

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

NOTICE OF MEETING

**Tuesday, September 03, 2013
Budget Workshop - 6:00 PM**

**City Council Meeting - 7:00 PM
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 20, 2013 City Council Meeting Minutes
- G. Public Comments/Inquiries**
- H. Speak Your Peace - *Council Member Bloyer***
- I. Proclamation**
 - 2. Constitution Week
- J. Consent Agenda**
 - 3. Approve Payment of Disbursements and Payroll
 - 4. Approve Variance - 4719 Olson Lake Trail North; ***Resolution 2013-66***
 - 5. Approve Variance - 3712 Layton Avenue North; ***Resolution 2013-67***
 - 6. 2012 Street & Water Quality Improvements - Declare Costs to be Assessed and Call for Hearing; ***Resolution 2013-68***
 - 7. Keats MSA Street and Trunk Watermain Improvements - ***Change Order No. 3.***
 - 8. Approve Resolution to Set Hearing for 2014 Budget and Levy Discussion; ***Resolution 2013-69***
- K. Regular Agenda**

9. Comprehensive Plan Amendment - Wastewater Facilities; ***Resolution 2013-70***
10. Well 4 Connecting Watermain Improvements – Accept Feasibility Report; Call Hearing; ***Resolution 2013-71***
11. Section 34 Water and Sewer Utility Extension Improvements – Public Improvement Hearing. Accept Bids and Award Contract; ***Resolution 2013-72***
12. Approve City Council Retreat Report
13. Approve 2014 City Organizational Chart

L. Summary Reports and Announcements

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

M. Adjourn

LAKE ELMO CITY COUNCIL MINUTES
August 20, 2013

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
August 20, 2013

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

PRESENT: Mayor Pearson, Council Members Bloyer, Nelson and Reeves

ABSENT: Council Member Smith

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

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

*MOTION: Council Member Nelson moved **TO APPROVE THE AUGUST 20, 2013 CITY COUNCIL AGENDA.** Council Member Reeves seconded the motion. **MOTION PASSED 4-0.***

ITEM 1: ACCEPT MINUTES

THE AUGUST 06, 2013 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS OF THE CITY COUNCIL.

PUBLIC COMMENTS:

Hank Gray, 231 Everett Street N. Stillwater, spoke on mountain biking in Sunfish Lake Park. He introduced Matt Trumper, high school junior and member of Nordic Ski Team, and Davis Gray, senior captain on ski team. Both boys are members of new mountain biking team. Mr. Gray outlined the request- 15-30 members consisting of junior high to seniors in high school are on team.

Request would be for one day for 2 hours per week for 8 weeks in the park. There is a limited area close by that provides safety for students. Still use Lake Elmo Park Reserve. Estimated 15 riders at the most. He also offered two days of service in park to clean and clear trails. The team would work with City to minimize any minimal impact. Team is very respectful of park and its beauty. Also want to teach kids how to be stewards of environment. Does not want a fight and will respect whatever decision the council makes.

Mayor suggested that Mr. Gray speak to the Parks Commission. Council Member Bloyer took issue with waiting because it will be another 4 weeks before Parks Commission meets again. The Mayor thinks it would be a great use, but reiterated that he thinks the Parks Commission should be consulted. All Members were of the opinion that the group's request was reasonable.

Council Member Reeves asked about the condition of the trails after the recent storms. City Administrator Zuleger said there are still some treacherous spots, but Public Works is working on it. What the Land Trust would allow for use was discussed. Mr. Zuleger said that the Land Trust has classified biking as an active activity and easement only allows passive. The issue and request was referred to the Parks Commission.

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SPEAK YOUR PEACE:

Council Member Bloyer postponed item to the next meeting.

PRESENTATIONS

Fire Chief Malmquist introduced the probationary firefighters: Dominic Jara, Chris Supan, Alex Hilpisch, Tom Hilpisch and Rick Gimpel.

*MOTION: Council Member Reeves moved **TO PROMOTE PROBATIONARY MEMBERS DOMINIC JARA, CHRIS SUPAN, ALEX HILPISCH, TOM HILPISCH, AND RICK GIMPEL FROM PROBATIONARY TO FIREFIGHTER STATUS.** Council Member Nelson seconded the motion. **MOTION PASSED 4-0.***

The newly promoted firefighters recited the oath.

Chief Malmquist then introduced Chaplain Richard "Woody" Glanzer. Just hired 100th fire fighter. Department is still actively recruiting.

CONSENT AGENDA

1. Approve Payment of Disbursements and Payroll in the amount of \$612,777.64
2. Accept Financial Report dated July 31, 2013
3. Accept Building Permit Report dated July 31, 2013
4. 2012 Street and Water Quality Improvements – Pay Request No. 5 (Final)
5. 2013 Seal Coat Project – Pay Request No. 1 (Final)
6. Keats MSA Street and Trunk Watermain Improvements – Pay Request No. 3
7. Production Well No. 4 – Pay Request No. 1

*MOTION: Council Member Nelson moved **TO APPROVE THE CONSENT AGENDA.** Council Member Bloyer seconded the motion. **MOTION PASSED 4-0.***

REGULAR AGENDA

ITEM 10: ADOPT ZONING AMEND. – LANDSCAPE ORDINANCE; ORD. 08-087, RES. 2013-65

City Planner Johnson provided an overview of the proposed landscaping ordinance. It would replace the City code sections involving preliminary plat (153.07), open space preservation (150.180), and site and building plan review (151.070). He reported that the Planning Commission supported but wants to make sure the ordinance had the sufficient enforcement teeth.

Mr. Johnson identified the key goals: Unified set of consistent standards/requirements; perimeter and interiors of parking lots; establishment of a baseline for screening; and establishment of a financial security requirement to ensure performance of the landscape plan. It was pointed out that the proposal does not remove the existing language regarding landscaping. This will be done with a planned broader house-cleaning amendment of those sections. No conflicts have been found in previously passed or existing code.

Council Member Bloyer asked how discrepancies will be treated. Mr. Johnson said the more stringent requirement will prevail as is standard practice. It was explained that these requirements are not intended to apply to a building permit for single family home but instead a subdivision.

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Council Member Nelson asked about the medians. After two years, will be handled by the City, unless an HOA has assumed the role because they want higher level of landscaping. Mr. Nelson asked about entrances to neighborhoods where there is no HOA. It would depend on what agreements City entered into. If Right of Way is involved, it would most likely be City's responsibility. The developer agreements would specify the responsibility. City Attorney Snyder explained that absent an HOA, it is usually the individual homeowner. The recommended approach is to require the development to have an HOA/neighborhood association.

Mr. Nelson asked about the security deposit. It was explained that the release of some security funds can occur as inspections pass. Mr. Nelson asked if City needs to draft a policy to establish benchmarks for release. City Administrator Zuleger explained that partial funds are released at various points throughout the process. Mr. Nelson wants developers to be treated fairly. City Engineer Griffin explained that the securities are provided for specific items. Completion milestones provide the reduction amounts.

Natural events and acts of God were discussed. Mr. Johnson said that the Planning Commission discussed this issue as well. Damage caused by natural events are not subject to the warranty requirement.

Council Member Reeves asked about the capacity for review. Mr. Johnson stated that the Planners would not feel comfortable with determining technical analysis of plants. That would go to a technical expert. Planning would simply verify code compliance. The review process was further discussed.

MOTION: Mayor Pearson moved TO APPROVE ORDINANCE 08-087, ESTABLISHING NEW LANDSCAPE REQUIREMENTS IN THE LAKE ELMO ZONING CODE. Council Member Reeves seconded the motion.

Mayor Pearson stated he does not want to release funds prematurely as has happened in past. He does not believe that there can be a same across the board standard, even though equity is important. Mr. Nelson does not like the ambiguity. He wants to make sure the system is fair. Mr. Zuleger assured that the City has never been fairer than it is now. In the past, City released funds too early, and taxpayers were left on the hook.

Mr. Nelson does not want a biased arborist not allowing a developer plant what he or she wants even though he meets the minimum ordinances. Mayor Pearson appreciated Mr. Nelson's concerns and the long term impact. He acknowledged that future staff may not apply the same way as current staff; however he noted that we have been possibly too lax in past and now need regulation. Mr. Nelson has issue with requiring a builder to pay for landscape architect B's approval of landscape architect A's work. Mr. Reeves recommends that the City use an independent unbiased person to review in order to be consistent.

Mr. Bloyer is more comfortable with the financial security requirement upon learning about the developer agreement explanation.

MOTION PASSED 4-0.

Council Member Nelson noted that the reason he asks so many questions, is that he wants what is passed to be well thought out and for everyone to be comfortable with the long term impact. He

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apologized if his actions are misinterpreted. Council Member Bloyer concurred with the desire for clarity. Council Member Reeves said no need for any apology. They all want to do it right.

MOTION: Mayor Pearson moved TO APPROVE RESOLUTION NO. 2013-65, AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-087. Council Member Reeves seconded the motion. MOTION PASSED 4-0.

ITEM 11: WATER METER CONVERSION UPDATE – SENSUS TO NEPTUNE

Finance Director Bendel provided an update on the water meter conversion. The CIP split between 2013 and 2014. If City purchases over 300 meters, there is an additional discount of about \$10 per meter. Want to do the initial 100 ourselves. In the past, City has used a 3rd party for the installation. Paid for out of water fund.

Council Member Nelson asked what Ms. Bendel recommended. She stated that she would like to get them all, but staff cannot get them all installed in 2013. Therefore, the recommendation is to purchase 150 in 2013 and staff will install all of them. The balance can be done in 2014. The cost and savings of getting 300 meters was further discussed.

MOTION: Council Member Nelson moved TO APPROVE THE PURCHASE OF UP TO 150 WATER METERS AT A COST OF NOT TO EXCEED \$250 AND THE BALANCE IN 2014 NOT TO EXCEED \$250. Council Member Reeves seconded the motion. MOTION PASSED 4-0.

ITEM 12: CONSIDER HIRING REPRESENTATION FROM A LOBBYING FIRM FOR A \$2.6M STATE BONDING REQUEST

City Administrator Zuleger gave overview of hiring lobbyist to aide in obtaining Minnesota State bond funding for water improvements. Staff interviewed three firms and selected Messerli & Kramer. Firm is very successful with lobbying. Retainer fee is not to exceed \$30,000. Staff does not have level of expertise to procure on its own.

Council Member Reeves asked about bonding heavy on infrastructure and not pet projects. Council Member Bloyer asked about where funds come from. He asked if we could repay ourselves with bonding. Mr. Zuleger said that the funds will all be used.

MOTION: Council Member Nelson moved TO HIRE REPRESENTATION FROM THE LAW FIRM 'MERSERLI & KRAMER' TO HELP REPRESENT THE CITY AND ITS BONDING REQUEST AT THE STATE LEGISLATURE FOR THE 2014 LEGISLATIVE SESSION. Council Member Reeves seconded the motion.

Mayor Pearson asked about the figure. Mr. Zuleger said that it is the estimate, but if we are successful with gaining more agency support, it may be lower.

MOTION PASSED 4-0.

ITEM 13: OLD VILLAGE PLANNING AND DEVELOPMENT SCHEDULE

City Administrator Zuleger explained that some staff prefers an outlined schedule for progress. Staff has proposed a rough schedule for the village planning and development.

City Planner Johnson gave update on the MAC discussions the old village vis-à-vis the airport. The Met Council recommends that the City keep current zoning near the safety zone for now and will

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not hold up the rest of the comp plan. MnDOT Aeronautics will be reevaluating air safety zones in October 2013.

Mr. Zuleger noted that City is working very closely with the affected landowner. City is taking a risk limitation stance. Mr. Zuleger highlighted the other milestones. City Attorney Snyder explained the legal implications of the development restrictions on the safety zones. It was also pointed out that Zone C should not be a problem.

Form based codes were briefly discussed. There will be a workshop on the issue.

City Engineer Griffin provided some information on the progress of the drainage issue.

Council Member Nelson asked about Item #4A – reusing City property. Mr. Zuleger explained City is researching and will be bringing it back to Council at a workshop. It was noted that the City has had discussions about Hammes property and the placement of a new fire station.

*MOTION: Mayor Pearson moved **TO ADOPT VILLAGE PLANNING AND DEVELOPMENT SCHEDULE.** Council Member Bloyer seconded the motion. **MOTION PASSED 4-0.***

ITEM 14: COUNCIL RETREAT RECAP

City Administrator Zuleger presented a summary of the retreat recap. He requested that council approve the recap at first meeting of September. It will then be placed on website. Council Member Reeves wants to make sure that the points remain relevant and at the front of the council and staff minds.

SUMMARY REPORTS AND ANNOUNCEMENTS

Mayor Pearson: storm clean up recognition lunch 11:30AM city hall on 8/23. Nadine Obermuller and Jennifer Waters came up with the idea. Hagberg's has donated meat products; City vs. Jaycees softball game. The event was much fun despite City's loss; The Mayor directs staff to look at comparable inner-ring cities on sharing fire services; Coffee with the Mayor – 9:30AM, Friday at Lake Elmo Library.

Council Member Nelson: no report.

Council Member Bloyer: met with neighbors. Tri-Lakes Association picnic. Thanked the Fire Department

Council Member Reeves- Lake Elmo Elementary hosting Speak Your Peace meeting.

City Administrator Zuleger: developer meetings, park meeting, Section 34, assessment waivers; 2014 budget preparation; conducted storm damage assessment in parks; special hunt in Tri-Lakes and Sunfish Lake Park.

City Attorney Snyder: Section 34 easements; assessment waivers.

City Planner Johnson: upcoming Highway 5 Open House at Lake Elmo Elementary; Gateway Corridor meeting; Zuleger urged council to attend the crossing project meeting.

City Engineer Griffin: Washington County asked for funding to put in 1-2 traffic signals and replace turn lanes. Olson Lake Trail – Oakdale did award project. City has sent out letter to Phase I and Phase II owners; Been attending Manning Ave. improvement meetings for 2015 project; Received bids on Section 34 utility project. Low bid was \$1.7 Mil. This figure is under engineers

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estimate; Received letter from Valley Branch Watershed District indicating that they are updating their management plan. The City will have 18 months to respond.

Finance Director Bendel: Budget Workshop II is at 6:30PM on 8/29.

City Clerk Bell: working on animal ordinance amendment; processing legal documents with the County recorder; modifying some City services contracts to realize some cost savings; working with Roseville IT on support services and End of Life equipment replacement; reported no Canvas Board meeting required after this year's election.

Mayor Pearson adjourned the meeting at 8:44 P.M.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk

CITY OF LAKE ELMO

CONSTITUTION WEEK PROCLAMATION

- WHEREAS:** our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States; and,
- WHEREAS:** it is important that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve, and defend against all enemies; and,
- WHEREAS:** September 17, 2013, marks the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and,
- WHEREAS:** it is fitting and proper to accord official recognition of this magnificent document and its memorable anniversary; and,
- WHEREAS:** the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated during Constitution Week, September 17 through 23, 2013, as designated by proclamation of the President of the United States of America in accordance with Public Law 915;

NOW, THEREFORE, BE IT RESOLVED that I, Mike Pearson, Mayor of Lake Elmo, do hereby proclaim Tuesday, September 17th through Monday, September 23rd, 2013 as Constitution Week.

SIGNED THIS THIRD DAY OF SEPTEMBER TWO THOUSAND AND THIRTEEN.

BY: _____
Mike Pearson
Mayor



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013

CONSENT

ITEM #: 3

AGENDA ITEM: Approve Disbursements in the Amount of \$114,098.22

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 \$114,098.22 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	\$ 10,365.12	Payroll Taxes to IRS & MN Dept of Revenue 8/22/13
ACH	\$ 5,592.33	Payroll Retirement to PERA 8/22/13
DD4862- D4890	\$ 29,004.95	Payroll Dated (Direct Deposits) 8/22/13
40270	\$ 161.53	Accounts Payable Manual 8/20/13
40271-40309	\$ 63,548.69	Accounts Payable 9/03/13 (August Expenses)
40310-40313	\$ 4,945.60	Accounts Payable 9/03/13 (September Expenses)
2074-2081	\$ 480.00	Library Card Reimbursement 9/3/13
TOTAL	\$ 114,098.22	

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 \$114,098.22

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 September 3, 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: 08/20/2013 - 4:26 PM
 Batch: 009-08-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CENTURYL CenturyLink										
Jul 19 2013	07/19/2013	125.58	0.00	08/20/2013	Phone Service - Library		-			No 0000
206-450-5300-43210	Telephone									
Jul 19 2013	07/19/2013	35.95	0.00	08/20/2013	Internet Service - Library		-			No 0000
206-450-5300-43250	Internet									
Jul 19 2013 Total:		161.53								
CENTURYL Total:		161.53								
Report Total:		161.53								

Accounts Payable To Be Paid Proof List

User: denise

Printed: 08/29/2013 - 3:51 PM

Batch: 010-08-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMAZONIN Amazon Inc										
08102013	08/10/2013	477.72	0.00	08/31/2013	Library Collection Materials		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	08102013 Total:	477.72								
	AMAZONIN Total:	477.72								
ANIMALHU Animal Humane Society										
1455	08/23/2013	1,349.72	0.00	08/31/2013	Animal Impound Fees	4/1/13 - 7/1/13	-	No		0000
101-420-2700-43150	Contract Services									
	1455 Total:	1,349.72								
	ANIMALHU Total:	1,349.72								
BERTELSON Bertelson's										
WO-873498-1	08/20/2013	98.07	0.00	08/31/2013	Office Supplies-Administration		-	No		0000
101-410-1320-42000	Office Supplies									
	WO-873498-1 Total:	98.07								
WO-874189-1	08/20/2013	248.21	0.00	08/31/2013	Office Supplies-Fire Department		-	No		0000
101-420-2220-42000	Office Supplies									
	WO-874189-1 Total:	248.21								
	BERTELSON Total:	346.28								
BRAUN Braun Intertec Corporation										
602634	08/15/2013	1,543.70	0.00	08/31/2013	Keats MSA Street		-	No		0000
409-480-8000-43030	Engineering Services									
602634	08/15/2013	1,164.55	0.00	08/31/2013	Keats Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services									
	602634 Total:	2,708.25								
	BRAUN Total:	2,708.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BRO Brodart Company										
312071	07/11/2013	150.30	0.00	08/31/2013	Book Covers -		-	No		0000
206-450-5300-42500 Library Collection Maintenance										
312071 Total: 150.30										
BRO Total: 150.30										
CARDMEMB Cardmember Service										
8/22/2013	08/22/2013	13.18	0.00	08/31/2013	Misc Meal 7/24/13 - D Zuleger		-	No		0000
101-410-1320-44300 Miscellaneous										
8/22/2013	08/22/2013	50.95	0.00	08/31/2013	Misc Meal 8/8/13 - D Zuleger		-	No		0000
101-410-1320-44300 Miscellaneous										
8/22/2013	08/22/2013	98.00	0.00	08/31/2013	FredPryor Career Track-A Bell		-	No		0000
101-410-1320-44370 Conferences & Training										
8/22/2013	08/22/2013	45.00	0.00	08/31/2013	Washington Cty Food Lic-Elmo Day-A Bell		-	No		0000
204-450-5200-44300 Miscellaneous										
8/22/2013	08/22/2013	328.00	0.00	08/31/2013	Volunteer Shirts - Elmo Days- A Bell		-	No		0000
204-450-5200-44300 Miscellaneous										
8/22/2013	08/22/2013	1,371.12	0.00	08/31/2013	American Floor Mats - A Bell		-	No		0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
8/22/2013	08/22/2013	48.16	0.00	08/31/2013	Drinking Fountain Repair - M Bouthilet		-	No		0000
101-450-5200-44030 Repairs/Maint Imp Not Bldgs										
8/22/2013	08/22/2013	185.00	0.00	08/31/2013	GTS Educational AMEM Reg- G Malmquist		-	No		0000
101-420-2220-44370 Conferences & Training										
8/22/2013	08/22/2013	455.00	0.00	08/31/2013	Intl of Fire Chiefs VCOS Conf- G Malmqui		-	No		0000
101-420-2220-44370 Conferences & Training										
8/22/2013	08/22/2013	570.00	0.00	08/31/2013	Breezy Point-AMEM Housing G Malmq		-	No		0000
101-420-2220-44370 Conferences & Training										
8/22/2013	08/22/2013	265.00	0.00	08/31/2013	MNAPA-Conference - K Klait		-	No		0000
101-410-1910-44370 Conferences & Training										
8/22/2013	08/22/2013	47.14	0.00	08/31/2013	Office Max Auction Item Elmo Day-C Bende		-	No		0000
204-450-5200-44300 Miscellaneous										
8/22/2013	08/22/2013	25.99	0.00	08/31/2013	DJ Wall St Journal - C Bendel		-	No		0000
101-410-1320-44330 Dues & Subscriptions										
8/22/2013	08/22/2013	353.40	0.00	08/31/2013	SunCountry Airlines Tickets 8/27-C Bende		-	No		0000
101-410-1520-44300 Miscellaneous										
8/22/2013	08/22/2013	463.28	0.00	08/31/2013	Lake Elmo Repair Vehicle Rep-R Chase		-	No		0000
101-420-2400-44040 Repairs/Maint Eqpt										
8/22/2013	08/22/2013	115.00	0.00	08/31/2013	Construc Inst MNDot Train1/9/14-R Chase		-	No		0000
101-420-2400-44370 Conferences & Training										
8/22/2013	08/22/2013	821.55	0.00	08/31/2013	Mag Locator MAGNA-TRACK - R Chase		-	No		0000
101-420-2400-45800 Equipment										
8/22/2013 Total: 5,255.77										
CARDMEMB Total: 5,255.77										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
FERGUSON Ferguson Waterworks, Inc #2516										
401180	08/13/2013	3,927.08	0.00	08/31/2013	Meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
	401180 Total:	3,927.08								
	FERGUSON Total:	3,927.08								
GUSTAF Gustafson Richard										
8/19/2013	08/19/2013	249.73	0.00	08/31/2013	Reimb Boots - R Gustafson Public Wks		-	No		0000
101-430-3100-44170	Uniforms									
8/19/2013	08/19/2013	19.98	0.00	08/31/2013	Reimb Men's Tee- R Gustafson Public Wks		-	No		0000
101-430-3100-44170	Uniforms									
	8/19/2013 Total:	269.71								
	GUSTAF Total:	269.71								
HOLIDAYC Holiday Credit Office										
8/15/2013	08/15/2013	328.75	0.00	08/31/2013	Fuel-Fire Department		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	8/15/2013 Total:	328.75								
	HOLIDAYC Total:	328.75								
HUGOPLUM Hugo Plumbing & Pump Ser Inc										
4380	08/26/2013	139.00	0.00	08/31/2013	Replaced Drain Spud & Trap		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	4380 Total:	139.00								
	HUGOPLUM Total:	139.00								
LANDMARK Landmark, Inc.										
8/19/2013	08/19/2013	5,000.00	0.00	08/31/2013	Refund Escrow -9915 Tapestry Grove		-	No		0000
803-000-0000-22900	Deposits Payable									
	8/19/2013 Total:	5,000.00								
	LANDMARK Total:	5,000.00								
MARVS Marv's Professional Tools										
263318	08/15/2013	85.75	0.00	08/31/2013	Tools - Public Works		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	263318 Total:	85.75								
	MARVS Total:	85.75								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MCDONALD McDonald Construction										
8/19/2013	08/19/2013	2,000.00	0.00	08/31/2013	Refund Bal Escrow - 10126 Tapestry Bend		-	No		0000
803-000-0000-22900	Deposits Payable	2,000.00								
	8/19/2013 Total:	2,000.00								
	MCDONALD Total:	2,000.00								
MENARDSO Menards - Oakdale										
24476	08/12/2013	13.38	0.00	08/31/2013	Concrete Repair Patch- Public Wks		-	No		0000
101-430-3125-42250	Landscaping Materials	13.38								
	24476 Total:	27.79								
24764	08/16/2013	27.79	0.00	08/31/2013	Floor Dri for Trucks/accid resp-Fire Dpt		-	No		0000
101-420-2220-42400	Small Tools & Equipment	41.33								
24764	08/16/2013	41.33	0.00	08/31/2013	Station #1 Supplies/Rpr AC- Fire Dpt		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt	69.12								
	24764 Total:	82.50								
	MENARDSO Total:									
MNADMIN State of Minnesota										
485289	08/20/2013	247.50	0.00	08/31/2013	Legal Work - Karla S Horning		-	No		0000
101-410-1320-43040	Legal Services	247.50								
	485289 Total:	247.50								
	MNADMIN Total:	247.50								
MNFIRECH MN State Fire Chiefs Assn										
08232013	08/23/2013	220.00	0.00	08/31/2013	MSFCA Conference Reg- Fire Dept		-	No		0000
101-420-2220-44370	Conferences & Training	220.00								
	08232013 Total:	220.00								
	MNFIRECH Total:	220.00								
MNLABOR MN Dept of Labor & Industry										
ABR00742261	08/02/2013	10.00	0.00	08/31/2013	Pressure Vessel - Public Wks		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg	10.00								
	ABR00742261 Total:	10.00								
ABR00745721	08/02/2013	10.00	0.00	08/31/2013	Pressure Vessel - Public Wks		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg	10.00								
	ABR00745721 Total:	10.00								
ABR00746931	08/02/2013	10.00	0.00	08/31/2013	Pressure Vessel - Public Wks		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg	10.00								
	ABR00746931 Total:	10.00								
	MNLABOR Total:	30.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MNSECRET Minnesota Secretary of State										
8/28/2013	08/28/2013	120.00	0.00	08/31/2013	Notary Public - Stacy Bodsberg		-		No	0000
101-410-1320-43510	Legal Publishing									
8/28/2013	08/28/2013	120.00	0.00	08/31/2013	Notary Public - Rebecca Gumatz		-		No	0000
101-410-1320-43510	Legal Publishing									
	8/28/2013 Total:	240.00								
	MNSECRET Total:	240.00								
MTI MTI Distributing Inc.										
920903-00	08/06/2013	184.66	0.00	08/31/2013	480D Toro Parts - Parks & Rec		-		No	0000
101-450-5200-42210	Equipment Parts									
	920903-00 Total:	184.66								
	MTI Total:	184.66								
NEXTEL Nextel Communications										
761950227-125	08/14/2013	112.52	0.00	08/31/2013	Cell Phone Service- Administration		-		No	0000
101-410-1940-43210	Telephone									
761950227-125	08/14/2013	222.96	0.00	08/31/2013	Cell Phone Service- Fire Dept		-		No	0000
101-420-2220-43210	Telephone									
761950227-125	08/14/2013	46.02	0.00	08/31/2013	Cell Phone Service- Building Dept		-		No	0000
101-420-2400-43210	Telephone									
761950227-125	08/14/2013	31.30	0.00	08/31/2013	Cell Phone Service- Public Works Dept		-		No	0000
101-430-3100-43210	Telephone									
761950227-125	08/14/2013	90.83	0.00	08/31/2013	Cell Phone Service- Parks Dept		-		No	0000
101-450-5200-43210	Telephone									
761950227-125	08/14/2013	57.58	0.00	08/31/2013	Cell Phone Service- Taxpayer Serv		-		No	0000
101-410-1450-43210	Telephone									
761950227-125	08/14/2013	15.65	0.00	08/31/2013	Cell Phone Service- Planning Dept		-		No	0000
101-410-1910-43210	Telephone									
	761950227-125 Total:	576.86								
	NEXTEL Total:	576.86								
PERMITWO PermitWorks										
2013-0056	02/05/2013	5,338.41	0.00	08/31/2013	Permit & Inspection Module		-		No	0000
101-420-2400-43180	Information Technology/Web									
2013-0056	02/05/2013	4,269.66	0.00	08/31/2013	Code Enforcement Module		-		No	0000
101-420-2400-43180	Information Technology/Web									
2013-0056	02/05/2013	1,811.53	0.00	08/31/2013	Animal Licensing Module		-		No	0000
101-420-2400-43180	Information Technology/Web									
2013-0056	02/05/2013	1,811.53	0.00	08/31/2013	Contractor Licensing Module		-		No	0000
101-420-2400-43180	Information Technology/Web									
	2013-0056 Total:	13,231.13								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2013-0058	02/07/2013	1,140.72	0.00	08/31/2013	Permit & Insp Software Suppt 4/13-12/13		-	No		0000
101-420-2400-43180	Information Technology/Web									
2013-0058	02/07/2013	452.39	0.00	08/31/2013	Contractor Lic Software Suppt 4/13-12/13		-	No		0000
101-420-2400-43180	Information Technology/Web									
2013-0058	02/07/2013	452.39	0.00	08/31/2013	Animal Lic Software Suppt 4/13-12/13		-	No		0000
101-420-2400-43180	Information Technology/Web									
2013-0058	02/07/2013	1,007.40	0.00	08/31/2013	Code Enfor Software Suppt 4/13-12/13		-	No		0000
101-420-2400-43180	Information Technology/Web									
	2013-0058 Total:	3,052.90								
	PERMITWO Total:	16,284.03								
<hr/>										
RENLUINDT Renlund Terry										
7	08/27/2013	276.75	0.00	08/31/2013	Building Inspector Services-		-	No		0000
101-420-2400-43150	Inspector Contract Services									
7	08/27/2013	65.54	0.00	08/31/2013	Building Inspector Mileage		-	No		0000
101-420-2400-43310	Mileage									
	7 Total:	342.29								
	RENLUINDT Total:	342.29								
<hr/>										
S&T S&T Office Products, Inc.										
01PX9546&01PX	08/15/2013	91.14	0.00	08/31/2013	Office Supplies- Administration		-	No		0000
101-410-1320-42000	Office Supplies									
01PX9546&01PX	08/15/2013	27.89	0.00	08/31/2013	Office Supplies- Planning		-	No		0000
101-410-1910-42000	Office Supplies									
01PX9546&01PX	08/15/2013	38.33	0.00	08/31/2013	Office Supplies- Misc Council		-	No		0000
101-410-1110-44300	Miscellaneous									
	01PX9546&01PX Total:	157.36								
	S&T Total:	157.36								
<hr/>										
SAMSLUB Sam's Club										
1198	08/19/2013	417.70	0.00	08/31/2013	Ink Cartridges - Public Wks		-	No		0000
101-430-3100-42000	Office Supplies									
	1198 Total:	417.70								
	SAMSLUB Total:	417.70								
<hr/>										
SCCHILLC SCC II, LLC										
8/27/2013	08/27/2013	1,950.00	0.00	08/31/2013	Refund Escrow #10114 Tapestry Bend		-	No		0000
803-000-0000-22900	Deposits Payable									
	8/27/2013 Total:	1,950.00								
	SCCHILLC Total:	1,950.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SELECTAC SelectAccount										
952302	08/03/2013	5.49	0.00	08/31/2013	Participant fee 8/1/2013-8/31/2013		-	No		0000
101-410-1520-43150	Contract Services	5.49								
	952302 Total:	5.49								
	SELECTAC Total:	5.49								
SHI SHI International Corp										
B01251659	08/15/2013	355.66	0.00	08/31/2013	1 OfficeProPlus 2013 Sngl MVL-Admi		-	No		0000
101-410-1320-43190	Software Programs									
B01251659	08/15/2013	520.63	0.00	08/31/2013	2 Office STD 20-13 Sngl MVL-Plann		-	No		0000
101-410-1910-43190	Software Programs									
B01251659	08/15/2013	260.31	0.00	08/31/2013	1 Office STD 20-13 Sngl MVL-Public		-	No		0000
101-420-3100-43190	Software Programs				Wks					
B01251659	08/15/2013	260.31	0.00	08/31/2013	1 Office STD 20-13 Sngl MVL-Public		-	No		0000
101-420-2400-43190	Software Programs				Wks					
	B01251659 Total:	1,396.91								
	SHI Total:	1,396.91								
SRFCONSU SRF Consulting Group, Inc										
08132-00-2	06/30/2013	5,957.16	0.00	08/31/2013	State Hwy 36 South Front Rd Study		-	No		0000
409-480-8000-43030	Engineering Services									
	08132-00-2 Total:	5,957.16								
	SRFCONSU Total:	5,957.16								
STILLMED Stillwater Medical Group										
183547	08/13/2013	178.59	0.00	08/31/2013	Annual Physical - Steinman Fire Dept		-	No		0000
101-420-2220-43050	Physicals									
	183547 Total:	178.59								
	STILLMED Total:	178.59								
TDS TDS Metrocom - LLC										
751-779-8882	08/13/2013	140.90	0.00	08/31/2013	Analog Lines - Fire		-	No		0000
101-420-2220-43210	Telephone									
751-779-8882	08/13/2013	217.27	0.00	08/31/2013	Analog Lines - Public Wks		-	No		0000
101-430-3100-43210	Telephone									
751-779-8882	08/13/2013	129.27	0.00	08/31/2013	Analog Lines - Lift Station Alarms		-	No		0000
602-495-9450-43210	Telephone									
751-779-8882	08/13/2013	45.30	0.00	08/31/2013	Alarm-Well House #2		-	No		0000
601-494-9400-43210	Telephone									
	751-779-8882 Total:	532.74								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
TDS Total:		532.74								
TJBHOMCO TJB Homes Construction										
8/21/2013	08/21/2013	5,000.00	0.00	08/31/2013	Refund Escrow #10085 Tapestry Hill		-	No		0000
803-000-0000-22900	Deposits Payable	5,000.00								
	8/21/2013 Total:	5,000.00								
	TJBHOMCO Total:	5,000.00								
WASCOUNT Washington County										
74731	02/27/2013	513.11	0.00	08/31/2013	3/24/13 50% Traffic Signal		-	No		0000
101-430-3120-42260	Sign Repair Materials	811.07								
74731	02/27/2013	1,324.18	0.00	08/31/2013	3/24/13 50% Traffic Signal		-	No		0000
101-430-3120-42260	Sign Repair Materials	1,324.18								
	74731 Total:	1,324.18								
	WASCOUNT Total:	1,324.18								
WEIR D Weir Dick										
042013	05/06/2013	260.00	0.00	08/31/2013	Snow Removal April 2013		-	No		0000
206-450-5300-43150	Contract Services	260.00								
	042013 Total:	260.00								
	WEIR D Total:	260.00								
WHITEHMA Whitehead Marie										
08272013	08/27/2013	5,000.00	0.00	08/31/2013	Refund Escrow - 9918 Tapestry Road		-	No		0000
803-000-0000-22900	Deposits Payable	5,000.00								
	08272013 Total:	5,000.00								
	WHITEHMA Total:	5,000.00								
	Report Total:	63,548.69								

