

FILE

City of Lake Elmo
3800 Laverne Avenue North

January 6, 2009
7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ DeLapp ___ Johnson ___ Park ___ Smith
- D. APPROVE MINUTES:
 - 1. December 9, 2008
- E. OATH OF OFFICE for newly elected members of Council.
- F. Adjourn

City of Lake Elmo
3800 Laverne Avenue North

January 6, 2009

7:15 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___Johnston___ DeLapp___ Emmons___ Park___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES: None
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
 - 1. Recognition of outgoing Council Member
- I. CONSENT AGENDA: (Items are placed on the consent agenda by city staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
 - 2. Approve payment of disbursements and payroll
 - 3. Announce 2009 Board of Appeal and Equalization Meeting
 - 4. Authorize hiring of Kevin Kuperschmidt as a temporary seasonal public works employee for the rink
 - 5. Approve tort liability as part of LMCIT insurance package
 - 6. Authorizing signature for payments of funds from the Lake Elmo Bank, Resolution no. 2009-001
 - 7. Adopt 2009 Calendar of City Council Meetings and Workshops
 - 8. Approve issuance of RFQ for Income Determination Consultant to utilize CDBG for gas line replacement project in Cimarron

J. REGULAR AGENDA:

9. Organizational Meeting:
 - a. Election of Acting Mayor
 - b. Designation of legal newspaper
 - c. Designation of official depositories for 2009
 - d. Appointment of City Engineer
 - e. Appointment of City Attorney
10. Consider adoption of a moratorium on the construction or alteration of new or existing wireless telecommunication towers.
11. Engineering Status Report – A report on the status of active engineering activities and the 2009 engineering program goals and objectives

K. REPORTS AND ANNOUNCEMENTS:
Mayor and Council members

L. Adjourn

City of Lake Elmo
City Council Minutes

December 9, 2008

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

Present: Mayor Johnston and Council Members DeLapp, Park and Smith
Absent: Council Member Johnson

Also present: Planning Director Klatt, City Attorney Filla, City Engineer Griffin,
Finance Director Bouthilet and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member DeLapp moved to approve the December 9, 2008 City Council agenda as amended by adding Item 11. Update on Interim City Administrator. Mayor Johnston second the motion. The motion passed unanimously.

ORDER OF BUSINESS:

GROUND RULES:

APPROVED MINUTES:

The December 1, 2008 City Council meeting were approved by consensus.
The December 3, 2008 Special City Council meeting were approved by consensus.

PUBLIC COMMENTS\INQUIRIES:

Tom Mechelke, 9090 Jane Road N., with the economy what it is, he asked that the City be more prudent with the budget and try to save money. After watching the council meetings on cable he asked the Council to try to work with each other and listen to the veteran Council member.

CONSENT AGENDA:

MOTION: Council Member Park moved to approve the consent agenda as presented. Council Member DeLapp second the motion. The motion passed unanimously.

- Approve payment of disbursements and payroll in the amount of \$106,377.20
- Approve Abdo, Eick & Meyers, LLP for the audit of the 2008 basic financial statement of the City

REGULAR AGENDA:

2009 Property Tax Levy

Finance Director Tom Bouthilet asked the City Council to consider adopting the final 2009 property tax levy. The certificate to the Washington County Auditor will be as follows:

General Fund Levy	\$2,332,130
2004 G.O. Capital Improvement Plan Bonds	319,885
2006 G.O. Equipment Certificates of Indebtedness	56,188
Total	\$2,708,203

Council member DeLapp questioned the use of consultants to do planning work for the City.

MOTION: Council Member Park moved to approve Resolution no. 2008-059 Adopting final property tax levy in the amount of \$2,708,203. Council Member Smith second the motion. Mayor Johnston and Council Members Smith and Park voted in favor of the motion and Council Member DeLapp voted against.

Adoption of 2009 Budget

Finance Director Tom Bouthilet asked the City Council to consider adopting the final 2009 General Fund Budget. The proposed overall City 2009 budget includes the general fund, special revenue funds, debt service funds, capital projects funds, enterprise funds, and a draft five year capital improvement plan (CIP). Overall 2009 general fund expenditures are budgeted at \$2,892,060, or a 1.4% decrease from the amended 2008 general fund budget.

Council Member DeLapp questioned the expenditures for park shelters and wanted to revisit the 2009 budget because it does not reflect the U.S. economy.

Mayor Johnston stated the City has a barebones budget and maintains the lowest tax rate of any City its size.

MOTION: Council Member Park moved to approve Resolution no. 2008-060 adopting the 2009 General Fund Budget in the amount of \$2,892,060. Council Member Smith second the motion. Mayor Johnston and Council Members Park and Smith voted in favor of the motion and Council Member DeLapp voted against.

Presentation by the St. Croix Valley Community Foundation

Jill Shannon, Director of Community Partnerships, provided a presentation on the St. Croix Valley Community Foundation about its purpose, programs and activities of the foundation. The Foundation requested funding (\$1,844, based on a per capita formula) for an art survey to do in the greater St. Croix Valley communities.

MOTION: Council Member Park moved to table the request for funding for an art survey for reconsideration in a month. Council Member DeLapp second the motion. The motion passed unanimously.

V-Box Sander Purchase

Mike Bouthilet, Public Works Superintendent, asked the City Council to approve the purchase of the V-Box sander (sand and salt spreader) in the amount of \$5,459.83 (tax included). A request was made at the meeting to purchase a Boss Blade wing kit and tuck side mount in the amount of \$2,139.99 from Aspen equipment. The Maintenance Advisory Committee recommended approval of the purchase and funding is available in the current CIP.

MOTION: Council Member Smith moved to approve the purchase of a Henderson Pickup Spreader-Lite sand and salt spreader in the amount of \$5,459.83 (tax included) and a Boss Blade Wing kit from Aspen Equipment in the amount of \$2,139.99 (Tax included) with funding coming out of the current CIP. Council Member Park second the motion. The motion passed unanimously.

Consider amendments to the wireless telecommunications tower ordinance

Planning Director, Kyle Klatt, asked the City Council to consider amendments to the wireless telecommunications tower ordinance. The change in requirements in the ordinance would allow for more flexibility in citing the towers.

