



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

NOTICE OF MEETING

**City of Lake Elmo
3800 Laverne Avenue North
City Council Meeting
Tuesday, July 3, 2012 7:00 p.m.**

AGENDA

- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE**
- C. **ROLL CALL**
- D. **APPROVAL OF AGENDA**
- E. **ORDER OF BUSINESS/GROUND RULES**
- F. **ACCEPT MINUTES**
 - 1. Accept June 19, 2012 City Council minutes
- G. **PUBLIC COMMENTS/INQUIRIES**
- H. **PRESENTATIONS**
- I. **CONSENT AGENDA**

Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

 - 2. Approve Payment of Disbursements and Payroll
 - 3. Approve Resolution 2012-32 Designating Certified Building Official and Approval of JPA with the City of Hugo
 - 4. Approve Building Official Position, Posting and Recruitment

5. Proclaim August 9 through 12, 2012 Huff'n Puff Days
6. Approve Temporary Liquor License for Lake Elmo Jaycees

J. **REGULAR AGENDA**

7. 2011 Final Audit Report Review
8. Adopt Ordinance 2012-60 Mayor and Council Salaries Effective January 1, 2013
9. Country Sun Farms – Agricultural Building Construction
10. Quarterly Work Schedule

K. **SUMMARY REPORTS AND ANNOUNCEMENTS**

- Mayor and Council
- Administrator
- City Attorney
- City Engineer
- Planning Director
- Finance Director

L. Adjourn

**LAKE ELMO CITY COUNCIL MINUTES DRAFT
JUNE 19, 2012**

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
JUNE 19, 2012**

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

PRESENT: Mayor Johnston, Council Members Emmons, Smith, Pearson, and Park.

Also Present: City Administrator Zuleger, City Attorney Snyder, City Engineer Griffin, Planning Director Klatt, City Clerk Thone, and Finance Director Bendel.

APPROVAL OF AGENDA

*MOTION: Council Member Pearson moved to approve the June 19, 2012 City Council Agenda as presented. Council Member Park seconded the motion. **Motion passed 5-0.***

ACCEPTED MINUTES

1. The June 5, 2012 City Council minutes were approved as amended by consensus of the City Council.

PUBLIC COMMENTS/INQUIRIES

PRESENTATIONS

Eric Eitzman, Stillwater High School Senior presented his Eagle Scout Project to the Council. He met with the Public Works Department and City Engineer, regarding the building of a bridge from the Lake Elementary School field to the City Hall parking lot.

*MOTION: Council Member Emmons moved to accept the project. Council Member Smith seconded the motion. **Motion passed 5-0.***

CONSENT AGENDA

2. May 2012 Financial Reporting; Year to date Building Report
3. Approve Payment of Disbursements and Payroll in the Amount of \$224,228.66
4. Approve Resolution 2012-30 Appointing 2012 Election Judges
5. Approve Resolution 2012-33 Removing Assessments from 2012 Washington County File

*MOTION: Council Member Pearson moved to approve the Consent Agenda as presented. Council Member Smith seconded the motion. **Motion passed 5-0.***

REGULAR AGENDA

ITEM 6: RESOLUTION 2012-31 STREET NAME CHANGE-JULEP AVENUE NORTH (ENTRANCE INTO TAPESTRY AT CHARLOTTE'S GROVE)

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Planning Director Klatt presented a diagram of the proposed street name change request and provided a brief history and justification for the proposed change. He stated only three properties would be affected by the change from Julep Avenue North to 45th Street North.

Jim Blackford, 9765 45th Street North approached the council and stated he supported the street name change. The three property owners will cover the cost of moving their mailboxes and he will install a 24-inch wide cement flat concrete surface and curb to allow snowplowing.

*MOTION: Council Member Smith moved to approve Resolution 2012-031 Changing the Name of a Portion of Julep Avenue North Between the 45th Street North Right-of-Way and Tapestry Road. Council Member Park seconded the motion. **Motion passed 5-0.***

ITEM 7: MINOR SUBDIVISION - 11240 50TH STREET NORTH

Planning Director Klatt presented the minor subdivision request for 11240 50th Street North, which does meet City Code requirements allowing lot splits less than 10 acres when utilized to benefit the City. He explained this request takes advantage of a City Code amendment. The minor subdivision allows the City to purchase 1.4 acres (Parcel A) for Well Site No. 4, and the property owner the ability to sell/use the remaining two lots. The Planning Commission recommended approval with three conditions, which included park land dedication, easements to be shown on the survey, and the Flood Plain issues.

Council Member Smith sought clarification regarding the minimum lot size. Planning Director Klatt explained that the remaining two lots are not square due to the elevation, wetland classification, and Watershed District flood plain delineation. City Attorney Snyder interjected his thanks to the Staff and the applicant for the handling of the entire process. Council Member Pearson inquired about the additional Planning Commission recommendations. Planning Director Klatt responded that the recommendations regarding the well house design are to reflect the rural character and will be addressed during the design process. Also, the Planning Commission desires the trail plan be incorporated when the City is working on that portion.

*MOTION: Council Member Pearson moved to approve a Minor Subdivision to split an existing 19.72 acre parcel at 11240 50th Street North into three separate lots, one of which would be used for public purposes. Council Member Smith seconded the motion. **Motion passed 5-0.***

ITEM 8: RESOLUTION 2012-29 APPROVE ISSUANCE AND SALE OF G. O. IMPROVEMENT BONDS; SERIES 2012 A CROSSOVER REFUNDING BONDS

Finance Director Bendel presented the proposal to consider debt restructuring the current \$4,090,000 bond due to the interest rates dropping by 2%. The estimated net savings is approximately \$344,343 which the City would realize in 2015.

*MOTION: Council Member Smith moved to approve Resolution 2012-29 Authorizing Issuance and Sale of \$4,090,000 General Obligation Improvement Bonds, Series 2012A. Council Member Park seconded the motion. **Motion passed 5-0.***

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ITEM 9: RESOLUTION 2012-28 APPROVE ISSUANCE AND SALE OF G. O. IMPROVEMENT BONDS; SERIES 2012 B DEMONTREVILLE HIGHLANDS AREA STREET IMPROVEMENT PROJECT

Finance Director Bendel presented the proposal for approval for the issuance of a new bond to cover the Demontreville Highlands Area Street Improvement Project. Due to the stringent competitive bidding on the 2011 Street Improvement projects, the City now has excess funding of \$185,000 available to be used to minimize the funding level necessary for the current project.

Council Member Smith inquired about whether partial credit would go to the City and partial credit would be refunded to residents who have already paid and adjustments made to homeowners property taxes. Finance Director Bendel responded in the affirmative. Council Member Pearson applauded both staff and Northland Securities for their work on these bonds.

MOTION: Council Member Emmons moved to approve Resolution 2012-28 Authorizing Issuance and Sale of \$865,000 General Obligation Improvement Bonds, Series 2012B. Council Member Pearson seconded the motion. Motion passed 5-0.

ITEM 10: FINANCIAL PLANNING SERVICES AGREEMENT WITH NORTHLAND SECURITIES FOR THE PURPOSE OF ANALYZING WATER, SANITARY SEWER, AND STORM WATER SYSTEMS IN PREPARATION OF WATER MAIN AND SEWER MAIN EXTENSION PROJECTS.

City Administrator Zuleger explained the need and reasoning for the original approach to put together a financial plan to recover costs associated with water and other utilities.

Council Member Park inquired whether this would include the complete water loop. City Administrator Zuleger clarified that all recommendations would be examined and would include all grants and settlements. Council Member Smith inquired about recovering the design costs of the AUAR, assessing the new developers, and the cost of an Environmental Impact Study (EIS) that would be needed for the I-94 Corridor.

City Engineer Griffin reiterated the proposal would address all aspects of the project. Mayor Johnston stated our expectations were that the costs would be recovered as development occurred. City Attorney Snyder added that the costs would need to be recovered in an indirect manner. Council Member Emmons stated whether the goal was to understand how many costs are out there or how we would recover them, why we would not anticipate the infrastructure costs and include those in our developer's fees.

Council Member Pearson inquired whether the AUAR costs may be passed on as indirect cost. City Administrator Zuleger responded that he and City Engineer Griffin will work closely with Northland Securities on this matter. Council Member Park thanked staff for their work on the project.

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*MOTION: Council Member Smith moved to approve the Financial Planning Agreement between the City of Lake Elmo and Northland Securities for an amount not to exceed \$5,280 for the Purpose of Developing a Financial Strategy for the Construction of Water Main and Sewer Force Main in the City's Growth Areas. The Funds are to be Disbursed Equally from the City's Undesignated Fund Balance and the City's Water Utility Fund – With Funds to be Recovered Through Mechanism Determined by the Study. Council Member Park seconded the motion. **Motion passed 5-0.***

ITEM 11: ECONOMIC DEVELOPMENT AUTHORITY (EDA) STRUCTURE DISCUSSION

City Administrator Zuleger explained the Minnesota Department of Employment and Economic Development document "Powers of EDA's" which outlines an Economic Development Authority's (EDA) responsibilities and the purpose of creating an EDA. He explained the EDA in his opinion would be the most encompassing tool for the City to support and encourage development in both the Old Village and the I-94 Corridor. He noted that quality firms seeking to locate in a community prefer working with an EDA regarding the details of a proposed project since the process can be more streamlined, with the City Council making ultimate decisions based on the groundwork of the EDA. He then explained how the EDA in his former city had done the groundwork for the city to acquire 240 acres for an industrial park that resulted in 1,900 new jobs in the city.