Accounts Payable To Be Paid Proof List

User: denise
 Printed: 08/30/2013 - 8:35 AM
 Batch: 011-08-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 5221115	09/01/2013	1,261.60	0.00	09/03/2013	September 2013 Dental Coverage		-	No		0000
101-000-0000-21706 Medical Insurance		1,261.60								
	5221115 Total:	1,261.60								
DELTA Total:										
FXL FXL, Inc. Sept 01 2013	09/01/2013	2,000.00	0.00	09/03/2013	Assessment Services - September 2013		-	No		0000
101-410-1320-43100 Assessing Services		2,000.00								
	Sept 01 2013 Total:	2,000.00								
FXL Total:		2,000.00								
MNDOHEDU Minnesota Dept. of Health 09/01/13	09/01/2013	1,508.00	0.00	09/03/2013	3rd Quarter Water Supply Connection Fec		-	No		0000
601-494-9400-44370 Conferences & Training		1,508.00								
	09/01/13 Total:	1,508.00								
MNDOHEDU Total:		1,508.00								
NCPERS 566200-NCPERS Minnesota 5662913	09/01/2013	176.00	0.00	09/03/2013	September 2013 Deductions		-	No		0000
101-000-0000-21708 Other Benefits		176.00								
	5662913 Total:	176.00								
NCPERS Total:		176.00								
Report Total:		4,945.60								



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013
CONSENT
ITEM #: 4

AGENDA ITEM: Variance – 4719 Olson Lake Trail
SUBMITTED BY: Nick Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director
Pete Ganzel, Washington County
Jack Griffin, City Engineer

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

- 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 Variance submitted by Mary Florence Brink and Thomas Brink at 4719 Olson Lake Trail North to allow for the installation of a septic holding tank system for a time period longer than 12 months. Lake Elmo City Code and Washington County Development Code do not permit holding tank systems to be use on residential properties for longer than 12 months. The Planning Commission held a Public Hearing on August 26, 2013, at which time only the applicants spoke to answer questions raised by the Planning Commission. The Planning Commission unanimously recommended the variance for approval with the condition that the variance only be valid for a time period of five years. **As part of the Consent Agenda, no formal motion is required.** If the Council wishes to further discuss the topic, they can remove this item from the Consent Agenda and approve the variance by taking the following action or amending as necessary:

“Move to approve Resolution No. 2013-66, approving the variance requested at 4719 Olson Lake Trail North to allow for the use of a septic holding tank system for a period longer than 12 months, but not to exceed 5 years, with the conditions outlined in the Staff Report.”

BACKGROUND AND STAFF REPORT:

The City of Lake Elmo received an application for a variance from Mrs. Mary Florence Brink and Mr. Thomas Brink. The variance would allow the construction of a septic holding tank system for a period longer than 12 months. Mr. and Mrs. Brink intend to construct a new single family home on the lot. Per Washington County regulations, they must bring their septic system into compliance before proceeding with the project. Regarding the purpose of the septic holding tank system, the applicants’ property is in the Phase II area of the Olson Lake Sewer Project. It is anticipated that the 2nd phase of the sewer project will be constructed when Washington County reconstructs Olson Lake Trail (CSAH 13), which, according to the County Capital Improvement Plan

(CIP), is scheduled for 2016. The applicants would like to install a holding tank system as a temporary solution until sewer is made available.

In order to approve a variance under the new State Statute, the applicant must demonstrate compliance with 4 required findings:

1. Practical Difficulties
2. Unique Circumstances
3. Character of the Locality
4. Adjacent Properties and Traffic

Staff reviewed the application and determined that the variance request met the 4 required findings. Additional detail about this review can be found in the Staff Report to the Planning Commission, Attachment #2.

The Planning Commission reviewed the proposed Variance at the meeting on 8/26/13. As part of the review, the Planning Commission unanimously recommended approval of the variance. However, based on the report (Attachment #7) by the Washington County Environmental Specialist, Pete Ganzel, the Planning Commission determined it was important that the variance include a time limit so that a temporary holding tank system does not become a permanent wastewater solution for the property. The Planning Commission recommended that the variance be valid for a period of 5 years. With the proposed time limit, the variance would be valid until 2018, two years after the County is scheduled to reconstruct Olson Lake Trail. If Phase II of the sewer project was not executed by the end of 2018, the property owners would have to request an additional variance, or install a permanent septic system that would meet Washington County Code requirements. Further detail regarding the discussion by the Planning Commission can be found in Attachment #8.

Finally, it should be noted that Staff recommended two additional conditions of approval for the proposed Variance. These conditions are outlined in the Staff Report (Attachment #2) and require the applicant to enter into an Agreement to connect to Municipal Sanitary Sewer within 6 months of service being available, as well as a requirement to submit quarterly pumping reports to ensure that the holding tank system is functioning properly. It should be noted that the Planning Commission unanimously supported these conditions. In addition, the applicants have not objected to the proposed conditions, as they have strongly indicated their intent to connect to sanitary sewer as soon as service is available.

RECOMMENDATION:

The Planning Commission recommends the City Council approve the Variance by taking the following action:

“Move to approve Resolution 2013-066, approving the variance requested at 4719 Olson Lake Trail North to allow for the use of a septic holding tank system for a period longer than 12 months, but not to exceed 5 years, with the conditions outlined in the Staff Report.”

ATTACHMENT(S):

1. Resolution No. 2013-66
2. Staff Report to the Planning Commission, 8-26-13
3. Variance Application w/Narrative
4. Location Map
5. Sewer Service Area – Tri-Lakes (City Comprehensive Plan – Wastewater Facilities)
6. Engineer’s Report
7. Washington County Report – Department of Health
8. Excerpt from Draft Planning Commission Minutes, 8-26-13

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

RESOLUTION NO. 2013-66

A RESOLUTION APPROVING A VARIANCE TO ALLOW THE INSTALLATION OF HOLDING TANKS AT 4719 OLSON LAKE TRAIL NORTH TO BE USED FOR A TIME PERIOD LONGER THAN 12 MONTHS, BUT NOT TO EXCEED 5 YEARS.

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Mrs. Mary Florence Brink and Mr. Thomas Brink, 1941 Millbank Street Southeast, Grand Rapids, Michigan, (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a variance to allow for the use of a septic holding tank system for a period longer than 12 months; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on said matter on August 26, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated September 3, 2013; and

WHEREAS, the City Council considered said matter at its September 3, 2013 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance is to allow for the installation of a septic holding tank system to be used for a time period longer than 12 months, but not to exceed 5 years.
- 4) That the Variance will be located on property legally described as follows: Government Lot 2, Section 8, Township 29 North, Range 21 West, Washington County, Minnesota. More commonly known as 4719 Olson Lake Trail North.

- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings: That the proposed use is reasonable because the property owner intends to connect to Municipal Sanitary Sewer when Phase II of the Olson Lake Trail Sewer Project is executed. Installing a new compliant septic system before connecting to sanitary sewer represents an undue financial burden.*
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings: That the applicant's property is guided for Municipal Sanitary Sewer in the City's Comprehensive Plan and located in the Phase II area of the Olson Lake Trail Sewer Project.*
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings: The temporary use of a septic holding tank system will not alter the essential character of the locality.*
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings: The allowance of a septic holding tank system will not impair the supply of light and air to adjacent properties, or increase the congestion of public streets, or diminish or impair property values within the neighborhood.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is granted, provided the following conditions are met:

1. The applicant shall enter into an Agreement with the City related to the future sewer connection that will be provided to the property at 4719 Olson Lake Trail North.
2. The applicant should be required to submit copies of all septic tank pumping records to the City on a quarterly basis.

Passed and duly adopted this 3rd day of September, 2013 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Adam Bell, City Clerk



**City of Lake Elmo Planning Department
Variance Request**

To: **Planning Commission**
From: Nick M. Johnson, City Planner
Meeting Date: **08/26/2013**
Applicant: **Mary Florence Brink and Thomas W. Brink**
Owner: Mary Florence Brink and Thomas W. Brink
Location: **4719 Olson Lake Trail**
Zoning: RS – Rural Single Family

Introductory Information

Application Summary: The City of Lake Elmo has received an application from Mary Florence Brink and Thomas Brink, 1941 Millbank Street Southeast, Grand Rapids, Michigan, for a variance to allow for the use of a septic holding tank system longer than the 12-month time period that is allowed under the Washington County Development Code. As the property is guided for municipal sanitary sewer in the City's Comprehensive Plan, the applicant would like to install a holding tank system until sanitary sewer is made available.

The applicant has provided a written statement to the City indicating the reason for the request. In addition, the applicant narrative addresses how the proposed variance meets the 4 required findings to grant a variance.

Property Information: The property at 4719 Olson Lake Trail North (CSAH-13) is located on the western shore of Olson Lake in Lake Elmo. The attached location map (Attachment #3) details the location of the property.

Applicable Codes: **Section 51.002 Adoption of County Subsurface Sewage Treatment System Ordinance**

Chapter 4 of the Washington County Development Code entitled *Subsurface Sewage Treatment Systems Regulations*, as amended is hereby adopted by reference in its entirety as if herein printed in full.

Washington County Development Code

Chapter 4 – Subsurface Sewage Treatment System Regulations

18.5 Holding Tanks

- (I) Holding tanks may be considered for installation on previously developed sites, as a temporary method for periods of up to 12 months, during which time measures are taken to provide municipal sewer service or the installation of an approved system as provided in this Chapter.

Section 154.109 Variances.

(A-J) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

Findings & General Site Overview

Site Data: Lot Size: 0.56 acres
Existing Use: Single Family Detached Dwelling
Existing Zoning: RS – Rural Single Family
Property Identification Number (PID): 08.029.21.14.0060

Application Review:

Variance Review: As outlined in the narrative, the applicant is seeking to build a new single family home at 4719 Olson Lake Trail North. Per the requirements of Washington County, the permitting authority of subsurface sewage treatment systems, all systems must be inspected at time of real estate transactions and construction of new homes. The applicants have consulted with Pete Ganzel, Washington County Environmental Specialist, and have determined that the septic system on the property is non-compliant per Washington County regulations. Given the non-compliant status of the existing septic system, the applicants must design and install a compliant system before a building permit is issued to construct a new home on the property.

It should be noted that Thomas Brink and Mary Florence Brink previously applied for and were granted a variance related to an encroachment of a covered porch into the required setback from the Ordinary High Water (OHW) Mark per the City’s Shoreland Ordinance. The variance was granted at the City Council meeting on July 2, 2013 through Resolution 2013-050. Through the review of this variance, the Planning Commission and Council reviewed the applicant’s plans for the property. As the applicants have progressed in making plans for constructing a new home, the septic system issue was raised and analyzed. After meeting with Staff and Washington County, as well as consulting a septic designer, the applicant’s chose to move ahead with a variance to allow septic holding tanks for a period longer than 12 months. The applicant selected this option given that their property was recently included in the area guided for sanitary sewer per the Olson Lake Trail Sewer Project.

Regarding the Olson Lake Sewer Project, the City of Lake Elmo entered into a Joint Powers Agreement with the City of Oakdale on May 7, 2013 (Resolution 2013-034) to complete two phases of sanitary sewer improvements to multiple properties along

	<p>Olson Lake Trail. The project was initiated by petition from two Oakdale residents on the western side of Olson Lake Trail. When presented the opportunity to collaborate on a sewer project, the City of Lake Elmo surveyed adjacent Lake Elmo residents and found support for the sewer project. In order to move forward with the sewer project, the City of Lake Elmo had to amend the Wastewater Facilities chapter of the City's Comprehensive Plan to reflect the properties on Olson Lake Trail that would be guided for sanitary sewer service. The Planning Commission reviewed this Comprehensive Plan Amendment on April 22, 2013, and the City Council approved the amendment on May 7, 2013 (Resolution 2013-037). The properties that are now guided for sanitary sewer in the City's Comprehensive Plan are found in Attachment #XX. The property owned by the applicants is located in Phase II of the Olson Lake Sewer Project. The City anticipates that Phase II of the project will be completed when Washington County reconstructs Olson Lake Trail (CSAH 13). Per the County's 2013 Capital Improvement Plan (Attachment #XX), Olson Lake Trail is scheduled to be reconstructed in 2016. Given that Phase I of the project has now been authorized by both cities, and the reconstruction of Olson Lake Trail is likely to move ahead in 2016, these established policies provide greater explanation and reasoning for the variance request.</p>
<p><i>Variance Requirements:</i></p>	<p>An applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to City Code requirements can be granted. These criteria are listed below:</p> <ol style="list-style-type: none"> 1. Practical Difficulties. A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. 2. Unique Circumstances. The plight of the landowner is due to circumstances unique to the property not created by the landowner. 3. Character of locality. The proposed variance will not alter the essential character of the locality in which the property in question is located. 4. Adjacent properties and traffic. The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. <p>Given the information that has been submitted by the applicant and pending further review by the Planning Commission, Staff would offer the following suggested</p>

findings specific to the variance that have been requested by the applicant:

1. *Staff finds that the proposed use of a septic holding tank system for a period longer than 12 months in this case represents a reasonable use of the property. Given that the applicant's property is now guided for sanitary sewer connection, and the project is likely to occur in the future, it makes more financial sense for the property owner install a holding tank system as opposed to a brand new trench or mound system. Staff determines that this criterion is met.*
2. *The inclusion of the subject property in Phase II of the Olson Lake Trail Sewer Project is a unique circumstance to the property not created by the land owner. Staff determines that this criterion is met.*
3. *Staff finds that the installation of a holding tank system will not alter the essential character of the neighborhood. The applicant has noted that allowing for the installation of a holding tank system would save a number of trees on the property that would otherwise have to be removed if a different type of septic system was installed. Staff determines that this criterion is met.*
4. *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.*

Conclusions: Staff finds that the applicants have met the 4 necessary criteria for a variance and demonstrated that the desire to install a holding tank system until sanitary sewer is available is a reasonable use of the property not permitted by an official control. Staff has also confirmed that the inclusion of the subject property in the area to be served by sanitary sewer is a unique circumstance not caused by the landowner.

In order to grant the proposed variance, Staff recommends that the applicant enter into an Agreement with the City to connect to Municipal Sanitary Service within 6 months of service being available. The proposed variance is predicated upon the future connection to sanitary sewer. For that reason, the applicants should enter into an agreement with the City to ensure their participation with the Sewer Project and connection into the sanitary sewer system. This Agreement is to ensure that a holding tank system that is temporary in function does not become a permanent solution for the property.

Conclusion:

Mary Florence Brink and Thomas Brink, 1941 Millbank Street Southeast, Grand Rapids, MI, have submitted a request for a variance to allow for the installation of a septic holding tank system at 4719 Olson Lake Trail North for a period longer than 12

months. The holding tank system will serve a new single family home as a temporary system until sanitary sewer is available.

Staff Rec: Staff is recommending that the Planning Commission recommend approval of the variance request by Thomas Brink and Mary Florence Brink to install holding tanks at 4719 Olson Lake Trail that will replace an existing non-compliant subsurface sewage treatment on its site, provided the following conditions are met:

1. The applicant shall to enter into an Agreement with the City to connect to Municipal Sanitary Sewer within 6 months of service being available, and waiving their right to appeal their assessment for the extension of Municipal Sanitary Sewer.
2. The applicant should be required to submit copies of all septic tank pumping records to the City on a quarterly basis.

Approval Motion Template: Staff is recommending that the Planning Commission recommend approval of the proposed variance through the following motion:

“Move to recommend approval of the Variance request for the installation of septic holding tanks for a time period longer than 12 months with the conditions outlined in the Staff Report.”

cc: Mary Florence Brink and Thomas Brink

Fee \$ _____

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Variance * (See below)
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Zoning District Amendment
- Minor Subdivision
- Excavating & Grading Permit
- Text Amendment
- Lot Line Adjustment
- Appeal
- PUD
- Flood Plain C.U.P. Conditional Use Permit
- Residential Subdivision Sketch/Concept Plan
- Conditional Use Permit (C.U.P.)
- Site & Building Plan Review

APPLICANT: Thomas W. Brink
Mary Florence Brink 1941 Millbant St SE Grand Rapids MI 49508
(Name) (Mailing Address) (Zip)

TELEPHONES: 616-452-2883 (MI) 651-779-4123 (MN) 616-322-6591
(Home) (Work) (Mobile) (Fax) Cell

FEE OWNER: _____
(Name) (Mailing Address) (Zip)

TELEPHONES: _____
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): see attached
4719 Olson Lake Trail N, Lake Elmo, MN 55042

DETAILED REASON FOR REQUEST: Temporary holding tank needed for
longer than 12 months, until planned sewer hookup is available

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Thomas W Brink 7/2/13
Signature of Applicant Date

Mary Florence Brink 7/5/13
Signature of Applicant Date

RECEIVED
JUL - 5 11 13

July 1, 2013

Variance Request

4719 Olson Lake Trail N., Lake Elmo, MN 55042

a) Property owners are Thomas W. Brink and Mary Florence Brink

Ownership of the property was recently transferred from the trust of Robert F. Coles (deceased 4/15/11) and the trust of Catherine E. Coles to the current owners, and registered with Washington County on May 30, 2013.

b) Legal description: SECT 8 TWP 29 RG 21 PT GOV LOT 2 LYING ELY OF OLSON LAKE RD & LYING WITHIN FOLL DESC BDRY SECT 8 TWP 29 RG 21 PT GOV LOT 2 LYING ELY OF OLSON LAKE RD & LYING WITHIN FOLL DESC BDRY The property consists of 3 parcels that have been combined into one lot, 0.51 acres or 22,216 square ft in size. For the full legal description see Exhibit A in previously submitted documents.

PID: 08.029.21.14.0060

Existing use is for a residential home. Property is zoned R-1 residential.

c) A variance is sought for the use of a temporary holding tank for more than 12 months. This is in reference to the Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations, Section 18.5, sub-section 1. It reads as follows.

18.5 Holding Tanks

(1) Holding tanks may be considered for installation on previously developed sites, as a temporary method for periods of up to 12 months, during which time measures are taken to provide municipal sewer service or the installation of an approved system as provided in this Chapter.

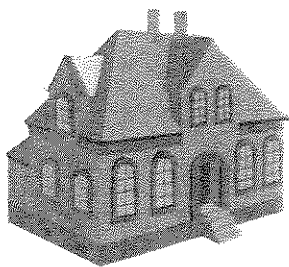
d) The variance is requested because Pete Ganzel, Washington County Public Health & Environment, believes the existing septic system is non-compliant, based on the information I provided him about the age, location, and type of system on the site. A sewer project is planned for the homes along the road. Phase One, which falls 2 homes short of our property, is to be completed in 2013. We requested that our property be included in Phase One of the sewer project, but it is our understanding that the depth of the sewer pipe as it reaches our property would require tearing up the road. Phase Two is scheduled for completion in conjunction with a Washington County road resurfacing project sometime between 2014 and 2016. Therefore, we are requesting the use of a holding tank until a sewer hookup is available, in lieu of installing an entirely new septic system/drainfield. The variance is needed because code allows a holding tank to be used for up to 12 months. We would need to use the tank until the sewer hookup is available.

e) I have discussed the code requirements and options for dealing with a non-compliant septic system with both Nick Johnson and Kyle Klatt in the Lake Elmo city planning office, and with Pete Ganzel in the Washington County Department of Public Health and Environment. A temporary holding tank seems to be our best option. It could be placed near the existing liquid and solids tanks, is the least damaging to the trees on the property, and could be converted for use as a pumping tank when the hookup to the sewer is made. Alternatively, we might be able to use one of the existing liquids or solids tanks as the holding tank. We would install a pumping tank during construction, but not hook it up until the sewer connection is available. We are checking on the viability of the existing tanks for this use.

f) Denial of the variance would cause us to incur the cost of an expensive new septic system that would be used for only a short time and then abandoned when the new sewer is installed. It could also result in the delay of construction of the new house until the completion of Phase Two of the sewer project, and delay of our return to the community from out of state.

g) Because of the small lot size and setback constraints, the only location available on the site for a new drainfield would be to the north of the house, and would result in the destruction of multiple trees on the property. This would be an unnecessary loss of both natural habitat we are trying to preserve and of the valuable natural screen the trees provide between our house and the neighbor.

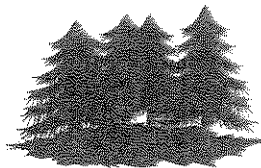
h) A variance for a holding tank would have substantially less impact on the neighborhood than the installation of a new drainfield for the septic system. A holding tank is underground, not visible to the surrounding community, and it would be placed in a location that did not require the destruction of the wooded portion of the lot. It would not alter the current use or nature of the site.



Z ierke

S oil

T esting



Zierke Soil Testing

27072 Flintwood Circle
Wyoming, MN 55092
MPCA Certification #00998
Phone (651) 462-2294

Name: Morrissey Builders
07/18/13

Date:

Address: 2300 Kennedy Street NE., Suite 200, Minneapolis, MN. 55413

Location: Tom Brink property, 4719 Olson Lake Trail N., Lake Elmo, MN. 55042

Test area should be staked out and roped off to keep construction traffic away from site.

This testing information should be submitted to the proper authority for approval.

**STANDARD SYSTEM DESIGN
INDIVIDUAL SEWAGE TREATMENT SYSTEM**

WASHINGTON COUNTY HEALTH, ENVIRONMENT & LAND MANAGEMENT
14900 N. 61ST STREET, P.O. BOX 3803, STILLWATER, MN 55082-3803
651/430-6708 OR 651/430-6656 FAX 651/430-6730

Owner's Name Tom Brink
Job Site Address 4719 Olson Lake Trail N., Lake Elmo, MN. 55042
City or Township City of Lake Elmo
Use of Building Single family-residential

Design Flow Rate 300 gpd	Land Slope	Percent
Required Tank Sizes 1500 Gallons	and	Gallons
Type of System (standard, at grade or bed) Holding tank		
System Size: Square Feet	Lineal Feet	Trench Width
Depth of rock below pipe:		Depth of Rock Above Pipe: 2"
MINimum Depth of Trench		MAXimum Depth of Trench
From Existing Grade	Inches	From Existing Grade
		Inches
Recommended Number of Trenches		Recommended Length of Trenches
Trench Spacing Measured Center to Center	feet	


Any Other Special Conditions This design is for a temporary holding tank. City sewer is being run past this property in the near future. Holding tank will be used as a lift to pump to new sewer line in the future.

IF PRESSURE DISTRIBUTION IS USED, COMPLETE THE PRESSURE DISTRIBUTION WORK SHEET ATTACHED.

This design must be accompanied by a site plan that clearly shows the location of the area tested and approved by the following:

1. Use an appropriate scale and indicate direction by use of a north arrow.
2. Show ALL property boundaries, rights-of-way, easements, wetlands. If necessary, an enlarged detail of the house site may also be required.
3. Show location of house, garage, driveway and all other improvements existing or proposed.
4. Show location and layout of sewage treatment system.
5. Show location of water supply (well and/or community supply line).
6. Dimension all setbacks and separation distances.

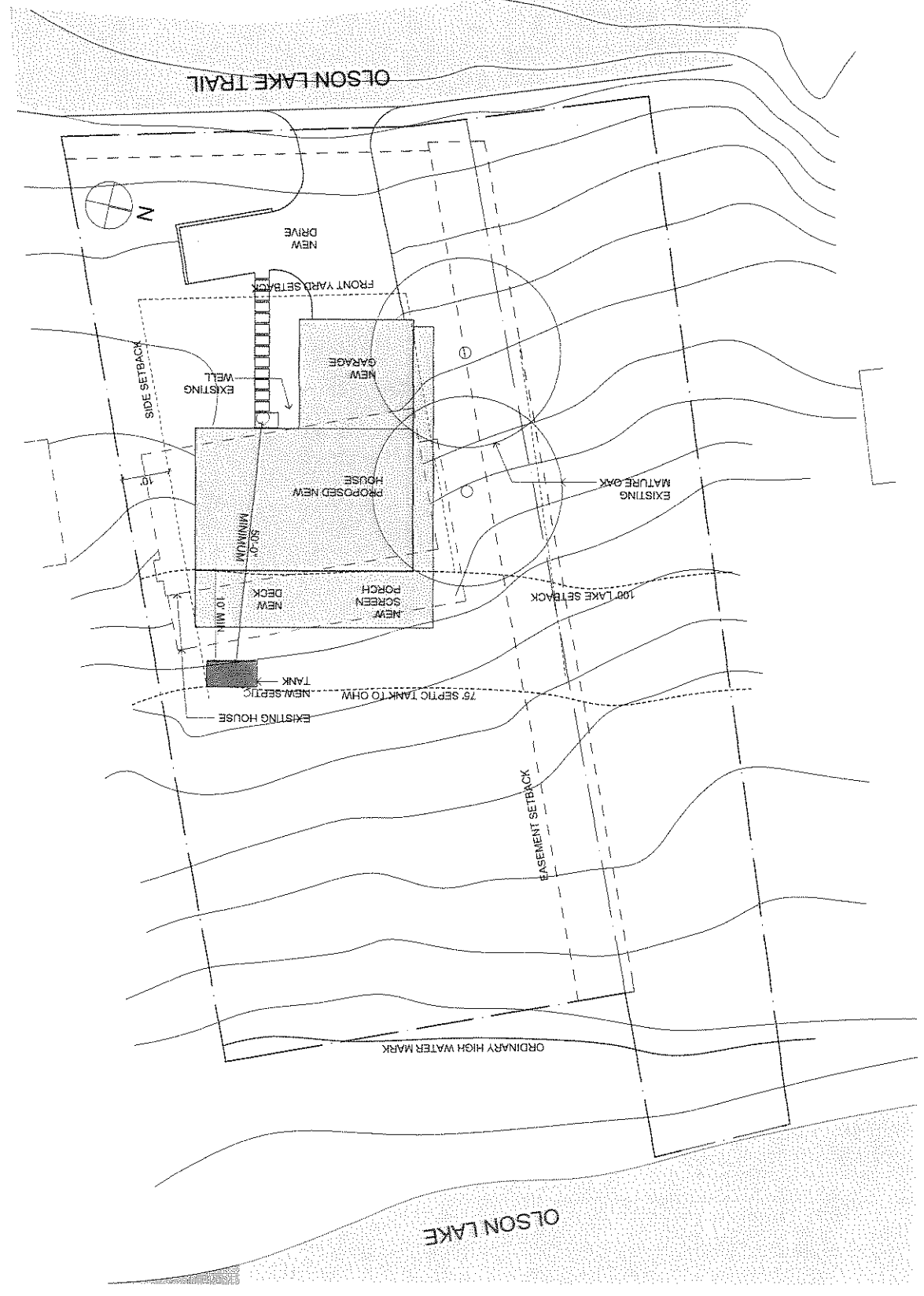
This system has been designed by a Pollution Control Agency (PCA) Certified Professional.

