

File

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

# Lake Elmo City Council

## TUESDAY, October 17, 2006

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

**Please read:**

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

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

**INTERVIEWS: Parks Commission 6:00 p.m. John Booher, Susan Dunn (Out of Town)**

**MAC Commission 6:15 p.m. Steve Ziertman, Steven Gurney**

### Agenda

**City Council Meeting Convenes 7:00 PM**

**Pledge of Allegiance**

**1. Agenda**

**2. Minutes:**

October 3, 2006

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

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

**A. PUBLIC INFORMATIONAL:**

**(1) Sandy Cullen – County  
Commissioner District 2**

**4. CONSENT AGENDA:**

**A. Resolution No. 2006-108: Approving  
Claims**

**B. Monthly Operating Report**

**5. FINANCE:**

Tom Bouthilet

**A. Capital Improvements Program;  
Resolution No. 2006-109**

**6. NEW BUSINESS:**

**A. Appointment to Parks Commission and  
Maintenance Advisory Commission**

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

**A.**

<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b></p> <p><b>A. Adopt Assessments for the Phase IV Water Interconnect Project-Resolution No. 2006- ; Response to the two objecting Property Owners</b></p> <p><b>B. Award Bids for Plumbing Contract A and B; Resolutions No. 2006-110, 111</b></p> <p><b>C. Authorization for Sanitary Sewer Study for Old Village</b></p> <p><b>D. Approve Plans for Well Sealing for Contract A and B; Resolution Nos. 2006-112, 112</b></p> <p><b>E. Water Service Right of Entry-Tablyn Heights Water Project (Resolution will be handed out.)</b></p>	
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b></p> <p><b>A. Hardy House Move</b></p>	C. Dillerud
<p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b></p>	
<p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b></p>	
<p><b>12. <u>CITY COUNCIL BUSINESS AND REPORTS:</u></b></p> <p><b>A. Mayor Johnston</b></p> <p><b>B. Council Member Conlin</b></p> <p><b>C. Council Member DeLapp</b></p> <p><b>D. Council Member Johnson</b></p> <p><b>E. Council Member Smith</b></p>	
<p>October 18,30, 6:30, Special Planning Commission Meetings on Zoning</p>	

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
OCTOBER 3, 2006

1. AGENDA
2. MINUTES: September 19, 2006
3. PUBLIC INQUIRIES/PUBLIC INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
  - B. PUBLIC INFORMATIONAL:
4. CONSENT AGENDA:
  - A. Resolution No. 2006-101: Approve Claims
  - B. Resolution No. 2006-102: Partial Payment Park Construction
  - C. Resolution No. 2006-103: Partial Payment CB & I
  - D. Resolution No. 2006-104: Final Payment G.M. Contracting, Inc. - Water Systems
5. FINANCE:
6. NEW BUSINESS:
  - A. Set Date for Parks Commission and MAC Interviews (addition)
7. MAINTENANCE/PARK/BUILDING:
  - A. Building Dept.:
    - (1) Movement of Building onto Hardy Property
    - (2) September Building Activity Report
  - B. Fire Dept.:
    - (1) Joint Fire Dept. and Planning Commission Workshop – Fleet Plan (addition)
8. CITY ENGINEER'S REPORT:
  - A. Public Hearing: Resolution No. 2006-105, Adopting Assessments: Proposed Assessments for Phase IV Water Interconnect Project
  - B. Ordinance No. 97-182: Extend "No Parking" on 15<sup>th</sup> Street to Ivy Avenue
  - C. Resolution No. 2006-107: Approve Plans for SCADA (Supervisory Controls and Data Acquisition)
  - D. Resolution No. 2006-106: Award Contract for Northern Water Main Extension
  - E. Riley Construction Update – verbal
9. PLANNING, LAND USE & ZONING:
  - A. Zoning Ordinance Amendment-Accessory Buildings (postponed)
  - B. Ordinance No. 97-180: Septic Pumping and/or Inspection
  - C. Xcel Fly Ash Landfill Siting – Update on Meeting
  - D. Ordinance No. 97-182 (AG), Ordinance No. 97-183 (RR), Ordinance No. 97-184 (OP): Re-Establish/Modify OP Development – Amend AG, RR and OP
  - E. Ordinance No. 97-185: Development Moratorium – Village Area
  - F. Village Area Planning (verbal)
  - G. Seasonal Sales (addition)
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
  - A. St. Croix Family Community Center
12. CITY COUNCIL REPORT:
  - A. Mayor Johnston
  - B. Council Member Conlin
  - C. Council Member DeLapp
  - D. Council Member Johnson
  - E. Council Member Smith

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

**Pledge of Allegiance:**

1. **AGENDA:**

Additions:

6A: Set Date for Parks Commission and Maintenance Advisory Commission Interviews;  
7B: Fire Dept. Fleet Plan workshop; 9G: Seasonal Sales in RR zone; 12A: Complete Administrator's Review.

Changes:

2: Minutes – move to end of meeting.

Removed:

CLOSED MEETING: Park Construction /EBI

M/S/P DeLapp/Johnson – to approve the October 3, 2006, City Council Agenda as amended. (Motion passed 5-0)

2. **MINUTES:**

M/S/P DeLapp/Smith – to direct Staff to review the September 19, 2006, City Council Minutes, make changes and email the corrected/changed minutes to City Council. (Motion passed 3-2: Johnson and Conlin)

3. **PUBLIC INFORMATIONAL/PUBLIC INQUIRIES:**

A. Public Informational: None

B. Public Inquiries:

Ms. Kathy Saltzman introduced herself as a candidate for State Senator District 56 and shared the concerns she has heard, as she has been door knocking.

4. **CONSENT AGENDA:**

A. Resolution No. 2006-101: Approve Claims

M/S/P Johnson/Conlin – to approve Resolution No. 2006-101, approving Claim Numbers 350, 351, DD910 through DD923, 29733 through 29745, were used for Staff Payroll dated September 28, 2006; 352, 29746 through 29797, in the total amount of \$818,448.30 are hereby approved. (Motion passed 5-0)

B. Resolution No. 2006-102: Partial Payment to Park Construction

M/S/P Johnson/Conlin – to approve Resolution No. 2006-102, authorizing Partial Payment No. 3, Tablyn Park/Lake Elmo Heights Water Main, to Park Construction Co., in the amount of \$472,571.77. (Motion passed 5-0)

C. Resolution No. 2006-103: CB & I Constructors, Inc.

Council Member Smith asked if the City has completed the agreement regarding the 10-year water tower warranty discussed previously, including the monitoring at the 6-8-10 year intervals. She noted that it seemed illogical that the same firm that was supplying

the warranty would also be doing the periodic inspections of the tower's structural condition. City Engineer Prew informed the Council that the warranty agreement is still being reviewed by CB & I, and will be presented at a future City Council meeting.

M/S/P Johnson/Conlin --to approve Resolution No. 2006-103, authorizing Partial Payment No. 7, Elevated Water Storage Tank No. 2, to CB & I Constructors, Inc., in the amount of \$109,346.43. (Motion passed 5-0)

D. Resolution No. 2006-104: G. M. Contracting, Inc.

M/S/P Johnson/Conlin -- to approve Resolution No. 2006-104, authorizing Partial Payment No. 3, Water System Interconnect -- Phase II, to G. M. Contracting, Inc., in the amount of \$18,448.33. (Motion passed 5-0)

5. FINANCE: None

6. NEW BUSINESS:

A. Set Interview Date for Parks Commission and Maintenance Advisory Commission Applicants:

A. City Clerk Lumby informed the Council that the Maintenance Advisory Commission and the Parks Commission each have one opening. Two applications have been received for each Commission. The City Clerk is requesting Council direction regarding scheduling of interviews and a time frame.

M/S/P Johnson/Johnston - to direct Staff to schedule the applicants for 10-minute interviews on Tuesday, October 17, 2006, at 6:00 p.m., prior to the regular City Council meeting. Staff will inform Council of the interview schedule. (Motion passed 5-0)

7. MAINTENANCE/PARK/BUILDING:

A. Building Dept.:

(1) Movement of Building onto Hardy Property

The Building Official reported that a Building Permit had been issued in November 2006, to move a home in Lake Elmo. The home is still on blocks, creating a safety hazard because no fence has been placed to surround the hole in which the home has been placed pending construction of footings and foundation. He stated that at least a fence was needed around the open hole to mitigate what he views as a hazard to the public. He reported that three Certified letters have been mailed to the property owner regarding installation of the fence, and no action has occurred. He reported that he has issued a citation regarding this public health/safety hazard.

Linda Hardy, 2742 Ivy Avenue North, stated that a fence will be put around the property by Wednesday, October 4, 2006. She also stated a contractor will have the house on the foundation by the end of October 2006, and is requesting an extension of the time allotted to complete the project until July 2007.

The Council discussed the health and safety hazards as a priority and determined that Staff has the authority to move forward. They noted that due to the amount of mud and soft ground, the house is not stable and the hole excavated for the new basement needs to be secured.

City Attorney Filla informed Council that the City has a Letter of Credit securing the house moving project and required improvements to the house, which expires November 10, 2006. The City cannot act on the property until then. If the property is a nuisance, the owner then has five (5) days to complete the project. Resolution 2005-118 requires the work to be completed by November 1, 2006.

City Administrator Rafferty stated that Ms. Hardy should return to the October 17, 2006, City Council meeting, with the expectation that the fence is up by the end of day, October 4, 2006, and the footing/foundation completed by that Council meeting. He also proposed there be a developer's agreement, with milestones, if an extension is granted beyond November 1, 2006, for the remaining work.

(2) September Building Activity Report

Building Official McNamara reported that new residential construction has continued its slow pace through the month of September.

B. Fire Dept.:

(1) Joint Fire Dept. and Planning Commission Workshop – Fleet Plan

Fire Chief Malmquist requested Council to schedule a joint workshop session with the Planning Commission and the Council to discuss a Fleet Plan. Council requested that a meeting not be scheduled until after November 7, 2006, Election

He reported that Fire Prevention Week is October 8-14, 2006, and Open Houses will be held at both Fire Stations, from 6:00 p.m. – 8:00 p.m., on Monday, October 16, 2006.

The Fire Chief also reminded residents that when they change their clocks, it is a good time to change the batteries in their smoke detectors.

8. CITY ENGINEER'S REPORT:

A. Public Hearing: Resolution No. 2006-106, Adopting Assessment for the Water Interconnection Project – Phase IV

The City Engineer presented the proposed assessment roll, which was based on appraisals of increased property value resulting from the water service. He reported that the proposed assessment amounts are the same as those earlier reported to the Council, with the exception of the Prairie Ridge Office Park. The office park complex requested three additional water services be installed to provide drinking water. Excluded from the assessment were the wetlands.

Mayor Johnston opened up the Public Hearing at 8:48 p.m.

Mayor Johnston read for the record, letters from Joan Tauer, 8633 34<sup>th</sup> Street North, and Dennis Ostrander, 8611 34<sup>th</sup> Street North, indicating their objection to the proposed assessments.

There was no one to speak for or against the proposed assessments.

Public Hearing Closed at 8:57 p.m.

City Attorney Filla requested that the City make Findings, and make a determination regarding each of the objections.

M/S/P Johnson/Smith – to table and have the City Engineer return with additional information on the assessments for the Water Interconnection Project – Phase IV, by preparing responses to the two residents objecting to the proposed assessments. (Motion passed 5-0)

B. Ordinance No. 97-181: Extend “No Parking” 15<sup>th</sup> Street to Ivy Avenue  
City Engineer Prew informed Council that complaints had been received from residents on 15<sup>th</sup> Street regarding people parking their vehicles on the street and walking into the Lake Elmo Park Reserve. He is recommending extending the “No Parking” signs one-half (1/2) mile West from the edge of the park along 15<sup>th</sup> Street North. This recommendation does not include the cul-de-sac street within the Cardinal View development.

M/S/P Conlin/DeLapp – to approve Ordinance No. 97-181, relating to Section 1005.04 (1) (Parking Prohibited 15<sup>th</sup> Street to Ivy Avenue) to the Lake Elmo Municipal Code. (Motion passed 5-0)

C. Resolution No. 2006-107: Approve Plans for SCADA (Supervisory Controls and Data Acquisition)

City Engineer Prew explained that SCADA is an electronic monitoring system that will enable the Public Works Superintendent to access information regarding the status of city wells, water towers and ultimately the sewer lift station. All information regarding these facilities will be available at the Public Works garage and Public Works Superintendent will be able to operate the various valves and settings remotely from that location. He reported that the SCADA System was included in the original cost estimates of the water tower estimate.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-107, approving Plans and Specifications and Ordering Advertisement for Bids SCADA (Supervisory Controls and Data Acquisition). (Motion passed 5-0)

D. Resolution No. 2006-106: Award Contract for Northern Water Main Extension  
The City Engineer informed Council that property acquisition is complete, and recommends awarding the bid to G.M. Contracting, Inc.

Council Member Smith requested clarification of the contract as the route has changed with the new alignment proposal by the Bergmann's. City Engineer Prew said that plans will be revised and the agreed upon alignment will be used for constructing the pipe. He noted that there will be little or no additional construction cost related to the realignment.

The City Attorney said the title work needs to be done but construction on the property can begin. City Engineer Prew stated a Change Order, extending the completion date, will be presented to Council at the next meeting.

M/S/P Johnson/DeLapp -- to approve Resolution No. 2006-106, awarding the Bid for the Northern Water Main Extension, to G. M. Contracting, Inc., in the amount of \$411,812.68. (Motion passed 5-0)

E. Update on Riley Construction: verbal

The City Engineer informed Council that Riley Construction and Staff met last week. The status of remaining Phase I and Phase III water extension work was reviewed and a firm agreement was reached. Restoration and clean-up will be done by October 20, 2006.

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

A. Ordinance No. 97-180: Zoning Ordinance Amendment – Accessory Buildings

The City Planner informed the Council that the City Attorney has drafted an amendment to the zoning ordinance regarding allowable accessory buildings in the “non-conforming” AG zoning district as had been directed by Council. He explained that the draft was being first presented to the Council for concurrence as to intent prior to beginning the prescribed zoning ordinance amendment process.

The City Attorney reported that the previously approved City Council interpretation of allowable areas of accessory in the Non-Conforming AG zoning district is somewhat unclear. As such he had provided two drafts of the proposed text amendments for Council review and direction.

M/S/P Smith/Johnson – To send the draft Ordinance 97-180 (draft 2), relating to Accessory Building, to the Planning Commission for review with the following modifications - change the wording for AG non-conforming, up to 10 to read: “Two (2) two buildings with a combined area not to exceed two thousand (2000) square feet.” (Motion passed 5-0)

B. Ordinance No. 97-181: Septic Pumping and/or Inspection

The City Planner explained the City’s septic pumping ordinance. He advised that residents are notified about overdue pumping, but the City has had less than effective follow-up procedure until recently. Several residents have informed the City about their need to not pump regularly due to their smaller household status. The City Planner suggested that a simple inspection and report of findings every two years could be substituted for the actual pumping, if not pumping is found not to be required.

Council questioned if pumpers recognized the various problems and if the pumpers were required to be licensed. The Building Official informed Council that there were various levels of septic certification and that pumpers could attain the necessary inspection certification if they chose.

M/S/P Conlin/Johnson – to adopt Ordinance No. 97-181, amending Chapter 700 of the City Code to permit substitution of licensed or certified septic inspections for septic pumping every two (2) years where such inspections find no septic pumping is required. (Motion 5-0)

C. Xcel Fly Ash Landfill Siting: Verbal

The City Planner reported that he had attended the Xcel West Lakeland Fly Ash Fill Scoping Environmental Assessment Workshop (SEAW) Public Meeting held on



September 21, 2006, at OakLand Jr. High. The intent of the meeting was to inform the public about the EAW process and the need to submit, in writing, suggestions as to what additional subjects the MPCA staff needed to address in the Environmental Impact Statement.

He advised that City Staff will continue to review the draft SEAW and intend to submit comments by the October 26, 2006, SEAW comment deadline.

D. Ordinance No. 97-182 (AG), Ordinance No. 97-183 (RR), Ordinance No. 97-184 (OP): Re-Establish/Modify OP Development – Amend AG, RR and OP

The City Planner reported that the Planning Commission recommends re-establishing OP residential development as a Conditional Use in the RR and AG zones, and increasing the allowable OP development density to 18 units per 40 acres (0.45 units per acre) to be consistent with the 2030 Comprehensive Plan.

Responding to a Council question regarding the increase in density, the City Planner explained that the increase in allowable density from 16 to 18 units per 40 acres was a part of an overall Comprehensive Plan strategy to comply with the City/Met Council Memorandum of Understanding (MOU), as to City-wide with the residential unit counts.

Council Member DeLapp suggested that the increased OP density that would be available to developers should be matched by enhanced development requirements by the City – specifically, OP project landscaping. He reviewed some potential landscape requirement amendments that he would propose in that regard.