Council Member Park inquired whether Paul Donna would have anything to offer with regard to EDA's. Mr. Donna, Northland Securities, gave a brief description of an EDA and explained that an EDA has certain abilities that the Council does not have in the way of financing and contracting. He stated he felt there numerous benefits can come to the city through an EDA, but the EDA structure needed to be assembled thoughtfully. He cited some very positive results cities have made possible through their EDA's.

The Council made inquiries with regard to the roles and the power of an EDA in relation to those of the City Council. Paul Donna stated that an EDA could be structured to stand alone with respect to many development functions, but that many cities choose to limit an EDA's powers regarding such things as bonding and eminent domain.

City Administrator Zuleger explained that the concept of 'quiet enjoyment', where a city council can become liable for the actions of an independent EDA even if no "full faith and credit" of the city is pledged to EDA financial programs.

City Attorney Snyder stated many cities still have their EDA's, and for the most part answer to the Council but are the basic development arm of the city. When large scale economic development occurs, most developers expect to be dealing with an EDA, as it is a vehicle for the city to be more tightly engaged with commercial activities. He stressed that the governing documents of the EDA are approved by the City Council.

Council Member Park reiterated Council's discretion on the decision made on how the EDA is structured and its responsibilities. Council Member Park inquired how the EDA may specifically benefit the City in future development.

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Paul Donna explained that in many cities the EDA is a tool to negotiate contracts, and develop financing options for private developments. He provided an example of one city in the Mankato area where the EDA constructed an "incubator building" to attract small and start-up businesses that could grow to the benefit of the city.

Mayor Johnston inquired whether how Lake Elmo's past interaction with Greater MSP could have been better served if the City had an EDA in place. City Administrator Zuleger responded an EDA would be useful when partnering with current businesses and landowners on the I-94 Corridor in creating a Business Park, and explained we could use it in structuring development agreements.

City Attorney Snyder stated a case recently where property was proposed for sale to the City and the City was interested in developing the property. The purchase could be handled by an EDA and the EDA can structure the transaction and resulting development how as the City wishes.

City Administrator Zuleger explained staff was looking for feedback from council on EDA structure, membership, limitation of powers, etc., and reminded Council it was their number one objective from the Council/Staff Strategic Planning retreat.

Council Member Pearson voiced his general support for an EDA, and asked the difference between an Economic Development Authority (EDA) and Economic Development Committee (EDC). Administrator Zuleger stated the EDA has authority and powers that the EDC would not. He stated the EDA can operate under parameters of negotiation set by Council, and the EDA could save much time for the City Council in times of growth, and he considers an EDA to be a safety net for the Council.

Council Member Park suggested the City Council be involved in interviewing members of the EDA and have some involvement on the EDA.

Mayor Johnston suggested Council provide staff direction in the next week so *staff could begin drafting a starting point on creating an EDA.*

Administrator Zuleger advised the Council that the staff had a template for the ordinance to create an EDA in which the Council could insert its desired options for structure, board composition, and powers of the EDA as well as those reserved for the City Council.

Council Member Smith supported the direction of creating an EDA and stated the City should move forward on this in order to move the City in a forward direction. Council Member Emmons stated he would support that. **Mayor Johnston stated we could revisit the subject after feedback is received by staff and reconvene at the workshop in July.**

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Park had nothing to report.

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Council Member Pearson attended a library meeting and applauded the work of the Library Board. He attended a meeting with the mayor and administrator at the county regarding economics, and attended a truck meeting with the Fire Department to determine the need.

Council Member Emmons reported Washington County Water Consortium meeting; maintenance of rain gardens and stated the county would like to see more city representation on that subgroup and welcomed the Council's feedback.

Council Member Smith staff on Fall Festival and discussed changing the name to Elmo Days, making it more of an identity and possibly making it a two-day event; shared her sadness at one of Lake Elmo resident's drowning and expressed sympathy for the family of the young man.

Mayor Johnston reported he met with a perspective candidate running for council and discussed running a campaign; met with city staff and Council Member Smith regarding the history of the Memo of Understanding (MOU) and basis of Comprehensive Plan; attended the groundbreaking for the East Metro Public Safety Training Facility; participated in the Friends of Lake Elmo Library meeting, attended the I-94 Business Corridor meeting with Council Member Pearson, attended the Metro Cities Board meeting where they approved the annual budget; worked on the new library building and commended all the hard work being done and asked for volunteers to help; met with staff, DNR and local lake owners on the water ordinance and stated it seemed to be resolved.

City Administrator Zuleger thanked Steve DeLapp and expressed he is a 'man on a mission' regarding the library; thanked and commended everyone who made the City Hall upgrade a possibility; noting a Quality Star will be recommended to the Public Works Department; received DNR final approval to keep the high water mark at 929.7 feet; working with Washington County Humane Officer regarding the dog ordinance and process; reported that 22 landowners attended the I-94 Corridor meeting out of 77 personal invitations delivered, and discussed road and sewer water development; will be attending the LMC Annual Conference in Duluth; Thursday's HOA meeting may be postponed until next week due to attendance.

City Attorney Snyder updated the City Council on the final purchase agreement of the library; thanked City Engineer Griffin and Planning Klatt assistance of the Purchase Agreement of Well Site No. 4; the detachment case brief will be filed at end of week; work regarding internal issues.

City Engineer Griffin reported he attended a pre-screening board meeting with the municipal State Aid regarding rules for fund distribution; St. Croix Sanctuary development is moving forward after Brown's Watershed District approval; met with City Administrator CIP scheduling process has started; met with Washington County to better prepare, coordinate and partner with regard to the infrastructure and County corridors.

Director of Planning Klatt reported the Village Work Group meeting Wednesday morning; updating the Comprehensive Plan for the Planning Commission's review for ultimate submittal to Council before METC; attended meeting regarding senior and affordable housing for our community.

Finance Director Bendel reported 2nd quarter water bills were mailed; developing new reports, monthly department reports; work on bonding documents; final audit report for July third meeting.

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ADJOURN: The meeting adjourned at 8:38 p.m.

LAKE ELMO CITY COUNCIL

Dean A. Johnston, Mayor

Sandie Thone, City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/3/2012
CONSENT
 ITEM #: 2
MOTION Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of \$130,984.61

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Joan Ziertman, Finance Consultant

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$130,984.61. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

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

Claim #	Amount	Description
ACH	\$ 8,406.98	Payroll Taxes to IRS & MN Revenue 6/28/2012
ACH	\$ 4,793.83	Payroll Retirement to PERA 6/28/12
DD4028 – DD4044	\$ 21,715.96	Payroll Dated 6/28/12 (Direct Deposit)
38560-38564	\$ 2,707.38	Payroll Dated 6/28/2012 (Payroll Paper Checks)
38559 & 38565	\$ 3,188.00	Accounts Payable Dated 7/3/12 (Manual Checks)
38566-38608	\$ 88,972.46	Accounts Payable Dated 7/3/12
1484-1503		Void Checks – Printer Error
1504-1523	\$ 1,200.00	Accounts Payable Dated 7/3/12 (Library Checks)
TOTAL	\$ 130,984.61	

STAFF REPORT: City staff has complied and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction.

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$130,984.61.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to approve the July 3, 2012, Disbursements as
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 7/3/2012

