



*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 Council Meeting**

**Tuesday, August 20, 2013 7:00 P.M.**

**City of Lake Elmo | 3800 Laverne Avenue North**

### **AGENDA**

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Order of Business**
- E. Approval of Agenda**
- F. Accept Minutes**
  - 1. Accept August 06, 2013 City Council Meeting Minutes
- G. Public Comments/Inquiries**
- H. Speak Your Peace – *Council Member Bloyer***
- I. Presentations**
  - 2. Approve Employment Status Change of Certain Probationary Firefighters
    - 2A. Introduce New Fire Chaplain
- J. Consent Agenda**
  - 3. Approve Payment of Disbursements and Payroll
  - 4. Accept Financial Report dated July 31, 2013
  - 5. Accept Building Permit Report dated July 31, 2013
  - 6. 2012 Street and Water Quality Improvements – Pay Request No. 5 (Final)
  - 7. 2013 Seal Coat Project – Pay Request No. 1 (Final)
  - 8. Keats MSA Street and Trunk Watermain Improvements – Pay Request No. 3
  - 9. Production Well No. 4 – Pay Request No. 1
- K. Regular Agenda**

10. Adopt Zoning Amendment - Landscape Ordinance; *Ordinance 08-087, Resolution 2013-65*
11. Water Meter Conversion Update
12. Consider Hiring Representation from a Lobbying Firm for the \$2.6M State Bonding Request
13. Old Village Planning & Development Schedule
14. Council Retreat Recap

**L. Summary Reports and Announcements**

- **Mayor**
  - **Storm Cleanup Recognition Luncheon**
- **Council**
- **City Administrator**
- **City Attorney**
- **Planning Director**
- **City Engineer**
- **Finance Director**
- **City Clerk**

**M. Adjourn**

**LAKE ELMO CITY COUNCIL MINUTES**  
**August 06, 2013**

**CITY OF LAKE ELMO**  
**CITY COUNCIL MINUTES**  
**August 06, 2013**

Mayor Pearson called the meeting to order at 7:00 P.M.

**PRESENT: Mayor Pearson, Council Members Bloyer, Nelson, and Smith.**

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

**PLEDGE OF ALLIGENCE**

City Clerk Bell swore in new Council Member Mike Reeves.

**APPROVAL OF AGENDA**

*MOTION: Council Member Smith moved **TO APPROVE THE AUGUST 06, 2013 CITY COUNCIL AGENDA AS AMENDED.** Council Member Nelson seconded the motion. **MOTION PASSED 5-0.***

**ITEM 1: ACCEPT MINUTES**

***THE JULY 16, 2013 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS OF THE CITY COUNCIL.***

**PUBLIC COMMENTS:**

Librarian Linda Orsted spoke about the library and her desire to partner with the City. 1000 library cards have been issued. There have been 880 visits in July. Continuing summer reading program. Coffee and periodicals are popular. Programming on Wednesdays include a game and nutrition day. Storytelling events involving Cathy Cowen and Cheryl Sawyer.

**SPEAK YOUR PEACE:**

Council Member Smith spoke about the SYP tenet of Be Inclusive. This principle means welcoming all groups of citizens to work towards the improvement of the community. Lake Elmo is full of energized citizens, and while perhaps not always in agreement, the City has an obligation to include all residents' input. Council Member Bloyer will be next.

**PROCLAMATION**

Mayor Pearson read the Lake Elmo Days Proclamation. September 6-7 is the 2<sup>nd</sup> Annual Lake Elmo Days.

**PRESENTATIONS**

City Administrator Zuleger recognized Washington County Commissioner Gary Kriesel and Mike Polehna for their efforts in the storm damage cleanup. Wayne Sandberg was also recognized for his assistance, but he was not able to attend the meeting.

Commissioner Kriesel said his relationship with Dean Zuleger is great and taxpayers expect collaboration from government. Mike Polehna reiterated the great relationships and partnerships.

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He also said he was told last weekend that the regatta held on Lake Elmo was the largest event and the finest area they have ever held in the US. He again attributed the success to the partnership.

**CONSENT AGENDA**

2. Approve Payment of Disbursements and Payroll
3. Approve rescheduling of November 5, 2013 Council Meeting
4. Authorization for John Schiltz to Dispense Beer and Wine Coolers at Lake Elmo Days Community Event on September 6 and 7, 2013
5. Appointment of Brett Emmons to the Library Board
6. Appointment of Council Member Nelson to the Economic Development Authority

*MOTION: Council Member Nelson moved **TO APPROVE THE CONSENT AGENDA**. Council Member Reeves seconded the motion. **MOTION PASSED 5-0.***

**REGULAR AGENDA**

**ITEM 9: SAVONA RESIDENTIAL SUBDIVISION (LENNAR) PRELIMINARY PLAT**

Planning director Klatt presented the preliminary plat application for the 310 residential unit Savona subdivision by Lennar. It will be a 4-5 phase development over several years. Consists of 113 acres located on land west of Keats Avenue. It will include 188 single family lots and 122 multi-family units. It will also include an east-west minor collector road from Keats Ave.

Mr. Klatt reported that the preliminary plat is Comp Plan compliant and consistent with zoning regulations. Noted one staff demand was to maintain the 100 foot buffer from Stonegate.

Mr. Klatt summarized the Planning Commission and staff reports and comments. It passed the Planning Commission on a 3-2 vote. It was noted that the "No" votes were concerned about the adequacy of park land. They did not think that the cash in lieu of land dedication was sufficient. Mr. Klatt highlighted the conditions of approval. Comments include statement from Dale properties stating they are willing to work with developer on street connections. Also included are comments on the preliminary park area. Included are comments from Amaris homes requesting realignment of 5<sup>th</sup> Street. Mr. Klatt reported that staff's recommendation is to approve the plat with the 28 conditions of approval. The council then discussed the various conditions.

Council Member Nelson asked about the trail system around the "exception" area. Mr. Klatt responded that it does connect to Stonegate Park. Mr. Nelson also asked about Condition #9 (landscape plan). He wanted to know if an independent forester consultation is required. Mr. Klatt responded in the affirmative. Council Member Smith stated it has been done all the other developments and that it is a very common practice.

Council Member Bloyer asked about Condition #5 regarding the placement of the trail. Klatt explained that the Planning Commission's suggestion was to have it closer to the new lots as opposed to the pre-existing neighborhood. Mayor Pearson stated that he believed the "bottom 1/3" language was too rigid and possibly onerous.

Mr. Bloyer sought clarification on Condition #14. It was explained that because some details are still being determined, it was recommended that it be a condition. Mr. Bloyer also questioned

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Condition #13 involving the Wetland Conservation Act and water shed districts and wondered if it was necessary. Mr. Klatt stated it was necessary.

Council Member Reeves asked about the alignment of 5<sup>th</sup> Street. Mr. Klatt stated that the City is leaving it up to the private property owners to come up with a solution. The city does not want to get involved in the private transaction. City Administrator Zuleger stated that the City does have planned meetings coming up with the property owners.

Mayor Pearson asked about streets A and B and their alignment. It was explained that staff wanted it changed a little to facilitate movement, but the Planning Commission wants it more as a traffic calming feature. City Engineer Griffin explained the transportation needs further work. He stated it was actually his suggestion to realign it, and that according to studies, intersections are poor traffic "calmers". The curving of the streets can calm traffic. Ms. Smith expressed her disagreement with the studies based on her experience in her neighborhood.

Mr. Nelson asked about Condition #10 regarding sidewalks. Mr. Klatt explained that they are on both sides in the multi-family areas due to more people are expected to use them.

Mr. Pearson asked about power line easements. Klatt explained that there are easements on parts and that those areas cannot be used for the parkland dedication.

Ms. Smith asked about Condition #27 (reusing trees). Klatt explained that the developer is being asked to reuse trees where they can.

Joe Jablonski from Lennar addressed the council. He thanked staff for their hard work. He also stated that the comments and conditions do not concern Lennar at this point. Mr. Pearson asked about the A/E streets' alignment. Mr. Joblonski stated that their intention was to prevent a drag strip. Mr. Reeves acknowledged the work the Planning Commission has done and that stated he appreciated the vigorous debate the Planning Commission had over the street alignment item.

The trail buffer was discussed. It was suggested that the language be changed to "encouraged to" vs. "must". Mr. Klatt stated that Council would have another review at the Final Plat stage. At this point the Council is setting their expectations. Ultimately, it is up to council. Ms. Smith stated her preference to leave it as is for now and let any.

*MOTION: Mayor Pearson moved **TO AMEND SMITH'S MOTION BY AMENDING CONDITION NO. 5 TO REPLACE "MUST BE LOCATED" WITH "IS ENCOURAGED TO BE LOCATED."** Council Member Smith seconded the motion. **MOTION PASSED 5-0.***

Mr. Nelson brought up his reluctance to require the tree consultation. It is his opinion that the tree ordinance should be enough. Ms. Smith disagreed that it is a penalty. It is reasonable in her opinion. This has been a standard practice and requirement. Mr. Reeves asked Mr. Klatt if the tree ordinance addresses landscaping. Mr. Klatt stated it does not. Mr. Klatt explained that the landscaping ordinance and tree ordinance and this plat all come together to achieve the desired requirements.

Mr. Nelson said that the ordinances should be amended instead to require the forester approval. The City is setting precedent with this development. Mr. Bloyer said he is in agreement. He wants to know the long term economic consequences of these requirements. Mr. Klatt said that the main

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purpose is to notify the developers that the City will require an independent consultation. The City does not have internal resources. Ms. Smith said there have been times when the wrong vegetation has been put in and this Condition would address that.

*MOTION: Council Member Smith moved **TO APPROVE RESOLUTION 2013-64, APPROVING THE SAVONA PRELIMINARY PLAT WITH 28 CONDITIONS OF APPROVAL AS AMENDED.** Mayor Pearson seconded the motion. **MOTION PASSED 5-0.***

**ITEM 10: LAKE ELMO AVE. INFRASTRUCTURE IMPROVEMENTS: I-94 TO 30TH ST. - ACCEPT BIDS AND AWARD CONTRACT; RES. 2013-59**

City Engineer Griffin explained the Lake Elmo Ave. Infrastructure project. The City received 4 bids ranging from \$3.46-3.96 million. The low bid was Minger Construction. Mr. Griffin stated that staff has good history working with them. The bids were higher than initial estimate, but the 10% built-in post-design contingency covers the difference. It still is under budget. This project also includes the \$1 million MNDEED grant. Construction is expected to start in early September 2013. Substantial completion date is estimated at December 20, 2013; final completion is expected to be June 2014.

Council Member Nelson asked about the bonding amount. Finance Director Bendel stated it is \$3.3 million. Mayor Pearson asked about performance contracts. Mr. Griffin said that the standard bond agreement is used.

Council Member Reeves asked about the low vs. responsible bidder. Mr. Griffin explained how "responsible" is determined. Because of the technical specs, it allows the bids to be very comparable "apples to apples." State statutes also dictate how bids should be awarded. In most cases, the low bid must be awarded. There are limited circumstances that allow an entity to skip the low bid. Mr. Reeves asked if Minger has done another similar project recently. Mr. Griffin said they just did a similar project in Victoria, MN.

Council Member Bloyer stated that after seeing the data and reports, he is proud to vote on this to bring Lake Elmo forward.

*MOTION: Council Member Smith moved **TO APPROVE RESOLUTION 2013-59, ACCEPTING THE BIDS AND AWARDED A CONTRACT TO MINGER CONSTRUCTION, INC., IN THE AMOUNT OF \$3,463,201.60, FOR THE LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS: I-94 TO 30<sup>TH</sup> STREET.** Mayor Pearson seconded the motion. **MOTION PASSED 5-0.***

**ITEM 11: WELL NO. 4 CONNECTING WATERMAIN - AUTHORIZE THE PREPARATION OF A FEASIBILITY REPORT; RES. 2013-60**

City Engineer Griffin explained the Well No. 4 Connecting Watermain Project. Staff is requesting that Council authorize a feasibility study. Study has \$3900 cost estimate.

*MOTION: Council Member Nelson moved **TO AMEND PEARSON'S MOTION TO ADD "NOT TO EXCEED \$3,900 TO THE RECOMMENDED MOTION."** Council Member Bloyer seconded the motion and subsequently withdrew his second. **MOTION FAILED FOR LACK OF SECOND.***

The consequences of limiting the amount if costs do exceed were discussed. Mr. Griffin explained that the Council would need to have re-approve more funds. Council Member Bloyer withdrew his second after the discussion.

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*MOTION: Council Member Reeves moved **TO AMEND PEARSON'S MOTION TO ADD "NOT TO EXCEED \$3,900 UNLESS APPROVED BY THE CITY ADMINISTRATOR" TO THE RECOMMENDED MOTION.** Council Member Nelson seconded the motion. **MOTION PASSED 5-0.***

*MOTION: Mayor Pearson moved **TO APPROVE RESOLUTION NO. 2013-60, ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS NOT TO EXCEED \$3,900 UNLESS APPROVED BY THE CITY ADMINISTRATOR.** Council Member Bloyer seconded the motion. **MOTION PASSED 5-0.***

**ITEM 12: PUMPHOUSE NO. 4 AND CONNECTING WATERMAIN IMPROVEMENTS - AUTHORIZE PREPARATION OF PLANS AND SPECIFICATIONS AND APPROVE ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT; RES. 2013-61**

City Engineer Griffin explained the Well No. 4 Pumphouse project. Three bids were received. There was a wide range of bids. Bolton & Menk was the low bid at \$81,869. Engineering verified the bids and recommends awarding the project to Bolton & Menk. Council Member Reeves asked for clarification on what "P&S" was. Mr. Griffin explained that it is "Plans and Specifications."

*MOTION: Council Member Smith moved **TO APPROVE RESOLUTION NO. 2013-61, ORDERING PREPARATION OF THE PLANS AND SPECIFICATIONS FOR THE PUMPHOUSE NO. 4 AND CONNECTING WATERMAIN IMPROVEMENTS; AND AWARDED AN ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT AS RECOMMENDED BY THE CITY ENGINEER.** Council Member Reeves seconded the motion. **MOTION PASSED 5-0.***

**ITEM 13: INWOOD BOOSTER STATION AND TRUNK WATERMAIN IMPROVEMENTS - AUTHORIZE THE PREPARATION OF A FEASIBILITY REPORT; RES. 2013-62**

City Engineer Griffin gave an overview of the project. This is for the Inwood Avenue booster station. A major question is whether or not to include nearby neighborhoods. One option is to include Parkwood Estates and pick up 32 properties. Simply running down Inwood and skipping Parkview Estates would be wasteful. Staff does not recommend including all the adjacent properties at this time, but instead do them later as independent projects.

City Administrator Zuleger noted that this area uses GAC (granular activated carbon) filter systems due to water quality issues. Council Member Smith concurred and stated that many of those homes want water.

One goal is to connect to Eagle Point Business Park. The route of the watermain is not exactly known at this time, but there are multiple options to connect. Mr. Zuleger said the City is in weekly conversations with those nearby property owners/developers.

A friendly amendment was offered to add "not to exceed \$6,700 unless approved by City Administrator" to the motion.

*MOTION: Council Member Reeves moved **TO APPROVE RESOLUTION NO. 2013-62, ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE INWOOD BOOSTER STATION AND TRUNK WATERMAIN IMPROVEMENTS NOT TO EXCEED \$3,900 UNLESS APPROVED BY THE CITY ADMINISTRATOR.** Council Member Smith seconded the motion. **MOTION PASSED 5-0.***

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**ITEM 14: PRESENTATION OF FINANCING PLAN OF G.O. BONDS, SERIES 2013A; APPROVAL OF THE ISSUANCE OF G.O. BONDS, SERIES 2013A; RES.**

Finance Director Bendel introduced Paul Donna from Northland Securities. He explained the bonding process. In order to fund various infrastructure projects in 2013 (Keats MSA Street and Trunk Watermain Improvements, Production Well #4 and connecting Watermain, Lake Elmo Avenue Sewer Infrastructure Improvements and the Section 34 Water and Sewer Utility Extension), G.O. Bond funding will be necessary. There is currently a large demand for municipal bonds. Property tax revenue will not be used to pay debt, however, the City will still be able to use taxes if the revenue is short. Hoping to price bonds in mid-September.

Council Member Nelson asked about the prepayment option. There is no penalty during the allowed time. Council Member Reeves also asked about the accrued interest and if it was due at the prepayment. It will be due at the call date. Depending on when the prepayment takes place, there may be some accrued interest.

*MOTION: Council Member Smith moved TO RESOLUTION NO. 2013-063, AUTHORIZING THE ISSUANCE OF G.O. BONDS, SERIES 2013A IN THE AMOUNT OF \$5,725,000. Council Member Reeves seconded the motion. MOTION PASSED 5-0.*

**ITEM 15: OLSON LAKE TRAIL SANITARY SEWER EXTENSION - DISCUSSION AND CONSIDERATION OF PROJECT ALTERNATIVES**

Mayor Pearson asked if postponing this item was an option. City Engineer Griffin said that because of the hearing requirements it would have to be postponed to September 3.

Mr. Griffin explained the options and gave a recap of the project. It is a joint project with the City of Oakdale. Lake Elmo took lead at the feasibility stage. Oakdale did the design, and bids came in higher than expected. The question now is how to proceed with high bids. Mr. Griffin explained the four options presented and the pros and cons of each. It was explained that the bids were high because of how small the project was. The first phase only involves seven properties.

The four options are:

1. *Award the Contract to the lowest responsible bidder and absorb additional costs funded through the Sewer Enterprise Fund.*
2. *Rebid the project as an "add alternate" to the Section 34 Water and Sewer Project.*
3. *Reject all bids and wait to complete Phase 1 and Phase 2 together when the County resurfaces Olson Lake Trail (in 2015 or 2016).*
4. *Rehear the project and consider raising the assessment amount levied against the benefitting property owners to cover the additional construction costs.*

One issue is asking contractors to hold bids past the 30/60 days. The deadline is 8/13. Mr. Griffin explained the timing with Lake Elmo and Oakdale Council decisions. Mr. Pearson asked about the risk of not deciding. It was explained that the risk is that the project could unravel. Mr. Pearson stated he is in favor of rehearing (option #4).

Council Member Smith clarified the risks with the re-hearing option. She does not think that the City should risk another hearing and having the project unravel. Council Member Bloyer clarified the dates again and confirmed that the contractor will hold the bid.

City Administrator Zuleger noted that Oakdale will be going ahead with the project regardless for their two properties. They are planning on paying the difference. Their mature sewer system helps pay for it. Mr. Zuleger also noted that the new price of \$25,000 is about the cost of a new septic



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system. He further noted that a new system would have to be a mound system. He also explained the environmental benefits of city sewer vis-à-vis the lakes.

Council Member Reeves asked about the length of the assessment. The assessment would be over 15 years. Mr. Reeves also asked if it was explained at the previous hearing that the estimated figure could go higher. Mr. Griffin stated that the figure can be lowered after the hearing, but not raised.

Ms. Smith again stated she was uncomfortable with a rehearing. Project Phase II and the differing costs and payments were discussed. Mayor Pearson noted that this is also setting a precedent. He again expressed his preference for a rehearing. The project's scope was discussed. Mr. Reeves asked about the financial impact. It was explained that funds would come out of the sewer fund. Roughly \$5,000 would be left. If more emergencies occurred, additional funds would come out of the Contingency Fund and a General Fund loan.

***MOTION: Mayor Pearson moved TO APPROVE OPTION #4 (DIRECT STAFF TO TAKE THE FOLLOWING ACTIONS REGARDING THE OLSON LAKE TRAIL SANITARY SEWER EXTENSION PROJECT: REHEAR THE PROJECT AND CONSIDER RAISING THE ASSESSMENT AMOUNT LEVIED AGAINST THE BENEFITTING PROPERTY OWNERS TO COVER THE ADDITIONAL CONSTRUCTION COSTS). Council Member Nelson seconded the motion. MOTION FAILED 2-3 (SMITH, BLOYER, & REEVES - NAY).***

Mr. Reeves said he has heard that the environmental quality of the lakes is serious. He is concerned with doing anything to delay that. He wants to be consistent with their decisions. He also wants to maintain the Oakdale relationship. Pearson agrees with the environmental concerns, but he has heard other instances of the high bids. Ms. Smith wants to show the water quality is important. Mr. Pearson agreed that water quality is important. Mr. Nelson also agrees with environmental quality, but he wants the 5 residents affected to hear the new price. He does not want to set precedent of kicking in \$7,000 each time a project is underestimated. Finance Director Bendel also stated that the terms could be extended beyond the 15yrs.

Mr. Reeves asked if rehearing is held, can the city go to something other than \$25,600. Mr. Griffin said yes and noted that after the hearing, the City can lower number, but it cannot be raised. Ms. Smith again warned that the rehearing could be contentious. She wants it to be equitable with Phase II. Mr. Nelson stated that he believes it would behoove council to hear from the residents. He is concerned with protecting the taxpayer dollars. Mr. Reeves sought clarification of the impact on Oakdale. Mr. Zuleger stated that as long as the project goes forward Oakdale is good.

***MOTION: Council Member Smith moved TO APPROVE OPTION #1 (DIRECT STAFF TO TAKE THE FOLLOWING ACTIONS REGARDING THE OLSON LAKE TRAIL SANITARY SEWER EXTENSION PROJECT: AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER AND ABSORB ADDITIONAL COSTS FUNDED THROUGH THE SEWER ENTERPRISE FUND. Council Member Reeves seconded the motion. MOTION PASSED 3-2 (PEARSON & NELSON - NAY)***

After the vote, Susan Henderson addressed the Council as one of the affected residents. When the project was initially proposed, she thought it sounded good. She noted a Star Tribune article on construction costs being high right now. Perhaps the high costs may be a temporary problem. She is concerned about fair treatment from the City of Oakdale. She does not want to be treated as a second class sewer customer.

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Mr. Zuleger said residents will be treated fair. It was explained that price indexing is typical of cross community projects such as these. Mayor Pearson said he believed the decision was probably the right one despite him being on the losing end.

**ITEM 16: CONSIDER PLANNING COMMISSION APPOINTMENT**

Mayor Pearson stated Jill Lundgren was well received during interview. There was no discussion.

