium period established in Sections 1 and 2 of Ordinance No. 08-123 is hereby extended for an additional 120 days following the receipt of the DNR's review of the City's shoreland regulations.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon its legal passage and publication.

SECTION 3. Adoption Date. This Ordinance ¹⁴⁶_____ was adopted on this 5th day of July, 2016, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance ¹⁴⁶_____ was published on the _____ day of _____, 2016.



STAFF REPORT

DATE: July 5, 2016

REGULAR

ITEM #: 16

MOTION

TO: Mayor and City Council

FROM: Kristina Handt, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director

AGENDA ITEM: Funding for Fishing with Deputies Event

BACKGROUND:

Washington County Sherriff's Office is interested in working with the City of Lake Elmo to put together a community event or two this summer/fall. In the past they have done events in several cities within the county. During and after those events they found that it brings the community closer together and also creates positive interaction with law enforcement, the citizens, and the city. It also strengthens relationships and enhances the overall appeal of the city.

Last year the deputies hosted "Safe Summer Nights" in Cimarron. That event was well received. It was essentially a community BBQ. There were Sheriff's Office vehicles on display and several representatives from the Sheriff's Office interacting with the citizens that attended the event.

ISSUE BEFORE COUNCIL:

Should the City contribute \$1,000 towards a kids fishing event with the Washington County Deputies?

PROPOSAL DETAILS/ANALYSIS:

This year Deputy Ostertag has proposed doing a kids fishing event at Lake Elmo Park Reserve. This would be a 3-4 hour event geared towards kids that live in Lake Elmo. Last year a similar event was held in Landfall and the kids/parent's loved it. The request is for \$1000 from the city to help cover fishing poles, tackle, bait, food, drinks, raffle prizes, etc. The event would be planned for August or September.

Since this is an unbudgeted expense, Council approval is requested.

FISCAL IMPACT:

\$1,200 was budgeted for Parks and Recreation Events. Up to \$500 was approved for Nature Day at Sunfish Lake Park. The remaining funds could be used for this expense as well as a small amount of fund balance.

OPTIONS:

- 1) Approve up to \$1,000 for the Washington County Sherriff's Office Kids Fishing Event
- 2) Approve up to a different amount for the Washington County Sherriff's Office Kids Fishing Event
- 3) Do not approve funding for the Washington County Sherriff's Office Kids Fishing Event

RECOMMENDATION:

Motion to approve up to \$1,000 for the Washington County Sherriff's Office Kids Fishing Event



MAYOR & COUNCIL COMMUNICATION

DATE: July 5, 2016
REGULAR
ITEM 17

AGENDA ITEM: Stormwater Ordinance Amendment – Consideration to Reinstate the “One Percent” Rule.

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Stephen Wensman, Planning Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Engineer
- Report/Presentation..... City Engineer
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECOMMENDER: Environmental Committee. Council Members Fliflet and Lundgren requested this item be placed on the agenda.

ISSUE BEFORE COUNCIL: Should the Council amend the City Code to reinstate the “One Percent” Rule? The rule refers to storm water volume control provisions that were previously within the City Subdivision Ordinance before the City adopted a Storm Water and Erosion Control Ordinance.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION: The Storm Water and Erosion Control Ordinance was adopted and incorporated into the City Code on June 16, 2009 to comply with the City’s MS4 Permit requirements. On July 15, 2008, the City of Lake Elmo was issued a mandatory permit by the Minnesota Pollution Control Agency (MPCA) establishing the conditions for discharging storm water under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. The permit required that a Storm Water and Erosion Control Ordinance be implemented within six months of MPCA issuance of coverage. The City was granted an extension to June 30, 2009 due to the fact that the City was in the process of completing the Village Area AUAR and the Local Surface Water Management Plan.

Prior to the adoption of the Storm Water and Erosion Control Ordinance, storm water was regulated by the City through the partner watershed districts (VBWD, BCWD, and SWWD), and through various provisions addressing storm water and erosion control requirements that were scattered throughout the City Code. The “One Percent” Rule for instance was a storm water volume control standard found in the City’s Subdivision Ordinance.

