

City of Lake Elmo
3800 Laverne Avenue North

October 7, 2008

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ DeLapp ___ Johnson ___ 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:
 - 1. September 16, 2008
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. 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 claims
 - 3. Approve public works purchase of asphalt roller and saw
 - 4. Approve purchase of utility billing software
 - 5. Authorize the release of the financial security for the Park Meadows development
- J. REGULAR AGENDA:
 - 6. Endorse an Eagle Scout project for VFW park
 - 7. Hold a drawing for participants in the Sunfish Lake Park deer hunt

8. Consider approving improvements to the community/fire meeting space at Station #1
9. Receive an update on the Comprehensive Water System plan
10. Terminate and approve a new agreement for 9224 31st Street to assure code compliance

K. REPORTS AND ANNOUNCEMENTS:

Mayor and Council members
Administrator

L. UPCOMING DATES OF NOTE:

- October 14, 5:30 p.m.-9 p.m. – workshop on the preliminary draft of the Village AUAR
- November 4 – No City Council meeting due to General Election
- November 5 – City Council Meeting to certify election results
- November 11 – No City Council workshop due to Veterans Day

M. Adjourn

City of Lake Elmo
City Council Minutes

September 16, 2008

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

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

Also present: City Administrator Hoyt, Planning Director Klatt, City Engineer Griffin, City Attorney Filla, Finance Director Bouthilet, and Recording Secretary Luczak.

APPROVAL OF AGENDA:

Motion: Council Member DeLapp moved to approve the September 16, 2008 agenda as presented. Council Member Johnson seconded the motion. The motion passed unanimously.

ORDER OF BUSINESS:

GROUND RULES:

APPROVED MINUTES:

The minutes of September 2, 2008 were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Roger Linnell, 9402 Stillwater Blvd., requested clarification of violations stated in a letter he received from the City regarding a code violation for parking a commercial vehicle on his property. Mr. Linnell provided pictures and signatures from the neighbors supporting his parking of a commercial truck in a residential zone and explained the he believed that the City had granted him a variance to do this.

Ann-O Suckow, (1945 Polaris Place, North St. Paul), Lake Elmo Jaycees Community Development VP 2008, thanked the City for the opportunity to participate in the Fall Festival and gave an update of upcoming events.

Ed Nielsen, 9492 Stillwater Blvd., expressed his frustration with the condition of the property at 9442 Stillwater Boulevard. He described the history of inaction on the property from a code enforcement perspective and, although he acknowledged there was action now, it was late and did not appear to be diligent enough to accomplish the expectations set out.

Jim Blackford, 9765 45th St. N., expressed his frustration with the Minnesota Pollution Control Agency (PCA) plan for the Washington County Landfill and the inaction to really address the issue of contamination in the City's water supply by the PCA or 3M.

Mr. Blackford submitted a letter (attached to the minutes) that explained the importance of taking further action against the PCA to address these issues.

Susan Dunn, 11018 Upper 33rd St., expressed concerns that her questions from previous meetings had not been addressed and she asked that candidates for office be respectful during their individual campaigning efforts.

CONSENT AGENDA:

MOTION: Council Member Johnson moved to approve the Items 2 and 5 of the consent agenda. Council Member Smith seconded the motion. The motion passed unanimously.

- Approval of disbursements in the amount of \$110,329.19.
- Authorize construction of a new home to be located further from the road right-of-way than an existing barn by 40 feet and detached garage by 117 feet on the 9.94 acre parcel at 11311 50th Street North, Resolution No. 2008-044.

REGULAR AGENDA:

Adopt Ordinance 08-009 amending the 2008 fee schedule to include new fees for signs as required by the new sign ordinance

Finance Director Bouthilet requested the City Council to amend the fee schedule to include fees for signs, which is a result of the recently adopted modified sign ordinance. He explained that the fees are based upon the cost of processing the permit to the City so that taxpayers are not covering the costs of these business expenses.

City Council discussed the justification of hours and cost, sign renewal, temporary signs and updating the fee schedule.

MOTION: Council Member Johnson moved to adopt Ordinance No. 08-009 amending the 2008 fee schedule to include new fees for signs as required by the new sign ordinance. Council Member Park seconded the motion. The motion passed unanimously.

Approve a settlement subject to conditions to Joan and Steve Ziertman for claims against the City

City Attorney Filla reported on the proposed settlement that was negotiated with Attorney Golembeck. Attorney Filla explained that for a payment of \$12,500, the property owners would sign a release of all claims against the City, the City Staff and/or its consultants except for claims occurring after September 5, 2006 related to drainage; and except for claims relating to any breach of the conditions of the settlement agreement dated September 5, 2006. He also indicated that the Release of Claims form would indicate that it is a settlement and compromise of disputed and doubtful claims and not an admission of liability.

The City Council discussed the conditions attached to the settlement payment.

Rose Armstrong, 8291 15th St. N., stated it was a mistake to offer a settlement as it has been a waste of the City's time and money, and it legitimized objection to fight (family feud).

Rod Sessing, 5699 Keats Ave. N., asked if the settlement was in the best interest of the City.

Council Members Johnson and DeLapp did not support the financial settlement of these matters.

Mayor Johnston supported the motion but could not discuss it because it involved confidential personnel issues and helps bring closure of an issue to a long-term dispute.

MOTION: Council Member Park moved to approve a settlement payment of \$12,500 to Steve and Joan Ziertman of 5761 Keats Avenue North for claims against the City, subject to the conditions described by the City Attorney. Council Member Smith seconded the motion. The motion passed with Mayor Johnston and Council Members Park and Smith voting in favor and Council Members DeLapp and Johnson voting against.

Accept donations for the Fall Festival

Finance Director Bouthilet explained that the City must formally accept donations and it was timely to accept the cash and donated items for the Fall Festival in the total amount/value of \$6,220.02

MOTION: Council Member Park moved to accept the cash and donated items for the Fall Festival in the amount/value of \$6,220.02. Council Member Smith seconded the motion. The motion passed unanimously.

Consider an application for a 25 foot yard setback variance to allow the construction of a detached garage five feet from the front property line where 30 feet is required at 11002 Upper 33rd Street North; Resolution No. 2008-046.

Planning Director Klatt reported on a planning request from Jill Martin to allow construction of a one car, detached garage on her residential property at 11002 Upper 33rd Street North. The proposed garage would be located five feet from the front property line where thirty feet is required and would therefore need a twenty-five foot variance. The lot (0.14 acres) does not have any covered parking and a conforming location does not exist for a detached garage. The Planning Commission and staff recommended approval.

The Planning Director, Klatt, acknowledged that the Fire Chief had reviewed the proposed building plan's proximity to the fire hydrant at the end of Upper 33rd Street and found it not to be in conflict. He also explained that the impervious surface area would need to be reduced through the building plan review process to conform to current codes.

MOTION: Council Member Smith moved to approve Resolution No. 2008-046 approving the requested 25 foot variance from the required 30 foot yard setback for a detached garage at 11002 Upper 33rd Street based on the findings provided by staff and with the conditions identified in the staff report. Council Member Johnson seconded the motion. The motion passed unanimously.

Consider an application for a Conditional Use Permit to establish a Beauty Salon/Day Spa at 8925 Highway 5.

Planning Director Klatt explained a request from FLF Properties to establish a day spa at 8925 Highway 5 which is located within the Prairie Ridge Office Park complex. The proposed site is zoned LB – Limited Business District and a Beauty Salon/Day Spa requires a Conditional Use Permit in this district. The Planning Commission found that the use met the criteria for granting a Conditional Use Permit and recommended approval.

Council Member DeLapp asked the staff to be attentive to any negative impacts from the existing exterior lighting in the development and uncontrolled weeds, which were not directly related to the CUP request.

MOTION: Council Member DeLapp moved to approve Resolution No. 2008-047 approving a Conditional Use Permit for a beauty salon and day spa at 8925 Highway 5 based on the findings provided by staff. Council Member Smith seconded the motion. The motion passed unanimously.

MnDOT provided an update on Trunk Highway 5 and Jamaca Avenue/Stillwater Boulevard Roundabout

Paul Kachelmyer, MnDOT Project Manager, provided an update on the TH 5 and Jamaca Avenue/Stillwater Boulevard Roundabout, which is currently scheduled for late spring/early summer 2010. He explained that the City is not being asked to make any decisions about the project at this time.

City Council Members asked several questions about the project, its design, its timing, its impact on neighboring property owners and drainage as well as how MnDOT staff was communicating with property owners and residents in the area. Council Members encouraged MnDOT officials to meet with area residents and plan a neighborhood informational meeting as soon as possible.

MnDOT provided an update on Trunk Hwy 5 Improvements (Manning Avenue to 55th Street)

Adam Josephson, MnDOT East Area Engineer, provided an informational update on the proposed Trunk Highway 5 improvements from Manning Avenue to 55th Street to add a turn lane to reduce accidents along this section of Manning Avenue.

MnDOT has scheduled the project for 2013, but it may be brought forward to 2009.

Consider a request for an extension of the submission of the 2030 Comprehensive Plan update to the Metropolitan Council; Resolution No. 2008-045

City Planner Klatt updated the Council on the status of the 2030 Comprehensive Plan and a request for an extension of time for submitting the required plan elements to complete the 2030 plan to the Metropolitan Council prior to November 1, 2008. He proposed a timeline for the three required plan elements, water, surface water and transportation, that must be included as part of the City's submission. City Administrator Hoyt reviewed the reasons for requesting an extension.

Council Member DeLapp suggested that the City minimize its costs and time and avoid additional studies and turn the current Comprehensive Plan into the Metropolitan Council to determine if it was satisfactory in its current form or might require only a few revisions.

MOTION: Council Member Johnson moved to approve Resolution No. 2008-045 requesting an extension for a Comprehensive Plan update from the Metropolitan Council until December 2010. Council Member Park seconded the motion. The motion passed with Mayor Johnston and Council Members Johnson, Park and Smith voting in favor of the motion and Council Member DeLapp voting against.

REPORTS AND ANNOUNCEMENTS:

Council Member Park stated she would like to participate in I-94 Corridor meetings when the opportunity arose.

All City Council Members thanked Lake Elmo business owners and volunteers for a successful Fall Festival.

Mayor Johnston announced that he was participating in a Metropolitan Council Retreat panel with three other mayors on, "How to Work Better with Cities."

