

File

Mayor:
 Lee Hunt
 Councilmembers:
 Steve DeLapp
 Susan Dunn
 Dean Johnston
 Chuck Siedow

Lake Elmo City Council
Tuesday
January 6, 2004

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

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

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

Agenda
City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda	
2. Minutes	December 16, 2003
3. PUBLIC INQUIRIES/INFORMATIONAL: A. Public Inquiries B. Lake Elmo Jaycees Proclamation	Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.
4. ORGANIZATIONAL MEETING: A. Election of Acting Mayor B. Designation of Legal Newspaper C. Designation of Official Depositories for 2004 D. Appointment of City Engineer E. Appointment of City Attorney (Civil and Criminal) F. Appointment of Financial Advisor G. Appointment of Auditing Firm	Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

<p>H. Planning Commission Appointments I. Parks Commission Appointments J. Community Improvement Commission Appointment K. Cable Operator: Steven Press L. IT: NextGenesis M. Animal Control: Kathi Pelnar</p>	
<p>5. CONSENT A. Resolution 2004-001 Approving claims B. Resolution 2004-002 Final Payment for Eagle Point Blvd I C. Resolution 2004-003 Final Payment for Eagle Point Blvd II D. Resolution 2004-004 Partial Payment for Hill Trail N./50th Street E. Final Payment for Painting & Repairs for Fire Station No. 1 F. Resolution 2004-005 Final Payment for 50th Street Reconstruction 6. NEW BUSINESS</p>	
<p>7. MAINTENANCE/PARK/FIRE/BUILDING: A. B. Update On Fire Dept.: Chief Malmquist (1) Capitol City Mutual Aid Assoc. Agreement</p>	
<p>8. CITY ENGINEER'S REPORT:</p>	<p>Tom Prew</p>
<p>9. PLANNING, LAND USE & ZONING: A.</p>	<p>C. Dillerud</p>
<p>10. CITY ATTORNEY'S REPORT: A. Hazardous Structure on 37th Street</p>	
<p>11. CITY ADMINISTRATOR'S REPORT: A. Employee Pay Plan B. Personnel Policy Amendment – (PTO)</p>	
<p>12. CITY COUNCIL REPORTS: A. Mayor Hunt B. Council Member DeLapp C. Council Member Dunn D. Council Member Johnston E. Council Member Siedow</p>	

LAKE ELMO CITY COUNCIL MINUTES

DECEMBER 16, 2003

6:00 P.M. EXECUTIVE SESSION: Met Council Litigation

Mayor Hunt called the Council meeting to order at 7 p.m. in the Council Chambers.
PRESENT: Siedow, Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, Attorney Filla, Acting Finance Director Tom Bouthilet, Building Official Jim McNamara, and Acting Administrator/Planner Dillerud.

1. AGENDA

ADD: 12C. December 26 city hall closed, 12D. Met Co Litigation, 12E. Proposal for Volunteer & Employee Recognition party, 12F. Personnel actions 12/2 as to how to proceed. Delete: 4B. per Tom Prew,
Council member DeLapp brought up a letter with concerns on lighting from a particular property on Highway 5. The Planner responded staff is currently looking at our zoning, and he would write a letter to the property owner asking them to shield lights. If there is a problem, then Dillerud will bring the item to the Council.

M/S/P Dunn/Johnston - to approve the December 16, 2003 City Council agenda, as amended. (Motion passed 5-0).

2. MINUTES: December 2, 2003

M/S/P Johnston/Dunn - to approve the December 2, 2003 City Council minutes, as amended. (Motion passed 5-0).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Donation by Lake Elmo Jaycees

Eric Sorenson, President of the Lake Elmo Jaycees, presented the Council with a check from for \$11,000 to refurbish the Council chambers.

4. CONSENT AGENDA:

A. Appoint Alternate – Ramsey/Washington Cable Commission

Lake Elmo's representative to the Ramsey/Washington Cable Commission, Ginny Holder, has requested the City to appoint an Alternate Member to the Commission to cover Commission meetings she is unable to attend. Ginny has recommended Amy Modean, 8312 Deer Pond Trail, be appointed as the Cable Commission Alternate Representative.

M/S/P DeLapp/Dunn – to appoint Amy Modean, 8312 Deer Pond Trail, as an Alternate Lake Elmo representative to the Ramsey/Washington Cable Commission. (Motion passed 5-0).

- B. Resolution No. 2003-101, Final Payment for Eagle Point Blvd I, Resolution No. 2003-102 Final Payment for Eagle Pint Blvd. II to Tower Asphalt – The City Engineer requested removal of this agenda item.

5. **FINANCE:**

A. Resolution No. 2003-103, Approve Claims

M/S/P Siedow/DeLapp – to adopt Resolution No. 2003-103, A Resolution Approving Claim Numbers 178, 179, DD76 through DD83, 24857 through 24891, were used for Staff, Fire & Council payroll dated December 11, 2003 and Claim Numbers 24892 through 25028 in the total amount of \$295,467.36. (Motion passed 5-0).

6. **NEW BUSINESS:**

7. **MAINTENANCE/PARK/FIRE/BUILDING:**

A. Building Dept: Update on Activities

The Building Official reported there was one new residential building permit issued in November.

Parks Supervisor, Mike Bouthilet introduced the new Heavy Equipment Operator, G.T. Magnuson.

8. **CITY ENGINEER'S REPORT**

The City Engineer reported the signed right-of-entry permission forms are coming in for drainage purposes in the Hill Trail/50th Street Reconstruction project.

9. **PLANNING, LAND USE & ZONING:**

A. Resolution No. 2003-104: Shoreland Overlay District Zoning Variance: Reed, 8056 Hill Trail

At its December 8, 2003 meeting, the Planning Commission recommended approval of a variance to OHW setback standard that will permit the existing home that is marginally non-conforming to those standards to be enlarged by the addition of an attached garage. No additional OHW encroachment would result. The Public Hearing was conducted on November 21 at which time the applicant had also required a side yard set back variance from the R-1 standard of 10 feet. Since it appeared the Commission would recommend denial of this second variance the applicant requested the application to be tabled for redesign to eliminate the need for the side yard set back variance.

Council members DeLapp and Johnston noted based on the site plan submitted the proposed driveway did not meet the five foot setback standard from the north property line, and they did not believe the design of the driveway would enable cars to get into the garage. The applicant was not in attendance to respond. Attorney Filla suggested the Council could table this and continue for 60 days so the applicant can provide a site plan at scale with the driveway corrected on the lot.

M/S/P DeLapp/Johnston - to table the variance request by Jeff Reed until the applicant provides a corrected detailed site plan. (Motion passed 5-0.)

B. Wildflower Shores – Amend Landscape Plan, Accept Public Improvements and Release

The City Engineer certified that the public improvements constructed in the Wildflower Shores neighborhood are completed. The applicant has submitted a revised landscape plan that modifies wetland features of the site in keeping with DNR directions and adjusts interior trail design at one location. The City Planner indicated the DNR has decided not to accept some of the wetland bankings on the site. The numerous trees that died in the outlots have been replaced by the developer. Staff is working with Wildflower regarding additional tree plantings in the outlot that go beyond that of the approved landscape plan.

M/S/P DeLapp/Johnston – to accept the public improvements of Wildflower Shores; and, to release Travelers Insurance Bond 37SB103318163 verified by the recommendation of staff and the City Engineer. (Motion passed 5-0).

C. Old Village Plan Traffic Model/Analysis Recommendations

On October 21 the Council tabled the Old Village Plan and directed investigation of the potential physical impacts of the draft plan that the Planning Commission has recommended. The City had already contracted TKDA to complete surface water planning and public water system planning earlier this year—including the Old Village Area in both cases. That work is being paid for from the respective Enterprise Funds.

On October 21 the Council authorized a contract with North American Wetland Engineering to design and price the wastewater component of the draft Old Village Plan. The Planner indicated the only significant physical impact that should be quantified at this point is traffic, and he provided a proposal from TKDA to undertake the traffic modeling and analysis. The fee proposed of \$18,700 would be paid from the Tax Abatement Reserve Account.

M/S/P DeLapp/Dunn - to authorize the Mayor and Acting City Administrator to enter into a contract on behalf of the City with TKDA in the not-to-exceed amount of \$18,700 for the completion of traffic modeling and analysis of the Draft Old Village Plan and the fees would be taken out of the Tax Abatement Reserve Account. (Motion passed 5-0).

10. CITY ATTORNEY'S REPORT:

Attorney Filla reported the Discovery was due on the Hidden Bay property this week. The Building Official has taken photographs on the hazardous building on 37th Street.

11. CITY ADMINISTRATOR'S REPORT:

A. Recommendation on Heavy Equipment Operator

Based on application data, reference checks and personal interviews, staff recommended the City hire Gerald T. Magnuson (GT) as a Heavy Equipment Operator. Mr. Magnuson will begin employment at the existing "Start" wage rate for the position; and be subject to

the customary 6 months Probationary Period. Upon securing the water and sewer system license during the initial 12 month period, the City will then address promotion to the upgraded position.

M/S/P Dunn/DeLapp – to approve City hiring of Gerald T. Magnuson as a Heavy Equipment Operator at the “Start” step for the position on the 2003 Pay Plan, subject to a 6 month probationary period. (Motion passed 5-0.)

B. 2004-2008 Capital Improvements Program

Staff presented the draft 2004-2008 CIP to the Planning Commission on November 21, 2003 and there were no members of the Public to provide testimony at the Public Hearing. The City Planner explained during Commission discussion of the CIP it was noted that none of the Old Village Streetscapes project along Lake Elmo Avenue was in the Tax Abatement portion of the CIP, even though other Old Village Plan related work was. The Commission tabled the CIP for that reason, and requested staff to convene a meeting of the Old Village Special Projects Commission with the purpose of addressing if and how the Streetscapes project could be incorporated in the CIP. The Commission decided to recommend inclusion of the \$107,200 portion of the streetscapes project that would be the Tax Abatement share of the Base Plan for Lake Elmo Avenue Streetscapes as a 2005 project.

M/S/P DeLapp/Siedow - to adopt Resolution No, 2003-104 adopting the 2004-2008 Capital Improvement Program with appreciation to those who put the Plan together. (Motion passed 5-0.)

C. Close City Hall on December 26th

The Acting Administrator asked if the City could close city hall on Friday, December 26th and provide employees an opportunity to use vacation or comp time, with full recognition that some employees may want to keep the doors, then they will keep it open.

M/S/P DeLapp/Johnston -- to direct the Acting City Administrator to meet with employees to find out if there is enough staff to keep the doors open on December 26 recognizes comp time or vacation will be taken if City Hall is closed. (Motion passed 5-0.)

D. Met Co Decision

The Acting City Administrator reported the Minnesota Court of Appeals rendered their opinion and did not rule in the City's favor. Our attorneys and staff will come to the Council with some suggested strategies to pursue our options.

E. Volunteer Recognition Party

The Acting Administrator indicated the City will get back on track for this year to hold a Volunteer Recognition Party. He suggested the City extend the invite to employees and called it an employee recognition party. The City Attorney is reviewing the Brooklyn Park opinion on spouse attendance and will come back with a recommendation.

F. Human Resource-Employee Compensation

The Acting Administrator indicated he sent a memo dated December 2nd to Council per in response to a meeting of the HR. There were suggestions made on how to address compensation and he took the recommendation from the Springsted report on pay classification plan and adopt as the City's new pay plan and adopt the consultants' findings with how to address fringe benefits.

The City Council will hold a workshop to discuss the Employee Compensation Plan on Tuesday, December 30th at 5 p.m.

12. CITY COUNCIL REPORTS:

Council member DeLapp reported he was invited to a 3-day retreat with National Parks Service, an organization that will study planning and environmental issues for cities along the St. Croix River.

Council member Dunn attended the Fire Department Appreciation Night on December 13, 2003. Dunn asked that Baytown Township receive a copy of the letter from Brian LeClair.

It was noted that it would be nice if the decorative Christmas lights that worked could be installed. The Council wished everyone a Happy Holidays.

Council adjourned the meeting at 7:58 p.m.

MINUTES APPROVED: December 16, 2003
LAKE ELMO CITY COUNCIL MINUTES

DECEMBER 2, 2003

**6:00 P.M. INTERVIEWS OF SEARCH FIRMS FOR
CITY ADMINISTRATOR POSITION**

1. AGENDA
2. MINUTES: November 18, 2003 (Postponed)
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries
 - B. Lake Elmo Library
4. CONSENT AGENDA
 - A. Resolution No. 2003-095: Approve Claims
 - B. 2004 Liquor Licenses
5. FINANCE:
 - A. Adopt Final Tax Levy and adopt 2004 General Fund Budget
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Fire Dept: Update, Grass Rig Purchase
 - B. Modifications to election of Officers for Fire Department
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
 - A. PUBLIC Hearing: Resolution No. 2003-096: Section 520 Site Plan and Variance – River Valley Christian Church
 - B. Resolution No. 2003-097: Minor Subdivision, 4415 Olson lake Trail
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. LMCIT Liability Insurance – Waiver Form
 - B. Hiring Search Firm
12. CITY COUNCIL REPORTS:
 - A. Question on Approval Process on Zoning Changes

Mayor Hunt called the meeting to order at 7:00 p.m. in the Council chambers.
PRESENT: Siedow, Dunn, Hunt, Johnston, DeLapp, City Engineer Prew, City Attorney Filla, Acting Finance Director Tom Bouthilet, Fire Chief Malmquist, and Acting Administrator/Planner Dillerud.

1. AGENDA

ADD: 3A. Lake Elmo Library, 5A. Adopt Final Tax Levy and adopt the 2004 General Fund Budget; 11B. Hiring Search Firm, 12. Question on approval process on zoning changes.

M/S/P DeLapp/Siedow - to approve the December 2, 2003 City Council agenda, as amended. (Motion passed 5-0).

M/S/P Johnston/Siedow – adopt Resolution No. 2003-100, A Resolution Adopting the 2004 General Fund Budget in the Amount of \$2,491,589.00. (Motion passed 5-0).

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Fire Dept: Update, Grass Rig Purchase

The Maintenance Advisory Committee adopted a recommendation that the City proceed with the purchase of a replacement grass rig for Fire Department service. Both staff and the MAC recommend that the Council approve the purchase of the new grass rig as the following comments:

1. Chassis, Bed/Winch, Radio – State Contract = \$31,859.63
 2. Bed rigging and equipment -- Foreman Fire = \$45,744.40
 3. Graphics – Grafix Shoppe = 400.00
- \$78,033.63

MAC also recommends that the present grass rig be sold to another department. This will close the gap to the CIP number even more.

M/S/P Johnston/DeLapp - to direct the staff to initiate the purchase of a replacement grass rig for the Fire Department at a total gross cost of \$78,033.63 based on the State Purchasing Contract, and bids by Foreman Fire Equipment and the Grafix Shoppe. Further that the Fire Chief be directed to coordinate the public sale of the 1985 grass rig by the appropriate process. (Motion passed 5-0).

B. Modifications to election of Officers for Fire Department

The process/procedure by which the Fire Chief, Assistant Fire Chiefs, and Fire Captains are selected has been addressed briefly by department, Council and City Administration several times in recent years. The department elected their officers by an internal process, with little input or involvement by City Administration or the City Council—beyond confirmation of the election results.

Chief Malmquist indicated that he and the majority of the department believe the time has arrived to take a step toward enhancing the professional structure of the department by replacing the election of fire department leadership and management with City Council appointment, based solely on candidate qualifications, as is the practice with other City operating departments, and as the City Code (Chapter 200) specifies for all City employees. The Chief prepared a draft policy describing how the new process would function.

Council member Johnston asked why we have to have two different procedures in hiring for the City. The Fire Chief said Lake Elmo has the only department that has elections. The hiring would be done from the inside. Johnston suggested as a substitute for the proposal adopt a common policy for hiring and promotion policy for the City.

Mayor Hunt called the public Hearing to order in the Council Chambers at 8:15 p.m. Pastor Nietzell, River Valley Christian Church, spoke in favor of granting the variance. There was no one to speak against the variance request. Mayor Hunt closed the Public Hearing at 8:16 p.m.

Council member DeLapp asked what the hardship is that is unique to this land. The Church cut the trees down and now the lights of passing motorists glare into your eyes. The existing lot is 50% for the current standard for landscape areas per Dillerud. He noted that this was a long narrow lot before the City created the buffer standards. Johnston asked if there is an intention to bring the existing parking lot into conformance with landscape ordinance.

Mayor Hunt indicated the new compacted area should meet the 10 percent landscape island standard. The transmission towers are in there.

Council member Siedow thought it was tough to buffer against the power line. This was built with different standards and impossible to expand without a variance.

Council member Dunn stated that the overflow parking should be on their own site rather than on the highway for safety reasons and should add a buffer to the site.

Council member Johnston commented that Council member DeLapp brought up a valid point for residential development on the south. DeLapp added that Eagle Point put a berm and trees in the power line easement; and that could happen adjacent to this site as well.