The 2009 Ordinance addressed volume control standards by carrying forward provisions necessary to meet the intent of the “One Percent” Rule which states “the volume of storm water runoff discharging from a proposed site shall not be greater than the volume of storm water discharging prior to the site alteration”.

Minor revisions were then made to the Storm Water and Erosion Control Ordinance on May 3, 2011 to better clarify the intent of the City Code due to alternative interpretations by the applicants, City and VBWD. The 2011 revisions did not change the intent of the Code.

Between January 2010 and June of 2013 the Minnesota Stormwater Steering Committee workgroup was formed to research and develop **Minimal Impact Design Standards, or MIDS based on low impact development (LID)**, an approach to storm water management that mimics a site’s natural hydrology. The Minnesota Stormwater Steering Committee was made up of a large diverse group of storm water professionals, watershed districts, state agencies and stakeholders, and Co-chaired by Jay Riggs from the Washington County Conservation District. The Minnesota Legislature allocated funds to the workgroup to “develop performance standards, design standards and other tools to enable and promote the implementation of low impact development and other storm water management techniques”.

In June, 2013, the MIDS work group members agreed on a performance goal that essentially requires projects that create one or more acres of new and/or fully reconstructed impervious surfaces to capture and retain on site 1.1 inches of runoff. This performance goal was found match native runoff volume conditions on an average annual basis while being highly effective in improving water quality. It represents a low impact development approach, where storm water is managed on site and the rate and volume of predevelopment storm water reaching receiving waters is unchanged. The calculation of predevelopment hydrology is based on native soil and vegetation.

Therefore, in October 2013 the City adopted what is now the current Storm Water Ordinance provisions (through Ordinance 08-090) to better align the regulation of storm water management in the City with the new MIDS performance goals and standards. The Ordinance amended the storm water volume control standard to meet the new volume control standards that were adopted by MIDS and the VBWD as part of their 2013 Rule changes.

Ordinance 08-090 revises Section 150.277 Performance and Design Standards to;

- Eliminate the requirement by applicants to prepare and submit for approval by the City a Storm Water Management Plan using storm water modeling design criteria that is different from the State and/or local Watershed District(s). Instead the Stormwater

Management Plan must be submitted to the City, but will be the same Stormwater Management Plan already prepared for watershed district and/or State approvals.

- Align the storm water rate control requirements by the city with the rate control requirements of the State and local Watershed(s).
- Align the water quality control (volume) requirements by the city with the water quality control (volume) requirements of the State and local Watershed(s), both of whom have adopted MIDS.

OPTIONS:

1. Take no action. The current City Storm Water and Erosion Control Ordinance, VBWD Rules, and MPCA Storm Water Rules adequately addresses the issues of both rate and volume control for storm water management.
2. Direct staff to conduct further research and analysis in preparation of a future council workshop to present specific findings and recommendations regarding the purpose and effectiveness of the “One Percent” Rule; and to provide recommended language for how the “One Percent” Rule could be reinstated within the context of the new state, watershed and City storm water regulations.

FISCAL IMPACT: Unknown. At a minimum, reinstatement of the “One Percent” Rule will result in duplication of detailed engineering design, modeling and review efforts on all projects where the rule is made applicable. The fiscal impact is unknown for each project in regards to whether the requirement results in increased or decreased construction and maintenance costs.

RECOMMENDATION: Staff is recommending that the City Council take no action. Staff believes that storm water volume control is being sufficiently addressed by the City’s current Storm Water and Erosion Control Ordinance adopted in 2013, following the MIDS Workgroup performance goals and the new storm water management rules adopted by the VBWD and the MPCA. The new rules are supported by research and development of criteria by a diverse group of storm water professionals.