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

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

Accounts Payable To Be Paid Proof List

User: joan z
 Printed: 06/28/2012 - 3:03 PM
 Batch: 015-06-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ARAM Aramark, Inc.										
629-7518051	06/28/2012	23.78	0.00	07/03/2012	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
629-7518051	Total:	23.78								
629-7519879	06/28/2012	31.62	0.00	07/03/2012	Monthly Rug service - Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7519879	Total:	31.62								
629-7522892	06/28/2012	23.78	0.00	07/03/2012	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
629-7522892	Total:	23.78								
629-7524703	06/25/2012	38.44	0.00	07/03/2012	Linen City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7524703	Total:	38.44								
ARAM Total:		117.62								
BELLJOE Bell Joe & Missy										
Ck Req	06/11/2012	5,000.00	0.00	07/03/2012	Refund Escrow 10138 Tapestry #8181		-	No		0000
803-000-0000-22900	Deposits Payable									
Ck Req Total:		5,000.00								
BELLJOE Total:		5,000.00								
BERTELSO Bertelson's										
Multiple	06/28/2012	50.98	0.00	07/03/2012	City Hall Supplies		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
Multiple	06/28/2012	26.72	0.00	07/03/2012	City Hall Supplies		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
Multiple Total:		77.70								
OE-289006-1	06/05/2012	232.60	0.00	07/03/2012	City Hall Supplies		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
OE-289006-1	Total:	232.60								
WO-780996-1	06/19/2012	42.73	0.00	07/03/2012	City Hall Supplies		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
WO-780996-1	Total:	42.73								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BERTELSON Total:		353.03								
BEVERAL Bever AJ										
06/21/2012	06/21/2012	369.71	0.00	07/03/2012	A/C Unit for Sheriffs Office in Annex		-	No		0000
101-410-1320-42030	Printed Forms									
	06/21/2012 Total:	369.71								
	BEVERAL Total:	369.71								
BIFFS Biffs Inc.										
Multiple	05/30/2012	667.30	0.00	07/03/2012	Portable Restrooms		-	No		0000
101-450-5200-44120	Rentals - Buildings									
	Multiple Total:	667.30								
	BIFFS Total:	667.30								
BUELOW Buelow Excavating										
6663	02/27/2012	4,432.50	0.00	07/03/2012	Contract Snow Plowing		-	No		0000
101-430-3125-43150	Contract Services									
	6663 Total:	4,432.50								
	BUELOW Total:	4,432.50								
CATCO Fleetpride										
1-62545	06/01/2012	51.51	0.00	07/03/2012	Replacement Truck Light - Reissue		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	1-62545 Total:	51.51								
	CATCO Total:	51.51								
CTYOAKDA City of Oakdale										
10000460-01	05/31/2012	8,808.89	0.00	07/03/2012	Water Service I94		-	No		0000
601-494-9400-43820	Water Utility									
	10000460-01 Total:	8,808.89								
	CTYOAKDA Total:	8,808.89								
CUMMINGS Cummings Mary Jo										
06/27/2012	06/27/2012	900.00	0.00	07/03/2012	Library Consultant		-	No		0000
206-450-5300-43150	Contract Services									
	06/27/2012 Total:	900.00								
	CUMMINGS Total:	900.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PCLine #
DELTA Delta Dental Of Minnesota										
4876611	06/15/2012	1,117.05	0.00	07/03/2012	June 2012 Dental Coverage		-	No		0000
101-000-0000-21706	Medical Insurance									
	4876611 Total:	1,117.05								
	DELTA Total:	1,117.05								
DPCINDUS DPC Industries, Inc.										
827007-740-12	05/29/2012	657.19	0.00	07/03/2012	Floride		-	No		0000
601-494-9400-42160	Chemicals									
	827007-740-12 Total:	657.19								
	DPCINDUS Total:	657.19								
ELECTSER Election Systems & Software										
817754	06/15/2012	124.15	0.00	07/03/2012	Elections - Transer Cases 2012		-	No		0000
101-410-1410-42000	Office Supplies									
	817754 Total:	124.15								
	ELECTSER Total:	124.15								
ENGWERLO Engwer Lou & Scott										
06/06/2012	06/06/2012	176.19	0.00	07/03/2012	Repair Damage for Fallen City Tree		-	No		0000
101-430-3100-44300	Miscellaneous									
	06/06/2012 Total:	176.19								
	ENGWERLO Total:	176.19								
ENVENTIS ENVENTIS										
738507	06/01/2012	577.61	0.00	07/03/2012	Telephone/Data Service CH June 2012		-	No		0000
101-410-1940-43210	Telephone									
738507	06/01/2012	444.13	0.00	07/03/2012	Telephone/Data Service PW June 2012		-	No		0000
101-430-3100-43210	Telephone									
	738507 Total:	1,021.74								
	ENVENTIS Total:	1,021.74								
FANTASTI Fantastic Floors										
20481	06/19/2012	8,337.33	0.00	07/03/2012	Balance Due on Tile & Carpeting		-	No		0000
703-430-3120-45300	Improvements Other Than Bldgs									
	20481 Total:	8,337.33								
	FANTASTI Total:	8,337.33								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
GREATERM Greater MSP										
06/19/2012	06/19/2012	5,000.00	0.00	07/03/2012	Annual Investment		-	No		0000
101-410-1320-44300	Miscellaneous									
	06/19/2012 Total:	5,000.00								
	GREATERM Total:	5,000.00								
HOLIDAYC Holiday Credit Office										
06/15/2012	06/15/2012	407.21	0.00	07/03/2012	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	06/15/2012 Total:	407.21								
	HOLIDAYC Total:	407.21								
INTEREUM Intereum										
370631	06/13/2012	873.64	0.00	07/03/2012	Furniture and White Board - City Hall		-	No		0000
703-430-3120-45300	Improvements Other Than Bldgs									
	370631 Total:	873.64								
	INTEREUM Total:	873.64								
JOHNNICK Johnson Nick										
06/15/2012	06/15/2012	27.00	0.00	07/03/2012	3 books of stamps		-	No		0000
101-410-1910-44300	Miscellaneous									
	06/15/2012 Total:	27.00								
	JOHNNICK Total:	27.00								
LINNER Linner Electric Company, Inc.										
22326	06/07/2012	361.50	0.00	07/03/2012	Ball Field Lights Wiring Repair		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	22326 Total:	361.50								
	LINNER Total:	361.50								
MEMPHISN Memphis Net & Twine Co Inc.										
66769	05/31/2012	69.86	0.00	07/03/2012	Soccer Nets		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	66769 Total:	69.86								
	MEMPHISN Total:	69.86								
MENARDSO Menards - Oakdale										
5070	06/12/2012	10.66	0.00	07/03/2012	File Cabinet Sliders - City Hall		-	No		0000
703-430-3120-45300	Improvements Other Than Bldgs									
	5070 Total:	10.66								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
5356	06/13/2012	126.08	0.00	07/03/2012	Blinds for City Hall		-			0000
703-430-3120-45300	Improvements Other Than Bldgs									No
	5356 Total:	126.08								
5444	06/13/2012	66.64	0.00	07/03/2012	Floor Diffuser		-			0000
101-410-1320-44300	Miscellaneous									No
	5444 Total:	66.64								
5998	06/15/2012	19.90	0.00	07/03/2012	Office Construction - City Hall		-			0000
703-430-3120-45300	Improvements Other Than Bldgs									No
	5998 Total:	19.90								
7538	06/19/2012	27.30	0.00	07/03/2012	City Hall Counter Caps, Shelf		-			0000
703-430-3120-45300	Improvements Other Than Bldgs									No
7538	06/19/2012	39.98	0.00	07/03/2012	Flag Lights VFW		-			0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									No
	7538 Total:	67.28								
	MENARDSO Total:	290.56								
<hr/>										
MENARDST Menards - Stillwater										
84824	06/13/2012	170.98	0.00	07/03/2012	Blinds for City Hall		-			0000
703-430-3120-45300	Improvements Other Than Bldgs									No
	84824 Total:	170.98								
	MENARDST Total:	170.98								
<hr/>										
MFRA McCombs Frank Roos Assoc Inc.										
70669	06/01/2012	1,077.84	0.00	07/03/2012	Planning Services - May 2012		-			0000
101-410-1910-43150	Contract Services									No
	70669 Total:	1,077.84								
	MFRA Total:	1,077.84								
<hr/>										
NCPERS 566200-NCPERS MINNESOTA										
5662512	06/22/2012	112.00	0.00	07/03/2012	July 2012 Deductions		-			0000
101-000-0000-21708	Other Benefits									No
	5662512 Total:	112.00								
	NCPERS Total:	112.00								
<hr/>										
NEXTEL Nextel Communications										
761950227-108	03/18/2012	85.15	0.00	07/03/2012	Cell Phone Service - Administration		-			0000
101-410-1940-43210	Telephone									No
761950227-108	03/18/2012	350.60	0.00	07/03/2012	Cell Phone Service - Fire Dept		-			0000
101-420-2220-43210	Telephone									No
761950227-108	03/18/2012	17.77	0.00	07/03/2012	Cell Phone Service - Building Dept		-			0000
101-420-2400-43210	Telephone									No

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
761950227-108	03/18/2012	356.27	0.00	07/03/2012	Cell Phone Service - Public Works Dept		-			0000
101-430-3100-43210	Telephone									No
761950227-108	03/18/2012	102.38	0.00	07/03/2012	Cell Phone Service - Parks Dept		-			0000
101-450-5200-43210	Telephone									No
	761950227-108 Total:	912.17								
	NEXTEL Total:	912.17								
POMPS Pump's Tire Service, Inc.										
WO210004420	05/25/2012	323.49	0.00	07/03/2012	Mower Trailer Tires and Mower Tire		-			0000
101-450-5200-42210	Equipment Parts									No
	WO210004420 Total:	323.49								
	POMPS Total:	323.49								
PRESSA Anastasia Press										
06/05/2012	06/05/2012	55.00	0.00	07/03/2012	City Council Meeting 6/5/12		-			0000
101-410-1450-43620	Cable Operations									No
	06/05/2012 Total:	55.00								
06/12/12	06/12/2012	41.25	0.00	07/03/2012	Workshop 6/12/12		-			0000
101-410-1450-43620	Cable Operations									No
	06/12/12 Total:	41.25								
06/19/12	06/19/2012	55.00	0.00	07/03/2012	City Council Meeting 6/19/12		-			0000
101-410-1450-43620	Cable Operations									No
	06/19/12 Total:	55.00								
	PRESSA Total:	151.25								
PROSTAFF PROSTAFF										
102-860446	06/07/2012	496.00	0.00	07/03/2012	Temp Help W/E 6/3/12		-			0000
101-410-1320-43150	Contract Services									No
	102-860446 Total:	496.00								
102-861680	06/14/2012	620.00	0.00	07/03/2012	Temp Help 6/10/12		-			0000
101-410-1320-43150	Contract Services									No
	102-861680 Total:	620.00								
	PROSTAFF Total:	1,116.00								
RELIANC Reliance Standard Life										
07/01/2012	07/01/2012	128.19	0.00	07/03/2012	Life Insurance		-			0000
101-000-0000-21706	Medical Insurance									No
	07/01/2012	18.31	0.00	07/03/2012	AD & D Insurance		-			0000
101-000-0000-21708	Other Benefits									No
	07/01/2012	176.31	0.00	07/03/2012	LTD Insurance		-			0000
101-000-0000-21708	Other Benefits									No