*MOTION: Council Member Smith moved **TO APPOINT JILL LUNDGREN OF 8282 HIDDEN BAY COURT NORTH AS 1<sup>ST</sup> ALTERNATE ON THE LAKE ELMO PLANNING COMMISSION, EFFECTIVE IMMEDIATELY.** Council Member Bloyer seconded the motion. **MOTION PASSED 5-0***

**ITEM 17: CONSIDER HIRING REPRESENTATION FROM A LOBBYING FIRM FOR A \$2.6M STATE BONDING REQUEST**

*MOTION: Mayor Pearson moved **TO POSTPONE ITEM 17 TO A LATER COUNCIL MEETING.** Council Member Reeves seconded the motion. **MOTION PASSED 5-0***

*MOTION: Mayor Pearson moved **TO MOVE ITEM 18 BEFORE THE COUNCIL AND STAFF REPORTS.** Council Member Reeves seconded the motion. **MOTION PASSED 5-0***

*MOTION: Council Member Smith moved **TO CLOSE MEETING AND ENTER EXECUTIVE SESSION PER MINNESOTA STATUTE 13D.05, SUBD. 3(B) ATTORNEY CLIENT PRIVILEGE REGARDING CITY OF LAKE ELMO V. 3M CORPORATION.** Council Member Bloyer seconded the motion. **MOTION PASSED 5-0.***

**Meeting adjourned to executive session at 9:33 P.M. Council Member Smith left at 10:00 P.M.**

*MOTION: Council Member Nelson moved **TO RECONVENE OPEN MEETING.** Council Member Reeves seconded the motion. **MOTION PASSED 4-0. Open Meeting reconvened at 10:29 P.M.***

*MOTION: Council Member Nelson moved **TO DIRECT STAFF TO IMPLEMENT A TOLLING AGREEMENT WITH 3M REGARDING OUTSTANDING GROUNDWATER CONTAMINATION LITIGATION.** Council Member Reeves seconded the motion. **MOTION PASSED 4-0.** Mayor Pearson noted that Council Member Smith expressed her support for agreement.*

**SUMMARY REPORTS AND ANNOUNCEMENTS**

No reports given

Mayor Pearson adjourned the meeting at 10:29 P.M.

**LAKE ELMO CITY COUNCIL**

ATTEST:

\_\_\_\_\_  
Mike Pearson, Mayor

\_\_\_\_\_  
Adam R. Bell, City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/20/2013  
PRESENTATION  
ITEM #: 2

**AGENDA ITEM:** Promotion of 5 Probationary Members to Firefighter status  
**SUBMITTED BY:** Greg Malmquist, Fire Chief  
**THROUGH:** Dean Zuleger, City Administrator  
**REVIEWED BY:** Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Fire Chief
- Report/Presentation .....Fire Chief
- 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

SUMMARY AND ACTION REQUESTED: Staff respectfully requests that Council approve the promotion of Dominic Jara, Chris Supan, Alex Hilpisch, Tom Hilpisch and Rick Gimpel from Probation Status to Firefighter with the Lake Elmo Fire Department by taking the following action:

*“Move to promote probationary members Dominic Jara, Chris Supan, Alex Hilpisch, Tom Hilpisch, and Rick Gimpel from Probationary to Firefighter status.”*

*Following approval Members will recite the “OATH OF OFFICE”.*

STAFF REPORT: Dominic, Chris, Alex, Tom, and Rick have completed the requirements of Probation as follows: State Certified Firefighter I & II, State Certified HazMat Operations, First Responder and CPR; successfully completed approximately 200 hours of training, all while maintaining their response requirements of duty crews, all calls, and training.

RECOMMENDATION: Staff recommends that council approve the promotion of Dominic Jara, Chris Supan, Alex Hilpisch, Tom Hilpisch and Rick Gimpel from Probation Status to Firefighter with the Lake Elmo Fire Department by taking the following action:

*“Move to promote probationary members Dominic Jara, Chris Supan, Alex Hilpisch, Tom Hilpisch, and Rick Gimpel from Probationary to Firefighter status.”*

*Following approval Members will recite the “OATH OF OFFICE”.*



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/20/2013  
PRESENTATION  
ITEM #: 2A

**AGENDA ITEM:** Introduction of Richard "Woody" Glanzer to Council

**SUBMITTED BY:** Greg Malmquist, Fire Chief

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Adam Bell, City Clerk

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**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item..... Fire Chief
- Report/Presentation ..... Fire Chief
- Questions from Council to Staff..... Mayor Facilitates

**SUMMARY AND ACTION REQUESTED:**

*No action required.* This is to introduce Richard Glanzer to Council and Public. He will serve the department in a Support Services role as our first ever Department Chaplain.

**STAFF REPORT:**

Richard comes to us from Willmar FD where he served as Chaplain. He has recently purchased a home in Lake Elmo and approached us offering his assistance. His background and training are in Chaplaincy and Critical Incident Stress Debriefing, (CISD). We believe he will fill a critical void in dealing with and supporting family members when disaster strikes as well as helping department members in dealing with "difficult" call responses.

**RECOMMENDATION:**

Staff respectfully requests that council recognize Richard Glanzer in the Voluntary Support Services role of Department Chaplain. *No formal action is required.*



**MAYOR AND COUNCIL COMMUNICATION**

DATE: 08/20/2013

**CONSENT**

ITEM #: 3

**AGENDA ITEM:** Approve Disbursements in the Amount of \$612,777.64

**SUBMITTED BY:** Cathy Bendel, Finance Director

**REVIEWED BY:** Dean Zuleger, City Administrator

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$612,777.64 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	\$ 11,500.89	Payroll Taxes to IRS & MN Dept of Revenue 8/08/13
ACH	\$ 5,585.87	Payroll Retirement to PERA 8/08/13
DD4812- D4861	\$ 35,480.25	Payroll Dated (Direct Deposits) 8/08/13
40205-40208	\$ 26,879.50	Accounts Payable Manual 8/8/2013
40209-40269	\$ 532,611.13	Accounts Payable 8/20/13
2063-2069	\$ 720.00	Library Card Reimbursement 8/20/13
<b>TOTAL</b>	<b>\$ 612,777.64</b>	

**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 \$612,777.64

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 August 20, 2013, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable – Check Registers

**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: denise  
 Printed: 08/15/2013 - 2:43 PM  
 Batch: 007-08-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TASCH T.A. Schifsky & Sons Inc NO 3	08/01/2013	116,122.29	0.00	08/20/2013	Keats MSA Street Imp	end 8/1/13	-	No		0000
409-480-8000-43030 Engineering Services NO 3	08/01/2013	45,796.85	0.00	08/20/2013	Keats Trunk Waterman Imp	end 8/1/13	-	No		0000
601-494-9400-43030 Engineering Services NO 3 Total:		161,919.14								
TASCH Total:		161,919.14								
TKDA TKDA, Inc. 002013001786	08/02/2013	2,649.97	0.00	08/20/2013	LE Ave Sewer Infra Plan & Spec	end 7/27	-	No		0000
409-480-8000-43030 Engineering Services 002013001786	08/02/2013	2,238.23	0.00	08/20/2013	LE Ave Sewer Bidding		-	No		0000
409-480-8000-43030 Engineering Services 002013001786 Total:		4,888.20								
TKDA Total:		4,888.20								
Report Total:		166,807.34								

# Accounts Payable To Be Paid Proof List

User: denise

Printed: 08/15/2013 - 2:08 PM

Batch: 006-08-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMDAHL Chris Amdahl Locksmith, Inc										
9881	07/14/2013	389.00	0.00	08/20/2013	Repair & Recode door locks -		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	9881 Total:	389.00								
	AMDAHL Total:	389.00								
AMERICAN American Eng and Testing, Inc.										
59063	07/29/2013	2,940.58	0.00	08/20/2013	Section 34 Exten Imp Water Soil		-	No		0000
601-494-9400-43030	Engineering Services				Borings					
59063	07/29/2013	4,410.87	0.00	08/20/2013	Section 34 Exten Imp Sewer Soil		-	No		0000
602-495-9450-43030	Engineering Services				Borings					
	59063 Total:	7,351.45								
	AMERICAN Total:	7,351.45								
AMFLAG American Flagpole & Flag Corp										
108548	08/07/2013	106.66	0.00	08/20/2013	Replacement flags for both station		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	108548 Total:	106.66								
	AMFLAG Total:	106.66								
ARNEYJAM Arney James E										
41498	08/12/2013	50.00	0.00	08/20/2013	Utility Payment Overage-8925 27th		-	No		0000
601-000-0000-37100	Water Sales				Arney					
	41498 Total:	50.00								
	ARNEYJAM Total:	50.00								
AUTONATI AutoNation										
187620	07/12/2013	136.95	0.00	08/20/2013	S-10 Diagnosis		-	No		0000
101-450-5200-44010	Repairs/Maint Bldg									
	187620 Total:	136.95								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PLine #
AUTONATI Total:		136.95								
BIFFS Biff's Inc.										
W499528-W499537	07/24/2013	921.29	0.00	08/20/2013	Portable Restrooms	- July 2013	-			0000
101-450-5200-44120	Rentals - Buildings									
W499528-W499537 Total:		921.29								
BIFFS Total:		921.29								
BOLTONME Bolton & Menk, Inc										
0156562	07/25/2013	7,009.20	0.00	08/20/2013	Section 34 Water Ext Impr Feas Report	-	-			0000
601-494-9400-43030	Engineering Services									
0156562	07/25/2013	10,513.80	0.00	08/20/2013	Section 34 Sewer Ext Impr Feas Report	-	-			0000
602-495-9450-43030	Engineering Services									
0156562	07/25/2013	4,151.00	0.00	08/20/2013	Section 34 Water Ext Impr Plans & Specif	-	-			0000
601-494-9400-43030	Engineering Services									
0156562	07/25/2013	6,226.50	0.00	08/20/2013	Section 34 Sewer Ext Impr Plans & Specif	-	-			0000
602-495-9450-43030	Engineering Services									
0156562 Total:		27,900.50								
BOLTONME Total:		27,900.50								
C A C Companion Animal Control, LLC										
7	07/01/2013	500.00	0.00	08/20/2013	Animal Control Services	- July	-			0000
101-420-2700-43150	Contract Services									
7	07/01/2013	255.00	0.00	08/20/2013	Dog Pick-Up/Impoundment (11)	-	-			0000
101-420-2700-43160	Impounding									
7 Total:		755.00								
C A C Total:		755.00								
CARQUEST Car Quest Auto Parts										
295700	07/30/2013	96.74	0.00	08/20/2013	Preventive Maintenance Parts	-	-			0000
101-450-5200-42210	Equipment Parts									
295700 Total:		96.74								
295702	07/30/2013	2.59	0.00	08/20/2013	Preventive Maintenance Parts	-	-			0000
101-450-5200-42210	Equipment Parts									
295702 Total:		2.59								
295810	07/31/2013	15.66	0.00	08/20/2013	Preventive Maintenance Parts	-	-			0000
101-450-5200-42210	Equipment Parts									
295810 Total:		15.66								
CARQUEST Total:		114.99								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
CHASERIC Chase Rick										
7/29/2013	07/29/2013	28.31	0.00	08/20/2013	Inspection Mileage 51 - 7/24/13		-	No		0000
101-420-2400-43310	Mileage									
7/29/2013	07/29/2013	36.63	0.00	08/20/2013	Inspection Mileage 51 - 7/25/13		-	No		0000
101-420-2400-43310	Mileage									
	7/29/2013 Total:	64.94								
	CHASERIC Total:	64.94								
COMCAST Comcast										
07/27/2013	07/27/2013	7.92	0.00	08/20/2013	Monthly Service - Fire Department		-	No		0000
101-420-2220-44300	Miscellaneous									
	07/27/2013 Total:	7.92								
	COMCAST Total:	7.92								
CTYBLOOM City of Bloomington										
July 2013	07/26/2013	31.50	0.00	08/20/2013	Lab Bacteria Tests		-	No		0000
601-494-9400-42270	Utility System Maintenance									
	July 2013 Total:	31.50								
	CTYBLOOM Total:	31.50								
CTYMAPLE City of Maplewood										
006975	08/08/2013	6,544.34	0.00	08/20/2013	Keats MSA Street		-	No		0000
409-480-8000-43030	Engineering Services									
006975	08/08/2013	4,936.96	0.00	08/20/2013	Keats Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services									
	006975 Total:	11,481.30								
	CTYMAPLE Total:	11,481.30								
CTYOAKDA City of Oakdale										
100460-01	07/31/2013	16,096.17	0.00	08/20/2013	Water Service I-94 6/28/13 - 8/1/13		-	No		0000
601-494-9400-43820	Water Utility									
	100460-01 Total:	16,096.17								
	CTYOAKDA Total:	16,096.17								
CTYROSEV City of Roseville										
217664	08/01/2013	1,652.08	0.00	08/20/2013	Monthly IT Services Billing August 2013		-	No		0000
101-410-1450-43180	Information Technology/Web									
217664	08/01/2013	337.06	0.00	08/20/2013	Monthly Telephone-Administration		-	No		0000
101-410-1320-43210	Telephone									
217664	08/01/2013	45.06	0.00	08/20/2013	Monthly Telephone-Building Inspection		-	No		0000
101-420-2400-43210	Telephone									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
217664	08/01/2013	51.18	0.00	08/20/2013	Monthly Telephone-Communications		-		No	0000
101-410-1450-43210	Telephone									
217664	08/01/2013	45.06	0.00	08/20/2013	Monthly Telephone-Engineering		-		No	0000
101-410-1930-43210	Telephone									
217664	08/01/2013	90.12	0.00	08/20/2013	Monthly Telephone-Finance		-		No	0000
101-410-1520-43210	Telephone									
217664	08/01/2013	132.08	0.00	08/20/2013	Monthly Telephone-Planning		-		No	0000
101-410-1910-43210	Telephone									
217664	08/01/2013	361.53	0.00	08/20/2013	Monthly Telephone-Public Works		-		No	0000
101-430-3100-43210	Telephone									
	217664 Total:	2,714.17								
	CITYROSEV Total:	2,714.17								
DELAPP Delapp Steve										
04/21/2013	08/12/2013	144.00	0.00	08/20/2013	4 Library Tables		-		No	0000
206-450-5300-45800	Other Equipment									
04/21/2013	08/12/2013	20.30	0.00	08/20/2013	Paint for Rehab - Library		-		No	0000
206-450-5300-42230	Building Repair Supplies									
	04/21/2013 Total:	164.30								
	DELAPP Total:	164.30								
DPCINDUS DPC Industries, Inc.										
827001170-12	07/03/2013	105.81	0.00	08/20/2013	Chlorine		-		No	0000
601-494-9400-42160	Chemicals									
827001178-13	07/03/2013	105.81	0.00	08/20/2013	Flouride		-		No	0000
601-494-9400-42160	Chemicals									
	827001170-12 Total:	105.81								
	827001178-13 Total:	355.31								
	DPCINDUS Total:	355.31								
	461.12									
EMERGAPP Emergency Apparatus Maint. INC										
69034	07/23/2013	571.92	0.00	08/20/2013	L1-Repair Ladder		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
69487	08/05/2013	571.92	0.00	08/20/2013	E1 Repair		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	69034 Total:	735.30								
	69487 Total:	735.30								
	EMERGAPP Total:	1,307.22								
EMERGAUT Emergency Automotive Tech, Inc										
CS072513-1	07/25/2013	242.20	0.00	08/20/2013	E1-Replace Emergency Lights		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CS072513-1 Total:		242.20								
EMERGAUT Total:		242.20								
<hr/>										
FERGUSON Ferguson Waterworks, Inc #2516										
0034037	07/16/2013	393.95	0.00	08/20/2013	Meter		-	No		0000
601-494-9400-42300 Water Meters & Supplies										
0034037 Total:		393.95								
0034956	07/16/2013	190.91	0.00	08/20/2013	Code Reader		-	No		0000
601-494-9400-42300 Water Meters & Supplies										
0034956 Total:		190.91								
0036233	07/19/2013	230.25	0.00	08/20/2013	Gate Valve Box Repair Materials		-	No		0000
601-494-9400-44030 Repairs\Maint Imp Not Bldgs										
0036233 Total:		230.25								
FERGUSON Total:		815.11								
<hr/>										
FIORILLO Fiorillo Megan										
Cable Operator	08/06/2013	55.00	0.00	08/20/2013	Cable Operations 8/6/13 CC-Fiorillo		-	No		0000
101-410-1450-43620 Cable Operations										
Cable Operator Total:		55.00								
FIORILLO Total:		55.00								
<hr/>										
HELMERPR Helmer Printing, Inc.										
50876	07/31/2013	332.09	0.00	08/20/2013	1000 Library Information Brochures		-	No		0000
206-450-5300-42000 Office Supplies										
50876 Total:		332.09								
HELMERPR Total:		332.09								
<hr/>										
JOHNSON& Johnson & Turner Attorneys										
29740	08/06/2013	4,250.00	0.00	08/20/2013	Legal Services Prosecution Inv 29740		-	No		0000
101-420-2150-43045 Attorney Criminal										
29740 Total:		4,250.00								
29745	08/06/2013	176.50	0.00	08/20/2013	Legal Services Detachment Petition		-	No		0000
101-410-1320-43040 Legal Services										
29745 Total:		176.50								
29746	08/06/2013	117.00	0.00	08/20/2013	Legal Services Library Inv 29746		-	No		0000
206-450-5300-43040 Legal Services										
29746 Total:		117.00								
29750-30143	08/06/2013	3,295.50	0.00	08/20/2013	Legal Services Civil Inv 29750;30143		-	No		0000
101-410-1320-43040 Legal Services										
29750-30143 Total:		3,295.50								
29752	08/06/2013	1,237.50	0.00	08/20/2013	Legal Services Sewer Line Waivers		-	No		0000
409-480-8000-43040 Legal Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
29752 Total:		1,237.50								
29753	08/06/2013	422.50	0.00	08/20/2013	Legal Services Elmo View Townhouse		-	No		0000
409-480-8000-43040	Legal Services									
29753 Total:		422.50								
30142	08/06/2013	73.00	0.00	08/20/2013	Legal Services Horning Matter		-	No		0000
101-410-1320-43040	Legal Services									
30142 Total:		73.00								
30144	08/06/2013	600.00	0.00	08/20/2013	Legal Services 3M Inv 30144		-	No		0000
601-494-9400-43040	Legal Services									
30144 Total:		600.00								
JOHNSON& Total:		10,172.00								
KEYSWELL Keys Well Drilling Co.										
Payrequest No 1	07/31/2013	17,931.25	0.00	08/20/2013	Production Well #4 Construction 1st pay		-	No		0000
601-494-9400-43030	Engineering Services									
Payrequest No 1 Total:		17,931.25								
KEYSWELL Total:		17,931.25								
KULLYSUP Kully Supply, Inc										
SI-270115	08/06/2013	31.47	0.00	08/20/2013	Drinking Fountain Repair Parts		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
SI-270115 Total:		31.47								
KULLYSUP Total:		31.47								
LEOIL Lake Elmo Oil, Inc.										
07/31/2013	07/31/2013	357.31	0.00	08/20/2013	Fuel - Fire Department		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
07/31/2013 Total:		357.31								
LEOIL Total:		357.31								
Lillie Newspapers Inc. Lillie Suburban										
Acct No 007148	07/31/2013	55.00	0.00	08/20/2013	7/3 Notice - Proj. #2013.123		-	No		0000
101-410-1320-43510	Legal Publishing									
Acct No 007148	07/31/2013	13.20	0.00	08/20/2013	7/10 Ordinance #08-084		-	No		0000
101-410-1320-43510	Legal Publishing									
Acct No 007148	07/31/2013	33.00	0.00	08/20/2013	7/10 Ordinance #08-085		-	No		0000
101-410-1320-43510	Legal Publishing									
Acct No 007148	07/31/2013	28.60	0.00	08/20/2013	7/10 Novice - Savona Plat		-	No		0000
101-410-1320-43510	Legal Publishing									
Acct No 007148	07/31/2013	125.40	0.00	08/20/2013	7/24 Ordinance #08-086		-	No		0000
101-410-1320-43510	Legal Publishing									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Acct No 007148	07/31/2013	159.10	0.00	08/20/2013	7/31 Bid Proj. #N15-106424		-			0000
101-410-1320-43510	Legal Publishing									No
Acct No 007148	07/31/2013	19.80	0.00	08/20/2013	7/31 Notice - Planning Comm		-			0000
101-410-1320-43510	Legal Publishing									No
Acct No 007148 Total:		434.10								
Lillie Total:		434.10								
<hr/>										
LMCIT League of MN Cities Ins. Trust										
C0023018	08/01/2013	500.00	0.00	08/20/2013	Deductible-Accident Claim		-			0000
206-450-5300-43630	Insurance				Library4/18/13					No
C0023018 Total:		500.00								
LMCIT Total:		500.00								
<hr/>										
LOFF Loffler Companies, Inc.										
1605188	08/01/2013	417.37	0.00	08/20/2013	Copy Machines Overage 7/10-8/9/13		-			0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									No
1605188 Total:		417.37								
LOFF Total:		417.37								
<hr/>										
MARONEYS Maroney's Sanitation, Inc										
489237	08/06/2013	108.32	0.00	08/20/2013	Waste Removal- City Hall		-			0000
101-410-1940-43840	Refuse									No
489237	08/06/2013	47.68	0.00	08/20/2013	Waste Removal- Fire		-			0000
101-420-2220-43840	Refuse									No
489237	08/06/2013	207.82	0.00	08/20/2013	Waste Removal- Public Works		-			0000
101-430-3100-43840	Refuse									No
489237	08/06/2013	207.82	0.00	08/20/2013	Waste Removal- Parks		-			0000
101-450-5200-43840	Refuse									No
489237	08/06/2013	48.12	0.00	08/20/2013	Waste Removal- Library		-			0000
206-450-5300-43840	Refuse									No
489237 Total:		619.76								
MARONEYS Total:		619.76								
<hr/>										
MASTERTE Master Technology Group										
482238	08/07/2013	275.00	0.00	08/20/2013	Install (2) 5E Cables in Office		-			0000
101-410-1520-43150	Contract Services									No
482238 Total:		275.00								
MASTERTE Total:		275.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MENARDSO Menards - Oakdale 24051 08/07/2013 101-450-5200-42250 Landscaping Materials 24051 Total: MENARDSO Total:		49.31 49.31 49.31	0.00	08/20/2013	Ball Field Striping Paint, zip ties		-	No		0000
MENARDST Menards - Stillwater 22196-22718 07/17/2013 101-420-2220-44010 Repairs/Maint Bldg 22196-22718 Total: 07/18/2013 101-420-2220-44010 Repairs/Maint Bldg 22297 Total: MENARDST Total:		55.39 55.39 6.78 6.78 62.17	0.00	08/20/2013	Station #1 Items - Fire Dept Replacement of A/C Unit Fire Dept		-	No		0000
MES Municipal Emergency Sys. Inc. 00433611 07/23/2013 101-420-2220-42400 Small Tools & Equipment 00433611 Total: 07/23/2013 101-420-2220-42400 Small Tools & Equipment 00433618 Total: MES Total:		421.26 421.26 123.43 123.43 544.69	0.00	08/20/2013	Equipment Mounts- Fire Dept Sensor for Gas Monitor- Fire Dept		-	No		0000
METCOU Metropolitan Council 1023500 08/05/2013 602-495-9450-43820 Sewer Utility - Met Council 1023500 Total: METCOU Total:		1,484.55 1,484.55 1,484.55	0.00	08/20/2013	Monthly Wastewater Service- September		-	No		0000
MN NATIV Minnesota Native Land, Inc. 9350 07/18/2013 404-480-8000-45300 Improvements Other Than Bldgs 9350 Total: MN NATIV Total:		600.00 600.00 600.00	0.00	08/20/2013	Sunfish Prairie Weed Control		-	No		0000
NORTHWOOD Northwood Power Equipment 8715 08/05/2013 101-450-5200-42210 Equipment Parts 8715 Total:		62.08 62.08	0.00	08/20/2013	Weed Trimmer Line		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NORTHWOOD Total:		62.08								
ONECALL Gopher State One Call										
71931	05/31/2013	338.15	0.00	08/20/2013	FTP Tickets - May 2013		-		No	0000
101-430-3100-43150 Contract Services										
71931 Total:		338.15								
77153	07/31/2013	356.90	0.00	08/20/2013	FTP Tickets - July 2013		-		No	0000
101-430-3100-43150 Contract Services										
77153 Total:		356.90								
ONECALL Total:		695.05								
PEARFARM Pearson Farms, LLC										
8042013	08/14/2013	375.00	0.00	08/20/2013	Rent Grapple Bucket for Storm Damage		-		No	0000
101-430-3250-43150 Contract Services										
8042013 Total:		375.00								
PEARFARM Total:		375.00								
PEARSON Pearson Bros, Inc.										
No 1	08/13/2013	123,656.47	0.00	08/20/2013	2013 Seal coat Project 1st Pay 8/13/13		-		No	0000
409-480-8000-43030 Engineering Services										
No 1	08/13/2013	82,885.88	0.00	08/20/2013	West Lakeland portion of 2013 Seal Coat		-		No	0000
101-000-0000-11500 Accounts Receivable										
No 1 Total:		206,542.35								
PEARSON Total:		206,542.35								
PETTYLIB Petty Cash - Library										
8.12.13	08/12/2013	113.55	0.00	08/20/2013	Library-Outreach		-		No	0000
206-450-5300-44300 Miscellaneous										
8.12.13	08/12/2013	135.02	0.00	08/20/2013	Library-Office Supplies		-		No	0000
206-450-5300-42000 Office Supplies										
8.12.13	08/12/2013	185.19	0.00	08/20/2013	Library-Repair & Maint (building)		-		No	0000
206-450-5300-44010 Repairs/Maint Bldg										
8.12.13	08/12/2013	0.01	0.00	08/20/2013	Library-Cash Short		-		No	0000
206-450-5300-44300 Miscellaneous										
8.12.13 Total:		433.77								
PETTYLIB Total:		433.77								
PINKY Pinky's Sewer Service, Inc.										
64155	06/14/2013	100.00	0.00	08/20/2013	Pumped 2 Septic Tanks- #64155		-		No	0000
206-450-5300-44010 Repairs/Maint Bldg										
64155 Total:		100.00								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
64464	05/15/2013	100.00	0.00	08/20/2013	Pumped 2 Septic Tanks- #64464		-			0000
206-450-5300-44010	Repairs/Maint Bldg				5/15/13				No	
	64464 Total:	100.00								
67239	07/15/2013	100.00	0.00	08/20/2013	Pumped 2 Septic Tanks- #67239		-			0000
206-450-5300-44010	Repairs/Maint Bldg				7/15/13				No	
	67239 Total:	100.00								
	PINKY Total:	300.00								
PIONEER Pioneer Press										
3791545	07/26/2013	304.20	0.00	08/20/2013	Newspaper Annual Subscription		-			0000
206-450-5300-44330	Dues & Subscriptions				Renewal				No	
	3791545 Total:	304.20								
	PIONEER Total:	304.20								
PLUNKETT Plunkett's Pest Control										
3864424	08/01/2013	992.25	0.00	08/20/2013	Pest Control Service - City Hall		-			0000
101-410-1940-44010	Repairs/Maint Contractual Bldg								No	
	3864424 Total:	992.25								
	PLUNKETT Total:	992.25								
READYWAT Ready Watt Electric										
97552	07/29/2013	3,745.00	0.00	08/20/2013	Warning Siren Repair, Annual		-			0000
101-420-2500-43150	Contract Services				Maintenance				No	
	97552 Total:	3,745.00								
	READYWAT Total:	3,745.00								
RIVRCOOP River Country Cooperative										
07312013	07/31/2013	719.77	0.00	08/20/2013	Fuel - Fire Dept		-			0000
101-420-2220-42120	Fuel, Oil and Fluids								No	
	07312013 Total:	719.77								
	RIVRCOOP Total:	719.77								
SAMSCLUB Sam's Club										
07302013	07/30/2013	42.72	0.00	08/20/2013	Restock Water for Rehab		-			0000
101-420-2220-44300	Miscellaneous								No	
	07302013 Total:	42.72								
	SAMSCLUB Total:	42.72								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SCHIPPET Schifsky Peter										
08142013	08/14/2013	90.00	0.00	08/20/2013	Sprinkler Repair Damage by Snowplow		-	No		0000
101-430-3125-42250	Landscaping Materials									
	08142013 Total:	90.00								
	SCHIPPET Total:	90.00								
STILLMOT Stillwater Motors										
CTCS187691	08/13/2013	620.39	0.00	08/20/2013	Repair Air Bag System on CV1 - Fire Dept		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
	CTCS187691 Total:	620.39								
	STILLMOT Total:	620.39								
TASCH T.A. Schifsky & Sons Inc										
54515	02/18/2013	164.48	0.00	08/20/2013	Asphalt 2/6/2013		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	54515 Total:	164.48								
54616	03/26/2013	133.70	0.00	08/20/2013	Asphalt 3/22/2013		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	54616 Total:	133.70								
55029	06/18/2013	538.33	0.00	08/20/2013	Asphalt 6/6/2013 & 6/7/2013		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	55029 Total:	538.33								
	TASCH Total:	836.51								
TESSMAN Tessman Company Corp										
S181621-IN	08/08/2013	269.10	0.00	08/20/2013	Herbicide		-	No		0000
101-450-5200-42160	Chemicals									
S181621-IN	08/08/2013	89.50	0.00	08/20/2013	Ball Field Marking Chalk		-	No		0000
101-450-5200-42250	Landscaping Materials									
	S181621-IN Total:	358.60								
	TESSMAN Total:	358.60								
TJBHOMCO TJB Homes Construction										
07312013	07/31/2013	6,800.00	0.00	08/20/2013	Refund Escrow #8420 11796 58th Street		-	No		0000
803-000-0000-22900	Deposits Payable									
	07312013 Total:	6,800.00								
	TJBHOMCO Total:	6,800.00								
TKDA TKDA, Inc.										
002013002223	08/05/2013	1,410.71	0.00	08/20/2013	Keats MSA Street		-	No		0000
409-480-8000-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
002013002223	08/05/2013	1,064.22	0.00	08/20/2013	Keats Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services	2,474.93								
	002013002223 Total:	2,474.93								
	TKDA Total:	2,474.93								
TOWNCTRY Town & Country Cleaning Co										
813 463	08/01/2013	245.81	0.00	08/20/2013	August Janitorial Services - City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	245.81								
	813 463 Total:	187.47								
813 501	08/01/2013	187.47	0.00	08/20/2013	August Janitorial Services - Library		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg	187.47								
	813 501 Total:	433.28								
	TOWNCTRY Total:									
TRISTATE Tri State Bobcat, Inc.										
S15672	07/03/2013	10,591.25	0.00	08/20/2013	50% Park New Skid Steer Loader		-	No		0000
404-480-8000-45300	Improvements Other Than Bldgs	10,591.25								
S15672	07/03/2013	10,591.25	0.00	08/20/2013	50% Public Works - New Skid Steer Loader		-	No		0000
410-480-8000-45800	Other Equipment	21,182.50								
	S15672 Total:	21,182.50								
	TRISTATE Total:									
WASH-REC Washington County										
P231610	07/19/2013	46.00	0.00	08/20/2013	Recorder/Registrar Jason/Ien Ligday		-	No		0000
101-410-1910-42030	Printed Forms	46.00								
	P231610 Total:	46.00								
	WASH-REC Total:									
WEBBER Recreational Design Inc Webber										
317	05/29/2013	3,607.03	0.00	08/20/2013	Rubber Playground Mulch-Tablyn Park		-	No		0000
404-480-8000-45300	Improvements Other Than Bldgs	3,607.03								
	317 Total:	3,607.03								
	WEBBER Total:									
WEIR D Weir Dick										
538797	04/05/2013	520.00	0.00	08/20/2013	March Snow Removal		-	No		0000
206-450-5300-43150	Contract Services	520.00			3/5;3/6;3/14;3/19					
	538797 Total:	520.00								
	WEIR D Total:	520.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
XCEL Xcel Energy										
07252013	07/25/2013	93.40	0.00	08/20/2013	Lights at Legion Park 3509 Laverne		-	No		0000
101-450-5200-43810	Electric Utility									
07252013	07/25/2013	39.46	0.00	08/20/2013	Lift Station 8860 Station		-	No		0000
602-495-9450-43810	Electric Utility									
07252013	07/25/2013	91.20	0.00	08/20/2013	Traffic Lights 100 Inwood		-	No		0000
101-430-3160-43810	Street Lighting									
07252013	07/25/2013	29.97	0.00	08/20/2013	Street Lights - 3014 Jamley		-	No		0000
101-430-3160-43810	Street Lighting									
07252013	07/25/2013	396.25	0.00	08/20/2013	Fire Station 2 - 4259 Jamaca		-	No		0000
101-420-2220-43810	Electric Utility									
07252013	07/25/2013	547.14	0.00	08/20/2013	City Hall 3800 Laverne		-	No		0000
101-410-1940-43810	Electric Utility									
07252013	07/25/2013	37.87	0.00	08/20/2013	Traffic Lights - 100 Keats		-	No		0000
101-430-3160-43810	Street Lighting									
07252013	07/25/2013	403.87	0.00	08/20/2013	City Hall - 3800 Laverne		-	No		0000
101-410-1940-43810	Electric Utility									
07252013	07/25/2013	15.99	0.00	08/20/2013	Tennis Courts - 3510 Laverne		-	No		0000
101-450-5200-43810	Electric Utility									
07252013	07/25/2013	54.19	0.00	08/20/2013	Parks Bldg - 11194 Upper 33rd		-	No		0000
101-450-5200-43810	Electric Utility									
07252013	07/25/2013	29.32	0.00	08/20/2013	Pebble Park- 8170 Lake Jane Trl		-	No		0000
101-450-5200-43810	Electric Utility									
07252013	07/25/2013	3,290.67	0.00	08/20/2013	Wells 1 & 2 3303 Langly & 11975 55th		-	No		0000
601-494-9400-43810	Electric Utility									
07252013	07/25/2013	47.31	0.00	08/20/2013	Traffic Lights - 998 Inwood		-	No		0000
101-430-3160-43810	Street Lighting									
07252013	07/25/2013	91.76	0.00	08/20/2013	Arts Center - 3585 Laverne		-	No		0000
101-450-5200-43810	Electric Utility									
07252013	07/25/2013	18.26	0.00	08/20/2013	Lift Station - 11062 34th St		-	No		0000
602-495-9450-43810	Electric Utility									
07252013	07/25/2013	16.40	0.00	08/20/2013	Lift Station - 2759 Legion Ave		-	No		0000
602-495-9450-43810	Electric Utility									
07252013	07/25/2013	386.93	0.00	08/20/2013	Fire Station #1 3510 Laverne		-	No		0000
101-420-2220-43810	Electric Utility									
07252013	07/25/2013	48.38	0.00	08/20/2013	Legion Park - 3511 Laverne		-	No		0000
101-450-5200-43810	Electric Utility									
07252013	07/25/2013	2,049.35	0.00	08/20/2013	Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
07252013	07/25/2013	33.03	0.00	08/20/2013	Traffic-Manning & Stillwater Blvd		-	No		0000
101-430-3160-43810	Street Lighting									
07252013	07/25/2013	12.12	0.00	08/20/2013	VFW Ballfield Lts - 3675 Layton		-	No		0000
101-450-5200-43810	Electric Utility									
07252013	07/25/2013	460.79	0.00	08/20/2013	VFW Ballfield Lts - 3675 Layton		-	No		0000
101-450-5200-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
07252013	07/25/2013	663.46	0.00	08/20/2013	Public Works - 3400 Ideal		-			0000
101-430-3100-43810	Electric Utility									No
07252013	07/25/2013	22.38	0.00	08/20/2013	Water Tower #2 3445 Ideal Ave		-			0000
601-494-9400-43810	Electric Utility									No
07252013	07/25/2013	12.65	0.00	08/20/2013	Speed Sign Hwy 5		-			0000
101-430-3160-43810	Street Lighting									No
07252013	07/25/2013	22.58	0.00	08/20/2013	Welcome Sign - 425 Keats		-			0000
101-430-3160-43810	Street Lighting									No
07252013	07/25/2013	729.77	0.00	08/20/2013	Library		-			0000
206-450-5300-43810	Electric Utility									No
	07252013 Total:	9,644.50								
	XCEL Total:	9,644.50								