Should the City Council wish to continue pursuing the potential reinstatement of the “One Percent” Rule, staff is recommending that the City Council direct staff to retain a Professional Water Resource Engineer to assist staff with conducting further research and analysis in preparation of a future council workshop to present specific findings and recommendations regarding the purpose and effectiveness of the “One Percent” Rule; and to provide recommended language for how the “One Percent” Rule could be reinstated within the context of the new state, watershed and City storm water regulations. The recommended motion for this action would be as follows:

“Move to direct staff to retain Professional Services, as deemed necessary, and to conduct additional research and analysis in preparation of a future council workshop to assist the Council with reviewing the potential reinstatement of the “One Percent” Rule to further regulate storm water volume control.”

ATTACHMENT(S): None.

§ 153.01 REGULATIONS ESTABLISHED.

No land shall be subdivided, nor shall any land be platted, in the city except as provided by this chapter.

(1997 Code, § 400.02) [Penalty, see § 10.99](#)

§ 153.02 GENERALLY.

(A) *Purpose.* In order to provide for orderly, economic, and safe development of land, necessary urban services and facilities, and to promote the public health, safety, morals as to the urban services and facilities, the following subdivision regulations are adopted by the Council of the city. It is the intent of the city to protect the right of landowners to put their land to its highest and best use and protect each owner's right to full beneficial use of his or her land insofar as the use and enjoyment may be accomplished without detriment to the public interest and within the minimum standards established by this chapter.

(B) *Scope.* The provisions of this chapter apply to any division of a tract of land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, re-platting, registered land survey, conveyance, sale, contract for sale or any other means by which a beneficial interest in land is transferred or any means by which a tract of land is divided into 2 or more parcels for tax assessment purposes.

(C) *Approval necessary for acceptance of subdivision plats.* Before any plat or subdivision shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the Council as having fulfilled the requirements of this chapter.

(D) *Building permits.* No building permits shall be issued for the construction of any building, structure, or improvement to any land or lot in a subdivision, as defused in this chapter, until all requirements of this chapter have been satisfied, with the following exceptions.

§ 153.07 PRELIMINARY PLAT.

(A) *Filing.* Twenty copies of the preliminary plat and certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor, shall be filed with the Administrator. The required filing fee as established by Council resolution shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the Planning Commission meeting no later than the second regularly scheduled meeting following the date of filing. No application shall be accepted by the Administrator for filing unless all application information required by this chapter is submitted with the application.

(B) *Submission requirements.* The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the following information.

(C) *General provision (preliminary plat).*

(1) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions; in any case, the name must be approved by the County Recorder;

(2) Location of boundary lines in relation to a known section, quarter section, or quarter quarter section lines comprising a legal description of the property;

(3) Names and addresses of all persons having any interest in the property, the developer, designer, and surveyor together with the interested person's registration number;

(4) Graphic scale of plat, not less than 1 inch to 100 feet;

(5) Data and north point; and

(6) Date of preparation.

(D) *Existing conditions.*

(1) Boundary line of proposed subdivision, clearly indicated;

- (2) Existing zoning classifications for land within and abutting the subdivision;
- (3) A general statement on the approximate acreage and dimensions of the lots;
- (4) Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 350 feet beyond the tract;
- (5) Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of 350 feet beyond the tract; the data as grades, invert elevations, and locations of catch basins, manholes, shall also be shown;
- (6) Boundary lines of adjoining unsubdivided or subdivided land, within 350 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;
- (7) Topographic data, including contours at vertical intervals of not more than 2 feet; water courses, marshes, rock outcrops, power transmission poles and lines, and other significant feature shall also be shown; N.G.V.D. shall be used for all topographic mapping; and
- (8) In plats where public water and sewer are not available, the City Engineer may require the subdivider to file a report prepared by a soil scientist or a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot. The report shall include a soil boring analysis and percolation tests to verify conclusions.