Administrator Hoyt informed Council the quarterly financial report was completed and would be distributed to the City Council and candidates.

The meeting was adjourned at 10:02 p.m.

Respectfully submitted by Carole Luczak, Recording Secretary

Resolution No. 2008-044: Approve Placement of New Home Further From Road Right-of-Way Than Existing Accessory Buildings at 11311 50th Street North

Resolution No. 2008-045: Request Additional Time Which to Complete Comprehensive Plan Decennial Review Obligations

Resolution No. 2008-046: Approve 25-foot Variance to Required 30-foot Front Yard Setback to Allow Construction of Detached Garage at 11002 Upper 33rd Street North

Resolution No. 2008-047: Approve Conditional Use Permit to Establish a Beauty Salon and Day Spa at 8925 Highway 5

Ordinance No. 08-009: Set Municipal Fees for Calendar Year 2008

FROM: Jim Blackford

It's Not Over!
Washington County Landfill Pollution
Impact on Lake Elmo Citizens

Why is the City of Lake Elmo so willing to just accept whatever help we are offered by the State of Minnesota and not question how we got here or why permanent measures are not being taken to completely remove the 3M Company PFC pollution and the industrial landfill contents from the City of Lake Elmo?

1. 3M Company says they have been a good corporate citizen on the PFC Pollution issue. I have provided you with extensive written documentation that proves they have not been a good corporate citizen on this issue. **What has 3M given you to show they have been upfront and proactive to prevent PFC pollution in Lake Elmo?** If 3M wants to be thought of as a good corporate citizen on this issue they need to provide the Lake Elmo City Council with complete historical written documentation as to what they knew about the Washington County PFC pollution and when they knew it and who they provided the information to. **Until that time, 3M cannot say they have been responsible and proactive on the PFC Pollution issue!**

2. Why are you letting Washington County off the hook on this pollution issue? Why have you not required Washington County officials to come publicly in front of the Lake Elmo City Council and explain to the Council why they do not need to pay for a large part of the cost to permanently fix this landfill pollution issue? They sited the ill fated Washington County Landfill in Lake Elmo and put hazardous industrial wastes in a water filled gravel pit.

3. Why don't you care enough about the hundreds of Lake Elmo Citizens who have PFC pollution in their well water and require that someone pay for free City water hookups to all homes that have PFC pollution in their wells? PFC's should not be in our drinking water, no matter how small the concentrations! Free city water hook-ups are the minimum we should be providing for all impacted Citizens of Lake Elmo and it should be paid for by 3M, the State of Minnesota and Washington County!

4. The State of Minnesota still has not tested the Washington County Landfill for all types of man made pollutants. They still are only testing for routine chemicals and heavy metals and so we still do not know for sure what all is in the landfill. Why are we not requiring full spectrum pollution testing for all known pollutants by the State of Minnesota? I don't believe that the State of Minnesota has even tested for all known chemicals that eat plastic liners. Yes, there are known chemicals that eat plastic landfill liners!

5. Why has the City of Lake Elmo not gone back in its archives to the time period the Washington County Landfill was being approved and looked for documentation regarding the representations made at the time by Washington County to keep the landfill from polluting the surrounding area? From what I have heard about the late 1960's, many Lake Elmo Citizens had serious concerns about the landfill and I am sure commitments were made by Washington County at the time to assure the local residents that they would not allow the landfill to pollute the surrounding areas of Lake Elmo.

7. Why is the City of Lake Elmo not hiring their own engineering consultants to review the construction process the State of Minnesota is proposing to clean up the pollution at the Washington County landfill? All we know from the State's historical actions in this area is that they are not interested in any permanent pollution cleanup solutions. The State of Minnesota only wants to minimize their costs and do the least work possible to try to contain the pollution. The State of Minnesota totally botched the supervision of the cleanup of the Oakdale 3M dump sites in the early 1980's. The State of Minnesota also implemented one failed "cost effective" cleanup solution after another at the Washington County Landfill. Remember the cap they put on the landfill (with no bottom) and the volatile organic chemical aerating that just spread the PFC pollution further. The MPCA has created a new hot spot of pollution just outside the current boundary of the Washington County Landfill from their VOC spraying process that is not even mentioned in their remediation plan.

8. The State of Minnesota remediation plan for the Washington County Landfill leaves a lot of contaminated soil behind at the bottom of the landfill below the ground water line because it is too hard and expensive to dig up.

What kind of triple lined landfill cleanup process is this that ignores and leaves behind major amounts of contaminated soil? Do you understand that the State of Minnesota still does not have the City of Lake Elmo's best interests in mind? If they really cared about us, they would've done something permanent long ago and we would not be dealing with these terrible ground water pollution problems today.

9. Why is the City of Lake Elmo not getting a guarantee in writing from the State of Minnesota that when two out of the three protection layers of the new landfill have been breached, the State will permanently remove the landfill from the City of Lake Elmo? Right now you are allowing the same conditions to exist as when the landfill was originally established because the City has no guarantees to permanently fix the new triple lined landfill if it leaks. The State of Minnesota allowed a leaking landfill to exist in the City of Lake Elmo for 40+ years and we have had no leverage to make them clean it up. We are exactly in the same position again! No-one knows for sure how long a triple lined landfill will last. It depends on how well it is built, what is in the landfill and how it settles over time. Also, this new triple lined landfill will still either be in the water table or just above it and so it is very important to permanently remove the landfill once it breaches two of the three liners.

In conclusion, what I really don't get about this Washington County Landfill/PFC pollution issue is that the Lake Elmo City Council has 100% conclusive proof that 3M, Washington County and the State of Minnesota all failed over a period of 40 years to meet their obligations to the Citizens of Lake Elmo and keep the Washington County Landfill pollution on the Washington County Landfill site.

This pollution has seriously compromised the health of many of those impacted by the pollution and has negatively impacted property values, yet you as a City Council have not asked 3M, Washington County or the State of Minnesota to pay one dollar of compensation to any Lake Elmo Citizens for what has been done to them!

This is a terrible moral outrage and a serious omission!

3M, the State of Minnesota, and Washington County all came on the property of numerous residents of Lake Elmo without our permission and polluted our well water.

In addition, they permanently took away the sense of well-being we had regarding our personal health because we decided to live our lives in Lake Elmo.

Why is this acceptable?

Why aren't you fighting for the Lake Elmo Citizens you represent?

If you won't fight to protect the Citizens of Lake Elmo, who else will?

James M. Blackford
Lake Elmo, Minnesota

City Council
Date: 10/07/2008
CONSENT
Item: 2

ITEM: Approve disbursements in the amount of \$172,129.55

SUBMITTED BY: Tom Bouthilet, Finance Director

<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
481	\$ 7,738.97	Payroll Taxes to IRS
480	\$ 1,238.43	Payroll Taxes to Mn Dept. of Revenue
DD1838-DD1851	\$ 18,380.57	Payroll Dated 9/25/2008 (Direct Deposit)
33198-33206	\$ 8,387.81	Payroll Dated 9/25/2008 (Payroll & Benefits)
33211-33278	\$136,383.77	Accounts Payable Dated 10/07/2008

Total: \$ 172,129.55

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the amount of \$ 172,129.55

Accounts Payable Checks for Approval

User: brenda
Printed: 10/02/2008 - 2:28 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
0	10/01/2008	General Fund	Federal Withholding	ACH Internal Revenue Service	3,334.39
0	10/01/2008	General Fund	FICA Tax Withholding	ACH Internal Revenue Service	3,517.74
0	10/01/2008	General Fund	FICA Tax Withholding	ACH Internal Revenue Service	886.84
0	10/01/2008	General Fund	State Withholding	ACH MN Department of Revenue	1,238.43
Check Total:					8,977.40
33200	09/25/2008	General Fund	Medical Insurance	Delta Dental Of Minnesota	813.10
Check Total:					813.10
33201	09/25/2008	General Fund	Other Retirement - ICMA	ICMA Retirement Trust 457	610.00
Check Total:					610.00
33202	09/25/2008	General Fund	Child Support	MN Child Support Payment Ctr	589.67
Check Total:					589.67
33203	09/25/2008	General Fund	Other Benefits	MN NCPERS Life Insurance	32.00
Check Total:					32.00
33204	09/25/2008	General Fund	PERA Withholding	PERA	1,871.11
33204	09/25/2008	General Fund	PERA Withholding	PERA	2,106.28
Check Total:					3,977.39
33205	09/25/2008	General Fund	Other Benefits	UniCare Life & Health Ins	9.75
33205	09/25/2008	General Fund	Medical Insurance	UniCare Life & Health Ins	113.75
33205	09/25/2008	General Fund	Other Benefits	UniCare Life & Health Ins	408.01
33205	09/25/2008	General Fund	Other Benefits	UniCare Life & Health Ins	269.13

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33206	09/25/2008	General Fund	State Withholding		800.64
				Check Total:	800.64
33211	10/07/2008	General Fund	Office Supplies	Wisconsin Department of Revenue	230.60
				Check Total:	230.60
33212	10/07/2008	Fall Festival	Miscellaneous	Donald Salverda & Associates	850.00
				Check Total:	850.00
33213	10/07/2008	Fall Festival	Miscellaneous	Paul Mitchell	226.30
				Check Total:	226.30
33214	10/07/2008	General Fund	Fire Prevention	Judith Blackford	166.03
33214	10/07/2008	General Fund	Use Tax Payable	C.A.Gerbitz co., Inc.	79.88
				C.A.Gerbitz co., Inc.	-4.88
				Check Total:	166.03
33215	10/07/2008	Fall Festival	Miscellaneous	Margo Sieleni	115.44
				Check Total:	115.44
33216	10/07/2008	Fall Festival	Contract Services	Allied Electrical Contractors	60.00
				Check Total:	60.00
33217	10/07/2008	General Fund	Radio	ANCOM COMMUNICATIONS, INC.	9.50
				Check Total:	9.50
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	29.38
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	30.60
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	28.68
33218	10/07/2008	General Fund	Uniforms	Aramark	35.14
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	13.36
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	33.37
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	21.85