Report Total: 365,803.79

# Accounts Payable To Be Paid Proof List

User: denise

Printed: 08/08/2013 - 3:24 PM

Batch: 004-08-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ELMOVIEV Elmo View Townhouse Assn Aug 08 2013 409-480-8000-45300 Improvements Other Than Bldgs Aug 08 2013 Total: ELMOVIEV Total:	08/08/2013	15,000.00 15,000.00 15,000.00	0.00	08/08/2013	LE Ave Sewer Infra 194-30th Str Easement		-	No		0000
MDH Minnesota Department of Health 08/08/2013 409-480-8000-43030 Engineering Services 08/08/2013 Total: MDH Total:	08/08/2013	150.00 150.00 150.00	0.00	08/08/2013	LE Ave Sewer Infra 194-30th Str Easement		-	No		0000
MPCA MN Pollution Control Agency August 8 2013 409-480-8000-43030 Engineering Services August 8 2013 Total: MPCA Total:	08/08/2013	310.00 310.00 310.00	0.00	08/08/2013	LE Ave Sewer Infra 194-30th Str Easement		-	No		0000
RECOREAL RECO Real Estate LLC 8/8/2013 409-480-8000-45300 Improvements Other Than Bldgs 8/8/2013 Total: RECOREAL Total:  Report Total:	08/08/2013	11,419.50 11,419.50 11,419.50 26,879.50	0.00	08/08/2013	LE Ave Sewer Infra 194-30th Str Easement		-	No		0000



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/20/2013

**CONSENT**

ITEM #: 4

**AGENDA ITEM:** July 2013 Financial Reporting

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Dean Zuleger, City Administrator

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, The City Council is asked to accept the July 2013 Financial Reporting Packet. 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 operations and report the financial (unaudited) statement to the City Council. City guidelines suggest the Council be updated on a regular basis.

**STAFF REPORT:** Attached please find a report for July reflecting the monthly detail supporting the year to date actual results and comparing those results to the 2013 Budget.

On a year to date basis through July 31, 2013, the actual results are \$132k better than budget.

The most significant variances are highlighted below:

Revenues:

- Building Permit revenue for the month was 31% below budget. On a year to date basis actual activity is still above plan by 6%. It is believed that the severe storms caused numerous building delays for July.
- Plan review fees for the month were 5% above budget bringing the year to date revenue to 43% above budget.

Expenses:

Most departments are below budget for the month as all Departments continue to be very cost conscious. A few key items to note:

- The Levy funds were received early in July as expected. The Ad Valorum Taxes were slightly below budget (3%) but Lake Elmo once again qualified for the Fiscal Desparity Funds which were not budgeted for in 2013 (\$114k).
- Due to a lack of resources in the Finance Department, contract services had to be sought out from Smith Schaefer to assist with this process. As a result, the contract services for the month were \$5k over budget since it was hoped that this would be compiled internally.
- The Planning Department has incurred expenses above the amounts budgeted for many expense items due to the City expansion initiative. The majority of the expenses were related to Engineering support and Contractor expenses.
- Please note that the salary expenses are based on more accurate departmental allocations than we had in August 2012 when the 2013 budget was initially compiled. As a result, some departments are above budget, while others are under but overall, personnel expenses are below budget.

**RECOMMENDATION:** It is recommended that the City Council receive the July monthly Financial Reporting Packet *as part of tonight's Consent Agenda.*

Alternately, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and review.

**ATTACHMENTS:**

1. July Financial Reports



City of Lake Elmo  
 2013 By Month  
 Budget to Actual Comparative  
 As of July 30, 2013  
 101-General Fund Detail  
 By Department

	MONTH			YTD				
	BUDGET	ACTUAL	Variance (\$)	Variance (%)	BUDGET	ACTUAL	Variance (\$)	Variance (%)
	Month	Month	Month	Month	YTD	YTD	YTD	YTD
<b>REVENUE</b>								
Current Ad Valorem Taxes	1,206,794.08	1,170,922.00	(35,872.08)	-2.97%	1,206,794.08	1,170,922.00	(35,872.08)	-2.97%
Delinquent Ad Valorem Taxes	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Mobile Home Tax	4,000.00	5,059.12	1,059.12	26.48%	4,000.00	5,059.12	1,059.12	26.48%
Fiscal Disparities	0.00	114,609.96	114,609.96	0.00%	0.00	114,609.96	114,609.96	0.00%
Penalty & Interest on Taxes	0.00	1,190.54	1,190.54	0.00%	0.00	1,190.54	1,190.54	0.00%
Liquor License	0.00	0.00	0.00	0.00%	25.00	500.00	475.00	1900.00%
Waste hauler License	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
General Contractor License	0.00	0.00	0.00	0.00%	0.00	265.00	265.00	0.00%
Heating Contractor License	300.00	400.00	100.00	33.33%	2,975.00	3,850.00	875.00	29.41%
Blacktopping Contractor License	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Building Permits	17,500.00	12,011.86	(5,488.14)	-31.36%	84,500.00	89,339.81	4,839.81	5.73%
Heating Permits	1,000.00	1,140.00	140.00	14.00%	8,200.00	9,085.00	885.00	10.79%
Plumbing Permits	700.00	960.00	260.00	37.14%	4,800.00	7,765.00	2,965.00	61.77%
Sewer Permits	0.00	0.00	0.00	0.00%	0.00	485.00	485.00	0.00%
Animal License	100.00	60.00	(40.00)	-40.00%	1,560.00	1,461.00	(99.00)	-6.35%
Utility Permits	600.00	1,942.00	1,342.00	223.67%	4,200.00	4,881.40	681.40	16.22%
Burning Permit	50.00	45.00	(5.00)	-10.00%	900.00	2,170.33	1,270.33	141.15%
Massage Therapy Permits	0.00	0.00	0.00	0.00%	0.00	658.00	658.00	0.00%
Homestead Credit Aid	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
MSA-Maintenance	0.00	49,011.00	49,011.00	0.00%	49,011.00	98,022.00	49,011.00	100.00%
State Fire Aid	0.00	0.00	0.00	0.00%	1,500.00	3,000.00	1,500.00	100.00%
PERA Aid	1,374.50	1,374.50	0.00	0.00%	1,374.50	1,374.50	0.00	0.00%
Gravel Tax	0.00	0.00	0.00	0.00%	688.63	0.00	(688.63)	-100.00%
Recycling Grant	0.00	0.00	0.00	0.00%	15,500.00	15,588.00	88.00	0.00%
Misc State Grant/Surcharge Rev	0.00	0.00	0.00	0.00%	0.00	1,179.72	1,179.72	0.00%
Cable Franchise Revenue	0.00	0.00	0.00	0.00%	43,000.00	39,851.98	(3,148.02)	0.00%
Zoning & Subdivision Fees	0.00	0.00	0.00	0.00%	1,000.00	1,750.00	750.00	0.00%
Plan Check Fees	7,000.00	7,359.10	359.10	5.13%	37,000.00	53,065.85	16,065.85	43.42%
Sale of Copies, Books, Maps	10.00	10.75	0.75	0.00%	99.10	257.10	158.00	159.43%
Assessment Searches	50.00	120.00	70.00	140.00%	450.00	810.00	360.00	80.00%
Clean Up Days	4,000.00	0.00	(4,000.00)	0.00%	4,000.00	0.00	(4,000.00)	0.00%
Cable Operation Reimbursement	0.00	0.00	0.00	0.00%	735.00	0.00	(735.00)	0.00%
Fines	5,000.00	4,061.91	(938.09)	-18.76%	35,000.00	28,380.62	(6,619.38)	-18.91%
Miscellaneous Revenue	1,500.00	5,088.67	3,588.67	239.24%	10,500.00	12,637.64	2,137.64	20.36%
Internal Charges	50.00	78.00	28.00	56.00%	350.00	840.00	490.00	140.00%
Interest Earnings	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Donations	0.00	0.00	0.00	0.00%	7,500.00	0.00	(7,500.00)	-100.00%
<b>Total Revenue</b>	<b>1,250,028.58</b>	<b>1,375,444.41</b>	<b>125,415.83</b>	<b>10.03%</b>	<b>1,525,662.31</b>	<b>1,668,999.57</b>	<b>143,337.26</b>	<b>9.40%</b>

**EXPENSE**

**1110 - Mayor & Council**

PT Salaries	0.00	0.00	0.00	0.00%
FICA Contributions	0.00	0.00	0.00	0.00%
Medicare Contributions	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%
Mileage	500.00	500.00	500.00	0.00%
Miscellaneous	0.00	0.00	0.00	0.00%
Dues & Subscriptions	0.00	0.00	0.00	0.00%
Conferences & Training	0.00	0.00	0.00	0.00%
<b>Total Mayor &amp; Council</b>	<b>500.00</b>	<b>500.00</b>	<b>500.00</b>	<b>100.00%</b>

**1320 - Administration**

FT Salaries	13,000.00	10,873.34	2,126.66	16.36%
PERA Contributions	942.50	788.31	154.19	16.36%
ICMA Contributions	0.00	0.00	0.00	0.00%
FICA Contributions	806.00	649.60	156.40	19.40%
Medicare Contributions	188.50	151.93	36.57	19.40%
Health/Dental Insurance	3,127.60	0.00	3,127.60	100.00%
Unemployment Benefits	0.00	963.32	(963.32)	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%
Office Supplies	300.00	708.25	(408.25)	-136.08%
Printed Forms	0.00	0.00	0.00	0.00%
Legal Services	4,000.00	3,680.75	319.25	7.98%
Newsletter/Website	0.00	0.00	0.00	0.00%
Assessing Services	2,000.00	10,938.14	(8,938.14)	-446.91%
Contract Services	0.00	0.00	0.00	0.00%
Telephone	300.00	337.06	(37.06)	0.00%
Postage	150.00	700.00	(550.00)	-366.67%
Mileage	0.00	154.00	(154.00)	0.00%
Legal Publishing	0.00	132.00	(132.00)	0.00%
Insurance	0.00	0.00	0.00	0.00%
Cable Operation Expense	0.00	0.00	0.00	0.00%
Miscellaneous	100.00	611.22	(511.22)	-511.22%
Dues & Subscriptions	100.00	176.98	(76.98)	-76.98%
Books	0.00	133.68	(133.68)	0.00%
Conferences & Training	200.00	196.83	3.17	1.58%
Staff Development	200.00	0.00	200.00	0.00%
<b>Total Administration</b>	<b>25,414.60</b>	<b>31,195.41</b>	<b>(5,780.81)</b>	<b>-22.75%</b>