M/S/P Johnson/Conlin – to approve Ordinance No. 97-182 (AG), Ordinance No. 97-183 (RR), and Ordinance No. 97-184 (OP), as recommended by the Planning Commission. (Motion passed 5-0)

M/S/P – Johnston/Smith – to direct Staff to present the amended OP landscaping requirements, as shared by Council Member DeLapp, to the Planning Commission for consideration. (Motion passed 5-0)

E. Ordinance No. 97-185: Development Moratorium –Village Area

The City Planner reported that he is recommending adoption of a new development Moratorium for the Village Area pending completion of the Village Area planning efforts that have been contracted by the City. He suggested that the moratorium could be as long as 12 months, but that six months may be more appropriate in this case.

M/S/P Conlin/Johnson – to approve Ordinance No. 97-185, adopting a Development Moratorium of the Village Area through the end of March 2007, based on the need to complete land use planning and design contracted by the City for this area.

F. Village Area Planning (verbal)

The City Planner informed Council that the Village Area planning team has conducted numerous meetings with landowners, state agencies, and the Met Council regarding the details of the Village Area Plan Concept. The Planning Team has requested a Workshop with the City Council to review their work to date.

It was the consensus of the City Council that the City Administrator should set up a City Council Workshop to exclusively address the Village Area planning team at the earliest possible date.

G. Seasonal Sales

Council Member Smith advised the Council that she had received a disturbing telephone call from a resident over the past weekend regarding the seasonal sales of pumpkins by the Ziertman's at their residence in the RR zoning district. Council Member Smith then reviewed State Statute and historical City documents for the City Council which, she concluded, establishes that sales of agricultural produce in the RR zone is legal in Lake Elmo. She also reported that the party complaining about the pumpkin sales at the Ziertman residence herself previously sold pumpkins at her residence.

City Attorney Filla stated that he has for 15 years, and continues to believe, that seasonal sales of agricultural produce is not a use allowed by the Lake Elmo zoning ordinance in the RR zoning district but is specifically allowed in the AG zoning district.

Resident Diane Sessing, 5699 Keats Avenue North, advised the City Council that she had complained to Council Members regarding the pumpkin sales at the Ziertman residence. She noted that she had indeed sold pumpkins at her residents as well, in the past, but ceased those sales to the public after 2003 when she was advised that such sales were not legal in the RR zone.

M/S/P Conlin/Johnson – to direct Staff to enforce the Code as indicated by the City Attorney. (Motion passed 4-0:1 DeLapp-Absent)

City Administrator Rafferty advised the Council that the processing time for any citation the City may issue will likely carry forward to beyond Halloween, after which pumpkin sales will likely cease anyway.

M/S/F Johnston/Smith – to suspend consideration of issuing as violations a citation until after Council further discusses the issue of seasonal sales of agricultural produce, including amending the zoning ordinance to allow such sales in the RR district. (Motion Failed 2-3: ROLL CALL: Johnston-yes, Smith-yes, DeLapp-no, Johnson-no, Conlin-no)

Mayor Johnston indicated that he thought the issues remain unresolved as to the legality of the pumpkin sales based on Council Member Smith's research and report. As such, he opposed the motion.

Council Member Conlin questioned the rationale of suspending consideration with a clear Code violation apparent, and asked the City Attorney if he thought there was any risk to the City by postponing action.

Mayor Johnston indicated that he sensed an interest by the Council in amending the Code to allow these seasonal sales in the RR district.

M/S/P Johnston/Smith – to amend the motion to include directing the Staff to enforce the Code as indicated by the City Attorney, and to direct Staff to draft a proposal which will allow seasonal sales in rural residential zoning district. This would include analysis of variables, such as definition of AG, rural farm, urban farm, seasonal sales and signs. (Motion 4-1: Smith - believes that the current Code boos allows rural residential farm pumpkin sales)

10. **CITY ATTORNEY'S REPORT:** None

11. **CITY ADMINISTRATOR'S REPORT:**

A. St. Croix Family Community Center:

The City Administrator reported that the site selection has not been made yet. Mayor Johnston informed the Council that two of the cities being considered requested the delay until October 23, 2006.

Council Member DeLapp questioned why the City would want to give 20 acres to the Community Center. Mayor Johnston stated that the City would retain ownership of the property, but it is a Council decision - one to be made by the Council if Lake Elmo is chosen as the primary location for the Community Center.

B. Park & Ride:

The City Administrator informed Council that Arlene McCarthy and her staff would like to give a presentation about the proposed Park & Ride in Lake Elmo to the City Council at the October 17, 2006, meeting.

Council Member Smith informed Council that she had toured other Park & Rides in the Metro area.

Council asked what other Park & Rides are planned nearby; are these seven acres proposed for the Lake Elmo Park & Ride at the best and highest allowable usage for the City; and why the rush for this decision?

Council Members Johnson and DeLapp indicated that they will not be at the next Council meeting.

12. **CITY COUNCIL REPORT:**

A. Mayor Johnston requested that the Council complete the City Administrator's Performance Review at the Council Workshop on October 10, 2006. Council agreed that the meeting would be held one hour prior to the Workshop, in a Closed Session at the Administrator's request.

B. Council Member Conlin: None

C. Council Member DeLapp informed Council that he had been invited to attend the Women's Club as a Council Member of Lake Elmo.

D. Council Member Johnson: None

E. Council Member Smith

F. Attorney Filla informed Council he would discuss Outdoor Social Events at the Council Workshop on Tuesday, October 10, 2006.

Council meeting adjourned at 10:38 p.m.

Resolution No. 2006-101: Approving Claims

Resolution No. 2006-102: Approved Partial Payment No. 3 to Park Construction Company for Tablyn Park/Lake Elmo Heights Water Main

Resolution No. 2006-103: Approved Partial Payment No. 7 to CB & I Constructors, Inc.

Resolution No. 2006-104: Approved Final Payment to G. M. Contracting, Inc. for Water System Interconnect – Phase II Project

Resolution No. 2006-106: Awarding Bid for the Northern Water Main Extension

Resolution No. 2006-107: Approved Plans and Specifications and Ordering Advertisement for Bids – SCADA

Ordinance No. 97-180: Amending the Lake Elmo Municipal Code Relating to Maintenance of Sewage Tanks

Ordinance No. 97-181: Section 1005.04 (l) (Parking Prohibited) to the Lake Elmo Municipal Code

Ordinance No. 97-182: Conditional Uses in the Agricultural Zone

Ordinance No. 97-183: Conditional Uses in the Rural Residential Zone

Ordinance No. 97-184: Relating to Open Space Preservation Relating to Densities

Ordinance No. 97-185: Adoption of a Development Moratorium in the Village Area

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
SEPTEMBER 19, 2006

1. AGENDA
2. MINUTES: September 5, 2006
3. PUBLIC INQUIRIES/PUBLIC INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
4. CONSENT AGENDA:
  - A. (1) Resolution No. 2006-096: Approving Claims  
(2) Resolution No. 2006-097: Approving Claim
  - B. Monthly Operating Report
  - C. Written Report: Building Official, Jim McNamara
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Fire Dept.: Chief Malmquist
    - (1) Place Mark Yost as a Probationary Member
    - (2) Fire Dept. #2: Day Room Improvement Clarification
8. CITY ENGINEER'S REPORT:
  - A. Resolution No. 2006-098: Accept Feasibility Report on 28<sup>th</sup> Street (not adopted)
  - B. Update on Krueger Property (verbal)
  - C. Ordinance No. 97-179: Relating to Towing of Illegally Parked Vehicle & Trailers
  - D. Resolution No. 2006-098: Approve Plans and Specs for Plumbing Work - Tablyn Park (Contract A) and Resolution No. 2006-099: (Contract B) – verbal
  - E. CBI Status & Update on Water Tower Guarantee Document Agreement (addition)
9. PLANNING, LAND USE, & ZONING:
  - A. Resolution No. 2006-093, Ordinance No. 97-178: Apostolic Bible Church Site – Comprehensive Plan Amendment and Rezoning
  - B. Meeting with Oak Park Heights City Council - Buberl/Nass/Bidon Annexation
  - C. Metro Transit Park and Ride Proposal (removed)
  - D. Access to Sunfish Lake Park from Jamaca Blvd.(addition)
10. CITY ATTORNEY'S REPORT:
  - A. North Water Main Extension Easements: Resolution No. 2006-100 (verbal)
  - B. Legal Intricacies of Bergman Variance (addition)
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL BUSINESS AND REPORTS:
  - A. Mayor Johnston
  - B. Council Member Conlin
  - C. Council Member DeLapp
  - D. Council Member Johnson
  - E. Council Member Smith

REMINDER:

September 20, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning  
October 2, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning

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

**Pledge of Allegiance:**

**1. AGENDA:**

Additions: 8E: CBI status and Update on water tower guarantee document agreement; 9C: Access to Sunfish Lake Park from Jamaca Blvd; 10B: Legal Intricacies of Bergman Variance; 11A: Explanation of METC Park & Ride attending the Council Workshop about Park and Ride.

Changes: Move 7A (1) and (2) to 3A (1) and (2): Fire Dept.

Deletions: 9C: Park & Ride

M/S/P Johnson/Smith – to approve the September 19, 2006, City Council Agenda as amended. (Motion passed 5-0)

**2. MINUTES:**

M/S/P Johnson/Conlin – to approve the September 5, 2006, City Council Minutes. (Motion passed 4-0-1: Johnson abstained-absent)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 9A: Resolution No. 2006-092: Zoning Variance – Richard and Eileen Bergman. (Motion passed 4-0-1: Johnston abstained-absent). Council Member Smith is concerned with the number and size of buildings on a 6.33 acre site and also has concerns with the question of hardship.

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes, Item 9D: Metropolitan Airport Commission-Lake Elmo Airport 2025 Plan (Motion passed 4-0-1: Johnson abstained-absent)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes, Item 4G: Pay Estimate for Water Tower: CB & I Constructors. (Motion passed 4-0-1: Johnson abstained-absent)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 9A: Resolution No. 2006-092: Zoning Variance – Richard and Eileen Bergman. (Motion passed 4-0-1: Johnson abstained-absent)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 7A (1): Parks Dept.: Carriage Station Basketball Court (Motion passed 4-0-1: Johnson abstained-absent)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 9E: Xcel Fly Ash Landfill Siting.  
(Motion passed 4-0-1: Johnson abstained-absent)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 3A (1): CIC Presentation on Senior Housing.  
(Motion passed 4-0-1: Johnson abstained-absent)

3. **PUBLIC INQUIRIES/PUBLIC INFORMATIONAL:**

A. Public Inquiries: None

B. Public Informational:

Mayor Johnston informed the residents about the upcoming Ice Cream Social to be held on Sunday, September 24, 2006, from 2 – 4 pm., at the restored District 12 school house. Donations are welcome.

4. **CONSENT AGENDA:**

A. (1) Resolution No. 2006-096: Approving Claims

M/S/P Johnson/DeLapp – to approve Resolution No. 2006-096, approving Claim Numbers 348, 349, DD885 through DD909, 29655 through 29677, were used for Staff Payroll dated September 14, 2006; 29654, 29678 through 29731, in the total amount of \$889,574.74 are hereby approved. (Motion passed 5-0)

Council Member Smith requested clarification of the payment to the Sessings. Attorney Filla explained that per court order, the City would pay \$3,000.00 immediately and reimbursement of the building permit plus interest. The remaining \$1,000.00 would be paid after the 3-sided building was down and the materials removed within seven days of the tear down.

(2) Resolution No. 2006-097: Approving Claim

M/S/P DeLapp/Conlin – to approve Resolution No. 2006-097, approving Claim Number 29732, in the total amount of \$270.00, is hereby approved.  
(Motion passed 4-0-1: Council Member Johnson Recused herself)

B. Monthly Operating Report:

M/S/P Johnson/DeLapp – to approve the August 2006 Monthly Operating Report as presented. (Motion approved 5-0)

C. Written July 2006 Construction Activity Report:

M/S/P Johnson/DeLapp – to accept the July Construction Activity Report as provided by the Building Official. (Motion passed 5-0)

5. **FINANCE:** None

6. **NEW BUSINESS:** None

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

**A. Fire Dept.: Chief Malmquist**

**(1) Place Mark Yost as a Probationary Member**

Fire Chief Malmquist requests Council approval to place Mark Yost as a Probationary Member of the Lake Elmo Volunteer Fire Dept.

M/S/P DeLapp/Johnston -- to place Mark Yost as a Probationary Member of the Lake Elmo Volunteer Fire Dept. (Motion passed 5-0)

**(2) Fire Dept. #2: Day Room Improvement Clarification**

Fire Chief Malmquist reported that the department received a bid of \$2,600.00 for construction materials. This bid does not include wiring, carpet or incidentals. The Fire Dept. will be accepting donations from various sources. The Chief requests approval of up to \$8,000.00 for the construction.

M/S/P Johnson/Conlin -- to authorize the construction of the dayroom at Fire Station #2, with costs not exceed an \$8,000.00 bid. (Motion passed 5-0)

**8. CITY ENGINEER'S REPORT:**

**A. Resolution No. 2006-098: Accept Feasibility Report on 28<sup>th</sup> Street**

The City Engineer distributed a Feasibility Report for the petitioned reconstruction of 28<sup>th</sup> Street as a paved road. Bids were received for a 22' and an 18' wide, 9 ton paved road, without a turnaround at either the east or west ends. Cost proposals were received from the on-site contractor for \$65,000 and \$40,000.

In-kind work and funding for this proposed project include three possible sources: 6" of road base material, already part of the City's existing water extension project, the benefiting properties, and the City. If the City were to make a contribution, changes to existing City policies, and the City's CIP would be necessary. If the benefiting properties each contributed the maximum appraised value of \$2,500, the City portion would be \$40,000. If the benefiting properties paid the entire cost, each would be assessed \$8,300. Alternately, the project could be completed in two phases, with a based installed this Fall and blacktop laid in the Spring. This would cost about \$32,000 up front, unless the City Council agreed to lower the road's design standard.

Resident Jim Palacek, 2798 Jamley Avenue North, stated that his property is at the southwest corner of Jamley and 28<sup>th</sup> Street. He stated that he does not use 28<sup>th</sup> Street and this property would not benefit from improved access off 28<sup>th</sup> Street. He also stated that the west stub of 28<sup>th</sup> Street has only been plowed by the City for the past three years.

Resident Jim Petersen, 2751 Jamley Avenue North, stated that he lives at the southeast corner of Jamley and 28<sup>th</sup> Street. He said that the western portion of 28<sup>th</sup> Street is not used by any residents for property access and this section should be eliminated from the Project to reduce cost. He also stated that his property access is off Jamley and will not benefit from the Project.



The City Engineer informed Mr. Palacek's and Mr. Petersen's property is not proposed to be assessed.

The Council was told that the petitioned Project is not on the C.I.P. and that if any City funds were used, other projects would be delayed. Other roads in a similar condition, although not currently undergoing excavation, filling and installation of a new base, include Janero and Kirkwood. The Council consensus was that the proposed 28<sup>th</sup> Street reconstruction should not take precedence, even though the long term cost might be lower. The Council consensus also was that the simpler construction of an 18' wide road with a 6" base would not be acceptable.

The Finance Director stated the City does have a backup of projects. Doing the 28<sup>th</sup> Street Project would involve dipping into the City's reserve.

M/S/P Conlin/Smith – to place the 28<sup>th</sup> Street Construction Project on the CIP and prioritized by Staff.  
(Motion passed 4-1: DeLapp-we have not addressed the petition to pave 28<sup>th</sup> Street)

Council Member Johnson said she supports the motion and stated that it is not a good financial process to take money out of reserves for this type of project as reserves should be utilized for real types of emergencies. At this time, we are not certain how our year-end picture is going to be for developments.

Mayor Johnston said he supports the motion, stating there is money in the water project and the road would be in a better condition, but the City does not have money in the CIP.

Council Member Conlin said she supports the motion, stating it would be unfair to other projects waiting.

#### B. Verbal Update on Krueger Property

City Engineer Prew updated the Council on the progress to Krueger's homestead at 4452 Lake Elmo Avenue. The southwest corner of the property has been staked and two loads of gravel had been delivered. The property had been seeded this summer, but will need to be redone on either side of the driveway where the ditch flows. It is preferred to have dormant seed down in the fall of 2006, and not extended to 2007. He will be checking it again this week.

Ms. Krueger thanked the City for the gravel and the restaking of the property. She also requested that the City delay any work on the ditch and reseeding until spring 2007, as she believes it is too late in the year. She expressed concern with the contractor completing the work as there have been problems with them in the past.

Council discussion determined that the work will be completed by the contractor, and that projects have been successful utilizing the dormant grass mats.

Council directed the City Engineer to meet with the Krueger's to clarify what the City will be completing this year.