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	34.75
33218	10/07/2008	General Fund	Uniforms	Aramark	35.06
33218	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Aramark	61.37
Check Total:					323.56
33219	10/07/2008	Fall Festival	Contract Services	Biff's Inc.	530.37
Check Total:					530.37
33220	10/07/2008	Village	Contract Services	Bonestroo	24,644.37
33220	10/07/2008	General Fund	Contract Services	Bonestroo	1,024.50
Check Total:					25,668.87
33221	10/07/2008	Fall Festival	Contract Services	Thomas Bouthilet	200.00
33221	10/07/2008	Fall Festival	Miscellaneous	Thomas Bouthilet	311.22
33221	10/07/2008	Fall Festival	Contract Services	Thomas Bouthilet	625.00
Check Total:					1,136.22
33222	10/07/2008	General Fund	Legal Services	Campbell Knutson P.A.	570.00
33222	10/07/2008	General Fund	Legal Services	Campbell Knutson P.A.	982.00
Check Total:					1,552.00
33223	10/07/2008	Tablyn Park/LEH/3M Grant	Water Mains	CAPRA'S UTILITIES INC.	2,708.07
33223	10/07/2008	General Fund	Use Tax Payable	CAPRA'S UTILITIES INC.	-37.57
Check Total:					2,670.50
33224	10/07/2008	General Fund	Repairs/Maint Contractual Eqpt	Car Quest Auto Parts	36.23
Check Total:					36.23
33225	10/07/2008	General Fund	Dues & Subscriptions	Copy Images, Inc.	319.44
Check Total:					319.44
33226	10/07/2008	General Fund	Medical Insurance	Delia Dental Of Minnesota	233.10
Check Total:					233.10

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33227	10/07/2008	General Fund	Sign Repair Materials	Earl F. Andersen, Inc.	531.82
				Check Total:	531.82
33228	10/07/2008	General Fund	Repairs/Maint Contractual Eqpt	Emergency Automotive Technology Inc.	5.21
33228	10/07/2008	General Fund	Repairs/Maint Contractual Eqpt	Emergency Automotive Technology Inc.	21.21
				Check Total:	26.42
33229	10/07/2008	General Fund	Repairs/Maint Contractual Eqpt	Fred's Tire	74.54
				Check Total:	74.54
33230	10/07/2008	General Fund	Assessing Services	FXL, Inc.	2,000.00
				Check Total:	2,000.00
33231	10/07/2008	General Fund	Miscellaneous	Hagbergs Country Market	9.05
				Check Total:	9.05
33232	10/07/2008	Sewer	Utility System Maint Supplies	Hawk Labeling Systems	93.08
				Check Total:	93.08
33233	10/07/2008	Water	Chemicals	Hawkins, Inc.	872.84
				Check Total:	872.84
33234	10/07/2008	Fall Festival	Miscellaneous	HEJNY RENTALS INC.	98.17
				Check Total:	98.17
33235	10/07/2008	General Fund	Miscellaneous	ITERIS Inc.	8,599.38
				Check Total:	8,599.38
33236	10/07/2008	General Fund	Legal Services	Jardine, Logan & O'Brien	475.00
				Check Total:	475.00
33237	10/07/2008	Water	Water Sales	Elizabeth Johnson	88.01
				Check Total:	88.01

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33238	10/07/2008	Escrow Fund	Deposits Payable	Landmark, Inc.	88.01
Check Total:					1,500.00
33239	10/07/2008	General Fund	Dues & Subscriptions	League of MN Cities	1,500.00
Check Total:					20.00
33240	10/07/2008	Fall Festival	Miscellaneous	Lake Elmo Inn	20.00
Check Total:					631.00
33241	10/07/2008	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	631.00
Check Total:					977.44
33242	10/07/2008	General Fund	Miscellaneous	Sharon Lumby	977.44
Check Total:					137.46
33243	10/07/2008	Fall Festival	Miscellaneous	Greg Malmquist	137.46
Check Total:					348.00
33244	10/07/2008	Water	Small Tools & Minor Equipment	Matco Tools	348.00
Check Total:					35.54
33245	10/07/2008	General Fund	Landscaping Materials	Menards - Oakdale	35.54
33245	10/07/2008	Fall Festival	Miscellaneous	Menards - Oakdale	61.24
33245	10/07/2008	Fall Festival	Miscellaneous	Menards - Oakdale	66.36
Check Total:					74.53
33246	10/07/2008	General Fund	Repairs/Maint Contractual Eqpt	Menards - Stillwater	202.13
Check Total:					26.60
33247	10/07/2008	General Fund	Contract Services	MFRA	26.60
Check Total:					3,442.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33248	10/07/2008	General Fund	Fire Prevention		
33248	10/07/2008	General Fund	Travel Expense	MN State Fire Chiefs Assn MN State Fire Chiefs Assn	3,442.50
				Check Total:	3,442.50
33249	10/07/2008	Water	Water Utility	City of Oakdale	420.00
				Check Total:	420.00
33250	10/07/2008	Fall Festival	Miscellaneous	Oakdale Rental Center	19,001.61
				Check Total:	19,001.61
33251	10/07/2008	Fall Festival	Office Supplies		122.48
33251	10/07/2008	General Fund	Office Supplies	OfficeMax	22.04
33251	10/07/2008	General Fund	Office Supplies	OfficeMax	55.98
				OfficeMax	69.64
				Check Total:	122.48
33252	10/07/2008	General Fund	Legal Services		147.66
33252	10/07/2008	General Fund	Civil Attorney Criminal	Peterson Fram & Bergman	2,437.20
33252	10/07/2008	Water	Miscellaneous	Peterson Fram & Bergman	4,383.24
				Peterson Fram & Bergman	33.00
				Check Total:	147.66
33253	10/07/2008	General Fund	Repairs/Maint Imp Not Bldgs		6,853.44
33253	10/07/2008	General Fund	Miscellaneous	Petty Cash	23.47
33253	10/07/2008	General Fund	Repairs/Maint Contractual Eqpt	Petty Cash	27.19
33253	10/07/2008	General Fund	Repairs/Maint Contractual Eqpt	Petty Cash	9.26
33253	10/07/2008	General Fund	Miscellaneous	Petty Cash	50.42
				Petty Cash	14.60
				Check Total:	6,853.44
33254	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Pitney Bowes	124.94
				Check Total:	124.94
33255	10/07/2008	General Fund	Contract Services		693.00
33255	10/07/2008	Development Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	869.50
33255	10/07/2008	General Fund	Printed Forms	PLANT HEALTH ASSOCIATES, INC	446.50
				PLANT HEALTH ASSOCIATES, INC	53.38
				Check Total:	693.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33256	10/07/2008	General Fund	Equipment Parts	Pomp's Tire Service, Inc.	1,369.38
				Check Total:	1,369.38
33257	10/07/2008	General Fund	Cable Operation Expense	Steven Press	58.88
33257	10/07/2008	General Fund	Cable Operation Expense	Steven Press	58.88
				Check Total:	1,759.38
33258	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Quality Air	117.76
33259	10/07/2008	General Fund	Fuel, Oil and Fluids	River Country Cooperative	80.00
				Check Total:	80.00
33260	10/07/2008	General Fund	Printed Forms	Rogers Printing Services	170.40
				Check Total:	110.00
33261	10/07/2008	General Fund	Miscellaneous	City of Roseville	1,057.50
33261	10/07/2008	General Fund	Software Support	City of Roseville	1,380.83
				Check Total:	170.40
33262	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Diane Prince-Rud	360.00
33262	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Diane Prince-Rud	360.00
				Check Total:	2,438.33
33263	10/07/2008	General Fund	Miscellaneous	S&T Office Products, Inc.	19.12
33263	10/07/2008	Fall Festival	Miscellaneous	S&T Office Products, Inc.	40.81
				Check Total:	720.00
33264	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Sam's Club	93.99
33264	10/07/2008	General Fund	Miscellaneous	Sam's Club	59.92
33264	10/07/2008	General Fund	Miscellaneous	Sam's Club	66.52
33264	10/07/2008	General Fund	Office Supplies	Sam's Club	77.60
				Check Total:	59.93

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33264	10/07/2008	General Fund	Fire Prevention	Sam's Club	14.24
				Check Total:	312.27
33265	10/07/2008	General Fund	Telephone	Sprint	121.40
				Check Total:	121.40
33266	10/07/2008	General Fund	Equipment Parts	St Joseph Equipment, Inc.	40.26
				Check Total:	40.26
33267	10/07/2008	General Fund	Miscellaneous	SUN NEWSPAPERS	39.50
				Check Total:	39.50
33268	10/07/2008	General Fund	Miscellaneous	Surplus Services	30.00
33268	10/07/2008	General Fund	Landscaping Materials	Surplus Services	46.00
				Check Total:	76.00
33269	10/07/2008	General Fund	Street Maintenance Materials	T.A. Schifsky & Sons	149.94
33269	10/07/2008	General Fund	Street Maintenance Materials	T.A. Schifsky & Sons	896.83
				Check Total:	1,046.77
33270	10/07/2008	General Fund	Telephone	TDS METROCOM - MN	162.43
33270	10/07/2008	General Fund	Telephone	TDS METROCOM - MN	69.96
33270	10/07/2008	Sewer	Telephone	TDS METROCOM - MN	103.29
				Check Total:	335.68
33271	10/07/2008	Water	Engineering Services	TKDA, Inc.	25.80
33271	10/07/2008	Development Fund	Engineering Services	TKDA, Inc.	9,543.37
33271	10/07/2008	Development Fund	Engineering Services	TKDA, Inc.	2,511.28
33271	10/07/2008	Development Fund	Engineering Services	TKDA, Inc.	1,792.59
33271	10/07/2008	Development Fund	Engineering Services	TKDA, Inc.	2,469.75
33271	10/07/2008	Development Fund	Engineering Services	TKDA, Inc.	6,043.18
33271	10/07/2008	Village	Engineering Services	TKDA, Inc.	2,401.48
33271	10/07/2008	General Fund	Engineering Services	TKDA, Inc.	1,298.92
33271	10/07/2008	General Fund	Engineering Services	TKDA, Inc.	6,049.89
33271	10/07/2008	Infrastructure Reserve	Engineering Services	TKDA, Inc.	4,303.66
33271	10/07/2008	Infrastructure Reserve	Engineering Services	TKDA, Inc.	2,839.61