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
07/01/2012	07/01/2012	253.31	0.00	07/03/2012	STD Insurance		-	No		0000
101-000-0000-21708	Other Benefits									
	07/01/2012 Total:	576.12								
	RELIANC Total:	576.12								
ROGERS Rogers Printing Services, Corp										
18725	06/08/2012	514.07	0.00	07/03/2012	New Logo - Stationary & Envelopes		-	No		0000
101-410-1320-42030	Printed Forms									
	18725 Total:	514.07								
	ROGERS Total:	514.07								
S&T S&T Office Products, Inc.										
01PF6890	06/08/2012	46.81	0.00	07/03/2012	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
	01PF6890 Total:	46.81								
01PG001	06/15/2012	43.44	0.00	07/03/2012	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
	01PG001 Total:	43.44								
	S&T Total:	90.25								
SCOTTPAU Scott Paul & Andrea										
Ck Req	06/28/2012	5,000.00	0.00	07/03/2012	Refund Escrow 10030 Tapestry #8237		-	No		0000
803-000-0000-22900	Deposits Payable									
	Ck Req Total:	5,000.00								
	SCOTTPAU Total:	5,000.00								
SMITHANN Anne Smith										
06/22/2012	06/22/2012	298.19	0.00	07/03/2012	Expenses Related to Seminar		-	No		0000
101-410-1110-44370	Conferences & Training									
	06/22/2012 Total:	298.19								
	SMITHANN Total:	298.19								
STILLMED Stillwater Medical Group										
2656	06/12/2012	680.27	0.00	07/03/2012	Physicals & Vaccinations		-	No		0000
101-420-2220-43050	Physicals									
	2656 Total:	680.27								
	STILLMED Total:	680.27								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
STJOSEPH Titan Machinery										
9C06421	06/07/2012	335.98	0.00	07/03/2012	Tractor Brackets 6410		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
	9C06421 Total:	335.98								
9C06552	06/18/2012	65.58	0.00	07/03/2012	Tractor Bracket 6410		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
	9C06552 Total:	65.58								
	STJOSEPH Total:	401.56								
TASCH T.A. Schifsky & Sons Inc										
53281	06/12/2012	144.09	0.00	07/03/2012	Asphalt		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	53281 Total:	144.09								
	TASCH Total:	144.09								
TDS TDS METROCOM - LLC										
651-779-8882	06/13/2012	197.75	0.00	07/03/2012	Analog Lines - Fire		-	No		0000
101-420-2220-43210	Telephone									
651-779-8882	06/13/2012	210.19	0.00	07/03/2012	Analog Lines - Public Works		-	No		0000
101-430-3100-43210	Telephone									
651-779-8882	06/13/2012	150.60	0.00	07/03/2012	Analog Lines - Lift Station Alarms		-	No		0000
602-495-9450-43210	Telephone									
651-779-8882	06/13/2012	47.78	0.00	07/03/2012	Alarm - Well House #2		-	No		0000
602-495-9450-43210	Telephone									
	651-779-8882 Total:	606.32								
	TDS Total:	606.32								
TRKUTI Truck Utilities Inc.										
240678	06/11/2012	5.80	0.00	07/03/2012	6410 Tractor Hose Elbow		-	No		0000
101-430-3120-42210	Equipment Parts									
	240678 Total:	5.80								
	TRKUTI Total:	5.80								
VFBA Benefit Association Volunteer Fire										
06/27/2012	06/27/2012	282.00	0.00	07/03/2012	Renewals		-	No		0000
101-420-2220-44330	Dues & Subscriptions									
	06/27/2012 Total:	282.00								
	VFBA Total:	282.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
VUGOVICH Vugovich Design										
Ck Req	06/20/2012	5,000.00	0.00	07/03/2012	Refund Escrow 2979 Lake Elmo #8141		-		No	0000
803-000-0000-22900	Deposits Payable									
	Ck Req Total:	5,000.00								
	VUGOVICH Total:	5,000.00								
<hr/>										
WASRADIO WASHINGTON COUNTY										
72674	06/13/2012	3,734.08	0.00	07/03/2012	1/4rly user fee for 800 MHz radios		-		No	0000
101-420-2220-43230	Radio									
72674	06/13/2012	112.00	0.00	07/03/2012	Radio Repair/Maintenance fund		-		No	0000
101-420-2220-43230	Radio									
	72674 Total:	3,846.08								
	WASRADIO Total:	3,846.08								
<hr/>										
ZAWADSKI Zawadski Homes, Inc										
ck Req	06/28/2012	26,500.00	0.00	07/03/2012	Refund part of Permit Escrow #8245		-		No	0000
803-000-0000-22900	Deposits Payable									
	ck Req Total:	26,500.00								
	ZAWADSKI Total:	26,500.00								
<hr/>										
	Report Total:	86,972.46								

Accounts Payable To Be Paid Proof List

User: joan z
 Printed: 06/26/2012 - 12:47 PM
 Batch: 013-06-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CENCOLLE Century College 461552	06/26/2012	556.00	0.00	06/26/2012	Fire Apparatus Driving - 3 Firefighters	-	-	No		0000
101-420-2220-44370	Conferences & Training	556.00								
	461552 Total:	556.00								
	CENCOLLE Total:	556.00								
	Report Total:	556.00								

Accounts Payable To Be Paid Proof List

User: joan z

Printed: 06/20/2012 - 3:03 PM

Batch: 011-06-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LERELIEF Lake Elmo Fire Relief Assn.										
06/20/12	06/20/2012	2,632.00	0.00	06/20/2012	Additional due to Audit		-	No		0000
101-420-2250-44925	City Contribution	2,632.00								
	06/20/12 Total:	2,632.00								
	LERELIEF Total:	2,632.00								
	Report Total:	2,632.00								

Accounts Payable To Be Paid Proof List

User: joan z
 Printed: 06/29/2012 - 9:40 AM
 Batch: 016-06-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FXL FXL, Inc.	06/30/2012	2,000.00	0.00	07/03/2012	Assessing Services - June 2012		-		No	0000
101-410-1320-43100	Assessing Services	2,000.00								
	06/30/2012 Total:	2,000.00								
	FXL Total:	2,000.00								
	Report Total:	2,000.00								

MAYOR AND COUNCIL COMMUNICATION

DATE: 07/03/2012

CONSENT

ITEM #: 3

MOTION Consent Agenda

AGENDA ITEM: Approve Resolution 2012-32 Designating Certified Building Official and Approval of JPA with the City of Hugo

SUBMITTED BY: Sandie Thone, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of the Consent Agenda City Council is respectfully requested to approve Resolution 2012-32 designating the certified building official for the City of Lake Elmo as the City of Hugo and enter in a joint powers agreement with the City of Hugo for administration of the state and the municipal building code.

STAFF REPORT: With the departure of Karl Horning, staff began the search for a replacement to administer the state and municipal building code for the city. Per MN Statute 326B.133, Subd.1 & 7, the municipality must designate a certified building official to administer the code and the commissioner must be notified within 15 days of any vacancy or designation. The attached Notice of Designation was signed by City Administrator Dean Zuleger and was submitted to the MN Department of Labor and Industry on June 25, 2012 designating the City of Hugo as our Certified Building Official.

In addition please find attached the proposed Joint Powers Agreement Between the City of Lake Elmo and the City of Hugo outlining the services and fees for the administration of the state and municipal building code.

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2012-32 Designating the Certified Building Official as the City of Hugo and a Joint Powers Agreement Between the City of Hugo and the City of Lake Elmo for Administration of the State and Municipal Building Code effectively immediately and until such further notice.

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

RESOLUTION 2012-32

A RESOLUTION DESIGNATING CERTIFIED BUILDING OFFICIAL

WHEREAS, the City of Lake Elmo has adopted the Minnesota State Building Code; and

WHEREAS, the City is authorized and empowered to provide administration and a certified building official is required by Minnesota State Statute for implementation; and

WHEREAS, the City of Lake Elmo has determined it is in the best interests of the City and its citizens to designate the City of Hugo to provide such services to the City immediately and until such further notice;

NOW, THEREFORE IT BE RESOLVED, the City of Hugo as the Designated Certified Building Official for Lake Elmo to administer the State and Municipal Building Code.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
THIRD DAY OF JULY 2012.**

By: _____
Dean A. Johnston
Mayor

ATTEST:

Sandie Thone
City Clerk



June 25, 2012

MN Department of Labor and Industry
Construction Codes and Licensing Division/Business Unit
443 Lafayette Road North
St. Paul, MN 55155-4341

Re: Notice of Designation of Certified Building Official for the City of Lake Elmo

To the Commissioner of Labor and Industry:

Please find attached the Notice of Notice of Designation of Certified Building Official for the City of Lake Elmo signed by the City Administrator on June 25, 2012. As defined by MN Statute 326B.103 the City is required to formally designate a certified building official accepting responsibility for code administration.

If you should have any questions please do not hesitate to contact me at 651.747.3900.

Thank you,

A handwritten signature in cursive script that reads "Sandie Thone".

Sandie Thone
City Clerk
City of Lake Elmo

Minnesota Department of Labor and Industry
Construction Codes and Licensing Division
Business Unit
443 Lafayette Road North, St. Paul, MN 55155-4341
Phone: (651) 284-5068 Fax: (651) 284-5749
www.dli.mn.gov TTY: (651) 297-4198

Notice of Designation or Vacancy Of Certified Building Official

PRINT IN INK or TYPE your responses.

To the Commissioner of Labor and Industry:

According to M.S. §326B.133, Subd. 1, which states:

Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities.

and further, according to M.S. §326B.133, Subd. 7, which states in part:

In the event that a designated building official position is vacant within a municipality, that municipality shall designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days.

The administrative authority of the municipality of City of Lake Elmo
Hereby notifies you, pursuant to M.S. §326B.133, that it has made one of the following designations (A or B selected):

A.

Municipality has designated Charles L. Preisler 8002596
NAME (INCLUDE MIDDLE INITIAL) CERTIFICATION NUMBER

as the municipality's building official, who in the municipality of Lake Elmo
 will be known as the Building Official, effective 6-22-2012
TITLE DATE

MUNICIPALITY CONTACT INFORMATION

MUNICIPALITY STREET ADDRESS (do not provide a PO Box)
3800 Laverne Avenue North
 CITY Lake Elmo STATE MN ZIP 55042
 PHONE 651-777-5510 FAX 651-777-9615 E-MAIL

MUNICIPAL BUILDING OFFICIAL CONTACT INFORMATION

BUILDING OFFICIAL STREET ADDRESS (do not provide a PO Box)
14669 Fitzgerald Avenue
 CITY Hugo STATE MN ZIP 55038
 PHONE 651-762-6300 FAX 651-426-2859 E-MAIL cpreisler@ci.hugo.mn.us

OR B.