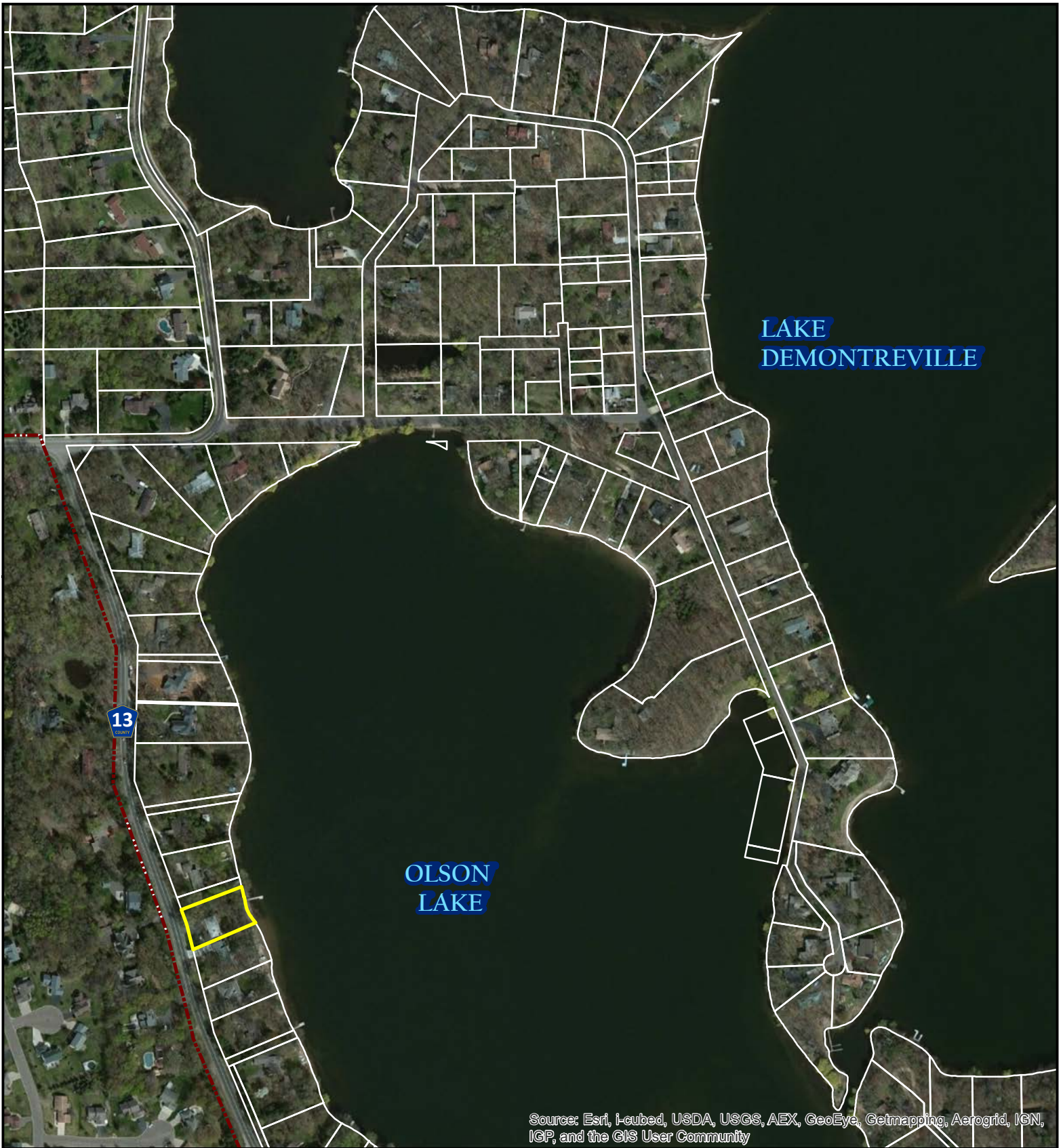
Designer Name: Chris Zierke	PCA Certification # 00998 (Lic. 119)
Address: 27072 Flintwood Circle Wyoming, MN 55092	Phone # (651) 462-2294
Signature 	Date 07/18/13

An Equal Employment Opportunity/Affirmative Action Employer
If You Need Assistance Due to Disability or Language Barrier, Please Call 430-6656 OR 430-6708 (TDD 439-3220)

PROPOSED SITE PLAN
 1" = 20'

1






Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

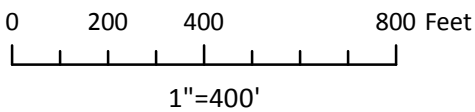
Location Map: 4719 Olson Lake Trail North

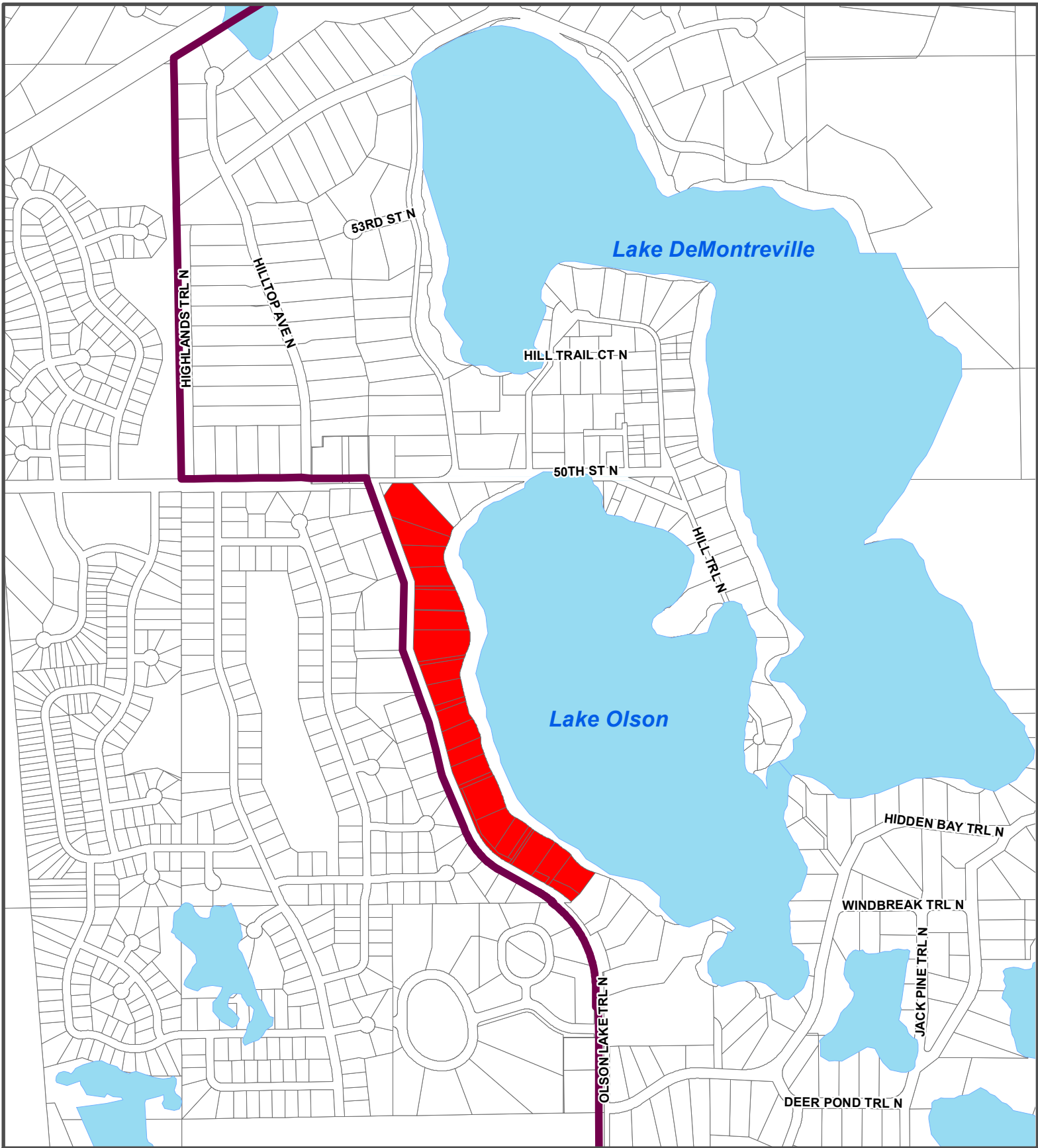


Data Source: Washington County, MN
6-17-2013

 4719 Olson Lake Trail North

 Municipal Boundary





Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



Map Date:
April 22, 2013



0 125 250 500 750 1,000
Feet

 **Future Public Sewer Service Area**

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: August 20, 2013

To: Nick Johnson, City Planner

Re: City of Lake Elmo

From: Jack Griffin, P.E., City Engineer

4719 Olson Lake Trail N.

Septic System Variance Request

Applicant is requesting a variance to allow for installation of a septic holding tank system for a period longer than 12 months.

Review Comments: Engineering has reviewed this variance request and has the following comments:

1. The property at 4719 Olson Lake Trail North is part of the Phase 2 Olson Lake Trail Sanitary Sewer Extension Project. Therefore, this home will be allowed to connect to the Oakdale Sanitary Sewer System when the Phase 2 project is constructed.
2. If the variance is granted, the applicant should be required to install a temporary system as approved by Washington County. The system capacity should be oversized to minimize pumping intervals to provide more operational flexibility.
3. The applicant should be prepared to operate the system for at least 5 years in the event the Phase 2 project is delayed for any reason.
4. Consideration should be given to allocating and reserving sufficient space to allow for the construction of a drain field in the event the Phase 2 project is terminated for any reason.
5. The applicant should be required to connect to the sanitary sewer system within 6 months of the system being made operational for this property.



Department of Public
Health and Environment

Lowell Johnson
Director

Sue Hedlund
Deputy Director

August 21, 2013

Nick Johnson
City Planner
City of Lake Elmo
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: Variance Request, 4719 Olson Lake Trail, Holding Tank (Brink Residence)

The proposal to install a holding tank on this property on a temporary basis on this property has been reviewed. As municipal sewer service will be provided within a few years, this Department supports approval of a variance to Section 18.5 (1) of the Washington County SSTS ordinance.

The applicants have been made aware of the costly nature of maintaining a holding tank for more than a year.

The location of the proposed 1500 gallon tank meets all setback requirements and ideally could be reused as a lift station for the future connection to municipal service if that was necessary.

Holding tanks are subject to several requirements in the SSTS ordinance. I refer specifically to Sections 18.5 subparts 5 through 10 (attached), which could be incorporated as conditions of the variance or certainly as requirements of the installation permit.

A requirement that the dwelling be connected to municipal service within 30 days or other reasonable time following completion of the sewer project is recommended as is a time limit on the variance itself. If the sewer project does not proceed within a reasonable time, the applicants must provide an on-site sewage treatment solution for the proposed dwelling or forfeit its habitability.

If you have any questions call me at (651)430-6676.

Pete Ganzel

A handwritten signature in black ink, appearing to read "Pete Ganzel", written over a large, irregular scribble.

Senior Environmental Specialist

18.5 Holding Tanks

- (1) Holding tanks may be considered for installation on previously developed sites, as a temporary method for periods of up to 12 months, during which time measures are taken to provide municipal sewer service or the installation of an approved system as provided in this Chapter.
- (2) Holding tanks may be considered on a permanent basis for non-residential, low water use establishments with a sewage flow of 150 gallons per day or less, subject to approval by the Department or local unit of government.
- (3) Holding tanks must be used for floor drains for vehicle parking areas and existing facilities potentially generating hazardous waste.
- (4) To qualify as a holding tank, the system must:
 - (A) Meet or exceed applicable requirements of Section 13.
 - (B) Meet or exceed the applicable requirements of Section 16.2.
 - (C) Meet or exceed the requirements of Section 16.3 (2).
 - (D) Meet the requirements of Section 18.5 (2) to Section 18.5 (10).
- (5) All tanks used as holding tanks must be tested once placed at the final location for watertightness as specified in Minnesota Rules, Chapter 7080.2010².
- (6) A cleanout pipe of at least six inches in diameter must extend to the ground surface and be provided with seals to prevent odor emissions and exclude insects and vermin. A maintenance hole of at least 20 inches in least dimension must extend through the cover to a point within 12 inches, but no closer than six inches, below finished grade. If the maintenance hole is covered with less than six inches of soil, the cover must be secured according the Section 13.13.
- (7) For a dwelling, the minimum size is 1,000 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum capacity shall be at least five times the design flow. Tank sizing for floodplain areas must be calculated according to Section 18.3 (10).
- (8) Holding tanks must be located in an area readily accessible to the pump truck under all weather conditions and where accidental spillage during pumping will not create a nuisance and must meet the setback requirements of Table V.
- (9) Holding tanks must have an alarm device to minimize the chance of accidental sewage overflow unless regularly scheduled pumping is used. An alarm device shall identify when the holding tank is at 75 percent capacity.
- (10) A contract for disposal and treatment of the septage shall be maintained by the owner with a licensed Maintainer.



**Draft Planning Commission Minutes, 8-26-13
Excerpt from Public Hearing Item 4a**

Public Hearing: Variance – 4719 Olson Lake Trail N

Johnson began his presentation by explaining that a variance application was received from Mary & Thomas Brink to install a septic holding tank system for a period longer than 12 months. This site is expected to connect to Municipal Sanitary service as part of Phase II of the Olson Lake Trail sewer project which will take place in 2016. Staff found that the 4 variance criteria are met for approving the variance.

Haggard asked if there was enough space available on the lot for a future drainfield should Phase II of the sewer project not move forward. Johnson stated there was enough space if need be. Haggard also asked what would happen if they didn't hook up within 6 months of the sewer going in. Zuleger stated that Washington County is responsible for enforcement. She also asked if there was any environmental concern. Johnson stated it is not an environmental concern, but it is a financial burden to frequently pump these tanks.

Kreimer asked if there was a requirement to remove the holding tanks. Johnson stated that it would be required under the County guidelines.

Public hearing opened at 7:16pm.

Mary Florence Brink, 4719 Olson Lake Trail, spoke about the existing system that is located on site. She noted that the holding tank will be utilized as part of the connection to municipal sanitary sewer.

The City received from Gary Mulcahy, 4710 Olson Lake Trail N., stating his support for the Variance.

An email to Staff from Mr. Gary Fields was received and distributed to the Planning Commission. He noted that he understands the reason for the Variance request.

Public hearing closed at 7:18pm.

M/S/P: Dorschner/Larson, move to recommend approval of the variance request for the installation of septic holding tanks at 4719 Olson Lake Trail North for a time period longer than 12 months, but not to exceed 5 years, with the conditions outlined in the Staff Report: **Vote: 7-0, Motion Carried Unanimously.**

Kreimer asked if it was appropriate to place a time restriction on the Variance to ensure that the holding tank system does not become the permanent solution for this property. He suggested a timeframe of 5 years where the variance would be valid.

M/S/P: Kreimer/Haggard, move to amend the motion to add a condition that the variance should not exceed 5 years, **Vote: 7-0, Motion Carried Unanimously.**



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013
CONSENT
ITEM #: 5

AGENDA ITEM: Variance – 3712 Layton Avenue North
SUBMITTED BY: Nick Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director
Mike Bouthilet, Public Works Superintendent
MnDOT

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 Variance submitted by Elmo Inn Enterprises, Inc. to allow for the construction of a ground sign at 3712 Layton Ave. N. that exceeds the maximum height and area allowed under the City’s Sign Ordinance. The applicants intend to erect a new ground sign to advertise the Lake Elmo Inn Event Center. The Planning Commission held a Public Hearing on August 26, 2013, at which time only the applicants spoke to answer questions raised by the Planning Commission. The Planning Commission recommended the Variance for approval with the condition that the sign be consistent with the Lake Elmo Branding and Theming Study produced by Damon Farber and Associates. **As part of the Consent Agenda, no formal motion is needed.** If the Council wishes to further discuss the topic, they can remove this item from the Consent Agenda and approve the variance by taking the following action or amending as necessary:

“Move to approve Resolution No. 2013-67, approving the Variance requested at 3712 Layton Avenue North to allow for the construction of a ground sign that exceeds the maximum height and area allowed under the City’s Sign Ordinance.”

BACKGROUND AND STAFF REPORT:

The City of Lake Elmo received an application for a Variance from Elmo Inn Enterprises, Inc. The Variance would allow the construction of a ground sign that would exceed the maximum height allowed by 3 feet and the maximum area allowed by approximately 18 square feet. Per the City’s Sign Ordinance, the height and area allowed for ground signs are determined by the number of travel lanes and travel speeds on the adjacent roadway. Under the ordinance, the maximum height and area allowed would be 10 feet and 50 square feet respectively. The applicant is proposing to erect a sign that is 13 feet in height and approximately 68 square feet in area. The main reason behind the request is that due to a lack of an

adequate area to store snow that accumulates next to Trunk Highway 5 (TH-5), the visibility of the lower portions of the sign is reduced. The applicants have stated that the accumulation of snow banks along this property represent a unique circumstance that calls for a sign of increase height. In addition, the applicants have argued that due to the other circumstances along TH-5, such as travel speeds, and the need to keep the commercial message visible and not distorted, greater sign areas is required for effective visibility. The applicant's narrative can be found in Attachment #3.

In order to approve a variance under the new State Statute, the applicant must demonstrate compliance with 4 required findings:

1. Practical Difficulties
2. Unique Circumstances
3. Character of the Locality
4. Adjacent Properties and Traffic

Staff reviewed the application and determined that the variance request met the 4 required findings. Additional detail about this review can be found in the Staff Report to the Planning Commission, Attachment #2.

The Planning Commission reviewed the proposed Variance at the meeting on 8/26/13. As part of the review, the Planning Commission recommended approval of the variance with a vote of 6-1, with Williams voting no. Commissioner Williams stated that he was comfortable with the variance to allow greater height for the sign, but not greater area. In addition to recommending the Variance for approval, the Planning Commission added a condition that the proposed ground sign be consistent with the Lake Elmo Branding and Theming Study. Staff has reviewed the proposed sign and found it to be consistent with the work completed by Damon Farber and Associates. Further detail regarding the discussion by the Planning Commission can be found in Attachment #6.

Finally, in order to verify the accumulation of snow banks during an average winter, Staff consulted with the Public Works Superintendent, Mike Bouthilet, who is familiar with the average accumulation along TH-5. He noted that during periods of heavy accumulation, snow banks can exceed 6 feet in height. The review letter from the Public Works superintendent can be found in Attachment #5. It should also be noted that representatives from the Minnesota Department of Transportation contacted Staff by telephone to report no concern about the proposed Variance.

RECOMMENDATION:

The Planning Commission recommends the City Council approve the Variance by taking the following action:

“Move to approve Resolution No. 2013-67, approving the Variance requested at 3712 Layton Avenue North to allow for the construction of a ground sign that exceeds the maximum height and area allowed under the City’s Sign Ordinance.”

ATTACHMENT(S):

1. Resolution No. 2013-67
2. Staff Report to the Planning Commission, 8-26-13
3. Variance Application w/Narrative
4. Location Map
5. Photos from Site Visit
6. Review Letter from Public Works Superintendent
7. Excerpt from Draft Planning Commission Minutes, 8-26-13

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

RESOLUTION NO. 2013-67

A RESOLUTION APPROVING A VARIANCE TO ALLOW THE CONSTRUCTION OF A GROUND SIGN AT 3712 LAYTON AVENUE NORTH THAT EXCEEDS THE MAXIMUM HEIGHT BY THREE FEET AND MAXIMUM AREA BY APPROXIMATELY 18 SQUARE FEET ALLOWED UNDER THE CITY'S SIGNAGE REGULATIONS

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, Minnesota, (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Variance to allow for the construction of a ground sign that exceeds the maximum height and area permitted under the City's Sign Ordinance; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on said matter on August 26, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated September 3, 2013; and

WHEREAS, the City Council considered said matter at its September 3, 2013 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance is to allow for the construction of a ground sign at 3712 Layton Avenue North that exceeds the maximum height by 3 feet and maximum area by approximately 18 square feet allowed under the City's Sign Ordinance.
- 4) That the Variance will be located on property legally described as follows:

LOTS 11-12-13-14 & 15 BLOCK 2 BUSCH'S 1ST TO CLOVERDALE ELMO LAKE ELMO CITY SUBDIVISIONNAME BUSCH'S 1ST ADD TO CLOVERDALE ELMO LOT 11 BLOCK 2 SUBDIVISIONCD 37105. More commonly known as 3712 Layton Avenue North.

- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings: That the proposed use is reasonable due to the accumulation of large snow banks along TH-5 during the winter that reduce the visibility of the proposed signage.*
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings: That the grade of the ditch along TH-5 adjacent to the applicant's property does not allow for adequate snow storage, causing the accumulation of large snow banks and reduced visibility.*
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings: The construction of the proposed ground sign will not alter the essential character of the locality.*
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings: The allowance of the proposed ground sign will not impair the supply of light and air to adjacent properties, or increase the congestion of public streets, or diminish or impair property values within the neighborhood.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted.

Passed and duly adopted this 3rd day of September, 2013 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Adam Bell, City Clerk



**City of Lake Elmo Planning Department
Variance Request**

To: **Planning Commission**
From: Nick M. Johnson, City Planner
Meeting Date: **08/26/2013**
Applicant: **Elmo Inn Enterprises, Inc.**
Owner: Elmo Inn Enterprises, Inc.
Location: **3712 Layton Avenue North**
Zoning: GB – General Business

Introductory Information

Application Summary: The City of Lake Elmo has received an application from Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, Minnesota, for a variance to allow for a ground sign that would exceed the height and area allowance as permitted under the City's Sign Ordinance. The new ground sign would advertise the Lake Elmo Inn Event Center. The applicant has provided a written statement to the City indicating the reason for the request. In addition, the applicant narrative addresses how the proposed variance meets the 4 required findings to grant a variance.

Property Information: The property at 3712 Layton Avenue North is located on the southwest corner of Layton Ave. and Stillwater Blvd. (TH-5) in Lake Elmo. The attached location map (Attachment #3) shows the location of the property.

Applicable Codes: **Section 154.212 Sign Regulations**
Table 5-3 Ground Signs
Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6' / 32	10' / 32
	35-44	-	6' / 32	10' / 50
	45+	-	6' / 32	10' / 72
4-5	0-34	-	6' / 32	10' / 40
	35-44	-	6' / 32	10' / 64
	45+	-	6' / 32	12' / 80

Section 154.109 Variances.

(A-J) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

Findings & General Site Overview

Site Data: Lot Size: 1.2 acres
 Existing Use: Catering/Event Center
 Existing Zoning: GB – General Business
 Property Identification Number (PID): 13.029.21.24.0025

Application Review:

Variance Review: As outlined in the applicant’s narrative, the applicant is seeking to install a ground sign at 3712 Layton Avenue North that exceeds the heights and area allowed under City Code. Per the requirements of the City’s Sign Ordinance (§154.212), ground signs in 35-44 mile-per-hour zones with 1-3 traffic lanes are not allowed to exceed 10 feet in height and 50 square feet in sign area. The applicant is proposing to install a sign that is 13 feet in height and approximately 68 square feet in area. In discussing the proposed sign in the context of the City’s Sign Ordinance with City Staff, the applicants noted the following concerns:

- Snow Storage: The applicants have noted that there is no ditch to allow for snow storage along Trunk Highway 5 (TH-5) in front of their property. Over the course of the winter, snow banks are consistently created due to plowing,

drifts, and over accumulation. While other properties along TH-5 do have ditches to account for snow storage, the subject property does not. The applicants have noted that a sign that is only 10 feet in height would be obscured during the portions of the winter when the snow banks cause a visual obstruction.

- **Travel Speeds:** The applicants also noted that the average travel speeds along TH-5 are consistently higher than the posted speed limit. The posted speed limit on TH-5 along the downtown stretch of Lake Elmo is 40mph. The City's Sign Ordinance accounts for sign area and height of ground signs based upon speed limits. This method is used to site the appropriate amount of signage per the context and character of the roadway. However, the applicant's have stated that the travel speeds and character of the roadway do not match the posted sign limit. They noted that if the posted speed limit was 45mph, which they believe is closer to the actual average travel speeds, the allowed sign area would be 72 square feet. They stated that under a 45mph roadway, the area of the proposed sign would be allowed under the City's ordinance.
- **Other Considerations:** The applicants also noted other difficulties related to the character of the TH-5 corridor. These difficulties include power/telephone poles/lines along the road and the wide right-of-way (rural section as opposed to urban section). The applicants stated that these other conditions of TH-5 make it difficult for passing vehicles to see pertinent signage and encourage higher travel speeds due to the rural character of the road.

After consulting with Staff and discussing the various concerns related to TH-5 and the specific property at 3712 Layton Ave. North, the applicants submitted a Variance application to allow for additional sign height and area than would currently be allowed by the Sign Ordinance.

Regarding the circumstance of limited snow storage as stated by the applicants, Staff has conducted multiple site visits to confirm the status of the ditch in front of the property. Photos of the site can be found in Attachment #4, including images of the section of TH-5 in front of the subject property, as well as other areas of TH-5. To confirm the range of size of snow banks that accumulate during a typical winter, Staff consulted with Mike Bouthilet, the Public Works Superintendent. He confirmed that during heavy accumulation and drifts, snow bank can get to a height in the range of 6 feet. The Public Works Superintendent's review comments can be found in Attachment #5. In addition, representatives from MnDOT, who have jurisdictional control of TH-5, did contact City Staff to report that they had no concerns with the proposed Variance.

Regarding the issue of the sign area, the applicants have noted in their application that after increasing the sign height to account for the snow banks, it is difficult to meet the 50 square foot maximum as specified in the Sign Ordinance. The applicants state that narrowing the face of the sign makes the logo distorted and difficult to read. Alternatively, making the logo smaller to account for the narrower sign would make it less visible to passing traffic. In discussion with Staff, the applicants also referenced the average traffic speeds that, in their opinion, consistently exceed the posted speed

	limit.
<p>Variance Requirements:</p>	<p>An applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to City Code requirements can be granted. These criteria are listed below:</p> <ol style="list-style-type: none"> 1. Practical Difficulties. A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. 2. Unique Circumstances. The plight of the landowner is due to circumstances unique to the property not created by the landowner. 3. Character of locality. The proposed variance will not alter the essential character of the locality in which the property in question is located. 4. Adjacent properties and traffic. The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. <p>Given the information that has been submitted by the applicant and pending further review by the Planning Commission, Staff would offer the following suggested findings specific to the Variance that have been requested by the applicant:</p> <ol style="list-style-type: none"> 1. <i>The inability of the public to see proposed commercial signage due to conditions along TH-5 represents a practical difficulty for the applicants. The applicants desire to increase visibility of the proposed signage given the existing conditions of TH-5 represents a reasonable use not currently permitted by an official control. Staff determines that this criterion is met.</i> 2. <i>The lack of depth of the ditch in front of the subject property makes it difficult to store snow in a manner that does not obstruct the visibility of the proposed signage, particularly during winters of heavy accumulation. Along with the travel speeds of TH-5, the lack of snow storage represents a unique circumstance not created by the landowner. Staff determines that this criterion is met.</i> 3. <i>The installation of the proposed sign will not alter the essential character of the neighborhood. The proposed sign will replace the existing sign in nearly the same location. In addition, the downtown stretch of Lake Elmo along TH-5</i>

has numerous signs that are significantly higher than the proposed sign. Staff determines that this criterion is met.

- 4. The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.*

Conclusions: Staff finds that the applicants have met the 4 necessary criteria for a Variance and have demonstrated that the desire to install a ground sign that exceeds the height and area allowed under the Sign Ordinance is a reasonable use of the property not permitted by an official control. Staff has also confirmed that amount of snow accumulation caused by a lack of depth in the ditch along TH-5 represents a unique circumstance not caused by the property owner.

Conclusion:

Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, MN, have submitted a Variance request to allow for the installation of a ground sign that exceeds the height and area allowances permitted by the City's Sign Ordinance, as shown in the proposed sign.

Staff Rec: Staff is recommending that the Planning Commission recommend approval of the Variance request by Elmo Inn Enterprises, Inc., allowing a ground sign as depicted in the Variance application that exceeds the height and area allowance of the City's Sign Ordinance.

Approval Motion Template: Staff is recommending that the Planning Commission recommend approval of the proposed variance through the following motion:

“Move to recommend approval of the Variance request at 3712 Layton Ave. N. to allow the installation of a ground sign that exceeds the height and area allowance permitted by the City's Sign Ordinance based upon the findings outlined in the Staff Report.”

cc: John and Christine Schiltz, Elmo Inn Enterprises, Inc.

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Lavene Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

Comprehensive Plan Zoning District Amendment Zoning Text Amendment Variance *(see below)

Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.)

3712 Applicant: LAKE ELMO TOWN INC ELMO TOWN ENTERPRISES INC
Address: ~~3712~~ - Langlow Ave NW1 LAKE ELMO MINN 55042
Phone # 651-779-5954 Paul's Cell# 657 402 1262
Email Address: chefschi1tz@aol.com

Fee Owner: LAKE ELMO TOWN INC JOHN SCHILTZ
Address: 3712 Lake Elmo Ave NW1
Phone # 651-777-8495
Email Address: chefschi1tz@aol.com

Property Location (Address and Complete (long) Legal Description): See Attachment # 1

Detailed Reason for Request See Attachment # 2

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction work is suspended or abandoned for a period of 180 days at any time after work has commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of the laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provision of any other state or local law regulating construction or the performance of construction.

Signature: John Schiltz Date: Aug 6th 2013

City Use Only

Planning: Zoning District: _____ Minimum Setbacks Required: Front _____ Side _____
Rear _____ Road Right of Way _____ Other _____

Reviewed by: _____ Date: _____

Subject to the following conditions: _____

Building Inspections: Reviewed by: _____ Date: _____

Subject to the following conditions: _____

Engineering: Reviewed by: _____ Date: _____

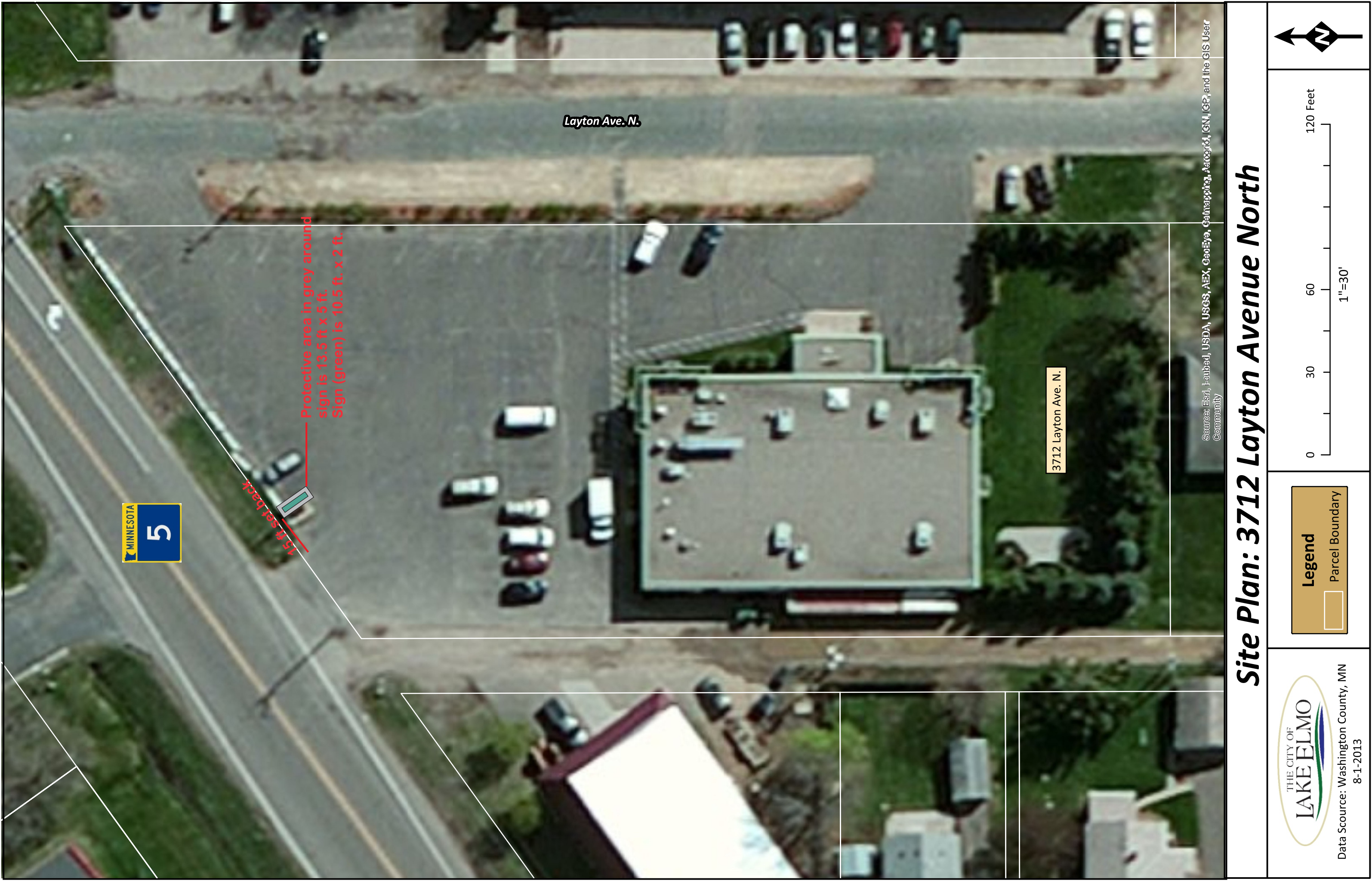
Subject to the following conditions: _____

Public Works: Reviewed by: _____ Date: _____

Subject to the following conditions: _____

Required Findings:

- 1) Practical difficulties: The limited visibility of the sign creates difficulty for drivers because of the size of the company name, logo etc., as well as the insufficient lighting. It causes drivers to slow down to read the sign (or miss it altogether) which is dangerous for other drivers, as well as those having to turn around and come back to enter the parking lot. The new design would make Highway 5 safer all traffic by increasing the visibility of the message.
- 2) Unique Circumstances: Because of the lack of ditch area all along Highway 5, there is insufficient room for the state to pile the snow that is removed from Highway 5 in winters that have large amounts of accumulation. The piles of snow along the front of our property have sometimes been as high as 10 feet. A sign that is lower to the ground would be covered by snow for months during these winters making it impossible to see.
- 3) Character of the Locality: The new sign will remain in the location of the current sign. The base of the sign is smaller in square feet on the ground and complies with the 15 foot set back from the parking lot entrance to the west as requested by the city.
- 4) Adjacent Properties and Traffic: We are replacing a sign that is an embarrassment to the city of Lake Elmo and we feel we are setting a standard for other future developments in our city.
- 5) Square Footage of Sign Face: Due to the height issue, the width of the sign creates a larger face than allowed. However, when bringing in the sides to create a narrow face, the logo and name/message of the sign will become so distorted it will be difficult to read.