	12,845.00	12,845.00	0.00	0.00%
	796.39	796.39	0.00	0.00%
	186.25	186.27	(0.02)	0.00%
	36.00	215.80	(179.80)	-499.44%
	500.00	0.00	500.00	0.00%
	565.27	1,634.36	(1,069.09)	0.00%
	4,391.00	10,339.00	(5,948.00)	-135.46%
	1,155.00	1,586.00	(431.00)	-37.32%
	<b>20,474.91</b>	<b>27,602.82</b>	<b>(7,127.91)</b>	<b>-34.81%</b>

	103,444.93	93,619.94	9,824.99	9.50%
	7,174.07	6,665.86	508.21	7.08%
	0.00	0.00	0.00	0.00%
	6,218.13	5,444.87	773.26	12.44%
	1,454.30	1,273.45	180.85	12.44%
	21,893.20	15,666.00	6,227.20	28.44%
	0.00	963.32	(963.32)	0.00%
	1,396.00	728.39	667.61	47.82%
	3,738.61	3,936.19	(197.58)	-5.28%
	363.91	0.00	363.91	0.00%
	28,000.00	35,237.42	(7,237.42)	-25.85%
	0.00	0.00	0.00	0.00%
	15,500.00	22,234.14	(6,734.14)	-43.45%
	0.00	0.00	0.00	0.00%
	0.00	1,011.18	(1,011.18)	0.00%
	2,100.00	2,641.79	(541.79)	-25.80%
	1,050.00	957.67	92.33	8.79%
	157.74	1,279.08	(1,121.34)	0.00%
	38,800.00	35,339.30	3,460.70	8.92%
	0.00	0.00	0.00	0.00%
	700.00	1,908.63	(1,208.63)	-172.66%
	700.00	982.97	(282.97)	-40.42%
	0.00	225.49	(225.49)	0.00%
	1,175.93	2,564.15	(1,388.22)	-118.05%
	670.00	0.00	670.00	0.00%
	<b>234,536.82</b>	<b>232,679.84</b>	<b>1,856.98</b>	<b>0.79%</b>



**1910 - Planning & Zoning**

FT Salaries	8,278.95	12,675.91	(4,396.96)	-53.11%	57,952.65	86,295.90	(28,343.25)	-48.91%
PERA Contributions	600.22	919.00	(318.78)	-53.11%	4,201.57	6,256.48	(2,054.91)	-48.91%
FICA Contributions	513.29	741.43	(228.14)	-44.45%	3,593.06	5,087.84	(1,494.78)	-41.60%
Medicare Contributions	120.04	173.43	(53.39)	-44.47%	840.31	1,190.05	(349.74)	-41.62%
Health/Dental Insurance	886.48	1,656.00	(769.52)	-86.81%	6,205.39	11,592.00	(5,386.61)	-86.81%
Workers Compensation	0.00	0.00	0.00	0.00%	500.00	751.34	(251.34)	-50.27%
Office Supplies	50.00	27.08	22.92	45.84%	350.00	2,262.33	(1,912.33)	-546.38%
Printed Forms	0.00	46.00	(46.00)	0.00%	0.00	401.85	(401.85)	0.00%
Engineering Services	1,500.00	1,765.74	(265.74)	-17.72%	10,500.00	15,687.05	(5,187.05)	-49.40%
Contract Services	0.00	3,900.00	(3,900.00)	0.00%	0.00	14,869.24	(14,869.24)	0.00%
Telephone	0.00	163.39	(163.39)	0.00%	0.00	443.88	(443.88)	0.00%
Postage	0.00	0.00	0.00	0.00%	0.00	18.15	(18.15)	0.00%
Mileage	30.00	0.00	30.00	100.00%	210.00	0.00	210.00	100.00%
Miscellaneous	20.00	33.94	(13.94)	-69.70%	140.00	436.93	(296.93)	-212.09%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00	270.00	(270.00)	0.00%
Books	0.00	0.00	0.00	0.00%	0.00	180.32	(180.32)	0.00%
Conferences & Training	0.00	0.00	0.00	0.00%	1,600.00	644.00	956.00	59.75%
<b>Total Planning &amp; Zoning</b>	<b>11,999.00</b>	<b>22,101.92</b>	<b>(10,102.92)</b>	<b>-84.20%</b>	<b>86,092.99</b>	<b>146,387.36</b>	<b>(60,294.37)</b>	<b>-70.03%</b>

**1930 - Engineering Services**

Engineering Services	5,000.00	4,559.34	440.66	8.81%	35,000.00	19,886.57	15,113.43	43.18%
<b>Total Engineering Services</b>	<b>5,000.00</b>	<b>4,559.34</b>	<b>440.66</b>	<b>8.81%</b>	<b>35,000.00</b>	<b>19,886.57</b>	<b>15,113.43</b>	<b>43.18%</b>

**1940 - City Hall**

Cleaning Supplies	50.00	0.00	50.00	100.00%	350.00	7.48	342.52	97.86%
Building Repair Supplies	75.00	0.00	75.00	100.00%	525.00	36.53	488.47	93.04%
Telephone	700.00	295.57	404.43	57.78%	5,100.00	1,239.30	3,860.70	75.70%
Utilities	900.00	720.12	179.88	19.99%	6,300.00	5,931.25	368.75	5.85%
Refuse	108.32	108.32	0.00	0.00%	758.24	758.24	0.00	0.00%
Repairs/Maint Contractual Bldg	700.00	1,376.53	(676.53)	-96.65%	4,900.00	5,032.52	(132.52)	-2.70%
Repairs/Maint Contractual Equip	400.00	591.44	(191.44)	-47.86%	2,800.00	2,767.25	32.75	1.17%
Miscellaneous	75.00	32.45	42.55	56.73%	525.00	124.78	400.22	76.23%
<b>Total City Hall</b>	<b>3,008.32</b>	<b>3,124.43</b>	<b>(116.11)</b>	<b>-3.86%</b>	<b>21,258.24</b>	<b>15,897.35</b>	<b>5,360.89</b>	<b>25.22%</b>

**Total General Government**

	<b>66,074.47</b>	<b>89,365.75</b>	<b>(23,291.28)</b>	<b>-35.25%</b>	<b>520,697.83</b>	<b>592,203.68</b>	<b>(71,505.85)</b>	<b>-13.73%</b>
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**DEPT 420 - PUBLIC SAFETY**

<b>2100 - Police</b>									
Law Enforcement Contract	280,000.00	245,124.54	34,875.46	0.00%	280,000.00	245,758.76	34,241.24	0.00%	
<b>Total Police</b>	<b>280,000.00</b>	<b>245,124.54</b>	<b>34,875.46</b>	<b>0.00%</b>	<b>280,000.00</b>	<b>245,758.76</b>	<b>34,241.24</b>	<b>0.00%</b>	
<b>2150 - Prosecution</b>									
Attorney Criminal	4,250.00	4,250.00	0.00	0.00%	29,750.00	25,500.00	4,250.00	14.29%	
<b>Total Prosecution</b>	<b>4,250.00</b>	<b>4,250.00</b>	<b>0.00</b>	<b>0.00%</b>	<b>29,750.00</b>	<b>25,500.00</b>	<b>4,250.00</b>	<b>14.29%</b>	
<b>2220 - Fire</b>									
FT Salaries	6,000.00	5,701.47	298.53	4.98%	45,050.40	42,232.48	2,817.92	6.26%	
PT Salaries	11,000.00	9,184.69	1,815.31	16.50%	73,000.00	69,151.92	3,848.08	5.27%	
PERA Contributions	1,232.50	949.40	283.10	22.97%	8,558.65	7,074.81	1,483.84	17.34%	
FICA Contributions	1,054.00	526.46	527.54	50.05%	7,319.12	3,936.17	3,382.95	46.22%	
Medicare Contributions	246.50	209.79	36.71	14.89%	1,711.73	1,569.21	142.52	8.33%	
Health/Dental Insurance	1,276.70	1,142.00	134.70	10.55%	8,936.88	7,994.00	942.88	10.55%	
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%	
Workers Compensation	0.00	0.00	0.00	0.00%	10,130.00	8,042.06	2,087.94	20.61%	
Office Supplies	0.00	125.28	(125.28)	0.00%	250.00	2,750.19	(2,500.19)	-1000.08%	
EMS Supplies	0.00	0.00	0.00	0.00%	2,058.00	804.94	1,253.06	60.89%	
Fire Prevention	0.00	0.00	0.00	0.00%	0.00	50.00	(50.00)	0.00%	
Fuel, Oil & Fluids	1,150.00	1,619.44	(469.44)	-40.82%	7,882.00	6,538.20	1,343.80	17.05%	
Small Tools & Equip	0.00	941.57	(941.57)	0.00%	30,700.00	6,053.95	24,646.05	80.28%	
Physicals	0.00	549.77	(549.77)	0.00%	5,916.60	1,883.36	4,033.24	68.17%	
Telephone	250.00	585.37	(335.37)	-134.15%	1,750.00	2,286.19	(536.19)	-30.64%	
Radio	0.00	0.00	0.00	0.00%	7,892.16	8,248.17	(356.01)	-4.51%	
Mileage	0.00	0.00	0.00	0.00%	100.00	99.44	0.56	0.00%	
Vehicle Insurance	12,000.00	0.00	12,000.00	0.00%	12,000.00	5,237.00	6,763.00	0.00%	
Electric Utility	1,000.00	645.71	354.29	35.43%	6,500.00	7,569.59	(1,069.59)	-16.46%	
Refuse	47.68	47.68	0.00	0.00%	333.76	541.58	(207.82)	-62.27%	
Repair/Maint Bldg	376.30	910.53	(534.23)	-141.97%	19,134.10	12,267.98	6,866.12	35.88%	
Repair/Maint Equip	3,881.00	2,549.56	1,331.44	0.00%	15,437.00	16,593.20	(1,156.20)	-7.49%	
Uniforms	150.00	0.00	150.00	100.00%	5,941.50	2,715.66	3,225.84	54.29%	
Miscellaneous	75.00	124.73	(49.73)	-66.31%	525.00	872.34	(347.34)	-66.16%	
Dues & Subscriptions	0.00	302.00	(302.00)	0.00%	2,000.00	2,597.00	(597.00)	-29.85%	
Books	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%	
Conferences & Training	0.00	3,778.43	(3,778.43)	0.00%	14,300.00	6,799.78	7,500.22	52.45%	
<b>Total Fire</b>	<b>39,739.68</b>	<b>29,893.88</b>	<b>9,845.80</b>	<b>24.78%</b>	<b>287,426.91</b>	<b>223,909.22</b>	<b>63,517.69</b>	<b>22.10%</b>	
<b>2250 - Fire Relief</b>									
Fire State Aid	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%	
<b>Total Fire Relief</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>	

**2400 - Building Inspection**

FT Salaries	5,747.36	6,689.07	(941.71)	-16.39%	43,105.20	49,669.12	(6,563.92)	-15.23%
PERA Contributions	416.68	484.98	(68.30)	-16.39%	2,567.84	3,601.08	(1,033.24)	-40.24%
FICA Contributions	356.34	389.44	(33.10)	-9.29%	2,152.38	2,892.01	(739.63)	-34.36%
Medicare Contributions	83.34	91.07	(7.73)	-9.28%	503.39	676.31	(172.92)	-34.35%
Health/Dental Insurance	767.49	1,414.00	(646.51)	-84.24%	5,372.43	9,898.00	(4,525.57)	-84.24%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	1,000.00	0.00	1,000.00	0.00%	2,000.00	397.88	1,602.12	80.11%
Office Supplies	0.00	49.82	(49.82)	0.00%	0.00	806.41	(806.41)	0.00%
Printed Forms	0.00	0.00	0.00	0.00%	0.00	146.61	(146.61)	0.00%
Fuel, Oil & Fluids	0.00	58.30	(58.30)	0.00%	0.00	164.34	(164.34)	0.00%
Engineering	500.00	2,526.50	(2,026.50)	-405.30%	3,500.00	7,054.50	(3,554.50)	-101.56%
Surcharge Pmts	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Inspector Contract Services	0.00	1,598.75	(1,598.75)	0.00%	0.00	3,297.00	(3,297.00)	0.00%
Telephone	18.00	134.33	(116.33)	-646.28%	126.00	469.38	(343.38)	-272.52%
Mileage	0.00	270.07	(270.07)	0.00%	0.00	524.57	(524.57)	0.00%
Insurance	0.00	0.00	0.00	0.00%	255.00	340.00	(85.00)	0.00%
Repairs/Maint Equip	250.00	0.00	250.00	0.00%	500.00	0.00	500.00	100.00%
Uniforms	0.00	0.00	0.00	0.00%	0.00	86.38	(86.38)	0.00%
Miscellaneous	0.00	25.65	(25.65)	0.00%	250.00	325.65	(75.65)	-30.26%
Dues & Subscriptions	0.00	90.00	(90.00)	0.00%	90.00	90.00	0.00	0.00%
Books	0.00	12.40	(12.40)	0.00%	50.00	120.64	(70.64)	0.00%
Conferences & Training	0.00	0.00	0.00	0.00%	0.00	500.00	(500.00)	0.00%
<b>Total Building Inspections</b>	<b>9,139.21</b>	<b>13,834.38</b>	<b>(4,695.17)</b>	<b>-51.37%</b>	<b>60,472.25</b>	<b>81,059.88</b>	<b>(20,587.63)</b>	<b>-34.04%</b>

**2500 - Emergency Communications**

Contract Services	0.00	0.00	0.00	0.00%	6,000.00	0.00	6,000.00	0.00%
<b>Total Emergency Communications</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>	<b>6,000.00</b>	<b>0.00</b>	<b>6,000.00</b>	<b>0.00%</b>

**2700 - Animal Control**

Printed Forms	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Contract Services	650.00	500.00	150.00	23.08%	4,100.00	3,342.08	757.92	18.49%
Miscellaneous	0.00	165.00	(165.00)	0.00%	0.00	615.00	(615.00)	0.00%
<b>Total Animal Control</b>	<b>650.00</b>	<b>665.00</b>	<b>(15.00)</b>	<b>-2.31%</b>	<b>4,100.00</b>	<b>3,957.08</b>	<b>142.92</b>	<b>3.49%</b>
<b>Total Public Safety</b>	<b>333,778.88</b>	<b>293,767.80</b>	<b>40,011.08</b>	<b>11.99%</b>	<b>667,749.16</b>	<b>580,184.94</b>	<b>87,564.22</b>	<b>13.11%</b>

DEPT 430 - PUBLIC WORKS

3100 - Public Works

FT Salaries	10,700.00	11,678.42	(978.42)	9.14%	78,200.00	92,496.61	(14,296.61)	-18.28%
PT Salaries	0.00	2,014.84	(2,014.84)	0.00%	0.00	4,213.84	(4,213.84)	0.00%
PERA Contributions	775.75	964.43	(188.68)	-24.32%	5,669.50	6,978.79	(1,309.29)	-23.09%
FICA Contributions	663.40	802.18	(138.78)	-20.92%	4,848.40	5,636.89	(788.49)	-16.26%
Medicare Contributions	155.15	187.62	(32.47)	-20.93%	1,133.90	1,318.35	(184.45)	-16.27%
Health/Dental Insurance	2,893.14	2,899.00	(5.86)	-0.20%	20,251.99	20,293.00	(41.01)	-0.20%
Unemployment Benefits	0.00	0.00	0.00	0.00%	2,500.00	0.00	2,500.00	100.00%
Workers Compensation	3,000.00	0.00	3,000.00	0.00%	9,000.00	7,399.76	1,600.24	17.78%
Office Supplies	50.00	0.00	50.00	100.00%	350.00	196.70	153.30	43.80%
Shop Materials	150.00	0.00	150.00	100.00%	1,050.00	436.77	613.23	58.40%
Building Repair Supplies	0.00	0.00	0.00	0.00%	0.00	229.25	(229.25)	0.00%
Small Tools and Minor Equip	250.00	441.81	(191.81)	-76.72%	1,750.00	1,467.74	282.26	16.13%
Engineering Services	150.00	1,199.50	(1,049.50)	-699.67%	1,050.00	4,767.00	(3,717.00)	-354.00%
Contract Services	400.00	317.22	82.78	20.70%	2,800.00	582.63	2,217.37	79.19%
Telephone	650.00	689.42	(39.42)	-6.06%	4,750.00	3,295.20	1,454.80	30.63%
Radio	300.00	0.00	300.00	100.00%	2,100.00	609.12	1,490.88	70.99%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	22,000.00	0.00	22,000.00	0.00%	22,000.00	19,772.00	2,228.00	0.00%
Electric Utility	2,000.00	587.15	1,412.85	70.64%	14,000.00	12,498.76	1,501.24	10.72%
Refuse	207.82	207.82	0.00	0.00%	1,454.74	1,246.92	207.82	14.29%
Fuel, Oil, Fluids (ALL depts)	3,000.00	9,381.19	(6,381.19)	-212.71%	21,000.00	28,593.28	(7,593.28)	-36.16%
Repair/Maint Bldg	250.00	1,776.61	(1,526.61)	-610.64%	1,750.00	5,907.58	(4,157.58)	-237.58%
Repair/Maint NOT Bldg	40.00	0.00	40.00	100.00%	300.00	153.38	146.62	48.87%
Repair/Maint Equip (out)	500.00	0.00	500.00	100.00%	3,500.00	140.73	3,359.27	95.98%
Equipment Parts	500.00	0.00	500.00	100.00%	3,500.00	0.00	3,500.00	100.00%
Uniforms	175.00	81.60	93.40	53.37%	1,225.00	628.95	596.05	48.66%
Miscellaneous	75.00	0.00	75.00	100.00%	525.00	242.15	282.85	53.88%
Landscaping Material	85.00	0.00	85.00	100.00%	595.00	64.13	530.87	89.22%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	60.00	56.00	4.00	6.67%
Conferences & Training	0.00	0.00	0.00	0.00%	619.60	160.00	459.60	74.18%
Clean up Days	0.00	4,481.33	(4,481.33)	0.00%	6,000.00	4,481.33	1,518.67	0.00%
<b>Total Public Works</b>	<b>48,970.26</b>	<b>37,710.14</b>	<b>11,260.12</b>	<b>22.99%</b>	<b>211,983.13</b>	<b>223,866.86</b>	<b>(11,883.73)</b>	<b>-5.61%</b>

3120 - Streets

Equipment Parts	0.00	0.00	0.00	0.00%	0.00	886.81	(886.81)	0.00%
Street Maintenance Materials	1,000.00	4,052.75	(3,052.75)	-305.28%	7,000.00	10,439.26	(3,439.26)	-49.13%
Sign Repair Materials	250.00	0.00	250.00	100.00%	1,750.00	154.98	1,595.02	91.14%
Contract Services	850.00	1,595.00	(745.00)	-87.65%	5,950.00	8,460.67	(2,510.67)	-42.20%
Repairs/Maint Equipment	0.00	654.66	(654.66)	0.00%	0.00	1,404.63	(1,404.63)	0.00%
<b>Total Streets</b>	<b>2,100.00</b>	<b>6,302.41</b>	<b>(4,202.41)</b>	<b>-200.11%</b>	<b>14,700.00</b>	<b>21,346.35</b>	<b>(6,646.35)</b>	<b>-45.21%</b>

**3125 - Ice & Snow Removal**

Landscaping Material	0.00	0.00	0.00	0.00%
Sand/Salt	0.00	634.61	(634.61)	0.00%
Contract Services	0.00	0.00	0.00	0.00%
Repairs/Maint Equipment	250.00	0.00	250.00	100.00%
<b>Total Ice &amp; Snow Removal</b>	<b>250.00</b>	<b>634.61</b>	<b>(384.61)</b>	<b>-153.84%</b>

**3160 - Street Lighting**

Street Lighting	2,100.00	2,286.75	(186.75)	-8.89%
<b>Total Street Lighting</b>	<b>2,100.00</b>	<b>2,286.75</b>	<b>(186.75)</b>	<b>-8.89%</b>

**3200 - Recycling**

Recycling Supplies	0.00	0.00	0.00	0.00%
Newsletter	0.00	0.00	0.00	0.00%
Miscellaneous	400.00	0.00	400.00	100.00%
<b>Total Recycling</b>	<b>400.00</b>	<b>0.00</b>	<b>400.00</b>	<b>100.00%</b>

**3250 - Tree Program**

Contract Services	400.00	10,950.00	(10,550.00)	-2637.50%
<b>Total Tree Program</b>	<b>400.00</b>	<b>10,950.00</b>	<b>(10,550.00)</b>	<b>-2637.50%</b>

**Total Public Works**

	<b>54,220.26</b>	<b>57,883.91</b>	<b>(3,663.65)</b>	<b>-6.76%</b>
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	0.00	0.00	0.00	0.00%
	40,000.00	57,732.37	(17,732.37)	-44.33%
	6,250.00	4,307.75	1,942.25	31.08%
	1,750.00	4,941.95	(3,191.95)	-182.40%
	<b>48,000.00</b>	<b>66,982.07</b>	<b>(18,982.07)</b>	<b>-39.55%</b>

	14,700.00	13,912.72	787.28	5.36%
	<b>14,700.00</b>	<b>13,912.72</b>	<b>787.28</b>	<b>5.36%</b>

	2,300.00	3,584.25	(1,284.25)	-55.84%
	1,000.00	0.00	1,000.00	0.00%
	2,800.00	0.00	2,800.00	100.00%
	<b>6,100.00</b>	<b>3,584.25</b>	<b>2,515.75</b>	<b>41.24%</b>

	3,000.00	10,950.00	(7,950.00)	-265.00%
	<b>3,000.00</b>	<b>10,950.00</b>	<b>(7,950.00)</b>	<b>-265.00%</b>

	<b>298,483.13</b>	<b>340,642.25</b>	<b>(42,159.12)</b>	<b>-14.12%</b>
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**DEPT 450 - CULTURE, RECREATION**

**5200 - Parks & Recreation**

FT Salaries	8,583.96	5,734.53	2,849.43	33.19%	64,379.50	51,219.61	13,159.89	20.44%
PT Salaries	700.00	4,217.87	(3,517.87)	-502.55%	10,650.00	12,571.52	(1,921.52)	-18.04%
PERA Contributions	622.34	420.15	202.19	32.49%	4,667.51	4,280.95	386.56	8.28%
FICA Contributions	575.61	600.10	(24.49)	-4.26%	4,651.83	3,819.57	832.26	17.89%
Medicare Contributions	134.62	140.30	(5.68)	-4.22%	1,087.93	893.20	194.73	17.90%
Health/Dental Insurance	1,084.57	290.16	794.41	73.25%	7,592.01	3,276.32	4,315.69	56.85%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	3,000.00	4,105.81	(1,105.81)	-36.86%
Shop Materials	0.00	0.00	0.00	0.00%	0.00	382.39	(382.39)	0.00%
Chemicals	50.00	0.00	50.00	100.00%	350.00	471.88	(121.88)	-34.82%
Equipment Parts	150.00	433.64	(283.64)	-189.09%	1,050.00	1,098.29	(48.29)	-4.60%
Building Repair Supplies	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Landscaping Materials	200.00	0.00	200.00	100.00%	1,400.00	164.87	1,235.13	88.22%
Small Tools and Minor Equip	75.00	0.00	75.00	100.00%	525.00	1,609.01	(1,084.01)	-206.48%
Telephone	100.00	181.67	(81.67)	-81.67%	700.00	606.82	93.18	13.31%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	0.00	0.00	0.00	0.00%	5,000.00	3,683.00	1,317.00	0.00%
Electric Utility	750.00	913.53	(163.53)	-21.80%	5,250.00	5,292.97	(42.97)	-0.82%
Refuse	207.82	207.82	0.00	0.00%	1,454.74	1,454.74	0.00	0.00%
Repair/Maint Bldg	25.00	0.00	25.00	100.00%	175.00	246.25	(71.25)	-40.71%
Repair/Maint NOT Bldg	50.00	595.83	(545.83)	-1091.66%	350.00	3,359.28	(3,009.28)	-859.79%
Repair/Maint Equip	100.00	0.00	100.00	100.00%	700.00	0.00	700.00	100.00%
Rental Buildings	400.00	801.29	(401.29)	-100.32%	2,800.00	2,017.46	782.54	27.95%
Miscellaneous	0.00	110.07	(110.07)	0.00%	0.00	492.10	(492.10)	0.00%
<b>Total Parks &amp; Recreation</b>	<b>13,808.91</b>	<b>14,646.96</b>	<b>(838.05)</b>	<b>-6.07%</b>	<b>115,783.52</b>	<b>101,046.04</b>	<b>14,737.48</b>	<b>12.73%</b>

**DEPT 460 - COMP ADJ**

**DEPT 490 - CONTINGENCY FUND**

**DEPT 493 - OTH FINANCING**

**GRAND TOTAL ALL DEPTS**

**Net Income over Expenses**

DEPT 460 - COMP ADJ	0.00	0	0	0.00%	0.00	0.00	0.00	0.00%
DEPT 490 - CONTINGENCY FUND	0.00	0	0	0.00%	60,339.70	58,546.10	1,793.60	0.00%
DEPT 493 - OTH FINANCING	0.00	0	0	0.00%	0.00	0.00	0.00	0.00%
<b>GRAND TOTAL ALL DEPTS</b>	<b>467,882.53</b>	<b>455,664.42</b>	<b>12,218.11</b>	<b>2.61%</b>	<b>1,602,713.64</b>	<b>1,614,076.91</b>	<b>(11,363.27)</b>	<b>-0.71%</b>
<b>Net Income over Expenses</b>	<b>782,146.05</b>	<b>919,779.99</b>	<b>137,633.94</b>	<b>17.60%</b>	<b>(77,051.33)</b>	<b>54,922.66</b>	<b>131,973.99</b>	<b>-171.28%</b>



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/20/2013

CONSENT

ITEM #: 5

**AGENDA ITEM:** New Single Family Home Permit Report

**SUBMITTED BY:** Rick Chase, Building Official

**THROUGH:** Rick Chase, Building Official

**REVIEWED BY:** Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to accept the monthly permit report. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**STAFF REPORT:** Below is the year to date statistics through July 2013, Companion data is also include from prior years.