Municipality has a vacancy in the building official position, effective
DATE

Statutory definitions from M.S. §326B.103, Subd. 6 *Designate* "the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration."

Administrative authority "a municipality's governing body or their assigned administrative authority."

Please have person with administrative (appointing) authority sign. Form must be signed.

SIGNATURE OF ADMINISTRATIVE AUTHORITY [Signature] TITLE Administrator DATE 6-25-2012

**Administration of the State Building Code
Agreement Between
City of Hugo and City of Lake Elmo**

WHEREAS, the City of Lake Elmo (hereinafter "City") has adopted the Minnesota State Building Code; and

WHEREAS, the City is authorized and empowered to provide for plan review and various types of inspections to ensure the public health, safety and welfare of its citizens; and

WHEREAS, said building code requires a certified building official for the implementation of the state building code; and

WHEREAS, the City has investigated the facts and determined that it is in the best interests of the City and its citizens to contract with the City of Hugo for administration of the state building code; and

WHEREAS, the City of Lake Elmo desires that the City of Hugo provide said plan review and inspections within the City of Lake Elmo at such times that are required; and

WHEREAS, the City of Lake Elmo desires that the City of Hugo Building Department, which verifies that it has a certified building official, implement and enforce the Minnesota State Building Code; and

WHEREAS, the City of Hugo is willing, able and hereby commits itself to the implementation of said building code for the City during such times as requested by the City of Lake Elmo until further notice;

NOW, THEREFORE, in consideration of the mutual promises and covenants of each to the other contained in this Agreement, the City of Lake Elmo and the City of Hugo, pursuant to the authority contained in Minn. Stat. § 471.59, in order to accomplish the foregoing purposes, agree as follows:

**ARTICLE I
THE AGREEMENT**

Section 1.01. Purposes. The purpose of this Agreement is to provide for the exchange of services as provided in the recitals, which shall be incorporated herein, between the City of Hugo and the City of Lake Elmo for building inspection and plan review services.

Section 1.02. Cooperation. The Parties shall cooperate and use their best efforts to ensure the most effective implementation of the various provisions of this Agreement. The Parties agree in good faith to undertake resolution of disputes, if any,

in an equitable and timely manner.

Section 1.03. Term. The term of this Agreement shall be for a period commencing the date hereof and shall remain in place and in effect until and unless terminated by mutual agreement or by one of the Parties hereto.

Section 1.04. Termination by One Party. A Party's termination of this Agreement shall be effective 21 days after such Party's delivery in writing of a notice of termination to the City of Lake Elmo City Administrator or the City of Hugo City Administrator, as the case may be.

ARTICLE II THE CITY'S RIGHTS AND OBLIGATIONS

Section 2.01. Plan Review and Inspections. The City of Hugo shall perform plan review and inspections for all public and private buildings and state licensed facilities required intermittently and at the request of the City of Lake Elmo. The City of Hugo shall not be obligated to review, approve or deny any zoning, site design, setback, road access, or sewer and water hook-ups, and/or collect fees for the same.

Section 2.02. Fee for Inspections and related Services. In exchange for the inspection services the City of Hugo performs pursuant to Section 2.01 of this Agreement, the City of Lake Elmo shall pay the City of Hugo an hourly rate and a mileage rate per the City of Hugo's adopted fee schedule, which shall be incorporated herein as Exhibit A, as said schedule may change from time to time.

Section 2.03. Fee for Plan Review Services. In exchange for the plan review services the City of Hugo performs pursuant to Section 2.01 of this Agreement, the City of Lake Elmo shall pay the City of Hugo the entire Plan Review Fee collected by the City of Lake Elmo as required by the City of Lake Elmo's adopted building code.

ARTICLE III GENERAL PROVISIONS

Section 3.01. Notices. Except as provided in Section 1.04 of this Agreement, all notices or communications required or permitted pursuant to this Agreement shall be either hand delivered or mailed to the Parties, certified mail, return-receipt requested, at the following addresses:

City of Hugo:

City Clerk

City of Hugo
14669 Fitzgerald Avenue North
Hugo, Minnesota 55038

City of Lake Elmo

City Clerk
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Each Party may change its address or authorized representative by written notice delivered to the other Party pursuant to this Section 4.01.

Section 3.02. Counterparts. This Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original but all of which taken together shall be deemed a single instrument.

Section 3.03. Non-Assignability. Neither of the Parties shall assign any interest in this Agreement nor shall transfer any interest in the same, whether by subcontract, assignment, or novation, without the prior written consent of the other Party. Such consent shall not be unreasonably withheld.

Section 3.04. Alteration. Any alteration, variation, modification, or waiver of the provisions of the Agreement shall be valid only after it has been reduced to writing and duly signed by all Parties.

Section 3.05. Indemnification and Insurance.

- (1) Unless otherwise provided for in this Agreement, each Party shall be separately responsible for its own expenditures of funds made under this agreement.
- (2) Subject to the exclusion contained at Paragraph (1) of this Section, the Parties' total liability under this Agreement shall be governed by Minn. Stat. § 471.59, subd. 1a. Each Party agrees that it will be responsible for the acts or omissions of its officials, agents, and employees, and the results thereof, in carrying out the terms of this Agreement, to the extent authorized by law and shall not be responsible for the acts/omissions of the other Parties and the results thereof. For purposes of determining total liability for damages, the participating governmental units are considered to be a single governmental unit, the total liability of which shall not exceed the limits for a single governmental unit as provided in Minn. Stat. § 466.04, subd. 1.

- (3) Each Party agrees to defend, hold harmless, and indemnify other Parties, their officials, agents and employees, from any liability, loss or damages any other Party may suffer or incur as a result of demands, claims, judgments, or costs arising out of or caused by the indemnifying Party's negligence in the performance of its respective obligations under this Agreement. This provision shall not be construed nor operate as a waiver of any applicable limitation of liability, defenses, immunities, or exceptions by statute or common law.
- (4) Each Participating Party shall be responsible for injuries or death of its own Employees to the extent required by law. Each Participating Party will maintain workers' compensation insurance or self-insurance coverage, covering its own Employees while they are providing assistance pursuant to this Agreement.

Section 3.06. Severability. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to law, or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions of this Agreement.

Section 3.07. Interpretation According to Minnesota Law. This Agreement shall be interpreted and construed according to the laws of the State of Minnesota.

Section 3.08. Entire Agreement. This Agreement shall constitute the entire agreement between the Parties and shall supersede all prior oral or written negotiations, and shall supersede all prior written agreements for the subject matter of this Agreement.

Section 3.09. Headings. The headings to the various sections of this Agreement are inserted only for convenience of reference and are not intended, nor shall they be construed, to modify, define, limit, or expand the intent of the Parties as expressed in this Agreement.

Section 3.10. Further Actions. The Parties agree to execute such further documents and take such further actions as may reasonably be required or expedient to carry out the provisions and intentions of this Agreement, or any agreement or document relating hereto or entered into in connection herewith.

Section 3.11. Parties in Interest. This Agreement shall be binding upon and inure solely to the benefit of the Parties hereto and their permitted assigns, and nothing in this Agreement, express or implied, is intended to confer upon any other person any rights or remedies of any nature under or by reason of this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representative as of the day and year first above written.

Adopted and approved by the City of Hugo on the ____ day of _____, 2012.

Fran Miron, Mayor

ATTEST:

Michele Lindau, City Clerk

Adopted and approved by the City of Lake Elmo on the ____ day of _____, 2012.

Dean Johnston, Mayor

ATTEST:

Approved as to Form:

City Attorney DATE: _____, 2012

Exhibit A

Building Inspector Fee	\$58.00/hour
Mileage Rate	\$0.555/mile



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/03/2012
CONSENT
ITEM #: 4
MOTION Consent Agenda

AGENDA ITEM: Approve Building Official Position, Posting and Recruitment

SUBMITTED BY: Sandie Thone, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Dean A. Zuleger, City Administrator
Kyle Klatt, Director of Planning

SUMMARY AND ACTION REQUESTED:

As part of the Consent Agenda the City Council is respectfully requested to consider approval of the Building Official position description, the posting of the position and the recruitment for a Building Official for the City of Lake Elmo to perform all operations of the Code Enforcement and Building Inspection department.

STAFF REPORT:

With the departure of Acting Building Official Karl Horning, city staff set out to define the needs of the city with regards to this position keeping in mind our current and future objectives. Please find attached the position description for the Building Official staff is recommending. The position description was created based on current and future organizational needs/goals, feedback from staff with regard to relevant areas for enhanced processes and service delivery levels to support increased activities and future demands. In addition, staff aimed to define our needs in filling this position and have determined it to be in the best interest of the city to post and recruit for the position of a full time 1.0 FTE Building Official with the stated qualifications to administer code enforcement and building inspections for the city. Staff performed a salary survey of building officials in metro area cities with similar populations, growth opportunities and organizational structure to determine the desired salary range dependent upon qualifications for this position.

RECOMMENDATION:

Staff recommends the City Council approve the position description of Building Official at the pay range of \$55,586 to \$71,226 and approve staff to post and begin recruitment for the building official position.



The City of Lake Elmo offers competitive pay and benefits in addition to professional development opportunities to all employees. The city's number one value statement is to foster an environment based on trust and ethics. These philosophies and practices help the City in recruiting and retaining exceptional employees.