Layton Ave. N.

3712 Layton Ave. N.

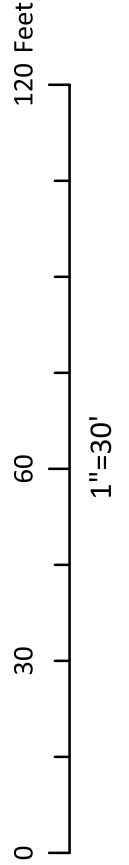
Protective area in grey around sign is 13.5 ft x 5 ft.
Sign (green) is 10.5 ft. x 2 ft.

15-foot back



Source: Esri, DeLorme, USGS, AEX, GeoEye, GeoEye, GeoEye, AeroGRID, IGN, GP, and the GIS User Community

Site Plan: 3712 Layton Avenue North



Drawing Date: 08.09.13

Customer:
Lake Elmo Inn Event Center

Sales / Project Manager:
Bob Ackersold
952.908.9107 - BobA@Sign-Source.com

Customer Service Representative:

Designer:
Tom Schommer
952.908.9111 - TomS@Sign-Source.com

Order / Est. #:
e29396

File Name:
e29396 Lake Elmo - Monument Sign.ai

File Location:
A-Z Tom's Mac

Fonts:

Rev: 1.0 | Revision Notes

Rev. 2: -

Rev. 3: -

Rev. 4: -

Rev. 5: -

Rev. 6: -

Rev. 7: -

Rev. 8: -

Rev. 9: -

Rev. 10: -



7660 Quattro Drive
Chanhassen, MN 55317
www.sign-source.com
Fax: 952.908.9153

Overall Sign Height: 13 ft.
Base Height: 48"
Sign square footage: 68.3 sq ft (sign 103"x 95.5")
Message Center size: 81" x 33" (18.5 sf) Amber LED

Materials & Substrates:

Interior Exterior

- 1 Custom Fabricated Aluminum Canopy Painted to Match Building
- 2 Fabricated Aluminum Sq. Tube Trellis Painted Black to Match Building
- 3 LED Halo Lit 1" Thick Push Thru Letters w/ Matte Black Vinyl on Faces
- 4 Fabricated Aluminum Sign Cabinet Painted Beige to Match Building
- 5 Daktronics Message Center 81" x 33" 18.5 Sq. Ft. Amber LED
- 6 Fabricated Aluminum Caps / Accents Painted Green to Match Building
- 7 Masonry and Block Base to Match Building
- 8 Below Grade Footer Details TBD By Others



I Have Verified The Accuracy Of Colors, Layout, Quantities, Sizes, Spelling, & Wording. I Hereby Authorize Release To Production According To This Approved Submittal.

Approved As Is: _____

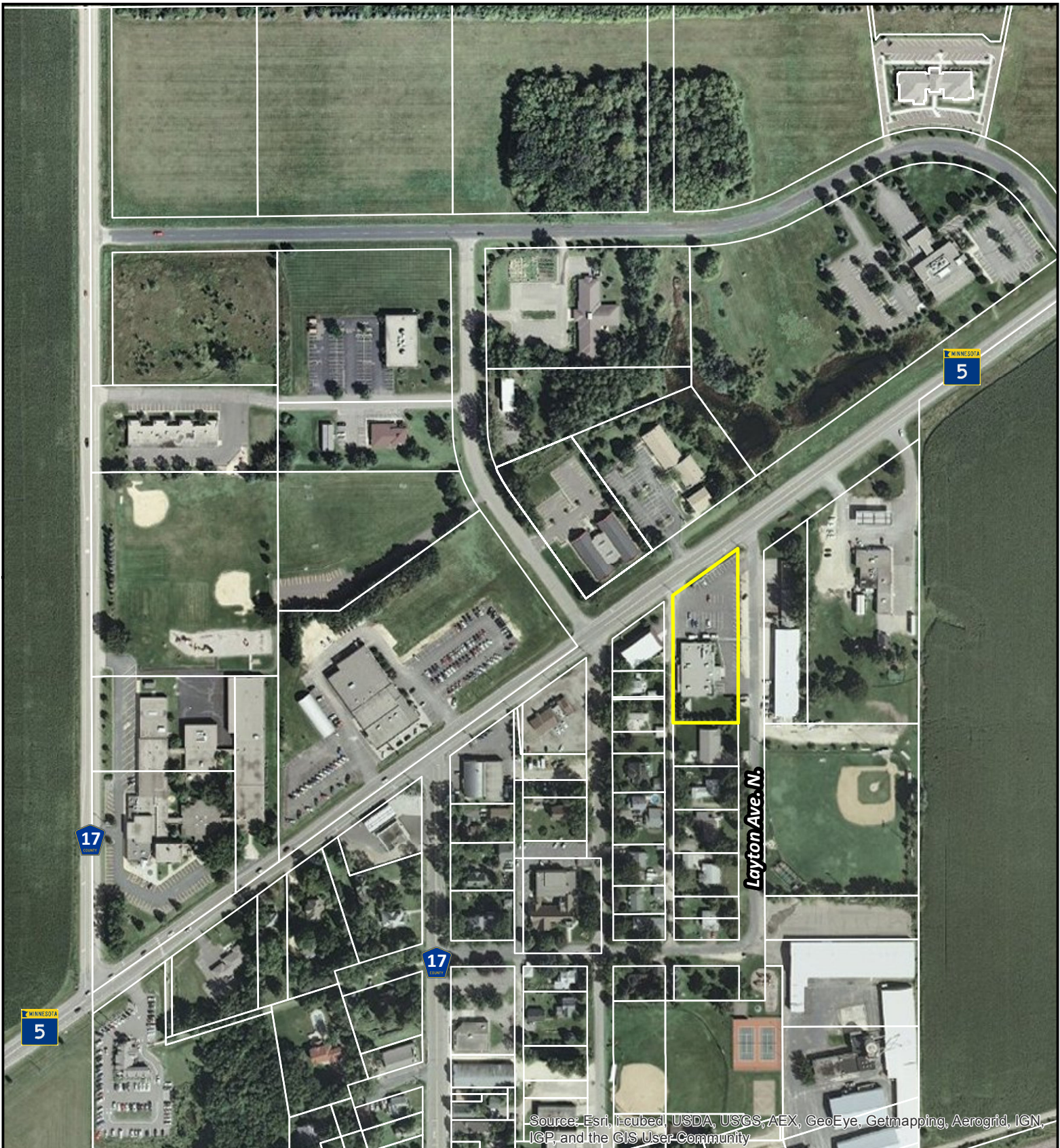
Production Will Not Begin Until Signed Approval Is Faxed Back.

Revise & Resubmit: _____

COLOR DISCLAIMER: Due to variances among color monitors and printers, the colors that appear on your screen or as printed may not be exact.

1/2" = 1' 1:24 SCALE SCALE DRAWING DO NOT PHOTOCOPY! 1.00 in. Formatted for 11" x 17" Paper

This drawing is the property of SignSource, Inc. and may not be used, reproduced or disclosed without written authorization.



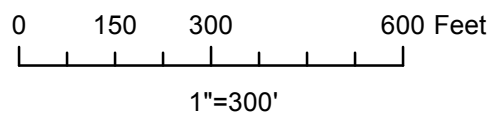
Location Map: 3712 Layton Avenue North



Data Source: Washington County, MN
8-22-2013



3712 Layton Ave. N.



Site Visit: 3712 Layton Ave. N.



Lake Elmo Event Center ditch looking east



Lake Elmo Event Center ditch looking west



Other ditch areas on TH-5



Other ditch areas on TH-5

Site Visit: 3712 Layton Ave. N.



40 mph zone begins approximately 350 feet to the east of the Lake Elmo Event Center



Telephone/power poles along TH-5



Existing Lake Elmo Event Center sign with telephone/electrical lines



August 21, 2013

Nick Johnson
Cite Planner
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Variance Request – 3712 Layton Avenue North

In response to your request to review the proposed Variance at 3712 Layton Ave. N., I have the following comments:

1. By midwinter of an average season, typical wind-rowsed snow banks can be as high as 4 feet. However, due to drifting, heavy accumulations, or scenarios where plows are forced to reduce speed due to traffic conditions, the snow banks can get up to 6 feet in height.
2. The proposed location of the sign does not impede sightlines to neighboring intersections, or conflict with existing or proposed utilities.

Let me know if you have any further questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Bouthilet", with a long horizontal flourish extending to the right.

Mike Bouthilet
Public Works Superintendent



**Draft Planning Commission Minutes, 8-26-13
Excerpt from Public Hearing Item 4c**

Public Hearing: *Variance – 3712 Layton Ave N*

Johnson began his presentation by explaining that a Variance application was received from Elmo Inn Enterprises, Inc. for a Variance at 3712 Layton Ave N to allow for a ground sign that would exceed the height and area allowance as permitted under the City's Sign Ordinance. The proposed sign would advertise the Lake Elmo Inn Event Center. Staff reviewed the 4 required criteria for granting a Variance and found them to be met.

Public hearing opened at 8:19pm.

John Schiltz, Lake Elmo Inn, noted that he selected the monument sign to be consistent with the Theming Study as presented by Damon Farber and Associates. He added that he hopes the sign will set the bar high for any signage that follows. He also discussed the travel speeds of oncoming vehicles making it difficult to see the signage. He thinks the signage will make the community proud and set a good precedent.

No written comment was received.

Public hearing closed at 8:25pm.

Dorschner noted that he has been stopped previously by strangers looking for the event center. In addition, he noted that the snow banks do get extremely high in the winter. He stated that he supports the variance request.

Dodson suggested that if future variances are brought forward related to signage, the signage should be consistent with the Damon Farber Theming Study.

Williams asked about the size of the existing signage for the Lake Elmo Event Center. John and Christine Schiltz noted that the sign is a 4 x 8 plywood sign. Williams noted that he is comfortable granting the height variance, but not comfortable with the sign area variance.

M/S/P: Dorschner/Dodson, move to recommend approval of the Variance request at 3712 Layton Ave N to allow the installation of a ground sign that exceeds the height and area allowance permitted by the City's Sign Ordinance based upon the findings outlined in the Staff Report: **Vote: 6-1, Motion Carried with Williams voting no.**

M/S/P: amend the original motion to add a condition that the sign meet the Damon Farber Theming Guidelines, **Vote 7-0: Motion Carried Unanimously.**



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013
CONSENT
ITEM #: 6

AGENDA ITEM: 2012 Street and Water Quality Improvements – Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessments, and Calling for Hearing on Proposed Assessment

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk
Cathy Bendel, Finance Director
Dave Snyder, City Attorney
Ryan Stempiski, Assistant City Engineer

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 declaring costs to be assessed and calling for the final assessment hearing for the 2012 Street and Water Quality Improvements. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Resolution No. 2013-68; A Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for the Hearing on the Proposed Assessment for the 2012 Street and Water Quality Improvements.”

STAFF REPORT:

The 2012 Street and Water Quality Improvement Project has been completed and the total project costs are known. Pursuant to Minnesota Statutes, Section 429 the council must declare the amount to be assessed against the benefiting properties and Call the Hearing on the Proposed Assessment for these improvements. The Assessment Hearing is proposed for October 1, 2013. The Final Assessment Roll must be certified to the County Auditor by November 30, 2013. The final costs and proposed unit assessments compared to planned costs are as follows (also see attached Final Project Cost Summary worksheet):

	Final Project Costs	Authorized Project Budget
Total Project Costs:	\$999,793	\$1,049,923
Non-Assessable Costs:		
<i>Park Fund (Parking Lots):</i>	\$44,923	\$44,923
<i>Surface Water Fund (Rain Gardens):</i>	\$9,000	\$5,000
Total Assessable Costs:	\$945,870	\$1,000,000
Unit Assessment Amount (95 Units):	\$3,000	\$3,200
Total City Share	\$660,870	\$696,000

Final total project costs were 95% of the authorized project amounts. Therefore the unit assessment rates may be reduced, at Council direction, to remain in line with the current assessment policies and practices, assessing 30% of eligible costs. Staff is recommending a reduction in the unit assessment from \$3,200 down to \$3,000. With the reduced unit assessment rate, the City cost-share portion of the project will be reduced by \$35,130, or 5% of the planned amount.

RECOMMENDATION:

Staff is recommending that the city council approve, as part of the *Consent Agenda*, Resolution No. 2013-68, thereby declaring the costs to be assessed to be \$285,000; ordering the preparation of the proposed assessments with the unit assessments to be \$3,000 for each benefitting property; and Calling for the Hearing on the proposed Assessments for October 1, 2013 at or around 7:00 PM. The recommended motion is as follows:

“Move to approve Resolution No. 2013-68; A Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for the Hearing on the Proposed Assessment for the 2012 Street and Water Quality Improvements.”

ATTACHMENT(S):

1. Resolution No. 2013-68 Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for Hearing on Proposed Assessment
2. Notice of Hearing on Proposed Assessment
3. Final Assessment Roll
4. Final Project Cost Summary

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

RESOLUTION NO. 2013-68

**A RESOLUTION DECLARING COST TO BE ASSESSED, ORDERING
PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR
HEARING ON PROPOSED ASSESSMENT FOR THE
2012 STREET & WATER QUALITY IMPROVEMENTS**

WHEREAS, a contract has been let for the 2012 Street & Water Quality Improvements including street reclamation, water quality, and storm sewer improvements located in the DeMontreville Highlands Area; and

WHEREAS, the total cost of the improvements will be \$945,870; and

WHEREAS, the City Clerk and City Engineer have prepared the proposed assessment roll and will maintain said assessment roll on file in the City offices for public inspection.

NOW, THEREFORE, BE IT RESOLVED,

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$660,870, and the portion of the cost to be assessed against benefited property owners is declared to be \$285,000.
2. The City Clerk, with the assistance of the City Engineer, has calculated the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land to be benefited by the improvements, and the Clerk has filed a copy of such proposed assessment in the City offices for public inspection.
3. Assessments shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 2014, and shall bear interest at the rate of 4.5 percent per annum from the date of the adoption of the assessment resolution.
4. A public hearing shall be held on the 1st day of October, 2013, in the Council Chambers of the City Hall at or approximately after 7:00 P.M. to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
6. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid within 30

days from the adoption of the assessment. A property owner may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF SEPTEMBER, 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
2012 STREET & WATER QUALITY IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the Council Chambers of the City Hall at or approximately after 7:00 P.M. on Tuesday, October 1, 2013, to consider, and possibly adopt, the proposed assessment against abutting property for the 2012 Street & Water Quality Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following are the areas proposed to be assessed:

DeMontreville Highlands Area: The amount to be specially assessed against each particular lot, piece, or parcel of land located within the DeMontreville Highlands Area, including Highlands Trail North (from DeMontreville Trail to Trunk Highway 36), Hytrail Avenue North, 59th Street North, Highlands Court North, DeMontreville Trail Circle North, DeMontreville Trail Place North, and 53rd Street North (from DeMontreville Trail to the end of cul-de-sac), is \$3,000.

Said assessments are proposed to be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January 2014, and will bear interest at the rate of 4.50 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2013. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.50 percent per year.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed assessment is \$285,000. *The City contribution for the project is \$660,870.* Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council is authorized in its discretion to defer the payment of an assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

DATED: September 3, 2013

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on September 11, 2013)

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	HORNER,JOHN R & KARLA M	7740 53RD ST LAKE ELMO	55042 0502921420029	1	\$3,000
2	FREMONT,JOHN E & BECKY J	7741 53RD ST LAKE ELMO	55042 0502921420028	1	\$3,000
3	BLOOM,GREGG M & MICHAUD LAVONN	7761 53RD ST LAKE ELMO	55042 0502921420027	1	\$3,000
4	LIZAKOWSKI,TERRENCE J & SUSAN	7760 53RD ST LAKE ELMO	55042 0502921420030	1	\$3,000
5	STATE OF MN-DNR		0502921410005	1	\$3,000
6	STATE OF MN-DNR		0502921410006	1	\$3,000
7	RODEN,TIMOTHY D & JULIE A	8080 59TH ST LAKE ELMO	55042 0402921220006	1	\$3,000
8	ANDERSON,DAVID O & TANYA L	8110 59TH ST LAKE ELMO	55042 0402921220005	1	\$3,000
9	NICHOLLS,JEFFREY H & JANE D	8170 59TH ST LAKE ELMO	55042 0402921220004	1	\$3,000
10	SIMONS,TAMARA L	8230 59TH ST LAKE ELMO	55042 0402921220003	1	\$3,000
11	STANKO,ARTHUR E & BEVERLY J	8045 59TH ST LAKE ELMO	55042 0402921220008	1	\$3,000
12	DIITMER,RON J & MAVIS G	8065 59TH ST LAKE ELMO	55042 0402921220009	1	\$3,000
13	DEPPE,DOUGLAS P & PATRICIA	8001 59TH ST LAKE ELMO	55042 0502921110014	1	\$3,000
14	NELSON,JAMES T & CYNTHIA F	8095 59TH ST LAKE ELMO	55042 0402921220010	1	\$3,000
15	BLAISDELL,MICHAEL D & NONA C	8021 59TH ST LAKE ELMO	55042 0502921110015	1	\$3,000
16	MAHMOOD,GREGG G & SHAREN M	8125 59TH ST LAKE ELMO	55042 0402921220011	1	\$3,000
17	WOLLMUTH,DEAN E & NANCY L	8155 59TH ST LAKE ELMO	55042 0402921220012	1	\$3,000
18	BYSTRZYCKI,JOHN A	8185 59TH ST LAKE ELMO	55042 0402921220013	1	\$3,000
19	PRESS,STEVEN R & TUTHILL,SUSAN	8215 59TH ST LAKE ELMO	55042 0402921220014	1	\$3,000
20	PLEBAN,ROBERT G & VIRGINIA L	8245 59TH ST LAKE ELMO	55042 0402921220015	1	\$3,000
21	MILLER,WILLIAM D & MARGIE M	8331 59TH ST LAKE ELMO	55042 0402921210006	1	\$3,000
22	YANG,KAO & LY,MAY SHOUA	8351 59TH ST LAKE ELMO	55042 0402921210007	1	\$3,000
23	GAETZ,MICHAEL D & KATHLEEN A	8371 59TH ST LAKE ELMO	55042 0402921210008	1	\$3,000
24	REUTHER,RONALD E & MICHELLE	8391 59TH ST LAKE ELMO	55042 0402921210009	1	\$3,000
25	PALMGREN,GARY M & CHARLOTTE	8411 59TH ST LAKE ELMO	55042 0402921210010	1	\$3,000
26	KENSY,DOUGLAS J & DEBORAH F	8410 59TH ST LAKE ELMO	55042 0402921210011	1	\$3,000
27	COOPER,NEIL & SARAH	8390 59TH ST LAKE ELMO	55042 0402921210012	1	\$3,000
28	STANCEK,PATRICK E & SHIRLEY A	8370 59TH ST LAKE ELMO	55042 0402921210013	1	\$3,000
29	WENGER,THOMAS	8350 59TH ST LAKE ELMO	55042 0402921210014	1	\$3,000
30	THILL,JOHN B & BARBARA L	8330 59TH ST LAKE ELMO	55042 0402921210015	1	\$3,000
31	VIAU,ROBERT R & PAMELA K	8010 59TH ST LAKE ELMO	55042 0502921110013	1	\$3,000
32	YANG,AI HANG	8030 59TH ST LAKE ELMO	55042 0502921110012	1	\$3,000
33	GORMAN,MICHAEL R & LEE A	8050 59TH ST LAKE ELMO	55042 0402921220007	1	\$3,000
34	NELSON,STEPHEN L & CANDACE M	8014 DEMONTREVILLE CIR LAKE ELMO	55042 0402921230020	1	\$3,000
35	NELSON,STEPHEN L & CANDACE M		0402921320014	1	\$3,000
36	KIRKWOLD,PATRICK A & LYNETTE	8010 DEMONTREVILLE PL LAKE ELMO	55042 0402921230013	1	\$3,000
37	SMITH,MARK R & BARBARA J	8040 DEMONTREVILLE PL LAKE ELMO	55042 0402921230016	1	\$3,000
38	TRACY,MICHAEL J & KRISTEN J	8030 DEMONTREVILLE PL LAKE ELMO	55042 0402921230015	1	\$3,000
39	OLSON,EDWARD C & THERESE K	8020 DEMONTREVILLE PL LAKE ELMO	55042 0402921230014	1	\$3,000
40	HENNING,KAREN ANN	8070 DEMONTREVILLE CIR LAKE ELMO	55042 0402921230019	1	\$3,000
41	CAMPBELL,JON A & JOANN C	8060 DEMONTREVILLE CIR LAKE ELMO	55042 0402921230018	1	\$3,000
42	CARPENTER,MICHAEL G	8050 DEMONTREVILLE CIR LAKE ELMO	55042 0402921230017	1	\$3,000
43	NOREEN,ALLEN L & MARY ELLEN	7960 DEMONTREVILLE TRL LAKE ELMO	55042 0502921140005	1	\$3,000
44	GOES,EDWARD J & DEBRA K	5737 HIGHLANDS CT LAKE ELMO	55042 0402921230008	1	\$3,000
45	PELTZER,GARY W & CINDY D	5747 HIGHLANDS CT LAKE ELMO	55042 0402921240003	1	\$3,000
46	FISCHER,BRADLEY S & ANN M	5620 HIGHLANDS TRL LAKE ELMO	55042 0502921140011	1	\$3,000
47	BAER,BARRY S & JACKIE K	5655 HIGHLANDS TRL LAKE ELMO	55042 0502921140019	1	\$3,000
48	JOHNSON,BRUCE A & ALICE H	5750 HIGHLANDS CT LAKE ELMO	55042 0402921230007	1	\$3,000
49	WARNER,GENE & LAURE J	5640 HIGHLANDS TRL LAKE ELMO	55042 0502921140010	1	\$3,000
50	GROETSCH,MICHAEL J & MARCIA L	5675 HIGHLANDS TRL LAKE ELMO	55042 0402921230002	1	\$3,000
51	LYNCH,RONALD J	5767 HIGHLANDS CT LAKE ELMO	55042 0402921240004	1	\$3,000
52	ARLICH,DAVID A & CHERYL A	5695 HIGHLANDS TRL LAKE ELMO	55042 0402921230003	1	\$3,000
53	NIELSEN,DAVID SCOTT & DIANE M	5680 HIGHLANDS TRL LAKE ELMO	55042 0502921140007	1	\$3,000
54	THIENES,JAMES EDWARD	5715 HIGHLANDS TRL LAKE ELMO	55042 0402921230004	1	\$3,000
55	WISSINK,JOYCE A	5777 HIGHLANDS CT LAKE ELMO	55042 0402921230009	1	\$3,000
56	WISSINK,JOYCE A		0402921240005	1	\$3,000
57	WISSINK,JOYCE A		0402921230010	1	\$3,000
58	MARTY,PAUL A & DAWNETTE M	5745 HIGHLANDS TRL LAKE ELMO	55042 0402921230005	1	\$3,000
59	WALLACE,MARK R	5791 HIGHLANDS TRL LAKE ELMO	55042 0402921230006	1	\$3,000
60	YANG,MAISENG M & PAUL N	5815 HIGHLANDS TRL LAKE ELMO	55042 0402921220023	1	\$3,000
61	MCCAMY,ALLAN E & CAROL A	5855 HIGHLANDS TRL LAKE ELMO	55042 0402921210002	1	\$3,000
62	ANASTASI,JOAN F	5850 HIGHLANDS TRL LAKE ELMO	55042 0402921220018	1	\$3,000
63	CHEVRIER,KATHERINE M	5933 HIGHLANDS TRL LAKE ELMO	55042 0402921210016	1	\$3,000
64	BAIERL,JOSEPH R & DENISE M	5875 HIGHLANDS TRL LAKE ELMO	55042 0402921210004	1	\$3,000
65	STIEPAN,STEVEN J & MICHELLE	5730 HIGHLANDS TRL LAKE ELMO	55042 0402921220022	1	\$3,000
66	SUNDMARK,JOSEPH A & DAWN M	5750 HIGHLANDS TRL LAKE ELMO	55042 0402921220021	1	\$3,000
67	LOWELL,PETER S & ANNETTE S	5790 HIGHLANDS TRL LAKE ELMO	55042 0402921220020	1	\$3,000

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
68	MILLER, MICHAEL A & BARBARA J	5810 HIGHLANDS TRL LAKE ELMO 55042	0402921220019	1	\$3,000
69	HEDRICK, STEVEN T & DELORES H	5870 HIGHLANDS TRL LAKE ELMO 55042	0402921220017	1	\$3,000
70	SCHUWEILER, LEW G & DIANE L	5890 HIGHLANDS TRL LAKE ELMO 55042	0402921220016	1	\$3,000
71	MOTZ, LAMBERT W JR	5885 HIGHLANDS TRL LAKE ELMO 55042	0402921210005	1	\$3,000
72	LEE, MARLENE R	5920 HIGHLANDS TRL LAKE ELMO 55042	0402921220002	1	\$3,000
73	HERUM, DENNIS P	5960 HIGHLANDS TRL LAKE ELMO 55042	0402921220001	1	\$3,000
74	CITY OF LAKE ELMO		0402921220024	4	\$12,000
75	PROKOP, PHILLIP J & JOYCE R TRS	5690 HYTRAIL AVE LAKE ELMO 55042	0502921140012	1	\$3,000
76	PIERRE, JEROME M & TRACY M DAY	5665 HYTRAIL AVE LAKE ELMO 55042	0502921140008	1	\$3,000
77	ROLLING, ANDREW G & ELLEN J	5710 HYTRAIL AVE LAKE ELMO 55042	0502921140013	1	\$3,000
78	BISEK, JOAN R TRS	5730 HYTRAIL AVE LAKE ELMO 55042	0502921140014	1	\$3,000
79	AUSTAD, DAVID R & ROSE M	5701 HYTRAIL AVE LAKE ELMO 55042	0502921140009	1	\$3,000
80	KLOEK, DONALD C JR & LYNN A	5750 HYTRAIL AVE LAKE ELMO 55042	0502921140015	1	\$3,000
81	HURT, KREGG & PAULA SUE	5751 HYTRAIL AVE LAKE ELMO 55042	0502921110002	1	\$3,000
82	HAUGEN, JOHN R & SUZANNE J	5770 HYTRAIL AVE LAKE ELMO 55042	0502921110007	1	\$3,000
83	BANCE, GARY R & DONNA A	5771 HYTRAIL AVE LAKE ELMO 55042	0502921110003	1	\$3,000
84	WELLE, ARVIN H & MARY M	5790 HYTRAIL AVE LAKE ELMO 55042	0502921110008	1	\$3,000
85	LESCARBEAU, JOEL F & DEBRA L	5791 HYTRAIL AVE LAKE ELMO 55042	0502921110004	1	\$3,000
86	KOZIARA, ROBERT P & KAREN A	5810 HYTRAIL AVE LAKE ELMO 55042	0502921110009	1	\$3,000
87	LY, YANG	5811 HYTRAIL AVE LAKE ELMO 55042	0502921110005	1	\$3,000
88	MORGAN, JAMES R & PATRICIA P	5830 HYTRAIL AVE LAKE ELMO 55042	0502921110010	1	\$3,000
89	SCHRANTZ, MICHAEL G & RUTH G	5831 HYTRAIL AVE LAKE ELMO 55042	0502921110006	1	\$3,000
90	CALLAHAN, ROBERT D & LORI A	5850 HYTRAIL AVE LAKE ELMO 55042	0502921110011	1	\$3,000
91	CITY OF LAKE ELMO		0502921110016	2	\$6,000
TOTAL				95	\$285,000



PROJECT BUDGET SUMMARY REPORT - ENGINEERING SERVICES

PROJECT BUDGET BY PHASE	BUDGET	CONTRACT TYPE	JTD INVOICED	%
Feasibility Report	\$9,600.00	Lump Sum	\$9,601.22	100.0%
Design/Bidding Phase Services	\$39,555.00	Hourly NTE	\$36,922.76	93.3%
Construction Administration/Staking	\$30,920.00	Est. Hourly	\$37,893.00	122.6%
Construction Observation	\$45,000.00	Est. Hourly	\$41,510.22	92.2%
TOTAL Engineering Fees	\$125,075.00		\$125,927.20	100.7%
ADDITIONAL SERVICES	BUDGET	CONTRACT TYPE	JTD INVOICED	%
2012 Rain Garden Project	\$5,000.00	Est. Hourly	\$4,363.50	87.3%
Parking Lot Design	\$3,220.00	Est. Hourly	\$2,742.43	85.2%
CO#1 - Parking Lot Redesign - Concrete Curb	\$2,980.00	Hourly NTE	\$2,752.50	92.4%
TOTAL Additional Services	\$11,200.00		\$9,858.43	88.0%
TOTAL ENGINEERING SERVICE FEES	\$136,275.00		\$135,785.63	99.6%

PROJECT BUDGET SUMMARY REPORT - TOTAL PROJECT COSTS

TOTAL PROJECT BUDGET BREAKDOWN	AUTHORIZED BUDGET	FINAL COST
Construction Cost - Contract Bid Amount	\$849,736.79	
Change Order No. 1 - Add Parking Lot Concrete Curb and Gutter	\$11,898.00	
Compensating Change Order No. 2 - revise bid quantities to actual installed		-\$61,816.36
REVISED Construction Contract Amount	\$861,634.79	\$799,818.43
Engineering Services	\$136,275.00	\$140,260.41
Geotechnical Services	\$13,714.14	\$13,714.14
Est, Legal, Fiscal & Administration	\$22,000.00	\$42,000.00
Contingency Budget	\$9,345.42	
TOTAL PROJECT BUDGET	\$1,042,969.35	\$995,792.98

PROJECT FUNDING SOURCE BREAKDOWN		
Surface Water Funds - Rain Garden Engineering [Construction Separate]		-\$5,000.00
Authorized Park Funds for repair of DeMontreville Parking Lot		-\$44,923.00
2012 STREET IMPROVEMENTS - TOTAL ASSESSABLE PROJECT COSTS		\$945,869.98
Costs Assessed to Benefitting Properties @ 30% [95 benefitting properties]		\$285,000.00
City Share of Street Improvement Costs @ 70%		\$660,869.98

Construction Start Date: July 17, 2012 Final Unit Assessment: \$3,000
 Substantial Completion Date: October 19, 2012
 Final Completion Date: November 30, 2012



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013

CONSENT

ITEM #: 7

AGENDA ITEM: Keats MSA Street and Trunk Watermain Improvements – Change Order No. 3
SUBMITTED BY: Chad Isakson, Project Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

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, *as part of the Consent Agenda*, Change Order No. 3 for the Keats MSA Street and Trunk Watermain Improvements, thereby increasing the Contract Amount by \$3,300.00 and extending the Contract Times for Completion by 26 days

STAFF REPORT:

This change order provides compensation to the contractor to install concrete curb and gutter in two pours (instead of one pour) across 2 residential driveways. The change was made at the direction of the City Engineer to allow property owners access to their properties during the curb and gutter placement and curing periods. These properties had homes with substantial setbacks from the roadway making it a significant inconvenience to leaving their cars at the road for multiple day duration. This required the Contractor to re-mobilize crews to complete the work in two pours. The remobilizations were not included in the original contract and resulted in an increase of \$3,300.00. The change is well within the scope of the current project budget and contingencies.