	<u>2013</u>	<u>2012</u>	<u>2011</u>
New homes	21	20	14
Total valuation	\$9,179,742	\$8,471,112	\$6,120,800
Average home value	\$437,130	\$423,555	\$437,200

- Please note the building department is transitioning to new software in July, additional reporting will be reviewed when install is complete.



MAYOR AND COUNCIL COMMUNICATION

DATE: 08/20/2013

CONSENT

ITEM #: 6

**AGENDA ITEM:** 2012 Street and Water Quality Improvements – Accept Improvements; Compensating Change Order No. 2; and Pay Request No. 5 (Final)

**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Cathy Bendel, Finance Director  
Mike Bouthilet, Public Works

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

- 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

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider accepting the improvements; approving Compensating Change Order No. 2, thereby reducing the total contract amount by \$61,816.36; and approving final payment to Hardrives, Inc. in the amount of \$43,579.53 for the 2012 Street and Water Quality Improvements.

**STAFF REPORT:**

The 2012 Street and Water Quality Improvements have been fully completed. The Project Engineer has prepared a Certificate of Completion and is recommending acceptance of the improvements and release of the final retainage. The one-year warranty period will begin on August 20, 2013, and will extend to August 20, 2014.

Final Payment in the amount of \$43,579.53 has been requested by the Contractor, Hardrives, Inc., based upon the work completed. To close out the project a final compensating change order has been prepared to reconcile the final quantities installed on the project to the planned quantities at the time of bid, resulting in a deduct change order amount of \$61,816.36.

The final total construction cost for the project was \$799,818.43 vs. the original bid amount of \$849,736.79. The Project is being funded through the issuance of bonds (Demontreville Area Street Improvement Project Fund); through the Surface Water Fund for Rain Garden Improvements; through Park Funds (for parking lot improvements); and through the levy of special assessments to benefitting

properties (30% of eligible project costs). With the total projects known, the City Engineer will prepare and schedule the final assessment hearing for the project.

**RECOMMENDATION:**

Staff is recommending that the City Council consider, *as part of the Consent Agenda*, accepting the improvements for the 2012 Street and Water Quality Improvements; approving Compensating Change Order No. 2 in the deduct amount of \$61,816.36; and approving Pay Request No. 5 (Final) in the amount of \$43,579.53. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to accept the improvements for the 2012 Street and Water Quality Improvements; approve Compensating Change Order No. 2 in the deduct amount of \$61,816.36; and approve Pay Request No. 5 (Final) to Hardrives, Inc. in the amount of \$43,579.53”.*

**ATTACHMENT(S):**

1. Certificate of Completion
2. Compensating Change Order No. 2
3. Pay Request No. 5 (Final)

**CERTIFICATE OF COMPLETION**

DATE OF ISSUANCE: August 20, 2013

OWNER:	<u>CITY OF LAKE ELMO, MN</u>
CONTRACTOR:	<u>HARDRIVES, INC.</u>
PROJECT NAME:	<u>2012 STREET &amp; WATER QUALITY IMPROVEMENTS</u>
PROJECT NO.:	<u>2012.123</u>

- This Certification of Completion applies to all work under the Contract Documents
- This Certification of Completion applies to the following specified parts of the Contract Documents

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated July 17, 2012. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: August 20, 2013

Ryan W. Stempki Reg. No. 45395

FOCUS Engineering, inc.

THE WARRANTY PERIOD BEGINS August 20, 2013 AND ENDS August 20, 2014

**CONTRACT CHANGE ORDER FORM**

**CITY OF LAKE ELMO, MINNESOTA**  
**2012 STREET AND WATER QUALITY IMPROVEMENTS**  
**PROJECT NO. 2012.123**

**FOCUS ENGINEERING, inc.**

**CHANGE ORDER NO.** 2 **DATE:** August 20, 2013

**TO:** HARDRIVES, INC. , 14475 QUIRAM DRIVE, ROGERS, MN 55374

This Document will become a supplement to the Contract and all provisions will apply hereto. The Contract Documents are modified as follows upon execution of this Change Order.

**CHANGE ORDER DESCRIPTION / JUSTIFICATION:**

Compensating Change Order to revise quantities to reflect the actual quantities installed.

**Attachments (list documents supporting change):** Change Order No. 2 Itemization

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
	***SEE ATTACHED ITEMIZATION				
<b>NET CONTRACT CHANGE</b>					<b>(\$61,816.36)</b>

Amount of Original Contract	\$ 849,736.79
Sum of Additions/Deductions approved to date (CO No. 1)	\$ 11,898.00
Contract Amount to date	\$ 861,634.79
Amount of this Change Order (ADD) (DEDUCT) (NO-CHANGE)	\$ (61,816.36)
Revised Contract Amount	\$ 799,818.43

The Contract Period for Completion will be (UNCHANGED) (INCREASED) (DECREASED) 0 days

APPROVED BY ENGINEER: FOCUS Engineering, inc.  
 \_\_\_\_\_  
 ENGINEER

APPROVED BY CONTRACTOR  
 \_\_\_\_\_  
 BY

DATE \_\_\_\_\_

DATE \_\_\_\_\_

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

\_\_\_\_\_  
 BY  
 \_\_\_\_\_  
 DATE

\_\_\_\_\_  
 BY  
 \_\_\_\_\_  
 DATE



**PROJECT PAY FORM**

PARTIAL PAY ESTIMATE NO. <u>5F</u>	<b>FOCUS</b> ENGINEERING, inc.
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<b>2012 STREET AND WATER QUALITY IMPROVEMENTS PROJECT NO. 2012.123</b>	PERIOD OF ESTIMATE FROM <u>11/27/2012</u> TO <u>8/20/2013</u>
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PROJECT OWNER: <b>CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, P.E., CITY ENGINEER</b>	CONTRACTOR: <b>HARDRIVES, INC. 14475 QUIRAM DRIVE ROGERS, MN 55374 ATTN: MIKE LEUER, DIVISION MANAGER</b>
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CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
1	10/16/2012	\$11,898.00		1. Original Contract Amount	\$849,736.79
2	8/20/2013		(\$61,816.36)	2. Net Change Order Sum	-\$49,918.36
				3. Revised Contract (1+2)	\$799,818.43
				4. *Work Completed	\$799,818.43
				5. *Stored Materials	\$0.00
				6. Subtotal (4+5)	\$799,818.43
				7. Retainage* <u>0.0%</u>	\$0.00
				8. Previous Payments	\$756,238.90
TOTALS		\$11,898.00	(\$61,816.36)	9. Amount Due (6-7-8)	<b>\$43,579.53</b>
NET CHANGE		(\$49,918.36)		*Detailed Breakdown Attached	

CONTRACT TIME					
START DATE:	<u>7/17/2012</u>	ORIGINAL DAYS	<u>94</u>	ON SCHEDULE	
SUBSTANTIAL COMPLETION:	<u>10/19/2012</u>	REVISED DAYS	<u>0</u>	YES	<input type="checkbox"/>
FINAL COMPLETION:	<u>11/30/2012</u>	REMAINING	<u>-305</u>	NO	<input checked="" type="checkbox"/>

ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.	FOCUS Engineering, inc.  _____ ENGINEER  _____ DATE
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CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.	CONTRACTOR  _____ BY  _____ DATE
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APPROVED BY OWNER: <b>CITY OF LAKE ELMO, MINNESOTA</b>	
_____ BY	_____ BY
_____ DATE	_____ DATE



ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION	LS	1.0	\$45,850.00	\$45,850.00			1.00	\$45,850.00
2	TRAFFIC CONTROL	LS	1.0	\$3,695.19	\$3,695.19			1.00	\$3,695.19
3	SILT FENCE	LF	300	\$3.21	\$963.00			300.0	\$963.00
4	INLET PROTECTION	EA	23	\$96.40	\$2,217.20				
5	TREE REMOVAL	EA	11	\$267.77	\$2,945.47			12.0	\$3,213.24
6	SALVAGE AND REINSTALL MAILBOX	EA	85	\$65.00	\$5,525.00				
7	SALVAGE AND REINSTALL SIGN	EA	35	\$133.88	\$4,685.80				
8	SAWCUT BITUMINOUS AND CONCRETE PAVEMENT (ALL TYPES)	LF	1,790	\$2.49	\$4,457.10			941.0	\$2,343.09
9	REMOVE AND DISPOSE CONCRETE CURB AND GUTTER	LF	55	\$5.65	\$310.75			73.0	\$412.45
10	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	1,291	\$4.60	\$5,938.60			605.0	\$2,783.00
11	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT	SY	520	\$6.56	\$3,411.20			100.0	\$656.00
12	REMOVE AND DISPOSE OF EXISTING STORM SEWER CB/CBMH	EA	11	\$535.53	\$5,890.83			12.0	\$6,426.36
13	SALVAGE AND REINSTALL PAVERS	SY	22	\$51.90	\$1,141.80				
14	SUBGRADE CORRECTION	SY	1,404	\$6.91	\$9,701.64			1,025.0	\$7,082.75
15	COMMON EXCAVATION (CV) (P)	CY	1,351	\$10.01	\$13,523.51			1,351.0	\$13,523.51
16	CLASS 5 AGGREGATE BASE (100% CRUSHED)	CY	474	\$14.00	\$6,636.00				
17	SELECT GRANULAR BORROW	CY	512	\$9.43	\$4,828.16			342.0	\$3,225.06
18	HAUL OUT EXCESS MILLINGS	CY	1,024	\$8.96	\$9,175.04			828.0	\$7,418.88
19	PLACE RECLAIMED MATERIAL FROM OTHER SITES	CY	451	\$8.48	\$3,824.48			561.0	\$4,757.28
20	RECLAIM EXISTING BITUMINOUS AND BASE MATERIALS	SY	38,406	\$0.91	\$34,949.46			38,128.0	\$34,696.48
21	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	100	\$254.39	\$25,439.00			100.0	\$25,439.00
22	SUBGRADE PREPARATION FOR PARKING LOTS	LS	1	\$1,695.91	\$1,695.91			1.0	\$1,695.91
23	12" CLASS 5 RCP STORM SEWER	LF	119	\$36.42	\$4,333.98			130.0	\$4,734.60
24	15" CLASS 5 RCP STORM SEWER	LF	247	\$37.49	\$9,260.03	32.00	\$1,199.68	287.0	\$10,759.63
25	12" CONCRETE FLARED END SECTION	EA	1	\$963.96	\$963.96				
26	CATCH BASIN, TYPE 402 WITH R-3250-A CASTING	EA	3	\$1,960.06	\$5,880.18			3.0	\$5,880.18
27	CATCH BASIN, TYPE 404 WITH R-3501-TB CASTING	EA	4	\$2,077.87	\$8,311.48			4.0	\$8,311.48
28	4' DIA CBMH WITH 1' SUMP, TYPE 401 WITH SALVAGED R-3250-A CASTING	EA	1	\$1,686.93	\$1,686.93				
29	4' DIA CBMH, TYPE STO-9 WITH R-3501-TB CASTING	EA	2	\$2,238.54	\$4,477.08			3.0	\$6,715.62
30	4' DIA CBMH WITH 1' SUMP, TYPE STO-9 WITH R-3501-TB CASTING	EA	1	\$2,184.98	\$2,184.98			3.0	\$6,554.94
31	4' DIA CBMH, TYPE 406 WITH R-3250-A CASTING	EA	3	\$2,227.82	\$6,683.46			3.0	\$6,683.46
32	5' DIA CBMH WITH 1' SUMP, TYPE 405 WITH R-3501-TB CASTING	EA	1	\$3,491.68	\$3,491.68				
33	4" PVC PERF EDGE DRAIN WITH BACKFILL AND WRAP	LF	400	\$5.19	\$2,076.00			400.0	\$2,076.00
34	B618 CONCRETE CURB AND GUTTER	LF	30	\$37.49	\$1,124.70				
35	B624 CONCRETE CURB AND GUTTER	LF	298	\$37.49	\$11,172.02			272.0	\$10,197.28
36	D412 CONCRETE CURB AND GUTTER	LF	804	\$27.69	\$22,262.76			850.0	\$23,536.50
37	CONCRETE CURB CUT FOR RAIN GARDEN	EA	17	\$321.32	\$5,462.44			16.0	\$5,141.12
38	6" CONCRETE FLUME	EA	1	\$642.64	\$642.64			1.0	\$642.64
39	6" CONCRETE DRIVEWAY	SY	520	\$42.84	\$22,276.80			100.0	\$4,284.00
40	BITUMINOUS DRIVEWAY	SY	1,225	\$16.77	\$20,543.25			327.0	\$5,483.79
41	BITUMINOUS WEARING COURSE	TN	3,900	\$54.35	\$211,965.00			3,435.9	\$186,739.53
42	BITUMINOUS NON-WEARING COURSE	TN	3,275	\$58.60	\$191,915.00			4,187.28	\$245,374.61
43	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1,950	\$2.13	\$4,153.50			1,950.0	\$4,153.50
44	SAW AND SEAL STREETS	LF	7,800	\$2.41	\$18,798.00			8,800.0	\$21,208.00
45	REMOVE CATCH BASIN CASTING	EA	8	\$114.17	\$913.36			8.0	\$913.36
46	INSTALL R-3501-TB CASTING	EA	8	\$803.30	\$6,426.40			8.0	\$6,426.40
47	SALVAGE AND REINSTALL CASTING (ALL TYPES)	EA	7	\$555.33	\$3,887.31			7.0	\$3,887.31
48	CULVERT END CLEANING	EA	10	\$176.73	\$1,767.30			10.0	\$1,767.30
49	DITCH GRADING	LF	490	\$4.71	\$2,307.90			490.0	\$2,307.90
50	CLASS 3 RIP RAP WITH GEOTEXTILE FABRIC	CY	60	\$66.41	\$3,984.60			60.0	\$3,984.60
51	EROSION STABILIZATION MAT	SY	200	\$6.96	\$1,392.00				
52	BIOROLL DITCH CHECK	EA	30	\$64.26	\$1,927.80			30.0	\$1,927.80
53	SEEDING WITH WOOD FIBER BLANKET	SY	1,133	\$1.55	\$1,756.15	30.00	\$1,927.80	1,900.0	\$2,945.00
54	SODDING	SY	14,100	\$2.85	\$40,185.00			6,568.0	\$18,718.80
55	IMPORT AND PLACE TOPSOIL	CY	1,900	\$13.00	\$24,700.00			1,414.0	\$18,382.00
56	STRIPING -- 4" YELLOW STRIPING	LF	6,130	\$0.21	\$1,287.30	50.00	\$650.00	6,254.0	\$1,313.34
57	STRIPING -- 4" WHITE STRIPING	LF	6,940	\$0.27	\$1,873.80			6,784.0	\$1,831.68
58	HANDICAP PAVEMENT MARKING	EA	2	\$428.43	\$856.86			2.0	\$856.86

**TOTALS - BASE CONTRACT** \$849,736.79 \$3,777.48 \$787,920.43

**CHANGE ORDER NO. 1**

CO1-1	B612 CONCRETE CURB AND GUTTER	LF	661	\$18.00	\$11,898.00			661.0	\$11,898.00
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**TOTALS - CHANGE ORDER NO. 1** \$11,898.00 \$11,898.00

**COMPENSATING CHANGE ORDER NO. 2**

CO 2-1	TOTAL COMPENSATING CHANGE ORDER	LS	1.0	-\$61,816.36	-\$61,816.36				
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**TOTALS - COMPENSATING CHANGE ORDER NO. 1** -\$61,816.36 \$

**TOTALS - REVISED CONTRACT** \$799,818.43 \$3,777.48 \$799,818.43



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/20/2013  
CONSENT  
ITEM #: 7

**AGENDA ITEM:** 2013 Seal Coat Project – Pay Request No. 1 (Final)  
**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer  
**THROUGH:** Dean A. Zuleger, City Administrator  
**REVIEWED BY:** Jack Griffin, City Engineer  
Cathy Bendel, Finance Director  
Mike Bouthilet, Public Works

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

- 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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider accepting the improvements and approving Pay Request No. 1 (Final) in the amount of \$206,542.35 for the 2013 Seal Coat Project. West Lakeland Township will reimburse Lake Elmo for their portion of the construction costs in the amount of \$82,885.88.

STAFF REPORT:

The 2013 Seal Coat Project has been fully completed. The Assistant City Engineer has prepared a Certificate of Completion and is recommending acceptance of the improvements and release of the final retainage. The two-year warranty period will begin on August 20, 2013, and will extend to August 20, 2015.

Final Payment in the amount of \$206,542.35 has been requested by the Contractor, Pearson Brothers, Inc., based upon the work completed. The original construction contract was in the amount of \$203,252.00 (\$127,092.00 for Lake Elmo and \$76,160.00 for WLT). The Lake Elmo work was \$3,435.53 under budget. The West Lakeland Township work was \$6,725.88 over the estimated plan quantity. West Lakeland Township has reviewed and approved the additional cost.

West Lakeland Township has been invoiced for their portion of the project work including \$82,885.88 in construction costs and \$4,569.60 by WLT for engineering and administration fees.

The final total project cost for the Lake Elmo Project was \$132,257; \$123,656.47 in construction and \$8,600 for design and construction engineering services.

**RECOMMENDATION:**

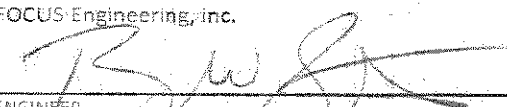

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 1 (Final) for the 2013 Seal Coat Project. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to accept the improvements and approve Pay Request No. 1 (Final) to Pearson Brothers, Inc. in the amount of \$206,542.35, for the 2013 Seal Coat Project”.*

**ATTACHMENT(S):**

1. Pay Request No. 1 (Final)
2. Certificate of Completion

**PROJECT PAY FORM**

PARTIAL PAY ESTIMATE NO. <u>1 (FINAL)</u>		<b>FOCUS</b> ENGINEERING, Inc.			
2013 SEAL COAT PROJECT PROJECT NO. 2013.118		PERIOD OF ESTIMATE FROM <u>6/25/2013</u> TO <u>8/20/2013</u>			
PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, P.E., CITY ENGINEER		CONTRACTOR: PEARSON BROTHERS, INC. 11079 LAMONT AVENUE N.E. HANOVER, MN 55341 ATTN: JACK PEARSON, PRESIDENT			
CONTRACT CHANGE ORDER SUMMARY		PAY ESTIMATE SUMMARY			
No.	Approval Date	Amount			
		Additions	Deductions		
1	8/20/2013	\$3,290.35		1. Original Contract Amount	\$203,252.00
				2. Net Change Order Sum	\$3,290.35
				3. Revised Contract (1+2)	\$206,542.35
				4. *Work Completed	\$206,542.35
				5. *Stored Materials	\$0.00
				6. Subtotal (4+5)	\$206,542.35
				7. Retainage* <u>0.0%</u>	\$0.00
				8. Previous Payments	\$0.00
TOTALS		\$3,290.35	\$0.00	9. Amount Due: (6-7-8)	\$206,542.35
NET CHANGE		\$3,290.35		*Detailed Breakdown Attached	
CONTRACT TIME					
START DATE:	<u>6/25/2013</u>	ORIGINAL DAYS	<u>38</u>	ON SCHEDULE	
SUBSTANTIAL COMPLETION:	<u>7/12/2013</u>	REVISED DAYS	<u>0</u>	YES	<input checked="" type="checkbox"/>
FINAL COMPLETION:	<u>8/2/2013</u>	REMAINING	<u>-18</u>	NO	<input type="checkbox"/>
ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.			FOCUS Engineering, Inc.  ENGINEER <u>8-13-2013</u> DATE		
CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.			CONTRACTOR  BY <u>August 13 2013</u> DATE		
APPROVED BY OWNER: <u>CITY OF LAKE ELMO, MINNESOTA</u>					
BY _____			BY _____		
DATE _____			DATE _____		

**PAY ESTIMATE NO. 1 (FINAL)**

2013 SEAL COAT PROJECT  
CITY OF LAKE ELMO & WEST LAKE LAND TWP, MINNESOTA  
FOCUS PROJECT NO. 2013.118

**FOCUS ENGINEERING, inc.**

CONTRACT DATED MAY 21, 2013

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
<b>CITY OF LAKE ELMO</b>						
1	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	106,800	103,913	SY	\$ 1.19	\$ 123,656.47
<b>CITY OF WEST LAKE LAND</b>						
2	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	64,000	69,652	SY	\$ 1.19	\$ 82,885.88
<b>TOTAL</b>						<b>\$ 206,542.35</b>

**CERTIFICATE OF COMPLETION**

DATE OF ISSUANCE: August 20, 2013

OWNER:	<u>CITY OF LAKE ELMO, MN</u>
CONTRACTOR:	<u>PEARSON BROTHERS, INC.</u>
PROJECT NAME:	<u>2013 SEAL COAT PROJECT</u>
PROJECT NO.:	<u>2013.118</u>

- This Certification of Completion applies to all work under the Contract Documents
- This Certification of Completion applies to the following specified parts of the Contract Documents

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated May 21, 2013. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: August 20, 2013

Ryan W. Stempski                      Reg. No. 45395

FOCUS Engineering, inc.