M/S/P Johnston/Siedow – to adopt Resolution No. 2003-095, A Resolution approving a Section 520 Site Plan and variance from the Public Facilities (PF) buffer requirements of the Zoning Ordinance to permit construction of a 30 stall overflow parking lot on the site of the River Valley Christian Church, per plans staff dated November 6, 2003; and, subject to a condition that landscape islands sized to City Code standards be constructed within the new parking area. (Motion passed 3-2:Johnston, DeLapp)

B. Resolution No. 2003-097: Minor Subdivision, 4415 Olson lake Trail

At its November 24th meeting, the Planning Commission adopted a recommendation for approval of the application of US Bank NA (as trustee of the Sovereign Estate) to divide an existing 9.42 acre parcel fronting Olson Lake into parcels of 3.04 and 6.38 acres. The small new parcel would contain the existing residence; and, the larger new parcel would be vacant.

The Commission recommended conditions of approval include conveyance of street right-of-way in an amount determined by the City Engineer, and in a form determined by the City Attorney (to replace existing statutory right-of-way) and, payment of a \$1,500 Park Dedication Fee for the new parcel that would be created.

Council member DeLapp said he thought this was a slap in the face for the staff we have in place, which is highly professional. No one has spoken to him except as highly laudatory for the way the City has run; and, the City would be wrong to take another direction. Council member Dunn stated it was a waste of money, the process to come to finalization before we hire a new person and postpone until the first of year.

Council member Johnston stated we have been without a fulltime administrator for almost 12 months, and the Council talked about promoting the Acting City Administrator. He was told the Acting Administrator was not a candidate, and so he believed it is time to move ahead.

12. CITY COUNCIL REPORTS:

Council member Dunn indicated Washington County is looking for signal light at CSAH19 and I-94. The new Prairie Ridge Office Park has removed a lot of the big pine trees and the City should make sure they retain and replant some trees. Dunn said she serves on the Highway 5 Task Force Committee and has seen tailgating and driving irresponsible on Highway 5. She asked drivers to drive in a responsible manner and not to disregard safety.

AMM Update: Council member Johnston has volunteered to be a candidate for the executive committee. More cities with philosophies like ours should get interested to serve on the committee.

Council member Siedow pointed out there should be consideration in changing the duration of the red light at Manning and Highway 5 Intersection because it creates a large back up.

Meeting Adjourned at 9:10 p.m.

Respectfully submitted by Sharon Lumby, Deputy Clerk

Resolution No. 2003-095 Approve Claims

Resolution No. 2003-096 Approving a Section 520 Site Plan and variance from the PF buffer requirements to permit construction of a 30 stall overflow parking lot for River Valley Christian Church

Resolution No. 2003-097 Approve Minor Subdivision, Sovereign

Resolution No. 2003-098 Tort Liability and Non-Waiver of Monetary Limits

Resolution No. 2003-099 Adopting the Final Tax Levy of \$1,717,847

Resolution No. 2003-100 Adopting the 2004 General Fund Budget in the amount of \$2,491,589

Lake Elmo City Council January 6, 2004	Agenda Section: ORGANIZATIONAL MEETING	<u>No 4A.</u>
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Agenda Item: Election of Acting Mayor

Background Information for January 6, 2004

The Council must select an Acting Mayor to act on the City's behalf if Mayor Hunt is unable to attend a meeting, sign an agreement, or attend functions on behalf of the City. Any member of the Council is eligible for this position.

The following motion is offered for your consideration.

<p><u>Action Items:</u> Motion _____ Second _____, to approve Council Member _____ as Acting Mayor for 2004.</p>	<p><u>Person responsible:</u></p>

Lake Elmo City Council January 6, 2004	Agenda Section: ORGANIZATIONAL MEETING	<u>No 4B.</u>
<u>Agenda Item:</u> Designation of Legal Newspaper		
<u>Background Information for January 6, 2004</u> Attached are quotes from the Stillwater Gazette, Lillie Suburban Newspapers, Inc. (Oakdale-Lake Elmo Reviews) and Press Publications for legal newspaper services for 2004. The Gazette has provided excellent one-day turnaround services for publishing legal notices. It is recommended that the City continue with the Stillwater Gazette because they are a daily newspaper, which allows the staff and applicants more flexibility. Therefore, the following motion is offered for your consideration.		
<u>Action Items:</u> Motion _____ Second _____, to designate the Stillwater Gazette as the City's legal newspaper for 2004.	<u>Person responsible:</u>	

Stillwater Gazette

Serving The St. Croix Valley Since 1870

December 16, 2003

Lake Elmo Mayor Lee Hunt and City Council Members
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo
MN 55042

Dear Mayor Hunt and City Council Members;

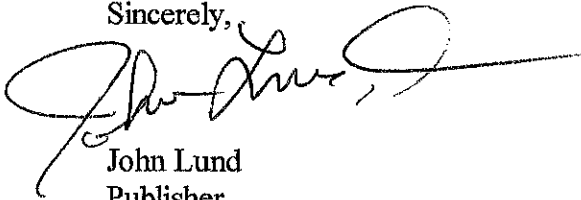
Thank you for notifying me of the City of Lake Elmo's wish to receive a bid from the *Stillwater Gazette* for the publication of its legal publications. I appreciate the opportunity to respond, and the *Gazette* does request consideration to be the city's legal newspaper for the year 2004.

The *Gazette's* five-days-a-week publication schedule gives Lake Elmo city government many options for presenting its legal publications to the public in a timely manner. In addition, the *Gazette* continues to offer a high number of paid circulation newspapers distributed within the city.

I propose that the rate for 2004 remain the same as it has been this past year, \$4.20 per column inch.

The *Gazette* would appreciate the opportunity to continue serving the citizens of the City of Lake Elmo by publishing the city's legals. If you have any questions or are in need of additional information, please contact me. Thank you.

Sincerely,



John Lund
Publisher
651-796-1116

Lillie Suburban Newspapers, Inc.

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

December 15, 2003

Chuck Dillerud
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

Dear Mr. Dillerud:

Thank you for the opportunity to bid on public notice publication services for the City of Lake Elmo. The Oakdale-Lake Elmo Review has been serving the needs of the Lake Elmo area for 33 years, and is pleased to provide ongoing coverage of city government and school issues and community events.

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

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

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


Noon Friday is the deadline each week for submitting public notices to our office. Late public notices are accepted up to 10 a.m. Monday for the Wednesday newspaper. Public notices should be directed to Brenda Boogren, Lillie Suburban Newspapers, 2515 E. Seventh Ave., North St. Paul, MN 55109. Our fax number is 651/777-8288. Notices may also be sent via e-mail to lilienews@aol.com

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

\$2.90 per column inch for a one-time publication
\$2.70 per column inch for each additional publication

Thank you for considering the Oakdale-Lake Elmo Review as the official legal newspaper for the City of Lake Elmo for 2004. If you have any further questions, don't hesitate to call us.

Sincerely,



Jeffery Enright
Publisher



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



Eugene D. Johnson, Publisher 4779 Bloom Ave., White Bear Lake, Mn 55110 • 651-407-1200 • Fax: 651-429-1242

December 9, 2003

Chuck Dillarud, City Administrator
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042

Dear Mr. Dillarud:

The St. Croix Valley Press wishes to be considered as your designated newspaper for 2004.

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

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

The rate is \$5.80 per column inch, in 7-point type at 9-lines per inch.

Our deadline for legal notices is Friday by 5 PM for the following Thursday's publication.

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

Sincerely,

Lisa Graber
Legal Notice Coordinator

misc:\kellg04.doc

Your Best Source For Community Information

White Bear Press • Vadnais Heights Press • St. Croix Valley Press • Quad Community Press • Shoreview Press • Forest Lake Press
ppnews@sherbtl.net ppcomp@sherbtl.net ppadvertising@sherbtl.net ppcirc@sherbtl.net

Lake Elmo City Council January 6, 2004	Agenda Section: ORGANIZATIONAL MEETING	<u>No 4C.</u>
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Agenda Item: Appointment of Depositories for 2004

Background Information for January 6, 2004

The staff recommends the designation of the following as official depositories for the City: Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup, and Northland Securities.

<p><u>Action Items:</u> Motion _____ Second _____, to designate Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup, and Northland Securities for the 2004.</p>	<p><u>Person responsible:</u></p>
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Lake Elmo City Council January 6, 2004	Agenda Section: ORGANIZATIONAL MEETING	<u>No 4D.</u>
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Agenda Item: Appointment of City Engineer

Background Information for January 6, 2004

Attached is a letter from Tom Prew expressing interest in reappointment as the City Engineer. Tom has provided a new schedule of billing rates. A copy of 2003 billing rates has been enclosed.

Should the Council consider going out for an RFP for the City Engineer appointment, staff suggests appointing Tom Prew/TKDA as the City Engineer for 90 days and direct staff to submit an RFP for the City Engineer appointment.

<p><u>Action Items:</u> Motion _____ Second _____, to appoint Tom Prew/TKDA as the City Engineer for 2004 OR To appoint Tom Prew/TKDA as the City Engineer for 90 days and direct staff to submit an RFP for the City Engineer appointment.</p>	<p><u>Person responsible:</u></p>
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TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

November 25, 2003

Honorable Mayor and City Council
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Reappointment of City Engineer
City of Lake Elmo, Minnesota
TKDA Commission No. 11979-031

Dear Mayor and City Council:

At this time of year we like to review some of the items we have worked on with the City and projects we look forward to working on in the next year. In 2003, we assisted the City with:

- Reconstruction of 50th Street and Hill Trail North.
- Completion of Well No. 2.
- Completion of Eagle Point Boulevard.
- Building Repairs at Fire Station No. 1 and the Public Works Building.
- Park Grading Projects at Carriage Station and Parkview Estates.


In 2004, we are looking forward to:

- Assisting City staff with planning and new subdivision work.
- Street upgrades and maintenance work.
- Assisting with infrastructure planning in the Old Village planning area.

City Council Action Requested

- Reappoint TKDA as the City Engineer for 2004.

Sincerely,



Thomas D. Prew, P.E.
Consulting City Engineer

TDP:adh

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

November 25, 2003

Mr. Chuck Dillerud
Acting City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: General Agreement for Continuing Services

Dear Mr. Dillerud:

Enclosed herewith is an updated Billing Rate Schedule dated January 1, 2004, for use with our Agreement dated February 2, 1988. This Schedule replaces the previous schedule that has been in effect since January 1, 2003.

We appreciate the opportunity to be of service to the City of Lake Elmo. If you have any questions, please feel free to call me at 651/292-4463.

Sincerely,



Thomas D. Prew, P.E.
Project Manager

TDP:adh

Enclosure

cc: Richard Thompson, TKDA
Kurt Johnson, TKDA

SCHEDULE OF BILLING RATES

<u>Classification</u>	<u>Range of Hourly Billing Rates*</u>
Director, Senior Registered Engineer, Architect, or Planner	\$ 93.00 to \$ 179.00
Engineering or Architectural Specialist II	\$ 88.00 to \$ 130.00
Engineering or Architectural Specialist I	\$ 57.00 to \$ 105.00
Registered Engineer, Architect, Land Surveyor, Planner, or Interior Designer	\$ 60.00 to \$ 116.00
Graduate Engineer, Architect, or Planner	\$ 44.00 to \$ 88.00
Technician III	\$ 49.00 to \$ 69.00 **
Technician II	\$ 38.00 to \$ 55.00 **
Technician I	\$ 24.00 to \$ 42.00 **

In addition to the hourly charges, TKDA shall be reimbursed at cost for the following direct expenses when incurred in the performance of the work:

1. Travel and subsistence. (Mileage currently at IRS Standard Rate of \$0.36 per mile.)
2. Computer services. (Currently at \$12.00 per hour of logged-on time.)
3. Outside professional and technical services with costs defined as the amount billed TKDA plus 10%.
4. Identifiable reproduction and reprographic costs.

* Rates effective until December 31, 2004.

** For hours worked over 8 hours per day or 40 hours per week, whichever is greater, individuals will be paid one and one-half times the above rates where required by Local, State and/or Federal Government Wage and Hour Regulations.

TOLTZ, KING, DUVALL, ANDERSON
AND ASSOCIATES, INCORPORATED
ENGINEERS · ARCHITECTS · PLANNERS

ST. PAUL, MINNESOTA

JANUARY 1, 2003

SCHEDULE OF BILLING RATES

<u>Classification</u>	<u>Range of Hourly Billing Rates*</u>
Director, Senior Registered Engineer, Architect, or Planner	\$ 85.00 to \$ 165.00
Engineering or Architectural Specialist II	\$ 88.00 to \$ 127.00
Engineering or Architectural Specialist I	\$ 57.00 to \$ 102.00
Registered Engineer, Architect, Land Surveyor, Planner, or Interior Designer	\$ 60.00 to \$ 116.00
Graduate Engineer, Architect, or Planner	\$ 44.00 to \$ 88.00
Technician III	\$ 49.00 to \$ 66.00 **
Technician II	\$ 33.00 to \$ 53.00 **
Technician I	\$ 24.00 to \$ 42.00 **

In addition to the hourly charges, TKDA shall be reimbursed at cost for the following direct expenses when incurred in the performance of the work:

1. Travel and subsistence. (Mileage currently at IRS Standard Rate of \$0.365 per mile.)
2. Computer services. (Currently at \$12.00 per hour of logged-on time.)
3. Outside professional and technical services with costs defined as the amount billed TKDA plus 10%.
4. Identifiable reproduction and reprographic costs.

* Rates effective until December 31, 2003.

** For hours worked over 8 hours per day or 40 hours per week, whichever is greater, individuals will be paid one and one-half times the above rates where required by Local, State and/or Federal Government Wage and Hour Regulations.

<p>Lake Elmo City Council January 6, 2004</p>	<p>Agenda Section: ORGANIZATIONAL MEETING</p>	<p><u>No 4E.</u></p>
<p><u>Agenda Item:</u> Appointment of City Attorney (Civil and Criminal)</p>		
<p><u>Background Information for January 6, 2004</u></p> <p>The City has received verbal confirmation by Jerry Filla, Peterson, Fram & Bergman, for reappointment as the City Attorney for Civil and Criminal matters.</p> <p>Should the Council consider going out for an RFP for the City Attorney (Criminal or Civil) appointment, staff suggests appointing Jerry Filla/Peterson, Fram & Bergman as the City Attorney for 90 days and direct staff to submit an RFP for the City Attorney appointment.</p>		
<p><u>Action Items:</u></p> <p>Motion _____ Second _____, to appoint Jerry Filla, Peterson, Fram & Bergman, as the City Attorney, both for Criminal and Civil matters, for 2004</p> <p>OR</p> <p>To appoint Jerry Filla, Peterson, Fram & Bergman, as the City Attorney, both for Criminal and Civil matters, for 90 days and direct staff to submit an RFP for the City Attorney appointment.</p>	<p><u>Person responsible:</u></p>	

<p>Lake Elmo City Council January 6, 2004</p>	<p>Agenda Section: ORGANIZATIONAL MEETING</p>	<p><u>No 4F.</u></p>
<p><u>Agenda Item:</u> Appointment of Financial Advisor</p>		
<p><u>Background Information for January 6, 2004</u> Paul Donna, Northland Public Finance Group, has been the City's Financial Advisor for 2003.</p> <p>Should the Council consider going out for an RFP for the Financial Advisor appointment, staff suggests appointing Paul Donna/Northland Public Finance Group, as the City's Financial Advisor for 90 days and direct staff to submit an RFP for the Financial Advisor appointment.</p>		
<p><u>Action Items:</u> Motion _____ Second _____, to appoint Paul Donna, Northland Public Finance Group, as the City's Financial Advisor for 2004 OR To appoint Paul Donna, Northland Public Finance Group, as the City's Financial Advisor for 90 days and direct staff to submit an RFP for the City's Financial Advisor appointment.</p>	<p><u>Person responsible:</u></p>	

<p>Lake Elmo City Council January 6, 2004</p>	<p>Agenda Section: ORGANIZATIONAL MEETING</p>	<p><u>No 4G.</u></p>
<p><u>Agenda Item:</u> Appointment of Auditing Firm</p>		
<p><u>Background Information for January 6, 2004</u></p> <p>The City has received verbal confirmation from Steven R. McDonald, CPA; Abdo, Eick & Meyers, LLP, for their reappointment as the City's Auditing Firm for 2004.</p> <p>Should the Council consider going out for an RFP for the City's Auditing Firm, staff suggests appointing Steven McDonald, Abdo, Eick & Meyers, LLP, as the City's Auditing Firm for 90 days and direct staff to submit an RFP for the City's Auditing Firm.</p>		
<p><u>Action Items:</u></p> <p>Motion _____ Second _____, to appoint Steven R. McDonald, CPA, Abdo, Eick & Meyers, LLP as the City's Auditing Firm for 2004</p> <p>OR</p> <p>To appoint Steven R. McDonald, CPA, Abdo, Eick & Meyers, LLP as the City's Auditing Firm for 90 days and direct staff to submit an RFP for the City's Auditing Firm.</p>	<p><u>Person responsible:</u></p>	

<u>MAYOR</u> Lee Hunt	No. 4.H
<u>Councilmembers</u> Steve DeLapp Susan Dunn Dean Johnston Chuck Siedow	Agenda Section: Organizational Agenda Item: Planning Commission Appointments Date: January 6, 2004

Background Information for January 6, 2004.