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33271	10/07/2008	Surface Water Utility	Engineering Services	TKDA, Inc.	2,955.87
33271	10/07/2008	Water	Engineering Services	TKDA, Inc.	1,669.30
33271	10/07/2008	Sewer	Engineering Services	TKDA, Inc.	833.11
33271	10/07/2008	Water	Engineering Services	TKDA, Inc.	546.78
				Check Total:	45,284.59
33272	10/07/2008	Water	Utility System Maintenance	Twin City Water Clinic, Inc.	65.00
				Check Total:	65.00
33273	10/07/2008	General Fund	Telephone	USA Mobility Wireless, Inc.	21.39
				Check Total:	21.39
33274	10/07/2008	General Fund	Medical Insurance	UniCare Life & Health Ins	190.89
				Check Total:	190.89
33275	10/07/2008	General Fund	Telephone	Vata Communications, Inc.	114.07
				Check Total:	114.07
33276	10/07/2008	General Fund	Professional Development	VISA	35.00
				Check Total:	35.00
33277	10/07/2008	General Fund	Repairs/Maint Contractual Bldg	Yocum Oil Company, Inc.	159.75
				Check Total:	159.75
33278	10/07/2008	General Fund	Cleaning Supplies	Zack's, Inc.	59.49
33278	10/07/2008	General Fund	Shop Materials	Zack's, Inc.	131.86
				Check Total:	191.35
				Report Total:	152,414.57

City Council
 Date: 10.07.08
 CONSENT
 Item: 3
 Motion

ITEM: Approve purchase of asphalt roller and asphalt saw
 SUBMITTED BY: Mike Bouthilet, Public Works Superintendent
 REVIEWED BY: Maintenance Advisory Committee (MAC)
 Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to approve the purchase of an asphalt roller to replace the 1985 roller for \$ 13,410.41 from St. Joseph Equipment and an asphalt saw to cut out pavement to be patched for \$ 2,005.84 out of the capital equipment fund. This equipment is required to maintain the condition of the roads and public city parking areas prior to having them upgraded through a street overlay or reconstruction project. These are 2008 budgeted CIP items out of the capital equipment fund, which has a balance of over \$500,000 to cover these costs of \$15,416.25. This equipment will provide the city the ability to do more efficient patching and repairing of asphalt areas due to the additional features on the roller including the ability to use vibratory compaction, more weight, roll over protection. The public works employees tested this equipment and found that the heavier machine with a larger water tank and larger operating platform made the machine more useful. The MAC reviewed and recommended these purchases (Attachment 1 – Minutes from MAC meeting).

ASPHALT ROLLER

St. Joseph Equipment	\$13,410.41 (including tax)
Tri State Bobcat	\$ 13,810
State contract	\$14,000 (includes estimate for delivery)
Rental	\$1,310 /month – need four months of the year (pay for new machine in < 3 years)

ASPHALT SAW

United Rental (purchase/not rental)	\$2,005.84
Esch Construction Supply Inc.	\$2,170.47
Tri-State Bobcat	\$2,343.00

Motion: Approve the purchase of an asphalt roller Stone Wolf PAC 3100 from St. Joseph Equipment with lights, city logo and tax for \$ 13,410.41 and an asphalt saw and blade from United Rental for \$2,005.84 out of the capital equipment fund.

ATTACHMENT:

- 1 MAC draft meeting minutes from 9-24-08

**CITY of LAKE ELMO
MAINTENANCE ADVISORY COMMITTEE**

Minutes of
September 24, 2008

Present:, Members: Dick Gustafson, George Dege, Chuck Stanley,
Steve Gurney, Bud Talcott,
Alternate: Steve Ziertman,
Guest: Rick Gustafson

The meeting was called to order at 7:05pm at the Maintenance Building

The agenda was reviewed and approved with no changes made.

Rick reviewed the need for a new Asphalt Roller. Our existing unit is a 1985 model in need of repair. Being as old as it is parts are hard to find and expensive. The clutch needs to be replaced and the plates only would cost over \$900 plus the additional parts that would be needed. In that it is 23 years old it will most likely need additional repairs and we may not be able to get those parts, so it is advisable to replace it.

The new unit being looked at is larger and has a vibrating roller which will do a better job of compacting the Asphalt making a better repair that will last longer. This unit has is of all steel body construction unlike some other units which are mostly plastic. We now have a unit we rented to do some work that we can purchase at a \$1500 discount. This is a new unit with 10hours of use of which we used it 3-4 of the hours. Rick said it also will fit on our old trailer with a little modification so we will not need to purchase a new one.

Rick said to rent one would cost about \$1300/mo and if the weather were bad or something more important came up the rented roller could just set and not be used. This would then be money just wasted.

Bud T. asked what we would do with the old unit. Rick said they would try to sell it as is. Some small contractor could make use of it for small jobs.

Chuck S asked how much we use a roller. Rick said so far this year they have gone through 100 ton of Asphalt and the way it looks they will be doing a lot more with the condition of some of the streets.

A Motion was made by George D and seconded by Steve G to purchase the Stone WolfPac 3100 Roller with Safety Lights, Lettering and tax for a price of \$13,410.41 from St. Joseph Equip.

The motion Passed

Rick reviewed the need for a walk behind Asphalt saw for cutting out bad area's to be repaired. Cutting out the bad area creates a clean neat patch which will last longer than just digging out the bad material and filling it. They do have a small hand held saw but it is slow and not big enough for the larger patch jobs. Also the operator must bend over and be very close to the cutting blade when using it.

He said they checked with other cities and found the Husqvanna FS400 to be the one they use and recommend.

Steve Z asked if it would not be better to get a saw attachment for the bobcat. Rick said it would be more cumbersome to use and would not be able to get into some of the tight areas they must patch. Other Cities who did have saw attachments discarded them in favor of the walk behind units.

A Motion was made by Steve G and seconded by Chuck S to purchase the Huszvana FS400 saw and blade from United Rental for \$ 2,005.84 including tax. The motion passed.

The Minutes of August 26, 2008 review with no changes.

A Motion to approve them was made by Chuck S and seconded by George D. The Motion Passed.

Hearing no objections the meeting was adjourned at 7:50pm.

Respectfully submitted,

Bud Talcott,
Chairman/ Secretary

City Council
Date: 10.07.08
CONSENT
Item: 4

ITEM: Approve the purchase of Utility Billing Software

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Joe Rigdon, Finance Consultant
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The city council is being asked to approve the purchase of Springbrook Utility Billing software to upgrade the utility billing financial systems and to integrate utility billing into the city's financial software. The cost of the conversion is \$10,100 with an annual maintenance charge of \$ 2,090. The cost will be charged to the three utility funds (water, surface water and sewer), which receive revenue from users of these funds not from the general taxpayers. Currently, the city's software does not allow utility billing to be integrated into the city's financial record keeping because it is on different software. This will allow the city to incorporate the three utility enterprise funds financial information into budget, financial reporting and audit with ease. It will also require knowledge and experience with only one software. It also allows the city to transition to a more efficient system, which provides addressed (not stamped) return envelopes to utility customers so that it is easier to return payments to the city since the customer won't need to address an envelope. (This is a standard service in most billing activities and increases the promptness of payments from customers). In the future, the city will look into credit card or automatic payment options for its utility customers. Once this purchase is made, the city will outsource the utility billing process to Roseville, where it can be done much more efficiently. Roseville will provide training to our finance director so he understands the system and how it works. The questions about utility bills are fielded by our finance director and the city establishes fees and manages the utility billing process.

Motion: Approve the purchase of Springbrook utility billing software for \$10,100 charged to the water, sewer and surface water funds with an annual maintenance cost of \$2,090.

ATTACHMENTS:

1 Memo from Finance Consultant

Memorandum

To: Susan Hoyt, City of Lake Elmo

From: Joe Rigdon, KDV

Date: October 1, 2008

Re: Conversion of Utility Billing from Banyon Software to Springbrook Software

In order to improve the accuracy, efficiency, and accountability of the City's utility billing and overall accounting and financial reporting, it is recommended that the City Council authorize the conversion of the City's utility billing software data from Banyon software to Springbrook software, including related costs. Utilizing just one accounting software for all of the City's accounting functions will improve the finance department's overall accuracy and efficiency. Also, through the use of utility billing statements and return envelopes, the utility billing service delivery, including the payment and receipting processes, will be improved and optimized. Funding for the conversion and related costs will be obtained from the City's Water, Sewer, and Surface Water utility funds.

Currently the City records its financial activities in both Springbrook software (general ledger, accounts payable, receipting, payroll, bank reconciliation, etc.) and Banyon software (utility billing). The two softwares are not integrated, meaning inefficient manual entries from the subsidiary Banyon utility billing module (including utility billings, receipts, and adjustments) are currently necessary to maintain an accurate and accountable general ledger in Springbrook. Optimally, the City would utilize one accounting software with integration between all modules.

At the time the City purchased Springbrook software, the Springbrook utility billing module was included. In 2001, conversion of Banyon utility billing data to Springbrook was unsuccessful due to difficulties with the DOS version of Banyon used by the City at that time. The City's current version of Banyon is Windows based, and a conversion of the Banyon utility billing data to Springbrook has been determined to be feasible and appropriate.

Springbrook provided an "Investment Pricing Proposal for the City of Lake Elmo", which indicates a conversion cost of \$10,100 and annual software maintenance costs of \$2,090. Conversion would optimistically occur in October-November 2008, with a goal of the City's 4th quarter 2008 utility billing to be completed by the City of Roseville (per accounting services contract) in December 2008 utilizing Springbrook software. Costs would be paid by the City's three utility funds, including Water, Sewer, and Surface Water. Items in the proposal include:

- Upgrade of Springbrook utility billing database from Version 6 to Version 6.07: the City would not otherwise upgrade this database to Version 6.07 due to a likely migration to Version 7 within 1-2 years, but Springbrook would prefer to move the converted Banyon data to a new Version 6.07 stand alone database (stand alone only until the migration to Version 7): \$0
- Utility Billing Suite: already purchased by the City: \$0
- Standard Meter Reading Interface: includes interface of two sets of City meter reading equipment: \$3,500
- Training and Consulting: largely to be provided by the City of Roseville finance and utility billing departments, who currently are contracted by the City and also utilize Springbrook software: \$600
- Implementation Management: Springbrook project management only to be billed for actual costs: \$3,000
- Conversion: moving utility billing master files from Banyon to Springbrook: \$3,000
- Annual Springbrook Maintenance Costs: \$2,090 (when determined to be appropriate, the City may discontinue paying Banyon annual software maintenance costs)

Also, the following additional related costs are expected:

- Training and Consulting: largely to be provided by the City of Roseville finance and utility billing departments, who currently are contracted by the City and who also utilize Springbrook software
- Conversion: the City of Roseville information technology department, who currently is contracted by the City, will assist in extracting Banyon utility billing data into the proper format for the conversion
- Billing Statements, Return Envelopes, and Window Envelopes: the City will change from a postcard billing to a statement billing and incur additional costs, while standardizing and streamlining the payment and receipting processes
- Postage: transitioning from postcards to window envelopes/statements will increase postage costs

Recommendation:

Authorize the conversion of the City's utility billing software data from Banyon software to Springbrook software with pricing as detailed. In addition, authorize the additional related costs as detailed. Funding for the conversion and related costs will be obtained from the City's three utility funds, including Water, Sewer, and Surface Water.