THE WARRANTY PERIOD BEGINS August 20, 2013 AND ENDS August 20, 2015



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/20/2013  
CONSENT  
ITEM #: 8

**AGENDA ITEM:** Keats MSA Street and Trunk Watermain Improvements – Pay Request No. 3  
**SUBMITTED BY:** Chad Isakson, Project Engineer  
**THROUGH:** Dean A. Zuleger, City Administrator  
**REVIEWED BY:** Jack Griffin, City Engineer  
Cathy Bendel, Finance Director  
Mike Bouthilet, Public Works

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

- 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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 3 for the Keats MSA Street and Trunk Watermain Improvements.

STAFF REPORT:

T.A. Schifsky and Sons, Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 3 in the amount of \$161,919.14. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$42,584.06.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 3 for the Keats MSA Street and Trunk Watermain Improvements. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to approve Pay Request No. 3 to T.A. Schifsky & Sons in the amount of \$161,919.14, for the Keats MSA Street and Trunk Watermain Improvements”*

ATTACHMENT(S):

1. Partial Pay Estimate No. 3

**PROJECT PAY FORM**

PARTIAL PAY ESTIMATE NO. 3 **FOCUS ENGINEERING, inc.**

KEATS MSA STREET AND TRUNK WATERMAIN IMP. PROJECT NO. 2012.129 PERIOD OF ESTIMATE FROM 7/1/2013 TO 8/1/2013

PROJECT OWNER:  
CITY OF LAKE ELMO  
3800 LAVERNE AVENUE NORTH  
LAKE ELMO, MN 55042  
ATTN: CHAD ISAKSON, P.E., PROJECT ENGINEER

CONTRACTOR:  
T.A. SCHIFSKY & SONS  
2370 E. HIGHWAY 36  
NORTH ST. PAUL, MN 55109  
ATTN: CHRIS GRIMES

CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
1	5/21/2013	\$0.00	\$0.00	1. Original Contract Amount	\$1,606,833.47
2	7/16/2013	\$3,960.00	\$0.00	2. Net Change Order Sum	\$3,960.00
TOTALS		\$3,960.00	\$0.00	3. Revised Contract (1+2)	\$1,610,793.47
NET CHANGE		\$3,960.00		4. *Work Completed	\$851,681.29
				5. *Stored Materials	\$0.00
				6. Subtotal (4+5)	\$851,681.29
				7. Retainage* <u>5.0%</u>	\$42,584.06
				8. Previous Payments	\$647,178.08
				9. Amount Due (6-7-8)	\$161,919.14

\*Detailed Breakdown Attached

CONTRACT TIME					
START DATE:	<u>5/8/2013</u>	ORIGINAL DAYS	<u>149</u>	ON SCHEDULE	
SUBSTANTIAL COMPLETION:	<u>8/30/2013</u>	REVISED DAYS	<u>0</u>	YES	<input type="checkbox"/>
FINAL COMPLETION:	<u>10/4/2013</u>	REMAINING	<u>64</u>	NO	<input checked="" type="checkbox"/>

ENGINEER'S CERTIFICATION: FOCUS Engineering, inc.  
The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Chad Isakson  
ENGINEER  
8/13/2013  
DATE

CONTRACTOR'S CERTIFICATION: CONTRACTOR  
The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

Chris Grimes  
BY  
8/12/13  
DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY \_\_\_\_\_ DATE \_\_\_\_\_

BY \_\_\_\_\_ DATE \_\_\_\_\_



KEATS MSA STREET AND TRUNK WATERMAIN IMP.  
CITY OF LAKE ELMO, MINNESOTA  
PROJECT NO. 2012.129



ITEM	MN/DOT NO.	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
				QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
<b>DIVISION 1 - GENERAL</b>										
1	2021.501	MOBILIZATION	LS	1.0	\$53,000.00	\$53,000.00	0.0	\$0.00	0.5	\$26,500.00
2	2101.502	CLEARING	TREE	1.0	\$400.00	\$400.00	1.0	\$400.00	1.0	\$400.00
3	2101.507	GRUBBING	TREE	1	\$100.00	\$100.00	1.0	\$100.00	1.0	\$100.00
4	2105.525	TOPSOIL BORROW (CV)	CY	2,744	\$5.00	\$13,720.00	0.0	\$0.00	0.0	\$0.00
5	2453.61	EXPLORATORY DIGGING	HR	8	\$300.00	\$2,400.00	2.0	\$600.00	2.0	\$600.00
6	2563.601	TRAFFIC CONTROL	LS	1	\$24,000.00	\$24,000.00	0.0	\$0.00	0.5	\$12,000.00
7	2573.502	SILT FENCE	LF	5,880	\$1.00	\$5,880.00	0.0	\$0.00	5,482.0	\$5,482.00
8	2573.530	INLET PROTECTION	EA	9	\$60.00	\$540.00	0.0	\$0.00	3.0	\$180.00
9	2573.602	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	2	\$200.00	\$400.00	3.0	\$600.00	6.0	\$1,200.00
10	2573.602	CULVERT PROTECTION	EA	14	\$75.00	\$1,050.00	9.0	\$675.00	22.0	\$1,650.00
11	2575.505	SODDING (SALT RESISTANT)	SY	213	\$7.00	\$1,491.00	0.0	\$0.00	0.0	\$0.00
12	2575.523	EROSION CONTROL BLANKET, CAT. 3	SY	16,465	\$1.03	\$16,958.95	0.0	\$0.00	0.0	\$0.00
13	2575.605	SEEDING (SEED MIXTURE 250 AND FERTILIZER TYPE, 3)	AC	3.36	\$525.00	\$1,764.00	0.0	\$0.00	0.0	\$0.00
14	2575.605	SEEDING (SEED MIXTURE 328 AND FERTILIZER TYPE, 4)	AC	0.23	\$1,545.00	\$355.35	0.0	\$0.00	0.0	\$0.00
<b>SUBTOTAL - DIVISION 1</b>						\$122,059.80		\$2,375.00		\$48,112.00
<b>DIVISION 2 - WATERMAIN</b>										
1	2504.602	12" WATERMAIN OFFSET	EA	2	\$3,811.00	\$7,622.00	0	\$0.00	1	\$3,811.00
2	2504.602	CONNECT TO EXISTING WATERMAIN	EA	2	\$3,399.00	\$6,798.00	1	\$3,399.00	1	\$3,399.00
3	2504.602	6" HYDRANT	EA	13	\$3,244.50	\$42,178.50	1	\$3,244.50	8	\$25,956.00
4	2504.602	6" GATE VALVE & BOX	EA	13	\$1,236.00	\$16,068.00	1	\$1,236.00	10	\$12,360.00
5	2504.602	8" GATE VALVE & BOX	EA	3	\$1,627.40	\$4,882.20	1	\$1,627.40	2	\$3,254.80
6	2504.602	12" GATE VALVE & BOX	EA	15	\$2,811.90	\$42,178.50	2	\$5,623.80	10	\$28,119.00
7	2504.602	1" CORPORATION STOP	EA	3	\$278.10	\$834.30	1	\$278.10	3	\$834.30
8	2504.602	1.5" CORPORATION STOP	EA	18	\$607.70	\$10,938.60	1	\$607.70	13	\$7,900.10
9	2504.602	2" CORPORATION STOP	EA	1	\$741.60	\$741.60	0	\$0.00	1	\$741.60
10	2504.602	1" CURB STOP AND BOX	EA	3	\$566.50	\$1,699.50	1	\$566.50	3	\$1,699.50
11	2504.602	1.5" CURB STOP AND BOX	EA	18	\$690.10	\$12,421.80	1	\$690.10	13	\$8,971.30
12	2504.602	2" CURB STOP AND BOX	EA	1	\$844.60	\$844.60	0	\$0.00	1	\$844.60
13	2504.603	1" TYPE K COPPER WATER SERVICE PIPE	LF	135	\$20.60	\$2,781.00	40	\$824.00	117	\$2,410.20
14	2504.603	1.5" TYPE K COPPER WATER SERVICE PIPE	LF	548.00	\$23.69	\$12,982.12	35	\$829.15	327	\$7,746.63
15	2504.603	2" TYPE K COPPER WATER SERVICE PIPE	LF	45.00	\$30.90	\$1,390.50	0	\$0.00	45	\$1,390.50
16	2504.603	6" DIP CL. 52 WATERMAIN	LF	303	\$27.81	\$8,426.43	10	\$278.10	126	\$3,504.06
17	2504.603	8" DIP CL. 52 WATERMAIN	LF	52	\$32.96	\$1,713.92	20	\$659.20	54	\$1,779.84
18	2504.603	12" DIP CL. 52 WATERMAIN	LF	5,954	\$43.00	\$256,022.00	610	\$26,230.00	4,572	\$196,596.00
19	2504.603	12" HDPE DR. 11(DIPS), BY HDD	LF	2,435	\$58.00	\$141,230.00	0	\$0.00	2,435	\$141,230.00
20	2504.608	MJ DIP COMPACT FITTINGS	LBS	4,294	\$4.74	\$20,353.56	246	\$1,166.04	1,584	\$7,508.16
21	2564.551	OFF ROAD STRUCTURE MARKER	EA	2	\$170.00	\$340.00	0	\$0.00	0	\$0.00
<b>SUBTOTAL - DIVISION 2</b>						\$592,447.13		\$47,259.59		\$460,056.59
<b>DIVISION 3 - STORM SEWER</b>										
1	2104.501	REMOVE PIPE CULVERTS (ALL TYPES & SIZES)	LF	1,016	\$7.00	\$7,112.00	0	\$0.00	259	\$1,813.00
2	2104.521	SALVAGE CONCRETE PIPE CULVERT (ALL TYPES & SIZES)	LF	85	\$13.00	\$1,105.00	0	\$0.00	0	\$0.00
3	2501.515	15" RCP FES W/ TRASH GUARD	EA	4	\$1,163.90	\$4,655.60	0	\$0.00	0	\$0.00
4	2501.515	18" RCP FES W/ TRASH GUARD	EA	4	\$1,215.40	\$4,861.60	0	\$0.00	0	\$0.00
5	2501.515	21" RCP FES W/ TRASH GUARD	EA	6	\$1,421.40	\$8,528.40	2	\$2,842.80	2	\$2,842.80
6	2501.521	22" SPAN RCP CL. 5 STORM SEWER PIPE	LF	47	\$50.00	\$2,350.00	0	\$0.00	0	\$0.00
7	2501.521	28" SPAN RCP CL. 5 STORM SEWER PIPE	LF	49	\$60.00	\$2,940.00	0	\$0.00	0	\$0.00
8	2501.521	36" SPAN RCP CL. 5 STORM SEWER PIPE	LF	60	\$82.40	\$4,944.00	0	\$0.00	60	\$4,944.00
9	2501.525	22" SPAN RCP FES W/ TRASH GUARD	EA	2	\$1,287.50	\$2,575.00	0	\$0.00	0	\$0.00
10	2501.525	28" SPAN RCP FES W/ TRASH GUARD	EA	2	\$1,565.60	\$3,131.20	0	\$0.00	0	\$0.00
11	2501.525	36" SPAN RCP FES W/ TRASH GUARD	EA	2	\$2,183.60	\$4,367.20	0	\$0.00	2	\$4,367.20
12	2501.571	INSTALL SALVAGED CONCRETE PIPE CULVERT (ALL TYPES & SIZES)	LF	85	\$21.63	\$1,838.55	0	\$0.00	0	\$0.00
13	2502.521	15" CMP DRIVEWAY CULVERT W/ APRON	LF	326	\$28.84	\$9,401.84	0	\$0.00	169	\$4,873.96
14	2502.521	18" CMP DRIVEWAY CULVERT W/ APRON	LF	120	\$33.99	\$4,078.80	0	\$0.00	28	\$951.72
15	2503.511	15" RCP CL. 5 STORM SEWER PIPE	LF	126	\$26.78	\$3,374.28	0	\$0.00	0	\$0.00
16	2503.511	18" RCP CL. 5 STORM SEWER PIPE	LF	61	\$29.87	\$1,822.07	0	\$0.00	0	\$0.00
17	2503.511	21" RCP CL. 5 STORM SEWER PIPE	LF	226	\$34.00	\$7,684.00	81	\$2,754.00	81	\$2,754.00
18	2506.502	48" DIAMETER MANHOLE, TYPE 4065	EA	6	\$2,266.00	\$13,596.00	2	\$4,532.00	2	\$4,532.00
19	2506.601	INFILTRATION BASIN	EA	6	\$600.00	\$3,600.00	0	\$0.00	0	\$0.00
20	2511.501	CL. 3 RIPRAP W/ GEOTEXTILE FILTER FABRIC	CY	94.2	\$100.00	\$9,420.00	6.3	\$630.00	17.1	\$1,710.00
21	2511.501	CL. 4 RIPRAP W/ GEOTEXTILE FILTER FABRIC	CY	16.2	\$105.00	\$1,701.00	0	\$0.00	0	\$0.00
<b>SUBTOTAL - DIVISION 3</b>						\$103,086.54		\$10,758.80		\$28,788.68

ITEM	MN/DOT NO.	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
				QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
<b>DIVISION 4 - STREETS AND RESTORATION</b>										
1	2104.501	REMOVE & DISPOSE OF EXIST. CONCRETE CURB & GUTTER	LF	213	\$3.09	\$658.17	0	\$0.00	0	\$0.00
2	2104.501	REMOVE & DISPOSE OF EXIST. FLUME (ALL TYPES)	EA	6	\$360.50	\$2,163.00	0	\$0.00	0	\$0.00
3	2104.505	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	SY	19,710	\$1.00	\$19,710.00	5,117	\$5,117.00	19,984	\$19,984.00
4	2104.509	REMOVE SIGN	EA	18	\$30.00	\$540.00	0	\$0.00	18	\$540.00
5	2104.523	SALVAGE MAILBOX	EA	20	\$25.00	\$500.00	0	\$0.00	20	\$500.00
6	2104.523	SALVAGE POST & SIGN	EA	9	\$30.00	\$270.00	0	\$0.00	9	\$270.00
7	2105.501	COMMON EXCAVATION (P)	CY	19,252	\$8.00	\$154,016.00	5,130	\$41,040.00	11,437	\$91,496.00
8	2105.522	SELECT GRANULAR BORROW (CV), SPEC 3149.28	CY	8,527	\$8.29	\$70,688.83	2,800	\$23,212.00	5,587	\$46,316.23
9	2105.604	GEOTEXTILE FOR ROAD STABILIZATION; MnDOT TYPE V	SY	300	\$1.00	\$300.00	0	\$0.00	1,225	\$1,225.00
10	2106.607	SUBGRADE CORRECTION	CY	100	\$15.00	\$1,500.00	934	\$14,010.00	1,438.4	\$21,576.00
11	2112.501	SUBGRADE PREPARATION (ROADWAY)	RS	65	\$100.00	\$6,500.00	20	\$2,000.00	39	\$3,900.00
12	2211.501	CL5 AGGREGATE BASE	TN	7,534	\$8.50	\$64,039.00	611	\$5,190.61	3,165.85	\$26,909.73
13	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GA	1,044	\$3.00	\$3,132.00	0	\$0.00	40	\$120.00
14	2360.501	SPWEA240B BITUMINOUS WEARING COURSE (STREETS)	TN	1,867	\$66.00	\$123,222.00	0	\$0.00	0	\$0.00
15	2360.501	SPWEA240B BITUMINOUS WEARING COURSE (DRIVES)	TN	115	\$80.00	\$9,200.00	33	\$2,643.20	33	\$2,643.20
16	2360.502	SPNWB230B BITUMINOUS NON-WEARING COURSE (STREETS)	TN	3,111	\$58.00	\$180,438.00	0	\$0.00	835.57	\$48,463.06
17	2502.501	4" PRECAST CONCRETE HEADWALL	EA	6	\$412.00	\$2,472.00	0	\$0.00	0	\$0.00
18	2502.541	4" PERFORATED PVC EDGE DRAIN W/BACKFILL & WRAP	LF	6,083	\$3.50	\$21,290.50	2,630	\$9,205.00	3,580	\$12,530.00
19	2502.602	DRAINTILE CLEANOUT (INCL. PIPE, FITTINGS, & STEEL CAP)	EA	26	\$155.00	\$4,030.00	14	\$2,170.00	16	\$2,480.00
20	2502.602	DRAINTILE CONNECTION INTO CATCH BASIN	EA	10	\$250.00	\$2,500.00	6	\$1,500.00	6	\$1,500.00
21	2531.501	8418 CONCRETE CURB & GUTTER	LF	12,950	\$8.34	\$108,501.00	0	\$0.00	3,620	\$30,190.80
22	2531.602	CONCRETE PEDESTRIAN RAMP	EA	1	\$400.00	\$400.00	0	\$0.00	0	\$0.00
23	2531.602	CONCRETE CURB CUT	EA	38	\$10.00	\$380.00	0	\$0.00	12	\$120.00
24	2531.602	6" CONCRETE FLUME	SY	82	\$36.00	\$2,952.00	0	\$0.00	0	\$0.00
25	2531.618	CAST IRON TRUNCATED DOME PANELS	SF	8	\$50.00	\$400.00	0	\$0.00	0	\$0.00
26	2540.602	INSTALL SALVAGED MAILBOX	EA	20	\$10.00	\$200.00	0	\$0.00	0	\$0.00
27	2554.602	PERMANENT BARRICADE	EA	1	\$400.00	\$400.00	0	\$0.00	0	\$0.00
28	2564.531	INSTALL SIGN PANELS, TYPE C (INCLUDING POSTS & ASSEMBLY)	EA	18	\$55.00	\$990.00	0	\$0.00	0	\$0.00
29	2564.531	INSTALL SALVAGED SIGN	EA	9	\$50.00	\$450.00	0	\$0.00	0	\$0.00
30	2564.533	FURNISH SIGN PANELS, TYPE C	SF	117	\$24.00	\$2,808.00	0	\$0.00	0	\$0.00
31	2582.502	4" SOLID DOUBLE LINE YELLOW - EPOXY	LF	4,720	\$0.62	\$2,926.40	0	\$0.00	0	\$0.00
32	2582.502	4" SOLID LINE WHITE - EPOXY	LF	12,240	\$0.32	\$3,916.80	0	\$0.00	0	\$0.00
33	2582.502	4" SOLID LINE YELLOW - EPOXY	LF	755	\$0.31	\$234.05	0	\$0.00	0	\$0.00
34	2582.502	4" BROKEN LINE YELLOW - EXPOXY	LF	1,265	\$0.10	\$126.50	0	\$0.00	0	\$0.00
35	2582.502	24" SOLID LINE YELLOW - EPOXY	LF	25	\$15.45	\$386.25	0	\$0.00	0	\$0.00
<b>SUBTOTAL - DIVISION 4</b>						<b>\$789,240.50</b>		<b>\$106,087.81</b>		<b>\$310,764.02</b>

**TOTALS - BASE CONTRACT** **\$1,606,833.47** **\$166,481.20** **\$847,721.29**

**CHANGE ORDER NO. 2**

CO2-1	2101.502	B612 CONCRETE CURB AND GUTTER	EA	1	\$3,960.00	\$3,960.00	1	\$3,960.00	1	\$3,960.00
<b>TOTALS - CHANGE ORDER NO. 2</b>						<b>\$3,960.00</b>		<b>\$3,960.00</b>		<b>\$3,960.00</b>

**TOTALS - REVISED CONTRACT** **\$1,610,793.47** **\$170,441.20** **\$851,681.29**



MAYOR AND COUNCIL COMMUNICATION

DATE: 08/20/2013  
CONSENT  
ITEM #: 9

**AGENDA ITEM:** Production Well No. 4 – Pay Request No. 1  
**SUBMITTED BY:** Chad Isakson, Project Engineer  
**THROUGH:** Dean A. Zuleger, City Administrator  
**REVIEWED BY:** Jack Griffin, City Engineer  
Cathy Bendel, Finance Director  
Mike Bouthilet, Public Works

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

- 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

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving Pay Request No. 1 for the Production Well No. 4 project.

**STAFF REPORT:**

Keys Well Drilling Co., the Contractor for the project, has submitted Partial Pay Estimate No. 1 in the amount of \$17,931.25. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$943.75.