The terms of Commissioners Mark Deziel, Julie Ann Bunn, and Jennifer Pelletier expired on December 31, 2003. All three have requested reappointment.

Motion _____, Second _____, to reappoint Mark Deziel, Julie Ann Bunn, and Jennifer Pelletier to the Planning Commission to 3-year terms that will expire on December 31, 2006.

The terms of Old Village Special Projects Commissioners Todd Williams and Ann Bucheck expired on December 31, 2003. Todd Williams has requested reappointment. To date, we have received no correspondence from Commissioner Bucheck.

Motion _____, Second _____, to reappoint Todd Williams to the Old Village Special Projects Planning Commission to a 3-year term that will expire on December 31, 2006.

2003 Planning Commission		FVM	EXP	OV	DEC	
				24	8	
1	Bob Helwig	JAN. 94	2005	1	1	95.0%
2	Jeff Berg	JAN. 96	2004	0	1	80.0%
3	Todd Ptacek	SEP. 98	2004	1	1	80.0%
4	Rodney Sessing	AUG. 97	2004	0	0	60.0% Excused
5	Kathy Sedro	SEP. 98	2005	1	1	85.0%
6	Mark Deziel	APR. 02 (Mandel)	2003	1	1	80.0%
7	Julie Ann Bunn	02 (Herber)	2003	1	1	85.0%
8	Jennifer Pelletier	JAN. 03 (Taylor:Brass)	2003	1	1	85.0%
9	Thomas Meldahl	JAN. 03 (Armstrong)	2005	1	1	70.0% Excused
	Jim Van Pelt, 1st Alt		2/4/2003	1	1	72.2%
	Liz Johnson, 2nd Alt		2/4/2003	1	1	77.8%
Old Village Special Projects						
1	Todd Williams	Jan. 2001	1/1/2003		0	77.8%
2	Ann Bucheck	Jan. 2001	1/1/2003		0	44.4%
3	Wyn John				1	88.9%
4	David Herreid				0	77.8%

2003 ATTENDANCE CALCULATED

1 = Attended, 0 = Absent

<u>Mayor</u> Lee Hunt	No. 4.I
<u>Councilmembers</u> Steve DeLapp Susan Dunn Dean Johnston Chuck Siedow	Agenda Section: Organizational Agenda Item: Parks Commission Appointments Date: January 6, 2004

Background Information for January 6, 2004.

There are currently two openings on the Parks Commission, and we have received one application.

The terms of Commissioners Bob Schumacher, Steve Peterson, and John Heroff expired on December 31, 2003. Bob Schumacher and John Heroff have requested reappointment. Commissioner Boissonneault has moved out of Lake Elmo and resigned from the Parks Commission. Steve Peterson has also resigned after serving for approximately eleven years.

Motion _____, Second _____, to reappoint Bob Schumacher and John Heroff to the Parks Commission to 3-year terms that will expire on December 31, 2006.

Jim Lund was appointed 1st Alternate to the Parks Commission in 2003. His studies, work, and family obligations are still quite demanding. He would prefer to continue his role as an Alternate Member of the Parks Commission.

Motion _____, Second _____, to reappoint Jim Lund as 1st Alternate Member of the Parks Commission.

John Ames was appointed to the Parks Commission in 2003 as 2nd Alternate. He should be granted status as a Full Voting Member, filling the position vacated by Steve Peterson.

Motion _____, Second _____, to appoint John Ames as Full Voting Member of the Parks Commission to begin a 3-year term that commences in January 2004 and expires on December 31, 2006 for the position vacated by Steve Peterson.

The city received an application to the Parks Commission from Todd Bruchu dated December 8, 2003.

Motion _____, Second _____, to appoint Todd Bruchu as Full Voting Member of the Parks Commission, to fill a position vacated by Eric Boissonneault for a 3-year term that expires on December 31, 2004.

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042
651.777.5510 Fax 777.9615

RECEIVED
DEC 8 2003

APPLICATION FOR PARKS COMMISSION APPOINTMENTS
CITY OF LAKE ELMO

Date: 12/8/03

Name Todd Bruchu

Address 3150 Klondike Ave.

Phone Number W) 264-5056 H) 770-3526

1. What do you consider to be the major park planning development and policy issues confronting the City of Lake Elmo? What is your position on these matters?

Lake Elmo has nice parks. I simply want to help keep them nice. I would also like to participate in the planning of our future parks and future improvements to our existing parks.

2. What do you see as the role and function of the Parks Commission? How does this relate to the role and responsibility of the City Council in Park matters?

To make sound and prudent recommendations to our City Council on park matters. The parks Commission should represent the residents of Lake Elmo on Park issues, and help the City Council prioritize our wants and needs.

3. What experience and qualifications do you have which you feel will contribute to the Parks Commission work, and which will enable you to provide a service in this regard?

I've lived here all my life, so I am very familiar with the parks. I've been coaching Youth Athletics in Lake Elmo for 7 years. I also farm, so I understand soil and water conservation, land use, and land abuse.

4. How much time do you have or are willing to devote to Parks Commission activities?

I do have a young family which demands a lot of my evenings. We already spend a lot of time in the parks, and monthly meetings should not be an issue.

Please complete and return to the City Office.

Todd Bruchu

Kimberly Schaffel

From: pete3308@msn.com
Sent: Tuesday, December 09, 2003 4:27 PM
To: Kimberly Schaffel
Subject: Parks Commission

December 9, 2003

Parks Commission,

It has been a swift eleven years, and at this time I am sorry to say that I must now resign from the Parks Commission. It has been a very interesting and educational experience. Good luck to the future of the Lake Elmo Parks Commissioners.

Sincerely,

Steve Peterson

12/10/2003

Kimberly Schaffel

From: Jim Lund [lundx060@umn.edu]
Sent: Thursday, December 11, 2003 7:13 PM
To: Kimberly Schaffel
Subject: RE: Parks Commission Changes

Hi Kim,

Sorry if I've been less than accessible – I'm actually studying for finals; I'm a first year law student at William Mitchell, 11 credits per semester – night school. Do you know if there are any other alternates who could be appointed rather than me? My classes are from 4:30 until 8:30 on weeknights, except Wednesday, but on Wednesday nights, I must give my wife a break with our 4 young children in addition to working as a patent prosecutor part time. So, unfortunately, for the unforeseeable immediate future I'm pretty much tied up in the evenings..perhaps in the summer I can make it to the meetings, if I take a break from my law studies. I am planning, however to contribute in some capacity, especially after my bar exams.

Best Regards,

Jim Lund

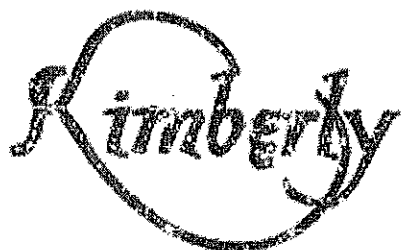
-----Original Message-----

From: Kimberly Schaffel [mailto:Kimberly.Schaffel@LakeElmo.org]
Sent: Thursday, December 11, 2003 2:40 PM
To: J L Lund
Subject: Parks Commission Changes

Dear Jim:

Eric Boissonneault resigned from the Parks Commission, and you are the first alternate. The usual step is for me to ask the City Council to appoint you to replace him for his unexpired term (ends December 31, 2004). Does this meet with your approval?

Please, advise.

A handwritten signature in black ink that reads "Kimberly". The signature is written in a cursive style and is enclosed within a large, hand-drawn oval.

City of Lake Elmo

3800 Laverne Ave. N.
Lake Elmo, MN 55042
(651) 777-5510

12/12/2003

Lake Elmo City Council January 6, 2004	Agenda Section: ORGANIZATIONAL	<u>No 4J.</u>
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Agenda Item: Community Improvement Commission

Background Information for January 6, 2004
 The City has received an application to serve on the Community Improvement Commission from Anne Smith, 12153 Marquess Lane N. At its November 3rd meeting, the Council appointed three members to the Commission: Joan Ziertman, Gary Rieder, and Deborah Lyzenga. The Commission shall be comprised of seven (7) members.

<u>Action Items:</u> Motion _____ Second _____ to appoint Anne Jennifer Smith, 12153 Marquess Lane N., to the Lake Elmo Community Improvement Commission.	<u>Person responsible:</u> S. Lumby
--	---



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042
(651) 777-5510 / Fax 777-9615

APPLICATION FOR COMMUNITY IMPROVEMENT COMMISSION APPOINTMENT

Date: 12/14/03

Name Anne Jennifer Smith

Address 12153 Marquess Lane N. Lake Elmo

Phone: W) _____ H) (651)-351-0811(c)

1. What do you consider to be the major societal and law enforcement issues requiring improvement in the City of Lake Elmo?

Maintaining Lake Elmo's small town characteristics while still providing appropriate services to it's residents.

Safety of Children Quality of Schools

Excessive speeding

2. What do you see as the role and function of the Community Improvement Commission?

To provide constructive activities for the children and young adults within the community. To oversee traffic safety issues within the community. To consolidate and implement the ideas of the residents of Lake Elmo.

3. What experience and qualifications do you have that you feel will contribute to the Community Improvement Commission's work, and will enable you to provide a service in this regard?

- BA in Geography; UW-Madison BA in Psychology; UW-Madison

- Seventeen years Sales experience has enhanced my ability to effectively communicate with various groups of people

- I have traveled extensively to most major U.S. Cities and also hundreds of smaller communities.

4. How much time do you have, or are you willing to devote to Community Improvement

Commission activities? I am willing to spend as much time as the Commission needs to fulfill its duties.

I have a strong desire to keep improving our community.

5. What property or development interest, either direct or indirect, do you have within Lake Elmo?

I am interested in the traffic issues in the smaller neighborhoods and on the larger roadways

throughout the city, as well as the aesthetics of the city as it grows.

Please, complete and return to City Hall.

Lake Elmo City Council January 6, 2004	Agenda Section: ORGANIZATIONAL	<u>No 4K,L,M</u>
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**Agenda Item: K. Cable Operator:Steven Press
L. IT:William Keran
M. Animal Control:Kathi Pelnar**

Background Information for January 6, 2004

K. Cable Operator: Steven Press
Staff recommends the re-appointment of Steven Press as the City's Part-Time Cable Operator.

M/S to approve the reappointment of Steven Press as the City's Part-Time cable-operator at \$10 Hr. for taping and broadcasting city meetings.

L. IT:William Keran
Staff recommends the reappointment of William Keran as the City's computer service contractor.

M/S to approve the reappointment of the computer service contract between the City and William Keran.

M. Animal Control:Kathi Pelnar
Kathi Pelnar has been serving as our Animal Control Officer for 2003. An animal control service contract and a fee schedule (identical to 2003) have been provided.

M/S/P to approve the Animal Control Contract between the City and Kathi Pelnar to provide Animal Control Services for 2004.

<u>Action Items:</u>	<u>Person responsible:</u> S. Lumby
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City of Lake Elmo
Contract
Animal Control

THIS AGREEMENT made this _____ day of _____,
by and between Kathi Pelnar (hereinafter referred to as
"Contractor"), and the City of Lake Elmo, a municipal
corporation located within the County of Washington and
State of Minnesota (hereinafter referred to as "City").

WITNESSETH:

In consideration of the covenants and agreements
hereinafter set forth, it is mutually agreed by and between
the parties hereto as follows:

1. This agreement shall be effective as of
_____, and shall continue in effect
until December 31, _____, unless otherwise
cancelled pursuant to Paragraph 15 hereof.
2. Contractor shall provide services in accordance with
the attached schedule (ANIMAL CONTROL PROPOSAL).
Contractor agrees to patrol the public streets of
the City in a vehicle designated for transportation
of small animals. Contractor shall be directly
responsible to the City Administrator for the City.
Contractor further agrees to ensure service and
maintain said equipment in good working order.
3. Any call out after the Contractor's scheduled work
day shall be paid at the rate specified within the
attached schedule (ANIMAL CONTROL PROPOSAL). All
patrolling shall be done by the Contractor unless
other personnel have been approved by the City
Administrator for the City, to perform such services
at the Contractor's direction and under her
supervision.

For regular patrol, in the manner provided within
Paragraph 2 above, the Contractor shall be provided
payment by the City in the amount prescribed within
the attached schedule (ANIMAL CONTROL PROPOSAL).
Such payment shall be due and payable after the
Contractor has provided the monthly report to the

City in the manner specified within Paragraph 7 hereof.

4. The Contractor shall provide liability insurance on her automobile and shall provide her own automobile for purposes of supplying the services provided under the terms of this contract.
5. The City authorizes the Contractor to apprehend and retain dogs and other animals, and/or issue citation tags for violations of the City Ordinances related thereto. However, the Contractor shall not invade private property contrary to the wishes of an owner of said property nor forcibly take an animal from any person without the approval and assistance of a Peace Officer of the City.
6. The Contractor shall respond as soon as practicable to any call, reported during service response hours, involving a bite case or injured animal reported through the Sheriff's Department or the offices of the City Clerk of the City.
7. The Contractor shall provide a monthly report to the City which indicates the hours patrolled, the number of animals impounded, warning letters and violation notices issued, and any other such information as requested by the City Administrator for the City.
8. All animals impounded shall be kept at a licensed animal shelter facility to be designated by the City for this purpose. While in her custody, Contractor agrees and warrants that all animals impounded shall be kept in a comfortable and humane manner. It is mutually agreed that the Contractor may temporarily board at an emergency facility access and/or treatment that is not immediately available at the contract facility. All captured wildlife is to be delivered to an appropriate wildlife center as determined by the Contractor with report to be provided to the City Administrator for the City.
9. The Contractor shall supply her own automobile and equipment necessary for Animal Control Services as may be determined by the City Administrator for the City. The Contractor shall also supply a copy of her automobile and general liability insurance

policy to the City Clerk for the City annually. The city, through the offices of the City Clerk, shall administer all licensing, impounding and boarding fees and charges as may be provided by the City Ordinances. The Contractor shall furnish monthly reports to the City as may be required to allow the City Clerk to determine appropriate impound fees in connection with each animal so impounded.

10. The City shall furnish to Contractor any special forms or receipt forms specified within the Ordinance and adopted by the City Administrator for the City. Contractor shall keep all records of all animals impounded, together with a description of each animal, in a manner specified by the City Administrator.
11. Attached hereto is a list/schedule of fees, charges and service performance criteria. The same is incorporated by reference herein.
12. The Contractor shall assume all liability for all harmed animals due to her negligence or that of her employees, in not properly caring for same, and agrees to defend all lawsuits arising there from. The Contractor agrees to defend and indemnify and hold the City harmless, including its officers, employees, or agents, from any and all claims, suits, losses, damages, or expenses on account of bodily injury, sickness, disease, or death and of property damage including injury to animals as a result of, or alleged to be as a result of the Contractor's Animal Control Operation.
13. The Contractor agrees that during the period of time of this Contract, she will not, within the State of Wisconsin or elsewhere, discriminate against any employee or applicant for employment, because of race, color, creed, sex, national origin, or ancestry, and will include a similar provision in all subcontracts entered into for the performance hereof. This paragraph is inserted into the Contract to comply with the provisions of Wisconsin State Statutes.

14. Either party hereto may cancel this Contract after thirty (30) days written notice thereof to the other party.
15. It is understood and agreed that the Contractor is not an employee of the City but is an Independent Contractor, solely responsible for her own payment of federal, state and Social Security withholding taxes. Further, the Contractor provides her own equipment excepting for some equipment that may be made available for her use by the City in its discretion. The Contractor at no time shall hold herself out as an employee of the City but will always identify her as an Independent Contractor.
16. The City shall provide to the Contractor the following materials:
 - a. Map of the City,
 - b. Monthly list of animal licenses,
 - c. Copy of City animal control laws,
 - d. Police contact procedures,
 - e. City Hall hours,
 - f. Any required identification signs,
 - g. Description of animal licensing fees and procedures.

CONTRACTOR:

By:

Kathi Pelnar

CITY OF LAKE ELMO:

By:

Mayor

By:

City Clerk

ANIMAL CONTROL FEE SCHEDULE

Kathi Pelnar
634 6th Street North
Hudson, Wisconsin 54016
(715) 386-7789
(612) 534-7510 Pager

Service response on calls, 7:30 a.m. to 7:30 p.m. Will respond to emergency calls 7 days per week after scheduled hours.

Mileage will be billed at current government rate.
(Currently 34.5 cents per mile.)