MOTION: Council Member Park moved to approve Ordinance no. 08-011 based on the reasons cited by the Planning director in his report dated December 9, 2008. Mayor Johnston moved to second the motion. Mayor Johnston and Council Members Park, and Smith voted in favor of the motion and Council Member DeLapp voted against the motion.

Further consider a recommendation related to an application for a wireless 125 foot telecommunications tower permit for 9057 Lake Jane Trail N.

Planning Director, Kyle Klatt, asked the Council to consider a request from FMHC Corporation to construct a 125-foot wireless telecommunications tower at 9057 Lake Jane Trail.

Tom Mechelke, 9090 Jane Road N., expressed his dismay having to look at the tower especially when viewing vistas across Lake Jane from Sunfish Lake Park.

Other residents cited the negative aesthetic aspects of the tower which would be seen from around Lake Jane and Sunfish Lake Park,

Ron Obermueller, 8696 N. 42nd Street, offered suggestions as to where the tower could be placed and how the same coverage could be gained with two smaller towers which wouldn't dominate the landscape.

Jean Olinger, 9057 Lake Jane N., noted all the change that she and her family had experienced while living on their property for thirty years. During that time the Olinger family did not oppose such changes in the neighborhood

Mark Holm, real estate and zoning manager for T-mobile, explained the company approached the city six months ago and was told that there was no city property appropriate for the tower which is why the company sought out private sites.

Council Member Smith said she would prefer to work with T-mobile officials for an additional 60 days to explore alternative sites for the tower including nearby City property.

Council Member Park stated that applicants, Daniel and Jean Olinger, had presented the City an application in good faith and they deserved to have that request reviewed and acted upon.

Mike Pearson, 2805 Lisbon Avenue N. and a planning commission member, supported Council Member Park's comments stating that the applicant is not getting a fair deal in the process.

State statute requires that a City act on such an application within 120 days, the city's deadline was December 24th. The Council discussed using 60 days to continue a discussion with T-Mobile officials and staff on the placement of the cell tower and the details that go into building a tower. Mark Holm, real estate and zoning manager for T-mobile agreed to the request for a 60-day extension.

MOTION: Council Member Smith moved to table until February 9, 2009 the application to construct a wireless telecommunication tower at 9057 Lake Jane Trail in order for the staff and T-mobile officials to discuss the location and design. Council Member DeLapp second the motion. Mayor Johnston and Council Members DeLapp and Smith voted in favor of the motion and Council Member Park voted against.

Consider setting a public hearing to establish a moratorium on the construction of a new wireless telecommunications towers – Not Discussed

Interim use permit – E&E properties

Terry Emerson applied for a zoning change and a permit to allow E&E Properties to place a commercial terminal for semi trucks on property he owned at 11530 Hudson Blvd. The Council approved the zoning change Emerson needed before he can allow a client to convert the site. The use is an interim use, until city sewer and water is available at the site.

MOTION: Council Member Smith moved to adopt Resolution no. 2008-057 approving the interim use permit to establish a truck terminal at 11530 Hudson Boulevard. Council Member Park moved to second the motion. The motion passed unanimously.

Comprehensive planning efforts and authorizations to proceed on the Transportation and Surface water management system plans

City Engineer Jack Griffin asked the City Council to authorize TKDA to proceed with the preparation of the local transportation and surface water system plans necessary to complete the 2030 Comprehensive Plan updates. The goal of these authorizations is to complete the minimal requirements of the Metropolitan Council's System Statements and watershed district to comply with the given deadlines. All plans will be completed on the basis of the current land use plan adopted in 2005.

MOTION: Council Member DeLapp moved to authorize the Acting City Administrator to execute Authorizations with TKDA to complete the Transportation and Surface Water Management System Plans in the estimated amount of \$69,100. Council Member Park second the motion. The motion passed unanimously.

Update on Hiring Process for Interim City Administrator

Mayor Johnston reported an abbreviated employment agreement has been sent to Craig Dawson. Background checks should be completed by December 12th.

There was discussion on the proposed changes to the employment agreement submitted by Council Member DeLapp. The proposed changes to the employment agreement did not receive Council approval.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

City Council
Date: 01/06/2009
CONSENT
Item: 2

ITEM: Approve disbursements in the amount of \$273,902.14

SUBMITTED BY: Tom Bouthilet, Finance Director

<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 11,862.65	Payroll Taxes to IRS 12/18/08
ACH	\$ 2,034.80	Payroll Taxes to Mn Dept. of Revenue 12/18/08
ACH	\$ 6,929.72	Payroll Taxes to IRS 12/31/08
ACH	\$ 1,104.90	Payroll Taxes to Mn Dept. of Revenue 12/31/08
DD1955-DD1983	\$ 28,110.19	Payroll Dated 12/18/2008 (Direct Deposit)
33622-33639	\$ 8,536.54	Payroll Dated 12/18/2008 (Payroll & Benefits)
DD1984-DD1997	\$ 19,951.62	Payroll Dated 12/31/2008 (Direct Deposit)
33640-33642	\$ 4,356.06	Payroll Dated 12/31/2008 (Payroll & Benefits)
33643-33713	\$ 191,015.66	Accounts Payable Dated 01/06/2009