This change order also extends the contract times for project completion by 26 days; revising the substantial completion date from August 30, 2013 to September 25, 2013, and the final completion date from October 4, 2013 to October 30, 2013. This extension accounts for all delays to the contractor experienced to date on the project that were beyond the control of the contractor, including delays from private utility conflicts, abnormal weather conditions, and all other unforeseen conditions and job site changes.

With approval of this Change Order, the revised Contract amount will be \$1,614,093.47; the revised Substantial Completion date will be September 25, 2013; and the revised Final Completion date will be October 30, 2013.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Change Order No. 3 for the Keats MSA Street and Trunk Watermain Improvements, thereby increasing the Contract Amount by \$3,300.00 and extending the Contract Times for Completion by 26 days. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to approve Change Order No. 3 for the
Keats MSA Street and Trunk Watermain Improvements”*

ATTACHMENT(S):

1. Change Order No. 3

CONTRACT CHANGE ORDER FORM

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

FOCUS ENGINEERING, inc.

CHANGE ORDER NO. 3

DATE: August 16, 2013

TO: T.A. SCHIFSKY & SONS, INC., 2370 E HIGHWAY 36, NORTH ST. PAUL, MN 55109

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:

This change order provides compensation to the contractor to install concrete curb and gutter in two pours (instead of one pour) across 2 residential driveways. The change was made at the direction of the engineer to allow property owners access to their properties during the curb and gutter placement and curing periods. These properties had homes with substantial setbacks from the roadway. This required the Contractor to re-mobilize crews to complete the work, which was not included in their original contract. This change order also extends the contract times for project completion by 26 days; revising the Substantial Completion date from August 30, 2013 to September 25, 2013, and the Final Completion date from October 4, 2013 to October 30, 2013. This extension accounts for all delays to the contractor experienced to date on the project that were beyond the control of the contractor, including delays from private utility conflicts, abnormal weather conditions, and all other unforeseen conditions and job site changes.

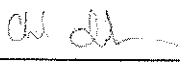
Attachments (list documents supporting change): N/A


ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNITE PRICE	INCREASE/(DECREASE)
CO3-1	Remobilize Concrete Crew for half pours	EA	2	\$1,650.00	\$3,300.00
CO3-2	Revise Substantial Completion Date	N/A	N/a	\$0.00	\$0.00

NET CONTRACT CHANGE \$3,300.00

Amount of Original Contract	\$	<u>1,606,833.47</u>
Sum of Additions/Deductions approved to date (CO Nos. 1, 2)	\$	<u>3,960.00</u>
Contract Amount to date	\$	<u>1,610,793.47</u>
Amount of this Change Order (ADD) (DEDUCT) (NO-CHANGE)	\$	<u>3,300.00</u>
Revised Contract Amount	\$	<u>1,614,093.47</u>

The Contract Periods for Completion will be (~~UNCHANGED~~) (~~INCREASED~~) (~~DECREASED~~) 26 days

APPROVED BY ENGINEER: FOCUS Engineering, inc.

 ENGINEER
8/16/2013
 DATE

APPROVED BY CONTRACTOR

 BY
8/29/13
 DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

 BY

 DATE

 BY

 DATE



MAYOR & COUNCIL COMMUNICATION

DATE: 9/03/2013
CONSENT
ITEM #: 8

AGENDA ITEM: Approve Setting the Truth in Taxation Public Hearing Date for the 2014 Budget and Tax Levy
SUBMITTED BY: Cathy Bendel, Finance Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS:

- 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 setting the Truth in Taxation Public Meeting date as required by State law for December 3, 2013. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT: The City is required to conduct a meeting where the budget and levy will be discussed and the public will be allowed to speak at a regular scheduled City Council meeting. Staff recommends the fulfillment of this requirement on December 3, 2013 at 7:00 p.m. as part of the regularly scheduled City Council meeting.

RECOMMENDATION: It is recommended that the City Council approve the date of December 3, 2013 for the meeting to discuss the 2014 budget and levy.

ATTACHMENTS:

- 1) Resolution 2013-69

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

RESOLUTION NO. 2013-69

**A RESOLUTION SETTING THE TRUTH IN TAXATION PUBLIC HEARING DATE
FOR THE 2014 BUDGET AND TAX LEVY**

WHEREAS, the City of Lake Elmo is required to set a single meeting for discussion and final approval of the 2014 budget and tax levy; and

WHEREAS, the City will publish the date, time and location for the public meeting; and

WHEREAS, the public will be given the opportunity to speak.

NOW THEREFORE BE IT RESOLVED, that the City of Lake Elmo has set December 3, 2013 at 7:00 p.m. as the public meeting date for the final adoption of the 2013 budget and tax levy.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS THIRD
DAY OF SEPTEMBER 2013.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____

Mike Pearson

Mayor

ATTEST:

Adam Bell
City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013
REGULAR
ITEM #: 9

AGENDA ITEM: Comprehensive Plan Amendment: Chapter VI - Wastewater Facilities
SUBMITTED BY: Nick Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director
Jack Griffin, City Engineer
Ryan Stempski, Assistant City Engineer

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 an amendment to the City’s Comprehensive Plan that would revise Chapter VI – Wastewater Facilities. The amendment has been prepared to bring this section of the Comprehensive Plan into conformance with the recently adopted Land Use Chapter, incorporating updated housing, populations, and employment projections from the land use section. The Planning Commission held a Public Hearing on the proposed amendment at the meeting on 8/26/13, at which time the amendment was recommended for approval.

The Planning Commission recommends the City Council approve the Comprehensive Plan Amendment by taking the following action:

“Move to approve Resolution No. 2013-70, approving the amendment to Chapter VI – Wastewater Facilities of the City’s Comprehensive Plan.”

BACKGROUND AND STAFF REPORT:

The purpose of the Wastewater Facilities Plan is to develop a strategy for providing wastewater services throughout the community. Planning for these services include 1) the proposed areas to be served by the regional sewer system managed by the Metropolitan Council, 2) the City-owned and managed 201 community septic systems built by the City using federal grant funds in the 1980’s, 3) the wetland treatment systems that provide services for many of the Open Space Preservation (OP) developments, and 4) the private treatment systems that serve individual homes and businesses in the

community. In addition, the Wastewater Facilities Plan is utilized by the Metropolitan Council to plan for capital improvements and maintenance for the regional sewer system.

The reason that the amendment to Chapter VI – Wastewater Facilities is being brought forward at this time is to make it consistent with the recently approved updates (I-94 Corridor and Village Land Use Plans) to the City’s land use section. The City is required to include a projection of Residential Equivalency Connections (REC units) being added to the regional system each year in the plan. These projections, as guided by the recent amendment to the Memorandum of Understanding (MOU) with the Metropolitan Council, are now consistent with the projections found with the Land Use Chapter. To make these two sections of the Comprehensive Plan more consistent, some of the more significant changes to Chapter VI – Wastewater Facilities include the following:

- All dates have been updated to reflect the revised time schedule for development activity.
- The approved Olson Lake Trail amendments have been incorporated into this document.
- The REC forecast table and projected flows by interceptor now include all existing homes and business that will be served by the regional system.
- References to the Washington County Subsurface Sewage Treatment System regulations have been added where appropriate.
- The wetland treatment systems table has been updated to include subdivisions approved after 2005.
- The list of City-owned treatment systems has also been updated to reflect current conditions.
- All maps have been revised for consistency with other sections of the Comprehensive Plan.

Finally, the Wastewater Facilities section of the Comprehensive Plan is also being brought forward at this time in part because the Met Council has deemed the City’s Village Plan Amendment submission incomplete without the updated sewer forecasts included with this amendment. Upon approval and submission of this amendment, the Met Council will be able to continue its review of the City’s Village Land Use Plan.

The proposed Comprehensive Plan Amendment has been reviewed by the City Engineer. In addition, the Planning Commission reviewed the document at the meeting on 8/26/13. During this review, the Planning Commission did have one question about language that was used in reference to the Met Council’s effort to make the Cottage Grove Ravine interceptor available to the City. Staff asked the City Engineer to review the Planning Commission’s concern about the language. The City Engineer determined that the proposed language was acceptable.

RECOMMENDATION:

The Planning Commission recommends the City Council approve the Comprehensive Plan Amendment by taking the following action:

“Move to approve Resolution No. 2013-70, approving the amendment to Chapter VI – Wastewater Facilities of the City’s Comprehensive Plan.”

ATTACHMENT(S):

1. Resolution No. 2013-70
2. Comprehensive Plan Amendment: Chapter XI – Wastewater Facilities

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

RESOLUTION NO. 2013-70

*RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO COMPREHENSIVE PLAN TO
REVISE CHAPTER XI – WASTEWATER FACILITIES*

WHEREAS, the City of Lake Elmo (“City”) has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

WHEREAS, the City has adopted amendments to the Land Use Chapter of the Comprehensive Plan; and

WHEREAS, the City must revise Chapter VI – Wastewater Facilities of the Comprehensive Plan to bring it into conformance with the recently adopted amendments to the Land Use Chapter.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on August 26, 2013 to consider the request to amend the Comprehensive Plan; and

WHEREAS, on August 26, 2013 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the request to amend the Comprehensive Plan; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at its September 3, 2013 meeting.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the Comprehensive Plan amendment would revise Chapter VI – *Wastewater Facilities* of the Lake Elmo Comprehensive Plan to bring Chapter VI into conformance with the projected household and employment forecasts as determined by the Land Use Chapter of the City’s Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby approves an amendment to Chapter VI – *Wastewater Facilities* of Lake Elmo Comprehensive Plan subject to and contingent upon the following:

- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

Passed and duly adopted this 3rd day of September, 2013 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

WASTEWATER FACILITIES

Sanitary Sewer System

Background

The City of Lake Elmo's sewer plan is based on the Memorandum of Understanding approved by the City of Lake Elmo and the Metropolitan Council dated January 27, 2005 and as subsequently amended. This plan meets the intent of that agreement and has been drafted to comply with the housing, population, and employment projections as incorporated into the Land Use Plan.

Existing Sanitary Sewer

The Southeast 1/4 of Section 33 is within the Metropolitan Urban Service Area (MUSA) Boundary at this time. By agreement with the City of Oakdale this area discharges to a City of Oakdale sanitary sewer main in Hudson Boulevard. From there it enters the WONE interceptor. Under the agreement with the City of Oakdale, Lake Elmo is limited to the amount it can discharge.

Sanitary Sewer Plan

The MCES plans to extend a new sewer connection for the City of Lake Elmo to serve the east 1/2 of Section 33 and all of Section 34. The connection will be near the City's existing lift station, and that lift station will continue to be active and maintained by the City.

Additionally, the MCES will extend the Cottage Grove Ravine interceptor to serve the remainder of the City south of 10th Street and the Village Planning Area.

The City will install a lift station-forcemain system to convey wastewater to the MCES interceptor from the Village Planning Area. This lift station-forcemain system will be designed to serve the planned 900 new housing units and approximately 200 existing housing units. The City plans to build this system in 2013.

Sanitary sewer service will also be initiated to serve portions of the City south of 10th Street beginning in 2013 by extending gravity sewer in two locations. In the southeast side of Lake Elmo, gravity sewer will be connected to the MCES Cottage Grove Ravine Meter Station in Lake Elmo, and extended north to support development in the immediate area of the sewer main. In the southwest side of Lake Elmo, a gravity sewer and lift station-forcemain system will be constructed to support development in the remaining east ½ of Section 33 and in Section 34.

The existing units in the Cimarron manufactured home park will be served by regional sewer between 2020 and 2030. This flow is included in the forecasts. Cimarron will need to install a lift station in order to be served by regional sewer. The existing homes and businesses in the Village Planning Area of Lake Elmo are assumed to be served by regional sewer between 2013 and 2030. That flow has also been included in the forecasts.

The City has identified an area along Olson Lake Trail in the Tri-Lakes area that will be served with public sanitary sewer via an extension from the City of Oakdale. A sanitary sewer services agreement has been entered to facilitate this extension. The City of Lake Elmo will work with the City of Oakdale to connect existing homes as public projects occur or as when otherwise feasible to make these connections.

Requirements for Areas Served by the Regional System

Community Forecast for Areas Served by Regional Sewer Service (REC Units)

The following table provides projections of future sewer units (REC units) that will connect to the regional interceptors, including all new sewer units and any existing units that are projected to connect into the system.

Table 6-A					
Forecast of Lake Elmo REC Units by Sewer Interceptor					
Year	New REC Units		Existing REC Units		Total
	WONE	Cottage Grove	WONE	Cottage Grove	
2010	0	0	100	0	100
2011	0	0	100	0	100
2012	0	0	100	0	100
2013	0	0	100	0	100
2014	60	40	100	0	200
2015	375	140	100	0	615
2016	520	326	130	20	996
2017	665	512	160	40	1377
2018	810	698	190	60	1758
2019	955	884	220	80	2139
2020	1100	1070	250	100	2520
2021	1200	1270	270	150	2890
2022	1300	1470	290	200	3260
2023	1400	1670	300	367	3737
2024	1500	1870	300	533	4203
2025	1600	2070	300	700	4670
2026	1600	2456	300	700	5056
2027	1600	2842	300	700	5442
2028	1600	3228	300	700	5828
2029	1600	3614	300	700	6214
2030	1600	4000	300	700	6600

Sanitary Sewer Plan Map

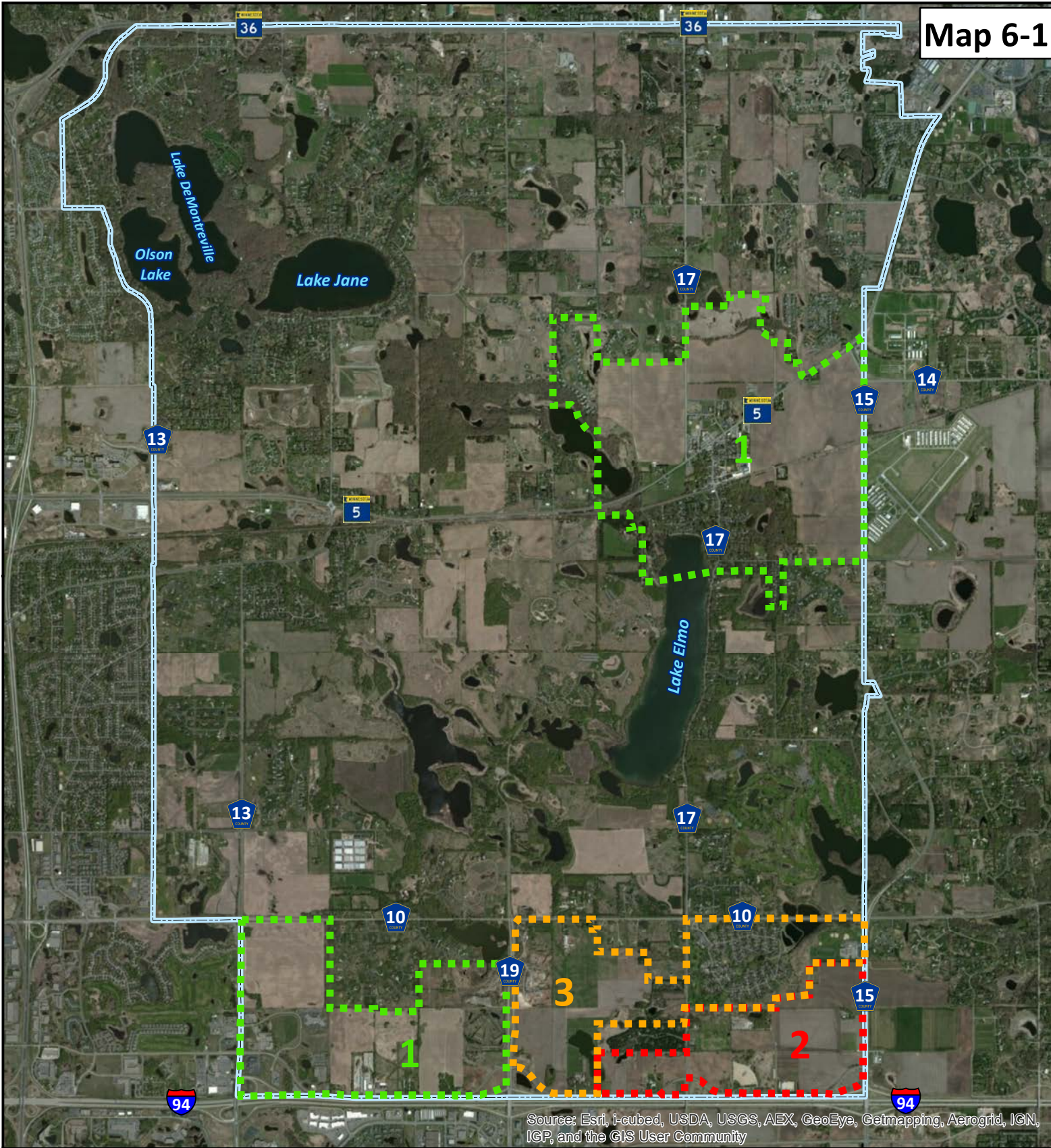
The Sewer Staging Plan Map (**Map 6-1**) shows sewer service staging in three phases in accordance with the Land Use Plan. The staging plan will be revised to reflect any future updates to the Memorandum of Understanding between the City and the Metropolitan Council.

The Sewer Service Area – Tri Lakes Map (**Map 6-2**) shows the sewer service area for existing homes to be provided with service along Lake Olson. There is no specific time frame identified for this area, but connections are expected to begin in 2013.

Projected Flows for Each MCES Interceptor Service Area (MGD)

Table 6-B			
Projected Flows by Interceptor (MGD)			
Year	WONE	Cottage Grove	Totals
2010	0.03	0.00	0.03
2014	0.04	0.01	0.05
2015	0.13	0.04	0.17
2016	0.18	0.09	0.27
2017	0.23	0.15	0.38
2018	0.27	0.21	0.48
2019	0.32	0.26	0.59
2020	0.37	0.32	0.69
2025	0.52	0.76	1.28
2030	0.52	1.29	1.81

Flows are based on 1 residential equivalent unit = 274 gallons per day




Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Regional Sewered Staging Plan




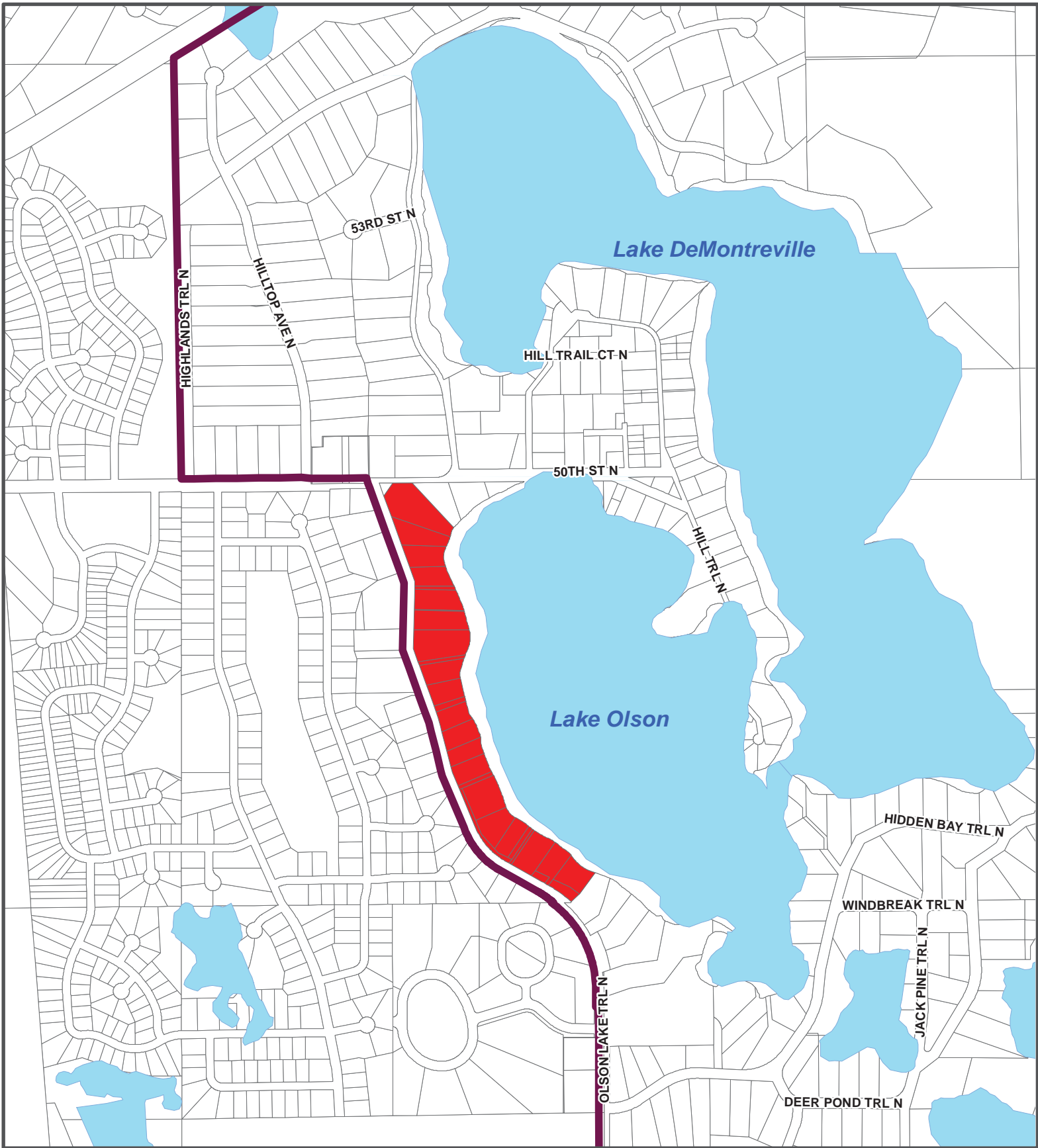
Data Source: Washington County, MN
8-16-13

-  Stage 1
-  Stage 2
-  Stage 3



0 0.25 0.5 1 Miles





Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



Map Date:
April 22, 2013



0 125 250 500 750 1,000
Feet

 Future Public
Sewer Service Area

Map 6-2

Land Use Plan Map

The general plan for providing sanitary sewer to the planned service areas is described in **Map 6-3**.

City Goals, Policies and Strategies Concerning Infiltration and Inflow

The City of Lake Elmo's goal is to have no inflow or infiltration into its sewer system, and to attain the goal of preventing and reducing excessive infiltration and inflow into the local sewer system the City will observe the following procedures:

- All sewer mains will be air tested in accordance with the Minnesota City Engineers Association Standards for Utility Construction.
- All new sewer mains will be televised.
- Homes and businesses will be checked for sump pump discharge into the sewer system prior to issuance of a Certificate of Occupancy.
- The City will monitor its actual sewer flows during storm events to see if there is an increase in sewer discharge.
- The City will develop a schedule to inspect and clean all sewers.

Should excessive inflow and infiltration be a concern in the future, the City will adopt additional policies to remedy the situation.

Requirements for Areas Not Served by the Regional System

Description of the City's Current Management Program

The City has adopted Chapter 4: *Subsurface Sewage Treatment System Regulations* of the Washington County Development Code by reference. A copy of the City's Ordinance and a description of the SSTS monitoring system are included as an Appendix. Washington County currently monitors SSTS installations and administers the code for the City.

Cimarron Manufactured Home Park operates and maintains a packaged treatment plant with a capacity of 0.15 MGD. There is a State permit for this facility.

Map of Existing Public Septic Systems

Map 6-4 entitled *Existing 201 Common Wastewater Systems* identifies the City's existing public septic systems.

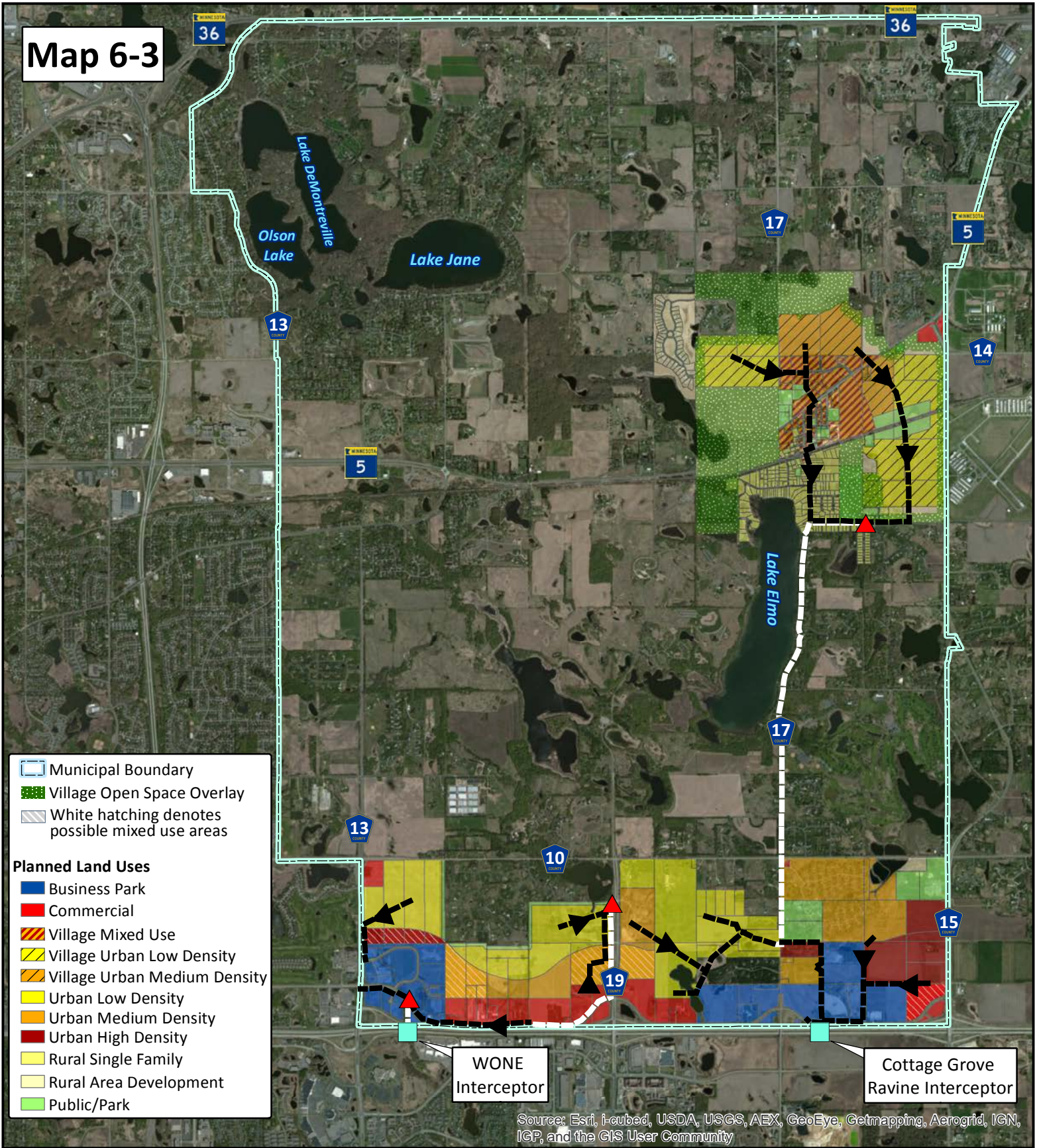
Conditions Under Which Septic Systems Are Allowed

Septic Systems are allowed for all land uses within the City outside of the planned sewer service areas in accordance with Chapter 4: *Subsurface Sewage Treatment System Regulations* of the Washington County Development code as adopted by reference by the City of Lake Elmo.

Capacity and Flows to Public and Private Septic Systems

The capacity and flows to public and private septic systems are listed in **Table 6-C** and **Table 6-D**.

Map 6-3



Future Land Use - Sewer Plan



Data Source: Washington County, MN
8-19-13

- Gravity Sewer
- Forcemain Sewer
- Lift Station
- MCES Interceptor



0 0.5 1 Miles

Private Community Wastewater Treatment Systems

Map 6-5 *Private Community Wastewater Treatment Systems* shows the privately owned sewage treatment systems that have been constructed in the City. These private systems have been built since 1998. The city at the time decided to allow “performance based” sewage treatment systems, in accordance with Minnesota Rules 7080. To date, all of these private systems are located in new residential subdivisions. The homeowners within these new subdivisions are responsible for ownership, operation and maintenance. The Private Community Wastewater Treatment Systems consist of “wetland treatment systems” or “community drainfield systems”.

Systems over 10,000 gallons per day have a State Disposal Permit.

A list of the Private Community Wastewater Treatment Systems are incorporated as part of **Table 6-C**.

Table 6-C			
Private Community Wastewater Treatment Systems			
Subdivision	Number of Homes	Design Flow (GPD)	State Permit
Fields of St. Croix	135	35,589	Yes
Tana Ridge	20	5,841	Yes
Tamarack Farm Estates	20	4,000	No
Hamlet on Sunfish Lake	41	8,200	Pending
Prairie Hamlet	14	2,800	No
Wildflower Shores	25	3,600	No
Carriage Station	111	44,875	Yes
Whistling Valley (I-III)	46	20,000	Yes
Tapestry	67	25,125	Yes
Farms of Lake Elmo	33	12,375	Yes
Discover Crossing	28	9,045	No
St. Croix’s Sanctuary	62	20,000	Yes
Hidden Meadows	Church & 25 Homes	13,375	Yes

City-Owned 201 Wastewater Treatment Systems

In the late 1980’s, the City of Lake Elmo participated in the Federal 201 program which provided grant funds to help communities build shared wastewater treatment systems. The City of Lake Elmo designed and constructed eight (8) 201 shared wastewater treatment systems under this program to replace failing septic systems on private property. The systems provided individual septic tanks for private

properties with shared wastewater drain fields and were constructed in the Old Village and Tri-Lakes areas.