C. Ordinance No. 97-179: Relating to Towing of Illegally Parked Vehicles & Trailers  
The City Engineer and City Attorney recommend adoption of Sections 100.06, Subd. 1 and Subd. 2 and Section 1000.01, and Section 100.06, Subd. 5, Section 1005.01, Subd. 3 and 1005.045 and its subdivision relating to the Towing of Illegally Parked Vehicles and Trailers, including repealing Section 1005.03, Subd. 1. City Attorney Filla stated it updates the definitions, and references the State Highway Code regarding the parking of trailers and vehicles.

Council requested clarification of where the trailers and cars would be parked, and the fine amount. Suggestions were a \$150.00 fine the first occurrence, then towing four hours later and a fine the second occurrence, safety issues, or tow all of the vehicles.

City Engineer Prew informed them the trailers would be kept one-half mile out, and towing would occur four hours later.

M/S/P Johnson/Johnston – to adopt Ordinance No. 97-179, amending Sections 100.06, Subd. 1 and Subd. 2 and Section 1000.01, and Section 100.06, Subd. 5, Section 1005.01, Subd. 3 and 1005.045 and its subdivision relating to Towing of Illegally Parked Vehicles & Trailers, and to include the attached maps. (Motion passed 5-0)

D. Resolution No. 2006-098: Approve Plans and Specs for Plumbing Work – Tablyn Park (Contract A); Resolution No. 2006-99 (Contract B)

City Engineer Prew presented plans and specifications to the Council for the two hundred homes in Tablyn Park. Two contracts are being requested as the work can be completed faster, and the bids competitive. The contracts include removal of the tank, installation of the water meter, disconnecting the well pipe, and adding the plumbing. All work will meet the City's code and inspected by the Building Inspectors.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-098 (Contract A) and Resolution No. 2006-99 (Contract B), approving Plans and Specifications and Ordering Advertisement for Bids Tablyn Park (Contract A). (Motion passed 5-0)

E. CB & I status & Update on Water Tower Guarantee Document Agreement (addition)

City Engineer Prew informed Council that CB & I is requesting authorization to paint the water tower on weekends. This would involve sandblasting and painting, which is temperature-oriented and weather controlled.

Change order pertaining to tower corrections being reviewed by City Engineer and City Attorney and will be brought back to the October 3, 2006, Council meeting.

M/S/P Conlin/Johnson – to direct the City Administrator to issue a Special Permit, reflecting City Code, to CB & I for weekend work for painting of the new water tower.

The Permit will allow painting and sandblasting on Saturday and Sunday, from 8:00 a.m. to 5:00 p.m., weather permitting. (Motion passed 5-0)

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

**A. Resolution No. 2006-093, Ordinance No. 97-178: Comprehensive Plan Amendment and Rezoning – Apostolic Church Site (10<sup>th</sup> Street)**

The City Planner reported that this City Council-initiated the proposal to reclassify the approximately 14 acre site from PF to RAD and rezone the site from PF to RR has been recommended for approval by the Planning Commission. The matter was on the Council's agenda September 5 and tabled to September 19 to be considered by a full five member Council.

M/S Conlin/DeLapp – to table further review three months from now with definite plans for a church on the site at the second meeting of December, 2006.

Council Member Conlin requested that the Findings be part of the approved motion.

M/S/P Johnson/Smith – to amend the motion to 12 months.  
(Motion 3-2: DeLapp and Conlin)

M/S/P Johnson/Smith – to table further discussion and have the Apostolic Church return within twelve months, updating the Council as to where they are with their plans for use of the site for a church. (Motion passed 3-2: Conlin and DeLapp)

Pastor Friend asked the City Council if it will be necessary for the church to have complete construction plans within twelve months.

City Attorney Filla advised Pastor Friend that his interpretation of the motion is that the church should have at least a schedule for the use of the site for new church purposes, but that construction plans were not necessarily required.

**B. Meeting with Oak Park Heights City Council – Buberl/Nass/Bidon Annexation**

The City Planner informed Council that a letter from the Oak Park Heights City Administrator had been received regarding an annexation request from three residents owning land in Lake Elmo. The Oak Park Heights City Council has requested a joint work session with the Lake Elmo City Council to discuss the property owner's request. The City Planner reported that at this time, Lake Elmo has not received any letters from the owner's requesting the detachment/annexation. He noted that, as of August 1, 2006, both cities must now approve a concurrent detachment/annexation, rather than just the annexing city as had been the law previously. Lake Elmo needs to be directly involved.

City Administrator Rafferty said that he has talked with the Oak Park Heights City Administrator Johnson, informing him that he would bring the request for a joint meeting to the Lake Elmo Council's attention for any action.

The Council discussed the letter received from the property owners by Oak Park Heights and the Oak Park Heights invitation for a joint meeting regarding the detachment/annexation.

M/S/P Smith/DeLapp – to direct Staff to write a letter to the Oak Park Heights Council stating that the Lake Elmo City Council is not interested in a meeting with the Oak Park Heights City Council on the detachment/annexation matter and that the Lake Elmo Council desires to keep Lake Elmo intact with no land detachments to adjoining communities.

(Motion passed 4-1: Conlin – agreed with City Administrator’s comments that it would be a neighborly gesture for the Lake Elmo City Council to agree to a meeting with Oak Park Heights City Council)

Mayor Johnston commented that someone could meet with Oak Park Heights on this detachment/annexation matter, just not a full City Council.

Council Member DeLapp commented he would not consider such a meeting.

Council Member Johnson commented that the City’s response to Oak Park Heights should be courteous and respectful.

C. Metro Transit Park & Ride Proposal (deleted)

The City Planner reported that he had been notified by Metro Transit that they were not ready to present the Park & Ride Proposal to the City Council, but will at a later date.

C. Access to Sunfish Lake Park from Jamaca Blvd.

Council Member DeLapp informed Council that a road in back of the Maintenance Building has a fence that was built to allow access from Jamaca without access to the Lake Jane Landfill polluted area, but there is also a sign stating that there is no access from Jamaca Blvd. to the park. He is requesting Staff to replace the sign with a new sign inviting access to the park from Jamaca.

The City Planner informed Council that Staff will take care of changing the sign, without any formal Council direction to do so.

**10. CITY ATTORNEY’S REPORT:**

A. Bergmann Easement

City Attorney Filla informed Council that no communication has been received back from the Bergmann’s regarding the City’s offer. It’s been 11 days since the last response, and he is recommending the City start condemnation proceedings on the easement. It is critical the City acquire this property to complete the City’s 2006 Water System Interconnect Project, which benefits the residents of Lake Elmo.

M/S/P Conlin/Johnson – to approve Resolution No. 2006-100, a Resolution Authorizing Condemnation of the Bergmann property. (Motion passed 5-0)

B. Legal Intricacies of Bergmann Variance (removed)

11. **CITY ADMINISTRATOR'S REPORT:**

A. Explanation of METC Park & Ride attending the Council Workshop about Park and Ride

Council Member DeLapp requested an explanation as to why the MET Park and Ride gave a presentation at the Council Workshop on September 13, 2006. He questioned why he was not informed they would be at the meeting.

City Administrator Rafferty informed Council that he had been given parameters to discuss further exploration with the MET on the Park and Ride issue. Ms. Arlene McCarthy and her staff met with him, the City Planner and Finance Director, and it was determined they should make a presentation at the Council Workshop.

Council Member Smith requested that if a guest from the METC is attending to please add their names to the Agenda.

12. **CITY COUNCIL BUSINESS AND REPORTS:**

Mayor Johnston: None

Council Member Conlin: None

Council Member DeLapp: None

Council Member Johnson expressed thanks to the Staff in Public Works, and said it was a marvelous Open House on Saturday.

Council Member Smith agreed with Council Member Johnson.

REMINDER:

September 20, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning  
October 2, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning

Meeting adjourned at 10:20 p.m.

Resolution No. 2006-096: Approving Claims

Resolution No. 2006-097: Approved Claim

Resolution No. 2006-098: Approved Plans and Specs for Plumbing Work – Tablyn Park (Contract A)

Resolution No. 2006-099: Approved Plans and Specs for Plumbing Work – Tablyn Park (Contract B)

Resolution No. 2006-100: Authorized Condemnation of Bergman Property

Ordinance No. 97-179: Relating to Towing of Illegally Parked Vehicles and Trailers

4A.

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

**RESOLUTION NO. 2006-108  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 353, 354, DD924 through DD947, 29798 through 29819, were used for Staff Payroll dated October 12<sup>th</sup>, 2006; 355, 29820 through 29882, in the total amount of \$233,886.90 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 17<sup>th</sup> day of October, 2006.

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Dean A. Johnston  
Mayor

ATTEST:

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Charles Dillerud  
Acting City Administrator

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 10/12/2006 - 3:11 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ABDO 224740	Abdo Eick & Meyers Mid-year Audit Services Check Total:	2,548.48 2,548.48	10/17/2006	101-410-1530-43010	ACH Enabled: No
Vendor:ACEHARD 31438	Ace Hardware Floor Wax, Cleaners - Public Works Check Total:	19.68 19.68	10/17/2006	101-430-3100-42150	ACH Enabled: No
Vendor:ACS 656 670 692	Animal Control Services Animal Control - 8/23-9/10 Animal Control - 9/11-9/24 Animal Control - 9/25-10/08 Check Total:	352.50 285.00 463.96 1,101.46	10/17/2006 10/17/2006 10/17/2006	101-420-2700-43150 101-420-2700-43150 101-420-2700-43150	ACH Enabled: No
Vendor:AIRGAS 105927123	Airgas North Central Welding Tanks Maint. Check Total:	12.99 12.99	10/17/2006	101-430-3100-44040	ACH Enabled: No
Vendor:ARAM 629-6083619	Aramark Mats, Linen - City Hall Check Total:	69.94 69.94	10/17/2006	101-410-1940-44010	ACH Enabled: No
Vendor:ASPENMI 69661 69662 69662	Aspen Mills, Inc. Pants, Shirts, Patches - Fire Dept Pants, Shirts, Patches - Fire Dept Boots - Fire Dept Check Total:	87.52 63.52 101.95 252.99	10/17/2006 10/17/2006 10/17/2006	101-420-2220-44170 101-420-2220-44170 101-420-2220-45800	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ASPLUND TVI Claim	Bradley Asplund Mileage - to/bak Classes - Fire Dept	121.93	10/17/2006	Check Sequence: 7 101-420-2220-43310	ACH Enabled: No
	Check Total:	121.93			
Vendor:ATOMIC 5345 5405 5477	Atomic-Colo, LLC Power Supply for PC Monthly Programming Support Microsoft XP License	85.18 958.50 211.94	10/17/2006 10/17/2006 10/17/2006	Check Sequence: 8 101-410-1520-43185 101-410-1520-43180 101-410-1520-43190	ACH Enabled: No
	Check Total:	1,255.62			
Vendor:BIFFS W305145-150	Biffs Inc. Rentals - Portables - Parks	618.08	10/17/2006	Check Sequence: 9 101-450-5200-44120	ACH Enabled: No
	Check Total:	618.08			
Vendor:BRYAN 23457	Bryan Rock Products, Inc. Rocks - Kriegers' Driveway Repair	62.92	10/17/2006	Check Sequence: 10 601-494-9400-46400	ACH Enabled: No
	Check Total:	62.92			
Vendor:CARDBLDR Permit 4735	Cardinal Home Builders, Inc. Refund Rd Dep. for 1521 15th St Cr-4735	1,000.00	10/17/2006	Check Sequence: 11 803-000-0000-22900	ACH Enabled: No
	Check Total:	1,000.00			
Vendor:COMMHWY Lake Elmo	Commissioner of Highways Signs	762.16	10/17/2006	Check Sequence: 12 101-430-3100-42260	ACH Enabled: No
	Check Total:	762.16			
Vendor:COPYMAG 76773	Copy Images, Inc. Monthly Copier Maint.	264.00	10/17/2006	Check Sequence: 13 101-410-1940-44040	ACH Enabled: No
	Check Total:	264.00			
Vendor:CPTTELECO 651-207-1000 651-207-1701	CP Telecom Telephone Service - City Hall Telephone Service - Public Works	514.47 492.39	10/17/2006 10/17/2006	Check Sequence: 14 101-410-1940-43210 101-430-3100-43210	ACH Enabled: No
	Check Total:	1,006.86			
Vendor:Davies S01021855.003 S01021880.002 S01049291.001	Northern Water Works Supply Water Meters & Supplies Water Meters & Supplies Water Meters & Supplies	9,984.38 7,574.78 10,437.00	10/17/2006 10/17/2006 10/17/2006	Check Sequence: 15 601-494-9400-42300 601-494-9400-42300 601-494-9400-42300	ACH Enabled: No