Total: \$ 273,902.14

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the amount of \$ 273,902.14

Accounts Payable Checks for Approval

User: julie
Printed: 01/02/2009 - 12:57 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33702	01/06/2009	Water	Engineering Services	TKDA, Inc.	231.40
33702	01/06/2009	Tablyn Park/LEH/3M Grant	Engineering Services	TKDA, Inc.	1,162.22
33702	01/06/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	4,269.30
33702	01/06/2009	Development Fund	Engineering Services	TKDA, Inc.	1,665.66
33702	01/06/2009	Development Fund	Engineering Services	TKDA, Inc.	2,726.95
33702	01/06/2009	Development Fund	Engineering Services	TKDA, Inc.	3,439.32
33702	01/06/2009	Development Fund	Engineering Services	TKDA, Inc.	2,279.78
33702	01/06/2009	Development Fund	Engineering Services	TKDA, Inc.	3,005.84
33702	01/06/2009	Village	Engineering Services	TKDA, Inc.	138.85
33702	01/06/2009	General Fund	Engineering Services	TKDA, Inc.	114.91
33702	01/06/2009	General Fund	Engineering Services	TKDA, Inc.	4,796.65
33702	01/06/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	2,677.63
33702	01/06/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	3,255.54
33702	01/06/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	3,376.36
33702	01/06/2009	Surface Water Utility	Engineering Services	TKDA, Inc.	4,188.77
33702	01/06/2009	Water	Engineering Services	TKDA, Inc.	5,393.78
33702	01/06/2009	Sewer	Engineering Services	TKDA, Inc.	708.17
33702	01/06/2009	Water	Engineering Services	TKDA, Inc.	666.90
33659	01/06/2009	General Fund	Miscellaneous	City of Roseville	1,232.50
33697	01/06/2009	General Fund	Office Supplies	S&T Office Products, Inc.	19.12
33697	01/06/2009	General Fund	Office Supplies	S&T Office Products, Inc.	202.19
33697	01/06/2009	General Fund	Office Supplies	S&T Office Products, Inc.	45.82
33697	01/06/2009	General Fund	Office Supplies	S&T Office Products, Inc.	236.20
33710	01/06/2009	General Fund	Miscellaneous	Berkley Risk Administrators Co	35.00
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	1,843.21
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	649.12
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	151.66
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	484.97
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	10,306.81
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	5,133.82
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	10,526.80
33710	01/06/2009	General Fund	Workers Compensation	Berkley Risk Administrators Co	7,142.02
33710	01/06/2009	Water	Workers Compensation	Berkley Risk Administrators Co	3,890.57

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33710	01/06/2009	Sewer	Workers Compensation	Berkley Risk Administrators Co	1,023.27
33710	01/06/2009	Surface Water Utility	Workers' Compensation	Berkley Risk Administrators Co	1,275.75
33652	01/06/2009	General Fund	Miscellaneous	Aspen Equipment Co.	962.10
33652	01/06/2009	Capital Acquisitions	Heavy Machinery	Aspen Equipment Co.	5,459.83
33698	01/06/2009	General Fund	Small Tools & Equipment	Sam's Club	17.08
33643	01/06/2009	General Fund	Dues & Subscriptions	10,000 Lakes Chapter	50.00
33712	01/06/2009	Water	Water Utility	MDH	1,405.00
33692	01/06/2009	General Fund	Legal Services	Peterson Fram & Bergman	2,314.41
33692	01/06/2009	Park Dedication	Legal Services	Peterson Fram & Bergman	337.50
33692	01/06/2009	General Fund	Legal Services	Peterson Fram & Bergman	4,323.35
33692	01/06/2009	General Fund	Legal Services	Peterson Fram & Bergman	1,562.00
33692	01/06/2009	General Fund	Legal Services	Peterson Fram & Bergman	77.00
33644	01/06/2009	General Fund	Conferences & Training	10000 Lakes Chapter	175.00
33706	01/06/2009	General Fund	Miscellaneous	VJSA	97.71
33686	01/06/2009	General Fund	Conferences & Training	MN Fire Service Cert Board	180.00
33663	01/06/2009	General Fund	Dues & Subscriptions	WASHINGTON COUNTY FIRE CHIEF	50.00
33679	01/06/2009	Capital Acquisitions	Buildings and Structures	Greg Malinquist	318.59
33681	01/06/2009	Water	Conferences & Training	MDH	57.00
33713	01/06/2009	Water	Postage	Pitney Bowes Reserve Account	1,000.00
33687	01/06/2009	General Fund	Dues & Subscriptions	MN State Fire Chiefs Assn	225.00
33664	01/06/2009	Sewer	Utility System Maint Supplies	Flexible Pipe Tool Company	1,220.76
33691	01/06/2009	General Fund	Miscellaneous	Doug Pepin	75.00
33679	01/06/2009	General Fund	Small Tools & Equipment	Greg Malinquist	44.61
33696	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	511.20
33696	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	383.40
33696	01/06/2009	General Fund	Cleaning Supplies	Diane Rud	31.74
33696	01/06/2009	General Fund	Use Tax Payable	Diane Rud	-54.60
33708	01/06/2009	General Fund	Electric Utility	Xcel Energy	639.32
33708	01/06/2009	General Fund	Electric Utility	Xcel Energy	1,161.54
33708	01/06/2009	Water	Electric Utility	Xcel Energy	118.16
33708	01/06/2009	General Fund	Street Lighting	Xcel Energy	1,789.05
33708	01/06/2009	Water	Electric Utility	Xcel Energy	1,281.29
33708	01/06/2009	General Fund	Electric Utility	Xcel Energy	44.94
33708	01/06/2009	Sewer	Electric Utility	Xcel Energy	55.21
33708	01/06/2009	General Fund	Street Lighting	Xcel Energy	26.26
33678	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	LOFFLER	55.88
33685	01/06/2009	General Fund	Repairs/Maint Imp Not Bldgs	Midwest Fence & Mfg.	322.16
33678	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	LOFFLER	205.47
33645	01/06/2009	Capital Acquisitions	Other Equipment	Alex Air Apparatus, Inc	10,804.43
33645	01/06/2009	Capital Acquisitions	Use Tax Payable	Alex Air Apparatus, Inc	-659.43
33671	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Jefferson Fire & Safety	25.68
33645	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Alex Air Apparatus, Inc	353.84
33654	01/06/2009	Village	Contract Services	Bonestroo	6,955.07
33709	01/06/2009	General Fund	Fuel, Oil and Fluids	Yocum Oil Company, Inc.	917.58
33672	01/06/2009	General Fund	Equipment	JScoff Solutions LLC	600.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33675	01/06/2009	General Fund	Dues & Subscriptions	Lake Elmo Leader	32.00
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.50
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.00
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	81.61
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	19.82
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	50.63
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	36.60
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	22.00
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	21.00
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	34.69
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	48.00
33667	01/06/2009	General Fund	Miscellaneous	Hagbergs Country Market	149.11
33648	01/06/2009	Water	Conferences & Training	American Water Works Assoc.	65.00
33658	01/06/2009	General Fund	Inspector Contract Services	City of Oakdale	487.50
33667	01/06/2009	General Fund	Miscellaneous	Hagbergs Country Market	51.76
33695	01/06/2009	Water	Miscellaneous	RiverTown Newspaper Group	20.65
33675	01/06/2009	General Fund	Contract Services	Lake Elmo Leader	17.70
33675	01/06/2009	General Fund	Contract Services	Lake Elmo Leader	11.80
33656	01/06/2009	General Fund	Equipment Parts	Car Quest Auto Parts	32.25
33657	01/06/2009	General Fund	Sand/Salt	Cargill Incorporated	3,720.63
33657	01/06/2009	General Fund	Sand/Salt	Cargill Incorporated	1,815.38
33657	01/06/2009	General Fund	Sand/Salt	Cargill Incorporated	1,802.95
33674	01/06/2009	Capital Acquisitions	Other Equipment	Knox Company	55.00
33680	01/06/2009	General Fund	Refuse	Maroney's Sanitation, Inc	163.09
33680	01/06/2009	General Fund	Refuse	Maroney's Sanitation, Inc	45.37
33680	01/06/2009	General Fund	Refuse	Maroney's Sanitation, Inc	197.77
33680	01/06/2009	General Fund	Refuse	Maroney's Sanitation, Inc	103.09
33693	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Pitney Bowes	693.00
33655	01/06/2009	General Fund	Legal Services	Campbell Knutson P.A.	210.00
33670	01/06/2009	General Fund	Radio	Interstate All Battery Ctr	34.99
33650	01/06/2009	General Fund	Contract Services	Animal Control Services	880.68
33668	01/06/2009	General Fund	Miscellaneous	HOTSY EQUIPMENT OF MINNESOTA	299.20
33661	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Emergency Apparatus Maint.	197.51
33661	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Emergency Apparatus Maint.	310.85
33661	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Emergency Apparatus Maint.	197.51
33661	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Emergency Apparatus Maint.	197.51
33661	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Emergency Apparatus Maint.	1,245.16
33699	01/06/2009	Capital Acquisitions	Buildings and Structures	Emergency Apparatus Maint.	3,366.16
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Seestodt's	75.18
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	12.00
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	30.25
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	41.41
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	39.84
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.78