(E) *Proposed design features.*

- (1) Layout of proposed streets showing the right-of-way widths, center line gradients, typical cross sections, and proposed names of streets in conformance with all applicable city ordinances and policies. The name of any street used in the city or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. The street names and numbering system shall comply with the County Uniform Street Numbering System;
- (2) Locations and widths of proposed alleys and pedestrian ways;
- (3) Locations and size of proposed sewer lines and water mains;
- (4) Layout, numbers, lot areas, and preliminary dimensions of lots and blocks;
- (5) Minimum front and side street building setback lines;
- (6) When lots are located on a curve, the width of the lot at the building setback line shall be shown;
- (7) Areas, other than streets, alleys, pedestrian ways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres;
- (8) Water mains shall be provided to serve the subdivision by extension of any existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the city. In areas where public water supply is not available, well plans must comply with applicable state regulations and shall be submitted for the approval of the City Building Official;
- (9) Sanitary sewer mains and service connections shall be installed in accordance with the standards established by the city;
- (10) All private sewage treatment systems shall be installed in accordance with standards established by the city;
- (11) (a) Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division;
- (b) The rate and volume of surface volume runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate and volume of runoff existing on the proposed property division prior to the proposed development. Surface volume runoff is water leaving the property on or very near the surface. To the extent possible, provisions shall be made for controlling runoff by construction or enhancement of ponding facilities on the site of and within the boundaries of the proposed property division, which ponding facilities should provide for both permanent and temporary storage of runoff waters.
- (c) The increased runoff volume from new development shall be calculated at 0.35 acre feet for each acre of impervious surface proposed in the development. Impervious surface shall be all streets, parking lots, roofs, walks, driveways or other hard surface materials

proposed in any development. For residential developments, each lot shall be assumed to contain 3,000 square feet of impervious surface for the house, garage, and driveway. Existing ponds or other facilities may be used for runoff volume control. Any storage ponds shall be designed to retain the volume of runoff calculated under this provision below its outlet or overflow point and above the water table.

(d) The Soil Conservation Service method of analysis shall be used to calculate the runoff rate prior to development. The pre-development land use shall be considered permanent meadow with a soil conservation curve number of 58. The 100-year, 24-hour storm of 5.9 inches of precipitation shall serve as the basis of the analysis.

(e) This chapter shall apply to all areas of the city exclusive of that portion for the city within the Ramsey-Washington Metro Watershed District.

(12) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.

(F) *Supplementary information.* The following supplementary information shall be submitted when deemed necessary by the Planning Commission:

(1) Proposed protective covenants;

(2) An accurate soil survey of the subdivision prepared by a qualified person. In areas of questionable soil conditions, percolation tests may be required on a lot-by-lot basis to determine the suitability of any particular site for building;

(3) A statement prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing;

(4) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population;

(5) If any zoning changes are contemplated, the proposed zoning plat for the areas, including dimensions, shall be shown;

(6) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. All subdivisions shall be shown to relate well with existing or potential adjacent subdivisions;

(7) Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the subdivider shall provide in the preliminary plat, a sketch plan which indicates minimum building setback lines and future roadway alignments which would not interfere with structural placement at the time of future subdivision; and

(8) A vegetation preservation and protection plat that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted;

(a) Developer shall provide a landscape plan which shows how a subdivision will assume a rural character through the placement of ponding, berms, trees, and tree seedlings, shrubs, and shrub seedlings and native grasses;

(b) Developer shall plant a minimum of 6 trees, 1 inch caliper deciduous, or coniferous trees; 3 feet in height per acre unless a lot within the subdivision is determined by the Zoning Administrator to be naturally wooded which would, at a minimum, consist of the caliper and height of trees required by this chapter; and

(c) Developer shall provide spaced or clustered plantings of 1 and 1/2 inch caliper deciduous trees at a rate of 2 per 100 lineal feet on both sides of the street, between 0 feet and 5 feet to the inside of the right-of-way for rural sections and between 5 feet and 10 feet to the inside of right-of-way for urban sections. Four foot conifers may be substituted.

(G) *Other information.* Other information shall be provided as may be reasonably requested by the city staff. Planning Commission, or Council.

(H) *Review by staff and other commissions or jurisdictions.*

(1) The city shall refer copies of the preliminary plat to the City Engineer, Planner, and Attorney, the Park Commission, and the appropriate county, state, or other public agencies for their review and comment.

(2) Comment must be received within 30 days or it will be assumed there are no objections.