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
S01049622.001	Water Meters & Supplies	451.65	10/17/2006	601-494-9400-42300	
S01052127.001	Water Meters & Supplies	1,041.27	10/17/2006	601-494-9400-42300	
	Check Total:	29,489.08			
Vendor:DTI	DTI			Check Sequence: 16	ACH Enabled: No
105930	Telephone Service - Fire Dept	121.72	10/17/2006	101-420-2220-43210	
105930	Telephone Service - Public Works	70.62	10/17/2006	101-420-2220-43210	
105930	Telephone Service - Well 1	35.28	10/17/2006	601-494-9400-43210	
105930	Telephone Service - Lift Stations	105.84	10/17/2006	602-495-9450-43210	
	Check Total:	333.46			
Vendor:EMERGAPP	Emergency Apparatus Maint			Check Sequence: 17	ACH Enabled: No
27704	Repairs - 3175 - Fire Dept	992.56	10/17/2006	101-420-2220-44040	
	Check Total:	992.56			
Vendor:FARMERS	River County Cooperative			Check Sequence: 18	ACH Enabled: No
141372	Fuel - Bldg Dept	73.32	10/17/2006	101-420-2400-42120	
	Check Total:	73.32			
Vendor:FOSTERK	Kevin Foster			Check Sequence: 19	ACH Enabled: No
Permit 5389	Refund - overcharge on Permit 5389	20.65	10/17/2006	101-420-2400-44300	
	Check Total:	20.65			
Vendor:FOUR	Four Seasons Service			Check Sequence: 20	ACH Enabled: No
23-043413	Supplies - City Hall	59.12	10/17/2006	101-410-1940-44300	
	Check Total:	59.12			
Vendor:FRANPROD	Franklin Products			Check Sequence: 21	ACH Enabled: No
90403	Pencils - Fire Prevention	286.89	10/17/2006	101-420-2220-42090	
	Check Total:	286.89			
Vendor:HAGBERGS	Hagbergs Country Market			Check Sequence: 22	ACH Enabled: No
Account 10	Supplies - Elections	84.61	10/17/2006	101-410-1410-44300	
Account 10	Supplies - Public Works	2.98	10/17/2006	101-430-3100-44300	
	Check Total:	87.59			
Vendor:INTERSTA	Interstate All Battery Chr			Check Sequence: 23	ACH Enabled: No
MD00007	Batteries - Fire Dept	39.46	10/17/2006	101-420-2220-42210	
MD00023	Batteries - Fire Dept	20.06	10/17/2006	101-420-2220-42210	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	59.52			
Vendor: LAMPERT	Lamperts				
11092206	Lumber - Fire Station 2 Addition	2,036.51	10/17/2006	101-420-2220-44010	ACH Enabled: No
11092207	Lumber - Fire Station 2 Addition	319.50	10/17/2006	101-420-2220-44010	
11092208	Lumber - Fire Station 2 Addition	570.48	10/17/2006	101-420-2220-44010	
	Check Total:	2,926.49			
Vendor: LEOIL	Lake Elmo Oil, Inc.				
S01203	Fuel - Fire Dept	609.54	10/17/2006	101-420-2220-42120	ACH Enabled: No
S01208	Fuel - Bldg Dept	147.00	10/17/2006	101-420-2400-42120	
S01208	Fuel - Public Works	904.54	10/17/2006	101-430-3100-42120	
S01208	Fuel - Parks	416.28	10/17/2006	101-450-5200-42120	
	Check Total:	2,077.36			
Vendor: LINNER	Linner Electric Company, Inc.				
18399	Generator/Pump - Public Works	6,275.00	10/17/2006	410-480-8000-45800	ACH Enabled: No
	Check Total:	6,275.00			
Vendor: MARONEYS	Maroney's Sanitation, Inc				
164162	Refuse - City Hall	95.89	10/17/2006	101-410-1940-43840	ACH Enabled: No
164162	Refuse - Public Works	105.21	10/17/2006	101-430-3100-43840	
164162	Refuse - Parks	183.96	10/17/2006	101-450-5200-43840	
	Check Total:	385.06			
Vendor: MARTIND	Dan Martin				
Rcpt 4231	Refund - Cx/d Variance Request	725.00	10/17/2006	101-000-0000-34103	ACH Enabled: No
	Check Total:	725.00			
Vendor: MCLEOD	McLeod USA				
7854986	Telephone Service - Well 2	43.15	10/17/2006	601-494-9400-43210	ACH Enabled: No
	Check Total:	43.15			
Vendor: MCNAM	JamesMcNamara				
TVI Claim	Lodging - ICC Annual Conf	580.52	10/17/2006	101-420-2400-43310	ACH Enabled: No
	Check Total:	580.52			
Vendor: MENARDST	Menards - Stillwater				
89041	Fire Nozzles - Fire Dept	14.89	10/17/2006	101-420-2220-42230	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	14.89			
Vendor:METTCOU 000083341	Metropolitan Council Wastewater Charge Check Total:	942.77 942.77	10/17/2006	Check Sequence: 32 602-495-9450-43820	ACH Enabled: No
Vendor:MNHWYSAF MHSC/Range	MN Highway Safety Cr Advanced Driving Skills - Fire Dept Check Total:	648.00 648.00	10/17/2006	Check Sequence: 33 101-420-2220-44370	ACH Enabled: No
Vendor:MNRRURAL Lake Elmo	MN Rural Water Association Annual Membership Check Total:	195.00 195.00	10/17/2006	Check Sequence: 34 601-494-9400-44370	ACH Enabled: No
Vendor:OFFICEMX 441145 441145	OfficeMax Paper Markers Check Total:	234.20 52.82 287.02	10/17/2006 10/17/2006	Check Sequence: 35 101-410-1320-42000 101-410-1410-42000	ACH Enabled: No
Vendor:ONECALL 6090526	Gopher State One-Call/One Call Concepts, Inc Line Locates - Sept 2006 Check Total:	224.95 224.95	10/17/2006	Check Sequence: 36 101-430-3100-44300	ACH Enabled: No
Vendor:PETERSO 11135M 11140M 11145M 11145M 11145M 11150M 11155M 11161M	Peterson Frann & Bergman Legal Services - Admin Criminal Pros Legal Services - Water Sys Legal Services - Capital Improv Legal Services - LE Hgts/Tab Pk Wtrmn Legal Services - Developer Civil Litigation Auto Forfeiture Check Total:	4,274.64 4,048.08 1,228.46 638.50 3,678.97 297.00 156.11 230.00 14,551.76	10/17/2006 10/17/2006 10/17/2006 10/17/2006 10/17/2006 10/17/2006 10/17/2006 10/17/2006	Check Sequence: 37 101-410-1610-43040 101-410-1610-43045 601-494-9400-44300 410-480-8000-43040 202-494-9400-43040 803-490-9070-43040 101-410-1610-43040 101-410-1610-43045	ACH Enabled: No
Vendor:PRAXAIR 24224656	PRAXAIR DISTRIBUTION INC. CO2 - Public Works Check Total:	71.90 71.90	10/17/2006	Check Sequence: 38 101-430-3100-42150	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:PRESS 10/03/06	StevenPress Cablecast - City Council Check Total:	55.60 55.60	10/17/2006	Check Sequence: 39 101-410-1320-43620	ACH Enabled: No
Vendor:REED 3392500 3402037	Reed Business Information Bid Publications Bid Publications Check Total:	305.28 305.28 610.56	10/17/2006 10/17/2006	Check Sequence: 40 101-410-1320-43510 101-410-1320-43510	ACH Enabled: No
Vendor:Reserve 20313037	Piney BowesReserve Account Metered Postage Check Total:	1,000.00 1,000.00	10/17/2006	Check Sequence: 41 101-410-1320-43220	ACH Enabled: No
Vendor:Rivertrwn 50035963	RiverTown Newspaper Group Legal Publications Check Total:	439.41 439.41	10/17/2006	Check Sequence: 42 101-410-1320-43510	ACH Enabled: No
Vendor:RJRYAN LOC for C&C NA	R. J. Ryan Construction, Inc. Rehm LOC for C&C N.A. - 3835B Check Total:	35,000.00 35,000.00	10/17/2006	Check Sequence: 43 803-000-0000-22900	ACH Enabled: No
Vendor:ROGERS 14095	Rogers Printing Services October 2006 Newsletter Check Total:	1,555.97 1,555.97	10/17/2006	Check Sequence: 44 101-410-1320-43090	ACH Enabled: No
Vendor:RUD 10/2-10/11 10/2-10/11	DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total:	240.00 240.00 480.00	10/17/2006 10/17/2006	Check Sequence: 45 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:RYDER 183281	Ryder Transportation Services Vehicle Rental - Public Works Check Total:	221.61 221.61	10/17/2006	Check Sequence: 46 101-430-3100-43150	ACH Enabled: No
Vendor:SAMSCLUB 005498	Sam's Club Supplies - New PW Bldg Opening Check Total:	234.28 234.28	10/17/2006	Check Sequence: 47 101-430-3100-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: SUNRAY	Sun Ray Plumbing & Heating				
19941	Cimarron Gas Lines	12,420.00	10/17/2006	Check Sequence: 48 101-430-3300-43150	ACH Enabled: No
19942	Cimarron Gas Lines	1,079.40	10/17/2006	101-430-3300-43150	
19978	Cimarron Gas Lines	20,700.00	10/17/2006	101-430-3300-43150	
19979	Cimarron Gas Lines	539.70	10/17/2006	101-430-3300-43150	
	Check Total:	34,739.10			
Vendor: TRISTATE	Tri State Bobcat, Inc.				
A44775	Filters - Public Works	65.33	10/17/2006	Check Sequence: 49 101-430-3100-42210	ACH Enabled: No
T07246	Parts - Public Works	610.63	10/17/2006	101-430-3100-42210	
	Check Total:	675.96			
Vendor: TWINCIT	Twin City Water Clinic, Inc.				
3090	Bacteria Analysis - Sept 2006	20.00	10/17/2006	Check Sequence: 50 601-494-9400-43030	ACH Enabled: No
	Check Total:	20.00			
Vendor: VISALE32	VISA				
.8032	Supplies - Public Works	14.89	10/17/2006	Check Sequence: 51 101-430-3100-44300	ACH Enabled: No
.8032	Envelopes	12.77	10/17/2006	101-410-1320-42000	
	Check Total:	27.66			
Vendor: VISALE40	VISA				
.8040	Cake, Flowers - PW New Bldg Opening	197.37	10/17/2006	Check Sequence: 52 101-410-1320-44300	ACH Enabled: No
	Check Total:	197.37			
Vendor: VOLK	Volk Contracting				
06-265	Fire Hall Remodel	2,750.00	10/17/2006	Check Sequence: 53 101-420-2220-44010	ACH Enabled: No
	Check Total:	2,750.00			
Vendor: WAS-REC	Washington County Recorder				
1432	Recording Fee - Res 2006-084	46.00	10/17/2006	Check Sequence: 54 101-410-1320-43510	ACH Enabled: No
	Check Total:	46.00			
Vendor: WAS-TRAN	Washington County				
50822	Striping Roads	3,338.30	10/17/2006	Check Sequence: 55 409-480-8000-45300	ACH Enabled: No
	Check Total:	3,338.30			
Vendor: XCEL	Xcel Energy				
51-4504807-7	Traffic @ I94 & Inwood	30.60	10/17/2006	Check Sequence: 56 101-430-3160-43810	ACH Enabled: No

Invoice No      Description      Amount      Payment Date      Acct Number      Reference

51-4504807-7	Softball Field	25.18	10/17/2006	101-450-5200-43810	
51-4504807-7	Lift Station @ 8860 Hudson Blvd	64.80	10/17/2006	602-495-9450-43810	
51-4576456-3	Fire Hall on Jamaica	217.83	10/17/2006	101-420-2220-43810	
51-4580376-5	City Hall	480.90	10/17/2006	101-410-1940-43810	
51-4733556-8	Tennis Courts	7.86	10/17/2006	101-450-5200-43810	
51-5044219-0	11194 Upper 33rd St	39.26	10/17/2006	101-450-5200-43810	
51-5275289-3	Pebble Park	10.19	10/17/2006	101-450-5200-43810	
51-5356323-8	Wells @ 3303 Langly/11975 55th St	1,758.56	10/17/2006	601-494-9400-43810	
51-5522332-2	Traffic @ 998 Inwood	39.68	10/17/2006	101-430-3160-43810	
51-5747685-4	3585 Laveme	88.72	10/17/2006	101-450-5200-43810	
51-6433976-2	Fire Hall 1	200.80	10/17/2006	101-420-2220-43810	
51-6625457-1	Fire Hall 2	12.68	10/17/2006	101-420-2220-43810	
51-6736544-2	City Lights	1,780.15	10/17/2006	101-430-3160-43810	
51-6928283-3	Traffic @ 998 Manning & Stillwater Blvd	30.12	10/17/2006	101-430-3160-43810	
51-7445021-4	3400 Ideal Ave	174.12	10/17/2006	101-430-3100-43810	
	Check Total:	4,961.45			

Vendor: YOCUM  
 798510      Yocum Oil Company, Inc.      3,985.65      10/17/2006      Check Sequence: 57      ACH Enabled: No  
 798513      Bulk Fuel - Public Works      932.23      10/17/2006      101-430-3100-42120  
             Bulk Fuel - Public Works      4,917.88      10/17/2006      101-430-3100-42120  
             Check Total:

Vendor: ZACK  
 22228      Zack's, Inc.      299.00      10/17/2006      Check Sequence: 58      ACH Enabled: No  
             Shop Supplies - Public Works      299.00      10/17/2006      101-430-3100-42150  
             Check Total:

Total for Check Run:      162,018.32  
 Total Number of Checks:      58

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 10/13/2006 - 10:24 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
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Vendor: MNL LABOR  
Q3 Surcharge

DEPT of LABOR & INDUSTRY  
Q3 Surcharge Report/Payment  
Check Total:

3,561.63  
10/17/2006

Check Sequence: 1  
101-420-2400-43060

ACH Enabled: No

Total for Check Run: 3,561.63  
Total Number of Checks: 1

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 10/13/2006 - 10:28 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: BRAUN 266563	Braun Intertec Corporation Concrete, Steel Testing - Public Works Check Total:	1,610.75 1,610.75	10/17/2006	Check Sequence: 1 410-480-8000-43030	ACH Enabled: No
Vendor: OAKDALE 1000046000	City of Oakdale Oakdale Water - South Pit Check Total:	2,061.14 2,061.14	10/17/2006	Check Sequence: 2 601-494-9400-43820	ACH Enabled: No
Vendor: SESSING Sessing	Rodney and Diane Sessing Court Settlement Check Total:	1,000.00 1,000.00	10/17/2006	Check Sequence: 3 101-410-1110-44300	ACH Enabled: No
Vendor: SMITHANN Tvl. Claim Tvl. Claim	Anne Smith Mileage Copies Check Total:	88.91 5.67 94.58	10/17/2006 10/17/2006	Check Sequence: 4 101-410-1110-43310 101-410-1110-44300	ACH Enabled: No
Vendor: XCELNSP Prof. 179479	Xcel Energy El. Service - Water Tower Check Total:	7,560.60 7,560.60	10/17/2006	Check Sequence: 5 601-494-9400-45200	ACH Enabled: No
Total for Check Run:		12,327.07			
Total Number of Checks:		5			



**CITY OF LAKE ELMO**  
**2006 BILLING SUMMARY**

<b>MONTH</b>	<b>11135 Administration</b>	<b>11140 Criminal Pros</b>	<b>11145 Public Imp. Proj</b>	<b>11150 Community Dev</b>	<b>11155 Civil Litigation</b>	<b>11161 Auto Forfeiture</b>	<b>TOTAL</b>
Jan	\$2,381.27	\$3,516.24		\$363.00	\$1,821.52	\$135.00	\$8,217.03
Feb	\$1,364.70	\$4,574.62	\$572.96	\$616.00	\$1,997.00	\$5.00	\$9,130.28
March	\$1,160.50	\$3,682.65	\$3,301.50	\$381.50	\$280.75	\$243.00	\$9,049.90
April	\$1,921.11	\$3,948.44	\$1,887.50	\$331.61	\$486.00	\$121.50	\$8,696.16
May	\$2,186.56	\$3,406.51	\$586.00	\$228.65	\$1,768.38	\$148.50	\$8,324.60
June	\$1,638.59	\$4,415.02	\$1,089.03	\$429.00	\$2,933.28	\$780.00	\$11,284.92
July	\$1,983.96	\$4,043.37	\$1,616.00	\$275.64	\$2,549.50	\$262.50	\$10,730.97
Aug	\$3,621.77	\$4,269.11	\$4,670.56	\$352.00	\$5,060.48	\$138.68	\$18,112.60
Sept	\$4,274.64	\$4,048.08	\$5,545.93	\$297.00	\$156.11	\$230.00	\$14,551.76
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
<b>Totals</b>	<b>\$20,533.10</b>	<b>\$35,904.04</b>	<b>\$19,269.48</b>	<b>\$3,274.40</b>	<b>\$17,053.02</b>	<b>\$2,064.18</b>	<b>\$98,098.22</b>

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

PETERSON  
FRAMBERGMAN  
PROFESSIONAL ASSOCIATION

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

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

ACCOUNT NO.

Page: 1  
09/30/2006  
11135M

	FEES	EXPENSES	ADVANCES	BALANCE
11135-030006 REVISION OF ZONING REGULATIONS	132.00	0.00	0.00	\$132.00
11135-060003 BERGMANN TEMPORARY WATERMAIN EASEMENTS	1,105.00	4.82	0.00	\$1,109.82
11135-060004 HAMLET ON SUNFISH LK WASTEWATER TREATMENT SYS AGMT	253.00	0.00	0.00	\$253.00
11135-060008 OTTESON PROPERTY - CONTROL BURN	187.00	0.00	0.00	\$187.00
11135-060009 CITY OF LAKE ELMO V. BARB WALSH	186.00	0.00	0.00	\$186.00
11135-060010 RE: BUILDING RELOCATION HARDY PROPERTY	165.00	0.00	0.00	\$165.00
11135-920001 Administration	2,238.50	3.32	0.00	\$2,241.82
	<u>4,266.50</u>	<u>8.14</u>	<u>0.00</u>	<u>\$4,274.64</u>

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CITY OF LAKE ELMO  
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ACCOUNT NO.

Page: 1  
09/30/2006  
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	3,731.25	21.83	0.00	\$3,753.08
11140-030010 Young, Allen Driving after revocation follow to close	0.00	0.00	0.00	\$0.00
11140-060151 Olson, Jordan Scott 2nd degree test refusal, 2nd degree DUI	5.00	0.00	0.00	\$5.00
11140-060155 Bentley, Clinton John 4th degree DUI, 4th degree .08	5.00	0.00	0.00	\$5.00
11140-060175 Skarda, Bryant L. BWI	0.00	0.00	0.00	\$0.00
11140-060177 Hanson, Michael Ross 2nd degree DUI, 2nd degree .08, no proof of insurance	60.00	0.00	0.00	\$60.00
11140-060179 Hall, Ronald F. no insurance	5.00	0.00	0.00	\$5.00
11140-060180 Wicker, Michael Joseph GM-No insurance, DAS	10.00	0.00	0.00	\$10.00

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CITY OF LAKE ELMO

Page: 2  
09/30/2006  
11140M

ACCOUNT NO.

	FEES	EXPENSES	ADVANCES	BALANCE
11140-060184 Wilson, Allen Dale assault	87.50	0.00	0.00	\$87.50
11140-060185 Pribyl, Anna Maria 4th degree DUI, 4th degree .08, over center line	10.00	0.00	0.00	\$10.00
11140-060190 Dreher, Robert S. GM-violate B card	10.00	0.00	0.00	\$10.00
11140-060191 Ramos, Ubaldo 2nd degree test refusal, 3rd degree DUI, stop sign violation	15.00	0.00	0.00	\$15.00
11140-060192 Rush, Nancy Louise DAS, no proof of insurance	5.00	0.00	0.00	\$5.00
11140-060193 Mosio, Thaddeus J. careless driving	5.00	0.00	0.00	\$5.00
11140-060195 Wittig, Abbigail 4th degree DUI, stop sign violation	5.00	0.00	0.00	\$5.00
11140-060196 Diamond, Donald issue dishonored check	5.00	0.00	0.00	\$5.00
11140-060208 Adamietz, Benjamin GM-false info to police, no proof of insurance	67.50	0.00	0.00	\$67.50
	<u>4,026.25</u>	<u>21.83</u>	<u>0.00</u>	<u>\$4,048.08</u>

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

Page: 1  
09/30/2006  
ACCOUNT NO. 11145M

	FEEES	EXPENSES	ADVANCES	BALANCE
11145-040003 WATER SYSTEMS CONNECTION	899.00	6.96	0.00	\$905.96
11145-050001 PUBLIC WORKS BUILDING	638.50	0.00	0.00	\$638.50
11145-050002 CENTRAL WATER TOWER	322.50	0.00	0.00	\$322.50
11145-060001 TABYLN PARK-LE HEIGHTS WATER CONNECTION	3,525.75	153.22	0.00	\$3,678.97
	<u>5,385.75</u>	<u>160.18</u>	<u>0.00</u>	<u>\$5,545.93</u>

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PETERSON  
FRAM & BERGMAN  
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Federal Tax ID #41-0991098

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

ACCOUNT NO.