City Council
Date: October 7, 2008
CONSENT
Item: 5.

ITEM: Authorize the release of the financial security for the Park Meadows development.

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Kyle Klatt, Planning Director
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The city council is being asked to authorize the City Administrator to release cash security to the Park Meadows developer upon completion of the remaining improvements upon by the City Engineer's written recommendation following an inspection of the completed improvements in the amount of \$102,820 with \$5,930 being retained until the vegetation is established in the infiltration area over the coming year. These improvements have been completed on October 2, 2008 and are waiting for an inspection as of this writing.

Motion

Approve the release of financial security for the Park Meadows Development.

Stamps

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

September 12, 2008

VIA FAX: 651/777-6134

Mr. Joe Bush
P.O. Box 893
3537 Lake Elmo Avenue N
Lake Elmo, MN 55042

Re: Park Meadows
City of Lake Elmo, Minnesota
TKDA Project No. 13819.008

Dear Mr. Bush:

We are in receipt of your estimate of work to be completed for the Park Meadows development. All work must be completed per the approved plans and specifications for the development. Please provide a schedule to complete the work, so the City of Lake Elmo can provide inspection accordingly. A 48 hour notice must be given to me prior to any construction activity.

The City of Lake Elmo holds \$108,750 in financial security for the completion of this development. Upon completion of the work and approval from the City of Lake Elmo, an amount equal to the lump sum of the work completed shall be released to you as follows:

1. Record Drawings	\$6,450
2. Infiltration area correction	\$5,500
3. Landscaping	\$50,970
4. Bituminous wear course paving	\$39,900

Total amount of work to be completed: \$102,820

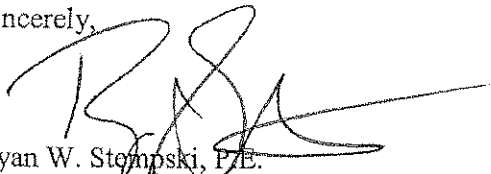
The remaining \$5,930 will be held as financial security until establishment and acceptance of the infiltration area correction is confirmed by the Valley Branch Watershed District. Signed documentation of a one-year warranty must be provided to the City of Lake Elmo for the seeding, landscaping, and paving work.

Finally, documentation of recording of all low floor elevations must be provided to VBWD and the City of Lake Elmo.

Park Meadows
September 12, 2008
Page 2

Once all work has been accepted and all requested documentation received, the City of Lake Elmo will allow building permits within Park Meadows.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stompski', with a long horizontal flourish extending to the right.

Ryan W. Stompski, P.E.
Lake Elmo Assistant Engineer

cc: Jack Griffin, City Engineer
Susan Hoyt, City Administrator
Kyle Klatt, Planning Director
Karl Horning, Building Official
John Hanson, VBWD Engineer

City Council
Date: 10-7-08
REGULAR
Item: 6
MOTION

ITEM: Consider endorsing an Eagle Scout Veterans Memorial Park Project for VFW Park

REQUESTED BY: Kevin Schwarz, Eagle Scout Candidate

SUBMITTED BY: Carol Kriegler, Project Assistant
Mike Bouthilet, Public Works Superintendent

REVIEWED BY: Park Commission
Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to endorse Kevin Schwarz's proposal for an Eagle Scout Veterans Memorial project at VFW park and to accept donations on behalf of the project that are contributed to support the work. Kevin is a Lake Elmo resident and a candidate for Eagle Scout. He will take responsibility for raising funds and implementing the project. The project goal is to pay tribute to Lake Elmo Area veterans. The memorial would be located at the site of the existing flag pole just outside the outfield fence in right-center field near Layton Avenue. It is expected to get underway this fall with a dedication on Veterans Day – November 11. The proposed project involves replacement of the existing flagpole, lighting, and landscaping. Landscaping is anticipated to include creation of a landscape bed with plantings, a stepping stone pathway, and placement of limestone blocks to serve as benches. The existing flagpole is in poor condition, not illuminated, and lacks landscaping. The Parks Commission endorsed the project. The local VFW also supports the project. There are no city funds being requested for this project.

ADDITIONAL INFORMATION

Kevin has been in communication with local VFW President Al Mitchell to gain input and support for the proposed project. The post is very supportive of the project and has expressed that VFW Park is considered the most appropriate location for such a memorial. In addition, Kevin has met on site with staff and members of the Park Commission on several occasions in an effort to refine the proposed design and ensure that the memorial is placed in the best possible location. The lack of available open space and proximity of underground utilities has made sighting of the memorial a challenge. After much consideration and research, the proposed location is the best location for the memorial.

SUGGESTED MOTION:

Move to endorse the Veterans Memorial Eagle Scout project at VFW Park and to accept donations for this project.

ORDER OF BUSINESS:

- Introduction Susan Hoyt, City Administrator
- Report Carol Kriegler, Park /Project Assistant
- Questions to the presenter Mayor and Council members
- Questions from the public, if any Mayor facilitates
- Call for a motion Mayor and Council members
- Action City Council

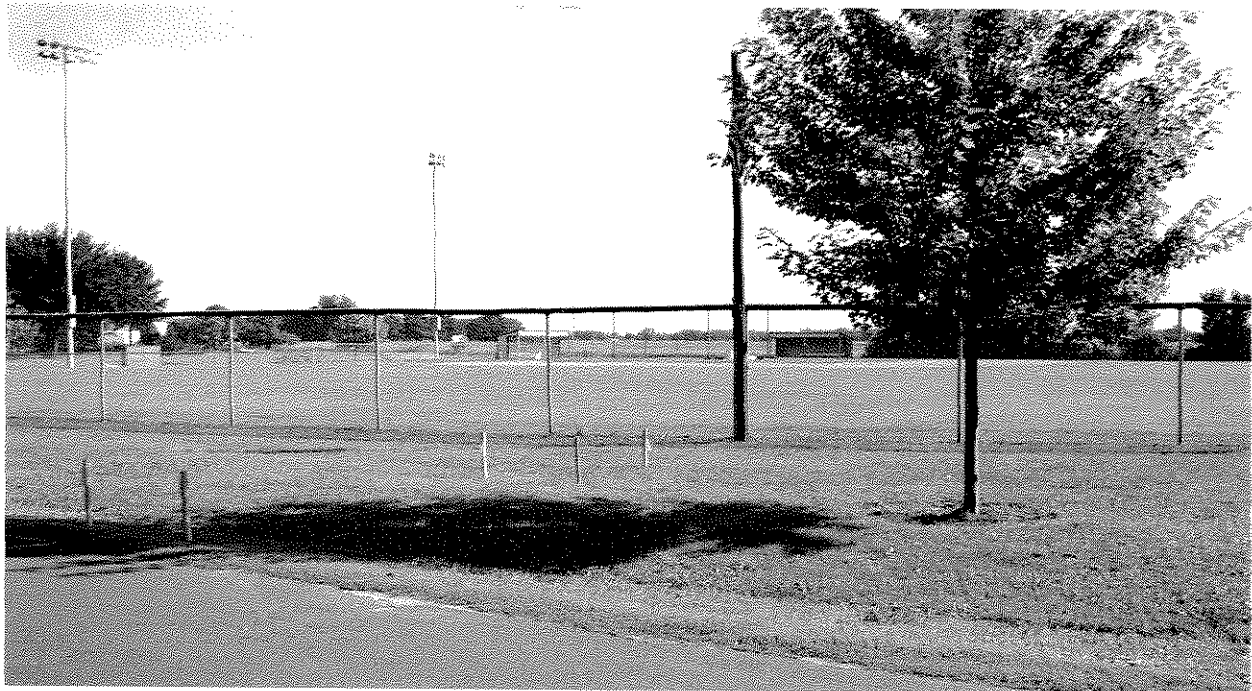
- Attachments: 1. Schwarz Eagle Scout Project Memo to the Council
2. Veterans Memorial Project Design

Dear Council Member,

My name is Kevin Schwarz, and I'm working on an Eagle Scout project. I'm creating a Veterans Memorial in Lake Elmo. My goal is to create a memorial that is respectful, sustainable, and will make veterans proud. In order to do this I am working with materials that cannot be tampered with, broken, stolen, or other wise vandalized. I want this memorial to be done right and I want our veterans to be proud of it. I have lived in Lake Elmo all my life and have helped to upkeep the "Welcome to Lake Elmo" sign, and this memorial will surely not go to waste. Below is a summary of my project.

Project Summary:

The memorial will be located at the VFW Ball Park in Lake Elmo, MN. The memorial will be constructed near the Western outfield fence line of the park; near the current flag. The memorial will entail a central flag pole protruding from mulch which will be raised up from the surrounding path by a level of retaining brick. A layer of class 5 will be put down, compacted and then a layer of limestone pave put over the class five. Three foot by one foot by six inch deep stone stepping stones will be embedded into the walking path and one will be set in front of each stone bench. The limestone pave will be outlined by a garden bed encompassing perennial natural wild flowers and grasses. There will be Large flat face cut stones; placed across from each other centering on the flag pole, both of which stones will sit inside the flower beds. Electrical will be run 111ft from the nearest power line of 120V to the memorial in order to power two lights to light the flag through out the night. The Line will be run by Xcel Energy and a local electrician in Lake Elmo. Directly in front of the flag pole facing the entrance path will sit a mid size stone, with one face flat cut, engraved with commemoration of Lake Elmo veterans. The existing flag pole will be removed. I am hoping that with your approval, the memorial will be finished by the end of October, and commemorated on November 11th; Veteran's Day.