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 1 for the Production Well No. 4 project. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to approve Pay Request No. 1 to Keys Well Drilling Company in the amount of \$17,931.25, for the Production Well No. 4 Project”*

**ATTACHMENT(S):**

1. Partial Pay Estimate No. 1.

**PROJECT PAY FORM**


PARTIAL PAY ESTIMATE NO. <u>1</u>	<b>FOCUS</b> ENGINEERING, inc.
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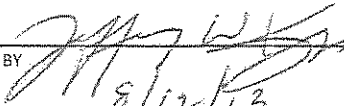
PRODUCTION WELL NO. 4 PROJECT NO. 2013.125	PERIOD OF ESTIMATE FROM <u>7/8/2013</u> TO <u>7/31/2013</u>
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PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, P.E., CITY ENGINEER	CONTRACTOR: KEYS WELL DRILLING CO. 1156 HOMER ST ST. PAUL, MN 55116 ATTN: JEFFREY KEYS
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CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
				1. Original Contract Amount	\$304,800.00
				2. Net Change Order Sum	\$0.00
				3. Revised Contract (1+2)	\$304,800.00
				4. *Work Completed	\$18,875.00
				5. *Stored Materials	
				6. Subtotal (4+5)	\$18,875.00
				7. Retainage* <u>5.0%</u>	\$943.75
				8. Previous Payments	\$0.00
				9. Amount Due (6-7-8)	\$17,931.25
TOTALS		\$0.00	\$0.00		
NET CHANGE		\$0.00		*Detailed Breakdown Attached	

CONTRACT TIME					
START DATE:	<u>7/8/2013</u>	ORIGINAL DAYS	<u>123</u>	ON SCHEDULE	
SUBSTANTIAL COMPLETION:	<u>10/25/2013</u>	REVISED DAYS	<u>0</u>	YES	<input checked="" type="checkbox"/>
FINAL COMPLETION:	<u>11/8/2013</u>	REMAINING	<u>100</u>	NO	<input type="checkbox"/>

ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.	FOCUS Engineering, Inc.  ENGINEER <u>8/12/13</u> DATE
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CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.	CONTRACTOR  BY <u>8/12/13</u> DATE
--	--

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA	
BY _____	BY _____
DATE _____	DATE _____

PARTIAL PAY ESTIMATE NO. 1  
 PRODUCTION WELL NO. 4  
 CITY OF LAKE ELMO, MINNESOTA  
 PROJECT NO. 2013.125

**FOCUS** ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION / SITE WORK	LS	1	\$26,000.00	\$26,000.00	0.25	\$6,500.00	0.25	\$6,500.00
2	SILT FENCE	LF	550	\$5.00	\$2,750.00	275.00	\$1,375.00	275.00	\$1,375.00
3	24-INCH STEEL CASING	LF	95	\$200.00	\$19,000.00	55.00	\$11,000.00	55.00	\$11,000.00
4	24-INCH OPEN HOLE	LF	110	\$125.00	\$13,750.00	-	\$0.00	-	\$0.00
5	18-INCH STEEL CASING	LF	210	\$80.00	\$16,800.00	-	\$0.00	-	\$0.00
6	18-INCH OPEN HOLE	LF	85	\$60.00	\$5,100.00	-	\$0.00	-	\$0.00
7	GROUT	CY	50	\$410.00	\$20,500.00	-	\$0.00	-	\$0.00
8	EXPLOSIVES	LB	400	\$28.00	\$11,200.00	-	\$0.00	-	\$0.00
9	REMOVAL OF ROCK	CY	750	\$70.00	\$52,500.00	-	\$0.00	-	\$0.00
10	AIR SURGING MOBILIZATION	LS	1	\$4,500.00	\$4,500.00	-	\$0.00	-	\$0.00
11	AIR SURGING DEVELOPMENT	HRS	125	\$210.00	\$26,250.00	-	\$0.00	-	\$0.00
12	TELEVISION SURVEY	LS	1	\$1,400.00	\$1,400.00	-	\$0.00	-	\$0.00
13	TEST PUMP MOBILIZATION & INSTALL.	LS	1	\$5,000.00	\$5,000.00	-	\$0.00	-	\$0.00
14	TEST PUMPING	HRS	80	\$140.00	\$11,200.00	-	\$0.00	-	\$0.00
15	TEST PUMPING DISCHARGE PIPE	LF	2,500	\$5.50	\$13,750.00	-	\$0.00	-	\$0.00
16	SAND CONTENT TESTS	EA	5	\$50.00	\$250.00	-	\$0.00	-	\$0.00
17	CHEM. ANALYSIS & BACT. TEST	LS	1	\$4,500.00	\$4,500.00	-	\$0.00	-	\$0.00
18	SOUNDS BARRIER CONSTRUCTION	SF	1,600	\$8.00	\$12,800.00	-	\$0.00	-	\$0.00
19	GAMMA LOG	EA	1	\$800.00	\$800.00	-	\$0.00	-	\$0.00
20	RESTORATION	LS	1	\$3,500.00	\$3,500.00	-	\$0.00	-	\$0.00
21	WELL PUMP	LS	1	\$53,250.00	\$53,250.00	-	\$0.00	-	\$0.00
<b>TOTALS - BASE CONTRACT</b>					<b>\$304,800.00</b>		<b>\$18,875.00</b>		<b>\$18,875.00</b>



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/20/2013  
REGULAR  
ITEM #: 10

AGENDA ITEM: Zoning Text Amendment – Landscape Requirements  
SUBMITTED BY: Nick Johnson, City Planner  
THROUGH: Dean Zuleger, City Administrator  
REVIEWED BY: Planning Commission  
Kyle Klatt, Planning Director

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**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- 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

**SUMMARY AND ACTION REQUESTED:**

The City Council is asked to consider a Zoning Text Amendment, establishing new landscape requirements in Lake Elmo. These landscaping provisions will be organized under Article 6 – Environmental Performance Standards under the new organizational structure of the Zoning Code. This action is part of the ongoing effort to reorganize and improve the Lake Elmo Zoning Code.

*The Planning Commission recommends the City Council approve Ordinance 08-087 through the following motion:*

***“Move to approve Ordinance 08-087, establishing new landscape requirements in the Lake Elmo Zoning Code.”***

*In addition, Staff recommends that the City Council approve Resolution No. 2013-65, authorizing summary publication of Ordinance 08-087, through the following motion:*

***“Move to approve Resolution No. 2013-65, authorizing summary publication of Ordinance 08-087.”***

**BACKGROUND AND STAFF REPORT:**

Staff is continuing to progress on a large project aimed at incrementally reorganizing and improving the Lake Elmo Zoning Code. Some of the provisions that were identified as a prime candidate for update were the landscaping provisions in the City Code. The existing landscaping provisions are currently located in three different sections of the City Code, all with different requirements depending on the different types of development activity. Staff recommends to streamline these landscaping provisions into one ordinance to make the requirements more straightforward. In addition, the proposed landscaping ordinance is organized under Article 6 – Environmental Performance Standards within the new structure

of the Zoning Code. Given the upcoming development applications on the horizon, it is important to continue to streamline and improve the Zoning Code to make it better organized and less confusing.

Regarding the existing landscaping provisions in the City Code, landscaping requirements are located in three sections:

1. Subdivision Ordinance – Preliminary Plat (§153.07)
2. Open Space Preservation (OP) Ordinance – Development Standards (§150.180)
3. Site and Building Plan Review (§151.070)

The landscaping provisions of the three different sections differ significantly. The differences between the provisions include the methodology and the size of plant materials. The Preliminary Plat and OP Ordinances require plantings along boulevard areas at a similar ratio. However, the OP Ordinance requires an additional 10 trees per building site, whereas the Preliminary Plat Ordinance requires 6 trees per acre. The Site and Building Plan Review Ordinance, utilized in instances of development on a preexisting platted lot of record, takes a drastically different approach than the other landscaping provisions. The landscaping requirements within the Site and Building Plan Review are based upon the total valuation of the project. Depending on the valuation of the project, the developer must spend 1-2% of the project valuation on landscaping materials. The existing landscaping provisions are found in Attachment #4. In addition to reorganizing the landscaping provisions into the Zoning Code, the great variation of the existing landscaping provisions was a key motivating factor in updating the ordinance to have one set of streamlined requirements.

Regarding the proposed landscaping ordinance, the provisions are more similar to the requirements of the Preliminary Plat Ordinance than the other existing provisions. The proposed ordinance establishes minimum sizes of plant materials that are based on the standards proscribed in the American Standards for Nursery Stock. Research of other landscaping ordinances from communities in the Metropolitan area revealed that these sizes are consistent with other ordinances in the Metro. In addition, these sizes are similar to the landscaping material proposed in the Lennar Preliminary Landscape Plan for the Savona Preliminary Plat application. Regarding the amount of required tree plantings, the proposed ordinance requires 1 tree for every 50 lineal feet for boulevard plantings, and 5 trees per acre of land impacted included in development activity. These requirements are similar to the Preliminary Plat Ordinance. In addition to required plantings in setback areas, the proposed ordinance establishes base landscaping requirements for the perimeter and interior of parking areas. The City does not currently have landscaping requirements for parking areas, as what little standards did exist were removed with the previous off-street parking ordinance. The inclusion of the landscaping for parking areas represents an improvement to the landscaping provisions that reflect best practices. In addition to these landscaping requirements and minimum standards, the proposed ordinance also establishes the framework to address screening when it is required by other areas of the Code. Finally, the proposed ordinance requires that a financial security be posted to ensure performance of the Landscape Plan. The security is used to guarantee performance for a two year period. Staff also researched other ordinances to establish common practice in relation to timeline of financial guarantee for landscaping. It was discovered that a two-year period is an established common practice.

The Planning Commission reviewed the proposed landscaping ordinance at a regular meeting on July 22, 2013. At this meeting, the Planning Commission had some questions and recommendations, and Staff made minor refinements in response. The Planning Commission held a Public Hearing on the landscaping ordinance on August 12, 2013. Mr. Greg McGrath, 1509 15<sup>th</sup> Street Court North, spoke at the Public Hearing, stating that he supports the landscaping ordinance. In addition he shared his frustration that the landscape material that was required to be installed as part of the Cardinal View development was never fully realized. Based on his testimony, the Planning Commission discussed the importance of the City holding financial security until all of the landscape material is correctly planted and established. The Planning Commission wanted to ensure that the City is doing everything within its power to ensure that the implementation of development goes according to plan. For this reason, the Planning Commission suggested that the City Attorney review the ordinance to ensure that the language is strong enough to guarantee performance of the landscape plan. The Planning Commission unanimously

recommended the proposed ordinance for approval subject to legal review by the City Attorney (Vote: 6-0). It should also be noted that Staff raised a concern from Council Member Nelson regarding the use of professional services in reviewing landscape plans. Staff recommended to the Planning Commission that the review of plans by professional services does not need to be referenced in the ordinance, as the review of these plans is more of an administrative and operational function. For example, it is expected that development applications will be reviewed by engineers, attorneys, and other professional services. Review of landscape plans by a certified landscape architect or other professional should fall in this same category. The Planning Commission felt comfortable not including the need for professional review directly into the ordinance.

Finally, it should be noted that Staff is recommending to delete all of the existing landscaping provisions as part of an upcoming "house-cleaning" amendment to the City Code. These existing provisions can be removed along with other elements of the Subdivision and other ordinances that need to be cleaned up to be consistent with new section of the Zoning Code. These "house-cleaning" amendments are common during periods of significant revision to the City Code. In order to change these sections of the Code, Staff needs to publish notification of public hearing on these ordinances separately.

**RECOMMENDATION:**

*The Planning Commission recommends the City Council approve Ordinance 08-087 through the following motion:*

***"Move to approve Ordinance 08-087, establishing new landscape requirements in the Lake Elmo Zoning Code."***

*In addition, Staff recommends that the City Council approve Resolution No. 2013-65, authorizing summary publication of Ordinance 08-087, through the following motion:*

***"Move to approve Resolution No. 2013-65, authorizing summary publication of Ordinance 08-087."***

**ATTACHMENT(S):**

1. Ordinance 08-087
2. Resolution No. 2013-65
3. Excerpt from Draft Planning Commission Minutes, 8-12-13
4. Existing Landscaping Provisions



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-087

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
ADOPTING NEW LANDSCAPE REQUIREMENTS IN THE LAKE ELMO ZONING CODE.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV:  
Land Usage; Chapter 154: Zoning Code, by adding the following language:

ARTICLE 6. ENVIRONMENTAL PERFORMANCE STANDARDS

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§154.258 Landscape Requirements

§ 154.258 Landscape Requirements

All development sites shall be landscaped as provided in this section in order to control erosion and runoff, moderate extremes of temperature and provide shade, aid in energy conservation, preserve habitat, provide visual softening of, especially, urban development, and generally enhance the quality of the physical environment within the city.

- A. *Landscape Plan Required.* A landscaping plan is required for all new commercial, industrial, institutional and multi-family development, all planned unit developments, and all subdivisions, with the exception of minor subdivisions, as defined in Chapter 154. The landscape plan shall be prepared by a certified landscape architect and include the following:
1. The location, size, quantity and species of all existing and proposed plant materials.
  2. Methods for protecting existing trees and other landscape material, consistent with §154.257.
  3. Structural and ground cover materials.
  4. Provisions for irrigation or other water supplies.
  5. Details and cross sections of all required screening.
  6. Special planting instructions.
- B. *Design Considerations.* The following design concepts and requirements shall be considered when developing a landscape plan.
1. To the maximum extent possible, the landscape plan shall incorporate existing trees and other vegetation on the site.
  2. Landscaped areas should be of adequate size to allow proper plant growth, protect plantings from vehicular and pedestrian traffic, and provide adequate areas for plant maintenance.
  3. A variety of trees and shrubs should be used to provide visual interest year round. No more than fifty percent (50%) of the required number of trees and shrubs may consist of any one species. A minimum of twenty-five percent (25%) of the required number of trees shall be deciduous shade trees, and a minimum of twenty-five percent (25%) shall be coniferous trees.

4. Final slopes greater than 3:1 will not be permitted without special treatment such as terracing, retaining walls, or special ground covers.
5. All plant materials shall meet the following minimum size standards in Table 6-1.

**Table 6-1. Minimum Size Standards for Landscape Materials**

Plant Type	Minimum size at planting
Trees:	
Evergreen	6 feet in height
Deciduous - shade	2.5 inches caliper, measured 6 inches from base
Deciduous - ornamental	2 inches caliper, measured 6 inches from base
Shrubs:	
Evergreen	# 5 container*
Deciduous	# 5 container*
Shrubs used for screening (evergreen or deciduous)	# 5 container*

\* Approximately 5 gallons. See American Standards for Nursery Stock, ANSI Z60.1-2004 for exact specifications.

6. As an alternative to the minimum standards for landscape materials, a landscape plan prepared by a qualified professional certifying that said plan will meet the intent of this Section may be submitted.
- C. *Landscaping of Setback Areas.* All required setbacks not occupied by buildings, parking, paths or plazas shall be landscaped with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, and surrounding pervious ground cover.
1. A minimum of one (1) tree shall be planted for every fifty (50) feet of street frontage, lake shore or stream frontage, or fraction thereof.
    - a. Trees adjacent to streets shall be planted within the front yard and may be arranged in a cluster or placed at regular intervals to best complement existing landscape design patterns in the area.
    - b. Salt tolerance and root structure should be considered when selecting tree species adjacent to streets, sidewalks and parking areas.
    - c. Where property abuts a lake or stream, trees shall be planted at intervals of no more than fifty (50) feet along the shoreline, except where natural vegetation is sufficient to meet this requirement.
  2. In addition to the requirements of C.1 above, a minimum of five (5) trees shall be planted for every one (1) acre of land that is developed or disturbed by development activity. Such trees may be used for parking lot landscaping or screening as specified in subsections D and E below.
- D. *Interior Parking Lot Landscaping.* The purpose of interior parking lot landscaping is to minimize the expansive appearance of parking lots and provide shaded parking areas. Landscaping shall consist of planting islands, medians and borders, comprising the required planting area specified under item (1) below.
1. At least five (5) percent of the interior area of parking lots with more than thirty (30) spaces shall be devoted to landscape planting areas. Areas may consist of islands or corner planting beds.
  2. Shade trees shall be provided within the interior of parking lots (in islands or corner planting beds) in accordance with the following table:

**Table 6-2. Minimum Required Tree Planting for Parking Lots**

<i>Number of Parking Spaces</i>	<i>Minimum Required Tree Planting</i>
0 – 30	None required
31 - 100	1 tree per 10 spaces or fraction thereof
101+	1 tree per 15 spaces or fraction thereof

- E. *Perimeter Parking Lot Landscaping.* Parking areas shall be screened from public streets and sidewalks, public open space, and adjacent residential properties. The perimeter of parking areas shall be screened as follows:
1. A landscaped frontage strip at least five (5) feet wide shall be provided between parking areas and public streets, sidewalks or paths. If a parking area contains over one hundred (100) spaces, the frontage strip shall be increased to eight (8) feet in width.
    - a. Within the frontage strip, screening shall consist of either a masonry wall, fence, berm or hedge or combination that forms a screen a minimum of three and one-half (3.5) and a maximum of four (4) feet in height, and not less than fifty percent (50%) opaque on a year-round basis.
    - b. Trees shall be planted at a minimum of one deciduous tree per fifty (50) linear feet within the frontage strip.
  2. Along side and rear property lines abutting residential properties or districts, screening shall be provided, consisting of either a masonry wall, fence or berm in combination with landscape material that forms a screen a minimum of four (4) feet in height, a maximum of six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet along the property line.
- F. *Screening.* Screening shall be used to provide visual and noise separation of intensive uses from less intensive uses. Where screening is required in the City Code between uses or districts, it shall consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six (6) feet in height, and not less than ninety percent (90%) opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per forty (40) linear feet along the property line. Additional landscape material such as shade trees or trellises may be required to partially screen views from above.
- G. *Maintenance and Installation of Materials.* Installation and maintenance of all landscape materials shall comply with the following standards:
1. All landscape materials shall be installed to current industry standards.
  2. Irrigation or other water supply adequate to support the specified plant materials shall be provided.
  3. All required landscaping and screening features shall be kept free of refuse and debris.
  4. All landscape materials shall be guaranteed for two (2) years. Any landscape material that dies or becomes diseased before the end of the second (2<sup>nd</sup>) year after installation shall be replaced by the developer.
  5. Continuing maintenance and replacement of landscape materials shall be the responsibility of the property owner beyond two years of initial installation.
- H. *Financial Security.* The City will require that a financial security, in a form acceptable to the City, be provided as part of a development agreement or applicable permit to ensure

compliance and performance of the Landscape Plan. The financial security will be released to the applicant upon verification by the City that the Landscape Plan was followed, and that all landscape materials are planted and in a reasonable state of health. The financial security may be used to replace any landscape materials that have become damaged or diseased after planting. Adequate security must be retained to ensure performance for at least two years after the installations have been completed.

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-087 was adopted on this twentieth day of August 2013, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-087 was published on the \_\_\_\_ day of \_\_\_\_\_, 2013.

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

**RESOLUTION NO. 2013-65**

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-087 BY TITLE  
AND SUMMARY**

**WHEREAS**, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-087, an ordinance to the City's regulations pertaining to Landscape Requirements; and

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-087 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-087, which replaces the current sections of the City Code pertaining to Landscape Requirements. The ordinance includes the following provisions.

- The ordinance establishes base sizes of allowed plant materials, which are consistent with the recommendations of the American Standards for Nursery Stock.
- The ordinance establishes the required number of tree plantings for setback and boulevard areas within proposed developments.
- The ordinance establishes landscaping requirements for the perimeter and interior of parking areas.
- The ordinance establishes the process by which required screening is achieved.
- The ordinance requires a financial security to be posted to ensure performance of all approved landscape plan.

The full text of Ordinance No. 08-087 is available for inspection at Lake Elmo city hall during regular business hours.

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: August 20, 2013.

\_\_\_\_\_  
Mayor Mike Pearson

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

\_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



**Draft Planning Commission Minutes, 8-12-13  
Excerpt from Public Hearing Item 4a**

**Public Hearing: *Zoning Text Amendment – Landscape Requirements***

Johnson began his presentation by explaining the purpose of the Zoning Text Amendment. The ordinance is intended to update and relocate the landscaping provisions in the City Code to Article 6 – Environmental Performance Standards. This ordinance addresses size requirements, requirements for perimeter and interior of parking areas, provides a baseline for instances when screening is required, and requires financial security to ensure performance of landscape plan. This ordinance was reviewed by the Planning Commission on July 22<sup>nd</sup>. The Planning Commission asked for clarification and had inquiries. Staff made 2 proposed changes to this ordinance based on those inquiries. If the proposed landscaping ordinance is approved, Staff is proposing to remove the existing landscaping provisions with a future house-cleaning amendment of the Subdivision Ordinance, OP Ordinance, and Site and Building Review Ordinance. Staff hopes to complete this amendment in September.

Williams suggested that the word borders be added along with islands and medians. He also suggested that coniferous be added for perimeter parking lot. Larson thought that coniferous trees take up too much space and could interfere with parking.

Williams asked about the difference between the 6 foot height for evergreens and 8 foot for fences. Johnson stated that the more restrictive provision of the city Code always applies. In instances where these two ordinances, screening and fence, conflict, the more restrictive applies.

Dodson asked who reviews the landscape plans. Johnson responded that Staff reviews plans for conformance to City ordinances. However, Staff recommends that final plans be reviewed by a certified landscape architect or arborist in order to provide greater expertise in species selection and location.

Public hearing opened at 7:25 pm.

Greg McGrath, 1509 15<sup>th</sup> Street Court North, stated that it is important that the City review these plans as mistakes were made in his development on the implementation aspect. He noted that what was approved in the final plans was not actually planted. The Planning Commission felt it is important to make sure that the landscape plan is enforced.

No written comment was received.

Public hearing closed at 7:37 pm.

Morreale would like to see something in the Code to hold the developer to their landscape plans. Williams stated that the proposed ordinance already requires a financial security. Dodson does not feel that it is sufficient and asked for further explanation about how the City enforces the approved plans. Johnson stated that the ordinance is strong enough, and where the City needs to focus greater care and energy is in the implementation of the development improvements. The City is now only accepting a letter of credit instead of performance bonds and the oversight needs to be stronger than it has in the

past. He noted that the Staff and Council are committed to ensuring performance when it comes to development.

Morreale wants to put a timeline of 2-3 years before the responsibility of replacement and maintenance becomes the homeowners. Dodson is concerned about CIC type development. Sometimes the developer turns over responsibility before the association knows what they are doing. He would like to see a timeline of 2 years before the developer can turn it over to an association.

Williams wants to know if boulevards are the responsibility of the City or property owner. Johnson stated that boulevards are the responsibility of the homeowner.

Morreale asked what happens if there is an act of God, such as a powerful storm that damages plant materials. Johnson stated that the contingencies of performance for the landscape plan would be spelled out in the developer's agreement. Alternatively, if the storm occurred 2 years after installation, it would be the homeowner's responsibility. Johnson further stated that 2 years is the industry standard and it would be burdensome to hold the financial security for many years beyond the suggested timeframe.

Morreale asked what would happen if a storm went through and many, many boulevard trees are taken out. He asked how the City could play a role in assisting property owners with tree replacement. Johnson noted that some Cities have tree planting programs that target locations within the community in greatest need of additional plantings.

Williams proposed language to be added in the reasons for landscape section of "to provide visual softening of, especially, urban development". He further suggested that we check with the City attorney regarding the 2 year standard. Williams also suggested that we add language under the financial security that states adequate security must be retained to ensure performance for at least 2 years after the installations have been completed.

M/S/P: Morreale/Larson, move to recommend approval of the Landscape Requirements Ordinance with amendments, subject to legal review by the City Attorney: **Vote: 6-0. Motion Carried.**



*Existing Landscaping Provisions – Lake Elmo City Code*

**§ 153.07 PRELIMINARY PLAT.**

(F) *Supplementary information.* The following supplementary information shall be submitted when deemed necessary by the Planning Commission:

(8) A vegetation preservation and protection plat that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted;

(a) Developer shall provide a landscape plan which shows how a subdivision will assume a rural character through the placement of ponding, berms, trees, and tree seedlings, shrubs, and shrub seedlings and native grasses;

(b) Developer shall plant a minimum of 6 trees, 1 inch caliper deciduous, or coniferous trees; 3 feet in height per acre unless a lot within the subdivision is determined by the Zoning Administrator to be naturally wooded which would, at a minimum, consist of the caliper and height of trees required by this chapter; and

(c) Developer shall provide spaced or clustered plantings of 1 and 1/2 inch caliper deciduous trees at a rate of 2 per 100 lineal feet on both sides of the street, between 0 feet and 5 feet to the inside of the right-of-way for rural sections and between 5 feet and 10 feet to the inside of right-of-way for urban sections. Four foot conifers may be substituted.