Fee per service response/per animal picked up\$45.00
.....+Mileage

Dry Run (Called out, no animal found)\$45.00
.....+Mileage

Overnight Kenneling Fee (Subject to MN and WI Law) ..\$15.00

After hours call out fee (Any call after 8 p.m. and before 7:30 a.m. in winter, and after 9 p.m. and before 7:30 a.m. in summer) Additional:

Patrolling Fee (Per one hour of patrolling)\$30.00
.....+Mileage

Service Retainer\$250.00/6 months
(Due February and August)

Any reasonable emergency veterinary charges if impounded/picked up, and the animal's owner is not located.

Should an unusual situation occur, fees can and will be reasonably adjusted to fit the situation. In situations where many animals are in need of relocation (e.g., 10 cats at once) special arrangements will be made.

5A

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-001
RESOLUTION APPROVING CLAIMS

BE IT RESOLVED THAT Claim Numbers 180, 181, DD84 through DD88, 24939 through 24953, were used for Staff, payroll dated December 23, 2003, Claim Numbers 24954 through 24991 dated 12/31/03 in the total amount of \$82,149.70 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 6th day of January, 2004.

Lee Hunt
Mayor

ATTEST:

Charles E. Dillerud
Acting City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 01/02/2004 - 9:20 AM



Invoice No	Description	Amount	Payment Date	Check Number	Reference
Vendor: AMFLAG 66164	American Flagpole & Flag Flag Fire Dept. Check Total:	180.29 180.29	01/06/2004	101-420-2220-44300	ACH Enabled: No Check Sequence: 1
Vendor: ARAM 629-5373602	Aramark City Hall Linen Check Total:	42.38 42.38	01/06/2004	101-410-1940-44010	ACH Enabled: No Check Sequence: 2
Vendor: ATTWI 2750230	AT&T Wireless Floater Phone Fire Dept. Check Total:	20.45 20.45	01/06/2004	101-420-2220-43210	ACH Enabled: No Check Sequence: 3
Vendor: BATTERY 31-83355	Batteries Plus - MPLD #31 Batteries-Fire Dept. Check Total:	49.99 49.99	01/06/2004	101-420-2220-43230	ACH Enabled: No Check Sequence: 4
Vendor: BIFFS W211040	BiFFs Inc. Restroom-Sunfish Lake Park Check Total:	70.26 70.26	01/06/2004	101-450-5200-44120	ACH Enabled: No Check Sequence: 5
Vendor: Brimeyer 159 159B	The Brimeyer Group Inc. Executive Search Retainer Executive Search Retainer Check Total:	1,500.00 1,500.00 3,000.00	01/06/2004 01/06/2004	101-410-1110-44300 101-410-1110-44300	ACH Enabled: No Check Sequence: 6
Vendor: CAPCITY	Capital City Regional Firefighters Association Association Dues	50.00	01/06/2004	101-420-2220-44330	ACH Enabled: No Check Sequence: 7

Invoice No Description Amount Payment Date Check Number Reference

Check Total: 50.00

Vendor: EXPAN
 25633014
 Expanets, Inc.
 Telephone Maint. -Dec. 03
 Check Total: 150.36
 150.36
 01/06/2004
 Check Sequence: 8
 101-410-1940-44040
 ACH Enabled: No

Vendor: FXL
 FXL, Inc.
 Assessing Services-Dec 03
 Check Total: 1,700.00
 1,700.00
 01/06/2004
 Check Sequence: 9
 101-410-1550-43100
 ACH Enabled: No

Vendor: ICEMAN
 2009
 Iceman Industries, Inc.
 Mag. De-icing Sand Mixture
 Check Total: 2,531.54
 2,531.54
 01/06/2004
 Check Sequence: 10
 101-430-3100-42290
 ACH Enabled: No

Vendor: JEFFER
 105300
 105355
 Jefferson Fire & Safety
 Equipment Parts-Fire Dept.
 Spanner Wrenches-Fire Dept.
 Check Total: 484.59
 484.59
 580.55
 01/06/2004
 Check Sequence: 11
 101-420-2220-42210
 101-420-2220-42400
 ACH Enabled: No

Vendor: JOHNSON
 January 04
 Johnson Construction
 Storage Rental-Fire Dept.
 Check Total: 90.00
 90.00
 01/06/2004
 Check Sequence: 12
 101-420-2220-44120
 ACH Enabled: No

Vendor: LAATSCH
 CLAIM
 CLAIM
 John Laatsch
 Training Fire Dept.
 Travel For Training Fire Dept.
 Check Total: 71.90
 50.00
 21.90
 71.90
 01/06/2004
 Check Sequence: 13
 101-420-2220-44370
 101-420-2220-43310
 ACH Enabled: No

Vendor: LINDVENN
 272194-0840
 Lindquist & Vennun
 Comp Plan Amendment Appeal
 Check Total: 2,813.25
 2,813.25
 01/06/2004
 Check Sequence: 14
 101-410-1940-43020
 ACH Enabled: No

Vendor: LUHMAN
 001
 Cathyl Luhman
 Stormwater Utility Billing Set-up
 Check Total: 1,250.00
 1,250.00
 01/06/2004
 Check Sequence: 15
 601-494-9400-43180
 ACH Enabled: No

Vendor: MALMQ
 CLAIM Voucher
 Greg Malmqvist
 3 Cots
 79.84
 01/06/2004
 Check Sequence: 16
 101-420-2220-42400
 ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Check Number	Reference
Claim Voucher	Office Supplies	33.82	01/06/2004	101-420-2220-42000	
	Check Total:	113.66			
Vendor: MESABI H 60290	H&L Mesabi Snow Plow Part-Public Works Check Total:	51.12 51.12	01/06/2004	101-430-3100-42210	ACH Enabled: No
Vendor: METROCA 01086038 01173241	Metrocall Pager Service-Fire Dept. Pagers-Fire Dept. Check Total:	172.42 86.21 258.63	01/06/2004	101-420-2220-43210	ACH Enabled: No
Vendor: NEXTELE 761950227-009 761950227-009 761950227-009 761950227-009	NexTel Communications Cell Phones-Bldg Dept. Cell Phones-Public Works Dept. Cell Phones-Parks Dept. Cell Phones-Admin Dept. Check Total:	84.82 75.12 37.56 39.67 237.17	01/06/2004	101-420-2400-43210	ACH Enabled: No
Vendor: NOSTRPAUL 2003122331	City of North St Paul Salt/Sand Mix & Salt Check Total:	3,802.05 3,802.05	01/06/2004	101-430-3100-42290	ACH Enabled: No
Vendor: OAKDALE 1000039700 1000046000	City of Oakdale Water Service-North Water Service-South Check Total:	1,080.00 2,922.68 4,002.68	01/06/2004	101-494-9400-43820	ACH Enabled: No
Vendor: ONECALL 3110483	Gopher State One-Call Concepts, Inc Underground Utility Line Locates Check Total:	100.75 100.75	01/06/2004	101-430-3100-44300	ACH Enabled: No
Vendor: PETERSO 11135M 11140M 11150M 11155M 11161M	Peterson Fram & Bergman Legal Services-Admin Legal Services-Criminal Legal Services-Developers Legal Services-Civil Legal Services-Auto Forefeiture	2,195.89 3,350.30 154.00 363.00 10.00	01/06/2004	101-410-1610-43040	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Check Number	Reference
	Check Total:	6,073.19			
Vendor:PRESS	StevenPress Cable Operator & Duplicate Tape Check Total:	50.00 50.00	01/06/2004	101-410-1320-44300	ACH Enabled: No
Vendor:PROSTAFF 102-505764	PROSTAFF Receptionist Check Total:	733.60 733.60	01/06/2004	101-410-1320-41010	ACH Enabled: No
Vendor:QUICKSI 6182370	Quicksilver Counter Express Service Check Total:	16.65 16.65	01/06/2004	101-410-1910-44300	ACH Enabled: No
Vendor:QWEST 651714-2209-456	Qwest Alarm Phone-Hudson Lift Station Check Total:	36.41 36.41	01/06/2004	602-495-9450-43210	ACH Enabled: No
Vendor:RENNESC	Scott Renne Land Appraisal Services Check Total:	5,400.00 5,400.00	01/06/2004	101-410-1910-43060	ACH Enabled: No
Vendor:Reserve 20313037	Piney BowesReserve Account Postage Check Total:	500.00 500.00	01/06/2004	101-410-1320-43220	ACH Enabled: No
Vendor:RUD	DianePrince-Rud Cleaning City Hall Cleaning Fire Hall Cleaning Supplies Check Total:	360.00 360.00 8.90 728.90	01/06/2004 01/06/2004 01/06/2004	101-410-1940-44010 101-420-2220-44010 101-410-1940-42230	ACH Enabled: No
Vendor:S&T 01IP9260 01IQ4540	S&T Office Products, Inc. Office Order-Planning Office Supplies-Admin Check Total:	40.99 170.45 211.44	01/06/2004 01/06/2004	101-410-1910-42000 101-410-1320-42000	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Check Number	Reference
Vendor: SATELLITE 24180603	Satellite Shelters, Inc. Satellite Building Office Check Total:	319.50 319.50	01/06/2004	Check Sequence: 32 101-420-2400-44120	ACH Enabled: No
Vendor: SPANJERS Payment 1	A.J. SPANJERS CO., INC. Masonry Repairs Fire Station # 1 Check Total:	22,522.00 22,522.00	01/06/2004	Check Sequence: 33 410-480-8000-45200	ACH Enabled: No
Vendor: STILLGAZ al13848	Stillwater Gazette Help Wanted Ad-Parks Check Total:	115.30 115.30	01/06/2004	Check Sequence: 34 101-450-5200-44300	ACH Enabled: No
Vendor: WAS-TRAN 38798	Washington County Signal Light Repair 15 & 5 Check Total:	89.61 89.61	01/06/2004	Check Sequence: 35 101-430-3100-44040	ACH Enabled: No
Vendor: WEARGUA 52348660-3	Wear Guard Uniform Jackets Public Works Check Total:	168.38 168.38	01/06/2004	Check Sequence: 36 101-430-3100-44170	ACH Enabled: No
Vendor: WORKWELL 057919	Workwell Occupational Health Physicals-Fire Dept. Check Total:	802.00 802.00	01/06/2004	Check Sequence: 37 101-420-2220-43050	ACH Enabled: No
Vendor: XCEL 0073736544351	Xcel Energy Check Total:	21.96 21.96	01/06/2004	Check Sequence: 38 101-430-3160-43810	ACH Enabled: No
Total for Check Run:		58,955.97			
Total Number of Checks:		38			

Suite 300
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Federal Tax ID #41-0991098

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

Page: 1
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	FEES	EXPENSES	ADVANCES	BALANCE
11150-030005 PRAIRIE RIDGE OFFICE PARK PUD	154.00	0.00	0.00	\$154.00
	<u>154.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$154.00</u>

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11/30/2003
ACCOUNT NO: 11150-030005M
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PRAIRIE RIDGE OFFICE PARK PUD

	HOURS	
11/06/03 JPF Review proposed plat, staff memos; draft Dev K; tele Prew.	1.10	121.00
11/10/03 JPF Revise dev agreement; corr planner.	0.30	33.00
Jerome P. Filla	1.40	154.00
FOR CURRENT SERVICES RENDERED	1.40	154.00
TOTAL CURRENT WORK		154.00
BALANCE DUE		<u>\$154.00</u>

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ACCOUNT NO:

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11135M

	FEEES	EXPENSES	ADVANCES	BALANCE
11135-030008 SIMICH FENCE	88.00	0.00	0.00	\$88.00
11135-030009 CONROY SEWER	99.00	0.00	0.00	\$99.00
11135-920001 Administration	2,003.00	5.89	0.00	\$2,008.89
	<u>2,190.00</u>	<u>5.89</u>	<u>0.00</u>	<u>\$2,195.89</u>

101-410-1610-43630 = 2195.89

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CITY OF LAKE ELMO
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SIMICH FENCE

	HOURS	
11/20/03 JPF Telephone conference with clerk re: data p. request, rev request and Simich memo.	0.50	55.00
11/26/03 JPF Telephone conference with McCormick re: code and status.	0.30	33.00
Jerome P. Filla	0.80	88.00
FOR CURRENT SERVICES RENDERED	0.80	88.00
TOTAL CURRENT WORK		88.00
BALANCE DUE		<u>\$88.00</u>

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CONROY SEWER

	HOURS	
11/13/03 JPF Telephone conference with Prew, Nowlin re: MUSA extensions and alternative treatment systems; Atty Peachia re: status and options.	0.70	77.00
11/20/03 JPF Review Pecchia corr.	0.20	22.00
Jerome P. Filla	0.90	99.00
FOR CURRENT SERVICES RENDERED	0.90	99.00
TOTAL CURRENT WORK		99.00
BALANCE DUE		<u>\$99.00</u>

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CITY OF LAKE ELMO
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11/30/2003
ACCOUNT NO: 11135-920001M
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Administration

	HOURS	
11/03/03 JPF Telephone conference with adm re: Carriage Station; re: ins broker; re: change to city health ins coverage.	0.40	38.00
JPF Telephone conference with Atty Ranum re: Simich/Wilson fence and city code; rev regs.	0.60	57.00
11/05/03 JPF Telephone conference with adm; bldg inspec; corr re: Simich - Smith/Johnson fence; rev code; tele atty for Simich.	1.10	104.50
11/06/03 JPF Telephone conference with bldg insp re: Hylon, Botziak, Fence regs.	0.30	28.50
11/10/03 JPF Review PC agenda; tele planner.	0.60	57.00
11/12/03 JPF Review city file; corr to Downs; tele adm; prep ordinance re: san sewer system req review process; corr to adm.	1.40	154.00
JPF Conference with adm, Prew re: Conroy san sew; McNamara re: bldg code violations notices; view Hilyar and Botziak ppty; conf adm, Prew re: Oakdale JT Powers water agreement Prairie Office Park; Lk Jane area and United Ppty sites.	2.10	231.00
11/13/03 JPF Telephone conference with adm re: fence regs.	0.20	22.00
11/15/03 JPF Review agenda; prep for meeting.	0.50	47.50
11/18/03 JPF Telephone conference with Adm re: council agenda; prep for and attend.	2.30	218.50
11/24/03 JPF Review PC agenda; tele adm; tele Downs re: compliance; tele adm re: corr from Conroy atty.	0.80	88.00
JPF Review current Oakdale - Elmo water use agreements, rough draft comp agreement.	1.20	132.00

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CITY OF LAKE ELMO

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ACCOUNT NO: 11135-920001M
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Administration

	HOURS	
11/25/03 JPF Revise joint water service agreement Oakdale - Elmo.	0.60	66.00
JPF Review fire dept selection committee proposal; city regs; tele adm.	0.60	66.00
11/26/03 JPF Letter to Adm re: procedures for abating hazardous bldgs and ppty; rev state regs.	1.30	143.00
JPF Telephone conference with Bouthilet re: Luhman contract; revise and corr Dillerud; review tx abatement resolution; state regs and city-county abatement service agreement; tele adm same.	1.70	187.00
11/28/03 JPF Review council agenda; fire dept bylaws, state regs; prep for meeting.	0.80	88.00
Jerome P. Filla	16.50	1,728.00
11/03/03 JMM Attend city council meeting and related matters.	2.50	275.00
John Michael Miller	2.50	275.00
FOR CURRENT SERVICES RENDERED	19.00	2,003.00
Photocopies		1.00
Fax Charge - Local		4.50
TOTAL EXPENSES THRU 11/30/03		5.50
SALES TAX ON EXPENSES		0.39
TOTAL CURRENT WORK		2,008.89
BALANCE DUE		<u>\$2,008.89</u>

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
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	FEES	EXPENSES	ADVANCES	BALANCE
11161-030001 miscellaneous	5.00	0.00	0.00	\$5.00
11161-030002 Monroe, Kelly Michelle forefeiture of vehicle	5.00	0.00	0.00	\$5.00
	<u>10.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$10.00</u>

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CITY OF LAKE ELMO
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miscellaneous

	HOURS	
11/20/03 CLE Request motor vehicle registration and insurance.	0.10	5.00
Connie L. Egge	0.10	5.00
FOR CURRENT SERVICES RENDERED	0.10	5.00
TOTAL CURRENT WORK		5.00
BALANCE DUE		<u>5.00</u>

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Monroe, Kelly Michelle
forefeiture of vehicle

	HOURS	
11/19/03 CLE Open file and prepare status sheet.	0.10	5.00
Connie L. Egge	0.10	5.00
FOR CURRENT SERVICES RENDERED	0.10	5.00
TOTAL CURRENT WORK		5.00
BALANCE DUE		<u>\$5.00</u>

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	FEEES	EXPENSES	ADVANCES	BALANCE
11155-030003 LAKE ELMO VS. BODZIAK	187.00	0.00	0.00	\$187.00
11155-030004 LAKE ELMO VS. HILYAR	143.00	0.00	0.00	\$143.00
11155-030006 MONTGOMERY BARREL: CODE VIOLATIONS	33.00	0.00	0.00	\$33.00
	<u>363.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$363.00</u>