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33704	01/06/2009	Water	Utility System Maintenance	Twin City Water Clinic, Inc.	65.00
33669	01/06/2009	Water	Small Tools & Minor Equipment	HSBC Business Solutions	38.42
33662	01/06/2009	General Fund	Small Tools & Equipment	Eyebac Center	129.00
33666	01/06/2009	Water	Chemicals	HACH Company	384.65
33647	01/06/2009	General Fund	Office Supplies	Chris Amdahl	137.39
33647	01/06/2009	General Fund	Use Tax Payable	Chris Amdahl	-8.39
33707	01/06/2009	General Fund	Contract Services	Washington County	68.13
33651	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark	28.70
33651	01/06/2009	General Fund	Uniforms	Aramark	35.65
33651	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark	32.43
33651	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark	21.85
33651	01/06/2009	General Fund	Uniforms	Aramark	34.36
33651	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark	33.37
33651	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark	34.75
33651	01/06/2009	General Fund	Uniforms	Aramark	34.36
33651	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark	67.36
33651	01/06/2009	General Fund	Uniforms	Aramark	34.36
33684	01/06/2009	General Fund	Contract Services	MFRA	742.50
33684	01/06/2009	General Fund	Engineer Serv Utility Permits	MFRA	3,089.80
33684	01/06/2009	General Fund	Contract Services	MFRA	232.30
33660	01/06/2009	General Fund	Telephone	CP Telecom	524.25
33660	01/06/2009	General Fund	Telephone	CP Telecom	442.68
33701	01/06/2009	General Fund	Telephone	TDS METROCOM - MN	160.80
33701	01/06/2009	General Fund	Telephone	TDS METROCOM - MN	238.09
33701	01/06/2009	General Fund	Telephone	TDS METROCOM - MN	103.29
33701	01/06/2009	Sewer	Telephone	TDS METROCOM - MN	41.73
33649	01/06/2009	General Fund	Radio	ANCOM COMMUNICATIONS, INC.	2,295.03
33649	01/06/2009	General Fund	Radio	ANCOM COMMUNICATIONS, INC.	168.05
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	693.83
33676	01/06/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	636.86
33689	01/06/2009	General Fund	Sand/Salt	North American Salt Company	10,044.88
33689	01/06/2009	General Fund	Use Tax Payable	North American Salt Company	-613.07
33689	01/06/2009	General Fund	Sand/Salt	North American Salt Company	1,424.59
33689	01/06/2009	General Fund	Use Tax Payable	North American Salt Company	-86.95
33682	01/06/2009	General Fund	Miscellaneous	Menards - Oakdale	15.93
33682	01/06/2009	Capital Acquisitions	Buildings and Structures	Menards - Oakdale	1,138.82
33682	01/06/2009	Capital Acquisitions	Buildings and Structures	Menards - Oakdale	-331.56
33682	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Menards - Oakdale	10.42
33682	01/06/2009	Capital Acquisitions	Buildings and Structures	Menards - Oakdale	218.79
33682	01/06/2009	General Fund	Miscellaneous	Menards - Oakdale	55.92
33682	01/06/2009	General Fund	Miscellaneous	Menards - Oakdale	11.08
33665	01/06/2009	General Fund	Other Equipment	H&L Mesabi	4,819.60
33665	01/06/2009	General Fund	Other Equipment	H&L Mesabi	1,809.69
33688	01/06/2009	General Fund	Telephone	Nextel Communications	129.05
33688	01/06/2009	General Fund	Telephone	Nextel Communications	164.31