Page: 1  
09/30/2006  
11150M

	FEES	EXPENSES	ADVANCES	BALANCE
11150-050007 LAKE ELMO DEVELOPMENT CORPORATION - OP (SANCTUARY)	33.00	0.00	0.00	\$33.00
11150-060003 HIDDEN MEADOWS - PRELIMINARY PLAT	22.00	0.00	0.00	\$22.00
11150-060010 BERGMANN LOT LINE ADJUSTMENT-VARIANCE	242.00	0.00	0.00	\$242.00
	<u>297.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$297.00</u>

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PETERSON  
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ATTORNEYS AT LAW

(651) 291-8955  
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CITY OF LAKE ELMO  
3800 LAVERNE AVENUE NORTH  
LAKE ELMO MN 55042

Page: 1  
09/30/2006  
ACCOUNT NO. 11155M

	FEEES	EXPENSES	ADVANCES	BALANCE
11155-040002 Lake Elmo v. Sessing	81.00	0.11	75.00	<u>\$156.11</u>

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PETERSON  
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PROPERTY SERVICES ASSOCIATION

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

Page: 1  
09/30/2006  
ACCOUNT NO. 11161M

	FEEES	EXPENSES	ADVANCES	BALANCE
11161-050006 Remmen, Howard Lester vehicle forfeiture	81.00	0.00	0.00	\$81.00
11161-060001 McAninich, Andrea vehicle forfeiture	40.50	0.00	0.00	\$40.50
11161-060004 Peper, Jamie Robert vehicle forfeiture	40.50	0.00	0.00	\$40.50
11161-060008 Hanson, Michael Ross vehicle forfeiture	68.00	0.00	0.00	\$68.00
	<u>230.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$230.00</u>

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Monthly Operating Report - Revenue

As of September 2006	Description	Budget	Amount	Variance
	Current Ad Valorem Taxes	2,149,940	1,064,923	-1,085,017
	Delinquent Ad Valorem Taxes		11,389	11,389
	Mobile Home Tax		2,751	2,751
	Fiscal Disparities	12,000	59,777	47,777
	Penalty & Interest on Taxes		159	159
	Forfeited Tax Sale Apportionment		14,057	14,057
	Liquor License	9,000	0	-9,000
	Waste hauler License	420	100	-320
	General Contractor License	175	1,660	1,485
	Heating Contractor License	1,000	1,500	500
	Blacktopping Contractor Licens	100	0	-100
	Building Permits	478,387	237,134	-241,253
	Surcharge	35,900	0	-35,900
	Heating Permits	23,500	48,420	24,920
	Plumbing Permits	23,500	19,273	-4,228
	Sewer Permits	18,000	1,875	-16,125
	Animal License	1,500	1,658	158
	Utility Permits	6,500	9,628	3,128
	Burning Permit	1,200	1,015	-185
	CDBG Old Village	60,200	10,108	-50,093
	Local Government Aid		0	0
	MSA - Maintenance		0	0
	State Fire Aid	54,000	55,405	1,405
	PERA Aid	2,749	1,375	-1,375
	Miscellaneous State Grants		4,355	4,355
	Gravel Tax	4,000	4,037	37
	Recycling Grant	15,270	15,570	300
	Cable Franchise Revenue	17,102	29,910	12,808
	Zoning & Subdivision Fees	20,000	8,457	-11,543
	Plan Check Fees	283,181	99,045	-184,136
	Sale of Copies, Books, Maps	1,500	409	-1,091
	Assessment Searches	500	240	-260
	Clean Up Days	5,700	4,035	-1,665
	Cable Operation Reimbursement	2,670	1,852	-818
	Fines	65,000	54,461	-10,539
	Miscellaneous Revenue	10,000	16,017	6,017
	Interest Earnings	50,000	11,231	-38,769
	Interfund Operating Transfers	213,610	0	-213,610
	<b>General Fund Total</b>	<b>3,566,604</b>	<b>1,791,823</b>	<b>-1,774,781</b>
	Water Sales	238,747	173,220	-65,527
	Tower Rent	26,500	25,808	-693
	<b>Total Water Enterprise</b>	<b>265,247</b>	<b>199,027</b>	<b>-66,220</b>
	<b>Total Sewer Enterprise Fund</b>	<b>39,877</b>	<b>0</b>	<b>-39,877</b>
	<b>Total Surface Enterprise Fund</b>	<b>78,000</b>	<b>20</b>	<b>-77,980</b>
	<b>Total Report</b>	<b>3,949,728</b>	<b>1,990,870</b>	<b>-1,958,858</b>

Monthly Operating Report

As of 10/17/2006 (Period 10)	Budget	Amount	Variance	Comments
<b>Mayor &amp; Council</b>				
Part-time Salaries	12,100	6,050	6,050	
FICA Contributions	750	375	375	
Medicare Contributions	175	88	87	
Travel Expense	4,000	461	3,539	
Miscellaneous	10,000	5,206	4,794	
Dues & Subscriptions	9,000	2,864	6,136	
Conferences & Training	4,000	778	3,222	
<b>Sub-Total</b>	<b>40,025</b>	<b>15,821</b>	<b>24,204</b>	
<b>Administration</b>				
Full-time Salaries	133,933	109,376	24,557	
PERA Contributions	8,036	5,077	2,959	
FICA Contributions	8,304	6,849	1,455	
Medicare Contributions	1,942	1,597	345	
Health/Dental Insurance	29,854	14,113	15,741	
Workers Compensation	2,424	2,319	105	
Office Supplies	9,000	5,163	3,837	
Printed Forms	900	614	286	
Newsletter/Website	15,000	4,831	10,169	
Postage	10,500	4,545	5,955	
Travel Expense	5,100	840	4,260	
Legal Publishing	6,500	6,438	62	
Insurance	41,357	39,210	2,147	
Cable Operation Expense	4,500	1,269	3,231	
Miscellaneous	15,000	8,700	6,300	
Dues & Subscriptions	3,000	2,092	908	
Books	1,000	213	787	
Conferences & Training	3,000	314	2,686	
Professional Development	2,000	18	1,982	
Transfer Out	160,439	0	160,439	
<b>Sub-Total</b>	<b>461,789</b>	<b>213,575</b>	<b>248,214</b>	
<b>Elections</b>				
Part-time Salaries	9,900	0	9,900	
FICA Contributions	614	0	614	
Medicare Contributions	144	0	144	
Office Supplies	400	53	347	
Printed Forms	500	0	500	
Travel Expense	125	0	125	
Miscellaneous	600	305	295	
Conferences & Training	50	0	50	
Other Equipment	1,000	340	660	
<b>Sub-Total</b>	<b>13,333</b>	<b>698</b>	<b>12,635</b>	

	Budget	Amount	Variance	Comments
<b>Finance</b>				
Full-time Salaries	66,829	43,929	22,900	
PERA Contributions	4,010	2,541	1,469	
FICA Contributions	4,143	2,727	1,416	
Medicare Contributions	969	638	331	
Health/Dental Insurance	11,079	8,629	2,450	
Workers Compensation	1,122	745	377	
Office Supplies	1,500	725	775	
Printed Forms	2,250	1,567	683	
Software Support	16,000	16,636	-636	
Hardware Support	2,000	334	1,666	
Software Programs	2,000	212	1,788	
Travel Expense	1,000	59	941	
Miscellaneous	2,000	949	1,051	
Dues & Subscriptions	150	275	-125	
Books	200	94	106	
Conferences & Training	800	40	760	
<b>Sub-Total</b>	<b>116,052</b>	<b>80,100</b>	<b>35,952</b>	
<b>Accounting Services</b>	<b>30,000</b>	<b>26,056</b>	<b>3,944</b>	
<b>Assessing Services</b>	<b>41,000</b>	<b>36,852</b>	<b>4,148</b>	
<b>City Attorney - Civil</b>	<b>60,600</b>	<b>43,908</b>	<b>16,692</b>	
<b>City Attorney - Criminal</b>	<b>49,500</b>	<b>45,442</b>	<b>4,058</b>	
<b>Planning &amp; Zoning</b>				
Full-time Salaries	116,259	70,521	45,738	
PERA Contributions	6,976	6,474	502	
FICA Contributions	7,208	4,396	2,812	
Medicare Contributions	1,686	1,028	658	
Health/Dental Insurance	21,911	14,045	7,866	
Workers Compensation	1,266	840	426	
Office Supplies	1,500	2,476	-976	Computer for new Asst Planner
Printed Forms	500	118	382	
Comm Facilities Planning-CDBG	0	0	0	
Old Village Design Study-CDBG	0	0	0	
Zoning Ordinance Dev - CDBG	5,000	0	5,000	
Cimarron Study - CDBG	60,200	276	59,924	
Comprehensive Planning	0	5,639	-5,639	Comp Plan Amendment - Expenditure funded by reserves.
Engineering Services	3,000	0	3,000	
Legal Services	0	3,408	-3,408	
Infiltration Project	0	0	0	
Old Village Tax Abatement	0	0	0	
Travel Expense	3,700	777	2,923	
Cable Operation Expense	1,450	778	672	
Miscellaneous	500	295	205	
Dues & Subscriptions	450	695	-245	
Books	650	181	469	
Conferences & Training	2,750	1,057	1,693	
<b>Sub-Total</b>	<b>235,006</b>	<b>113,005</b>	<b>122,001</b>	

Budget	Amount	Variance	Comments
Engineering Services	30,000	38,774	-8,774
Gov't Building			
Cleaning Supplies	1,000	294	706
Building Repair Supplies	1,000	196	804
Telephone	5,500	5,912	-412 Coding to be corrected-See Bldg, Parks & Public Works Phone Accounts
Insurance	0	0	0
Electric Utility	10,000	5,519	4,481
Refuse	2,500	1,064	1,436
Repairs/Maint Contractual Bldg	10,000	9,257	743
Repairs/Maint Contractual Eqpt	10,000	3,363	6,637
Miscellaneous	1,000	1,011	-11
<b>Sub-Total</b>	<b>41,000</b>	<b>26,616</b>	<b>14,384</b>
Law Enforcement Services	365,200	351,361	13,839
Fire			
Full-time Salaries	66,561	39,804	26,757
Part-time Salaries	139,713	114,536	25,177
PERA Contributions	3,994	6,847	-2,853
FICA Contributions	12,789	9,572	3,217
Medicare Contributions	2,991	2,239	752
Health/Dental Insurance	24,321	20,956	3,365
Workers Compensation	6,838	4,538	2,300
Office Supplies	1,000	1,541	-541
Printed Forms	500	32	468
EMS Supplies	1,600	660	940
Fire Prevention	4,000	1,477	2,523
Fuel	5,400	5,448	-48
Equipment Parts	500	465	35
Building Repair Supplies	400	321	79
Small Tools & Equipment	1,500	1,116	384
Physicals	5,100	3,780	1,320
Telephone	6,000	3,843	2,157
Radio	7,900	4,110	3,790
Internet	700	0	700
Travel Expense	3,500	4,135	-635
Vehicle Insurance	15,836	14,025	1,811
Electric Utility	12,200	5,758	6,442
Repairs/Maint Contractual Bldg	20,000	17,195	2,805
Repairs/Maint Contractual Eqpt	35,000	17,472	17,528
Rentals - Building	1,188	1,080	108
Uniforms	4,500	4,826	-326
Miscellaneous	4,000	2,239	1,761
Dues & Subscriptions	2,800	1,607	1,194
Books	250	126	124
Conferences & Training	15,000	9,497	5,503

Budget	Amount	Variance	Comments
Pension Contribution	0	0	
Fire State Aid	54,000	-1,405	
Vehicle	0	0	
Equipment	10,000	7,827	6374.00 for AED, 7172 for Hose Racks
Transfer Out	98,443	98,443	
<b>Sub-Total</b>	<b>568,524</b>	<b>372,478</b>	<b>196,046</b>
<b>Building Inspection</b>			
Full-time Salaries	129,938	28,478	
PERA Contributions	7,796	2,510	
FICA Contributions	8,056	1,751	
Medicare Contributions	1,884	409	
Health/Dental Insurance	28,030	13,026	
Workers Compensation	2,276	766	
Office Supplies	1,400	917	
Printed Forms	2,250	1,936	
Fuel	6,000	4,888	
Engineer Serv Utility Permits	6,500	6,500	
Plan Review Charges	10,000	10,000	
Surcharge Payments	35,900	18,440	
Inspector Contract Services	0	-225	Outside Inspector for New Public Works
Telephone	1,135	791	
Travel Expense	2,000	932	
Insurance	1,200	305	
Repairs/Maint Contractual Eqpt	700	689	11 Bldg Dept Truck Repairs ,Tires
Rentals - Building	4,500	3,195	1,305
Uniforms	700	522	
Miscellaneous	4,600	4,343	
Dues & Subscriptions	500	290	
Books	500	487	
Conferences & Training	3,000	1,460	
Equipment	2,300	11	2,289
Transfer Out	7,000	7,000	
<b>Sub-Total</b>	<b>268,165</b>	<b>159,034</b>	<b>109,131</b>
<b>Civil Defense</b>	<b>9,000</b>	<b>0</b>	<b>9,000</b>
<b>Animal Control</b>			
Printed Forms	250	250	
Contract Services	9,200	2,765	
Impounding	10,000	3,965	
Miscellaneous	200	200	
<b>Sub-Total</b>	<b>19,650</b>	<b>12,471</b>	<b>7,179</b>

	Budget	Amount	Variance	Comments
<b>Public Works</b>				
Full-time Salaries	120,077	77,680	42,397	
Part-time Salaries	5,160	0	5,160	
PERA Contributions	7,205	4,592	2,613	
FICA Contributions	7,445	4,819	2,626	
Medicare Contributions	1,741	1,127	614	
Health/Dental Insurance	31,931	17,579	14,352	
Workers Compensation	9,014	5,982	3,032	
Office Supplies	350	113	237	
Fuel, Oil and Fluids	19,550	17,800	1,750	
Shop Materials	3,000	2,160	840	
Equipment Parts	6,000	4,019	1,981	
Building Repair Supplies	2,000	1,175	825	
Street Maintenance Materials	14,000	6,367	7,633	
Landscaping Materials	2,500	437	2,063	
Sign Repair Materials	4,240	3,165	1,075	
Sand/Salt	30,000	13,062	16,938	
Small Tools & Minor Equipment	3,000	2,205	795	
Engineering Services	7,000	0	7,000	
Sealcoating & Crack Sealing	105,000	137,357	-32,357	Increased Cost of materials
Contract Services	61,750	43,393	18,357	Street Sweeping = 12,476.00, 57th Overlay = 13,458.00
Telephone	4,000	2,387	1,613	
Radio	600	0	600	
Travel Expense	1,250	343	907	
Insurance	14,000	12,030	1,970	
Electric Utility	13,500	6,019	7,481	
Refuse	2,400	1,150	1,250	
Repairs/Maint Contractual Bldg	5,000	0	5,000	
Repairs/Maint Imp Not Bldgs	7,000	3,510	3,490	
Repairs/Maint Contractual Eqpt	6,000	3,743	2,257	
Rentals - Buildings	500	0	500	
Uniforms	500	469	31	
Miscellaneous	6,000	2,495	3,505	
Dues & Subscriptions	500	250	250	
Conferences & Training	1,500	115	1,385	
Clean-up Days	12,000	6,788	5,212	
Buildings	0	0	0	
Vehicles	0	0	0	
Other Equipment	12,250	3,143	9,107	
Transfer Out	200,439	0	200,439	
<b>Sub-Total</b>	<b>728,402</b>	<b>385,477</b>	<b>342,925</b>	
<b>Street Lighting</b>	<b>23,000</b>	<b>18,513</b>	<b>4,487</b>	
<b>Sanitation</b>				
Recycling Supplies	6,000	2,588	3,412	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	0	7,100	
<b>Sub-Total</b>	<b>18,100</b>	<b>2,588</b>	<b>15,512</b>	