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CITY OF LAKE ELMO
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ACCOUNT NO: 11155-030003M
STATEMENT NO: 5

LAKE ELMO VS. BODZIAK

	HOURS	
11/13/03 JPF Letter to Atty Olson re: status.	0.30	33.00
11/26/03 JPF Draft interrogs; request for production of doc; corr to deft atty; corr to adm re: scheduling order.	1.40	154.00
Jerome P. Filla	1.70	187.00
FOR CURRENT SERVICES RENDERED	1.70	187.00
TOTAL CURRENT WORK		187.00
BALANCE DUE		<u>\$187.00</u>

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LAKE ELMO VS. HILYAR

	HOURS	
11/13/03 JPF Review shoeberg file, state regs; prior inspec repts, tx and lien info.	1.30	143.00
Jerome P. Filla	1.30	143.00
FOR CURRENT SERVICES RENDERED	1.30	143.00
TOTAL CURRENT WORK		143.00
BALANCE DUE		<u>\$143.00</u>

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ACCOUNT NO: 11155-030006M
STATEMENT NO: 2

MONTGOMERY BARREL: CODE VIOLATIONS

	HOURS	
11/13/03 JPF Letter to Montgomery re: proposed agreement.	0.30	33.00
Jerome P. Filla	0.30	33.00
FOR CURRENT SERVICES RENDERED	0.30	33.00
TOTAL CURRENT WORK		33.00
BALANCE DUE		<u>\$33.00</u>

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ACCOUNT NO:

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11/30/2003
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	1,865.00	42.80	0.00	\$1,907.80
11140-030012 Magee, Robert H. Reckless driving, leave scene of accident	10.00	0.00	35.00	\$45.00
11140-030013 Duffy, Jamie no proof of insurance	0.00	0.00	0.00	\$0.00
11140-030041 Cummings, Robert No proof of insurance, driving after revocation	0.00	0.00	0.00	\$0.00
11140-030052 Veesenmeyer, Nathan T. DAS	150.00	0.00	0.00	\$150.00
11140-030077 Moe, Robert Allen contributing to delinquency provide alcohol to a minor DAC, 5th degree assault	12.50	0.00	10.00	\$22.50
11140-030095 Erickson, Richard N. 4th degree DUI, open bottle	0.00	0.00	0.00	\$0.00

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CITY OF LAKE ELMO

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11/30/2003
11140M

ACCOUNT NO:

	FEEs	EXPENSES	ADVANCES	BALANCE
11140-030098 Manko, Adam Troy Assault V, DOC	5.00	0.00	0.00	\$5.00
11140-030110 Jerry, Michael Dennis 5th degree domestic assault Violate OFP	22.50	0.00	0.00	\$22.50
11140-030112 Alvarex, Jeremy Driving after revocation	0.00	0.00	0.00	\$0.00
11140-030114 Harris, Ronald 4th degree DUI, no headlight	0.00	0.00	0.00	\$0.00
11140-030125 Hackler, David driving after revocation	0.00	0.00	0.00	\$0.00
11140-030134 Petrellis, Jamse Cristos threats	10.00	0.00	0.00	\$10.00
11140-030140 Phillips, Trever non-transparent material on windshield	0.00	0.00	0.00	\$0.00
11140-030148 Klem, Jim no parking permit	25.00	0.00	0.00	\$25.00
11140-030153 Brookman, Linda 4th degree DUI	0.00	0.00	0.00	\$0.00

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CITY OF LAKE ELMO

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11/30/2003
11140M

ACCOUNT NO:

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030162 Bell, Steven reckless driving	0.00	0.00	0.00	\$0.00
11140-030163 Erwin, Autumn passing on shoulder	0.00	0.00	0.00	\$0.00
11140-030167 Jerry, Michael Dennis violate OFF	15.00	0.00	0.00	\$15.00
11140-030169 Calleros, Manuel R. no proof of insurance, no mn dl	0.00	0.00	0.00	\$0.00
11140-030174 Flaherty, Kathleen	20.00	0.00	0.00	\$20.00
11140-030179 Niemeic, Nicholas A. 3rd degree DUI	52.50	0.00	0.00	\$52.50
11140-030182 Foster, Daniel drop a drop DUI	0.00	0.00	0.00	\$0.00
11140-030186 Pederson, Joseph speed 75/65, no proof of ins. no mn registration	5.00	0.00	0.00	\$5.00
11140-030187 Schmidt, Robert M. reckless driving	57.50	0.00	0.00	\$57.50
11140-030188 Hoff, Violet disorderly conduct	27.50	0.00	0.00	\$27.50

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.

PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

CITY OF LAKE ELMO

Page: 4
11/30/2003
ACCOUNT NO: 11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-030189 Mesic, Damir 5th degree assault	10.00	0.00	0.00	\$10.00
11140-030190 Bengston, Dustin driving after revocation	5.00	0.00	0.00	\$5.00
11140-030191 Olson, Douglas Emmanuel domestic assault	100.00	0.00	0.00	\$100.00
11140-030192 Vanloh, Jay L. speed 74/55	42.50	0.00	0.00	\$42.50
11140-030193 Langevin, Kimberly speed 79/65	10.00	0.00	0.00	\$10.00
11140-030194 Ramirez-Rivera, Luis Hiram DAC-IPS	42.50	0.00	0.00	\$42.50
11140-030195 Butler, Gary Dale fail to obey traffic control light	72.50	0.00	0.00	\$72.50
11140-030196 Reinhardt, Susan unsafe change of course, no proof of ins, no dl in possess.	50.00	0.00	0.00	\$50.00
11140-030197 Lijewski, Andrew DUI	90.00	0.00	0.00	\$90.00

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CITY OF LAKE ELMO

Page: 5
11/30/2003
11140M

ACCOUNT NO:

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030198 Ratajczak, Daniel DAR	15.00	0.00	0.00	\$15.00
11140-030199 Reimer, Patrick M. violate OFP	10.00	0.00	0.00	\$10.00
11140-030200 Weber, Steven J. speed 74/55	5.00	0.00	0.00	\$5.00
11140-030201 Hauger, Brent Hyung DUI test refusal, speed	72.50	0.00	0.00	\$72.50
11140-030202 Emery, Michael P. DAS, possess drug para	57.50	0.00	0.00	\$57.50
11140-030203 Johnson, Michael Warren 3rd degree DUI, reckless driving	67.50	0.00	0.00	\$67.50
11140-030204 Rebenold, Kathy Lee GM-test refusal, 4th degree DUI	55.00	0.00	0.00	\$55.00
11140-030205 Horning, Erick Paul DAS	5.00	0.00	0.00	\$5.00
11140-030206 Dennis, Michael Jerry DAR, fail to yield, fail to signal turn	10.00	0.00	0.00	\$10.00
11140-030207 Paanen, Steve Raymond	5.00	0.00	0.00	\$5.00

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PROFESSIONAL ASSOCIATION

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

Page: 6
11/30/2003
11140M

CITY OF LAKE ELMO

ACCOUNT NO:

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030208 Schmotter, David Alan Driving after suspension	5.00	0.00	0.00	\$5.00
11140-030209 Junker, Chad driving after suspension	5.00	0.00	0.00	\$5.00
11140-030210 Wylie, Cheryl Ann driving after suspension	5.00	0.00	0.00	\$5.00
11140-030211 Monroe, Kelly Michelle 2nd degree DUI, test refusal	82.50	0.00	0.00	\$82.50
11140-030212 Taylor, Angela DAR, no insurance	5.00	0.00	0.00	\$5.00
11140-030213 Bomberry, Billye DAS	5.00	0.00	0.00	\$5.00
11140-030214 Her, Peng violate instruction permit, poss marijuana in motor vehicle	5.00	0.00	0.00	\$5.00
11140-030215 Jimenez, Jesus DAS	5.00	0.00	0.00	\$5.00
11140-030216 Baker, Todd William domestic assault	35.00	0.00	0.00	\$35.00

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CITY OF LAKE ELMO

ACCOUNT NO:

Page: 7
11/30/2003
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030217 Grillo, John Patrick DAC, no head lamp	27.50	0.00	0.00	\$27.50
11140-030218 Lemmenès, Daniel James 3rd degree DUI	50.00	0.00	0.00	\$50.00
11140-030219 Zafft, Marsha Ann criminal damage to property	30.00	0.00	0.00	\$30.00
	<u>3,262.50</u>	<u>42.80</u>	<u>45.00</u>	<u>\$3,350.30</u>

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Lake Elmo City Council January 6, 2004	Agenda Section: CONSENT AGENDA	<u>No 5B, C.</u>
<u>Agenda Item:</u> Resolution Nos. 2004-002, 2004-003, Approving Compensating Change Orders and Final Payments to Tower Asphalt for Eagle Point Boulevard Phase I and II		
<u>Background Information for January 6, 2004</u> In his memo dated December 22, 2003, the City Engineer recommended approval of Compensating Change Orders and Final Payments to Tower Asphalt for work on Eagle Pont Boulevard Phase I and II. Prew reports there is considerable savings I the projects due to the City and Washington County sharing the cost of work on Hudson Boulevard and CSAH13, resulting in a lower overall cost of the City for this project.		
<u>Action Items:</u> Motion/Second - to adopt Resolution No. 2004-002 Approving Compensating Change Order in the amount of (-)63,648.66 and Final Payment for Eagle Point Boulevard Phase I in the amount of \$33,659.66 to Tower Asphalt, and To adopt Resolution No. 2004-003 Approving Compensating Change Order in the amount of (-) \$5,417.40 and Final Payment for Eagle Point Boulevard Phase II in the amount of \$22,081.50 to Tower Asphalt, verified by the City Engineer's memo dated December 22, 2003.	<u>Person responsible:</u> S. Lumby	

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

RESOLUTION NO. 2004-003

**A RESOLUTION APPROVING COMPENSATING CHANGE ORDER
AND FINAL PAYMENT
TO TOWER ASPHALT
FOR EAGLE POINT BOULEVARD PHASE II**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Compensating Change Order in the amount of (-)\$5,417.40 and the Final Payment in the amount of \$22,081.50 to TOWER ASPHALT for work completed on Eagle Point Boulevard Phase II, verified by the City Engineer in his memo dated December 22, 2003.

ADOPTED, by the Lake Elmo City Council the 6th day of January, 2004.

+

Lee Hunt, Mayor

ATTEST:

Charles E. Dillerud, Acting City Administrator

FP Eagle Point Blvd Phase II

RECEIVED
DEC 23 2003

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

December 22, 2003

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Final Payment Eagle Point Boulevard Phase I
Final Payment Eagle Point Boulevard Phase II
City of Lake Elmo, Minnesota
TKDA Commission No. 12082-02

Dear Mayor and City Council:

Work is complete on this project. You will note that there is considerable savings in the projects. This is due to the City and Washington County sharing the cost of work on Hudson Boulevard and CSAH 13, resulting in a lower overall cost to the City for this project.

City Council Action Requested

1. Approve Compensating Change Order in the amount of (-) \$63,648.66 for Eagle Point Boulevard Phase I.
2. Approve Final Payment for Eagle Point Boulevard Phase I in the amount of \$33,659.66.
3. Approve Compensating Change Order in the amount of (-) \$5,417.40 for Eagle Point Boulevard Phase II.
4. Approve Final Payment Certificate for Eagle Point Boulevard Phase II in the amount of \$22,081.50.

Sincerely,



Thomas Prew, P.E.
City Engineer

TDP:bas
Enclosures

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

RECEIVED
DEC 23 2003

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

December 22, 2003

Tower Asphalt, Inc.
15001 Hudson Road
P.O. Box 15001
Lakeland, Minnesota 55043

Re: Eagle Point Boulevard Construction - Phase I
City of Lake Elmo, Minnesota
TKDA Commission No. 12082-01

Dear Sir or Madam:

Enclosed are three (3) copies of Estimate and Certificate No. 6R (final) in the amount of \$33,659.66 and Compensating Change Order No. 1R in the deduct amount of \$63,648.66 for the above-referenced project. Please review, sign, and return all copies to this office for further processing with the City. Executed copies will be returned to you when the Change Order is approved and payment is made.

You are reminded that since this is the final payment you must submit the following before payment can be released:

Consent of Surety to Final Payment
Lien Waivers from all suppliers and subcontractors
Minnesota Tax Withholding Form IC-134

Please call if you have any questions.

Sincerely,



Thomas D. Prew, P.E.
Project Manager

TDP:art
Enclosures

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

Comm. No. 12082-01 Cert. No. 6R (Final) St. Paul, MN, December 22, 2003

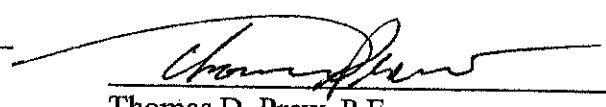
To City of Lake Elmo, Minnesota Owner

This Certifies that Tower Asphalt, Inc., Contractor

For Eagle Point Boulevard Construction - Phase I

Is entitled to Thirty-Three Thousand Six Hundred Fifty-Nine Dollars and 66/100 (\$ 33,659.66)
FINAL
being 6th estimate for partial payment on contract with you dated September 18, 01

Received payment in full of above Certificate. **TKDA**

Tower Asphalt, Inc., 2003 
Thomas D. Prew, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 370,647.25		
All previous payments		\$ 273,338.93	
All previous credits			
Extra No.			
Compensating Change Order No. 1	\$ (63,648.66)		
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 33,659.66	
Totals	\$ 306,998.59	\$ 306,998.59	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ -	
	\$ 306,998.59	\$ 306,998.59	\$ -

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

FINAL

Estimate No. 6R Period Ending December 22, 2003 Page 1 of 1 Comm. No. 12082-01
Contractor Tower Asphalt, Inc. Original Contract Amount \$370,647.25
Project Eagle Point Boulevard Construction - Phase I
Location City of Lake Elmo, Minnesota

Total Contract Work Completed		\$	<u>306,998.59</u>
Total Approved Credits		\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>	
Approved Extra Orders Amount Completed		\$	<u>0.00</u>
Total Amount Earned This Estimate		\$	<u>306,998.59</u>

Less Approved Credits	\$	<u>0.00</u>	
Less <u>0</u> % Retained	\$	<u>0.00</u>	
Less Previous Payments	\$	<u>273,338.93</u>	
Total Deductions		\$	<u>273,338.93</u>
Amount Due This Estimate		\$	<u>33,659.66</u>

Contractor Tower Asphalt, Inc.

Date _____

Engineer Thomas D. Prew

Date December 22, 2003

Thomas D. Prew, P.E.