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33688	01/06/2009	General Fund	Telephone	Nextel Communications	44.68
33688	01/06/2009	General Fund	Telephone	Nextel Communications	44.73
33688	01/06/2009	General Fund	Telephone	Nextel Communications	110.85
33682	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	Menards - Oakdale	53.65
33661	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	Emergency Apparatus Maint.	480.75
33690	01/06/2009	General Fund	Contract Services	Gopher State One-Call One Call Concept	92.65
33677	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	LARSON DIESEL SERVICE	1,764.82
33677	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	LARSON DIESEL SERVICE	102.16
33677	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	LARSON DIESEL SERVICE	330.14
33700	01/06/2009	General Fund	Telephone	Sprint	81.98
33673	01/06/2009	General Fund	Contract Services	Kern DeWenter Viere	2,401.00
33683	01/06/2009	Sewer	Sewer Utility - Met Council	Metropolitan Council	1,068.66
33646	01/06/2009	General Fund	Repairs/Maint Contractual Bldg	All Safe Fire & Security	144.60
33646	01/06/2009	General Fund	Repairs/Maint Contractual Eqpt	All Safe Fire & Security	133.52
33694	01/06/2009	General Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	1,598.00
33694	01/06/2009	Development Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	117.50
33703	01/06/2009	General Fund	Equipment Parts	Tri-State Bobcat	58.63
33703	01/06/2009	General Fund	Small Tools & Minor Equipment	Tri-State Bobcat	5.92
33711	01/06/2009	General Fund	Assessing Services	FXL, Inc.	2,000.00
33705	01/06/2009	General Fund	Telephone	USA Mobility Wireless, Inc.	27.81
33705	01/06/2009	General Fund	Telephone	USA Mobility Wireless, Inc.	27.81
33653	01/06/2009	General Fund	Rentals - Buildings	BiFFs Inc.	61.27
Total for this Date:					191,015.66
Report Total:					191,015.66

City Council
Date: January 6, 2009
CONSENT
Item: 3
Motion

ITEM: Announce 2009 Board of Appeal and Equalization Meeting

SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The city council is being asked to attend the Lake Elmo Board of Review at city hall on Wednesday, April 29, 2009 between the hours of 5:00 and 7:00 p.m., for the purpose of reviews and correcting the assessment of said Real Estate for the year 2009. The 2009 Assessment Report will be delivered to the City prior to the board meeting,

SUGGESTED MOTION FOR CONSIDERATION:

Announce April 29, 2009 as the date of the 2009 Lake Elmo Board of Review.

City Council
Date: 1/6/09
CONSENT
Item: 4
Motion

ITEM: Authorize hiring of a temporary seasonal public works employee for the rink

SUBMITTED BY: Mike Bouthilet, Public Works Superintendent

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to hire Kevin Kupferschmidt, who held this position last year, as a warming house attendant. His duties include: monitoring the play activities, sweeping, shoveling and flooding the rink. The Council needs to make this an official hire until the end of the skating season. (approx. late February)

Staff Recommendation:

Staff recommends hiring Kevin Kupferschmidt as a warming house attendant at the pay rate of \$9.25 hour

Suggested motion for consideration:

Move to hire Kevin Kupferschmidt as a temporary seasonal public works employee for the skating rink at the pay rate of \$9.25/Hour.

City Council
Date: 01/06/09
Consent
Item: 5
Motion:

ITEM: Monetary Limits on Tort Liability Coverage

SUBMITTED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider whether or not to waive the statutory tort limits for the City's liability insurance coverage. The City of Lake Elmo obtains liability coverage through the League of Minnesota Cities Insurance trust for buildings and vehicles. The coverage also covers tort liability. Because of this coverage, the City must decide whether or not to waive the monetary limits on municipal tort liability as established by Minnesota Statutes §466.04.

If the city **does not waive the statutory tort limits**, an individual claimant would be able to recover no more than \$400,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,200,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.

If the city **waives the statutory tort limits**, and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,200,000 on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory limits apply would also be limited to \$1,200,000, regardless of the number of claimants.

If the city **waives the statutory tort limits** and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

RECOMMENDATION: Approve the liability coverage-waiver form stating that the City does not waive the monetary limits on municipal tort liability as established under Minnesota Statutes 466.04.

SUGGESTED MOTION FOR CONSIDERATION:

Move to approve the Liability Coverage-Waiver Form stating the City does not waive the monetary limits on municipal tort liability.

ATTACHMENT: Liability Coverage - Waiver Form

SECTION I: LIABILITY COVERAGE WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

If the city does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$400,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,200,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.

If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,200,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,200,000., regardless of the number of claimants.

If the city waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

City of Lake Elmo accepts liability coverage limits of \$ _____ from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting 01 / 06 / 2009

Signature _____ Position _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044

City Council
Date: 01/06/09
Consent
Item: 6.
Motion:

ITEM: Authorized Signatures for payment of funds from Lake Elmo Bank

SUBMITTED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider designating Mayor Dean Johnston and Council Member Anne Smith as the primary signatures on checks for payment of money and withdraw funds on deposit with the Lake Elmo Bank. The City Council is also being asked to consider designating Thomas Bouthilet as a secondary signature on checks for payment of money and withdraw funds in the event of absence of one of the primary signature or an urgent special check is required. In all cases two signatures or facsimile signatures will be required on all City of Lake Elmo checks drawn from the Lake Elmo Bank.

RECOMMENDATION: Approve Mayor Dean Johnston and Council Member Anne Smith as the Primary Signatures for Check drawn from City accounts at the Lake Elmo Bank and approve Thomas Bouthilet, Finance Director as the secondary signature.

MOTION FOR CONSIDERATION:

Move to approve Dean Johnston, Anne Smith as primary signatures for checks drawn City accounts at the Lake Elmo Bank and Thomas Bouthilet as a secondary signature.

ATTACHMENT: Resolution 2009-001 Authorizing Signatures for Payment of funds from the Lake Elmo Bank.

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2009-001

**A Resolution Authorizing Signatures
for Payment of Funds from Lake Elmo Bank**

WHEREAS, on January 6, 2009 the City designated the Lake Elmo Bank as the official depository for the funds of the City of Lake Elmo; and

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

1. Mayor Dean Johnston and either Anne Smith, Thomas Bouthilet shall sign all checks and order for payment of money and withdraw funds on deposit with the Lake Elmo Bank.
2. Mayor Dean Johnston's Anne Smith's Thomas Bouthilet's facsimile signature may be used to endorse all checks and orders for the payment of money and to withdraw funds on deposit with the Lake Elmo Bank.
3. This resolution shall continue to have effect until expressed written notice of its rescission or modification has been received and recorded by the Lake Elmo Bank.

ADOPTED by the Lake Elmo City Council this 6th day of January, 2009.