	Budget	Amount	Variance	Comments
<b>Water Enterprise Operating</b>				
Full-time Salaries	73,382	78,916	-5,534	
PERA Contributions	4,403	4,269	134	
FICA Contributions	4,550	4,907	-357	
Medicare Contributions	1,064	1,147	-83	
Health/Dental Insurance	11,974	12,935	-961	
Workers Compensation	5,442	3,611	1,831	
Office Supplies	505	0	505	
Printed Forms	2,562	114	2,448	
Chemicals	6,532	1,764	4,768	
Utility System Maintenance	7,640	240	7,400	
Water Meters & Supplies	100,100	44,857	55,243	
Small Tools & Minor Equipment	2,000	164	1,836	
Engineering Services	22,737	375,418	-352,681	Revenue Offset from 3M due
Software Support	13,976	1,000	12,976	
Telephone	4,515	787	3,728	
Postage	2,140	500	1,640	
Travel Expense	3,150	556	2,594	
Insurance	14,797	6,104	8,693	
Electric Utility	39,446	15,477	23,969	
Water Utility	53,045	51,515	1,530	
Repairs\Maint Imp Not Bldgs	10,210	2,938	7,273	
Miscellaneous	15,917	24,113	-8,196	Includes Legal Services
Conferences & Training	2,057	463	1,594	
Other Equipment	6,655	361	6,294	
<b>Sub-Total</b>	<b>408,799</b>	<b>632,156</b>	<b>-223,357</b>	
<b>Sewer Operating Enterprise</b>				
Full-time Salaries	12,586	9,480	3,106	
PERA Contributions	755	507	248	
FICA Contributions	780	590	190	
Medicare Contributions	182	138	44	
Health/Dental Insurance	2,151	1,395	756	
Workers Compensation	960	637	323	
Utility System Maint Supplies	650	0	650	
Small Tools & Minor Equipment	600	0	600	
Engineering Services	1,500	56	1,444	
Telephone	1,775	1,058	717	
Travel Expense	750	1,075	-325	
Electric Utility	2,300	571	1,729	
Sewer Utility - Met Council	11,400	38,542	-27,142	Offset by Revenue-SAC Charges Collected and paid to Met Council
Repairs\Maint Imp Not Bldgs	500	0	500	
Miscellaneous Expenses	1,000	0	1,000	
Conferences & Training	1,500	1,065	435	
<b>Sub-Total</b>	<b>39,389</b>	<b>55,114</b>	<b>-15,725</b>	



	Budget	Amount	Variance	Comments
<b>Surface Water Utility</b>				
Full-time Salaries	31,089	9,480	21,609	
PERA Contributions	1,865	505	1,360	
FICA Contributions	1,928	590	1,338	
Medicare Contributions	451	138	313	
Health/Dental Insurance	5,718	1,394	4,324	
Workers' Compensation	3,358	2,228	1,130	
Office Supplies	500	0	500	
Utility System Maint Supplies	2,500	0	2,500	
Small Tools & Minor Equipment	1,000	0	1,000	
Engineering Services	7,000	38,176	-31,176	GIS Mapping - Surface Water
Erosion Control	3,000	278	2,722	
Software Support	4,000	0	4,000	
Postage	1,100	0	1,100	
Contract Services	2,500	0	2,500	
Repairs/Maint Not Bldg	2,500	0	2,500	
Miscellaneous Expenses	500	0	500	
Conferences & Training	0	0	0	
Transfer Out	9,000	0	9,000	
<b>Sub-Total</b>	<b>78,009</b>	<b>52,790</b>	<b>25,219</b>	

Lake Elmo  
City Council  
10-17-2006

Agenda Section: Finance

No . 5A

**Agenda Item: 2007-2011 Capital Improvements Program (CIP)**

**Background Information for October 17, 2006:**

Attached, please find the City of Lake Elmo 2007-2011 Capital Improvements Program (CIP). The Parks Commission reviewed the Park Improvements portion and with some minor changes approved there part of the CIP. After a presentation from Staff, the Planning Commission conducted a Public Hearing on September 25, 2006 and approved the Capital Improvement Plan as outlined.

Please note that State Law views a CIP as a Comprehensive Plan Element which requires a Public Hearing and formal adoption by the City Council. The function of the Planning Commission in its review of the annual CIP is planning and not accounting or financial.

As noted in past CIP, the City continues to show some negative fund balances in the Fire & Infrastructure (primarily streets) portions of the CIP. The actual funding mechanism to address affected areas are yet to be decided but most likely will be through Bonding, Equipment Certificates or Lease options.

**Action Items:**

1. Motion to adopt Resolution 2006-109 approving the 2007-2011 Capital Improvement Plan.

**Person responsible:**

Tom Bouthilet

**Attachments:**

1. 2007-2011 Capital Improvement Plan.

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION 2006-109

A RESOLUTION ADOPTING THE 2007-2011 CAPITAL  
IMPROVEMENTS PROGRAM

WHEREAS, at its September 25, 2006 meeting, the Lake Elmo Planning Commission held a public hearing on the draft 2007-2011 Capital Improvements Program.

WHEREAS, the Planning Commission recommends adoption of the 2007-2011 Capital Improvements Program.

WHEREAS, the Lake Elmo City Council reviewed the draft 2007-2011 Capital Improvements Program recommended by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council approves the 2007-2011 Capital Improvement Program as the planning guide to capital expenditures.

ADOPTED, by the Lake Elmo City Council on the 17<sup>th</sup> of October, 2006.

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Dean Johnston, Mayor

ATTEST:

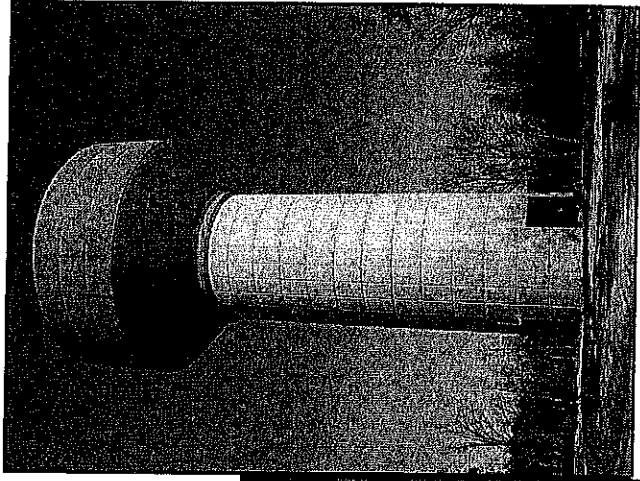
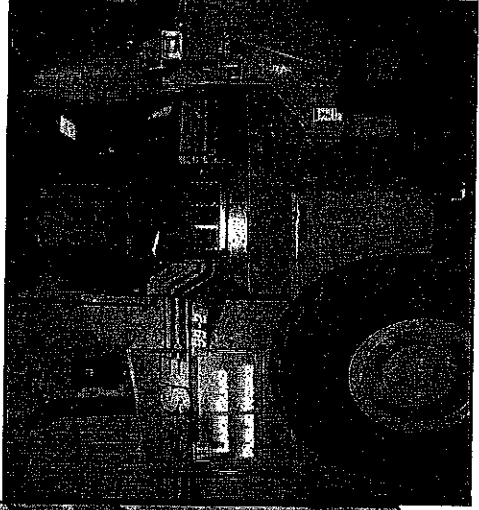
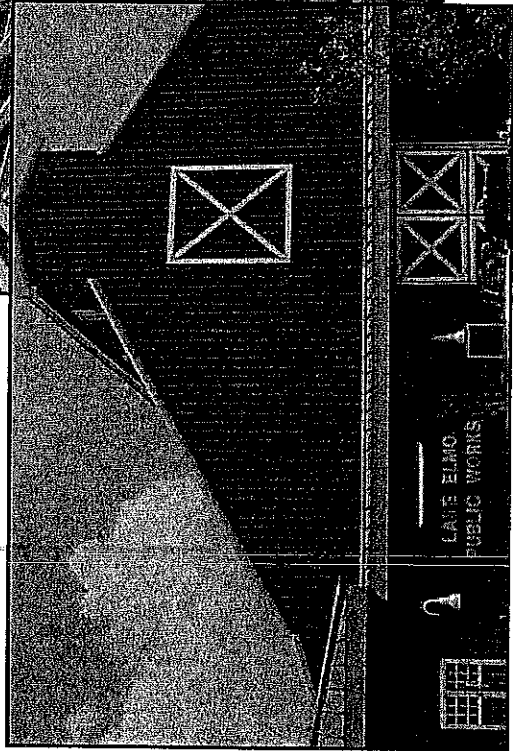
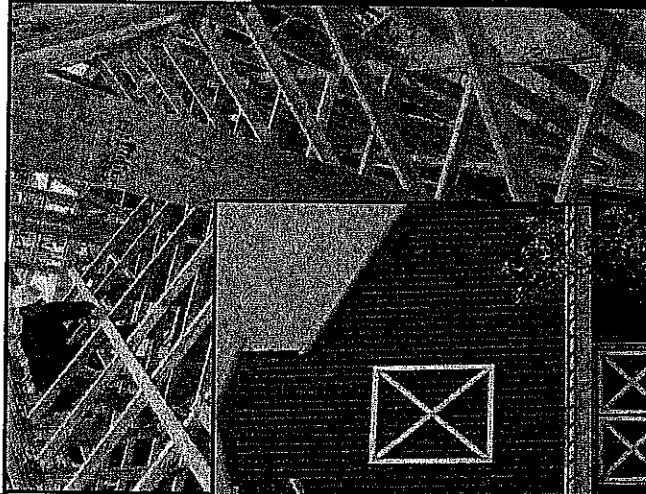
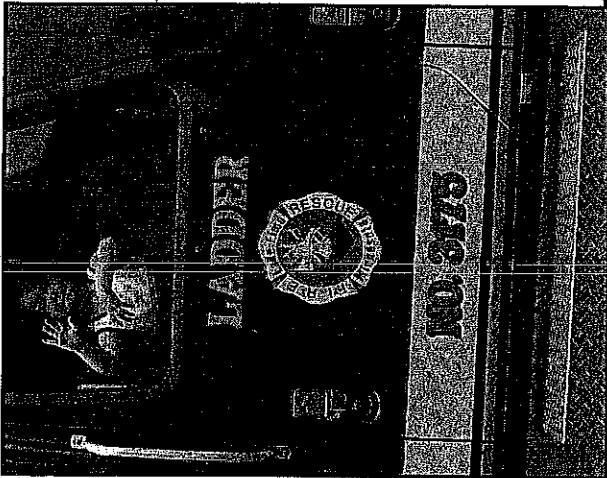
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Charles Dillerud, Acting City Administrator

City of Lake Elmo

# Capital Improvement Program

2007—2011



MEMO

(September 21, 2006 for the Meeting of September 25, 2006)

To: Lake Elmo Planning Commission

From:  Chuck Dillerud

Subject: 2007-2011 Capital Improvements Program (CIP)

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On September 25 the Commission is scheduled to conduct a Public Hearing and develop a recommendation the City Council regarding the 2007-2011 CIP. I have attached a copy of the CIP as proposed by Staff and the Park Commission (regarding the Park Improvements section only). City Administrator Rafferty and Finance Director Bouthilet will be available to present the CIP and respond to questions from the Commission.

As in prior years' CIP's negative fund balances result for some funds. In most cases the actual funding mechanism for those later years of the CIP are yet to be decided. In some cases bonding will be required. In other cases (primarily Capital Equipment) the City may lease. In some cases projects will simply continue to be moved out in timing until an appropriate funding mechanism is decided.

Since State Law views a CIP as a Comprehensive Plan element a Public Hearing and formal adoption by the City Council is required each year. We simply drop the current year (2006 in this case) and add a year to the end (2011 in this case). The function of the Planning Commission in its review of the annual CIP is purely planning in nature, not accounting or financial. The Commission's review should go to whether the planning CIP activities proposed accurately reflect the proper project locations and staging related to the Comprehensive Plan. As a radical "for instance", if the proposed CIP indicated a street reconstruction project one year and a sewer line installation in the same street a year or two later, it would be a Commission function to point out a timing/order of improvements issue with the CIP. Or, if the proposed CIP showed a sanitary sewer extension in 2008 to an area of the City not staged by the Comprehensive Plan for sewer service until 2010 (or, maybe, never), another timing (and/or Plan compliance) issue should be noted by the Commission.

Since in Lake Elmo the staff, Planning Commission and City Council are generally "on the same page" (not always the case in some other communities), major CIP issues have not surfaced at the Planning Commission level in the past – nor do I expect they will this year. While tempting, I strongly suggest the Commission not become immersed in CIP financial or equipment details. Those matters are truly City Council concerns, not Planning Commission.

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# CITY OF LAKE ELMO

## Capital Acquisition Summary Report

### CAPITAL EQUIPMENT (410)

Department	2007			2008			2009			2010			2011		
	Additions	Expense	Balance	Additions	Expense	Balance	Additions	Expense	Balance	Additions	Expense	Balance	Additions	Expense	Balance
Administration	172,872	229,872	29,249	175,008	158,258	45,999	177,067	158,317	64,749	179,048	158,298	85,499	178,952	158,298	106,153
Civil Defense	23,000	50,000	1,547	18,453	20,000	0	0	0	0	0	0	0	0	0	0
Building Dept	10,000	21,000	29,125	12,000	0	41,125	12,000	24,000	29,125	12,000	0	41,125	12,000	0	53,125
Fire-Equipment	194,396	128,396	16,574	93,972	196,972	-86,426	93,512	103,512	-96,426	94,016	204,016	-206,426	93,443	203,443	-316,426
Public Works - Equip.	210,872	152,872	264,990	221,008	431,008	54,990	226,067	164,067	116,990	226,048	316,048	26,990	225,952	200,952	51,990
Parks - Equipment	20,000	0	82,347	30,000	45,000	67,347	30,000	0	97,347	40,000	15,000	122,347	40,000	50,000	112,347
<b>Total</b>	<b>631,140</b>	<b>582,140</b>	<b>423,832</b>	<b>550,441</b>	<b>851,238</b>	<b>123,035</b>	<b>538,646</b>	<b>449,896</b>	<b>211,785</b>	<b>551,112</b>	<b>693,362</b>	<b>69,535</b>	<b>550,347</b>	<b>612,693</b>	<b>7,189</b>

### Parks Acquisition Summary Report (404)

Parks-Acquisitions (404)	70,000	251,500	167,338	70,000	106,000	131,338	70,000	81,000	120,338	70,000	56,000	134,338	70,000	66,000	138,338
Infrastructure Reserve	364,750	825,482	-883,449	350,024	585,058	-1,118,483	379,277	125,000	-864,206	385,527	125,000	-603,679	391,777	125,000	-336,902
MSA Street Construction	237,000	110,819	604,465	240,000	61,252	783,213	250,000	973,533	59,680	260,000	576,225	-256,545	270,000	433,302	-419,847
Water Enterprise Capital	1,351,500	1,571,384	625,821	822,500	1,408,000	40,321	422,500	354,764	108,057	422,500	354,764	175,793	422,500	3,258,071	-2,659,779
Sewer Enterprise Capital	1,969,109	2,081,853	90,012	450,000	384,067	155,945	180,000	233,196	102,750	180,000	232,298	50,452	180,000	1,132,298	-901,846
Surface Water Enterprise	81,000	230,000	-109,628	82,500	50,000	-77,128	84,300	0	7,172	86,100	50,000	43,272	87,900	50,000	81,172















Capital Improvement Plan 2007 - 2011

Park Acquisition

Account: 404	2007	2008	2009	2010	2011	Comments
<b>FUND BALANCE</b>	<b>348,838</b>	<b>167,338</b>	<b>131,338</b>	<b>120,338</b>	<b>134,338</b>	
Parks Dedication	70,000	70,000	70,000	70,000	70,000	
<b>Total Additions</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	

<b>DeMontreville Park</b>						
Pavillion			30,000			
Resurface Basketball Court					5,000	
Heights Park						
Ball Field		25,000				
Play Structure	25,000					
Lake Jane Hills Park						
Pet Park				5,000		
Lions Park						
Merry-Go-Round	3,500					
Pebble Park						
Tennis Court Resurface	20,000					
Reid Park						
Parking Lot	12,000					
Playground Equipment	2,000	30,000				\$2,000 - swings; \$30,000 - new play equipment
Sanctuary						
Master Plan	5,000					
Future Amenities	1,000	1,000	1,000	1,000	1,000	
Stonegate Park						
Parking Lot					10,000	Squaring off edges of existing parking lot.
<b>Sunfish Lake Park</b>						
Master Preservation Plan	5,000					
Tablyn Park						
Mill & Overlay Park Lot & Driveway	15,000					
VFW Park						
Ballfield Improvements	7,000					
Trail Improvements	150,000	50,000	50,000	50,000	50,000	
<b>Park Comp Plan Update</b>	<b>6,000</b>					
<b>Total Expenses</b>	<b>251,500</b>	<b>106,000</b>	<b>81,000</b>	<b>56,000</b>	<b>66,000</b>	
<b>FUND BALANCE</b>	<b>167,338</b>	<b>131,338</b>	<b>120,338</b>	<b>134,338</b>	<b>138,338</b>	







## Capital Improvement Plan 2007 - 2011

## Water Enterprise Account

Account: 610	2007	2008	2009	2010	2011	Comments
<b>FUND BALANCE</b>	845,705	625,821	40,321	108,057	175,793	
Revenue From WAC	525,000	396,000	396,000	396,000	396,000	
Revenue from Tower Rentals	26,500	26,500	26,500	26,500	26,500	
Revenue Source to be Determined	800,000	400,000				
<b>Total Additions</b>	1,351,500	822,500	422,500	422,500	422,500	
Bond Payments	72,494	72,860	71,124	71,124	74,431	
Bond Payments	360,275	226,525	175,025	175,025	175,025	
Repayment of Loan; to General Fund	58,615	58,615	58,615	58,615	58,615	
<b>Projects</b>						
Well 1A	175,000					
Well House 1A	705,000					Pump & Mechanical included
Abandon Well 3	50,000					
Trunk Oversizing	100,000					
Trunk Watermains Keats 59th - Tapestry		900,000				
Trunk Oversizing (Old Village)		100,000				
Booster Station					450,000	
Trunk Watermain 26th Street to Tower					950,000	
Elevated Storage Tank # 3					1,500,000	
Replace Water Mains	50,000	50,000	50,000	50,000	50,000	
<b>Total Expenses</b>	1,571,384	1,408,000	354,764	354,764	3,258,071	
<b>FUND BALANCE</b>	625,821	40,321	108,057	175,793	-2,659,779	





October 13, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Assessment Hearing - Continuation  
Water System Interconnect Phase IV  
City of Lake Elmo, Minnesota  
TKDA Project No. 13186.000

Dear Mayor and City Council;

At our last meeting the City Council two property owners in the Animal Inn area of the project had concerns about their assessment. We discussed the proposed assessments with them, and have determined the following.