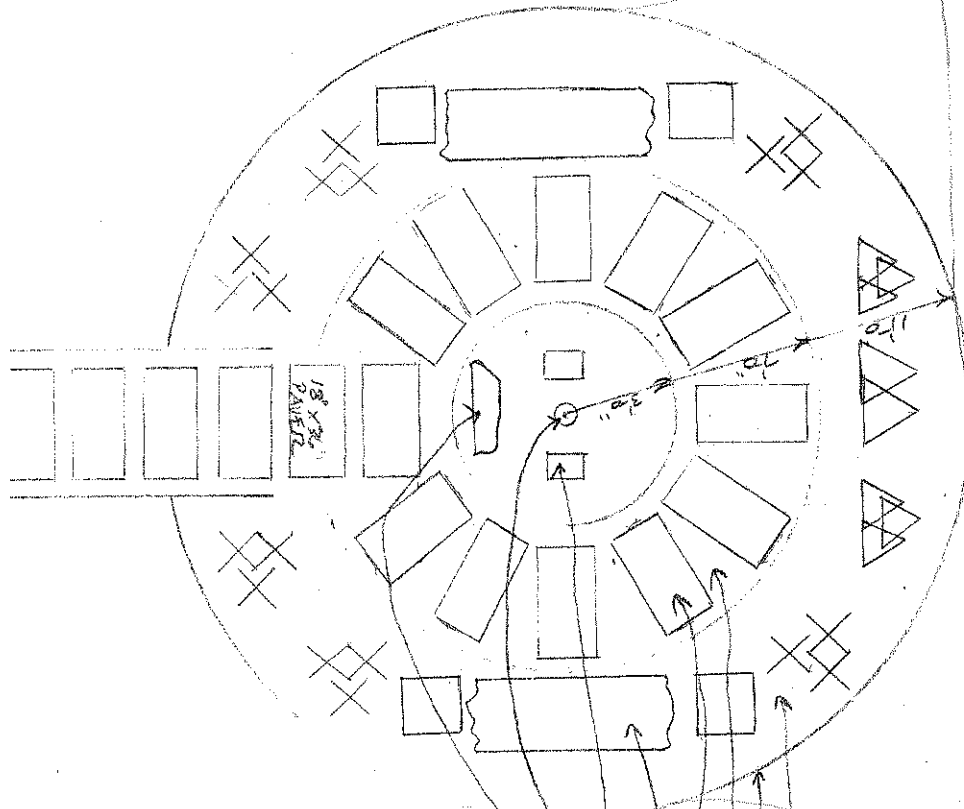


I have attached a drawing showing my proposed project. Since I made the drawing, both the Park Commission and Mr. Bouthilet have agreed that the memorial should be up against the fence. The shape along the fence will be changed to accommodate mowing and will also include some evergreen trees. The estimated cost of my project is \$9,000.00. I feel it is important to commemorate the Veterans of Lake Elmo with a well constructed memorial that will last for many years. I hope to have the project complete in time for a dedication on Veteran's Day, November 11. I am contacting many local organizations and businesses in the hope I can complete all aspects of the proposed project. I am hoping you will approve my plan so that I may move forward with my project. This will be a permanent memorial in our town.

I invite you all to meet with me out at the site before the Council Meeting. I am available this weekend and after 3:00 on school days. If you have any further questions, please contact me at 651-779-2227 or by email schwarz209@aol.com. Thank you for your time.

Sincerely,

Kevin Schwarz
Boy Scout Troop 224



FENCE

*** CONSTRUCTION NOTES ***

- Benches (□)
- Tables (⊗)
- MULCH BEDDING - TYP.
- PVC EDGING
- CRUSHED LIME STONE
- STONE BENCH TYP.
- STONE TABLES TYP.
- HALOGEN LIGHTING
- 20' 6" TALL FLAG POLE
- ENGRAVED DEDICATION STONE

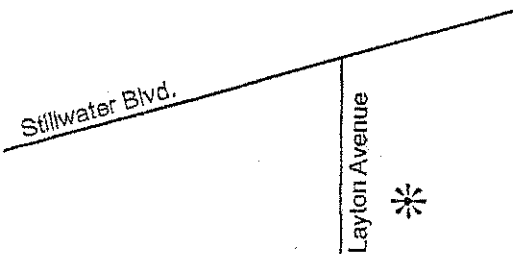
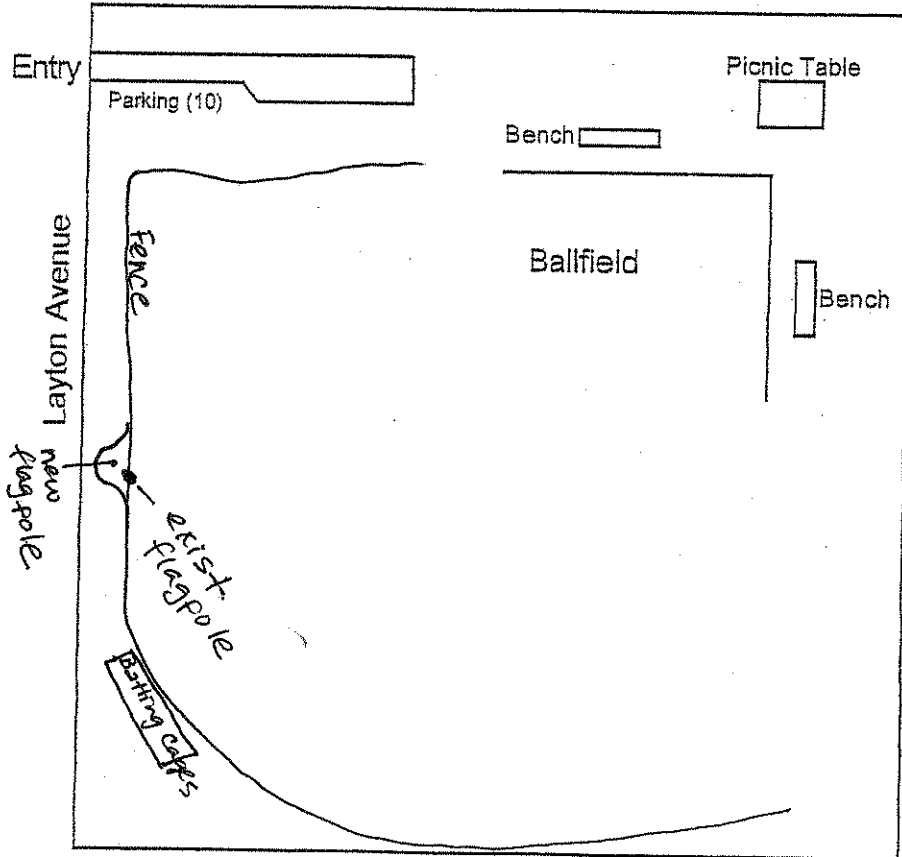
EAGLE
SCOUT
PROJECT
VFW BAY
PARK

VFW PARK

Mini Park

Ballfield
Picnic Table, 1
Parking, 10, Unpaved

3675 Layton Avenue
3 acres
est: 1998



January, 2001

City Council
Date: 10/0/08
REGULAR
Item: 7

ITEM: Conduct random drawing for the purpose of selecting individuals to participate in the deer harvest being conducted in Sunfish Lake Park November 8-9 and 15-16.

SUBMITTED BY: Carol Kriegler, Project Assistant
Mike Bouthliet, Park and Public Works Superintendent

REVIEWED BY: Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to conduct a random drawing for the purpose of selecting individuals to participate in the deer harvest being conducted in Sunfish Lake Park November 8-9 and 15-16. The harvest is being conducted in an effort to keep the area deer population in balance with available habitat.

Notice of the deer harvest event and opportunity to participate was made through the city website, several newspapers, and the city newsletter. Entries were limited to Lake Elmo residents. Thirty-five entries were received by the October 1 deadline. The council is being asked to select 10 entries by random drawing with the first 8 selections being designated as hunters and the last 2 selections being designated as alternates.

ADDITIONAL INFORMATION:

Earlier this year, the city council approved a deer harvest to be conducted in Sunfish Lake Park in November 2008 in conjunction with the Lake Elmo Park Reserve deer harvest. The goal of the hunt is to reduce the deer population in the two parks by 100 deer, resulting in a population of 15 to 25 deer per square mile. This has been a 15 year on-going partnership between the county and the city to control the deer population. The deer harvest will be conducted in conjunction with the Lake Elmo Park Reserve harvest, with assistance of the DNR, in the two parks over two weekends in November (November 8-9, and 15 & 16). A number of precautions will be in place to ensure that potential park visitors will not enter the parks during the hunt, including extensive signing of park entrances and boundaries.

Deer populations have been growing steadily in Washington County and throughout the Metropolitan area for the last 30 years. In order to keep deer populations in balance with available habitat, collective efforts between the Minnesota Department of Natural Resources, metropolitan cities, park agencies, sportsmen's organizations, and private citizens have been developed and implemented.

The Washington County Parks Division, with assistance from the MN DNR, recommends the use of a "special hunt" to manage deer populations within the Lake Elmo Park Reserve and adjacent Sunfish Lake Park. MN DNR wildlife managers estimate that upwards of 200 deer are in the park areas based on a 2008 aerial count of 153 and the assumption that 30% of the actual deer population is missed through aerial surveys. A population of this size causes significant damage to trees and shrubs in the parks due to browsing and also poses a traffic hazard as deer cross nearby highways. A controlled hunt in the parks should remove significant numbers of deer from the parks, while also dispersing deer into areas where they may be harvested by other hunters, thereby increasing the overall effectiveness of the harvest.

ITEM: Consider improvements to the community/fire meeting space in Station #1

SUBMITTED BY: Greg Malmquist, Fire Chief

REVIEWED BY: Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to approve improvements to the community/fire station meeting space in Station#1 for an estimated cost of \$ 19,000 out of the capital equipment fund. This is a budgeted item in 2008 at an estimated cost of \$34,619. This project has achieved a priority in 2008 due to the heavy use of the facility by the community and the firefighters and the inefficiency of the space for meeting today's meeting and training needs. This is the first phase of improvements for this space which has not been upgraded for 12 to 15 years. The purpose of the improvements are to make the space more attractive by replacing the carpet, painting and new ceiling tiles and more functional by providing small portable tables, a smaller conference table that can be moved and a white board and powerpoint projector for training and presentations. Although the facility is primarily used by the fire department for its drills and training sessions, the facility is a community space that is used by the Jaycees, the MAC, for all elections and for various other city functions on an as needed basis. The firefighters are volunteering time for painting. The capital equipment fund balance is estimated at \$ 500,000 as of this writing and can manage these costs, which are budgeted. The city cannot use the 2004A public facilities bond revenue for this project because of the terms of this bond sale.