(I) *Hearing.*

(1) The Planning Commission, upon receipt of the application shall instruct Administrator to set a public hearing on the proposed preliminary plat no later than 45 days from the date of filing of the application. The Planning Commission shall conduct the hearing and report its findings and recommendations to the Council. The Administrator shall give notice of the hearing. The notice shall consist of a property description and a description of the request. The notice shall be published in the official newspaper at least 10 days prior to the date of the hearing and written notification of the hearing shall be mailed at least 10 days prior to all owners of land within 350 feet of the boundary of the property in question. The Planning Commission, at its discretion, may direct that notification be sent to property owners at distances of greater than 350 feet.

(2) The failure of any property owner to receive notice shall not invalidate the proceedings.

(J) *Planning Commission action.* The Planning Commission shall make a recommendation to the Council within 30 days following the close of the public hearing. If the recommendations of the Planning Commission are not received within that time, the Council may act on the preliminary plat without the recommendations.

(K) *City Council Action.*

(1) The Council shall act upon the preliminary plat and may impose the conditions and restrictions as are deemed necessary by the Council in view of the purpose of this section and the recommendations of the Planning Commission within 30 days after receiving the recommendations of the Planning Commission or within 60 days after the close of the public hearing on the preliminary plat should the Planning Commission fail to forward recommendations.

(2) If the preliminary plat is not approved by the Council, the reasons for the action shall be recorded in the proceedings of the council and transmitted to the applicant. If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The Council may require revisions in the preliminary plat and final plat as it deems necessary for the public health, safety, general welfare, and convenience.

(L) *Submission of final plat; request for extension.* If the preliminary plat is approved by the Council, the subdivider must submit the final plat within 180 days after the approval, or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the council.

(1997 Code, § 400.08) [Penalty, see § 10.99](#)



STAFF REPORT

DATE: July 5, 2016

REGULAR

ITEM #: 18

MOTION

TO: Mayor and City Council
FROM: Kristina Handt, City Administrator
REVIEWED BY: Sarah Sonsalla, City Attorney
AGENDA ITEM: Amend Chap 31 of City Code

BACKGROUND:

The Council last updated Chapter 31 of the City Code related to the City Council at their April 5, 2016 meeting. After adoption Parliamentarian Wendt noted some conflicting provisions about how many times a member may speak. In addition, after learning about state statute related to presiding officer duties, updates are proposed for section 31.02 Presiding Officer

ISSUE BEFORE COUNCIL:

Should the City amend Chapter 31 of the City Code?

PROPOSAL DETAILS/ANALYSIS:

A redlined version of the proposed changes is included in your packet.

FISCAL IMPACT:

NA

OPTIONS:

- 1) Approve Ordinance No 08-143
- 2) Amend and then Approve Ordinance No 08-143
- 3) Do not approve Ordinance No 08-143

RECOMMENDATION:

Motion to approve Ordinance No. 08-143

Motion to adopt Resolution No 2016-54 Approving Summary Publication of Ordinance No 08-143

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

ORDINANCE NO. 08-143

**AN ORDINANCE AMENDING CHAPTER 31 OF THE LAKE ELMO CITY CODE OF
ORDINANCES REGARDING THE PRESIDING OFFICER AND THE ORDER OF
BUSINESS AT REGULAR MEETINGS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 31.02 of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 31.02 PRESIDING OFFICER.

(A) *Presiding Officer.* The mayor, or in the mayor's absence the acting mayor, shall preside at all meetings of the Council.

- (1) *Role of the presiding officer.* The presiding officer shall preserve order, enforce the Council Rules of Order and Procedure as adopted, and determine, without debate, all questions of procedure and order, subject to the final decision of the Council on appeal as provided in this Section. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. Except as otherwise provided by statute or by the provisions of this Chapter, the proceedings of the Council shall be conducted in accordance with the latest edition of *Roberts Rules of Order*.
- (2) *Adjourning a meeting.* If considered necessary, because of grave disorder as determined by the presiding officer, the presiding officer may adjourn or continue any meeting to another time or suspend the meeting for a specified period of time.
- (3) *Designation of a sergeant-at-arms.* The presiding officer may request that local law enforcement designate a member to serve as a sergeant-at-arms at Council meetings. The sergeant-at-arms shall carry out all orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at meetings.
- (4) *Motions and voting.* The presiding officer may make motions, second motion, speak on any questions, and vote on any matter properly before the Council.
- (5) *Absences of presiding officer.* In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the city clerk/administrator shall call the meeting to order. The first order of business

shall be to select a presiding officer for the meeting from the members present. The city clerk/administrator shall preside until the Council members present choose a member to act as presiding officer.