***Dr. Ostrander***

His objections are more general in nature. He didn't believe he should be assessed because the area is AG zoning and is covered by a Conditional Use Permit. He didn't think he could sell the property for another use. He also had concern about the necessity of the project.

Our recommendation is to have the assessment approved as presented. The property with its present use receives the benefit of the assessment. The need for the project was determined by the City Council before the project was ordered. The project was not in response to contamination, but to address the need for a water tower.

***Donald and Joan Tauer***

We met with the Tauer's to review their property holdings in this area. There has been some consolidation and sales of property since we presented the original Feasibility Report. The Tauer's own 3 parcels. A review of each is listed below.

Parcel 1

This parcel includes the driveway easement a kennel building area and an older pet cemetery. We have adjusted the assessment to exclude the area which is covered by the driveway easement.

Assessment Hearing  
Water System Interconnect Phase IV  
City Lake Elmo, Minnesota  
October 13, 2006  
Page 2

The older cemetery is included. We can find no legal reason to exclude this area from the assessment. The Tauer's are no longer putting new graves in this area.

Parcel 2

This parcel was recently combined with another they own. Much of the area is wetland. We have adjusted the assessment to reflect these items.

Parcel 3

This parcel is the main pet cemetery area. There are some wetlands on it which were previously accounted for. The cemetery area covers about one-quarter of the site. Again, we can find no legal reason to exclude this area from the assessments. The owners accept only a small number of new graves each year.

***Pechan***

The Tauer's recently sold 0.65 acres to him. The Assessment role has been adjusted accordingly.

***City Council Action Requested***

Approve the enclosed assessment roll.

Sincerely;

Thomas D. Prew, P. E.  
City Engineer

TDP:cme  
Enclosure

GEOCODE	OWNER	ADDRESS	STREET	CITY	ZIP	LEGAL	Notes	ASSESSMENT	Gross Area	Net Area
1602921410015	GRABOWSKI, DENNIS J	9652	55TH ST N	LAKE ELMO	55042	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410016	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410017	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410018	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410021	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410022	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410023	8638 PRAIRIE RIDGE LLC			WOODBURY	55125	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410024	SETTEWIG HEANEY ENTERPRIS LLC	8931	HWY 5	LAKE ELMO	55042	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410025	FLF PROPERTIES INC	8921	HIGHWAY 5	LAKE ELMO	55042	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410026	FLF PROPERTIES INC	8921	HIGHWAY 5	LAKE ELMO	55042	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410028	8951 PRAIRIE RIDGE PARK LLC	8951	HIGHWAY 5	LAKE ELMO	55042	PRAIRIE RIDGE OFFICE PARK		\$ 4,043.00		
1602921410029	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	CIC 249 UNITS 3A,3B,4A,4B,7A,7B,8A,8B		\$ 2,021.00		
1602921410030	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	CIC 249 UNITS 3A,3B,4A,4B,7A,7B,8A,8B		\$ 2,021.00		
1602921410031	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	CIC 249 UNITS 3A,3B,4A,4B,7A,7B,8A,8B		\$ 2,021.00		
1602921410038	LAKE ELMO LAND DEV LLC	49	S OWASSO BLVD W	ST PAUL	55117	CIC 249 UNITS 3A,3B,4A,4B,7A,7B,8A,8B		\$ 2,021.00		
1602921440009	JGH LLC	8995	HIGHWAY 5	LAKE ELMO	55042	PRAIRIE RIDGE OFFICE PARK		\$ 2,021.00		
1602921440010	EDM PROPERTIES LLC	6739	UPPER 28TH ST N	OAKDALE	55128			\$ 2,021.00		
1602921440011	JEROME P & NAOMI M GROHOVSKY	1210	ORYAN TRL N	STILLWATER	55082			\$ 2,021.00		
1602921240002	3M COMPANY			ST PAUL	55133			\$ 124,020.00		
1602921420001	O STRANDER, DENNIS LEE	543	NORTH SHORE DR	FOREST LAKE	55025			\$ 4,914.00	2.60	2.10
1602921420002	PECHAN, WALTER M	10021	47TH ST	LAKE ELMO	55042			\$ 6,318.00	2.70	2.70
1602921420003	SLAT-O DOG SPORTS LLC	7837	MANNING AVE N	STILLWATER	55082			\$ 13,806.00	5.90	5.90
1602921420005	TAUER, DONALD J & JOANE	8633	N 34TH ST	LAKE ELMO	55042			\$ 4,468.40	3.20	1.91
1602921430006	TAUER, DONALD J & JOANE	8633	N 34TH ST	LAKE ELMO	55042			\$ 3,486.60	5.64	1.49
1602921430012	TAUER, DONALD J & JOANE	8633	N 34TH ST	LAKE ELMO	55042			\$ 8,962.20	4.43	3.83
								\$ 222,574.20		

Recent Addition  
Parcel 1  
Parcel 2  
Parcel 3

\* Postponed

8B.

# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

October 13, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Tablyn Park/Lake Elmo Heights Plumbing Connections  
Contract A and Contract B  
City of Lake Elmo, Minnesota  
TKDA Project No. 13524.000

Dear Mayor and City Council:

Bids for the above referenced projects were received on October 13, 2006, with the following results. A complete Tabulation of Bids is enclosed for your information.

### CONTRACT A

<u>Contractor</u>	<u>Base Bid</u>
Lakes Mechanical Services, Inc.	\$527,410.00
Engineer's Estimate	\$572,500.00

### CONTRACT B

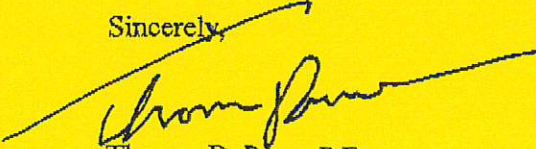
<u>Contractor</u>	<u>Base Bid</u>
Lakes Mechanical Services, Inc.	\$555,000.00
Engineer's Estimate	\$583,200.00

### ***Recommendation***

We recommend that you award both Contract A and Contract B to Lakes Mechanical Services, Inc., for their base bid of \$527,410.00 for Contract A and \$555,000.00 for Contract B.

Please do not hesitate to call me with any questions or comments you may have.

Sincerely,



Thomas D. Prew, P.E.  
Project Engineer

TDP:cme  
Enclosure

TABLYN PARK/LAKE ELMO HEIGHTS  
 PLUMBING CONNECTIONS  
 CONTRACT A  
 LAKE ELMO, MINNESOTA  
 PROJECT NO. 13524.000

BIDS OPENED: OCTOBER 13, 2006, AT 9:00 AM  
 \*DENOTES ERROR IN BIDDER'S CALCULATION

**TABULATION OF BIDS**



**ENGINEERS • ARCHITECTS • PLANNERS**

LAKES MECHANICAL  
 SERVICES, INC.

ENGINEER'S ESTIMATE  
 UNIT PRICE TOTAL AMOUNT

ITEM  
 NO.

DESCRIPTION

QUANTITY UNIT

UNIT PRICE

TOTAL AMOUNT

UNIT PRICE

TOTAL AMOUNT

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	ENGINEER'S ESTIMATE TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	OBTAIN PLUMBING PERMIT	102.0	EA	\$ 4,050.00	\$ 413,100.00	\$ 4,050.00	\$ 413,100.00
2	INSTALL WATER METER/PLUMBING WORK	102.0	EA	\$ 1,000.00	\$ 102,000.00	\$ 680.00	\$ 69,360.00
3	SALVAGE GRANULAR ACTIVATED CARBON (GAC) FILTER	7.0	EA	\$ 200.00	\$ 1,400.00	\$ 350.00	\$ 2,450.00
4	ADDITIONAL PLUMBING WORK	300.0	HR	\$ 100.00	\$ 30,000.00	\$ 75.00	\$ 22,500.00
5	ADDITIONAL CARPENTRY, SHEET ROCK, PAINTING CONNECT SERVICE LINE TO EXISTING WELL PIPING OUTSIDE OF THE HOUSE	200.0	HR	\$ 80.00	\$ 16,000.00	\$ 65.00	\$ 13,000.00
6	TOTAL	10.0	EA	\$ 1,000.00	\$ 10,000.00	\$ 700.00	\$ 7,000.00
					\$ 572,500.00		\$ 527,410.00



TABLYN PARKLAKE ELMO HEIGHTS  
 PLUMBING CONNECTIONS  
 CONTRACT B  
 LAKE ELMO, MINNESOTA  
 PROJECT NO. 13524.000

**TABULATION OF BIDS**

BIDS OPENED: OCTOBER 13, 2006, AT 10:00 AM  
 \*DENOTES ERROR IN BIDDER'S CALCULATION



LAKES MECHANICAL  
 SERVICES, INC.

ENGINEER'S ESTIMATE

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		LAKES MECHANICAL SERVICES, INC.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	OBTAIN PLUMBING PERMIT	96.0	EA	\$ 4,050.00	\$ 388,800.00	\$ 4,050.00	\$ 388,800.00
2	INSTALL WATER METER/PLUMBING WORK	96.0	EA	\$ 1,000.00	\$ 96,000.00	\$ 900.00	\$ 85,400.00
3	SALVAGE GRANULAR ACTIVATED CARBON (GAC) FILTER	12.0	EA	\$ 200.00	\$ 2,400.00	\$ 400.00	\$ 4,800.00
4	ADDITIONAL PLUMBING WORK	300.0	HR	\$ 100.00	\$ 30,000.00	\$ 80.00	\$ 24,000.00
5	ADDITIONAL CARPENTRY, SHEET ROCK, PAINTING	200.0	HR	\$ 80.00	\$ 16,000.00	\$ 70.00	\$ 14,000.00
6	INSTALL BOOSTER PUMP	20.0	EA	\$ 2,000.00	\$ 40,000.00	\$ 1,400.00	\$ 28,000.00
7	CONNECT SERVICE LINE TO EXISTING WELL PIPING OUTSIDE OF THE HOUSE	10.0	EA	\$ 1,000.00	\$ 10,000.00	\$ 900.00	\$ 9,000.00
	<b>TOTAL</b>				\$ 583,200.00		\$ 555,000.00

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-11 D

A RESOLUTION AWARDDING THE BID FOR CONTRACT A  
TABLYN PARK/LAKE ELMO HEIGHTS PLUMBING CONNECTIONS

WHEREAS, pursuant to an advertisement for bids for street patching, bids were received, opened, and tabulated according to law, and the following bid was received complying with the advertisement.

Contractor	Base Bid
Lakes Mechanical Services Inc.	\$527,410.00

AND WHEREAS, LAKES MECHANICAL SERVICES, INC. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

1. The mayor and clerk are hereby authorized and directed to enter into a contract with Lakes Mechanical Services, Inc. in the name of the City of Lake Elmo for street patching, according to the plans and specifications therefore approved by the City Council and on file in the office of the city clerk.
2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposit made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall retained until a contract has been signed.

ADOPTED, by the Lake Elmo City Council this 17th day of October, 2006.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Dillerud, Acting City Administrator

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-111

A RESOLUTION AWARDED THE BID FOR CONTRACT B  
TABLYN PARK/LAKE ELMO HEIGHTS PLUMBING CONNECTIONS

WHEREAS, pursuant to an advertisement for bids for street patching, bids were received, opened, and tabulated according to law, and the following bid was received complying with the advertisement.

Contractor	Base Bid
Lakes Mechanical Services Inc.	\$555,000.00

AND WHEREAS, LAKES MECHANICAL SERVICES, INC. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

1. The mayor and clerk are hereby authorized and directed to enter into a contract with Lakes Mechanical Services, Inc. in the name of the City of Lake Elmo for street patching, according to the plans and specifications therefore approved by the City Council and on file in the office of the city clerk.
2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposit made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall retained until a contract has been signed.

ADOPTED, by the Lake Elmo City Council this 17th day of October, 2006.

---

Dean A. Johnston, Mayor

ATTEST:

---

Charles E. Dillerud, Acting City Administrator

CITY OF LAKE ELMO, MINNESOTA  
AUTHORIZATION FOR PROFESSIONAL SERVICES

TO: Toltz, King, Duvall, Anderson  
and Associates, Incorporated  
444 Cedar Street, Suite 1500  
St. Paul, Minnesota 55101

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Pursuant to our Agreement dated February 2, 1988, you are hereby authorized to proceed with the professional services described as follows. Hereinafter, the City of Lake Elmo is referred to as the OWNER.

OLD VILLAGE SANITARY SEWER STUDY

I. PROJECT DESCRIPTION

The OWNER desires an engineering study to address the means and costs to provide sanitary sewage collection to the Old Village portion of the City. It is assumed that the collection system will consist of gravity sanitary sewers in the Old Village area and a combination of lift station/force mains and gravity trunk sewers extending to the North Frontage Road along I-94, where connection will be made to a planned MCES interceptor.

II. SERVICES TO BE PROVIDED BY TKDA

TKDA is requested to provide the following services for the Project:

- A. Review the limits of the future sewer areas.
- B. Analyze up to two separate routes to provide sanitary sewer service to the Old Village area.
- C. Review and incorporate the area south of 10th Street to determine suitable pipe sizes and routes.
- D. Work with the "allied property owners" within the Old Village to determine routes to provide service to this developing portion of the City.
- E. Provide cost analysis and schedule for recommended trunk sewer plan.
- F. Recommend a sewer availability charge for the Old Village area.

- G. Determine Project cost and schedule for the trunk improvements anticipated to be construction in 2007.
- H. Advise the OWNER as to the necessity of the OWNER providing or obtaining from others, data or services of the type(s) described under Agreement Article 8A(3) and act as the OWNER'S representative in connection with any such services.
- I. Identify and analyze requirements of governmental authorities having jurisdiction to approve the design of the Project and participate in consultations with such authorities.
- J. Furnish 10 copies of the study to the OWNER.
- K. Attend four workshop meetings with the public and City Council.

### III. ADDITIONAL SERVICES

If the need for Additional Services is determined, and the fee for the additional work is agreeable and the OWNER authorizes such services in writing, TKDA shall furnish or obtain from others services of the types listed below which are not considered as normal or customary services. These Additional Services shall be compensated for on an Hourly Rate basis as defined in Agreement Article 3, a part hereof, and such compensation shall be over and above any maximums or lump sum amounts set forth in this Authorization.

- A. Registered land or right-of-way surveys, right-of-way mapping; plats; legal descriptions; land appraisals, negotiations and/or related services.
- B. Investigations of existing conditions or facilities or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by the OWNER.
- C. Soil borings and laboratory tests for design purposes; field and/or laboratory tests taken during construction to determine compliance with the Contract Documents.
- D. Services resulting from significant changes in extent of the Project or its design including, but not limited to, changes in size, complexity, the OWNER'S schedule, or character of construction or methods of financing; and revising previously accepted studies, reports, design documents or Contract Documents when such revisions are due to causes beyond TKDA'S control.
- E. Additional services in connection with the Project, including services not normally furnished by the OWNER and services not otherwise provided for in this Authorization and the Basic Agreement, a part hereof.

### IV. PERIOD OF SERVICE

TKDA shall start services promptly upon receipt of this executed Authorization and complete services within 120 days depending on the review process.

V. COMPENSATION

Compensation to TKDA for services provided under SECTION II of this Authorization shall be on an Hourly Rate basis as defined in the Agreement Article 3, in an amount estimated to be \$37,775.

TKDA agrees not perform services or incur costs which result in billing in excess of the authorized amount until advised by the OWNER that additional funds are available and services can continue.

Approved at a \_\_\_\_\_ meeting of the \_\_\_\_\_ on \_\_\_\_\_, 2006.

By \_\_\_\_\_ Attest \_\_\_\_\_

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Consultant Acceptance by \_\_\_\_\_, \_\_\_\_\_, 2006.  
Authorized TKDA Representative

8E

**Sharon Lumby**

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**From:** Thomas D. Prew [prew.td@tkda.com]  
**Sent:** Friday, October 13, 2006 2:05 PM  
**To:** Sharon Lumby  
**Subject:** Non-response Do not want well sealed.