ADDITIONAL INFORMATION

The project will include the following:

- Brightening up the room by painting the paneled walls (Firefighters will supply the labor).
- Upgrading the inadequate lighting by adding additional lights.
- Replacing the worn carpet.
- Replacing the dirty ceiling tiles, (Firefighters will supply the labor)
- Replacing the current broken, mismatched tables and chairs with narrower folding tables and stackable chairs to better utilize the space. This will allow for an additional 12 – 25 seating positions for training and meetings.
- Replace the conference table with a smaller unit.
- Add a larger whiteboard
- Add a powerpoint projector/screen/stand
- Install ceiling fans in the truck bays to improve heating efficiency and reduce maintenance on vehicles.

Phase 1 of this project is a stand alone project so committing to phase 1 does not commit the city council to additional expenditures without review and approval. Phase 2 of the Station #1 improvements will be budgeted for 2009; it includes new garage door openers and a water softener.

At this time there are no immediate plans for constructing a new fire station to replace the existing fire station. Any future new facility would be part of a well developed capital improvement plan with identified revenue sources and with the impact from these revenue sources on taxpayers and fund balances identified prior to proceeding with such a project.

SUGGESTED MOTION FOR CONSIDERATION:

Move to approve no more than \$ 21,000 for improvements to the community/fire meeting space at station #1 out of the capital equipment fund.

SUGGESTED ORDER OF BUSINESS:

- Introduction: Susan Hoyt, City Administrator
- Report Chief Malmquist
- Questions to presenter Mayor and Council members
- Questions/comments from the Public, if any (up to 3 minutes) Mayor facilitates
- Call for a motion Mayor and Council members
- Discussion Mayor and Council members
- Consider approval City Council

ATTACHMENTS:

- 1 Estimated Costs for Station 1 Improvements

**STATION #1 PROJECTS
PHASE #1**

PROJECT	VENDOR	VENDOR	VENDOR
CARPET	Commercial grade, removal and install	Seestedt's-\$3,446.40	Leslie's-\$4,009.00
CEILING TILES	102-2'x4' tiles, (FF's will install)	Menards-\$5.99 = \$610.98	
PAINT	FF's will paint walls	Menards	
ELECTRICAL	Add 1 row lights and 2 cans	Allied - \$2,810.00	Linnear - \$3360.00
	Ceiling fans in truck bays. Wiring only	Allied - \$1294.00	Linnear - \$1920.00
TABLES/CHAIRS	Ceiling fans x 5, (FF's will install)	Home Depot, 5 x \$59.99 each = \$299.95	
	13-tables/46 stack chairs w/storage racks	Mity-Lite-\$6,489.40	MINNCOR - \$16,110.00
CONFERENCE TABLE	8'-oval		K-LOG - \$583.00
MISC.	White Board, 4'x12'		K-LOG - \$558.00
	Power Pont projector/screen/stand	Tiermey-\$2,280.17	
			TOTAL
			\$3,446.40
			\$610.98
			\$400.00
			\$2,810.00
			\$1,294.00
			\$299.95
			\$6,489.40
			\$583.00
			\$558.00
			\$2,280.17
			\$18,771.90

PHASE #2

PROJECT	VENDOR	VENDOR	VENDOR
GARAGE DOOR OPENERS	Replace 4 old openers w/new that meet safety standards. (May need to be additional electrical work).	IDC - \$4752.00	TCGD - \$4200.00
	Room Divider		
WATER SOFTENER	Provide and install	Sun Ray - \$4,000.00	RA-MAR - \$2795.00
			Dad's - \$1580.00
			TOTAL
			\$4,200.00
			\$1,580.00
			\$5,780.00

STATION #2 PROJECTS

PROJECT	VENDOR	VENDOR	VENDOR
ELECTRICAL	Ceiling fans in truck bays.	Allied - \$1414.00	Linnear - \$2035.00
	Ceiling fans x 4,	Home Depot, 4 x \$59.99 each = \$239.95	
FURNITURE FOR DAYROOM		HOM - \$3,000.00	
WATER SOFTENER	Provide and install	Sun Ray - \$4,000.00	Dad's -\$980.00
			RA-MAR - \$1645.00
			TOTAL
			\$1,414.00
			\$239.96
			\$3,000.00
			\$980.00
			\$5,633.96

GRAND TOTAL \$30,185.86

ITEM: Receive an update on the Comprehensive Water System Plan

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The city council is being asked to receive an informational update on the Comprehensive Water System Plan. Jack Griffin, City Engineer will present the recent history of the water system planning efforts. He will present the status of the overall plan showing the most recent planning information in draft form, identify the remaining work elements to complete the plan, and identify the key decisions that will need to be made before a final plan can be completed. Any future plan must include evaluating public water service to areas with contamination and be tied to a capital improvement plan for implementing the water plan. The current water system, as it is constructed, requires a new well in the very near future and this will be addressed in the 2009 – 2014 CIP. The water projects need to be prioritized in the CIP for the water plan. Work on funding for the CIP projects will not only include current and future water users, which is traditionally how water services are paid for, but sources outside the city that may be available and/or sought out to deal with contamination related water service needs. This may possibly include resources the city doesn't have available at this time such as state, federal or 3M opportunities.

BACKGROUND:

Original comprehensive plan 2005, the city engineer, TKDA, was asked to complete a Water System Comprehensive Plan to provide water service city wide. As part of this plan, three new development projects were to be supplied with city water (Rockpoint Church, Discover Crossing, and St. Croix's Sanctuary). TKDA was authorized in October, 2005 to design the Northern Watermain Extension which connected these developments and ultimately extended trunk watermain to Rockpoint Church (TH 36 and Keats Avenue). The Water System Comprehensive Plan was not finalized, but was incorporated into the 2030 Comprehensive Plan adopted in 2006.

PFC impacts in 2005. In January 2005, PFC contamination was discovered in the City of Oakdale and the Minnesota Department of Health notified Lake Elmo of its intention to implement a well testing program in the city. Early testing results identified PFC contamination in the Tablyn Park/Lake Elmo Heights neighborhoods and the city began negotiations with 3M. This resulted in water service extension to approximately 200 homes in Lake Elmo Heights, Tablyn Park, and along 31st Street, Janero Avenue, and Jamley Avenue.

Pre-2005 planning. The planning efforts for the city water supply system have undergone several revisions in recent years in response to the need to revise the intended service areas. As recently as April 2004 the city completed the Old Village Study Area Comprehensive Water System Plan which limited city water service to the Old Village Area and a northern service area extending to the to Fields of St. Croix 2nd Addition, Bluestem at the Fields of St. Croix, Tana Ridge, and Carriage Station subdivisions. The northern water system extensions were constructed from 2001 to 2003 together with these development projects. Well and Pumphouse No.2 were constructed in the Carriage Station subdivision in 2001.

In November 2004, the Water Systems Interconnection feasibility report was completed to identify the costs for interconnecting the Old Village water system to the Lake Jane water system and to

provide water service to the 31st street area that was experiencing trace contamination in their private wells. In addition, Tapestry at Charlotte's Grove and Farms of Lake Elmo (two new development projects) were requesting city water service. At the same time the city was looking for a site to construct a new elevated storage tank since the existing tank was deficient in supply capacity for the current service population. Elevated Storage Tank No. 2 was located at the Public Works Building Site at TH 5 and Inwood Avenue and eventually completed in 2006.

NO ACTION REQUIRED – INFORMATION ONLY

ORDER OF BUSINESS:

- Introduction Susan Hoyt, City Administrator
- 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

ATTACHMENTS:

1. Existing Water System Infrastructure map

City Council
Date: 10.07.08
REGULAR
Item: 10
Motion

ITEM: Approve new agreement on 9224 31st North to replace existing agreement to bring property into compliance with the city code

SUBMITTED BY: Jerry Filla, City Attorney
Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to approve an agreement to replace the existing agreement on 9224 31st Street North on the property which is owned by Linda and David Hardy. The proposed agreement sets out specific terms and conditions for bringing the property into compliance with the code and a temporary certificate of occupancy within six months from the date of approval of this agreement with the requirement that the property meet permanent certificate of occupancy requirements within no more than three months after the temporary certificate is issued. The new agreement is more specific in its requirements to meet both a temporary and permanent certificate of occupancy. It also clarifies that the city is prepared to use its authority under state statute to deal with a potentially hazardous and blighted property should the property not be brought into conformance with city code and certificate of occupancy requirements within six months from the date of approval. (This would be April 7, 2009, if the agreement is approved at this meeting). The agreement also returns the property owner's escrow money collected by the city to the property owner. The property owner plans to use these funds on property improvements. However, these escrow funds will be returned only after the cost of removal of the construction debris and the cost of closing up of the structure with boards from the elements are completed. The new agreement puts the responsibility to get a certificate of occupancy within a six month time limit entirely on the property owner so the success or the failure to accomplish this rests entirely on the property owner without city intervention or responsibility to accomplish this goal except for the city's standard responsibility of inspecting and tracking the progress on this property and to take the necessary measures to eliminate blight should that be necessary. The property owner has agreed to these terms, which have been reviewed by the property owner's attorney. The city attorney recommends approval of this new agreement.

ADDITIONAL INFORMATION

Requirements and timelines are established for a temporary and a permanent certificate of occupancy. This is consistent with how all property owners are treated on residential dwellings. A property owner has the right to occupy a structure with a temporary certificate of occupancy with the condition that a permanent certificate of occupancy is required within an identified timeline.

The city will be enforcing the terms of this agreement.

Motion:

Approve new agreement between Linda and David Hardy, property owners of 9224 North 31st Street to replace the existing agreement dated November 6, 2006.

ORDER OF BUSINESS:

- Introduction/Report
 - Susan Hoyt, City Administrator
 - Jerry Filla, City Attorney
- Questions to the presenter
 - Mayor and Council members
- Questions from the public
 - Mayor facilitates
- Call for a motion
 - Mayor and Council members
- Discussion
 - Mayor and Council members
- Action
 - City Council

ATTACHMENT:

- 1 Proposed new agreement
- 2 Exhibit A in agreement - Conditions for temporary and permanent C.O.