EAGLE POINT BOULEVARD CONSTRUCTION - PHASE I
CITY OF LAKE ELMO, MINNESOTA
COMMISSION NO. 12082-01

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
1	2021.501	MOBILIZATION	LS	1.0	1.0	\$ 8,080.00	\$ 8,080.00
2	2104.501	REMOVE 3-CABLE GUARDRAIL	LF	223.0	350.0	\$ 2.00	\$ 700.00
3	2104.503	REMOVE BITUMINOUS PAVEMENT	SF	17,814.0	23,000.0	\$ 0.20	\$ 4,600.00
4	2104.513	SAWCUT BITUMINOUS PAVEMENT	LF	3,980.0	-	\$ 1.50	\$ -
5	2105.501	COMMON EXCAVATION	CY	945.0	2,192.0	\$ 2.00	\$ 4,384.00
6	2105.523	COMMON BORROW (FROM SITE, LV)	CY	400.0	1,406.3	\$ 2.00	\$ 2,812.50
7	2112.501	SUBGRADE PREPARATION	RS	20.0	20.0	\$ 100.00	\$ 2,000.00
8	2211.501	AGGREGATE BASE, CL. 5	TN	14,743.0	12,896.0	\$ 7.00	\$ 90,272.00
9	2221.501	GRAVEL SHOULDER, CL. 2	TN	405.0	-	\$ 12.00	\$ -
10	2232.501	MILL BITUMINOUS SURFACE	SY	551.0	-	\$ 3.00	\$ -
11	2331.603	SAW & SEALED BITUMINOUS JOINT	LF	1,955.0	1,955.0	\$ 1.40	\$ 2,737.00
12	2350.501	TYPE LV 4 WEARING COURSE MIXTURE	TN	1,603.0	1,625.10	\$ 32.00	\$ 52,003.20
13	2350.502	TYPE LV 3 NON WEAR COURSE MIXTURE	TN	2,728.0	1,256.0	\$ 29.35	\$ 36,863.60
14	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GA	745.0	442.0	\$ 1.00	\$ 442.00
15	2501.515	18" RCP FES W/SAFETY GRATE, DESIGN 3100	EA	4.0	4.0	\$ 750.00	\$ 3,000.00
16	2501.515	18" RCP FES W/SAFETY GRATE, DESIGN 3022	EA	2.0	2.0	\$ 650.00	\$ 1,300.00
17	2503.511	18" RC PIPE SEWER, DESIGN 3006 CL 5	LF	446.0	446.0	\$ 27.96	\$ 12,470.16
18	2503.511	15" RC PIPE SEWER, DESIGN 3006 CL 5	LF	246.0	246.0	\$ 30.79	\$ 7,574.34
19	2503.511	12" RC PIPE SEWER, DESIGN 3006 CL 5	LF	42.0	42.0	\$ 29.27	\$ 1,229.34
20	2508.502	CONSTRUCT CATCH BASIN DESIGN 4021E	EA	10.0	10.0	\$ 2,022.00	\$ 20,220.00
21	2506.522	ADJUST EXISTING FRAME RING AND CASTING	EA	4.0	8.0	\$ 250.00	\$ 2,000.00
22	2511.501	RIPRAP, CLASS III	CY	23.6	23.6	\$ 100.00	\$ 2,360.00
23	2511.515	GEOTEXTILE FILTER FABRIC	SY	100.0	100.0	\$ 5.00	\$ 500.00
24	2531.501	CONCRETE CURB DESIGN B618	LF	4,480.0	4,345.0	\$ 7.85	\$ 34,108.25
25	2531.503	4" CONCRETE MEDIAN NOSE	SY	30.0	-	\$ 35.00	\$ -
26	2554.521	ANCHOR ASSEMBLY FOR 3-CABLE GUARDRAIL	EA	1.0	1.0	\$ 350.00	\$ 350.00
27	2563.601	TRAFFIC CONTROL	LS	1.0	0.5	\$ 3,000.00	\$ 1,500.00
28	2563.61	FLAG PERSON	HR	40.0	21.0	\$ 55.00	\$ 1,155.00
29	2564.602	PAVEMENT MESSAGE, LEFT ARROW (EPOXY)	EA	5.0	7.0	\$ 125.00	\$ 875.00
30	2564.602	PAVEMENT MESSAGE, RIGHT ARROW (EPOXY)	EA	8.0	7.0	\$ 125.00	\$ 875.00
31	2564.602	PAVEMENT MESSAGE, LEFT-THRU ARROW (EPOXY)	EA	1.0	1.0	\$ 250.00	\$ 250.00
32	2564.603	12" STOP LINE WHITE (EPOXY)	LF	85.0	74.0	\$ 8.00	\$ 592.00
33	2564.603	4" SOLID LINE WHITE (EPOXY)	LF	5,688.0	3,763.0	\$ 0.64	\$ 2,408.32
34	2564.603	4" BROKEN LINE YELLOW (EPOXY)	LF	1,086.0	1,042.0	\$ 0.64	\$ 666.88
35	2564.603	4" BROKEN LINE WHITE (EPOXY)	LF	1,712.0	650.0	\$ 0.10	\$ 65.00
36	2564.618	STREET SIGNS INCLUDING POST	SF	130.3	149.0	\$ 25.00	\$ 3,725.00
37	2575.505	SODDING TYPE 1	SY	200.0	610.0	\$ 8.00	\$ 4,880.00

TOTAL ESTIMATE NO. 6R (FINAL)

\$ 306,998.59

CHANGE ORDER

TKDA
Engineers-Architects-Planners

Saint Paul, MN December 22 20 03 Comm. No. 12082-01 Compensating Change Order No. 1R

To Tower Asphalt, Inc.

for Eagle Point Boulevard - Phase I

for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated September 18, 20 01. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (~~increase~~) (~~decrease~~) (not-change) the contract sum by Sixty-Three Thousand Six Hundred Forty-Eight Dollars and 66/100 (\$ 63,648.66).

COMPENSATING CHANGE ORDER

This change order shows the actual quantities installed at the unit price bid amounts (see attached itemization):

NET CHANGE = \$ (63,648.66)

Amount of Original Contract	\$	370,647.25
Additions approved to date (Nos.)	\$	-
Deductions approved to date (Nos.)	\$	-
Contract amount to date	\$	370,647.25
Amount of this Change Order (Add) (Deduct) (<u>No-Change</u>)	\$	(63,648.66)
Revised Contract Amount	\$	306,998.59

Approved City of Lake Elmo, Minnesota
Owner

TKDA

By _____

By 
Thomas D. Prew, P.E.

Approved Tower Asphalt, Inc.
Contractor

White - Owner
Pink - Contractor
Blue - TKDA

By _____

COMPENSATING CHANGE ORDER NO. 1R

PERIOD ENDING: December 22, 2003

EAGLE POINT BOULEVARD CONSTRUCTION - PHASE I
 CITY OF LAKE ELMO, MINNESOTA
 COMMISSION NO. 12082-01

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	+/- DIFFERENCE	UNIT PRICE	AMOUNT TO DATE	NET CHANGE	CONTRACT AMOUNT
1	2021.501	MOBILIZATION	LS	1.0	1.0	-	\$ 8,080.00	\$ 8,080.00	\$ -	\$ 8,080.00
2	2104.501	REMOVE 3-CABLE GUARDRAIL	LF	223.0	350.0	127.0	\$ 2.00	\$ 700.00	\$ 254.00	\$ 448.00
3	2104.503	REMOVE BITUMINOUS PAVEMENT	SF	17,814.0	23,000.0	5,186.0	\$ 0.20	\$ 4,600.00	\$ 1,037.20	\$ 3,562.80
4	2104.513	SAWCUT BITUMINOUS PAVEMENT	LF	3,980.0	-	(3,980.0)	\$ 1.60	\$ -	\$ (5,970.00)	\$ 5,970.00
5	2105.501	COMMON EXCAVATION	CY	945.0	2,192.0	1,247.0	\$ 2.00	\$ 4,384.00	\$ 2,494.00	\$ 1,890.00
6	2105.523	COMMON BORROW (FROM SITE, LV)	CY	400.0	1,408.3	1,008.3	\$ 2.00	\$ 2,812.50	\$ 2,012.50	\$ 800.00
7	2112.501	SUBGRADE PREPARATION	RS	20.0	20.0	-	\$ 100.00	\$ 2,000.00	\$ -	\$ 2,000.00
8	2211.501	AGGREGATE BASE, CL. 5	TN	14,743.0	12,898.0	(1,847.0)	\$ 7.00	\$ 90,272.00	\$ (12,928.00)	\$ 103,201.00
9	2221.501	GRAVEL SHOULDER, CL. 2	TN	405.0	-	(405.0)	\$ 12.00	\$ -	\$ (4,860.00)	\$ 4,860.00
10	2232.501	MILL BITUMINOUS SURFACE	SY	551.0	-	(551.0)	\$ 3.00	\$ -	\$ (1,653.00)	\$ 1,653.00
11	2331.503	SAW & SEALED BITUMINOUS JOINT	LF	1,955.0	1,955.0	-	\$ 1.40	\$ 2,737.00	\$ -	\$ 2,737.00
12	2350.501	TYPE LV 4 WEARING COURSE MIXTURE	TN	1,803.0	1,625.10	22.1	\$ 32.00	\$ 52,003.20	\$ 707.20	\$ 51,296.00
13	2350.502	TYPE LV 3 NON WEAR COURSE MIXTURE	TN	2,728.0	1,256.0	(1,472.0)	\$ 29.35	\$ 38,963.60	\$ (43,203.20)	\$ 60,066.80
14	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GA	745.0	442.0	(303.0)	\$ 1.00	\$ 442.00	\$ (303.00)	\$ 745.00
15	2501.515	18" RCP FES W/SAFETY GRATE, DESIGN 3100	EA	4.0	4.0	-	\$ 750.00	\$ 3,000.00	\$ -	\$ 3,000.00
16	2501.515	18" RCP FES W/SAFETY GRATE, DESIGN 3022	EA	2.0	2.0	-	\$ 650.00	\$ 1,300.00	\$ -	\$ 1,300.00
17	2503.511	18" RC PIPE SEWER, DESIGN 3006 CL 5	LF	446.0	446.0	-	\$ 27.98	\$ 12,470.16	\$ -	\$ 12,470.16
18	2503.511	15" RC PIPE SEWER, DESIGN 3006 CL 5	LF	246.0	246.0	-	\$ 30.79	\$ 7,674.34	\$ -	\$ 7,674.34
19	2503.511	12" RC PIPE SEWER, DESIGN 3006 CL 6	LF	42.0	42.0	-	\$ 29.27	\$ 1,229.34	\$ -	\$ 1,229.34
20	2506.502	CONSTRUCT CATCH BASIN DESIGN 4021E	EA	10.0	10.0	-	\$ 2,022.00	\$ 20,220.00	\$ -	\$ 20,220.00
21	2506.522	ADJUST EXISTING FRAME RING AND CASTING	EA	4.0	8.0	4.0	\$ 250.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00
22	2511.501	RIPRAP, CLASS III	CY	23.6	23.6	-	\$ 100.00	\$ 2,360.00	\$ -	\$ 2,360.00
23	2511.515	GEOTEXTILE FILTER FABRIC	SY	100.0	100.0	-	\$ 5.00	\$ 500.00	\$ -	\$ 500.00
24	2531.501	CONCRETE CURB DESIGN B618	LF	4,480.0	4,345.0	(135.0)	\$ 7.85	\$ 34,108.25	\$ (1,059.75)	\$ 35,168.00
25	2531.503	4" CONCRETE MEDIAN NOSE	SY	30.0	-	(30.0)	\$ 35.00	\$ -	\$ (1,050.00)	\$ 1,050.00
26	2554.521	ANCHOR ASSEMBLY FOR 3-CABLE GUARDRAIL	EA	1.0	1.0	-	\$ 350.00	\$ 360.00	\$ -	\$ 350.00
27	2563.501	TRAFFIC CONTROL	LS	1.0	0.5	(0.5)	\$ 3,000.00	\$ 1,500.00	\$ (1,500.00)	\$ 3,000.00
28	2563.51	FLAG PERSON	HR	40.0	21.0	(19.0)	\$ 55.00	\$ 1,155.00	\$ (1,045.00)	\$ 2,200.00
29	2564.502	PAVEMENT MESSAGE, LEFT ARROW (EPOXY)	EA	5.0	7.0	2.0	\$ 125.00	\$ 875.00	\$ 250.00	\$ 625.00
30	2564.502	PAVEMENT MESSAGE, RIGHT ARROW (EPOXY)	EA	8.0	7.0	(1.0)	\$ 125.00	\$ 875.00	\$ (125.00)	\$ 1,000.00
31	2564.502	PAVEMENT MESSAGE, LEFT-THRU ARROW (EPOXY)	EA	1.0	1.0	-	\$ 250.00	\$ 250.00	\$ -	\$ 250.00
32	2564.503	12" STOP LINE WHITE (EPOXY)	LF	55.0	74.0	(11.0)	\$ 8.00	\$ 592.00	\$ (88.00)	\$ 680.00
33	2564.503	4" SOLID LINE WHITE (EPOXY)	LF	5,688.0	3,763.0	(1,925.0)	\$ 0.64	\$ 2,408.32	\$ (1,232.00)	\$ 3,640.32
34	2564.503	4" BROKEN LINE YELLOW (EPOXY)	LF	1,088.0	1,042.0	(44.0)	\$ 0.84	\$ 866.88	\$ (28.16)	\$ 895.04
35	2564.503	4" BROKEN LINE WHITE (EPOXY)	LF	1,712.0	650.0	(1,062.0)	\$ 0.10	\$ 65.00	\$ (108.20)	\$ 171.20
36	2564.518	STREET SIGNS INCLUDING POST	SF	130.3	149.0	18.8	\$ 25.00	\$ 3,725.00	\$ 468.75	\$ 3,256.25
37	2575.505	SODDING TYPE 1	SY	200.0	610.0	410.0	\$ 8.00	\$ 4,880.00	\$ 3,280.00	\$ 1,600.00

TOTAL COMPENSATING CHANGE ORDER NO. 1R

\$ 306,998.59 \$ (63,648.66) \$ 370,647.25

<p>Lake Elmo City Council January 6, 2004</p>	<p>Agenda Section: CONSENT AGENDA</p>	<p><u>No 5D.</u></p>
<p><u>Agenda Item:</u> Resolution No. 2004-004, Approving Compensating Change Order No. 1 and Partial Payment No. 3 to T.A. Schifsky for Hill Trail North and 50th Street.</p>		
<p><u>Background Information for January 6, 2004</u></p> <p>In his memo dated December 23, 2003, the City Engineer reported the guard rail at the entrance to the neighborhood has been installed. A small section of retaining wall to protect a couple of large oak trees has been added. Seeding and final paving remain for the spring.</p> <p>A Change Order is necessary for additional storm sewer work requested by Washington County and additional erosion control work requested by the VBWD.</p>		
<p><u>Action Items:</u> Motion/Second - to adopt Resolution No. 2004-004 Approving Compensating Change Order No. 1 in the amount of (-)\$10,464.87 and Partial Payment No. 3 in the amount of \$62,278.41 for Hill Trail North and 50th Street North to T.A. Schifsky, verified by the City Engineer's memo dated December 23, 2003.</p>	<p><u>Person responsible:</u> S. Lumby</p>	

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

RESOLUTION NO. 2004-004

**A RESOLUTION APPROVING COMPENSATING CHANGE ORDER NO. 1
AND PARTIAL PAYMENT NO. 3
TO T.A. SCHIFSKY
FOR HILL TRAIL NORTH AND 50TH STREET NORTH**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Compensating Change Order No. 1 in the amount of (-)\$10,464.87 and Partial Payment No. 3 in the amount of \$62,278.41 to T.A. SCHIFSKY for work completed on Hill Trail North and 50th Street North, verified by the City Engineer in his memo dated December 23, 2003.

ADOPTED, by the Lake Elmo City Council the 6th day of January, 2004.

Lee Hunt, Mayor

ATTEST:

Charles E. Dillerud, Acting City Administrator

FP Eagle Point Blvd Phase I

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

December 23, 2003

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Hill Trail North and 50th Street North
Street Reconstruction
City of Lake Elmo, Minnesota
TKDA Commission No. 12170-03

Dear Mayor and City Council Members:

The project is wrapped up for the season. The guard rail at the entrance to the neighborhood has been installed. Seeding and final paving remain for the spring.

A Change Order is necessary for additional storm sewer work requested by Washington County, and additional erosion control work requested by the VBWD.

We also added a small section of retaining wall to protect a couple of large oak trees.

City Council Action Requested

Approve Change Order No. 1 in the amount of \$10,464.87.

Approve Partial Payment No. 3 in the amount of \$62,278.41.

Sincerely,



Thomas D. Prew, P.E.
Project Manager

Enclosure

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

December 23, 2003

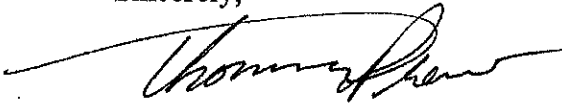
T.A. Schifsky & Sons
2370 East Hwy 36
North St. Paul, Minnesota 55109

Re: Hill Trail North and 50th Street North
Street Reconstruction
City of Lake Elmo, Minnesota
TKDA Commission No. 12170-02

Dear Sir or Madam:

Enclosed please find three copies of Partial Payment Certificate No. 3 in the amount of \$62,278.41 and Change Order No. 1 in the add amount of \$10,464.22 for the above-referenced project. Please sign all copies where indicated and return all copies to this office for further processing. Executed copies will be returned to you when payment is made.

Sincerely,



Thomas D. Prew, P.E.
Project Manager

TDP:bas
Enclosures

Comm. No. 12170-02 Cert. No. 3 St. Paul, MN, December 23, 2003

To City of Lake Elmo, Minnesota Owner

This Certifies that T.A. Schifsky & Sons, Inc., Contractor

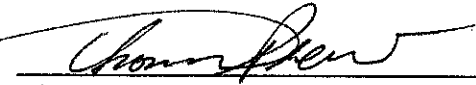
For Hill Trail North and 50th Street North Street Reconstruction

Is entitled to Sixty-Two Thousand Two Hundred Seventy-Eight Dollars and 41/100 ----- (\$62,278.41)

being 3rd estimate for partial payment on contract with you dated August 8, 2003

Received payment in full of above Certificate. **TKDA**

T.A. Schifsky & Sons, Inc.
_____, 20____



Thomas D. Prew, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 401,646.35		
All previous payments		\$ 272,709.75	
All previous credits			
Extra No.			
Change Order No. 1	\$ 10,464.87		
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 62,278.41	
Totals	\$ 412,111.22	\$ 334,988.16	\$ -
Credit Balance			
There will remain unpaid on contract after payment of this Certificate		\$ 77,123.06	
	\$ 412,111.22	\$ 412,111.22	\$ -

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 3 Period Ending December 15, 2003 Page 1 of 1 Comm. No. 12170-02
Contractor T. A. Schifsky & Sons Original Contract Amount \$401,646.35
Project Hill Trail North and 50th Street North Street Reconstruction
Location City of Lake Elmo, Minnesota

Total Contract Work Completed		\$	<u>342,154.25</u>
Total Approved Credits		\$	<u>0.00</u>
Total Approved Extra Work Completed (Change Order No. 1)	\$	<u>10,464.87</u>	
Approved Extra Orders Amount Completed		\$	<u>10,464.87</u>
Total Amount Earned This Estimate		\$	<u>352,619.12</u>

Less Approved Credits	\$	<u>0.00</u>	
Less <u>5</u> % Retained	\$	<u>17,630.96</u>	
Less Previous Payments	\$	<u>272,709.75</u>	
Total Deductions		\$	<u>290,340.71</u>
Amount Due This Estimate		\$	<u>62,278.41</u>

Contractor T. A. Schifsky & Sons, Inc.