Sharon

There are about 6 residents on the project who have told us they will not allow the City to seal their well. In addition, there are another 14 or so who have not responded to numerous mailing by the City to asking them for permission to perform this work. Our most recent mailing was by Certified letter, which almost everybody on the list received.

Up until now we have been very patient with all residents, but at this point we need to begin legal action to require sealing of all wells in this area.

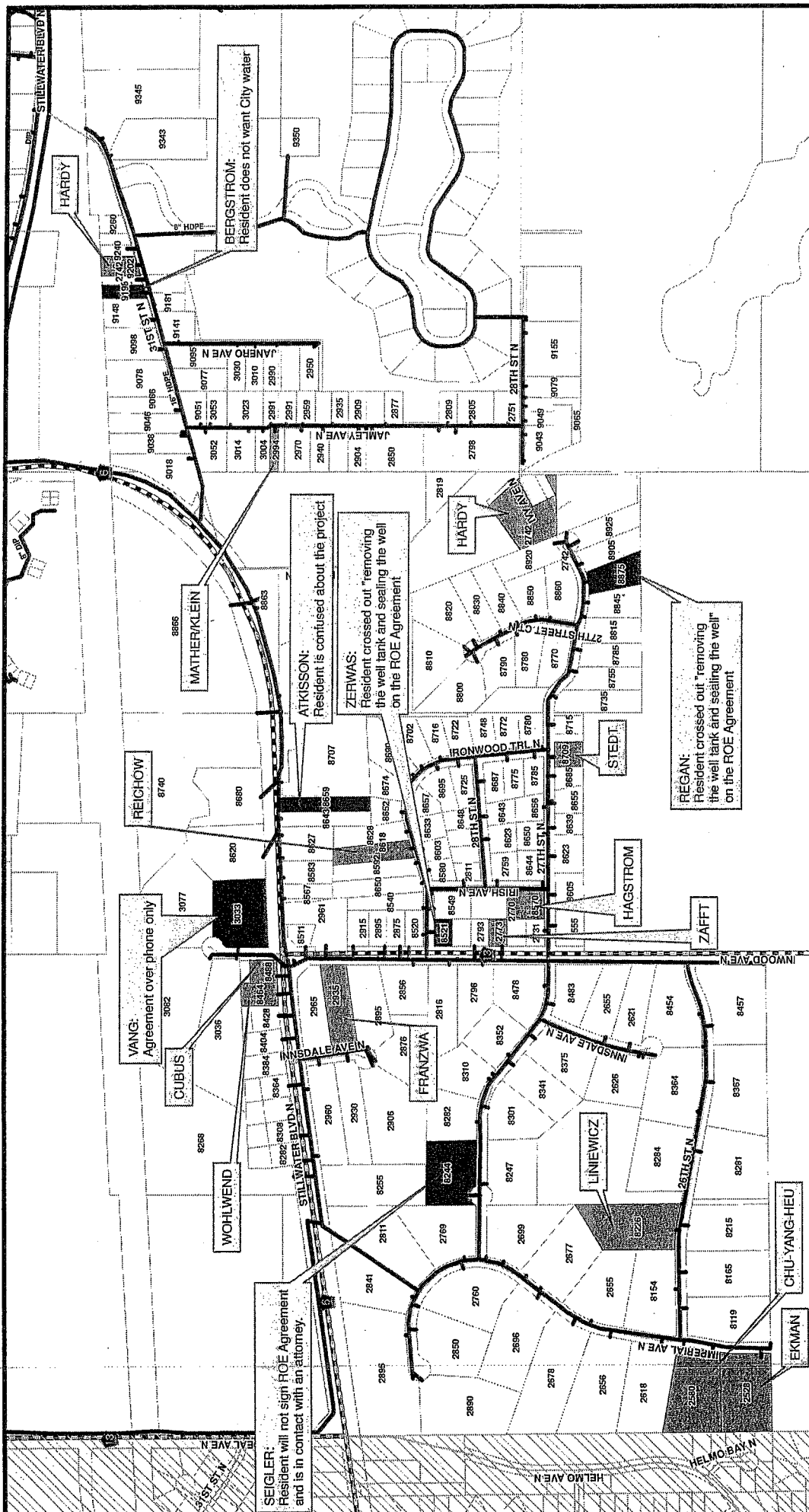
Jerry is preparing a Resolution for the City to being that process.

It is my hope that once these remaining residents receive this notice, most will be willing to work with the City.

Tom

Thomas D. Prew, P.E.  
Senior Registered Engineer  
Municipal Services Division  
phone: 651/292-4463  
fax: 651/292-0083  
e-mail: prew.td@tkda.com

TKDA  
444 Cedar Street  
Saint Paul, Minnesota 55101-2140  
www.tkda.com



1 inch equals 500 feet

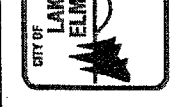
OCTOBER 12, 2006

**TKDA**  
ENGINEERS-ARCHITECTS-PLANNERS

# UNSIGNED OR MODIFIED RIGHT OF ENTRIES

**Legend**

- CITY OF LAKE ELMO
- WATERMAIN
- No Response to Date
- No Permission to Seal Well





OWNER (LAST)	OWNER (FIRST)	OWNER (FULL)	MAIL ADDRESS	CITY	MN	ZIP	ROE AGMT SENT
HAVE NOT RESPONDED TO DATE (13 TOTAL)							
HAGSTROM	ROBERT & CHRISTINE	ROBERT & CHRISTINE HAGSTROM	18570 27TH STREET NORTH	LAKE ELMO	MN	55042	6/22/2006
STEDT	JO ANN	JO ANN A STEDT	9709 27TH STREET NORTH	LAKE ELMO	MN	55042	6/22/2006
REICHOW	VERNON & VICKY	VERNON E & VICKY L REICHOW	18618 IRONWOOD TRAIL NORTH	LAKE ELMO	MN	55042	6/22/2006
WOHLWEND	WADE & DEBORAH	WADE A & DEBORAH J WOHLWEND	8464 STILLWATER BLVD	LAKE ELMO	MN	55042	6/29/2006
CUBUS	DAVID	DAVID L CUBUS	8488 STILLWATER BLVD	LAKE ELMO	MN	55042	6/29/2006
MATHER/KLEIN	WAYNE / CHARLOT	WAYNE R MATHER / CHARLOT KLEIN	2994 JAMILEY	LAKE ELMO	MN	55042	6/29/2006
ZAFFT	LARRY & MARSHA	LARRY WAYNE & MARSHA A ZAFFT	2773 INWOOD AVE	LAKE ELMO	MN	55042	6/29/2006
EKMAN	JOHN & DEBORAH	JOHN R & DEBORAH A EKMAN	2528 IMPERIAL AVE N	LAKE ELMO	MN	55042	6/29/2006
CHU-YANG-HEU	HEUKY & MAYSONG	HEUKY & MAYSONG CHU-YANG-HEU	2580 IMPERIAL AVE N	LAKE ELMO	MN	55042	6/29/2006
FRANZWA	JOHN & SARAH	JOHN A & SARAH A FRANZWA &	2935 INNSDALE AVE N	LAKE ELMO	MN	55042	6/29/2006
HARDY	LINDA	LINDA HARDY	2742 IVY AVE N	LAKE ELMO	MN	55042	6/29/2006
HARDY	DAVID & LINDA	DAVID J & LINDA L HARDY	2742 IVY AVE N	LAKE ELMO	MN	55042	6/29/2006
LINIEWICZ	PHILIP & MARCIA	PHILIP A & MARCIA L LINIEWICZ	PO BOX 12 (OWNER OF 8226 26TH ST)	LAKE ELMO	MN	55042	6/29/2006



Lake Elmo  
City Council  
October 17,  
2006

Agenda Section: Planning, Land Use and Zoning

No. 9A

Agenda Item: Hardy House Move

**Background Information for October 17, 2006:**

On October 3 the Council directed this matter be placed on the October 17 agenda. The hole in which the house is placed was to be fenced by the end of the day on October 4 (it was); and the footings/foundation were to be completed by the next Council meeting. As of October 12 no activity regarding the footings/foundation work was evident, may well be by October 17.

As suggested by Administrator Rafferty, the City Attorney and staff have prepared a draft of an agreement that would bind Ms. Hardy to alternative dates of completion should the Council decide to extend the required completion date for this project.

**Action items:**

Motion providing staff direction regarding the Hardy moving project. The Motion would either direct the staff to proceed against the Letter of Credit by November 10 and arrange for completion of the project from those funds; or, extend the date by which Ms. Hardy must complete the project with Ms. Hardy executing the proposed Agreement before October 31 as the required condition of any such an extension.

**Person responsible:**

  
City Planner

**Attachments:**

1. Draft extension agreement

**Time Allocated:**

**CITY OF LAKE ELMO  
DAVID HARDY AND LINDA HARDY  
SITE DEVELOPMENT AGREEMENT**

1.0 **Parties.** This Agreement is dated the \_\_\_\_ day of \_\_\_\_\_, 2006, and is entered into by and between the City of Lake Elmo, a Minnesota statutory city (“City”); and David Hardy and Linda Hardy (collectively “Hardy”).

2.0 **Recitals.**

A. Hardy is the record fee owner of the property located at 9224 31<sup>st</sup> Street North and legally described as follows:

LEGAL DESCRIPTION OF PROPERTY FROM CERTIFICATE OF  
SURVEY FOR LINDA HARDY by Development Engineering, P.A.  
dated October 10, 2005.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15,  
TOWNSHIP 29, RANGE 21, WASHINGTON COUNTY, MINNESOTA  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF  
SAID SECTION 15; THENCE NORTH ALONG THE WEST  
LINE OF SAID SOUTHWEST QUARTER, 445.2 FEET TO THE  
POINT OF INTERSECTION WITH THE CENTERLINE OF 31<sup>ST</sup>  
STREET NORTH (ALSO KNOWN AS OLD STILLWATER  
AND ST. PAUL ROAD); THENCE EASTERLY ALONG SAID  
CENTERLINE OF SAID ROAD, 1228.9 FEET TO THE POINT  
OF BEGINNING; THENCE NORTH AND PARALLEL BY 1175  
FEET WITH SAID WEST LINE OF SAID SECTION 15, A  
DISTANCE OF 187.4 FEET TO THE SOUTH RIGHT-OF-WAY  
LINE OF CHICAGO AND NORTHWESTERN (ALSO KNOWN  
AS C. ST.P. MPLS. & O.) RAILWAY COMPANY; THENCE  
WESTERLY ALONG SAID RIGHT-OF-WAY LINE 105.4  
FEET; THENCE SOUTH AND PARALLEL BY 1070 FEET  
WITH SAID WEST LINE OF SAID SECTION 15, TO THE  
POINT OF INTERSECTION WITH THE CENTERLINE OF 31<sup>ST</sup>  
STREET NORTH (ALSO KNOWN AS OLD STILLWATER  
AND ST. PAUL ROAD); THENCE EASTERLY ALONG SAID  
CENTERLINE TO THE POINT OF BEGINNING. (“Hardy  
Property”).

B. On the 1<sup>st</sup> day of November, 2005, the City approved Resolution 2005-118 which allowed Hardy to move a single-family detached building (“Building”) onto the Hardy Property.

- C. The moving project included moving the building onto the site; excavating a basement; constructing footings and the basement; backfilling the area around the basement; constructing a slab for the garage; installing a driveway and grading around the garage slab and driveway; installing a septic system; doing final grading, sod, and grass seeding; and re-roofing the single-family detached residential dwelling (“**Improvements**”).
- D. The Improvements were to be completed by October 31, 2006. In order to secure the construction of the Improvements in a timely manner, Hardy obtained a Letter of Credit from the Lake Elmo Bank. The Letter of Credit was dated November 10, 2005, and will expire at 3:00 p.m. on the 11<sup>th</sup> day of November, 2006.
- E. As of the 17<sup>th</sup> day of October, 2006, the Building had been moved onto the Hardy Property, but the remaining Improvements were incomplete
- F. On the 17<sup>th</sup> day of October, 2006, Hardy requested an extension of the time to complete the Improvements and the City agreed to extend the completion date from October 31, 2006, to the 30<sup>th</sup> day of June, 2007, subject to the terms and conditions of this Site Development Agreement.

3.0 **Terms and Conditions.** NOW, THEREFORE, in consideration of the approvals granted by the City and the mutual obligations expressed herein, the parties agree as follows:

- A. **Completion of Improvements.** Hardy shall complete the following Improvements by the dates specified:
1. Complete excavation and backfill by December 1, 2006 (estimated costs \$5,500.00).
  2. Complete footings and basement by December 1, 2006 (estimated costs \$22,245.00).
  3. Complete garage slab, driveway, and grading by the 30<sup>th</sup> day of June, 2007 (estimated costs \$3,000.00).
  4. Complete septic system by the 30<sup>th</sup> day of June, 2007 (estimated costs \$6,000.00).
  5. Complete final grading, sod, and seeding by the 30<sup>th</sup> day of June, 2007 (estimated costs \$14,095.00).
  6. Complete roofing by the 30<sup>th</sup> day of June, 2007 (estimated costs \$4,000.00).
  7. Complete plumbing, heating and electrical work by the 31<sup>st</sup> day of April, 2007 (estimated costs \$9,400.00).
  8. Complete the interior walls and ceiling by the 31<sup>st</sup> day of April, 2007 (estimated costs \$2,000.00).
- B. **Estimated Costs.** The estimated cost of the remaining Improvements is \$53,640.00.
- C. **New/Revised Letter of Credit.** Prior to November 5, 2006, Hardy shall provide a new or revised Letter of Credit in the amount of 125% of the estimated costs of the remaining Improvements.
- D. **Terms of Letter of Credit.** The Letter of Credit shall incorporate the terms of this Site Development Agreement; shall secure the construction of the remaining Improvements by dates specified; and, in the event that Hardy does not complete the Improvements by the required dates, shall permit the City to draw on the Letter of Credit and let contracts for the completion of the required Improvements.

- E. **Additional Costs.** If the actual costs incurred by the City to complete the remaining Improvements exceed the balance of the Letter of Credit, Hardy shall be responsible for the payment of the additional costs. Hardy shall pay any invoices from the City within fifteen (15) days of receipt of the invoice. If Hardy fails to pay invoices in a timely manner, the City is hereby authorized to assess such additional costs against the Hardy Property by adopting an Assessment Resolution and certifying the Resolution to the County Auditor for collection in one (1) lump sum on the succeeding year's real estate taxes.
  
- F. **Binding Agreement.** This is a legally binding document and Hardy has reviewed the terms of the Agreement with their attorney or has freely chosen not to do so.

IN WITNESS HEREOF, the parties have hereunto set their hands.

CITY OF LAKE ELMO

By: \_\_\_\_\_

Dean Johnston

Its: Mayor

\_\_\_\_\_  
David Hardy

\_\_\_\_\_  
Linda Hardy

STATE OF MINNESOTA    )  
  :SS.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2006, before me, a Notary Public within and for said county, personally appeared Dean Johnston, to me known to be the Mayor of the City of Lake Elmo, and he executed the foregoing instrument and acknowledged that he executed the same by authority of and on behalf of the City of Lake Elmo.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA )  
 :SS.  
 COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2006, before me, a Notary Public within and for said county, personally appeared David Hardy and Linda Hardy, husband and wife, and they executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

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Notary Public

F:\users\BARBERJERRY\Lake Elmo\Site Development Agr



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**LETTER OF INTENT TO PURCHASE**

To inform Rosenbauer/General Safety Equipment, the City of Lake Elmo will make its formal decision for the approval of funding and purchase of the one (1) 75' aerial and one (1) 100' aerial platform as demonstrated by it sales representative to the Fire Department and the Lake Elmo City administration. This will take place at our City council meeting on Wednesday November 8<sup>th</sup>, 2006.

The Lake Elmo Fire Department intends to purchase these two vehicles pending its funding approval at the council meeting that evening. The City realizes that if for any reason these vehicles are not approved at that evenings meeting. Rosenbauer/General Safety intends to put these trucks immediately back on the open market

**CITY OF LAKE ELMO, MN**

(Party of the Second Part)

By: \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Type or print name)

\_\_\_\_\_  
(Title)

Date: \_\_\_\_\_, 2006

## Chuck Dillerud

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**From:** Jerry Filla [jfilla@pfb-pa.com]  
**Sent:** Thursday, October 12, 2006 4:18 PM  
**To:** Chuck Dillerud  
**Subject:** Re: Letter of intent.doc

sounds good to me.does not commit the city to purchase anything .

>>> "Chuck Dillerud" <Chuck.Dillerud@lakeelmo.org> 10/12/06 02:32PM >>>  
Jerry

This is the second try at a letter that would "freeze" the trucks off teh market until we can sort this thing out further, but not in any manner commit the City to purchase. I think it still looks a bit too commital. Whta sayeth you?

CED