Dean A. Johnston, Mayor

ATTEST:

Sharon Lumby, City Clerk

City Council
Date: January 6, 2009
CONSENT
Item: 7
Motion

ITEM: Adopt 2009 Calendar of City Council Meetings and Workshop

SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The city council is being asked to adopt the 2009 calendar of Council meetings and workshops, if needed.

SUGGESTED MOTION FOR CONSIDERATION:

Adopt the 2009 calendar of City Council Meetings and Workshops

**2009 CALENDAR OF LAKE ELMO CITY COUNCIL
MEETINGS AND WORKSHOPS***

(The Mayor and Council have the right to add or cancel meetings.)

January 6 -- City Council
January 13 -- Workshop
January 20 -- City Council

November 3 -- City Council (Election Day)
November 10 - Workshop
November 17 -- City Council

February 3 -- City Council
February 10 -- Workshop
February 17 -- City Council

December 1 -- City Council
December 8 - Workshop
December 15 -- City Council

March 3 -- City Council
March 10 -- Workshop
March 17 -- City Council

April 7 -- City Council
April 14 -- Workshop
April 21 -- City Council

May 5 -- City Council
May 12 -- Workshop
May 19 -- City Council

June 2 -- City Council
June 9 -- Workshop
June 16 -- City Council

July 7 -- City Council
July 14 -- Workshop
July 21 -- City Council

August 4 -- City Council
August 11 -- Workshop
August 18 -- City Council

September 1 -- City Council
September 8 -- Workshop
September 15 -- City Council

October 6 -- City Council
October 13 -- Workshop
October 20 -- City Council

***7:00 p.m. City Council meetings
6:30-8:30 p.m. workshops**

City Council
Date: 1/6/09
CONSENT
Item: 8

ITEM: Approve issuance of Request for Qualifications (RFQ) for Income Determination Consultant to utilize Community Development Block Grant (CDBG) for gas line replacement project in Cimarron neighborhood

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Kyle Klatt, Director of Planning

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to approve the issuance of the attached RFQ for an Income Determination Consultant to conduct income verifications for those seeking to receive financial assistance under the federal grant program. The RFQ is the same as has been used in previous phases of the gas line replacement project.

This is the next step in moving forward to utilize the CDBG funds for gas line replacements at the Cimarron neighborhood.

ADDITIONAL INFORMATION:

The city of Lake Elmo approved an agreement in November of 2008 accepting receipt of \$62,924.03 in Community Development Block Grant funding to replace approximately 30 individual unit's gas service lines at the Cimarron neighborhood by December 31, 2009.

ATTACHMENTS:

1. Request for Qualifications (RFQ) for an Income Determination Consultant

**Request for Qualifications
Community Development Block Grant Income Verification**

The City of Lake Elmo is administering a Community Development Block Grant (CDBG) fund program and is seeking the services of a consultant who specializes in conducting income verifications for persons receiving financial assistance under federal grant programs. The consultant will be required to verify household incomes for approximately 40 households. The income verification process will begin mid-February 2009 and should be completed by mid to late spring 2009.

Interested parties should submit their qualifications, experience and fees by 4:30 p.m. on January 27, 2008. Please, include in your submission your experience with income verification for the U.S. Department of Housing and Urban Development programs including but not limited to CDBG, HOME, Section 8 or similar programs. The City will review qualifications submitted. Please, submit three copies of your qualifications and fee structure to:

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

Qualifications must be received by 4:30 p.m. on January 27, 2008.

City Council
Date: January 6, 2009
REGULAR
Item: 9.a.
Motion

ITEM: Election of Acting Mayor
SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The city council is being asked to select an Acting Mayor on the City's behalf if Mayor Johnston 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

State Statute 412.121 ACTING MAYOR

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

SUGGESTED MOTION FOR CONSIDERATION:

Move to approve Council Member _____ as Acting Mayor for 2009.

City Council
Date: January 6, 2009
REGULAR
Item: 9b.
Motion

ITEM: Designate an Official Newspaper

SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The City Council is being asked to designate an official newspaper. Five newspapers are potential candidates for this: the Lake Elmo Review, the Stillwater Gazette, the Oakdale Lake Elmo Review, the St. Croix Valley Press and the St. Paul Pioneer Press.

The Lake Elmo Leader has been the official designated paper for the last six years. The Lake Elmo Leader has specific focus on city events and has been very responsive to the City's requests. Most official city notices can be planned and needs have been met with the Lake Elmo Leader.

The staff is comfortable continuing with the Lake Elmo Leader as its official designated paper. However, in the interest of cost and circulation, staff recommends that the City Council consider designating the Oakdale Lake Elmo Review newspaper. As a back up paper, the St. Paul Pioneer Press would be used under unique circumstances when the City needs to get a quicker turn around for a publication to serve property owners and to meet the 60 day rule in particular. The Pioneer Press gives the City a two day turn around time for publications that may be unexpected and time sensitive.

SUGGESTED MOTION FOR CONSIDERATION:

Move to designate the Oakdale Lake Elmo Review as the official newspaper and designate the St. Paul Pioneer Press as a back up official newspaper on an as needed basis.

2009 Newspaper Quotes

Lake Elmo Leader

Circulation	757 (Lake Elmo residents)
Lead Time	4 p.m. the Friday prior to publication
Publish Date	Thursday
Free Papers	None
Price per Line	\$3.00/per column inch

Oakdale-Lake Elmo Review

Circulation	586 (Lake Elmo residents)
Lead Time	3 p.m. the Friday prior to publication
Publish Date	Thursday
Free Papers	1856 copies - 30 pd subscribers, and remaining copies mailed to residents
Price Per Line	\$2.25/per column inch

Pioneer Press

Circulation	1227 daily; 1736 Sunday (Lake Elmo residents)
Lead Time	48 hours
Publish Date	Daily - M-F
Free Papers	84 / M-F; 71 / Sunday
Price Per Line	\$4.43/per column inch

Stillwater Gazette

Circulation	102 (Lake Elmo residents)
Lead Time	10 a.m. day before publication
Publish Date	Daily - M-F
Free Papers	250
Price Per Line	\$3.17/per column inch

St. Croix Valley Press

Circulation	19 (Lake Elmo residents)
Lead Time	5 p.m. the Friday prior to publication
Publish Date	Thursday
Free Papers	None
Price Per Line	\$6.90/per column inch

City Council
Date: January 6, 2009
REGULAR
Item: 9c.
Motion

ITEM: Appointment of Depositories for 2009

SUBMITTED BY: Sharon Lumby, City Clerk

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The city council is being asked to designate official depositories for 2009.