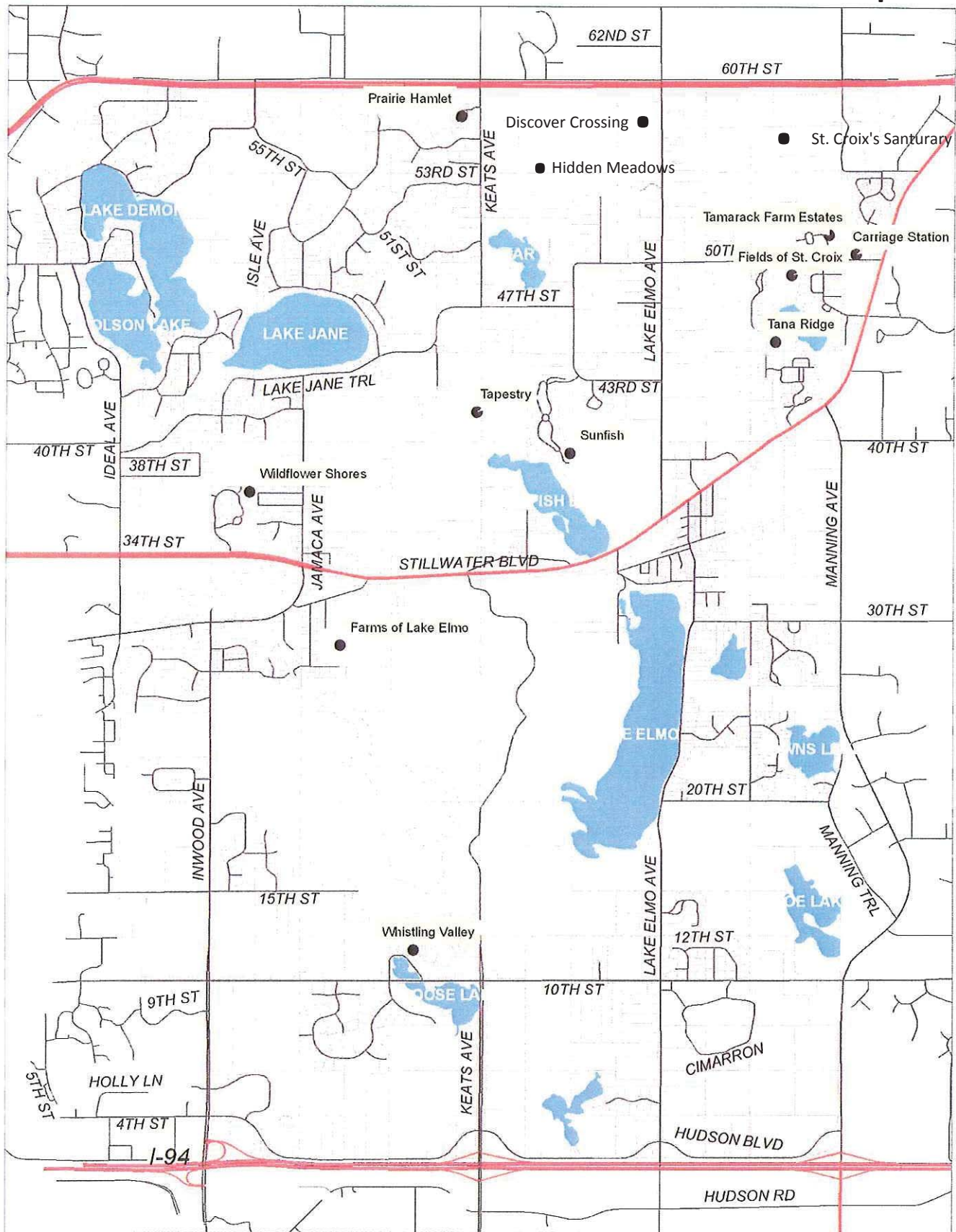
Map 6-5: Existing 201 Shared Wastewater Treatment Systems shows the location of these systems, which include the following facilities:

Table 6-D		
City-Owned 201 Wastewater Treatment Systems		
Facility	Number of Connections	Design Flow (GPD)
Old Village Remote A	6	3,750
Old Village Remote B	6	2,700
Old Village Remote C	8	1,500
Old Village Remote D	6	4,440
Tri-Lakes Remote A	1	450
Tri-Lakes Remote B	3	1,500
Tri-Lakes Remote C	2	600
Tri-Lakes Remote D	3	1,350
Tri-Lakes Remote E	1	450

Future Sewer Plans

The City has no plans to expand the area served by the Regional Sewer System outside of the areas shown in **Map 6-1 Sewer Staging Plan Map** except for those areas specified in the Tri-Lakes area and depicted on **Map 6-2 Sewer Service Area – Tri Lakes Map**. The City will continue to work with the City of Oakdale to potentially extend sewer services into the Tri-Lakes area to serve the future service areas identified in this map. Within the planned Regional Sewer System, the City will abandon all City-owned septic systems in the Village Area at the time of connection to sanitary sewer. The City does not plan to construct a local sewage treatment plant.

Private sewage treatment systems may be constructed in new residential developments by developers as necessary outside of the areas that have been guided for public sanitary sewer services. The installation of new private systems will occur at the time new homes are built.



ENGINEERED WETLAND TREATMENT SYSTEMS

Lake Elmo Comprehensive Plan 2005 - 2030

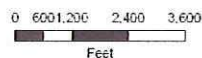
Limitation of Liability

This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: August 24, 2005

Created By: TKDA

DESIGNERS ARCHITECTS PLANNERS



Treatment Systems

● Wetland Treatment Location

— Lake Elmo City Boundary



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013
REGULAR
ITEM #: 10

AGENDA ITEM: Well No. 4 Connecting Watermain – Resolution Receiving Feasibility Report and Calling Hearing on Improvement
SUBMITTED BY: Jack Griffin, City Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Adam Bell, City Clerk
Cathy Bendel, Finance Director
Dave Snyder, City Attorney
Chad Isakson, Project Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Engineer
- Report/Presentation.....City Engineer
- 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 adopting Resolution No. 2013-71 receiving the Feasibility Report and calling for a Public Improvement Hearing to be held on October 1, 2013. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2013-71, receiving the Feasibility Report and calling Hearing on Improvement for the Well No. 4 Connecting Watermain Improvements.”

STAFF REPORT:

In accordance with the 2013-2014 Capital Improvement Plan, watermain will need to be extended along 50th Street and Lake Elmo Avenue, from 50th Street to 43rd Street, to connect Well No. 4 to the City’s existing distribution system. Individual home service stubs and fire hydrants will be installed as a part of the project as the trunk watermain is extended past existing residential properties. The improvements will benefit the property owners by providing them the opportunity to connect to the municipal water system and will provide increased fire protection for the property. The feasibility report is necessary to satisfy the state required process to assess the benefiting property owners if the City wishes to levy assessments as part of the project.

Similar to the Keats MSA Street and Trunk Watermain Improvements, this project is being installed as part of the overall water system capital improvement plan, and not as a project to specifically deliver municipal water to the adjacent properties. Therefore the adjacent properties are not required to pay 100% of the infrastructure extension costs as is seen in other utility extension projects, but the properties will receive benefit. The feasibility report and subsequent public hearings will be completed at the same time as the design of the watermain extension.

Staff will present the findings and recommendations of the Feasibility Report at the meeting including an option to assess a \$5,800 lateral benefit charge to ten (10) benefitting properties along the improvement corridor, and a second option to assess one half that amount, or \$2,900 lateral benefit charge at the time of the project while deferring the remaining \$2,900 to be collected if and when the property chooses to connect to the City water system.

RECOMMENDATION:

Staff is recommending that the City Council adopt Resolution No. 2013-71, receiving the Feasibility Report and calling Hearing on Improvements for the Well No. 4 Connecting Watermain Improvements. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2013-71, receiving the Feasibility Report and calling Hearing on Improvement for the Well No. 4 Connecting Watermain Improvements.”

ATTACHMENT(S):

1. Resolution 2013-71 Receiving the Feasibility Report for the Well No. 4 Connecting Watermain Improvements and Calling Hearing on Improvement.
2. Notice of Hearing on Improvement.
3. Project Schedule.
4. Location Map.
5. Feasibility Report *(available for review at City Hall)*

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

RESOLUTION NO. 2013-71

**A RESOLUTION RECEIVING A FEASIBILITY REPORT FOR THE
WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS
AND CALLING HEARING ON IMPROVEMENT**

WHEREAS, pursuant to City Council authorization, adopted on August 6, 2013, a feasibility report has been prepared by FOCUS Engineering, Inc. for the extension of trunk watermain facilities along 50th Street and Lake Elmo Avenue, from 50th Street to 43rd Street in order to connect Well No. 4 to the water distribution system; and

WHEREAS, the feasibility report recommends that connection service stubs be installed to properties located adjacent to the watermain improvements and recommends that a portion of the cost of the improvements be assessed pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429; and

WHEREAS, the feasibility report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

NOW, THEREFORE, BE IT RESOLVED,

1. That the City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of \$617,000.
2. A public hearing shall be held on such proposed improvements on the 1st day of October, 2013, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF SEPTEMBER, 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, October 1, 2013, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement will consist of the extension of trunk watermain facilities along 50th Street and Lake Elmo Avenue, from 50th Street to 43rd Street in order to connect Well No. 4 to the water distribution system. Individual service stubs will be installed to properties with existing homes that are located adjacent to the watermain improvements. Fire hydrants will be installed along the corridor, providing increased fire suppression capabilities in the area.

The area proposed to be assessed for these improvements include the properties with existing residences and located along Lake Elmo Avenue and 50th Street North, directly abutting the location of the proposed watermain improvements. The estimated total cost of the improvements is \$617,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: September 3, 2013

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on September 11, 2013 and September 18, 2013)

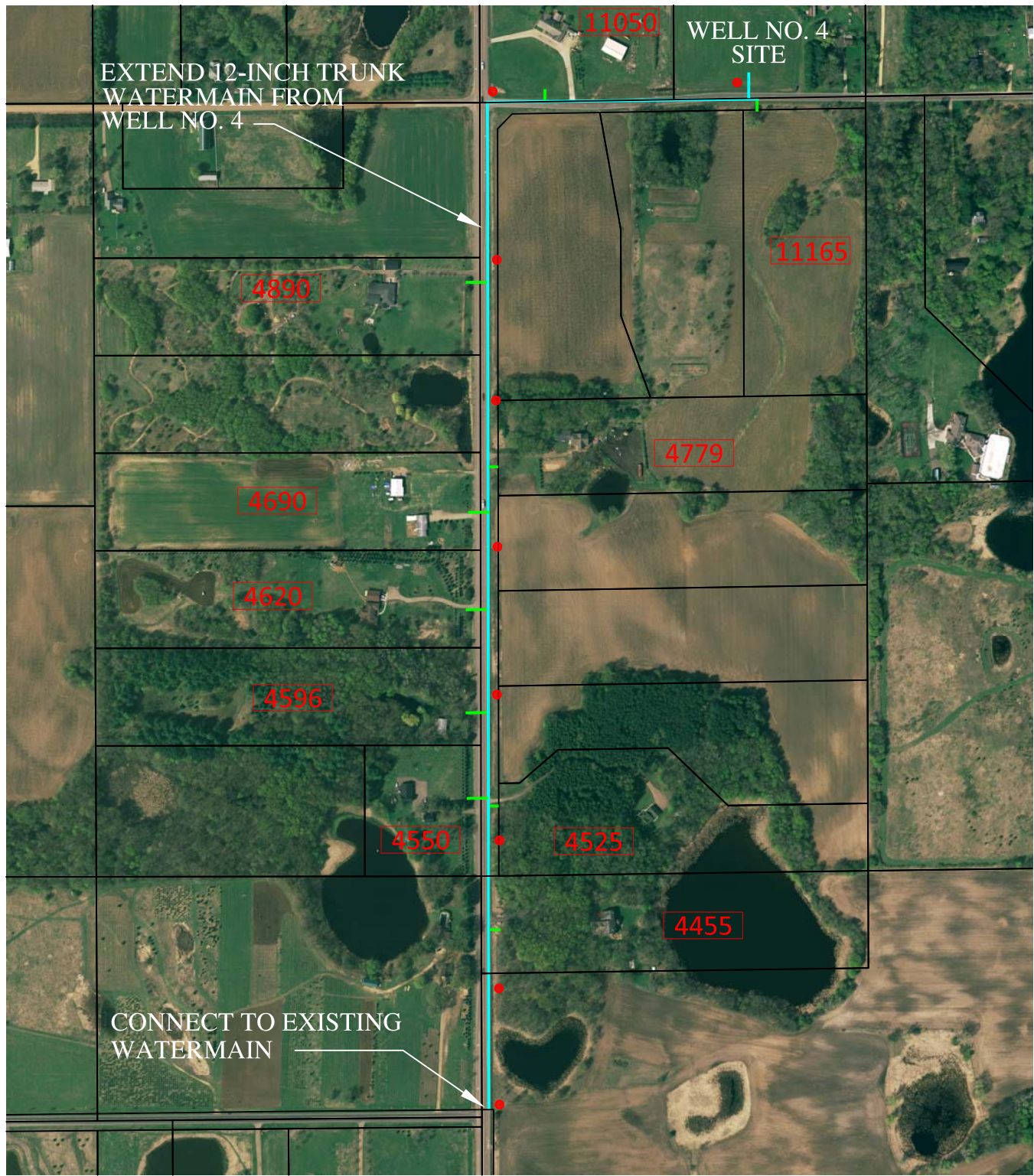
PROJECT SCHEDULE

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Project Title: Well No. 4 Connecting Watermain Improvements
Client: City of Lake Elmo
Project No.: 2013.131
Date: August 26, 2013

August 6, 2013	Council orders preparation of a Feasibility Report.
August 8, 2013	Team kickoff meeting. Schedule resident meeting and send out NOTICES.
August 21, 2013	Conduct resident meeting to present the project (following TH 5 Open House).
September 3, 2013	Presentation of Feasibility Report to Council. Council passes resolution receiving report and calling for a hearing on improvements to be held October 1, 2013.
September 4, 2013	Send notice of public hearing to residents and post in newspaper.
October 1, 2013	Public Improvement Hearing.
January 21, 2014	Council Approve Plans and Specifications and Orders Advertisement for Bids.
February 20, 2014	Receive Contractor bids.
March 4, 2014	City Council accepts bids and awards Contract.
April 1, 2014	Conduct Pre-construction Meeting & Issue Notice to Proceed.
June 20, 2014	Work is substantially complete (estimated 12 weeks).
July 18, 2014	Final Completion Date. Record As-builts; Testing Results; and Final Recommendation Letter to City Engineer.



LEGEND

- PROPOSED WATERMAIN
- PROPOSED WATERMAIN SERVICE STUB
- PROPOSED HYDRANT
- XXXX ASSESSABLE PROPERTY

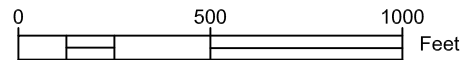


FIGURE NO. 2

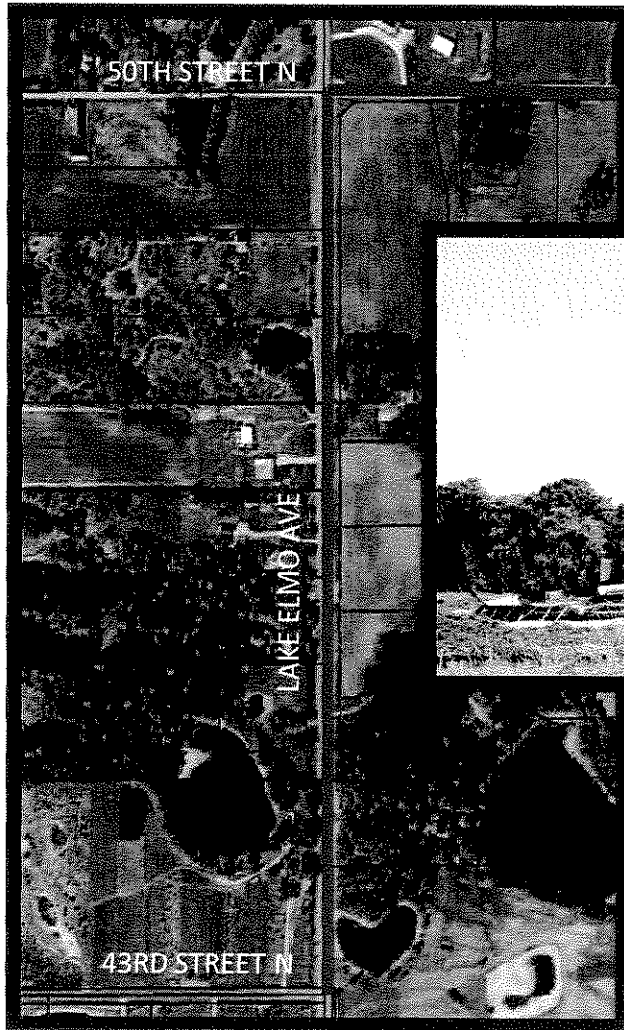
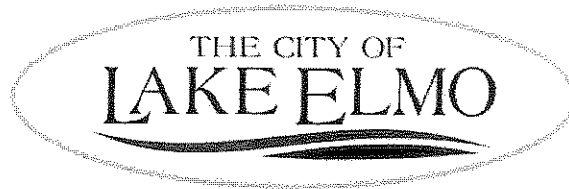
FOCUS
ENGINEERING

PROJ. NO. 2013.131
LAKE ELMO, MINNESOTA
SEPTEMBER, 2013

PROPOSED WATERMAIN IMPROVEMENTS
WELL NO. 4 CONNECTING
WATERMAIN IMPROVEMENTS

WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS

FEASIBILITY REPORT



SEPTEMBER, 2013

CITY OF LAKE ELMO, MN.
Project No. 2013.131

www.FOCUSengineeringinc.com

FOCUS ENGINEERING, inc.

CERTIFICATION

FEASIBILITY REPORT WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS

THE CITY OF LAKE ELMO, MINNESOTA

SEPTEMBER 2013
Lake Elmo Project No: 2013.131

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Chad J. Isakson | License No. 49028 | September 3, 2013
651.300.4283

FOCUS Engineering, inc.
www.FOCUSengineeringinc.com

WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS

CITY OF LAKE ELMO PROJECT NO: 2013.131

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**WELL NO. 4 CONNECTING
WATERMAIN IMPROVEMENTS**

CITY OF LAKE ELMO PROJECT NO. 2013.131

EXECUTIVE SUMMARY

This feasibility report has been prepared in accordance with the City of Lake Elmo Capital Improvement Plan (CIP) to address trunk watermain improvements necessary to connect a new municipal water supply well, Well No. 4, to the existing water distribution system. The project is currently scheduled in the CIP for construction in 2014. This report was prepared at the direction of the City Council to be in accordance with Minnesota State Statutes 429 in order to consider the assessment of a portion of the improvements to properties adjacent to and benefitting from these improvements.

The proposed improvements include the extension of trunk watermain facilities along 50th Street North and Lake Elmo Avenue, from 50th Street N. to 43rd Street N., in order to connect Well No. 4 to the water distribution system. Individual service stubs will be installed to properties with existing homes that are located adjacent to the watermain improvements. Fire hydrants will be installed along the corridor, providing increased fire suppression capabilities in the area. Ten (10) properties have been identified that will benefit from these improvements by providing them the opportunity to connect to the municipal water system. Additional benefit will be realized through lower homeowner's insurance premiums due to the enhanced fire protection for the property.

The total estimated project cost for this improvement is \$617,000. This project is being installed as a part of the overall water system and not as a project to specifically deliver municipal water to the adjacent properties. Therefore the adjacent properties are not required to pay 100% of the infrastructure extension costs as is seen in other utility extension projects. However, the properties will receive benefit from the improvements and it is therefore recommended that each benefitting property be assessed a \$5,800 lateral benefit for the improvements.

Project cost details are included in the Appendix. The recommended Project Improvements are necessary, cost-effective, and feasible and will result in a benefit to the properties proposed to be assessed. It is recommended that the City Council accept this Report, hold the public hearing, and order the improvements.

I. PROJECT INITIATION AND SCOPE

This project was initiated as a part of the City's Water Capital Improvement Plan (CIP) in order to connect Well No. 4 to the existing water distribution system. The City Council authorized the preparation of the feasibility report for the Well No. 4 Connecting Watermain Improvements on August 6, 2013. Staff was directed to identify properties along the project corridor that may benefit from the improvements and to recommend potential assessments accordingly.

Well No. 4 will be the second high capacity well (1,250 Gallons per Minute) supplying water to the City's municipal water system. The well is necessary to meet the growth demands of the City and to provide backup firm capacity to Well No. 2. The well is currently being drilled and developed by Keys Well Drilling Company and is anticipated to be complete in the fall of 2013. The extension of trunk watermain along 50th Street N. and Lake Elmo Avenue, from 50th Street N. to 43rd Street N. is necessary to connect Well No. 4 to the City's municipal water distribution system.

This Report is a desktop study, based on record drawings, aerial photography, aerial contours, Washington County plat records, and city utility maps. A visual observation and condition assessment was completed to review the preliminary routing. Topographic surveys were not completed as part of this report and will be required to confirm the viability of the watermain pipe route and to further detail project costs.

II. PROJECT AREA CHARACTERISTICS

In 2011 and 2012 City staff conducted a site acquisition study to identify properties that would be suitable and potentially available for acquisition, for a municipal water supply well. This study resulted in the purchase of approximately 1.4 acres of property along 50th Street North, just east of Lake Elmo Avenue. The well site was located further north than originally anticipated by the CIP to protect the well capture zone from groundwater contamination plumes generated from the Washington County landfill. However, by moving the well further away from the existing water distribution system, additional trunk watermain was needed to complete the necessary connection near the intersection of Lake Elmo Avenue and 43rd Street N.

The location of the Well No. 4 connecting trunk watermain will be placed along the shoulder of 50th Street N. and Lake Elmo Avenue. Lake Elmo Avenue is owned and maintained by Washington County with the topography along this corridor generally sloping away from the roadway. 50th Street N. is a city

owed street. Both roadway pavements are in good condition with neither roadway scheduled for reconstruction in the next 10 years.

III. PROPOSED WATER SYSTEM IMPROVEMENTS

The proposed water system improvements include the extension of a 12-inch trunk watermain line from the Well No. 4 site to the intersection of 43rd Street and Lake Elmo Avenue. The improvement includes approximately 4,500 feet of watermain, 10 residential service stubs, 9 hydrant assemblies, and 19 gate valves. The watermain will be installed using directional drilling to minimize disruption to the existing roadway pavements and minimize costs.

The specific trunk watermain alignment will be determined during the design phase resulting in a route that seeks to minimize impacts to utilities, roadway pavement impacts, and tree loss. Hydrants and valves will be located strategically to minimize the number required while providing a functional and efficient operating system. Public Works staff and the Lake Elmo Fire Chief will be consulted for the placement of these appurtenances. The project would extend a service connection pipe to the property line, or edge of right-of-way, of ten (10) properties with an existing home and abutting the proposed improvements. Properties on the opposite side of the road from the watermain will have service stubs installed by boring the pipe under the road. Properties that choose to connect to the system will be responsible for the private water service line from the right-of-way to their home.

IV. IMPACTS OF PROPOSED IMPROVEMENTS

The proposed watermain extension will complete a critical connection of Well No. 4 to the City's water supply system. A new well is critical for the City to be able to add new customers and support the protected growth and development in the Village and I94 corridor areas. Without this connection the City will continue to rely on Well No. 2 as the only supply well, without backup or redundancy.

Should a construction project be pursued as recommended, short-term traffic delays, construction dust and noise, minor tree loss, and erosion will occur during construction of the improvements. Efforts to minimize these impacts include proper construction traffic signage, restriction of work hours and implementation of dust and erosion control measures. Construction impacts can be mitigated through the use of proper construction specifications and best management practices. The project as proposed will be mostly installed with trenchless technology and will therefore result in minimal disturbance to existing surface conditions throughout the length of the project. Any disruptions that occur along the

existing corridor will be restored consistent with general construction practices, however it is not always possible to restore to pre-existing conditions.

V. RIGHT-OF-WAY AND EASEMENTS

All improvements are proposed within the existing City or County right-of-way or prescriptive easements. A County right-of-way permit will be required to facilitate the project as proposed. It appears that no additional easements will be required.

VI. PERMITS AND APPROVALS

The following permits will be required to implement the proposed improvements:

- Minnesota Department of Health (MDH) Watermain Extension Permit.
- Washington County Right-of-Way Permit.

VII. SUMMARY OF ESTIMATED PROJECT COSTS

Included in the Appendix is the detailed estimate of probable Project costs including construction, engineering, geotechnical investigations, and contingencies. No allowance has been provided for easement and right-of-way. A 4% allowance is included for legal, fiscal and administration costs; however these actual costs should be further estimated by the City finance staff.

These cost estimates are based on recent construction projects of similar character and assume that the proposed improvements would begin in 2014. The actual project costs will be determined through a competitive bidding process and will vary with market conditions at the time of the bid.

Total estimated project cost for the Well No. 4 Connecting Watermain Improvements Project:

- **12-INCH DIAMETER TRUNK WATERMAIN EXTENSION** **\$617,000**

VIII. FINANCING OF IMPROVEMENTS

This project will be funded through a combination of the City's Water Enterprise Fund, the \$1.0 million DEED Water System Grant, and special assessments. Because the proposed project serves the entire water supply system, and therefore all existing and future users of the City water supply, the project is considered CORE Water Infrastructure and is funded through the Water Enterprise Fund. The City collects Water Availability Charges and Water Connection Charges from each user connecting to the system to pay for CORE water infrastructure improvements, either directly or through bond repayments.

This project will also be partially funded through the City's \$1.0 million DEED Water System Grant. The City has received a \$1.0 million matching grant to spend on municipal water system infrastructure, with all expenditures to be made by December 31, 2014. The City must expend an additional \$1.0 million from the Water Enterprise Fund to match the grant contribution. This project, together with the Keats Trunk Watermain, Production Well No. 4 and Pumphouse No. 4 combine for over \$2.0 million in water system improvements.

In addition to the above funding sources, it is recommended that the City impose special assessments against the properties benefiting from the improvements. Special assessments are levied in accordance with Minnesota Statutes Chapter 429 and the City of Lake Elmo Special Assessment Policy. Following the assessment policy, the City Council should consider levying a lateral benefit charge of \$5,800 to each of the existing housing units that are provided a water service stub. The \$5,800 lateral benefit charge is the current charge on the 2013 City Fee Schedule. Consideration should be given to assessing a lateral benefit charge whether or not the property chooses to connect to City water. When a property connects to City water, they must also pay a \$3,000 Water Availability Charge (WAC), a \$1,000 Water Connection Charge, and a \$300 Meter Fee.

In the past year, the City ordered the Keats Trunk Watermain Improvements and following testimony from the property owners, the City Council chose to levy a \$2,900 assessment at the time of the project while deferring the remaining \$2,900 (from the \$5,800 lateral benefit charge) until the property choose to connect to the system. If a property never connects the City must fund the remaining \$2,900 amount.

The total estimated project costs are listed below for the recommended improvements with staff recommendation to assess a \$5,800 lateral benefit charge:

ASSESSMENT OPTION 1:

Proposed Improvement	Total Estimated Project Costs	Water Enterprise Fund	DEED Grant Funds	Special Assessments (10 at \$5,800 ea.)
Watermain Improvements	\$617,000	\$307,000	\$252,000	\$58,000

Alternatively, the total estimated project costs are listed below for the recommended improvements with a \$2,900 assessment at the time of the project, and deferring the remaining \$2,900 until the time of connection:

ASSESSMENT OPTION 2:

Proposed Improvement	Total Estimated Project Costs	Water Enterprise Fund	DEED Grant Funds	Special Assessments (10 at \$2,900 ea.)
Watermain Improvements	\$617,000	\$336,000	\$252,000	\$29,000

The City may use fund reserves or bonds for the Project improvements to pay the up-front project costs and to cover City cost participation. Special assessments would be levied against the benefiting properties with payment terms structured so that the City receives funds to meet debt obligations. If bonds are sold to finance the improvements, the interest rate on the assessment would be charged at the coupon rate plus 2%. If no bonds are sold, the interest rate would be set at the rate allowed by State law.

It is recommended that the watermain improvements be levied over a 15-year period. Assuming an assessment is levied in the amount at 4.5% interest, the property owner, if they choose to finance the assessment, would be required to pay an estimated annual payment as shown in the Assessment Payment Schedule included in the Appendix.

IX. PROJECT SCHEDULE

The following schedule is proposed in order to construct these improvements in 2014.

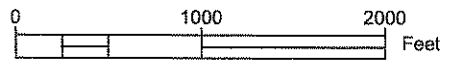
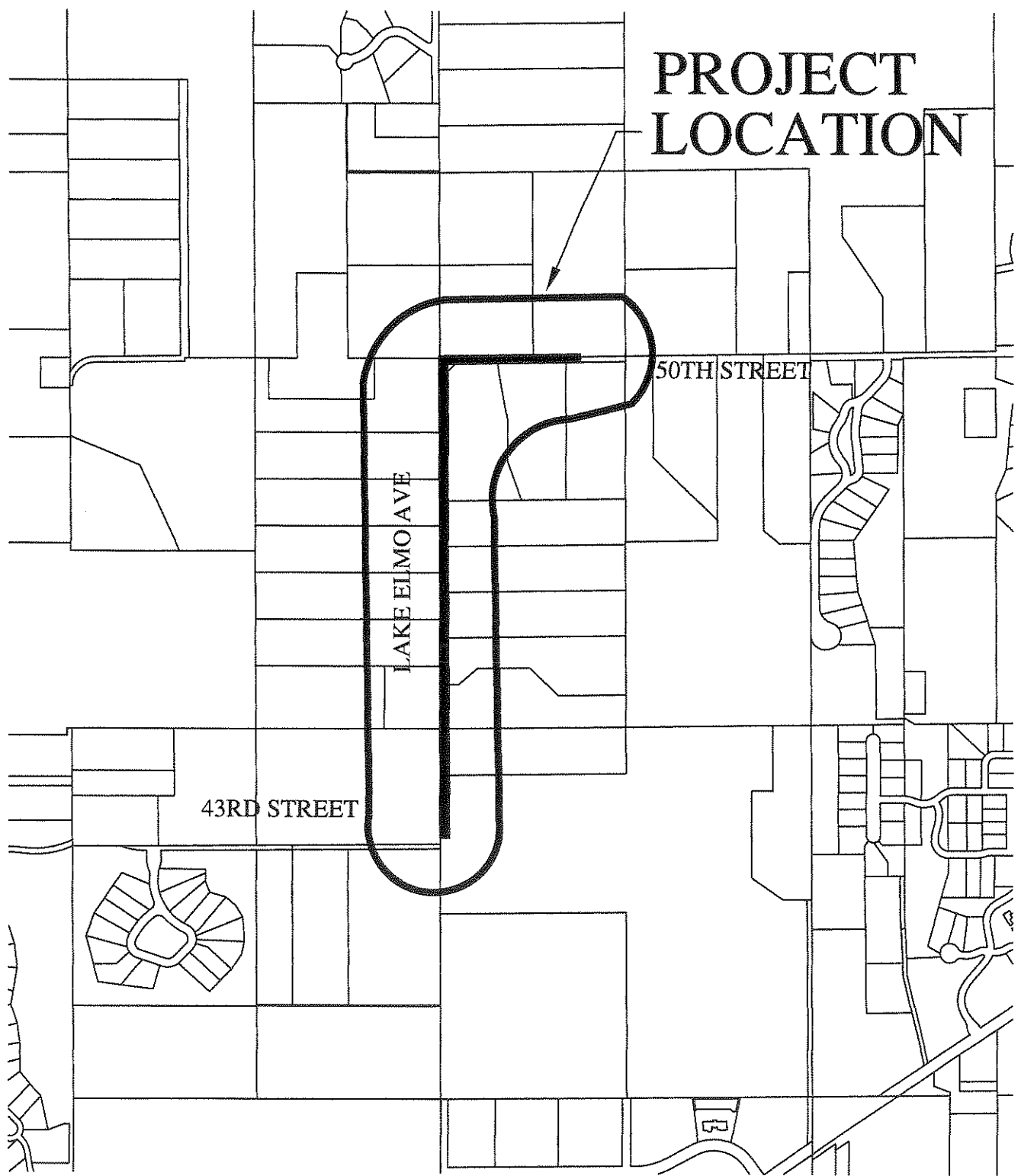
August 6, 2013	Lake Elmo Council orders preparation of Feasibility Report
September 3, 2013	Lake Elmo Council accepts report and calls for Hearing on Improvements to be held October 1, 2013
September, 2013	Resident Project Information Meeting – Preliminary Report Findings
October 1, 2013	Lake Elmo Public Improvement Hearing. Council passes resolution ordering Improvement
January 21, 2014	Presentation of Plans and Specifications. Council Approves Plans and Specifications and Orders Advertisement for Bids
February 20, 2014	Receive Contractor Bids
March 4, 2014	City Council accepts bids and awards Contract
March-September, 2014	Construction of Improvements

X. CONCLUSIONS AND RECOMMENDATIONS

The City is in need of a second Water Supply Well to meet current and projected demands on the City water system. Production Well No. 4 is currently under construction and will be completed in November 2013. A trunk watermain extension is needed to connect Well No. 4 to the existing distribution system. The trunk watermain extension project proposed within this report, along 50th Street N. and Lake Elmo Avenue, identifies the least cost alternative for making this improvement. Service stubs are recommended to be extended to property lines along the utility corridor as presented in this report. The trunk watermain extension project, as proposed, is technically and financially feasible, is necessary, cost-effective, and will result in a benefit to the properties proposed to be assessed. It is recommended that the City Council accept this Report, hold the public hearing, and order the improvements.