- (6) *Appeals and ruling of the presiding officer.* Any member of the Council may appeal to the full Council a ruling on order or procedure made by the presiding officer.
- (7) *Procedure for appeals.* An appeal is made by motion. No second is needed for the motion of appeal. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain their ruling, but no other Council member may participate in the discussion.
- (8) Once both the maker of the motion and the presiding officer has spoken, the matter must be voted upon by the Council as a whole.
- (9) The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.
- (10) *Temporary designation of a presiding officer.* The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Section 31.04 of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 31.04 ORDER OF BUSINESS AT REGULAR MEETINGS.

(A) *Order established.* Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the order determined by the Council at its first annual meeting or as thereafter amended by the majority vote of the Council.

- (1) *Order of Business.* The standard order of business for Council meetings shall be the following:
 - (a) Call to Order/Pledge of Allegiance;
 - (b) Approval of Agenda;
 - (c) Approval of Minutes from Past Meeting(s);
 - (d) Public Comment;
 - (e) Presentations;

- (f) Consent Agenda;
- (g) Regular Agenda;
- (h) Report of the Council;
- (i) Reports from City Staff; and
- (j) Adjourn.

(B) *Agenda.* An agenda will be prepared for all regular Council meetings by the city clerk/administrator or their designee. Agenda items may be placed on the agenda by the Mayor and a Council member, two Council members or staff. Members of the public wishing to place an item on the agenda must do so by contacting city staff or Council members, or by speaking during the public comment period. No member of the general public may add any items to the agenda.

- (1) *Special Meetings.* When a special meeting is called pursuant to applicable law, the agenda for the special meeting must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.
- (2) *Agenda Procedures.* Any Staff member or Mayor and Council member or two Council members wishing to add an item to any agenda pursuant to this Section shall do so by complying with the following:
 - (a) All requests to place an item on the posted agenda must be received by the city clerk/administrator by 10 a.m. five days prior to the next Council meeting. For a regularly scheduled Tuesday meeting, the deadline for agenda items would be 10 a.m. on the preceding Thursday.
 - (b) All requests to place an item on the posted agenda must be on the form prescribed by the city clerk/administrator. The form shall be completed with the goal of clearly describing the subject matter to be considered by the Council and any action requested or required. Supporting information may be attached to the form as necessary.
 - (c) All requests to place an item on the posted agenda by city staff or Council members must be reviewed by the city clerk/administrator or their designee prior to being included in the agenda.
 - (d) The agenda, along with all related information materials, will be provided to all City Council members and the city attorney at least three days prior to the Council meeting for which it applies. For a regularly scheduled Tuesday meeting, the packet will be provided by 5 p.m. the Friday preceding.

(C) *Consent Agenda.* A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows the Council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.

- (1) Items that require findings of fact or an explanation of Council actions, such as land use matters and the consideration of licensing requests, should not be placed on the consent agenda.
- (2) An item on the consent agenda may be removed from such agenda for full consideration by the Council upon request made by any member of the Council. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

(D) *Presentation, discussion and agenda item decisions.* The following is the order of business for presenting and discussing items on Council agendas:

- (1) Introduction of item;
- (2) Report by staff or other presenter;
- (3) Questions from Council members to the presenter in a round robin manner. The presiding officer will facilitate the round robin process by asking each individual Council member for one question and allowing for a response to the individual question. Then the presiding officer will ask the next Council member, in sequence, until all Council members have asked and received responses to a question. No Council member shall take more than three minutes to ask a question or comment on an item which is being presented before another Council member has a turn to question and comment on the same item;
- (4) Receive questions/comments from the applicant/requesting party to the Council, and allow each Council member to respond in the round robin process;
- (5) Allow questions from Council members to the applicant/requesting party, if applicable, using the round robin process;
- (6) Allow questions/comments from the public to Council members. Each member of the public shall state his or her comments in six minutes. Council shall not interrupt or interact until all public comments are completed;
- (7) At the conclusion of the round robin process, the presiding officer calls for a motion or discussion among the Council. Discussion on any presentation shall be kept to a minimum, and each Council member shall only speak twice on the issue. This action is not an indication that the motion on the table is the motion that will be approved in its current form. It is purely for discussion purposes;
- (8) Discussion among Council members using the round robin process with each

members speaking no more than twice on a motion;

(9) Action by the Council on the motion.

(E) *Meeting Schedule.*

- (1) Each meeting of the Council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.
- (2) Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the Council.
- (3) The last item on the agenda will be commenced no later than 12 a.m.
- (4) If all business has not been completed by 12 a.m., the meeting shall be continued to another date and time following the notice provisions contained herein.

(F) *Public participation and comment at council meetings.* Council meetings are the forum for the Council to conduct the city's business. While Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in Council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of the Council.

(G) *Members of the public shall follow the direction of the presiding officer.* Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After such warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room. If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where the conduct is an egregious threat to the safety of the public or the Council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

(H) *Public comment period.* A limited forum for members of the public to speak with the Council is provided on each agenda. Public comments during the public comment period are subject to the following limitations:

- (1) Speakers must be recognized by the presiding officer before speaking and are limited to six minutes for comment;
- (2) When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson;

- (3) The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular Council meeting or at a continued meeting;
- (4) Speakers must sign up prior to speaking and provide their name, address, and a brief summary of the subject matter which they wish to address. The sign-up sheet will be available at the start of the City Council meeting;
- (5) Speakers must direct their remarks toward the presiding officer;
- (6) Speakers shall not use obscene, profane, insulting, or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public;
- (7) Speakers are required to follow the direction of the presiding officer; and
- (8) The Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Generally, the matter will be referred to staff for further research and possible report or action at a future Council meeting.

(I) *Public Hearings.* Public hearings are sometimes required by law to allow the public to offer input on Council decisions. Unlike public comment periods, public hearings allow the public to speak on a matter currently before the Council. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

- (1) *General procedure for public hearings.* The order of business for all public hearings conducted by the Council shall be:
 - (a) Opening comments by the presiding officer announcing the purpose of the public hearing;
 - (b) The presiding officer opens the public hearing portion of the meeting;
 - (c) Staff presentation, if any (i.e. administrator/clerk, attorney, engineer etc.);
 - (d) Developer/other presentation, if any;
 - (e) Public comment (all individual comments limited to six minute maximum);
 - (f) The clerk/administrator shall make note of any submitted written testimony; and
 - (g) The presiding officer formally closes the public hearing portion of the

meeting.

- (2) Speakers who wish to address the Council at a public hearing must follow the same rules as contained herein for public comment periods. The presiding officer may allow more time, where appropriate.
- (3) Speakers may also provide written comments to the Council before or at the meeting. Written comments shall be noted and provided to the Council and to anyone else as required by law.
- (4) The presiding officer may continue the hearing, if necessary, following the procedures for continuing a meeting contained in this Section.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance No. 08-143 was adopted on this _____ day of July, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2016.

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

RESOLUTION NO. 2016-54

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-143 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-143, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinance is 7 pages in length; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-143 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-143, which amends Chapter 31 of the City Code by deleting sections 31.02 and 31.04 in their entirety and replacing them with new sections 31.02 and 31.04. The Ordinance clarifies the duties of the presiding officer and how many times a council member may speak to a motion.

The full text of Ordinance No. 08-143 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: July 5, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: July 5, 2016

REGULAR

ITEM #: 19

MOTION

TO: Mayor and City Council

FROM: Kristina Handt, City Administrator

AGENDA ITEM: Direction to Parks Commission Regarding Savona

BACKGROUND:

Council members Fliflet and Lundgren were down in Savona meeting some of our newest residents and letting them know about the Farmers Market. They have found out that there is a desire from residents in Savona for a neighborhood park and Council member Fliflet supports this 100%.