Accepting Applications for the Position of:

BUILDING OFFICIAL

SALARY: \$55,586 to \$71,226/DOQ
OPENING DATE: 7/5/2012
CLOSING DATE: 7/27/2012

POSITION TITLE: Building Official
DEPARTMENT: Code Enforcement – Building Inspections
ACCOUNTABLE TO: Director of Planning
FLSA STATUS: Exempt

PRIMARY OBJECTIVE:

This individual will perform all operations of the Building Inspection Department to help promote quality construction and high standards of design throughout the City of Lake Elmo. This includes administration and enforcement of State building codes, City zoning ordinance enforcement, and implementation of property maintenance codes within Lake Elmo. Plan, develop, and implement methods to maintain optimum service levels in all phases of building and fire inspections, city code enforcement and designated environmental health services. Resolve complaints and/or concerns regarding code issues.

ESSENTIAL FUNCTIONS OF THE POSITION

1. Establish and maintain policies and procedures for the Building Inspection Department including record keeping processes, inspection scheduling, fee collection and enforcement.
2. Manage and perform plan reviews and building inspections on all types of building structures (commercial, industrial and residential) to make sure that they meet building, zoning and related code requirements. This includes new construction, remodeling and additions to insure that structures are built consistent with official building codes.
3. Communicate with architects, engineers, contractors and property owners to interpret and clarify code requirements.
4. Authorize and ensure issuance of various permits as required by city code enforced by the City.

5. Maintains record of erosion control violations and coordinates the City's enforcement of erosion control requirements for new construction.
6. Issues Certificates of Occupancy for structures and verifies with other City staff that all site and development requirements have been met prior to issuance.
7. Verifies that site construction activity is in conformance to approved plans, coordinates City action to bring non-compliant sites into compliance.
8. Interprets building and housing codes for inspectors, contractors, and the general public.
9. Ensure complaints involving building codes and related ordinances are investigated in a timely manner. Initiate appropriate legal action regarding violations that are not corrected.
10. Keep abreast of innovations and developments in the construction industry and how changes in materials and construction practices relate to code requirements. Maintain effective enforcement and inspection techniques, practices and procedures including technology and software innovation.
11. When necessary attend development review, city council and planning commission meetings to provide input on building code and zoning ordinance requirements for proposed construction and development projects.
12. Establish and maintain policies and procedures for zoning administration which includes enforcement of the zoning, property maintenance and sign ordinances and takes action to ensure compliance with these.
13. Responsible for keeping supervisor informed of issues and adequately resolving issues quickly. Recommends procedures and policies to supervisor in cases not clearly covered by codes and ordinances.
14. Responsible for preparing and processing ordinance amendments as needed.
15. Responsible for ensuring department reports are completed and accurate.
16. Oversee maintenance of department work records and implementation of document management system.
17. Make recommendations to supervisor with regard to the annual budget for the Building Inspection Department.
18. Performs facilities management functions as they relate to City Hall.

PERFORMANCE CRITERIA

- Skills in mediation, complaint resolution and problem solving.
- Team player with the ability to collaborate and implement effective customer service.
- Strong initiative to improve processes and productivity.
- Ability to effectively use a computer and various software programs, including software for tracking building inspections and permitting activity.
- Ability to maintain a positive and effective working relationship with council, commissions, businesses, designers, contractors, residents and staff.
- Ability to communicate effectively, both orally and in writing.
- Thorough knowledge and understanding of the pertinent state and local codes and licensing requirements applicable to the City of Lake Elmo and the legal aspects of code administration.
- Ability to read and interpret plans, specifications, engineering and architectural project drawings, and electronic documents accurately and to compare them with construction in progress.
- Ability to enforce codes and ordinances firmly, tactfully and impartially and deal with difficult situations.
- Understanding and experience working with best management practices for construction activity.

- Develop and maintain effective working relationships with other City departments, Administration, Public Works, Fire, Planning, Engineering, etc.
- Ability to physically move about all areas of construction properties to carry out duties.
- Ability to manage multiple projects and meet deadlines working in a fast paced environment.

MINIMUM QUALIFICATIONS

- State Certification as State Building Official
- ICC Certification as plans examiner or building official or ability to obtain within 1 year of hire date.
- Bachelor's degree in related field; may substitute equivalent years of related work experience in construction, inspections, facilities management for degree.
- Five years experience in construction or a related field in public or private sector. Expertise in plumbing, electrical and/or HVAC a plus.
- Experience with Microsoft Products (Word, Excel, Powerpoint)
- Valid MN Driver's License

DESIRABLE QUALIFICATIONS

- Experience with inspections, property maintenance, sign permits and/or planning and zoning in Public Sector

SUPERVISION RESPONSIBILITIES

N/A

PHYSICAL REQUIREMENTS

Positions in this class typically require: sitting, feeling, manual dexterity, grasping, talking, and hearing, typing, and seeing. The individual may encounter unexpected and prolonged workdays and stress and pressures from dealing with emotional issues and conflicts. There is sustained exposure to computer keyboards and video screens. This position is light duty and may require the exertion of up to 20 pounds of force on occasion or a negligible amount of force frequently to lift, carry, push, pull or otherwise move objects.

PLEASE APPLY BY CLOSING DATE: JULY 27, 2012

SEND COVER LETTER, RESUME, AND REFERENCES TO:

CITY OF LAKE ELMO

ATTN: SANDIE THONE, CITY CLERK

3800 LAVERNE AVENUE NORTH, LAKE ELMO, MN 55042

OR STHONE@LAKEELMO.ORG

PLEASE VISIT OUR WEBSITE AT **WWW.LAKEELMO.ORG** FOR ADDITIONAL INFORMATION OR CONTACT US AT 651.747.3900

CITY OF LAKE ELMO IS AN EQUAL OPPORTUNITY EMPLOYER



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/03/2012
CONSENT
ITEM #: 5
MOTION Consent Agenda

AGENDA ITEM: Proclaim August 9 through 12, 2012 Huff n' Puff Days

SUBMITTED BY: Sandie Thone, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

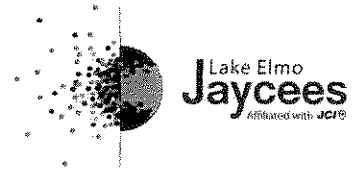
SUMMARY AND ACTION REQUESTED:

As part of the Consent Agenda City Council is respectfully requested by the Lake Elmo Jaycees to proclaim August 9 through 12, 2012 Huff n' Puff Days in the City of Lake Elmo.

The proclamation has been provided for the mayor to read and sign.



Lake Elmo Jaycees
P.O. Box 198
Lake Elmo, MN 55042



Proclamation

WHEREAS, the Lake Elmo Jaycees have been a vital part of the development of young leaders of our community the past 41 years and

WHEREAS, this organization of young people will again be sponsors of Huff n' Puff August 9th, 10th, 11th, and 12th 2012.

NOW, THEREFORE, I, Dean Johnston, Mayor of Lake Elmo, do hereby proclaim the second week in August 2012 to be

Huff n' Puff Days

in Lake Elmo, and urge all citizens of our community to give full regard to past and continuing services of the Lake Elmo Jaycees.

Signed this _____ day of July, 2012

Dean Johnston, Mayor of Lake Elmo



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/03/2012
CONSENT
ITEM #: 6
MOTION *Consent Agenda*

AGENDA ITEM: Temporary Liquor License for Lake Elmo Jaycees

SUBMITTED BY: Sandie Thone, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

As part of the Consent Agenda City Council is respectfully requested to consider approval of a temporary on-sale liquor license issued to Lake Elmo Jaycees for their Huff n' Puff Days event held August 9 through 12, 2012, subject to approval of the Director of Alcohol and Gambling Enforcement. In addition the city council is requested to waive the \$25 liquor license fee and the fee for the Lion's Park ball field lighting.

BACKGROUND INFORMATION:

Pursuant to Lake Elmo City Code Chapter 111.17 Section B3 temporary on-sale licenses shall be issued only to clubs, charitable, religious or other non-profit organizations in existence for at least three years and shall authorize the on-sale of intoxicating liquor in connection with a social event sponsored by the licensee and subject to the restrictions imposed by MN Statute 340A.

STAFF REPORT:

Lake Elmo Jaycees will hold their annual Huff n' Puff Days event August 9 through 12, 2012 and have requested an on-sale temporary special event liquor license to allow for the safe sale of alcoholic beverages at the event. They have successfully submitted an application, certificate of insurance for liquor liability and proof of their non-profit status.

RECOMMENDATION:

Staff recommends city council approve a temporary on-sale liquor license issued to Lake Elmo Jaycees for their Huff n' Puff Days event held August 9 through 12, 2012, subject to approval of the Director of Alcohol and Gambling Enforcement and waive both the \$25 liquor license fee and the fee for the Lion's Park ball field lighting.