Date _____

Engineer 
Thomas D. Prew, P.E.

Date December 23, 2003

HILL TRAIL NORTH AND 50TH STREET RECONSTRUCTION
CITY OF LAKE ELMO, MINNESOTA
COMMISSION NO. 12170-02

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
HILL TRAIL NORTH AND 50TH STREET RECONSTRUCTION						
1	MOBILIZATION	LS	1.0	1.0	\$ 19,000.00	\$ 19,000.00
2	CLEARING	TR	25.0	25.0	\$ 100.00	\$ 2,500.00
3	GRUBBING	TR	25.0	25.0	\$ 100.00	\$ 2,500.00
4	REMOVE SEWER PIPE (STORM)	LF	250.0	357.0	\$ 12.00	\$ 4,284.00
5	REMOVE CONCRETE DRIVEWAY	SY	60.0	83.68	\$ 3.10	\$ 259.41
6	REMOVE BIT SURFACE	SY	13,700.0	13525.48	\$ 1.00	\$ 13,525.48
7	REMOVE BURIED DEBRIS	CY	150.0	-	\$ 26.25	\$ -
8	REMOVE CATCH BASIN	EA	3.0	5.0	\$ 375.00	\$ 1,875.00
9	SALVAGE PLATE BEAM GUARD RAIL	LF	100.0	-	\$ 4.75	\$ -
10	SAW CUT BITUMINOUS PAVEMENT	LF	750.0	780.0	\$ 3.00	\$ 2,340.00
11	SAW CUT CONCRETE PAVEMENT	LF	80.0	96.0	\$ 4.00	\$ 384.00
12	COMMON EXCAVATION (P)	CY	5,563.0	5,563.0	\$ 6.30	\$ 35,046.90
13	COMMON EXCAVATION FOR POND	CY	400.0	400.0	\$ 6.30	\$ 2,520.00
14	SUBGRADE EXCAVATION	CY	2,000.0	366.1	\$ 6.30	\$ 2,306.43
15	TOPSOIL BORROW (LV)	CY	200.0	-	\$ 14.20	\$ -
16	COMMON LABORERS	HR	20.0	-	\$ 65.00	\$ -
17	WATER FOR DUST CONTROL	MGAL	40.0	10.50	\$ 25.00	\$ 262.50
18	AGGREGATE BASE CLASS 6	TN	11,000.0	10,501.41	\$ 9.00	\$ 94,512.69
19	SAWED/SEALED JOINT	LF	1,775.0	-	\$ 1.55	\$ -
20	4" THICK BITUMINOUS PATCH	SY	50.0	-	\$ 19.50	\$ -
21	TYPE LV AGG. 4 WEARING COURSE	TN	1,370.0	15.78	\$ 36.00	\$ 568.08
22	TYPE LV AGG. 3 NON-WEARING COURSE	TN	1,830.0	1,438.45	\$ 35.50	\$ 51,064.98
23	TYPE LV AGG. 4 WEARING COURSE 2" THICK FOR DRIVEWAY	SY	485.0	1,283.0	\$ 15.00	\$ 19,245.00
24	BITUMINOUS MATERIAL FOR TACK COAT	GAL	700.0	5.0	\$ 1.25	\$ 6.25
25	12 CMP CULVERT INCL. END APRON	LF	36.0	30.0	\$ 26.25	\$ 787.50
26	12" RC PIPE SEWER CLASS V DESIGN 3006	LF	296.0	370.0	\$ 42.00	\$ 15,540.00
27	15" RC PIPE SEWER CLASS V DESIGN 3006	LF	135.0	603.0	\$ 33.60	\$ 20,260.80
28	18" RC PIPE SEWER CLASS V DESIGN 3006	LF	32.0	71.0	\$ 52.50	\$ 3,727.50
29	12" RC PIPE APRON	EA	7.0	11.0	\$ 525.00	\$ 5,775.00
30	18" RC PIPE APRON	EA	3.0	4.0	\$ 656.00	\$ 2,624.00
31	CONSTRUCT CATCH BASIN DESIGN 4021D	EA	8.0	12.0	\$ 1,680.00	\$ 20,160.00
32	CONSTRUCT SURFACE DRAIN 24"	EA	1.0	1.0	\$ 787.50	\$ 787.50
33	CONSTRUCT STORM SEWER MH DESIGN 48"	EA	3.0	1.0	\$ 1,575.00	\$ 1,575.00
34	D412 CONCRETE CURB AND GUTTER	LF	300.0	250.0	\$ 12.60	\$ 3,150.00
35	6" BITUMINOUS CURB	LF	150.0	83.0	\$ 8.00	\$ 664.00
36	INSTALL SALVAGED STEELPLATE BEAM GUARD RAIL- INCLUDING NEW POSTS AS NECESSARY	LF	100.0	87.2	\$ 17.80	\$ 1,552.16
37	INSTALL TWISTED END TREATMENT	EA	2.0	2.0	\$ 1,417.50	\$ 2,835.00
38	6" CONCRETE DRIVEWAY PAVEMENT	SY	103.0	90.18	\$ 50.40	\$ 4,545.07
39	FLAG PERSON	HR	40.0	69.0	\$ 65.00	\$ 4,485.00
40	4" DOUBLE SOLID LINE YELLOW-PAINT	LF	2,000.0	-	\$ 0.75	\$ -
41	INLET PROTECTION AT CB	EA	10.0	11.0	\$ 135.00	\$ 1,485.00
42	SEEDING COMPLETE WITH TYPE 26B SEED MIXTURE	SY	800.0	-	\$ 0.90	\$ -
43	WOOD FIBER BLANKET TYPE II	SY	800.0	-	\$ 1.80	\$ -
44	SODDING TYPE 1	SY	2,000.0	-	\$ 2.80	\$ -
SUBTOTAL ESTIMATE NO. 2						\$ 342,154.25
CHANGE ORDER NO. 1						
1	FURNISH AND INSTALL RIP RAP	CY		12.0	\$ 38.33	\$ 459.96
2	FURNISH, INSTALL, AND MAINTAIN SILT FENCE	LF		750.0	\$ 1.96	\$ 1,470.00
3	FURNISH AND INSTALL 6" PVC CULVERT	LF		32.0	\$ 26.63	\$ 852.16
4	FURNISH AND INSTALL DIAMOND BLOCK RETAINING WALL	LS		1.0	\$ 1,207.90	\$ 1,207.90
5	ADDITIONAL COST ABOVE UNIT PRICESTO INSTALL STORM SEWER WORK ALONG 50TH STREET	LS		1.0	\$ 6,474.85	\$ 6,474.85
TOTAL CHANGE ORDER NO. 1						\$ 10,464.87
TOTAL ESTIMATE NO. 3						\$ 352,619.12

CHANGE ORDER

TKDA
Engineers-Architects-Planners

Saint Paul, MN December 23 20 03 Comm. No. 12170-02 Change Order No. 1

To T.A. Schifsky & Sons, Inc.

for Hill Trail North and 50th Street North Street Reconstruction

for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated August 8, 2003. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (net change) the contract sum by Ten Thousand Four Hundred Sixty-Four Dollars and 87/100 (\$ 10,464.87).

This change order provides for changes in the work of this contract according to the attached itemization.

NET CHANGE = \$ 10,464.87

Amount of Original Contract	\$	401,646.35
Additions approved to date (Nos.)		
Deductions approved to date (Nos.)		
Contract amount to date	\$	401,646.35
Amount of this Change Order (Add) (Deduct) (No-Change)	\$	10,464.87
Revised Contract Amount	\$	412,111.22

Approved City of Lake Elmo, Mimmesota
Owner

TKDA

By _____

By 
Thomas D. Prew, P.E.

Approved T.A. Schifsky & Sons, Inc.
Contractor

White - Owner
Pink - Contractor
Blue - TKDA

By _____

CHANGE ORDER NO. 1

December 15, 2003

HILL TRAIL NORTH AND 50TH STREET RECONSTRUCTION
CITY OF LAKE ELMO, MINNESOTA
COMMISSION NO. 12170-02

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
CHANGE ORDER NO. 1						
1	FURNISH AND INSTALL RIP RAP	CY		12.0	\$ 38.33	\$ 459.96
2	FURNISH, INSTALL, AND MAINTAIN SILT FENCE	LF		750.0	\$ 1.96	\$ 1,470.00
3	FURNISH AND INSTALL 6" PVC CULVERT	LF		32.0	\$ 26.63	\$ 852.16
4	FURNISH AND INSTALL DIAMOND BLOCK RETAINING WALL	LS		1.0	\$ 1,207.90	\$ 1,207.90
5	ADDITIONAL COST ABOVE UNIT PRICE TO INSTALL STORM SEWER WORK ALONG 50TH STREET	LS		1.0	\$ 6,474.85	\$ 6,474.85
SUBTOTAL						\$ 10,464.87
TOTAL CHANGE ORDER NO. 1						\$ 10,464.87

Lake Elmo City Council January 6, 2004	Agenda Section: CONSENT AGENDA	<u>No 5E.</u>
<u>Agenda Item: Final Payment for Painting and Repairs for Fire Station No. 1</u>		
<u>Background Information for January 6, 2004</u> Timothy Franzen, TKDA, is recommending approval of Payment No. 1, which is also the final payment, in the amount of \$22,522.00 to A.J. Spanjers Co., Inc. for exterior tuckpointing, painting, sealing, and repairs for Fire Station No. 1.		
<u>Action Items:</u> Motion/Second - to approve the Final Payment in the amount of \$22,522.00 to A.J. Spanjers Co., Inc. for exterior repairs for Fire Station No. 1, verified by T.Franzen's memo dated December 26, 2003.	<u>Person responsible:</u> S. Lumby	

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

December 26, 2003

Mr. Chuck Dillerud
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55402

Re: Exterior Tuckpointing, Painting, Sealing, and Repairs for Fire Station No. 1
City of Lake Elmo, Minnesota
TKDA Commission No. 11979-031

Dear Mr. Dillerud:

Enclosed is the Application for Payment No. 1, which is also the final application for payment, in the amount of \$22,522.00. I am recommending this amount for payment.

Also, enclosed are the following items required for final payment.

Certificate of Withholding State Income Tax
Final Lien Waivers AIA G706A
Consent of Surety AIA G707

Please process and send payment to the Contractor. If you have any questions, please give me a call.

Sincerely,



Timothy I. Franzen, AIA

TIF/mas

Enclosure

cc: Tom Prew, TKDA

**Lake Elmo
City Council
January 6,
2004**

Agenda Section: CONSENT AGENDA

No 5F.

Agenda Item: Resolution No. 2004-005 Final Payment for 50th Street Construction

Background Information for January 6, 2004

In his memo dated December 30, 2003, the City Engineer reports that work is complete on this project. The wetland infiltration cells were seeded last fall and the dead trees will be replaced in the spring. A cash escrow was received from the contractor to cover this cost. There was additional project cost for additional storm sewer piping and restoration.

Action Items:

Motion/Second - to adopt Resolution No. 2004-005
Approving the Compensating Change Order No. 1 in the amount of \$35,860.11 and Final Payment in the amount of \$26,085.55 to T.A. Schifsky for 50th Street Construction, verified by the City Engineer's memo dated December 30, 2003.

Person responsible:

S. Lumby

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

RESOLUTION NO. 2004-005

**A RESOLUTION APPROVING FINAL PAYMENT TO T.A. SCHIFSKY
FOR
50TH STREET NORTH RECONSTRUCTION**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Compensating Change Order No. 1 in the amount of \$35,860.11 and Final Payment to T. A. SCHIFSKY in the amount of \$26,085.55 for 50th Street North Construction, verified by the City Engineer in his memo dated December 30, 2003.

ADOPTED, by the Lake Elmo City Council the 6th day of January, 2004.

Lee Hunt, Mayor

ATTEST:

Charles E. Dillerud, Acting City Administrator

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

December 30, 2003

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Final Payment 50th Street Construction
City of Lake Elmo, Minnesota
TKDA Commission No. 11939-04

Dear Mayor and City Council:

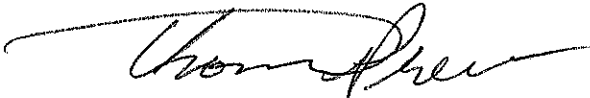
Work is complete on this project. The wetland infiltration cells were seeded last fall and should be growing this spring. Dead trees will be replaced in the spring. We have received a cash escrow from the Contractor to cover this cost.

There was additional project cost for additional storm sewer piping and restoration.

City Council Action Requested

1. Approve Compensating Change Order No. 1 in the amount of \$35,860.11 for 50th Street.
2. Approve Final Payment for 50th Street in the amount of \$26,085.55.

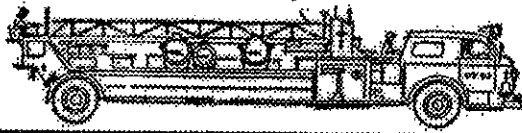
Sincerely,



Thomas Prew, P.E.
City Engineer

TDP:bas
Enclosures

Lake Elmo City Council January 6, 2004	Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING	<u>No 7A.</u>
<u>Agenda Item:</u> Update on Fire Department Activities Capital City Mutual Aid Agreement		
<u>Background Information for January 6, 2004</u> Attached is a copy of the Capital City Mutual Aid Agreement which has been reviewed by the City Attorney. The duration of the agreement is for the date of execution to December 31, 2006 or roughly a three-year period.		
<u>Action Items:</u> Motion/Second - to approve the Capital City Mutual Aid Agreement dated November 12, 2003.	<u>Person responsible:</u> S. Lumby	



Capitol City Mutual Aid Association

November 12, 2003

Members Departments
Capital City Mutual Aid Association

Dear Members

Attached you will find a copy of the Capital City Mutual Aid agreement that can be executed by your City Council or the governing body of your department.

The agreement now has a section that provides for charges to requesting departments when the duration of the aid given is over twelve (12) hours. A fee schedule is attached as an addendum.

We looked at an agreement that was written for departments that work across state lines, but after consulting with the League of Minnesota attorney, it was decided to leave the liability language as it was previously. Those departments that cross the state lines might want a separate agreement for those situations.

The duration of the agreement is from the date of execution to December 31, 2006 or roughly a three-year period.

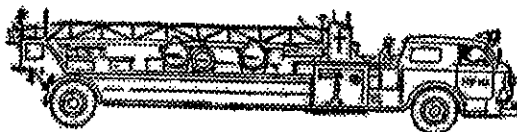
After execution, please mail a copy of the signed agreement back to:

Milo Bennett
Centennial Fire District
7741 Lake Drive
Lino Lakes, MN 55014

Sincerely

Milo Bennett
Secretary/Treasurer

~~Director of Department 600 R has been by the
fire fighters' daughter~~



Capitol City Mutual Aid Association

RECIPROCAL FIRE SERVICE AGREEMENT

This agreement is made pursuant to Minnesota Statutes 471.59 which authorizes the joint and cooperative exercise of powers common to contracting parties. The intent of this agreement is to make equipment, personnel and other resources available to political subdivisions from other political subdivisions.

1. "Party" means a political subdivision.
2. "Requesting Official" means the person designated by a Party who is responsible for requesting Assistance from other Parties.
3. "Requesting Party" means a party that requests assistance from other parties.
4. "Responding Official" means the person designated by a party who is responsible to determine whether and to what extent that party should provide assistance to a Requesting Party.
5. "Responding Party" means a party that provides assistance to a Requesting Party.
6. "Assistance" means Fire/Rescue and/or emergency medical services personnel and equipment.

1. Request for assistance.

Whenever, in the opinion of a Requesting Official, there is a need for assistance from other parties, the Requesting Official may call upon the Responding Official of any other party to furnish assistance.

2. Response to request.

Upon the request for assistance from a Requesting Party, the Responding Official may authorize and direct his/her party's personnel to provide assistance to the Requesting Party. This decision will be made after considering the needs of the responding party and the availability of resources.

3. Recall of Assistance.

The Responding Official may at any time recall such assistance when in his or her best judgment or by an order from the governing body of the Responding Party, it is considered to be in the best interests of the Responding Party to do so.

4. Command of Scene.

The Requesting Party shall be in command of the mutual aid scene. The personnel and equipment of the Responding Party shall be under the direction and control of the Requesting Party until the Responding Official withdraws assistance.