STAFF RECOMMENDATION:

Staff recommends the Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities for the 2009 Depositories.

SUGGESTED MOTION FOR CONSIDERATION:

Move to designate Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities for the 2009 Depositories.

City Council
Date: January 6, 2009
REGULAR
Item: 9d.
Motion

ITEM: Election of City Engineer
SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The city council is being asked to appoint a city engineer, Jack Griffin of TKDA to serve the city. These officials are contracted for professional engineering advice. Their appointments are not specifically required by statute or ordinance, but it is consistent with past practice.

Should the Council consider going out for an RFP for the City Engineer appointment, staff suggests appointing Jack Griffin of TKDA as the city engineer for 90 days and direct staff to submit an RFP for the city engineer appointment.

SUGGESTED MOTION FOR CONSIDERATION:

Move to appoint Jack Griffin of TKDA as the city engineer

OR

Move to appoint Jack Griffin of TKDA as the city engineer for 90 days and direct staff to submit an RFP for the city engineer appointment

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

444 Cedar Street, Suite 1500
Saint Paul, MN 55101-2140

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

RECEIVED
DEC 14 2008

December 3, 2008

Mr. Kyle Klatt
Acting City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042-9629

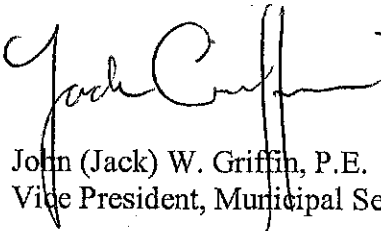
Re: General Agreement for Continuing Services
Rate Schedule
City of Lake Elmo, Minnesota

Dear Mr. Klatt:

In connection with our Agreement dated February 2, 1988, TKDA proposes to maintain our current rate schedule through December 31, 2009, **without any changes** (as shown on the enclosed document). We appreciate the opportunity to be of service to the City. Thank you for your confidence in us.

If you have any questions, please call me at (651) 292-4552.

Sincerely,



John (Jack) W. Griffin, P.E.
Vice President, Municipal Services

JWG:jls
Enclosure

SCHEDULE OF BILLING RATES

<u>Municipal Services Division Employee Classification †</u>	<u>Range of Hourly Billing Rates*</u>	
Senior Registered Engineer	\$115.00	to \$164.00
Registered Engineer	\$ 78.00	to \$118.00
Graduate Engineer	\$ 55.00	to \$ 82.00
Senior Planner	\$100.00	to \$126.00
Planner	\$ 50.00	to \$ 80.00
Engineering Specialist II	\$100.00	to \$120.00
Engineering Specialist I	\$ 85.00	to \$110.00
Technician III	\$ 72.00	to \$ 95.00 **
Technician II	\$ 45.00	to \$ 72.00 **
Technician I	\$ 30.00	to \$ 52.00 **

† Hourly billing rates for staff outside the Municipal Services Division will be billed at a 2.85 multiplier.

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:
 - Vehicle Mileage Current IRS Standard Rate per mile.
 - Vehicle Allowance (Resident Construction Services Only) \$10.00 / Day
 - Vehicle Allowance (Survey Crew Only) \$14.00 / Day
2. Outside professional and technical services with costs defined as the amount billed TKDA plus 10%.
3. Identifiable reproduction and reprographic costs.

* Rates effective until December 31, 2009.

** For hours worked over 40 hours per week individuals will be paid one and one-half times the above rates.

City Council
Date: January 6, 2009
REGULAR
Item: 9e.
Motion

ITEM: Election of City Attorney
SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The city council is being asked to appoint a city attorney (civil and criminal), Jerry Filla of Peterson, Fram and Bergman to serve the city. These officials are contracted for professional legal advice. Their appointments are not specifically required by statute or ordinance, but it is consistent with past practice.

Should the Council consider going out for an RFP for either civil or criminal legal services, staff suggests appointing Jerry Filla of Peterson, Fram and Bergman as the city attorney for 90 days and direct staff to submit an RFP for the city attorney appointment.

SUGGESTED MOTION FOR CONSIDERATION:

Move to appoint Jerry Filla of Peterson, Fram and Bergman as the city attorney, both civil and criminal

OR

Move to appoint Jerry Filla of Peterson, Fram and Bergman as the city attorney for 90 days and direct staff to submit an RFP for the city attorney (civil or criminal) appointment

Warren E. Peterson
 Jerome P. Filla
 Daniel Witt Fram
 Glenn A. Bergman
 John Michael Miller
 Michael T. Oberle
 Steven H. Bruns*
 Paul W. Fahning*
 Sonja R. Ortiz
 Amy K. L. Schmidt
 Ben I. Rust
 Jonathan R. Cuskey
 Jared M. Goerlitz



Suite 800
 55 East Fifth Street
 St. Paul, MN 55101-1718
 (651) 291-8955
 (651) 228-1753 facsimile
 www.pfb-pa.com

(651)290-6907
 jfilla@pfb-pa.com

December 31, 2008

Dear Mayor Johnston and Lake Elmo City Councilmembers:

I have provided legal services to the City in two capacities. First, I've represented the City in civil matters for approximately 18 years. Second, I've been the City's prosecuting attorney for approximately 16 years. The work has been interesting and challenging. Over the years, I have enjoyed working with numerous City Council members, City staff members and City consultants.

The City Attorney-City Council relationship, especially in regard to Civil matters, works best when the City Attorney has the full support of the City Council. Lately, it has become clear to me that this is no longer the case and, when that happens, for whatever the reasons, it is best for the City council to find a replacement. With the consent of the City Council, I would be willing to continue to represent the City in civil matters until a replacement is appointed and will cooperate fully with the new appointee.

I would like to continue as the City's prosecuting attorney. Our office has an excellent relationship with the personnel of the Washington County Court and with the Washington County Sheriff's Department. I know that we can continue to do prosecution work efficiently and economically.