AGREEMENT
Between the City of Lake Elmo
And
Linda Hardy and David Hardy, Property Owners,
9224 31st Street, Lake Elmo, Minnesota

Parties. This agreement dated _____, 2008 is entered into by and between the City of Lake Elmo, (the City); and Linda Hardy and David Hardy, (collectively Property Owner) the Property Owner 9224 31st Street, Lake Elmo, Minnesota.

Recitals

The City and the Property Owner, entered into an agreement on November 1, 2005 that provided for moving a single family detached building on to the property at 9224 31st Street.

The City and the Property Owner agreed to a new agreement on November 6, 2006 to bring the property up to the city codes.

As of this date, the property does not meet the city code and does not meet the requirements for a temporary or permanent certificate of occupancy.

The City and the Property Owner agree that it is in the best interest of the City and the Property Owner to terminate the agreement dated November 6, 2006; and

The City and the Property owner agree that the November 6, 2006 agreement be replaced with the following agreement in order to establish a timeline and to identify requirements for obtaining a temporary and permanent certificate of occupancy and to eliminate a potential health and safety hazards and blight on the property.

Terms and Conditions

1. The City agrees to:
 - a. Release the \$ 36,884.90 (\$35,466.25 plus 4% interest) to the property owner less the cost of the following tasks. The release of the funds will come after the following tasks are completed and the cost of these tasks are subtracted from the \$36,884.90.:
 - 1) removing construction and demolition debris and other related items from the rear yard and closing of the windows/doors as completed by the City or its contractor;
 - 2) the issuance of required permit(s).
 - b. Provide the Property Owner with six months from the date this agreement is approved by the City to complete the requirements for a temporary certificate of occupancy as identified in Exhibit A.
 - 1) At the time the temporary certificate of occupancy is issued, the City shall establish a timeline for meeting the requirements for the permanent certificate of occupancy as identified in Exhibit A. The timeline for the permanent certificate of occupancy shall be no

AGREEMENT
Between the City of Lake Elmo
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more than three months from the date the temporary certificate of occupancy is issued.

- c. To issue a temporary certificate of occupancy to the property owner for the house and property when the house and property meet the required requirements for a temporary certificate of occupancy identified in Exhibit A. Furthermore, the City agrees to issue a permanent certificate of occupancy when all requirements in Exhibit A including all the requirements for a permanent certificate of occupancy that are listed on the temporary certificate of occupancy are met within the required timeline established by the City.
 - 1) The City Administrator upon the recommendation of the building official shall establish the timeline for meeting the requirements of the permanent certificate of occupancy at the time the temporary certificate of occupancy is issued. The requirements for the permanent certificate of occupancy will be listed on the temporary certificate of occupancy. The timeline for completing the requirements for the permanent certificate of occupancy will not exceed three months from the date that the temporary certificate of occupancy is issued.
 - i. Failure to meet the requirements within the timeline established for the permanent certificate of occupancy as identified on the temporary certificate of occupancy may result in the rescinding of the temporary certificate of occupancy by the City.
2. The Property Owner agrees to :
- a. Allow the City, or its contractor, on the property to remove the construction and demolition debris and other related items in the rear yard prior to releasing the funds:
 - 1) The Property Owner may submit names of preferred contractors if the city uses a contractor for this work and the city will contact these contractors for proposals. However, the Property Owner will permit the City to proceed with the work if the City does not receive proposals and/or does not use the contractor provided by the Property Owner.
 - 2) The Property Owner may be permitted to see the proposals / estimated cost for the work described under (2) (a) (1). However, the Property Owner will permit the City to proceed with the work regardless of the cost of the proposals for the work.
 - b. Allow the City, or its contractor, to close up the windows and door openings so they are secure prior to releasing the funds

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Linda Hardy and David Hardy, Property Owners,
9224 31st Street, Lake Elmo, Minnesota

- 1) The Property Owner may submit names of preferred contractors if the City uses a contractor for this work and the City will contact these contractors for proposals. However, the Property Owner will permit the City to proceed with the work if the City does not receive proposals and/or does not use the contractor provided by the Property Owner.
- 2) The Property Owner will be permitted to see the proposals / estimated cost for the work described under 2(b) (1). However, the Property Owner will permit the City to proceed with the work regardless of the cost of the proposals for the work.
- c. Take out the required building and related permits
 - 1) Allow the City to inspect the property according to the permit inspection schedule of the permits issued.
- d. Allow the City to inspect the property six months from the date this agreement is approved by the City unless a permanent certificate of occupancy has been issued prior to this date.
3. The City shall provide the Property Owner with contact information at the Washington County Housing Authority for housing assistance information. This information or available programs will have no bearing on the implementation of this agreement or its terms.
4. After six months from the date this agreement is approved by the City, or prior this date in case of an emergency, the City may exercise its authority pursuant to Minnesota Statutes § 463.15 - 463.26 in regard to Hazardous Buildings or Property; and its authority pursuant to Minnesota Statutes § 412.221, 429.021, 429.101 and Lake Elmo City Code Sections 96.01 - 96.12 in regards to the abatement of Public Nuisances; or any other applicable regulations.
5. The Property Owner may sell the property at any time during the course of this agreement.
 - a. The City must be notified of the sale.
 - b. A new property owner is required to meet the requirements in Exhibit A for a temporary certificate of occupancy and is required to meet all the requirements in Exhibit A before receiving a permanent certificate of occupancy.
6. The Property Owner may not inhabit the property until a temporary certificate of occupancy is issued based upon the requirements in Exhibit A being fully

AGREEMENT
Between the City of Lake Elmo
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9224 31st Street, Lake Elmo, Minnesota

completed, inspected and approved by the City on or before the date that this agreement was approved by the City.

- a. At the time that a temporary certificate of occupancy is issued, the City shall identify the remaining requirements for receiving a permanent certificate of occupancy and these requirements will be noted on the temporary certificate of occupancy along with a timeline for completing these requirements. The timeline established for the completion of the permanent certificate of occupancy will not exceed three months from the date the temporary certificate of occupancy is issued by the City.
 - i. Failure to meet the timeline for completing the requirements for the permanent certificate of occupancy may result in the rescinding of the temporary certificate of occupancy by the City.

Binding Agreement. This is a legally binding document and the Property Owner has reviewed the terms of the Agreement. This Agreement replaces all prior agreements between the City and the Property Owner on this property at 9224 31st Street.

Mayor Dean Johnston
City of Lake Elmo

Date

Linda Hardy
Property Owner

Date

David Hardy
Property Owner
Or Linda Hardy as Attorney and Fact for David Hardy

Date

EXHIBIT A
COMPLIANCE ITEMS FOR TEMPORARY AND FOR PERMANENT
CERTIFICATE OF OCCUPANCY

Inspection of 9224 31st Street N. on 9/30/08 revealed an uninhabitable structure in various states of repair and disrepair. Two stages will be established to move them towards occupancy and property compliance. First, after the minimum life safety requirements are completed and passed inspection, a temporary Certificate of Occupancy (C.O.) will be issued that allows people to occupy the structure. With this temporary C.O. a list will be attached, which will detail the remaining items to be completed and a date for completion to meet the conditions for a permanent C. O. . The date for completion of the permanent C.O. shall be no more than the three months from the date the temporary C.O. is issued.

Second, failure to complete the items that are required for the permanent C.O. and are listed on the temporary C.O. by the noted due date for completing the permanent C.O. can render the temporary C.O. null and void.

Third, these conditions are the general observations to obtain compliance with the City of Lake Elmo and are intended to give clear guidance on requirements. However, they may not be totally inclusive of specific items or circumstances that may appear during the course of obtaining either a temporary or permanent C.O.

For temporary C.O. complete these items:

1. All plumbing, mechanical, electrical and building inspections have passed the final inspection.
2. Call for framing inspection before any work is covered up and basement floor is poured.
3. All septic inspections are to be completed and approved by the City of Lake Elmo
4. Repair and seal all penetrations into the foundation, siding, and roof to make structure weather tight.
5. Install exterior windows, trim and doors to make structure weather tight.
6. All exterior doors are to have an exterior landing and stairs, handrail / guardrail as needed. One operational door is required and the others may be temporally screwed closed or an exterior guardrail is to be installed across the door opening. Guardrails to have maximum 4" spacing.
7. Install basement floor and basement footings (if needed). Six-mil poly required under slab.
8. Install basement stairs, handrails and guardrails.
9. Install egress ladder in window wells greater than 44 inches in depth.
10. Install drain tile, basket and sump pump.
11. Install interconnected smoke detectors on every floor and in every bedroom.
12. Install address numbers on the front of the house.
13. Install one approved egress window in each of the bedrooms.
14. Install handrail from main floor to upstairs.

EXHIBIT A
COMPLIANCE ITEMS FOR TEMPORARY AND FOR PERMANENT
CERTIFICATE OF OCCUPANCY

15. Complete one bathroom with the minimum installation of a water closet and sink. Submit bathroom plan to the inspection department to verify correct placement of water closet. All completed bathrooms are to have either a window or bath fan.
16. Kitchen sink to be installed and operational.
17. Install one automatic cloths washer connection for washing machine.
18. Install insulation, vapor barrier and either gyp board or plaster on all open exterior wall cavities.
19. Insulate basement rim joist with 2" of rigid insulation.
20. Insulate and seal the attic access, seal penetrations into the attic and insulate the attic floor to a minimum of R - 38.
21. Repair all holes in the ceiling and exterior walls.
22. All floors within the house are to be structurally sound and free of holes.
23. Remove all trash, debris, and unlicensed / inoperable vehicles from the yard.
24. Complete the final grade with a positive slope of 2% away from the structure.
25. If adding or deleting any walls, then a floor plan would need to be submitted and reviewed.

For permanent C.O. complete these items:

1. Establish turf on the lot by either seed or sod.
2. Complete driveway to Lake Elmo standards.
3. Remove and replace all rotten exterior siding, trim, fascia and soffit on house and garage.
4. Remove and replace rotten roof and add proper venting.
5. Repair or replace overhead garage door.
6. Repair and replace all window screens.
7. Complete new basement wall insulation to R- 5.
8. Finish painting the exterior.