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar Street Suite 133, St. Paul MN 55101-5133
 (651) 201-7507 Fax (651) 297-5259 TTY (651) 282-6555
 WWW.DPS.STATE.MN.US



**APPLICATION AND PERMIT
 FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <u>Lake Elmo Jaycees</u>		DATE ORGANIZED <u>Oct 1970</u>	TAX EXEMPT NUMBER State # <u>1072528</u> Fed # <u>41-1478694</u>	
STREET ADDRESS <u>P.O. Box 198</u>		CITY <u>Lake Elmo</u>	STATE <u>MN</u>	ZIP CODE <u>55042</u>
NAME OF PERSON MAKING APPLICATION <u>Dana Monroe</u>		BUSINESS PHONE ()		HOME PHONE <u>763 228-4172</u>
DATES LIQUOR WILL BE SOLD <u>Aug 9-12 2012</u>		TYPE OF ORGANIZATION CLUB <u>(CHARITABLE)</u> RELIGIOUS OTHER <u>(NONPROFIT)</u>		
ORGANIZATION OFFICER'S NAME <u>Sarah Quick - President</u>		ADDRESS		
ORGANIZATION OFFICER'S NAME <u>Kali Trinkner - Secretary</u>		ADDRESS		
ORGANIZATION OFFICER'S NAME <u>Ruston Monroe - State Delegate</u>		ADDRESS <u>7405 123RD ST W #305 Apple Valley MN 55124</u>		
Location license will be used. If an outdoor area, describe <input checked="" type="checkbox"/> <u>Lions Park, Lake Elmo</u>				
<u>We will have a beer trailer next to Concession building, behind counters to prevent unauthorized people eat Beer.</u>				
Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service.				
Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage. <u>Insurance By Design, LLC 15 West Cliff Road Ste A Burnsville MN 55337</u>				

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT

CITY/COUNTY _____ DATE APPROVED _____

CITY FEE AMOUNT _____ LICENSE DATES _____

DATE FEE PAID _____

SIGNATURE CITY CLERK OR COUNTY OFFICIAL _____ APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT _____

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event

Nonprofit Corporation status

Lake Elmo Jaycees



Business & Lien System

Office of the Minnesota Secretary of State

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Business Record Details »

[File Amendment or Renewal](#) [Order Copies](#) [Order a Certificate](#)

Minnesota Business Name

Business Type

Nonprofit Corporation (Domestic)

File Number

2B-53

Filing Date

01/10/2003

Renewal Due Date:

12/31/2012

Registered Agent(s)

(Optional) None provided

MN Statute

317A

Home Jurisdiction

Minnesota

Status

Active / In Good Standing

Registered Office Address

**3800 Laverne Ave II
Lake Elmo MN 55042
USA**

President

**Sarah Quick
3185 Karth Road
Apt 125
White Bear Lake MN 55110**

[Filing History](#)

[Renewal History](#)

[http://mbisportal.sos.state.mn.us/Business/SearchDetails/2B-53?status=Active&itemType=Nonprofit%20Corporation%20\(Domestic\)](http://mbisportal.sos.state.mn.us/Business/SearchDetails/2B-53?status=Active&itemType=Nonprofit%20Corporation%20(Domestic))



MAYOR AND COUNCIL COMMUNICATION

DATE: July 3, 2012

REGULAR

ITEM #: 7

MOTION

AGENDA ITEM: 2011 Annual Financial Report & Management Letter Presentation

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator
Matt Voss; Abdo, Eick & Meyers LLP

SUMMARY AND ACTION REQUESTED: The City has retained the services of Abdo, Eick & Meyers to audit the financial statements for 2011. Enclosed are the 2011 Annual Financial Audit Report and Management Letter. The City Council is asked to review and accept the 2011 reports.

BACKGROUND INFORMATION: Annually, the City engages the services of an independent outside audit firm to review the financial statements. The accountants are asked to assure that the financial statements are free of material misstatement to the extent possible. They also review to ensure that the proper internal controls are in place.

STAFF REPORT: Matt Voss from Abdo, Eick & Meyers will present the report and respond to any inquiries.

RECOMMENDATION: It is recommended that the City Council accept the 2011 Year End Annual Financial Report and Management Letter.

ATTACHMENTS:

1. 2011 Annual Financial Report
2. 2011 Management Letter



MAYOR AND COUNCIL COMMUNICATION


DATE: 07/03/2012

REGULAR

ITEM #: 8

MOTION

AGENDA ITEM: Mayor and City Council Salaries

SUBMITTED BY: Sandie Thone, City Clerk 

THROUGH: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider the adoption of Ordinance 2012-60 Setting Mayor and City Council annual salaries effective January 1, 2013 in the amount of \$6,250 and \$4,860, respectively.

STAFF REPORT:

In November of 2011 the city council asked staff to bring forth an ordinance raising the annual salaries of mayor and council members from the current levels of \$3,915 and \$3,130, respectively to the proposed \$6,250 and \$4,860. The current salaries for mayor and city council have been in effect since January 1, 2008 and were set by Ordinance 97-160. A proposed ordinance was presented by staff in December 2011 and failed by a 2 -3 vote of the council. A comparative study of mayor and council salaries was included with the request and is attached for your review. Per MN Statute and Lake Elmo City Code city council must set salaries by ordinance prior to a regular city election and the salary adjustment may not take effect until the January 1 of year following the next city election.

RECOMMENDATION:

Staff recommends city council adopt Ordinance 2012-60 Setting Mayor and City Council annual salaries effective January 1, 2013 in the amount of \$6,250 and \$4,860, respectively.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA
ORDINANCE 2012-60**

AN ORDINANCE SETTING MAYOR AND CITY COUNCIL SALARIES

Section 1: Ordinance 2012-60: The Lake Elmo City Council hereby ordains Section 200.01, Subdivision 8 are amended to read as follows:

8. Salaries of Mayor and City Council Members

- a. Effective January 1, 2013, the annual salary of the mayor shall be \$6,250 and the annual salary of each council member shall be \$4,860.

Section 2: Effective Date: This ordinance becomes effective on January 1, 2013 after its publication.

ADOPTION DATE: ADOPTED BY LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF JULY 2012.

CITY OF LAKE ELMO CITY COUNCIL

Dean A. Johnston
Mayor

Attest:

Sandie Thone
City Clerk

This Ordinance 2012-60 was published on the _____ day of _____ 2012.

(Seal)

Comparative Mayor and Council Salaries
 from 2011 League of Minnesota Cities Salary Survey
 all Metro area participants in survey with 5,000 - 25,000 population
 Salaries in Descending Order

<u>City</u>	<u>Population</u>	<u>Mayor</u>	<u>Council</u>	<u>Other Compensation</u>
Columbia Heights	18,361	\$ 13,800	\$ 7,800	
Golden Valley	20,132	\$ 11,619	\$ 8,696	\$50/addl mtg, max 3 mtgs/mo
New Hope	20,718	\$ 10,672	\$ 7,553	\$25 per EDA meeting
Robbinsdale	13,775	\$ 10,151	\$ 8,097	
Crystal	22,014	\$ 10,307	\$ 7,929	
South St. Paul	20,180	\$ 10,200	\$ 6,600	
Champlin	23,934	\$ 9,950	\$ 6,610	
Prior Lake	23,335	\$ 9,420	\$ 7,440	
Stillwater	18,235	\$ 9,000	\$ 7,200	
New Brighton	22,321	\$ 8,600	\$ 7,553	
Rosemount	21,521	\$ 8,528	\$ 6,396	\$35/Port Authority meeting
Hastings	22,491	\$ 8,400	\$ 6,000	
Chaska	24,177	\$ 8,208	\$ 6,948	
West Saint Paul	18,947	\$ 8,100	\$ 6,500	
Farmington	18,959	\$ 8,040	\$ 7,020	
Ramsey	23,272	\$ 8,000	\$ 6,000	
St. Anthony Village	8,437	\$ 7,500	\$ 6,000	Mayor pro-tem: \$6,756 salary
Vadnais Heights	13,071	\$ 7,500	\$ 6,000	
Spring Lake Park	6,768	\$ 7,234	\$ 6,000	
Forest Lake	17,496	\$ 6,500	\$ 5,500	
North Saint Paul	11,569	\$ 6,400	\$ 5,200	
East Bethel	12,090	\$ 6,300	\$ 5,700	
Mounds View	12,733	\$ 6,300	\$ 5,700	
Lino Lakes	20,305	\$ 6,272	\$ 5,018	\$40/addl meeting
Ham Lake	15,324	\$ 6,000	\$ 4,900	
Chanhassen	23,629	\$ 6,000	\$ 4,800	\$50/addl meeting
Dayton	5,072	\$ 6,000	\$ 4,800	
Hopkins	17,290	\$ 6,000	\$ 4,800	
Little Canada	10,036	\$ 5,700	\$ 4,630	
Mendota Heights	11,766	\$ 5,700	\$ 4,200	
Falcon Heights	5,762	\$ 5,400	\$ 3,400	
Waconia	10,183	\$ 4,800	\$ 4,000	
Mahtomedi	8,143	\$ 4,800	\$ 3,600	
Minnnetrista	6,296	\$ 4,800	\$ 3,600	\$50/addl meeting
Oak Grove	8,579	\$ 4,772	\$ 4,100	EDA: Mayor, \$107/mo; Council \$95/mo.
Circle Pines	5,297	\$ 4,500	\$ 3,900	
Saint Francis	7,455	\$ 4,500	\$ 3,900	\$35/half-day
Mound	9,787	\$ 4,500	\$ 3,000	
New Prague	7,081	\$ 4,440	\$ 3,144	
Saint Paul Park	5,221	\$ 4,350	\$ 3,800	
Medina	5,026	\$ 4,250	\$ 3,000	
Rogers	7,497	\$ 4,200	\$ 3,600	
Orono	7,980	\$ 4,200	\$ 3,500	
Lake Elmo	8,326	\$ 3,915	\$ 3,130	
Arden Hills	10,137	\$ 3,600	\$ 3,200	
Shorewood	7,618	\$ 3,600	\$ 3,000	
Victoria	6,727	\$ 2,700	\$ 2,400	
Corcoran	5,842	\$ 1,800	\$ 1,200	



MAYOR AND COUNCIL COMMUNICATION

DATE: 7/3/12
REGULAR AGENDA
ITEM #: 9
MOTION

AGENDA ITEM: Country Sun Farms – Agricultural Building Construction

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review a proposed request from the Country Sun Farm and Greenhouses to construct agricultural buildings on their property at 5500 Lake Elmo Avenue North. The proposed construction would involve a lean-to addition to an existing barn and a new structure to replace a farm building that has fallen down. Details concerning the location of the proposed building and the use of the structures are included in the attached letter from the Country Sun Farms.