ISSUE BEFORE COUNCIL:

Should the Council direct the Parks Commission to work on plans for a neighborhood park in the Savona neighborhood and include this project in the 2017 CIP?

PROPOSAL DETAILS/ANALYSIS:

Fliflet would like the Parks Commission to put together a work group to meet together with residents in this neighborhood to get their input and direction on what they would like to see in the park, and where they think the best location would be. Tucker Pearce, a resident of Savona has offered to take the lead on getting a group of residents together to work with the Parks Commission on this.

Staff Comments:

- Parks Commission previously agreed with having a smaller “pocket/neighborhood” park that serves the development along with a series of trails providing connections to the Stonegate Park and other local and regional parks.
- Mr. Pearce had also been in contact with the Parks Commission Chair about their interest in a park in Savona. The Parks Commission Chair was planning to put this on a future agenda for continued discussion. Generally, the Parks Commission has been looking at parks in new developments once at least a third of the homes are in. Savona will likely meet that threshold within the next few months.
- Directing an outcome (placing the project in the 2017 CIP) is not following appropriate process or procedure. It’s perfectly appropriate to ask the Parks Commission to work with the residents of Savona on a plan but directing them to place it in the 2017 CIP is problematic for a couple reasons. First, the Parks Commission has already held two meetings and passed out their recommendations for the 2017-2021 CIP. The Council should receive them at the appropriate time and then can make whatever changes the Council desires before final adoption. Secondly, it doesn’t make sense for the Council to direct an outcome from a recommending body when the Council has the final authority anyways. This just creates more work and inefficiencies.

FISCAL IMPACT:

Unknown without specific plans yet however, the Parks Commission has generally used \$500 per house in determining how to plan for parks in new developments. There are 309 houses planned in Savona with 78 certificates of occupancy issued as of June 30, 2016.

OPTIONS:

- 1) Direct the Parks Commission to work on plans for a neighborhood park in the Savona neighborhood and include this project in the 2017 CIP
- 2) Direct the Parks Commission to work on plans for a neighborhood park in the Savona neighborhood.
- 3) Do not direct this item to Parks Commission

RECOMMENDATION:

Council Members Fliflet and Lundgren would recommend option 1.

“Motion to direct the Parks Commission to work on plans for a neighborhood park in the Savona neighborhood and include this project in the 2017 CIP”



STAFF REPORT

DATE: July 5, 2016

REGULAR

ITEM #: 20

MOTION

TO: Mayor and Council

FROM: Kristina Handt, City Administrator

REVIEWED BY: Sarah Sonsalla, City Attorney

AGENDA ITEM: Unsustained Complaint Against Council Member Bloyer

BACKGROUND:

Pursuant to the Special Reporting Requirements in the City of Lake Elmo Personnel Policy and Employee Handbook, an employee filed a complaint against Council Member Bloyer on June 2, 2016. The complaint was filed with the City Attorney who undertook the necessary investigation and responded to the employee. The City Attorney found the complaint to be unsustainable. The Council was made aware of the complaint, that the City Attorney found it to be unsustainable, and that Council members could review a copy of the complaint and the City Attorney's response to the complaint in the City Administrator's office.

Council members Fliflet and Smith requested that this item be placed on the July 5, 2016 Council agenda.

ISSUE BEFORE COUNCIL:

What actions, if any, would the Council like to take with regards to this issue?

PROPOSAL DETAILS/ANALYSIS:

Council may discuss what, if any, action should be taken with regards to the complaint.

Even though the complaint and the City Attorney's response is not public data, the Council may discuss not public data at an open meeting, provided that the disclosure is related to a matter within the scope of the Council's authority and is reasonably necessary to conduct the business or agenda item before the Council. However, the Council must refrain from using the complainant's name or otherwise identifying the complainant.

RECOMMENDATION:

Staff's recommendation was that the complaint was unsustainable so no further action is being recommended.