**§ 150.180 DEVELOPMENT STANDARDS.**

(e) *Boulevard landscaping.* Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in dusters at the same ratio. A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

**§ 151.070 SITE AND BUILDING PLAN REVIEW.**

(3) Landscaping and screening plan.

(a) Complete landscaping, screening, and erosion control plans shall be prepared and signed by a professional landscape architect or professional site planner with educational training or work experience in land analysis and site plan preparation. These plans shall include:

1. Detailed natural land analysis, including vegetation, soil types, and slopes;
2. Man-made features (berms, fences, and the like);
3. Details of all proposed vegetative landscaping materials including: placement, Latin name/common name, caliper/height, and quantity;
4. Details of proposed non-vegetative landscaping materials; and
5. Planning and construction schedule for completion of landscaping and screening plans.

(b) The final landscaping and screening plan must be approved by the Council/engineer at the time of the site plan review.

(c) The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

<i>Project Value (Including building construction, site preparation, and site improvements)</i>	Percentage of Total Project Value to Be Allocated to Landscaping
Below \$1,000,000	2%
\$1,000,001 to \$2,000,000	1 and 3/4%
\$2,000,001 to \$3,000,000	1 and 1/2%
\$3,000,001 to \$4,000,000	1 and 1/4%
Over \$4,000,000	1%

(d) All landscaping must be guaranteed for 2 growing seasons, with a bond or security .



MAYOR & COUNCIL COMMUNICATION

DATE: 8/20/2013

**REGULAR**

ITEM #: 11

**AGENDA ITEM:** Water Meter Conversions – Sensus to Neptune

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:** Dean Zuleger, City Administrator

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Staff
- Report/Presentation.....City Staff, Northland Securities
- 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

**SUMMARY AND ACTION REQUESTED:** At the July 2, 2013 City Council meeting, the City Council approved the 2013 CIP which included the purchase of additional Neptune Meters in order to continue the conversion from Sensus Water Meters to Neptune Water Meters. It is recommended that the City Council approve the purchase of additional Neptune water meters to continue to convert from the Sensus water meters to the Neptune water meters.

*“Move to Approve the Purchase of up to \_\_\_\_\_ water meters as a cost not to exceed \$ \_\_\_\_\_”*

**BACKGROUND INFORMATION:** In the summer of 2006 the decision was made to convert from the Sensus water meters to the Neptune brand of water meters. New software and hardware were purchased and at that time it was decided to convert over the meters in waves in order to audit and monitor the process. Approximately 600 meters were converted in multiple groups in addition to individual conversions as the older meters have had issues. There are currently 321 meters left to be converted.

**STAFF REPORT:** As requested in the CIP process, Finance would like to convert the remaining meters to the Neptune platform to avoid duplicate service and maintenance fees each year. The old meter reader battery will not hold a charge and we have had to borrow a reader from a neighboring community since neither a replacement meter reader nor a better can be found. With the hiring of a part-time resource, the hope is to do the conversions internally this fall.

**RECOMMENDATION:** It is recommended that the City Council approve the purchase of additional Neptune water meters to continue to convert from the Sensus water meters to the Neptune water meters.

*“Move to Approve the Purchase of up to \_\_\_\_\_ water meters as a cost not to exceed \$ \_\_\_\_\_”*

**ATTACHMENTS:**

- 1) Ferguson Waterworks quote



1694 91st Avenue NE  
 Blaine, MN 55449  
 Phone: (763) 560-5200  
 Fax: (763) 560-1799

[www.ferguson.com](http://www.ferguson.com)

March 17, 2013

City of Lake Elmo  
 3800 Laverne Ave.  
 Lake Elmo, MN 55042

Attn: Cathy

RE: 2013 Pricing

Hello Cathy,

You asked what your current pricing is for 2013, and you also asked about price breaks.

First here are your current pricing....

All pricing are for Neptune R900i water meters

5/8 and 5/8 x 3/4 - inch	\$205.39				
<u>3/4 -inch both full and short</u>	<u>\$253.85</u>	<30>	parts to Install	+ 57 Installed	= \$310 each
1-inch	\$328.47		@ 100	24,385	@ 100 = 31,000
1 1/2 - inch	\$537.69		@ 150	36,577	@ 150 = 46,500
2-inch disc	\$720.02		@ 321	78,276	@ 321 = 99,510
2-inch compound	\$1,823.13				

If you buy any R900i water meter in small quantities in 2012, these prices will exist.

If you buy between 30 and 100 3/4-inch R900i water meters, I will drop the price \$10.00 each. If you buy between 100 and 300, I will drop the price another \$10.00.

I cannot give you pricing at this time for 2013, since there will be a substantial increase in pricing from Neptune.

I did get installation pricing from Brian Rollins, and his pricing is...

For installing 100 meters up to 1-inch in size, the price will be \$57.00 each. 1 1/2-inch and above will be \$130.00

For installing 200 meters up to 1-inch in size, the price will be \$56.00 each. 1 1/2-inch and above will be \$127.00

For installing 300 meters up to 1-inch in size, the price will be \$55.00 each. 1 1/2-inch and above will be \$125.00

Dick Wetzel  
 Ferguson Waterworks  
 952-807-6035



MAYOR & COUNCIL COMMUNICATION

DATE: 8/20/2013  
**REGULAR**  
ITEM #: 12

**AGENDA ITEM:** Consider Hiring Representation from a Lobbying Firm for a \$2.6M State Bonding Request  
**SUBMITTED BY:** Beckie Gumatz, Program Assistant  
**THROUGH:** Dean Zuleger, City Administrator  
**REVIEWED BY:** Dean Zuleger, City Administrator  
Adam Bell, City Clerk

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

- Introduction of Item ..... City Administrator
- Report/Presentation..... Mayor Pearson
- 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

**SUMMARY AND ACTION REQUESTED:** The City of Lake Elmo City Council is respectfully requested to confer with City Staff and consider hiring a lobbyist to help facilitate discussion and foster support for the City’s \$2.6M state bonding request at the state legislature during the 2014 legislative session. The recommended motion for this action is as follows:

*“Move to hire representation from the Law Firm ‘Mersserli & Kramer’ to help represent the City and its bonding request at the state legislature for the 2014 legislative session.”*

**BACKGROUND INFORMATION:** Messerli & Kramer is a firm of attorneys and lobbyists with over 200 years of experience before the Minnesota state legislature. They are a bipartisan firm and have represented a variety of major corporations, trade associations, nonprofits, local governments, and single issue clients. They also have had tremendous success representing local governments on economic development projects and bonding requests.

City Staff reached out to Messerli & Kramer to inquire about what services they could provide to the City. They are open to providing council for the City and have recommended that James Clark serve as lead counsel on the City’s behalf. James Clark is a former State Representative and knows the state legislature very well. He has worked on and secured bonding appropriations for the Cedar Avenue Bus Rapid Transit and the Children’s Theatre expansion.

**STAFF REPORT:** City Staff recommends hiring a lobbyist to help secure our \$2.6M bonding request at the state legislature. Having a lobbyist who knows how the legislature works, as well as has good relationships with members on both sides of the aisle will be extremely beneficial when trying to get the City's bonding request into the bonding bill. Lobbyists meet with legislators, prepare remarks for committee, line up testifiers, and will be on hand during all committee meetings and floor sessions regarding our bonding proposal. Having an advocate in the building would make it much more likely that our request be incorporated into the bonding bill.

**RECOMMENDATION:** City Staff recommends hiring a lobbyist to help facilitate discussion and foster support for the City's \$2.6M state bonding request at the state legislature during the 2014 legislative session:

*“Move to hire representation from the Law Firm ‘Mersserli & Kramer’ to help represent the City and its bonding request at the state legislature for the 2014 legislative session.”*

# MESSERLI & KRAMER

Messerli & Kramer P.A.  
ATTORNEYS AT LAW  
525 Park Street  
Suite 130  
St. Paul, Minnesota 55103  
main 651.228.9757  
fax 651.228.9787  
www.messerlikramer.com

July 17, 2013

Mr. Dean Zuleger, City Administrator  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

Additional offices in:  
Minneapolis & Plymouth, MN

Writer's contact:

## Re: Proposal for the City of Lake Elmo's Bonding Request

Dear Mr. Zuleger:

Thank you for allowing Messerli & Kramer to submit a proposal to provide government relations representation for the City of Lake Elmo's bonding request. This proposal provides background on our Firm, information on our services, our conflicts of interest policy as well as a proposed budget. We are also willing to work with you if there are additional services you would like to see included in this proposal to help meet the City of Lake Elmo's needs.

### FIRM BACKGROUND

For over 30 years, Messerli & Kramer P.A. has been an active and respected presence before the Minnesota Legislature on behalf of numerous clients. Our success has been built on a commitment to integrity, quality service, expertise and vision. Legislative clients of our firm include Fortune 500 companies, several government agencies, many professional trade associations and a number of nonprofit interests (we have provided a client list for your perusal).

Our firm has been successfully involved with many of the state's most complex and controversial pieces of legislation. Our involvement includes legislation relating to sports arena funding, health care and workers' compensation reform, judicial system reorganization, and utility and telecommunications deregulations, to name a few. Importantly, we have tremendous experience and success representing local governments on economic development projects, such as initiatives in Woodbury, Minnetonka and Edina. Some of our bonding project examples include the Children's Theatre, Minneapolis Convention Center, Hiawatha Light Rail, the Shubert Theatre, the Minnesota Zoo and the St. Paul Saints ballpark.

Furthermore, we have developed excellent working relationships with both Republicans and Democrats in the House and Senate. We have long lasting relationships with leadership and key committee chairs in both houses. We have also built solid relationships with Governor Dayton, his staff and the commissioners who work in his administration. Thus, Messerli & Kramer P.A. is well positioned to assist with any legislative or administrative issue.





## SERVICES TO BE PROVIDED

Based on what we know to be your needs for government relations support, Messerli & Kramer would be able to provide the following services for the City of Lake Elmo. We are also open to changing the scope of our services and budget should that be desired.

- Representation before the 2014 Minnesota Legislature, including presence at committee hearings, floor sessions of the Senate and House of Representatives and conferences with individual policy makers;
- Legislative lobbying for a \$2.6 million bonding appropriation for design and construction of an extension of the trunk water main to the I-94 corridor, including the drafting of bills, identification of authors, preparation of testifiers and lobbying the membership of the House and Senate;
- Maintain liaison with state administration officials, City of Lake Elmo officials and stakeholders as necessary;
- Provide updates on legislative and administrative activities relating to the progress of the City of Lake Elmo legislation, including weekly meetings with the core lobbying team to ensure coordination; and,
- Provide strategy regarding timing of grassroots and grasstops efforts.

It would be our suggestion that James Clark serve as lead counsel on your behalf, complemented by the expertise and experience of Tom Poul and Eric Hyland.

### **James Clark**

Mr. Clark is a shareholder in Messerli & Kramer P.A. and is a former three-term State Representative. He served as Vice Chair of the Transportation Committee, as well as a conference committee member of the critical Capital Investment (Bonding) Committee. He was a key member of the Committees on Tax, Civil Law, Local Government, and Health and Human Services. He has also served as an Assistant County Attorney prior to joining our team. James has led our efforts on securing bonding appropriations for Cedar Avenue Bus Rapid Transit and the Children's Theatre expansion. He is also our lead for CVS pharmacies, Amerigroup, Animal Humane Society, Suburban Transit Association and others.

### **Tom Poul**

Mr. Poul is a shareholder and is chair of the Government Relations Department at Messerli & Kramer. Prior to joining the firm, he served as Legal Counsel for Legislative Affairs at the Minnesota Department of Labor and Industry, and as Manager of Government Research for State Auditor Judi Dutcher. Tom provides legal and legislative counsel for clients of various industries at the Minnesota Legislature as well as state and municipal agencies. Mr. Poul also has significant experience representing suburban municipalities on tax, economic development and bonding proposals. Some of Tom's other clients include: the Municipal Legislative Commission (MLC), Apple, Minnesota Oncology, Twin Cities Orthopedics, Oracle and Pearson Education.

## Eric Hyland

Mr. Hyland has been a lobbyist with Messerli & Kramer P.A. since 1997. Prior to joining the Firm, he spent ten years working for the Minnesota Senate as the Committee Administrator for the Finance Committee. Eric has extensive practical experience with the legislative process. His work for the Senate Finance Committee has allowed him to develop an expertise in the state budget, appropriations and capital bonding processes. His clients include retail companies, law enforcement, and communications companies.

## PROPOSED BUDGET

Messerli & Kramer proposes a retainer of \$1,000 per month for August 1 through December 31, 2013, and \$5,000 per month for January 1 through May 31, 2014 (a total retainer of \$30,000). We anticipate the need to develop strategy and meet with numerous members of the Legislature and administration during the remainder of 2013 so we may hit the ground running once the 2014 legislative session commences.

## CONFLICTS OF INTEREST

Messerli & Kramer is aware that conflicts between clients can be harmful to their legislative programs. We have reviewed the needs of the City of Lake Elmo and confirmed that it would not conflict with the needs of other clients represented by our firm. While we do not see any conflict, we want to be fully transparent that our Firm represents DuPont at the legislature. We have spoken with their representatives and they do not see any issue with our representing the City of Lake Elmo. We are happy to answer any questions and provide additional information on our conflict of interest policy if needed.

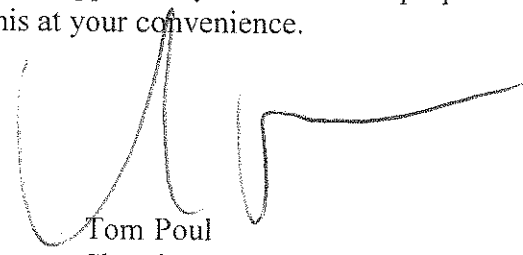
## CONCLUSION

Thank you for considering Messerli & Kramer to provide the City of Lake Elmo with government relations services. We appreciate the opportunity to submit this proposal and we look forward to hearing from you to discuss this at your convenience.

Sincerely,



James Clark  
Shareholder  
Messerli & Kramer, P.A.



Tom Poul  
Shareholder  
Messerli & Kramer, P.A.

## Major Legislative Accomplishments

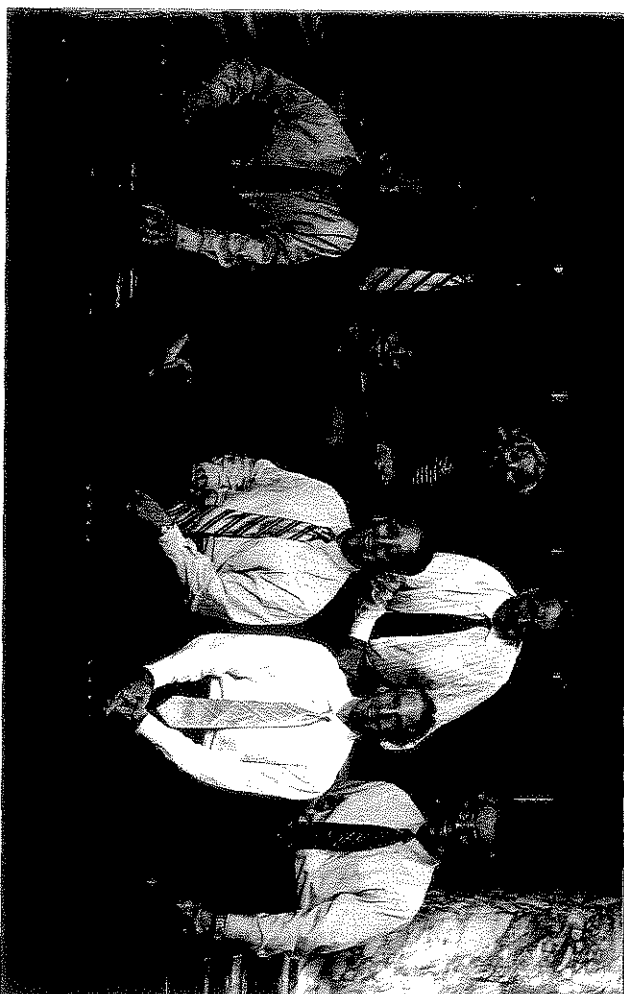
Messerli & Kramer has a successful track record developing strategy and lobbying for passage of some of the most challenging legislation enacted into Minnesota law in the past decade. We lead because of our attention to client communications, our unique team lobbying approach, and a proven ability to provide results.

### Project / Initiative

Messerli & Kramer's Government Relations team has successfully lobbied major Minnesota issues including:

- Minnesota Twins ballpark authorization / Minnesota Twins
- Minnesota Zoo exhibit and renovation funding / Minnesota Zoo Foundation
- Metropolitan Public Safety Radio System authorization and funding / Motorola, MN Chiefs of Police Association & MN Sheriffs' Association
- Canterbury Card Club authorization / Canterbury Park Holding Corp.
- Children's Theatre Expansion and Renovation / Children's Theatre Company
- Environmental Trust Fund Constitutional Dedication / Fish & Wildlife Legislative Alliance
- Hiawatha Corridor LRT / Hennepin County Regional Rail Authority
- Historic Tort Reform / Civil Justice Coalition
- Mall of America / City of Bloomington
- University of MN Academic Health Center Funding / St. Jude Medical

## Introducing the Messerli & Kramer Government Relations Team



**MESSERLI & KRAMER**  
Added dimension

[www.messerlikramer.com](http://www.messerlikramer.com)

## Weihe Messerli & Kramer's Government Relations Team

We're a group of attorneys and lobbyists with over 200 years of experience before the Minnesota state legislature. Every day we put that experience to work navigating the hallways of the state Capitol and building relationships to help our clients accomplish their goals.

On a daily basis, we act as a resource for legislators and their staff, and we often call on our clients to serve as resources as well.

As lawyers and lobbyists in a law firm, we are bound to a code of professional ethics that ensures the information you receive from us will be factual and reliable. You can trust us to use our extensive knowledge, tested ability, well-developed personal contacts and our solid reputation to help you do the best for you, in the best way possible, on behalf of your constituents.

We are a part of our clients' lobbying activities, never taking an legislator's vote for granted. Our real success is reflected by the fact that most of our clients were referred to us by legislators, lobbyists and other lobbyists who know the quality of our work.

## What We Do

Messerli & Kramer's Government Relations Division is a full service government affairs practice, including:

- Legislative lobbying
- Support at the Governor's office and state agencies
- Procurement at the state and local government levels
- Representation before local governments
- Legal and strategic advice for regulatory and administrative bodies
- Administrative law
- Consult on Political Action Committees
- Management of strategic and crisis communications
- Grass roots advocacy
- Association management
- Advise candidates and consult on elections

## Areas of Specialty

We have considerable expertise in the following areas:

- Health care
- Transportation and transit
- Technology
- Insurance
- Banking and finance
- Education
- Energy
- Criminal justice
- Public safety
- Tax
- Environment
- Capital Investment Projects
- Civil law

## Team and Contact Info

For biographical information on each team member, visit the People section of our website, [www.messerlikramer.com](http://www.messerlikramer.com).



**John F. Apitz**  
651-260-0885  
[japitz@messerlikramer.com](mailto:japitz@messerlikramer.com)



**James T. Clark**  
651-343-3032  
[jclark@messerlikramer.com](mailto:jclark@messerlikramer.com)



**Nancy A. Haas**  
651-274-5166  
[nhaas@messerlikramer.com](mailto:nhaas@messerlikramer.com)



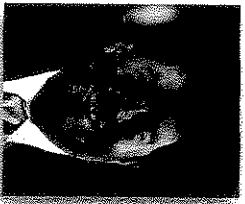
**Ross E. Kramer**  
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**Sandra L. Neren**  
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[sneren@messerlikramer.com](mailto:sneren@messerlikramer.com)



**Thomas J. Pouli**  
651-260-0696  
[tpouli@messerlikramer.com](mailto:tpouli@messerlikramer.com)



**Eric J. Hyland**  
651-260-0815  
[ehyland@messerlikramer.com](mailto:ehyland@messerlikramer.com)



**Bill H. Schreiber**  
651-260-0817  
[bschreiber@messerlikramer.com](mailto:bschreiber@messerlikramer.com)

## Our Clients

Messerli & Kramer represents a variety of major corporations, trade associations, nonprofits, local governments and single-issue clients before the state legislature and at state agencies. For most clients, we provide legislative representation and government monitoring services throughout the year. Other clients retain us to become involved in limited activities on specific issues during the legislative session.



## Thomas J. Poul

### Committed to success

**When Tom promoted the successful *Absolutely Incredible Kid Day* for the CampFire organization, he had a goal in mind — let kids know how good they are and how successful they can be.** That's the kind of commitment that marks Tom's personal life and the goal-driven enthusiasm he brings to his work. Tom's work with Messerli & Kramer P.A. is based on solid relationships, trust, and an uncompromising commitment to the client.

Tom knows the success of his clients demands nothing less. He applies his legal, legislative and political experience in a practical way to continually deliver results. And, whether a client needs assistance navigating the complexities of state or municipal government, or just telling their unique story, Tom's commitment to clients' goals fosters their success.

His work includes representation of clients at the Minnesota legislature and before state and municipal agencies; strategic advice on state and municipal procurements; assistance with administrative rules and general counsel on the political process. Tom has represented many large corporations, government entities, and associations on legislative issues in industries such as education, health care, technology, insurance and finance, transportation, municipal finance, and state bonding.

#### Contact Tom

651-556-9218

tpoul@messerlikramer.com



## Thomas J. Poul

### Practices

Government Relations

### Related Experience

Ten years experience representing clients at the legislature.

Served as legal counsel for Legislative Affairs at the Minnesota Department of Labor and Industry.

Served as director of Government Affairs for former Minnesota State Auditor Judith Dutcher.

Serves as administrative hearing officer for the City of Brooklyn Park.

### Bar Admissions

Minnesota

### Education

William Mitchell College of Law, J.D.

University of Minnesota-Duluth, B.A.

### Affiliations

Minnesota State Bar Association

Ramsey County Bar Association

Minnesota Governmental Relations Council

Kids Voting Minnesota, board member

University of Minnesota-Duluth Alumni Association,

board member and past president

CampFire Minnesota, board member and

past president

### Awards & Recognition

Rising Star, *Minnesota Law & Politics*, 2002-2007



City of Lake Elmo Old Village Planning & Development Schedule
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<u>Priority Status</u>	<u>Activity</u>	<u>Responsibility</u>	<u>Completion Time</u>
#1	Comp Plan Approval	Metropolitan Council	October 2013
#2	Mixed Use Zoning District	Planning & Zoning (KK)	October 2013
#2A	Airport Zoning Decision	Planning & Zoning (NJ)	November 2013
#3	Drainage Study	Wash County / Focus (JG)	December 2013
#3A	Railroad Crossing Abandonment/ Replacement	UP / Planning & Zoning (DZ, KK)	December 2013
#4	TIF#1 District Creation	Econ Development Authority	December 2013
#4A	Utilization/ RE-Use Study of City Owned Property in Old Village	Planning & Zoning (NJ)	January 2014
#5	Form Base Codes	Planning & Zoning (KK)	March 2014

KK- Kyle Klatt  
 NJ – Nick Johnson  
 DZ – Dean Zuleger  
 JG - Jack Griffin