Sincerely,

Jerome P. Filla

JPF/jmt

cc: Steve DeLapp
 Anne Smith
 Nicole Park

City Council
Date: 1/6/09
Regular
Ordinance No. 08-012
Item: 10

ITEM: Consider adoption of a moratorium on the construction or alteration of new or existing wireless telecommunication towers

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Jerry Filla, City Attorney
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider adoption of a moratorium that would prohibit the construction or alteration of new or existing wireless telecommunication towers within the City of Lake Elmo for a period of 12 months. An ordinance for enacting such a moratorium has been drafted by the City Attorney based on recent discussions by the City Council concerning the present status of the City's ordinance regulating wireless communications facilities. The moratorium, if adopted by the Council, would not apply to the present T-Mobile application for 9057 Lake Jane Road since the city can not legally apply the moratorium retroactively for the existing land use request.

The intent of the proposed moratorium is to provide the City with time to address changes in the telecommunications industry that may have an effect on the viable locations for new towers within the community. The City's recent review of the Lake Jane Road request also identified several areas of concern regarding the current ordinance as it applies to the design and siting of new facilities in Lake Elmo. A moratorium will allow the City to research the approach taken by other communities in dealing with tower proposals and to further study the impact of ordinance revisions using GIS and other technology that was not available when the original wireless communications facility ordinance was adopted by the City.

RECOMMENDATION:

Staff recommends that the City Council adopt the proposed moratorium related to the construction or alteration of new or existing wireless telecommunication towers.

SUGGESTED MOTION FOR CONSIDERATION:

Motion:

Motion to adopt Ordinance No. 09-001 establishing a moratorium on the construction or alteration of new or existing wireless telecommunication towers.

ATTACHMENTS:

1. Ordinance No. 08-012
2. Letter from City Attorney

ORDER OF BUSINESS:

- Introduction/Report Kyle Klatt, Planning Director
- Questions from the Council..... Mayor & Council Members
- Questions/Comments from the public.....Mayor facilitates
- Call for a Motion
(required for further discussion; does not
imply approval of the motionMayor facilitates
- DiscussionMayor facilitates
- Action on motionCouncil

STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO

ORDINANCE NO. 08-012

**AN INTERIM ORDINANCE (MORATORIUM) RELATING TO THE CONSTRUCTION OR
MODIFICATION OF NEW OR EXISTING TELECOMMUNICATION TOWERS**

The Lake Elmo City Council ordains:

1.0 Recitals.

- A. City's current regulations relating to wireless telecommunication towers are contained in City Code Sections 150.110-150.126.
- B. On December 9, 2008, the Lake Elmo City Council adopted Ordinance No. _____, which gave the City more flexibility when balancing collocation requirements and impacts of wireless telecommunication towers on the surrounding environment.
- C. During the City Council discussions in regard to Ordinance No. _____, it became apparent that there have been technological changes and service demand changes in the wireless telecommunication tower industry which have occurred since the City first adopted its wireless telecommunication tower standards in 1998.
- D. In order to protect the planning process and the health, safety and welfare of its citizens, the City needs additional time to conduct studies and/or to receive engineering input in regard to the effectiveness of the City's current regulations and to ensure that any revisions to the City's current regulations are in compliance with the mandates of the Telecommunications Act of 1996.

2.0 Moratorium. The Lake Elmo City Council hereby determines that a moratorium relating to the construction or modification of new and existing wireless telecommunication towers, except those hereinafter exempted, is necessary.

3.0 Duration of Moratorium. The wireless telecommunication tower moratorium will commence on the effective date of this Ordinance and will continue for ___ months thereafter unless otherwise terminated or extended by action of the City Council.

4.0 Exemptions. This Ordinance shall not apply to the construction or modification of any wireless telecommunication towers on which applications have been received prior to January 1, 2009.

- 5.0 Enforcement. The City may enforce any provision of this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction.
- 6.0 Separability. Every section, provision, or part of this Ordinance is declared separable from every other section, provision or part of this Ordinance. If any section, provision or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction. Such judgment should not invalidate any other section, provision or part of this Ordinance.

Effective Date. This Ordinance shall be effective on the date following its publication or on the date following the publication of an Ordinance Summary approved by the Lake Elmo City Council.

Adoption Date. Passed by the Lake Elmo City Council on the ____ day of _____, 2009.

Dean Johnston, Mayor

ATTEST:

Interim City Administrator

Warren E. Peterson
Jerome P. Filla
Daniel Witt Fram
Glenn A. Bergman
John Michael Miller
Michael T. Oberle
Steven H. Bruns*
Paul W. Fahning*
Sonja R. Ortiz
Amy K. L. Schmidt
Ben I. Rust
Jonathan R. Cuskey
Jared M. Goerlitz



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(651)290-6907
jfilla@pfb-pa.com

December 29, 2008

Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Ave. North
Lake Elmo, MN 55042

VIA EMAIL

RE: Telecommunication Tower Moratorium Ordinance

Kyle:

Attached is a draft of a Telecommunication Tower Moratorium Ordinance for review by the City Council. This type of regulation does not have to be reviewed at a public hearing before the Planning Commission and can be adopted by three (3) affirmative votes from the City Council.

The maximum period for a moratorium is twelve (12) months. However, there are some circumstances which allow the moratorium to be extended for an additional period of time. The City should make decisions regarding extensions of the moratorium at least one month before the moratorium will expire.

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerome P. Filla".

Jerome P. Filla

JPF/jmt
Attachment

City Council
Date: January 6, 2009
REGULAR
Item: 11
Update

ITEM: Engineering Status Report - A Report on the status of active Engineering activities and the 2009 Engineering program goals and objectives.

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The city council is being asked to receive an Engineering Status Report. Staff will provide an update on the status of active Engineering activities and will provide an overview of the proposed 2009 Engineering program goals and objectives.

The presentation will cover an update on the 2009 general engineering activities and active development projects, discuss the status of active engineering infrastructure projects and planning activities, and will outline the proposed engineering projects that have been included in the 2009 Adopted Budget and the draft Capital Improvement Program.

ORDER OF BUSINESS:

- Introduction Jack Griffin, City Engineer
- Report by staff or other presenter Jack Griffin, City Engineer
- Questions from city council members to the presenter Mayor and council members
- Questions/comments from the public to the city council
(a maximum of three minutes per question/statement) Mayor facilitates