Capitol City Mutual Aid Association Fire Service Agreement

5. Workers' compensation

Each party shall be responsible for injuries or death of its own personnel. Each party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this agreement. Each party waives the right to sue any other party for any workers' compensation benefits paid to its own employee or volunteer or their dependants, even if the injuries were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

6. Damage to equipment

Each party shall be responsible for damages to or loss of its own equipment. Each party waives the right to sue any other party for any damages to or loss of its equipment, even if the damages or losses were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

7. Liability

1. For the purposes of the Minnesota Municipal Tort Liability Act (Minn. Stat. 466), the employees and officers of the Responding Party are deemed to be employees (as defined in Minn. Stat. 466.01, subdivision 6) of the Requesting Party.

2. The Requesting Party agrees to defend and indemnify the Responding Party against any claims brought or actions filed against the Responding Party or any officer, employee, or volunteer of the Responding Party for injury to, death of, or damage to the property of any third person or persons, arising from the performance and provision of assistance in responding to a request for assistance by the Requesting Party pursuant to this agreement.

Under no circumstances, however, shall a party be required to pay on behalf of itself and other parties, any amounts in excess of the limits on liability established in Minnesota Statutes Chapter 466 applicable to any one party. The limits of liability for some or all of the parties may not be added together to determine the maximum amount of liability for any party.

The intent of this subdivision is to impose on each Requesting Party a limited duty to defend and indemnify a Responding Party for claims arising within the Requesting Party's jurisdiction subject to the limits of liability under Minnesota Statutes Chapter 466. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts among defendants, and to permit liability claims against multiple defendants from a single occurrence to be defended by a single attorney.

3. No party to this agreement nor any officer of any Party shall be liable to any other Party or to any other person for failure of any party to furnish assistance to any other party, or for recalling assistance, both as described in this agreement.

Capitol City Mutual Aid Association Fire Service Agreement

8. Charges to the Requesting Party

Subd. 1 No charges will be levied by a Responding Party to this agreement for assistance rendered to a Requesting Party under the terms of this agreement unless that assistance continues for a period of more than 12 hours. If assistance provided under this agreement continues for more than 12 hours, the Responding Party will submit to the Requesting Party an itemized bill for the actual cost of any assistance provided after the initial 12 hour period, including salaries, overtime, materials and supplies and other necessary expenses; and the Requesting Party will reimburse the party providing the assistance for that amount.

Subd. 2 Such charges are not contingent upon the availability of federal or state government funds.

9. Duration

This agreement will be in force from the date of execution until December 31, 2006. Any party may withdraw from this agreement upon thirty (30) days written notice to the other party or parties to the agreement.

10. Execution

Each party hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated. Each party to this agreement shall maintain a copy of an executed copy of this agreement. Such copy shall be provided by the Secretary-Treasurer of the Capitol City Mutual Aid Association within thirty (30) days of the agreement and execution by the President and Secretary-Treasurer of the Capitol City Mutual Aid Association.

IN WITNESS WHEREOF, the undersigned, on behalf of their political subdivision or their fire department corporation has executed this agreement pursuant to authorization by the City Council of the City of _____, or the governing body of the _____ Fire Department, Inc. on this date of _____

City of _____


by _____, its Mayor

by _____, its City Manager or Clerk

Fire Department of _____

by _____, its Fire Chief

by _____, its Secretary

<p>Lake Elmo City Council January 6, 2003</p>	<p>Agenda Section: City Administrator's Report</p>	<p><u>No.</u> 11A</p>
<p>Agenda Item: 2004 Employee Pay Plan</p>		
<p><u>Background Information for January 6, 2003:</u></p> <p>I have attached the "New" 2004 Pay Plan that the Council was introduced to and discussed at the December 30, 2003 Workshop. The only change I have made to the Plan since December 30 is to remove the words "Draft" and "New" from the title. A feature I failed to point out on December 30 is that the shaded cells represent where the respective City staff will be placed on the Plan. That placement is dictated by the respective 2003 salaries + 2.1%, and then the next even step – as I did explain. All employees have received their 2003 Performance Evaluations and Step adjustments on or about their anniversary dates, so their is no retro issues that will impact the new Plan.</p> <p>The attached Resolution adopts the 2004 Pay Plan, as was the consensus of the Council at the December 30 Workshop.</p>		
<p><u>Action items:</u> Motion to approve Resolution #2004- , adopting the 2004 City Employee Pay Plan.</p>	<p><u>Person responsible:</u> Acting City Administrator </p>	
<p><u>Attachments:</u> 1. Draft Resolution #2004 – Adopting 2004 Pay Plan 2. 2004 Pay Plan</p>	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
2004 PAY PLAN

POSITION	Grade	START	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	
Administrator (Vacant)	26	Monthly Annual	5,870 70,440	6,046 72,552	6,227 74,724	6,414 76,968	6,606 79,272	6,805 81,660	7,009 84,108	7,219 86,628	7,436 89,232
Planner/Asst Administrator	24	Monthly Annual	5,324 63,888 30.72	5,484 65,808	5,648 67,776	5,818 69,816	5,992 71,904	6,172 74,064	6,357 76,284	6,548 78,576	6,744 80,928
Finance Director (Vacant)	21	Monthly Annual	4,380 52,560	4,511 54,132	4,647 55,764	4,786 57,432	4,930 59,160	5,078 60,936	5,230 62,760	5,387 64,644	5,549 66,588
Building Official/Code Enforcement	19	Monthly Annual	4,172 50,064	4,297 51,564	4,426 53,112	4,558 54,696	4,695 56,340	4,836 58,032	4,981 59,772	5,130 61,560	5,284 63,408
Building Inspector/Water Technician	12	Monthly Annual	2,965 35,580	3,054 36,648	3,145 37,740	3,239 38,868	3,337 40,044	3,437 41,244	3,540 42,480	3,646 43,752	3,755 45,060
Maintenance Superintendent (Vacant)	18	Monthly Annual	3,973 47,676	4,092 49,104	4,215 50,580	4,341 52,092	4,471 53,652	4,606 55,272	4,744 56,928	4,886 58,632	5,033 60,396
Parks Superintendent	17	Monthly Annual	3,784 45,408	3,897 46,764	4,014 48,168	4,135 49,620	4,259 51,108	4,386 52,632	4,518 54,216	4,653 55,836	4,793 57,516
Deputy City Clerk	15	Monthly Annual	3,432 41,184	3,535 42,420	3,641 43,692	3,750 45,000	3,863 46,356	3,979 47,748	4,098 49,176	4,221 50,652	4,347 52,164

Program Support	7	Monthly Annual Hourly	2,323 27,876 13.40	2,393 28,716 13.81	2,464 29,568 14.22	2,538 30,456 14.64	2,614 31,368 15.08	2,693 32,316 15.54	2,774 33,288 16.00	2,857 34,284 16.48	2,942 35,304 16.97
Heavy Equipment Operator	11	Monthly Annual Hourly	2,823 33,876 16.29	2,908 34,896 16.78	2,995 35,940 17.28	3,085 37,020 17.80	3,178 38,136 18.33	3,273 39,276 18.88	3,371 40,452 19.45	3,472 41,664 20.03	3,577 42,924 20.64
Office Assistant	5	Monthly Annual Hourly	2,107 25,284 12.16	2,170 26,040 12.52	2,235 26,820 12.89	2,302 27,624 13.28	2,371 28,452 13.68	2,442 29,304 14.09	2,516 30,192 14.52	2,591 31,092 14.95	2,669 32,028 15.40
Assistant Planner (Vacant)	15	Monthly Annual Hourly	3,432 41,184 19.80	3,535 42,420 20.39	3,641 43,692 21.01	3,750 45,000 21.63	3,863 46,356 22.29	3,979 47,748 22.96	4,098 49,176 23.64	4,221 50,652 24.35	4,347 52,164 25.08
Public Facilities Director (Vacant)	21	Monthly Annual Hourly	4,380 52,560 25.27	4,511 54,132 26.03	4,647 55,764 26.81	4,786 57,432 27.61	4,930 59,160 28.44	5,078 60,936 29.30	5,230 62,760 30.17	5,387 64,644 31.08	5,549 66,588 32.01
Senior Program Support	11	Monthly Annual Hourly	2,823 33,876 16.29	2,908 34,896 16.78	2,995 35,940 17.28	3,085 37,020 17.80	3,178 38,136 18.33	3,273 39,276 18.88	3,371 40,452 19.45	3,472 41,664 20.03	3,577 42,924 20.64

Lake Elmo
City Council
January 6, 2003

Agenda Section: City Administrator's Report

No. 11B

Agenda Item: Personnel Policy Amendment – Personal Time Off (PTO)

Background Information for January 6, 2003:

At the December 30 Workshop the Council was introduced to and discussed a Personal Time Off (PTO) Policy that would replace our existing vacation and sick leave policies. The Council appears to concur with the sample PTO Policy that was presented – with some modifications. I have attached the Policy discussed on December 30, with the following modifications:

1. The "Personal Time Off Schedule" has been modified to reflect the City's current vacation accrual schedule + 6 days (rounded to even half hour accruals per bi-weekly pay period). As previously directed by the Council, the Schedule has been set up to cap the maximum "vacation component" of the PTO schedule at 25 days after 15 completed years of service. Since we have one employee already accruing 30 days of vacation, a sentence was added to grandfather his accrual rate.
2. I have modified the dates of the "Benefit Year" from 3/1 - 2/28 to 4/1 - 3/31. Not only do I dislike the "leap year" consequences of a 2/28 date, this will also give employees with large existing vacation banks (which will become PTO banks) an extra month to burn off some hours.
3. The "Extended Illness Bank" feature was added to address the existing employee sick leave banks. The same "cash out" provisions as with current Policy were added as well (50% or 50 days after 5 years, whichever less), but I have deleted the present Policy clause to permits an employee to convert sick leave in excess of 100 days into vacation leave.

(Continued on Page 2)

Action items:

Motion to approve Resolution #2004 - , Amending the City's Personnel Policy by deleting the "Vacation" and "Sick Leave" sections in their entirety; and adding a new section entitled "Personal Time Off".

Person responsible:

Acting City Administrator


Attachments:

1. Draft Resolution #2004 – Amending Personnel Policy
2. Draft Additions to Personnel Policy

Time Allocated:

(Continued from Page 1)

A clause of the Arden Hills Policy that we did not discuss on December 30 (which I have left in our draft PTO Policy) addresses "Exempt Employee Flex-Time Guidelines". The issue of Comp Time has been addressed, and the Policy has been tinkered with, a number of times in the past 5 years. Although the Policy is still difficult to follow, it appears that the current Policy for exempt employees is that they may accrue Comp Time at a rate of 1 hour for each 3 hours worked – to a maximum of 16 hours

Personally, I have never been a fan of a fixed Policy regarding Comp Time for exempt employees. It has always been my belief that time on the job in excess of the 40 hour week was considered in the higher salary scales for managerial and professional staff members; and, the ability of those managers and professionals to manage their own time responsibly– "flex", if you will. Even though I had never been formally credited Comp Time for the many night meetings I worked with prior public employers, the former administrator insisted that I do so here. I did accrue Comp Time beginning my second year here (at the administrator's insistence), but I suspended that practice on the departure of the former administrator on December 19, 2002 – as has Tom Bouthilet. Maybe that is a function of our age, and/or a different perspective as to what constitutes being a manager and professional.

What I have done since December 19, 2002 is to occasionally "flex" my work time – always during the same work week, and only when the work load has permitted. As was the case with prior public positions, I have seldom totally balanced to a 40 hour week – and that isn't of concern to me. If I had chosen to flex over the entire 2 week pay period – which is permitted for exempt employees in many cities – I could have done a better job of balancing.

I believe the formalization of "flex time" in the public sector has grown out of the realization that, in some cases, the (now dated, I guess) concept of managers and professionals working until the job is completed has been tarnished a bit by the simple math of converting uncompensated hours to income per hour worked. In some cases, the actual hourly compensation of managerial and professional staff ends up less than that subordinate staff without the education and experience investments that resulted in the others becoming managers and professionals. Arden Hills decided the time had arrived to formalize a flex time solution in Policy. Perhaps the time has arrived here to both distinguish Comp Time (for non-exempt) from Flex Time (for exempt) and move the flex time concept to a legal and formal system. The Arden Hills approach seems as fair as any I have seen to accomplish these goals.

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

RESOLUTION NO. 2004-007

**A RESOLUTION AMENDING THE PERSONNEL POLICY RELATING TO
PERSONAL TIME OFF (PTO)**

WHEREAS, the current personnel policy adopted by the Lake Elmo City Council on July 20, 1999, amended February 5 and 19, 2002, outlines vacation and sick leave benefits available to full time employees.

WHEREAS, at the December 30th workshop, the Lake Elmo City Council reviewed a Personal Time Off (PTO) Policy that would replace the existing vacation and sick leave policy.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council approves amending the City's Personnel Policy by deleting the "Vacation" and "Sick Leave" sections in their entirety, and adding a new section entitled "Personal Time Off" as attached and made part of this resolution.

ADOPTED by the Lake Elmo City Council on the 6th day of January, 2004.

Lee Hunt, Mayor

ATTEST:

Charles E. Dillerud
Acting City Administrator

PERSONAL TIME OFF

Personal Time Off (PTO) is authorized absence from duty.

Regular full time employees and regular part time employees are eligible for Personal Time Off (PTO). Employees may not use Personal Time Off until successful completion of their probationary period, although Personal Time Off accumulates during this time. Personal Time Off for regular part time employees shall be pro-rated.

The following chart provides information regarding Personal Time Off. Years of service are calculated from the anniversary date of employment.

PERSONAL TIME OFF SCHEDULE

Completed Years of Service	Personal Time
0-5	5 hours bi-weekly
5-10	6.5 hours bi-weekly
10-15	8 hours bi-weekly
15 and Over	9.5 hours bi-weekly

Employees with 20 or more years of completed service as of January 1, 2004 shall accrue PTO at a rate of 11 hours bi-weekly.

Benefit year for Personal Time Off is April 1st through March 31st. A maximum of 240 hours of Personal Time Off may be carried over from benefit year to benefit year. Carry-over beyond 240 hours of Personal Time Off will only be made under special circumstances with approval from the City Administrator.

All employees must receive permission from the department supervisor or City Administrator at least ten (10) working days prior to taking Personal Time Off when Personal Time Off is to extend for a period of more than three (3) consecutive days. If three (3) consecutive days of unscheduled Personal Time Off are used, the supervisor shall make an inquiry into the employee's absence, and the employee shall cooperate in authorizing the supervisor to obtain any necessary medical, hospital or other records that validate the unscheduled absence. If the Personal Time Off is to be for eight (8) hours or less, permission will be granted without notice if their supervisor feels that City service will not be adversely affected. Priority will be given to Personal Time Off scheduling based on the earliest date of request. Personal Time Off scheduling for departmental employees is the responsibility of the department managers. No employee will be permitted to use Personal Time off for the purpose of receiving double pay.

Any employee leaving the service of the City in good standing will be compensated 100% for Personal Time Off accrued, not to exceed 240 hours, to the day of separation provided said employee has served at least twelve (12) consecutive months prior to separation and has given the City at least two weeks notice prior to the effective date of such separation. Such pay for accumulated Personal Time Off will be at the same rate as the hourly rate of the employee's base salary. Personal Time Off may not be used to extend an employee's actual termination date.

When a paid holiday falls on a working day during an employee's Personal Time Off, the day of the holiday will not be counted as a day of Personal Time Off.

One (1) day of Personal Time Off shall equal eight (8) hours for full time employees.

In the case of disability from a work related disease or injury for which Worker's Compensation benefits are available, an employee may elect to use Personal Time Off benefits rather than Worker's Compensation benefits by notifying the City Administrator of their election. Under no circumstances can an employee receive both Personal Time Off and Worker's Compensation benefits for the same period of disability, except if the employee elects to receive Worker's Compensation benefits he/she may also use Personal Time Off to the extent necessary to increase their income to their net wage prior to the injury or onset of the disease.

EXEMPT EMPLOYEE FLEX-TIME GUIDELINES

Exempt employees may accrue flex-time on a 1:1 ratio for attending various meetings outside of their normal work day. Exempt employees may use accrued flex-time as approved by their supervisor, but no more than 9 consecutive hours of flex time may be used. Exempt employees shall be compensated for no more than eighty (80) hours of accrued flex-time upon termination.

EXTENDED ILLNESS BANK

All accrued, but unused, Sick Leave banks of City Employees as of January 1, 2004 are hereby converted to Extended Illness Banks. An employee's Extended Illness Bank balance may be utilized only for illness or injury, as certified by a physician's statement; and, only after an employee has used 10 consecutive days of Paid Time Off for the same illness or injury event.

Under no circumstances can an employee receive both Extended Illness Bank balances and Worker's Compensation benefits for the same period of disability, except if the employee elects to receive Worker's Compensation benefits, he/she may also use Extended Illness Bank balances, subject to other related Policy, to the extent necessary to increase their income to their net wage prior to the injury or onset of the disease.

When a full time employee with five or more years of continuous employment is terminated, laid off or resigns, the employee may be paid, in addition to any sums otherwise due, a sum equal to one-half of the employee's Extended Illness Bank balance, or 400 hours, whichever is less.