APPENDIX

PROJECT LOCATION







FOCUS
ENGINEERING

PROJ. NO. 2013.131
LAKE ELMO, MINNESOTA
SEPTEMBER, 2013

FIGURE NO. 1
LOCATION MAP
WELL NO. 4 CONNECTING
WATERMAIN IMPROVEMENTS



LEGEND

-  PROPOSED WATERMAIN
-  PROPOSED WATERMAIN SERVICE STUB
-  PROPOSED HYDRANT
-  ASSESSABLE PROPERTY

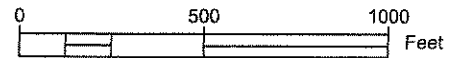


FIGURE NO. 2

**FOCUS
ENGINEERING**

PROJ. NO. 2013.131
LAKE ELMO, MINNESOTA
SEPTEMBER, 2013

PROPOSED WATERMAIN IMPROVEMENTS
WELL NO. 4 CONNECTING
WATERMAIN IMPROVEMENTS

WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS
 CITY OF LAKE ELMO, MINNESOTA
 PROJECT NO. 2013.131

FOCUS ENGINEERING, inc.

ENGINEER'S OPINION OF PROBABLE COST
 12-INCH TRUNK WATERMAIN EXTENSION

DATE: SEPTEMBER 2013

Item	Description	Quantity	Unit	Unit price	Total Cost
1	MOBILIZATION	1.00	LS	\$22,000.00	\$22,000
2	TRAFFIC CONTROL	1.00	LS	\$10,500.00	\$10,500
3	CONNECT TO EXISTING WATERMAIN	2.00	EA	\$3,500.00	\$7,000
4	12" HDPE WATERMAIN, INSTALLED BY HDD	4,400.00	LF	\$60.00	\$264,000
5	16" HDPE WATERMAIN, INSTALLED BY HDD	50.00	LF	\$110.00	\$5,500
6	6" DIP, CL. 52 WATERMAIN	180.00	LF	\$31.00	\$5,580
7	1" TYPE "K" COPPER WATER SERVICE	500.00	LF	\$21.00	\$10,500
8	1" CORPORATION STOP W/ FUSABLE SADDLE	10.00	EA	\$220.00	\$2,200
9	1" CURB STOP WITH BOX	10.00	EA	\$280.00	\$2,800
10	6" HYDRANT ASSEMBLY (8'-6" BURY)	9.00	EA	\$3,750.00	\$33,750
11	6" RES. SEAT GATE VALVE & BOX	9.00	EA	\$1,200.00	\$10,800
12	12" RES. SEAT GATE VALVE & BOX	9.00	EA	\$2,900.00	\$26,100
13	16" BUTTERFLY VALVE & BOX	1.00	EA	\$3,200.00	\$3,200
14	MJ DIP COMPACT FITTINGS	2,615.00	LB	\$5.80	\$15,167
15	BORING PIT RESTORATION TO EXISTING CONDITIONS	1.00	LS	\$39,350.00	\$39,350
16	TOPSOIL	72.00	CY	\$14.00	\$1,008
17	SOD	550.00	SY	\$2.75	\$1,513
18	OFF ROAD STRUCTURE MARKER	26.00	EA	\$100.00	\$2,600

Subtotal Estimated Construction Cost: \$464,000

Contingencies: \$46,000
 Easement and Right-of-way Acquisition: \$0
 Engineering Services (Report, Design and Construction Administration): \$58,000
 Full-Time Construction Observation: \$23,000
 Geotechnical Engineering: \$7,000
 Legal, Fiscal and Administration: \$19,000

Total Estimated Project Cost: \$617,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

NO.	NAME	ADDRESS	PID	UNITS
1	ROBERTS SAXE G & B CHRISTINA	11165 50TH ST N LAKE ELMO	55042 1202921220002	1
2	GLCJ PROPERTIES LLC	11050 50TH ST N LAKE ELMO	55042 102921330003	1
3	BREADY MARY B & KATHRYN M FLICEK	4890 LAKE ELMO AVE N LAKE ELMO	55042 1102921110005	1
4	DAY JACQUELYN L & KEVIN K	4779 LAKE ELMO AVE N LAKE ELMO	55042 1202921220005	1
5	REINHARDT MICHAEL C & AMY L	4690 LAKE ELMO AVE N LAKE ELMO	55042 1102921140005	1
6	SLINGER DONALD L & JERELYN J	4620 LAKE ELMO AVE N LAKE ELMO	55042 1102921140004	1
7	WILLIAMS DOUGLAS C & MARY F & MARY F COUNTRYMAN-WI	4596 LAKE ELMO AVE N LAKE ELMO	55042 1102921140001	1
8	HOFFMAN RICHARD J & NANCY L	4550 LAKE ELMO AVE N LAKE ELMO	55042 1102921140006	1
9	SCHMIDT MARGARET ANN TRS & ANTHONY & MARGARET SC	4525 LAKE ELMO AVE N LAKE ELMO	55042 1202921230005	1
10	ABBOTT ROY E & LAURA A	4455 LAKE ELMO AVE N LAKE ELMO	55042 1202921320002	1
TOTAL				10

ASSESSMENT PAYMENT SCHEDULE

Interest Rate 4.50%
 Original Years 15
 Remaining Years 15
 Year Started 2014
 Beginning Balance 5,800.00

YEAR	BEGINNING PRINCIPAL	ANNUAL PRINCIPAL	ANNUAL INTEREST	ANNUAL TOTAL	ENDING PRINCIPAL
2014	\$ 5,800.00	\$ 386.67	\$ 316.06	\$ 702.73	\$ 5,413.33
2015	\$ 5,413.33	\$ 386.67	\$ 243.60	\$ 630.27	\$ 5,026.67
2016	\$ 5,026.67	\$ 386.67	\$ 226.20	\$ 612.87	\$ 4,640.00
2017	\$ 4,640.00	\$ 386.67	\$ 208.80	\$ 595.47	\$ 4,253.33
2018	\$ 4,253.33	\$ 386.67	\$ 191.40	\$ 578.07	\$ 3,866.67
2019	\$ 3,866.67	\$ 386.67	\$ 174.00	\$ 560.67	\$ 3,480.00
2020	\$ 3,480.00	\$ 386.67	\$ 156.60	\$ 543.27	\$ 3,093.33
2021	\$ 3,093.33	\$ 386.67	\$ 139.20	\$ 525.87	\$ 2,706.67
2022	\$ 2,706.67	\$ 386.67	\$ 121.80	\$ 508.47	\$ 2,320.00
2023	\$ 2,320.00	\$ 386.67	\$ 104.40	\$ 491.07	\$ 1,933.33
2024	\$ 1,933.33	\$ 386.67	\$ 87.00	\$ 473.67	\$ 1,546.67
2025	\$ 1,546.67	\$ 386.67	\$ 69.60	\$ 456.27	\$ 1,160.00
2026	\$ 1,160.00	\$ 386.67	\$ 52.20	\$ 438.87	\$ 773.33
2027	\$ 773.33	\$ 386.67	\$ 34.80	\$ 421.47	\$ 386.67
2028	\$ 386.67	\$ 386.67	\$ 17.40	\$ 404.07	\$ (0.00)
		\$ 5,800.00	\$ 2,143.06	\$ 7,943.06	

First year interest calculated from October 15, 2014 through December 31, 2015



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013
REGULAR
ITEM #: 11

AGENDA ITEM: Section 34 Water and Sewer Utility Extension Improvements – Public Improvement Hearing; Ordering the Improvement; Accept Bids and Award Contract
SUBMITTED BY: Jack Griffin, City Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Adam Bell, City Clerk
Cathy Bendel, Finance Director
Dave Snyder, City Attorney
Ryan Stempiski, Assistant City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Engineer
- Report/Presentation..... City Engineer
- 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 open the Public Improvement Hearing for the Section 34 Water and Sewer Utility Extension Improvements; and following the hearing, consider adopting Resolution No. 2013-72, thereby ordering the improvement, accepting contractor bids as presented and awarding a contract for the improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2013-72, Ordering the Improvement, Accepting the Bids, and Awarding a Contract to Redstone Construction Co., Inc., in the amount of \$1,701,884.50, for the Section 34 Water and Sewer Utility Extension Improvements.”

BACKGROUND:

This project was initiated by a Petition for Public Improvements, pursuant to Minnesota Statute 429. The petition was received by City staff and presented for Council consideration on March 19, 2013. As a result of the Petition, the council ordered both the Preparation of the Feasibility Report and the Preparation of Plans and Specifications for the requested Improvements.

A Feasibility Report was approved on July 16, 2013. The Report addresses the scope of the proposed improvements together with the estimated project costs and the preliminary assessment roll. This report is available for review at City Hall.

The feasibility report recommendations are a result of continuous communications with the impacted property owners and potential development partners. Staff conducted three property owner meetings and corresponded with many of the property owners throughout the preparation of the report and design for the improvements. Both the scope of improvements to be constructed for this project and the cost allocation methodology were revised multiple times in response to stakeholder input. The Report findings and recommendations, puts forth a proposed project that substantially achieves the goals and objectives of the requested project while balancing the specific interests of the various stakeholders and fairly distributing the burden of cost.

The City Council also approved the Plans and Specifications for the project on July 16, 2013, and authorized staff to advertise the Project for bids. The Project was advertised on QuestCDN.com, Finance and Commerce, and in the Oakdale-Lake Elmo Review in accordance with the Minnesota Competitive Bidding requirements.

STAFF REPORT:

Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing has been noticed for September 3, 2013, sometime after 7:00 P.M. to consider ordering the improvements for the Section 34 Water and Sewer Utility Extension Improvements.

The project will extend trunk watermain and sanitary sewer facilities necessary to serve the projected growth and development for the remaining undeveloped properties located in Section 34, Township 29 North, Range 21 West. The recommended improvements consist of trunk watermain and sanitary sewer (including a lift station near Goose Lake), extending from the Eagle Point Business Park along Hudson Boulevard and Keats Avenue to the south end of Goose Lake. Twelve (12) permanent and twelve (12) temporary construction easements are required to construct the project as proposed and for the costs used to prepare the preliminary assessment roll. The City is requesting the dedication of all easements at no cost and in a form acceptable to the City Attorney. Without the easements the project may be constructed at greater cost with the higher costs being assessed back to the benefitting properties. A report on the status on the receipt of these permanent and temporary easement agreements will be made at the meeting.

The attached notice was published in the official newspaper and individual notifications were sent to each property owner that has been determined to benefit from the improvements and will therefore be assessed a portion of the costs. The preliminary assessment roll has been distributed to each of the benefitting properties and the City has requested a Waiver of Assessment and Irregularity Agreement from each of them, in a form acceptable to the City Attorney. Receipt of this agreement provides the City with certainty of recovering all costs apportioned to that property through the levy of the assessment and avoids potential litigation. If the City receives this signed agreement from 100% of the property owners, the City may waive the public hearings per MN State Statute 429.

Bids were received, publicly opened, and read aloud on August 20, 2013. The City Engineer and his consultants have prepared and attached the Letter of Recommendation for the award of the contract. The City received five (5) bids for this project, with Redstone Construction Co., Inc. providing the lowest base bid in the amount of \$1,701,884.50. The Engineer's post-design construction cost estimate for the project was \$1,808,986, excluding a 10% contingency.

Redstone Construction Co., Inc. is a known contractor having successfully completed similar projects in the Metro Area. The City Engineer is therefore recommending that the Council award the contract to the lowest responsible bidder, Redstone Construction Co., Inc., as outlined in the attached letter. The

Contractor has communicated a balanced bid and is prepared to deliver the project per the plans and specifications and in accordance with the substantial completion date of December 20, 2013 and final completion date of May 30, 2014.

The total estimated cost of the watermain improvements is \$671,800. The total estimated cost of the sanitary sewer improvements is \$1,706,400.

FUNDING:

The project will be financed through the issuance of tax exempt bonds. The total project costs will be 100% assessed to the benefitting properties with payments made over 15 years at 4.5% (the City's bond rate plus 2%). Each benefitting property was asked to sign a Waiver of Assessment and Irregularity Agreement to indicate their support for the improvements and waive their right to appeal the assessment. A report will be given at the council meeting to indicate which properties are backed by the submittal of a Signed Waiver of Assessment and Irregularity Agreement in the form acceptable to the City Attorney.

RECOMMENDATION:

Staff is recommending that the City Council approve Resolution 2013-72, thereby ordering the improvement, accepting contractor bids as presented and awarding a contract for the improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2013-72, Ordering the Improvement, Accepting the Bids, and Awarding a Contract to Redstone Construction Co., Inc., in the amount of \$1,701,884.50, for the Section 34 Water and Sewer Utility Extension Improvements.”

ATTACHMENT(S):

1. Resolution No. 2013-72 Ordering the Improvement, Accepting the Bids, and Awarding a Contract for the Section 34 Water and Sewer Utility Extension Improvements.
2. Notice of Hearing and Preliminary Assessment Rolls.
3. Engineer's Letter of Award Recommendation.
4. Project Schedule.

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

RESOLUTION NO. 2013-72

**A RESOLUTION ORDERING THE IMPROVEMENT, ACCEPTING THE
BIDS AND AWARDING A CONTRACT FOR THE SECTION 34 WATER
AND SEWER UTILITY EXTENSION IMPROVEMENTS**

WHEREAS, a resolution of the city council adopted on July 16, 2013, fixed a date for a hearing for the Section 34 Water and Sewer Utility Extension Improvements; and

WHEREAS, mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on September 3, 2013, at which all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the feasibility report, prepared under the direction of the City Engineer, and dated July 2013, states that the project is necessary, cost-effective, and is technically and financially feasible; and

WHEREAS, pursuant to an advertisement for bids for the Section 34 Water and Sewer Utility Extension Improvements, bids were received, opened, and tabulated according to law, and bids were received complying with the advertisement; and

WHEREAS, bids were tabulated, checked and summarized to verify that all requirements of the submittals were met; and

WHEREAS, the project engineer reviewed the bids and has provided a letter recommending the award of the contract to the lowest responsible bidder, Redstone Construction Co., Inc. in the amount of \$1,701,884.50.

NOW, THEREFORE, BE IT RESOLVED,

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report.
2. Such improvement is hereby ordered as proposed in the Council resolution adopted the 16th day of July, 2013.
3. The City Engineer is hereby designated as the engineer for this improvement, and together with his consultants, shall oversee the design and construction of such improvements in accordance with the approved Plans and Specifications prepared by Bolton and Menk, Inc. and dated July, 2013.
4. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

5. That the Mayor and City Clerk are hereby authorized and directed to enter into a Contract in the accordance with the above ordered Project, in the amount of the Contractor's lowest responsible bid, and according to the plans and specifications thereof approved by the City Council.
6. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next two lowest bidders shall be retained until a contract has been signed.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF SEPTEMBER, 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
SECTION 34 WATER AND SEWER UTILITY EXTENSION IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, September 3, 2013, to consider, and possibly adopt, the proposed assessment against abutting property for the Section 34 Water and Sewer Utility Extension Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following is the area proposed to be assessed:

Each particular lot, piece, or parcel of land located in the south half of Section 34, Township 29 North, Range 21 West.

The project includes the extension of watermain and sanitary sewer east of Eagle Point Business Park along Hudson Boulevard and north along Keats Avenue to Goose Lake.

Said assessments are proposed to be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2014, and will bear interest at the rate of 4.5 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2013. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.5 percent per year.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed water assessment is \$671,721.96. The total amount of the proposed sanitary sewer assessment is \$1,706,224.99. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council is authorized in its discretion to defer the payment of an assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

DATED: July 16, 2013

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on July 24, 2013)

PRELIMINARY ASSESSMENT ROLL
SECTION 34 WATER AND SEWER UTILITY EXTENSION IMPROVEMENTS
LAKE ELMO, MN
BMI PROJECT NO. N15.106424
REVISED AUGUST 29, 2013

PROPERTY NO.	PIN	OWNER	SANITARY ASSESSMENT	WATER ASSESSMENT	TOTAL ASSESSMENT
1	34-029-21-33-0002	DAMIANI LOUIS J & TIMOTHY C MONTGOMERY	\$ 4,500	\$ 4,600	\$ 9,100
1a	34-029-21-33-0001	DAMIANI LOUIS J & TIMOTHY C MONTGOMERY	\$ 59,800	\$ 60,800	\$ 120,600
2	34-029-21-33-0005	STAR RIVER HOLDINGS LLC	\$ 12,600	\$ 17,200	\$ 29,800
3	34-029-21-33-0004	LAMPERT YARDS INC	\$ 12,600	\$ 17,200	\$ 29,800
4	34-029-21-34-0004	GATSBY INV I LLC	\$ 9,400	\$ 12,900	\$ 22,300
5	34-029-21-34-0003	DALE PROPERTIES LLC	\$ 40,600	\$ 58,000	\$ 98,600
6	34-029-21-34-0001	DALE PROPERTIES LLC	\$ 36,900	\$ 52,700	\$ 89,600
7	34-029-21-31-0004	DALE PROPERTIES LLC	\$ 11,000	\$ 15,700	\$ 26,700
8	34-029-21-42-0001	DALE PROPERTIES LLC	\$ 244,300	\$ 151,000	\$ 395,300
9	34-029-21-44-0004	EBERTZ WALTER J	\$ 150,100	\$ 33,800	\$ 183,900
10	34-029-21-44-0006	EBERTZ WALTER J	\$ 46,200	\$ 10,400	\$ 56,600
11	34-029-21-44-0007	CM PROPERTIES 94 LMTD PARTNERSHIP	\$ 87,300	\$ 14,900	\$ 102,200
12	34-029-21-44-0009	MFC PROPERTIES 94 LMTD PARTNERSHIP	\$ 77,900	\$ 17,600	\$ 95,500
13	34-029-21-41-0004	FRANSDEN BANK & TRUST	\$ 425,700	\$ 95,000	\$ 520,700
14	34-029-21-13-0001	HAMMES WILLIAM E ETAL	\$ 487,500	\$ 110,000	\$ 597,500
		TOTALS	\$ 1,706,400	\$ 671,800	\$ 2,378,200



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2035 County Road D East • Suite B • Maplewood, MN 55109-5314

Phone (651) 704-9970 • Fax (651) 704-9971

www.bolton-menk.com

August 21, 2013

Mr. Ryan Stempiski, P.E.
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Bid Results
Section 34 Water and Sewer Utility Extension Improvements
City Project No. 2013.126
BMI Project No. N15.106424

Dear Mr. Stempiski:

Bids for the Section 34 Water and Sewer Utility Extension Improvements project were opened on Tuesday, August 20, 2013. Five (5) bids were received and ranged from \$1,701,884.50 to \$1,995,997.00. A detailed Bid Abstract has been included.

The following is a summary of the Bids received:

<u>Contractor</u>	<u>Total Base Bid</u>
Redstone Construction Co., Inc.	\$1,701,884.50
Northdale Const. Co. Inc.	\$1,753,213.08
Ryan Contracting Co.	\$1,861,609.00
Kuechle Underground, Inc.	\$1,970,732.80
Geislinger and Sons, Inc.	\$1,995,997.00

The low Bidder on the Project was Redstone Construction Company, Inc. with a Total Base Bid Amount of \$1,701,884.50. This was approximately 6% lower than the Engineer's Estimate of \$1,808,986. If the City Council decides to award the Project to the low bidder, then Redstone Construction Company, Inc. should be awarded the Project on the Total Base Bid Amount of **\$1,701,884.50**.

If you have any questions, please feel free to contact me at 651-728-3172.

Sincerely,

BOLTON & MENK, INC.

Michael Warner, P.E.
Senior Project Engineer

Enclosure

PROJECT SCHEDULE
SECTION 34 WATER AND SEWER
UTILITY EXTENSION IMPROVEMENTS

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

FROM FEASIBILITY REPORT DATED JULY, 2013

- March 19, 2013 Council accepts the Petition and Security for Engineering Fees; authorizes the Preparation of a Feasibility Report; authorizes the preparation of the Plans and Specifications; and Awards Engineering Report and Design Services Contract.
- March 21, 2013 Project kickoff meeting to concurrently proceed with report and design services.
- July 16 Council Accepts Report; and Adopts Project Assessment Policy; Approve Plans and Specifications and Authorize Advertisement for Contractor Bids.
- August 20 Accept Contractor Bids.
- August 30, 2013 Council receives signed Agreements of Assessment and Waiver of Irregularity and Appeal. Agreement from 100% of properties Waives 429 Hearings. Council receives all permanent and temporary construction easements.
- September 3, 2013 Council Orders the Improvement and Awards the Contract.
- September 16, 2013 Conduct Pre-construction Meeting & Issue Notice to Proceed.
- December 20, 2013 Work is substantially complete.
- May 30, 2014 Final completion and close-out.



MAYOR & COUNCIL COMMUNICATION

DATE: 9/03/2013
REGULAR
ITEM #: 13

AGENDA ITEM: 2014 Organizational Chart
SUBMITTED BY: Dean Zuleger, City Administrator
THROUGH: 2014 City Council Budget Workshop
REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

FISCAL IMPACT: There will be an increase in the salary of the City Clerk, Deputy Clerk, a reclassification of DPW employees, and an adjustment to the City Planner. There is also a reclassification with no pay increase for the Planning Director who will now become the Community Development Director.

SUMMARY AND ACTION REQUESTED: Approve the 2014 City of Lake Elmo Organizational Chart that includes the reclassification of six employees to increase better operational efficiency and equitable compensation. The recommended motion for this action is as follows:

“Move to approve the 2014 City of Lake Elmo Organizational Chart accompanied by the 2104 Personnel Compensation Distribution and the City of Lake Elmo Department of Public Works Pay Classification Matrix”

BACKGROUND INFORMATION: As the City of Lake Elmo meets the needs of growth, personnel must be reallocated and talent (See Appendix 1 A) utilized to provide the greatest

opportunity for efficiency. The 2014 City of Lake Elmo Organizational Chart provides that efficiency through the following:

1. Elevates the City Clerk (Bell) to Assistant Administrator Status for the purposes of day to day management in the functionality of the front office;
2. Elevates the Program Assistant (Gumatz) to Deputy Clerk to backstop the Clerks function and recognize the utility of the personnel in inter-governmental relations and grant writing;
3. Provides for reclassification in the Department of Public Works based on a merit / experience that creates an Operation I, Operation II, Operator III and Operator III (probationary) class;
4. The Planning Director will now become the Community Development Director to better reflect the responsibility of the position.

STAFF REPORT: The staff has reviewed workload and technical needs for staffing in 2014 and recommend recommends classification shifts in responsibility that best line up with the program of work. The Administrator will devote more of his time in economic development, Met Council negotiations and 3M discussions in 2014, which will create a day to day management need filled by the Clerk / Asst. Administrator and the Program Assistant will back fill the Clerk Position. The 2014 Organization Chart is also supported by the reclassification of public works employees (see attached) that creates a merit pay system.

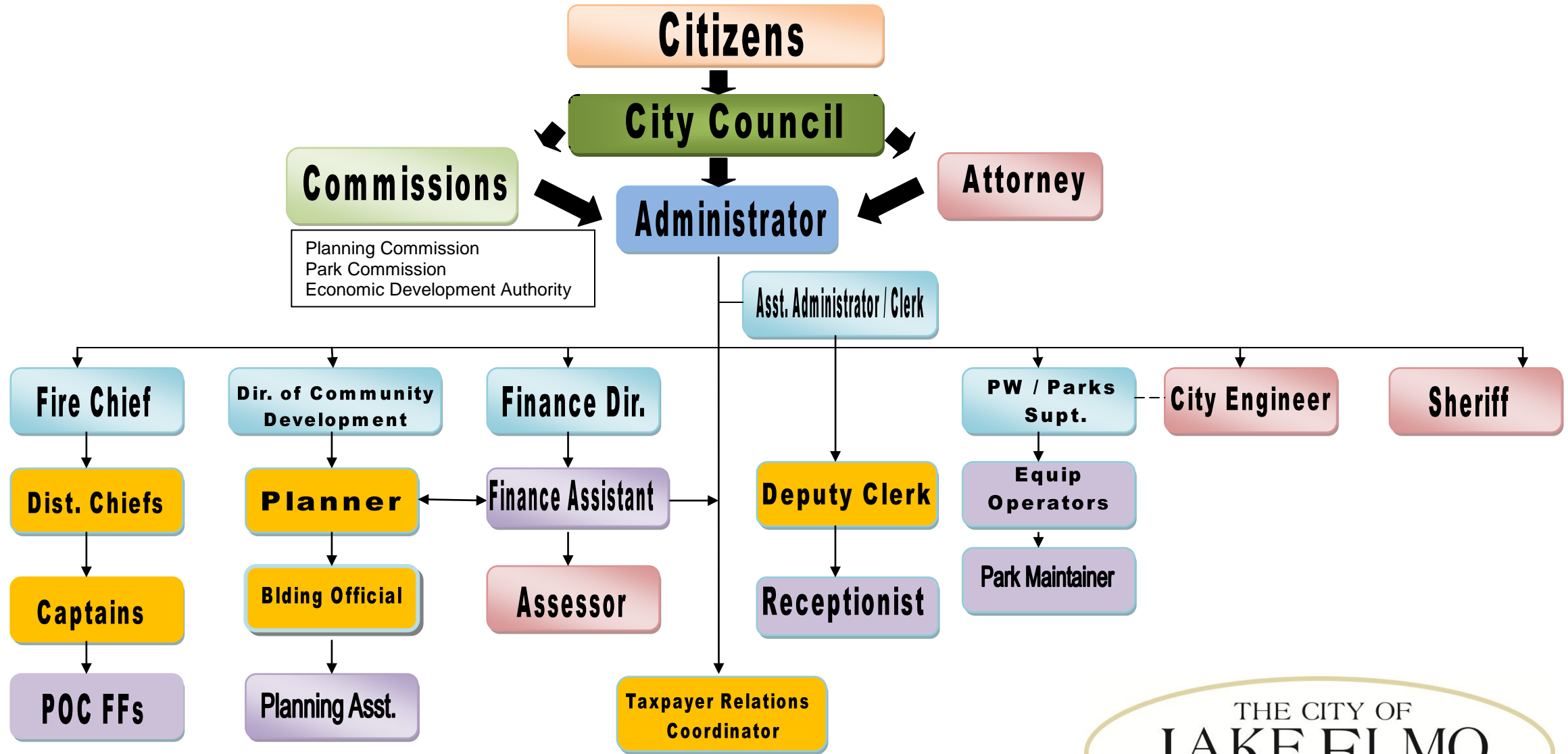
RECOMMENDATION: It is the staff recommendation to:

“Move to approve the 2014 City of Lake Elmo Organizational Chart accompanied by the 2104 Personnel Compensation Distribution and the City of Lake Elmo Department of Public Works Pay Classification Matrix”

ATTACHMENTS:

1. 2014 City of Lake Elmo Organizational Chart
2. 2014 Personnel Compensation Distribution Chart
3. City of Lake Elmo Department of Public Works Pay Classification Matrix

CITY OF LAKE ELMO ORGANIZATIONAL CHART (2014 PROPOSED)



= Contractor Relationship



APPENDIX 1A

2014 PERSONNEL COMPENSATION DISTRIBUTION

Updated 8/9/2013

Position	FTE	Administration 101-410-1320-41010	Communications 101-410-1450-41010	Finance 101-410-1520-41010	Planning & Zoning 101-410-1910-41010	Fire 101-420-2220-41010	Building Inspection 101-420-2400-41010	Public Works 101-430-3100-41010	Parks & Recreation 101-450-5200-41010	Water 601-494-9400-41010	Sewer 602-495-9450-41010	Surface Water 603-496-9500-41010	Total	
		1320	1450	1520	1910	2220	2400	3100	5200	601	602	603		
City Administrator	1.00	20%	0%	20%	20%	5%	5%	5%	10%	5%	5%	5%	100%	Zuleger
City Clerk/Asst City Administrator	1.00	100%											100%	Bell
Deputy Clerk	1.00	100%											100%	Beckie
Program Assistant/Receptionist	1.00	100%											100%	Bodsberg
Project Assistant-Communication	1.00	35%	35%						30%				100%	MacLennan
Finance Director	1.00			80%						10%	0%	10%	100%	Bendel
Planning Director	1.00				75%		25%						100%	Klatt
Planner	1.00				100%								100%	Johnson
Planning Program Support Assistant	1.00				75%		25%						100%	Ziertman
Fire Chief	1.00					100%							100%	Malmquist
Firefighter/Administrative Assistant/Water	1.00					50%				50%			100%	M Cornell
Building Official/Code Enforcement	1.00						100%						100%	Chase
Accounting Clerk	1.00			25%									100%	D Cornell
Public Works Superintendent	1.00							50%	30%	50%	10%	15%	100%	Bouthilet, M.
Public Works Operator #1	1.00							60%	15%	10%	5%	10%	100%	Gustafson
Public Works Operator #2	1.00							70%	15%	5%	5%	5%	100%	Duddeck
Public Works Operator #3	1.00							70%	15%	5%	5%	5%	100%	Colemer
Public Works Operator #4	1.00							20%	5%	45%	25%	5%	100%	Sachs
Parks Maintainer	1.00							20%	60%	10%	10%		100%	OPEN
Public Works Seasonal	0.50							15%	85%				100%	Wier
Parks Seasonal #1	0.75							15%	85%				100%	Leary
Parks Seasonal #2	0.50							15%	85%				100%	Witzmann
Total FTE's	20.75	3.55	0.35	1.25	2.70	1.55	1.55	3.40	4.35	2.00	0.70	0.60	22	

NOTE: Mayor & Council, Election Judges, and Volunteer Firefighters not included

City of Lake Elmo Department of Public Works

Pay Classification / Street & Utility Workforce

Position Classification	Hourly Rate	Skill Proficiency	Performance Rating	Longevity/LE Knowledge**
Operator III (Probationary) - Six Months	\$20.00 83%	CDL (B) Basic Hand Tool Package	70	0 - 6 Mos. 20% **
Operator III (Full Standing)	\$22.00 78%	Water Op License-Class D Waste Water License -Class D Single Axel / Snow Removal/ Ice Control Asphalt Repair Procedures Asphalt Roller ROW Flail Mower Park Maintenance / Mowers/Groomers Park Certifications (Playground, Tree Inspection) Primary Equipment Use Maintenance Procedures OSHA Safety Training	75	6 Mos. - 2 Years 40% **
Operator II	\$24.79 74%	Skid Steer Loader Water & Sewer Distribution & Collection Systems Advanced Asphalt Repair Procedures Advance Snow Removal-Plow-Wing-Scraper Storm Water Collection Total Inventory Preventive Maintenance Procedures NIMS / FEMA Certification-Public Works OSHA Safety Training Requirements-Full Compliance	80	2 Years + 60% **
Operator I	\$26.00 78%	Welding, Fabrication Total Inventory Equipment Repairs Backhoe & Excavator Water & Sewer Operation Controls NIMS / FEMA Certification-Haz-Mat.	85	5 Years+ 80% **

Out of Compensation Classification Specialty Pay	Mechanic / Fabricator Water / Sewer Utility Supervisory	Add \$1 Per Hour Add \$1 Per Hour Add \$2 Per Hour	** = Experience in the following areas: Streets, ROW, Signs Parks & Trails Water Distribution Water Pumps & Control Storm water Collection Waste Water Collection & Lift Stations
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MAYOR & COUNCIL COMMUNICATION

DATE: 9/03/2013
REGULAR
ITEM #: 12

AGENDA ITEM: 2013 City of Lake Elmo Retreat Summary

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: City Council

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

FISCAL IMPACT: Spending Strategies are delineated in the Council Retreat Executive Summary

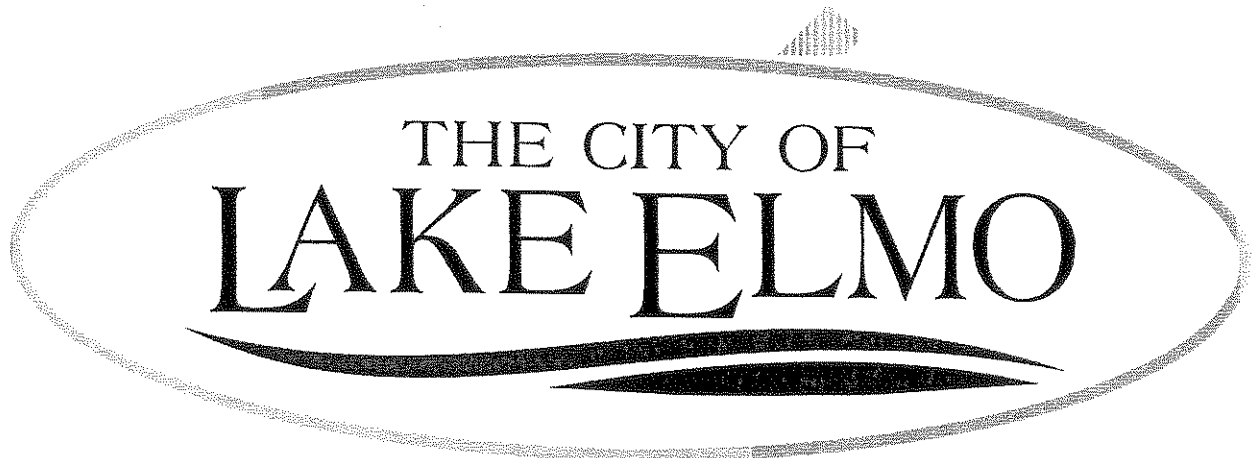
SUMMARY AND ACTION REQUESTED: Approve the 2013 City of Lake Elmo Council Retreat Executive Summary.