Staff is recommending that that City Council authorize construction of the proposed structures as permitted agricultural buildings. The recommended motion to act on this on this request is as follows:

“Move to authorize construction of two agricultural buildings at 5500 Lake Elmo Avenue North that are consistent with the A – Agricultural and RR – Rural Residential Zoning for this property”

BACKGROUND INFORMATION: Under the terms of the approved Interim Use Permit for an agricultural sales operation on the property, City Council is required to review all new construction to determine whether or not proposed buildings would represent an expansion or modification of the agricultural business. The specific condition that requires this action is as follows:

The addition of any new structures or buildings or expansion of existing structures or buildings, regardless of size, shall require notification to City Staff prior to construction. The City Council will determine if the changes will require an amendment to the Interim Use Permit or to the existing Conditional Use Permit on the site.

Because the proposed buildings would be used for agricultural purposes not directly related to the sales or entertainment business, the proposed structures are permitted as agricultural buildings. There are no limits concerning the number or size of agricultural buildings on agricultural properties (A or RR Zoning) in the City that are over 20 acres in size. Since the Country Sun Farm property is zoned in this manner, the proposed structures are permitted under the Zoning Ordinance.

RECOMMENDATION: Staff is recommending that that City Council authorize construction of two agricultural buildings at 5500 Lake Elmo Avenue North that are consistent with the A – Agricultural and RR – Rural Residential Zoning for this property.

ATTACHMENTS:

1. Letter from Country Sun Farms
2. Proposed Building Location Map
3. Photograph of Barn Structure (Lean-to Area)

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Presentation Planning Director
- Questions from Council to Staff Mayor Facilitates
- Public Input, If Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

COUNTRY SUN FARM & GREENHOUSES INC.

5500 Lake Elmo Avenue North
Lake Elmo, Minnesota, 55042
Phone (651) 351-5139
Cell (651) 399-7423
Keithbergmann@msn.com

June 13, 2012

City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, Mn. 55042

Dear Mr. Klatt,

This letter is being sent to you as a follow up to our conversation the other day regarding the addition of any structures to the property at Country Sun Farm and Greenhouses. As we reviewed our various permits, it was determined that the addition of any structures to the property regardless of use would require notification to the city to determine if their use would be acceptable and fall under agricultural guidelines.

We are proposing to add two additional agricultural structures to the property. The first one is a lien-to addition to an existing barn. The addition would be approximately 24' by 50', would be attached directly to the existing building, and would match the look of the old barn in that it would be all wood siding with a corrugated steel roof. The structure would be used to house farm implements in service at our farm. This structures location is marked on the attached map as site 1. Also included is a photograph of the side of the barn that this lien-to would be attached to.

The other structure being proposed would be located at site 2 on the attached map. This structure will be approximately 16' by 32' will also be all wood construction with a steel roof, and will be painted red to match the old red barn sitting next to it. This structure will be built upon the foundation/replace an old farm building which was previously located on this site, which has fallen down. This structure will be used to house two hay balers used on the property.

Thank you for your time and consideration in this matter.

Sincerely,



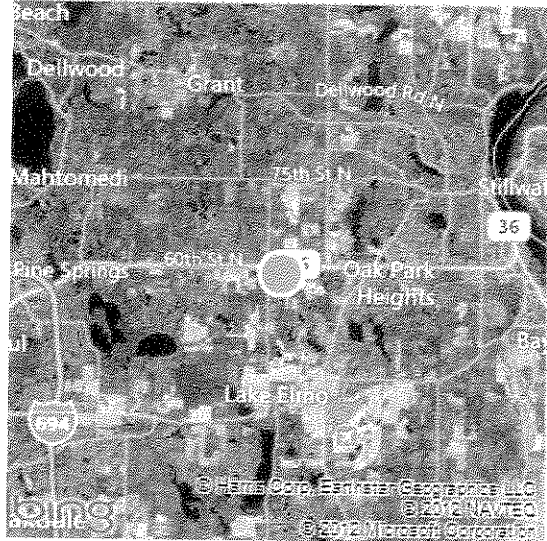
Keith Bergmann
Country Sun Farm & Greenhouses Inc.


bing Maps

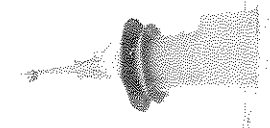
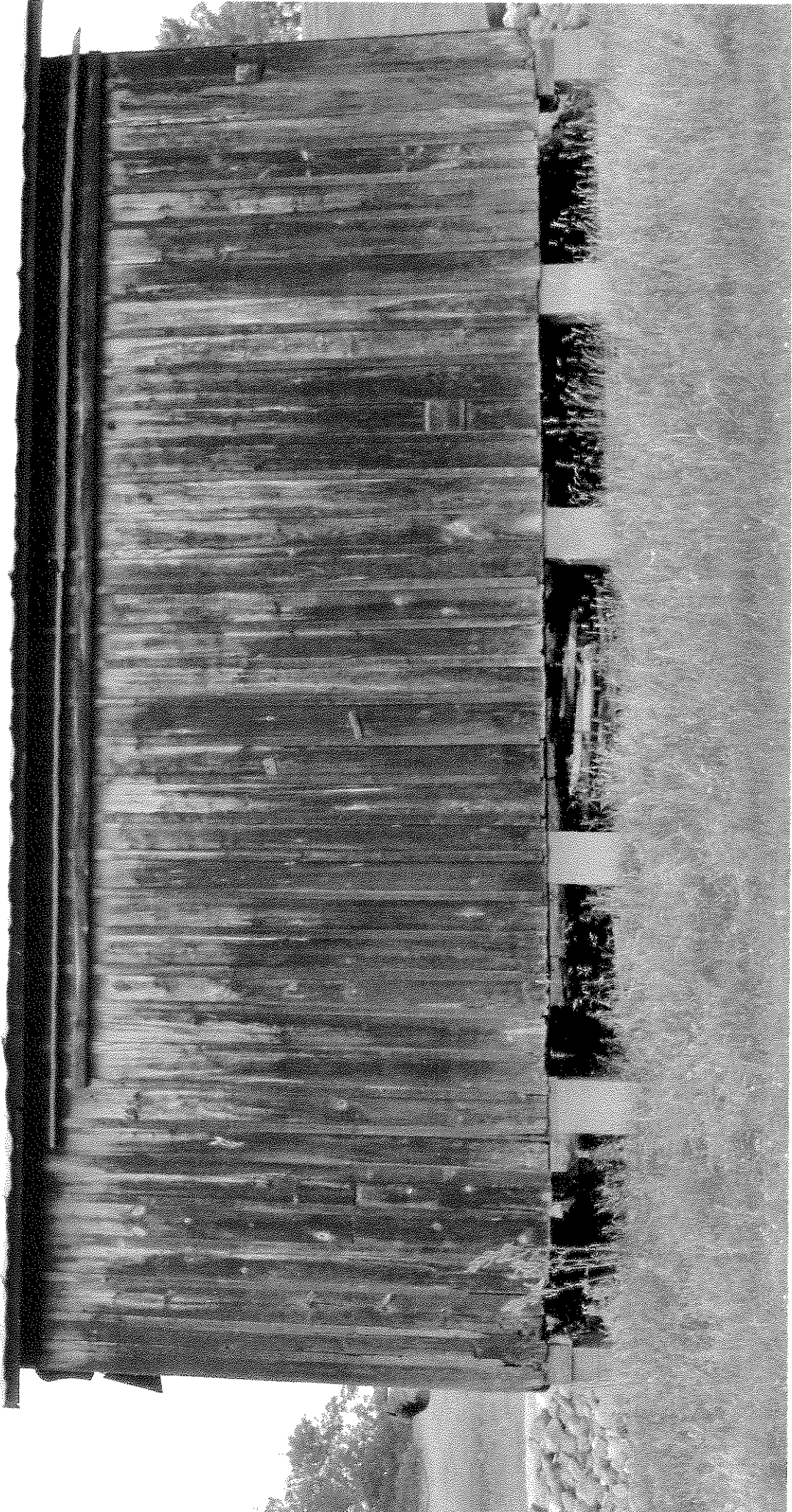
11211 60th St N, Stillwater, MN 55082

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



 Bird's eye view maps can't be printed, so another map view has been substituted.



2012 City of Lake Elmo 3rd Quarter Program of Work Schedule

Program Basics

Council Draft Minutes - Tuesday @ 5 PM Before Council Mtg
Council Packet Submissions - Thursday @ 5 PM Before Council Mtg
Financial Statements, Building Permit Update – 2nd Council Meeting Packet

July 2012

Audit Complete	July 3 rd
Fall Festival FR Letters Out	July 5 th
EDA Workshop	July 10 th
Website Launch (D) / Newsletter	July 15 th
2012 Borrowing Complete	July 17 th
Lake Ordinance Final	July 17 th
Employee Handbook Draft to Council (D)	July 17 th
Social Media / Cable Communication Policy	July 17 th
Zoning for I-94 Corridor Complete (D)	July 23 rd
2013 Budget Draft Complete	July 30 th

August 2012

Deputy Clerk Position Filled	August 1 st
EDA Resolution / Structure Adopted	August 7 th
Demontreville Project Commences	
Budget Workshop	August 14 th
Northland Securities Financial Analysis	August 17 th
Administrative Assistant Position Filed	August 17 th
I-94 Design Standards Complete	August 17 th
Environmental Commission Meets	August 19 th
Lake Elmo Demonstration Project Complete	August 20 th
EDA Appointed	August 21 st
Comp Plan / Zoning Old Village	August 27 th
EDA Scoping / Plan of Work Meeting	August 28 th

September 2012

Building Official Hired	September 4 th
Fire Truck Specs Complete	September 7 th
Fall Festival	September 7 th and 8 th

D=Delayed from 2nd Quarter