BACKGROUND INFORMATION: The City of Lake Elmo conducted a City Council Retreat on July 26-27, 2013 to cast a vision of governmental philosophy and develop organizational trust. Over eight hours, the Council worked on relational, financial, infrastructure and developmental issues with staff in attendance to create unanimity of purpose and a clear message on philosophy.

RECOMMENDATION: City Administrator acted as the facilitator for the Retreat and the Executive Summary serves as the staff report and recommendation:

“Move to approve the Executive Summary of the City of Lake Elmo Council Retreat and publish online and place on file for public review”

Executive Summary



City of Lake Elmo 2013 Council Retreat

July 26-27, 2013

Holiday Inn Express

Lake Elmo, MN

Retreat Needs Analysis / Summary

Due the relative “newness” in tenure of both the City Council and Executive Staff, a Council Retreat was sanctioned with four intended outcomes:

1. **Familiarity & Trust;**
2. **Delineate Policy Making Roles of Council & Staff;**
3. **Governmental Philosophy & Processes;**
4. **Operational Process & Systems.**

Friday evening was guided toward establishing the proper policy governance environment through a trust building exercise and two specific vision casting exercises to allow staff to absorb Council thoughts on a variety of economic and functional policy areas that will be used to govern the City of Lake Elmo. Saturday morning was guided to specific operational questions of critical import as the City of Lake Elmo enters into a phase of growth mandated by the Metropolitan Council.

The intent of the Retreat, as a whole, was to build a climate of trust and familiarity between the elected / appointed policy-makers and the functional staff – using Carver methods of “developer-implementer” that fully examine all roles in the execution of local governance. Outcomes in this summary are based on facilitator notes & understanding of the consensus building tactic (Prompt Questions) used during the retreat. Outcomes are also presented as raw data, unless specific points were emphasized as an operational goal or objective. Since the Retreat was designed more on the emphasis of overall philosophy of governance – specific goals have not been noted, but guidance will be used to create pointed workshops where goals where be more appropriately delineated.

****Note:** *the Council met unilaterally (no staff- facilitator) twice during the Retreat to better understand each other as a way of orientation for three relatively new members.*

.....

Retreat Participants

City Council

- Mayor Mike Pearson - (3 Years)
- Council Member Anne Smith –r (9 Years)
- Council Member Justin Bloyer (8 Months)
- Council Member Wally Nelson (7 Months)
- Council Member Mike Reeves (1 Month)

City Staff

Administrator Dean Zuleger (1.5 Years)
Planning Director Kyle Klatt (6 Years)
Public Works Director Mike Bouthilet (28 Years)
Finance Director Cathy Bendel (3 Years)
City Clerk Adam Bell (1 Year)
Taxpayers Relations Coordinator Alyssa MacLeod (1 Year)
Program Assistant Beckie Gumatz (9 Mos.)
Building Official Rick Chase (1 Year)

Facilitator

Dean Zuleger (17 Years as Retreat Facilitator)

Retreat Fundamentals (Attachments 1A- 4A)

The following fundamentals have been attached as they served as the cornerstone documents for the five sessions of the 2013 City of Lake Elmo Council Retreat.

Attachment 1A & 2A are Mission, Vision and Core Values Statements Adopted by the 2012 Lake Elmo City Council during a February 2012 Council Retreat;

Attachment 3A are the (3) Basic Governing Principles Adopted by the Sitting 2013 City of Lake Elmo Council;

Attachment 4A is an internal document entitled "Lake Elmo Staff Leadership Principles" which guide the day to day operations of Lake Elmo's functioning government.

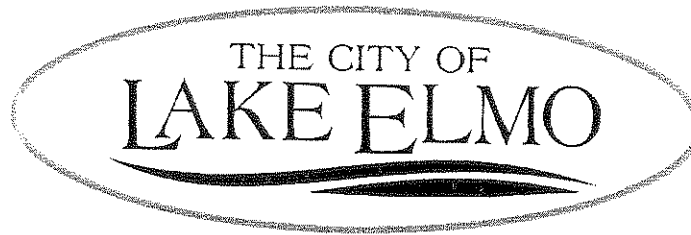


OUR COMMITMENT TO THE COMMUNITY:

“To provide quality public services in a fiscally responsible manner while preserving the city’s open space character.”

OUR VISION FOR THE FUTURE:

“The City of Lake Elmo commits to building on it’s heritage, while enhancing a high quality of life for all of its citizens. We pledge to work in collaboration with our residents and business community to foster pride, develop a vibrant, diverse economy, thoughtfully plan for the future, and to preserve and enhance our natural, open space environment.”



CORE VALUES OF SERVICE

1. Ethics and Integrity

We believe that ethics and integrity are the foundation of public trust and confidence and that all meaningful relationships are built on these values.

2. Visionary Leadership and Planning

We believe that the very essence of leadership is to be visionary and innovative while planning for the future.

3. Excellence and Quality in the Delivery of Services

We believe that service to our residents is our reason for being and commit to delivering services in a professional, cost-effective, and efficient manner;

4. Fiscal Responsibility

We believe that fiscal responsibility and prudent stewardship of public funds, both short term and long term, are essential for citizen confidence in government.

5. Open and Honest Communication

We believe that open and honest communication is paramount for an involved citizenry and fosters a positive working environment for employees.

6. Respect for the Individual

We believe that citizens we serve are to be treated with the utmost respect and deserve the best treatment the city can provide.

7. Thoughtful Community Building

We believe in the development of our community through thoughtful, careful planning that is communicated in a positive manner that enhances the process.

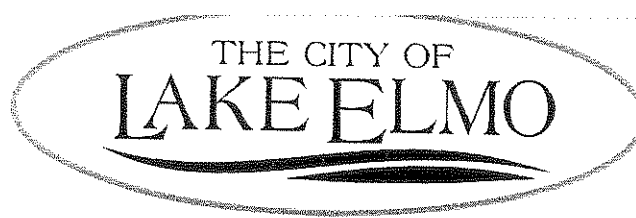
8. Professionalism

We believe that continuous improvement and innovation is the mark of a professional organization, and we are committed to applying this principle to the services we offer and the development of employees.

THE CITY OF LAKE ELMO

2013 City of Lake Elmo Governing Principles

- A. Efficient, low cost, taxpayer service-based government;
- B. Disciplined and balanced market-driven growth;
- C. Well-ordered, low regulatory burdened quality of life.



LAKE ELMO STAFF LEADERSHIP PRINCIPLES

- 1. TAKE PERSONAL RESPONSIBILITY FOR YOUR PROGRAM AREA**
Be accountable for the performance of your area of responsibility. Don't point fingers. Build teams and the place the needs of taxpayers and the organization over your own.
- 2. SIMPLIFY CONSTANTLY**
Destroy bureaucracy by simplifying systems and processes. Measure your performance.
- 3. UNDERSTAND CONTEXT**
How does your area of responsibility fit in the context of community and how do you respond to it.
- 4. SPEND TIME ON THE IMPORTANT THINGS**
Define the important things you do. Then set priorities, achieve outcomes and meet the respective deadlines.
- 5. LEARN CONSTANTLY AND TEACH OFTEN**
Take time to learn and teach with your area of responsibility. People who work with you do not have to agree with you, but they have to feel that you are willing to share your expertise with them.
- 6. CONTINUALLY IMPROVE**
Ask yourself daily, what three things could I have done better yesterday?
- 7. MANAGE BY SETTING BOUNDARIES WITH FREEDOM IN THE MIDDLE**
The boundaries are commitment, passion, trust and teamwork. Within these boundaries there's plenty of freedom in the middle.
- 8. STAY DISCIPLINED AND DETAILED**
Understand the details of execution in your area of responsibility and commit to be disciplined in the same details.
- 9. BE AN ACTIVE LISTENER**
Our Taxpayers, City Council, Commissions and Employees have good ideas – Listen First.
- 10. LIKE PEOPLE**
Be fair and want the best for taxpayers & fellow employees. And when action is needed, emphasize that it is not personal. Find the good in those you are dealing with ALWAYS!

Session #1: Building Trust in a Policy Making Role

Summary: This session was designed to establish “trust” parameters between Council- Council and Council –Staff. Prior to the Retreat, Council members and key staff were encouraged to complete “The Trust Edge” workbook by David Horsager – that includes a self-assessment on building / receiving trust.

A brain storming session was conducted of Council members ONLY that asked the following question:

“What is your role as a Policy-Maker”?

The answers were broken up into three leadership precepts: Lead Via Good Communications Skills, Set Organizational Tone, and Make Decisions.

1. Lead via Using Good Communication Skills

The Council focused some of their collective answer on the ability to actively listen and communicate the needs of the taxpayers through sound policy-making. Emphasis was placed on being able to diagnostically listen by asking right questions of both taxpayers and staff. Key qualities expressed included: **listening, questioning (not doubting), and open dialogue with key persons with knowledge of the policy in play.**

2. Set Organizational Tone

The Council stressed that a key communication tool used in policy making process must be a unified organizational tone that is big picture focused, consistent with the underlying guiding principles of Lake Elmo (see Attachment 1A-4A) and is positive in outlook for the City’s future. A proper setting of staff priorities was an important application of this

3. Make Decisions

The third leg of the policy-making process was to actually make decisions. Here the Council stressed the notion of informed (sound) decisions supported by as much information as possible. Decisions should be made in the best interest of the City as a whole and not individual opinion / gain. In particular, policy decisions must pass the three-pronged test of the 2013 City of Lake Elmo Governing Principles (Attachment 3A).

The Council then shifted toward the inter-personal dynamic that is needed to establish trust among policy-makers. Each Council member was allowed the ability to communicate those factors that create the Circle of Trust needed among a board of 5 individuals charged with governing Lake Elmo. The following Circle of Trust was created:



Council Circle of Trust (Figured A)

Three hallmarks were established as paramount to any collective trust at eth Council level of policymaking. First, and foremost, was **honesty**. Second, was the trust traits of **respect and loyalty** (which in this case was defined as “having each other’s back despite the decision). Eight catalysts surround the three hallmarks that can best be categorized into four groups moving clockwise around the circle: **Social Propriety, Individual Respect, Steadfast Commitment, and Intellectual Honesty.**

Social Propriety – There were three strong mentions of the Council treating each other with courtesy and respect making special note of staying on the merit of the policy and refraining from the personal.

Individual Respect – The Council noted a desire to get to know each other better and to develop a respect for the difference / diversity of the individual – noting that this could only happen with honest, clear, open communication.

Steadfast Commitment – Council reiterated that trust could only be developed if everyone was on the same page with the fundamental core values of the City of Lake Elmo (see Attachments 1A- 4A).

Intellectual Honesty – Great emphasis was placed on the need for intellectual honesty; that is being able to be open-minded, set aside bias and assumptions, and giving other Council Members the benefit of the doubt before assigning judgment. Making sure all sides were presented with honesty and respect was noted.

The Council then turned the looking glass toward the policy implementers, City Staff, and answered the questioned:

“What is the role of the policy implementer?”

The answers were broken up into four functional areas of practical application - Technical Analysis with Proportionate Guidance; Taxpayer-Based Follow-Through; Open, Respectful Communication of Implementation; & Commitment to Guiding Principles.

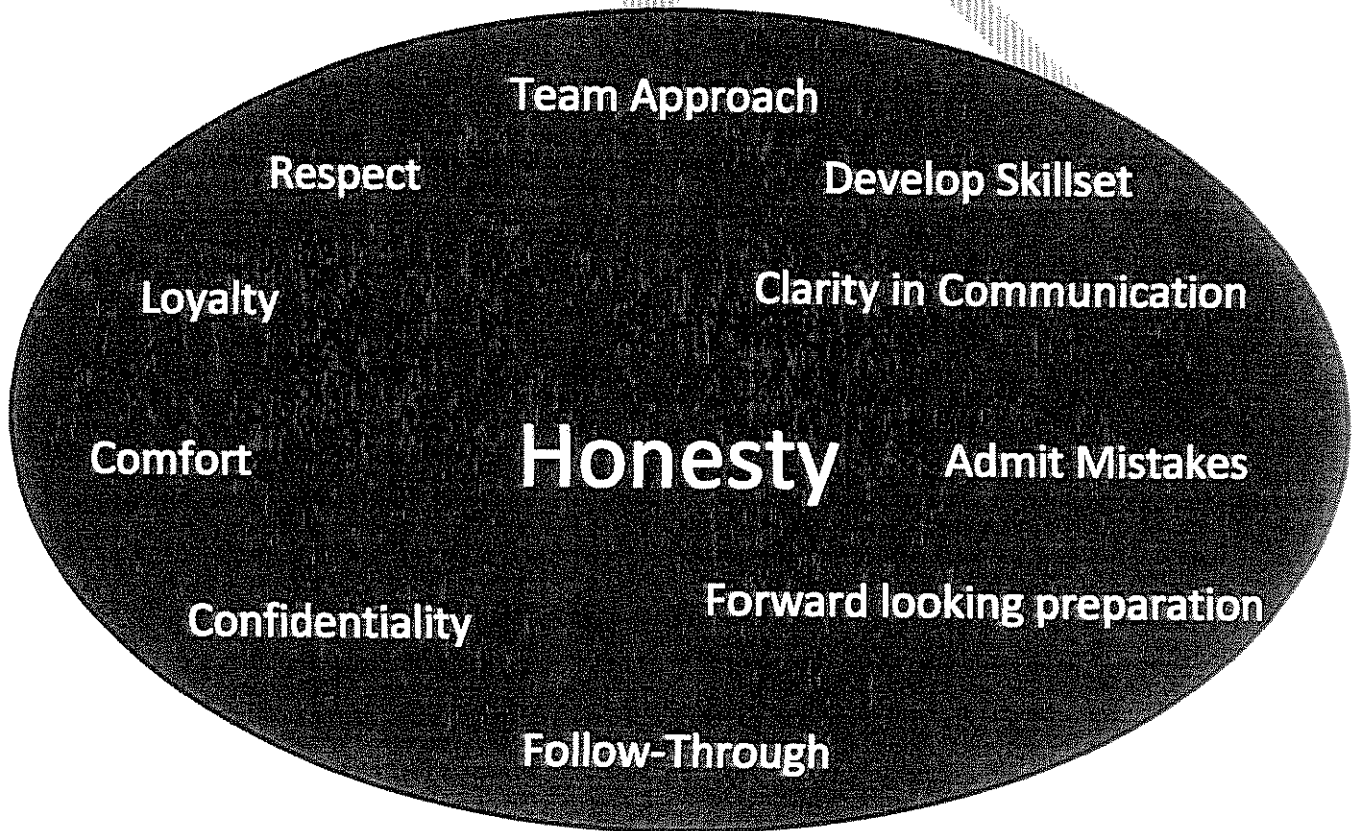
1. **Technical Analysis w/ Proportionate Guidance** – Council was insistent that staff utilize their technical and experiential knowledge to provide appropriate analysis to help the Council make decisions. The Council wanted analysis / recommendations based on objective facts and neutral from any one opinion. And when possible analysis / recommendations should be tied to the governing principles established by the Council. A key component of this discussion was the need for staff to help the Council avoid “land mines /potholes”.

2. **Taxpayer-Based Follow-Through** – Based on the historical knowledge of Lake Elmo, the Council recognized a need for improving implementation follow-through – especially when it came to serving the taxpayer. Finishing thoroughly and well was a key factor for fulfilling a role as a policy implementer. Key words offered: diligence, earnestness, and completeness.

3. **Respectful Communication of Policy Implementation** – While understanding that the Council may have made a policy decision that differs from the analysis, Staff must be respectful and accommodating to make the policy work. Staff opinions should be at the ready and offered in a respectful, line-staff style.

4. **Commitment to Guiding Principles** – Staff should begin all analysis with running the objective of the policy through the (3) Governing Principles for consistency and focus.

The Council then focused its attention on creating the proper dynamic between itself and the professional staff to create the best policy making environment. The Circle of Trust suggested for best Council – Staff relationship is as follows:



Honesty was the overwhelming driver in Council & Staff relationship as well - With a two hemisphere set of catalyst point to true & thoughtful support in the decisions making process. In the left hemisphere, interpersonal traits were mentioned that included respect, loyalty, comfort (ability) and confidentiality. It was clear that Council needed staff to be more of an under-girding partner in the

process. In the right hemisphere, Council concentrated on execution of policy that included technical skillset, clear, open and concise communication of policy, the ability to admit mistakes in implementation for continuous improvement, progressive analysis (forward-looking vs. past hindered). Using the clockwise rotation it appears that the Council wants the proper application of skills that result in a complete follow-through of implementation. This proper execution will lead to a loyalty and respect that creates team. *More on this later when the Council provides guidance on analysis.*

Trust Application – Council noted that to improve trust between Council and Staff information should always be:

- A. Complete in nature (Good and Bad)
- B. Supported by Measureable Facts
- C. Augmented with Case Study / Comparative Analysis
- D. Allowed Enough Time for Decision (“Heads Up”)
- E. Constructed for Honest Feedback
- F. Illuminated with Potential Pitfalls.

2013 -15 TRUST IMPROVEMENTS

To measure the improvement of trust within the City of Lake Elmo Government the following outcomes will be monitored:

1. Honest, Clear, & Open Communication Between All Parties;
2. An Improved Level of Civility (Courteous, Cordial Behavior);
3. Respect for the Individual and for the Organization;
4. The Improvement to Listening to the public, fellow Council members and staff;
5. Discourse Based on the facts of Policy Rather than the Person (s) of the Policy.

SESSION #2: VISION CASTING ON THE ECONOMICS OF LOCAL GOVERNMENT

SUMMARY: This session focused on establishing a Council philosophy of taxes and spending at the local government level. Council members were asked to share their points of view of governing economics and the implementation of same.

FISCAL PHILOSOPHY

Council was asked to describe itself relating to spending tax dollars. During this dialogue three words came to the forefront: **Reluctant, frugal, and conservative** (small "c"). Further probing, found a Council that would only spend tax dollars on items where there were:

1. **A proven need – validated via analysis**
2. **Risk-protected / mitigated**
3. **Oriented toward Lake Elmo core values**
4. **Measureable payback or reward.**

LOCAL SPENDING DO'S

When asked about where local tax dollar spending should be focused, the Council offered the following:

1. **Basic Infrastructure (Streets, Sewer)**
2. **Water Utility**
3. **Public Safety**
4. **Quality of Life Items that Have a Positive Bottom-Line Return.**

LOCAL SPENDING DON'T'S

When asked about where local tax dollar **should not be spent**, the Council offered the following:

1. **Pet projects not related to basic services (library, art center)**
2. **Items of individual taxpayer responsibility**
3. **Anything competing with private sector services**

RAISING THE TAX RATE**

When asked about conditions or circumstances that may be allowable to raise the local tax rate, the Council responded:

1. **Public Safety Needs**
2. **Maintain Credit Rating**
3. **If spending increases the value of the City (valuation & Quality of Life)**

***Note: It was the Council consensus that raising the tax rate was a last resort and that staff should focus on expanding the base and cost cutting prior to suggesting a rate increase.*

INCREASING THE CITY'S DEBT

When asked about establishing a protocol for borrowing funds the City Council noted that all issued debt should:

1. **Cash flow to avoid use of undesignated fund balance or tax dollars**
2. **Be managed as to not affect bond rating**

ASSISTANCE TO DEVELOPMENT**

When asked what financial assistance should the City provide to aid future development the Council was specific in its response with the following terms:

1. **Oversizing infrastructure where there is a benefit to the City beyond the development (ie water & sewer distribution)**
2. **"but for" TIF investment that cash flows over the life of the bond**
3. **Mitigating Met Council growth compliance requirements**

***Note: The Council noted that all borrowing proposals should be supported with a rigorous cost-benefit analysis.*

2013-15 FISCAL GOALS

To measure the adherence to the Council's fiscal philosophy the following outcomes will be evaluated:

1. Tax Rate Remains Flat
2. Internal Planning Debt Paid Down
3. Improve cash flow status of water fund debt
4. Complete an Issue Free Audit
5. Maintain Current Bond Rating
6. Identify and Secure Grants (Public, Private) to offset costs
7. Employ frugality with every decision.

SESSION 2A: LAKE ELMO GROWTH

The Metropolitan Council has mandated growth for the City of Lake Elmo with five year benchmarks. The City Council took the Retreat opportunity to re-iterate growth hallmarks in the three core growth areas of Lake Elmo – The I-94 Corridor, the Old Village, and Open Space areas not guided for sewer. The following represents overarching hallmarks for each growth area:

I-94 Corridor Growth Hallmarks

Guided for residential at a minimum density of 2.5 units per acre up to 12 units for acre, this growth area represents the most strategic area for growth as it maximizes over 100,000 ADT traveled I-94 and represents the last, best in-fill area of the East Metro. The Council noted the following hallmarks for growth:

1. Job Creation (Commercial & Industrial)
2. Good, Orderly, Quality-Based Residential Housing
3. Lake Elmo Differential Theming - Vibrancy
4. Good mix of retail and commercial business
5. Lower, Market Driven, Single Residential REC Density

Old Village (Downtown) Growth Hallmarks

While most suburb & exurb communities look to artificially create a downtown, Lake Elmo has the luxury / advantage of having one currently in place. With growth just around the corner, the Council defined what it wants to accomplish with downtown re-development:

1. **Increase Activity – by promoting a mixed use district (residential & commercial) – allow business development to be market-based**
2. **Create a Sense of Place (Cheers – Everybody Knows Your Name) atmosphere**
3. **Center activity on walkability from current and future neighborhoods and a central meeting place (green, water feature, spectacular effect)**

Open Space Growth Hallmark: The Tradition Continues

Known for providing a little space and fresh air in its residential development, the City of Lake Elmo has a commitment to allowing residential development that allows for larger lots / or the clustering of homes with common open space amenities. The Council set the following hallmarks for third area of City growth:

1. **Encourage OP growth (especially North of Highway 5) to balance out Met Council density / sewer requirements**
2. **Sustain what we have done by strict monitoring of private sewer system viability**
3. **Allow for flexibility in acreage division <40 acres to allow for customized development**

2013 – 15 Overall Growth Deliverables

To measure the effectiveness of growth the Council set the following growth goals for the next two years:

1. **Sewer completed to Old Village (Entirely) by 2015;**
2. **Water provided to the I-94 Corridor by 2015 – Neighborhoods Coming Off GAC System**
3. **Promote the Community (using welcoming strategy)**
4. **Develop TIF / Redevelopment Strategy for Old Village**

5. Establish new land division and zoning policy North of Highway 5 and along Highway 36
6. Execute appropriately against Metropolitan Council MOUs.



SESSION #3: VISION CASTING ON KEY QUALITY OF LIFE ISSUES

SUMMARY: This session focused on three key areas of quality of life; Transportation, Parks & Public Safety – with an emphasis of addressing issues currently facing the Council. The purpose of the session was to give City Staff proper guidance in planning & implementation in key operational areas.

1. Ranking the Importance of Our Streets: Moving Around the City

The City Council identified the following streets of key importance to the community's ability to move around its residents:

- | | |
|----------------------------|---------------------|
| 1. State Highway 5 | 5. I-94 |
| 2. Lake Elmo Avenue CTH 17 | 6. Inwood CTH 13 |
| 3. Highway 36 | 7. 10 Street CTH 10 |
| 4. Manning CTH 15 | 8. Keats Ave CTH 19 |

Other local roads identified as key for moving around including 30th Street, 20th Street, Lake Jane Trail / Jane Road North and Demontreville Trail. The Council recognized that one of Lake Elmo's strengths is access, convenience and flexibility of its road system.

Transportation Policy

When asked about establishing transportation policy priorities for the City, the Council established the following:

1. Remedy Safety Concerns including speeding
2. Reduce the ability for commuters to cut through neighborhoods
3. Increase multi-modal/multi-use trail opportunities
4. Improve the overall quality of local roads

The Council also stressed the maintenance of good relationships with both MNDOT and Washington County as transportation partners.

2. Parks & Trails: Leveraging our Open Space Opportunities

The City Council spent some time establishing priorities for the development of a top notch Park System establishing priorities for the development of a top notch Park System in anticipation of in anticipation of finding of the 2013 park Survey. In general the Council noted the following goals for the Park Commission:

- 1. Increase park utilization through better signage and access;**
- 2. Concentrate on the safety environment in our parks**
- 3. Consider “modernization” of features and use of all city park assets**
- 4. Make all of our parks welcoming and inviting.**

Parks Commission Guidance

The City Council spent time talking about the current relationship with the Park Commission with the following recommendations:

- 1. Create a program of work for the parks that focuses on specific timeline of work**
- 2. Create a plan to spend parkland dedication funds based on taxpayers needs as reflected in the 2013 Survey**
- 3. Maximize the current park asset by expanding use, improving maintenance, and improving lines of communication with the Council**

The City Council directed staff to create an inventory of all land owned by the City of Lake Elmo that was placed in the MN Land Trust

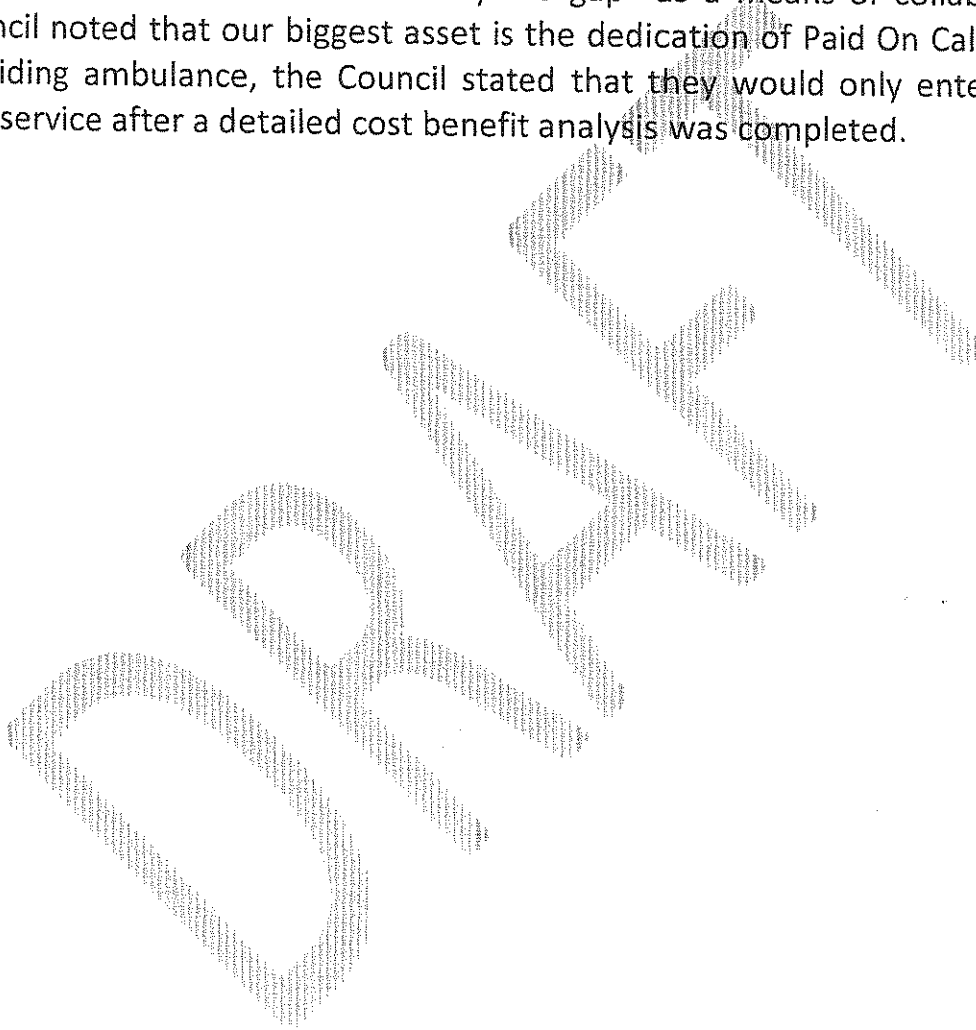
Trails

The Council spent a small amount of time talking about the City Trail Plan and emphasized a connection strategy that linked neighborhoods to downtown, schools and parks.

3. Public Safety: Fire & EMS

With the current 5 year capital improvement budget including large ticket items such as aerial ladder trucks and fire stations, The Council shared with the staff their philosophy on how to approach our fire suppression and EMS.

The Council noted a desire to continue to work on a consolidated services / share services approach with other fire services in the surrounding areas. The Council would like to build a reciprocal relationship with other fire departments preferably where there is a like kind relationship in training and equipment. The Council noted that it would entertain agreements where there were specific fee for service arrangements for specialty equipment use. In addition, the Council encouraged staff to talk with other departments of equipment needs in the region where Lake Elmo could "buy the gap" as a means of collaboration. The Council noted that our biggest asset is the dedication of Paid On Call staff. As for providing ambulance, the Council stated that they would only entertain adding that service after a detailed cost benefit analysis was completed.



SESSION 4: ORGANIZATIONAL DEFICIENCIES

SUMMARY: The Council switched focus from vision casting to addressing practical application issues in a variety of areas that staff currently needed guidance on. The following represents a rapid fire answer approach to some of these key issues;

1. COUNCIL – DEVELOPER RELATIONSHIPS

As the City begins to grow a baseline needs to be established on how the City Council and staff will work with the developer community. The City Council noted that meetings with developers should be:

1. **Timely**
2. **Welcoming**
3. **Unbiased**
4. **Neutral in Initial Judgment**

The Council affirmed that whenever possible Council should be meet with developers with a staff member present to create a consistent protocol for all. Council agreed that it was important that staff and Council convey the same vision for growth.

2. CURRENT CONDITION OF THE STREETS

Jack Griffin of Focus Engineering gave the Council a status update of the current condition of Lake Elmo Streets (see attached report). He noted that in recent years that the Council has fallen behind in its maintenance program and that many of the roads need a complete reconstruct of the base underneath the drive pavement. Griffin then went on to describe the need to construct 50 year roads as a way of extending street dollar expenditures>

The Council made the following recommendations on street / infrastructure policy:

1. All road re-constructs or new building must be 50 Year Roads
2. Council will consider additional tax dollar commitments to catch up on street improvements

3. Staff is directed to seal coat sooner in the process and utilize mill & overlay strategies to extend current road life
4. Concrete curb and gutter should be mandated as a way of preserving road edges.
5. Staff should prepare a cost analysis on what it would take to get the City caught up on streets.

3. STAFF SUPPORT OF DECISION-MAKERS /NEW ORDINANCE

The staff inquired of the Council how they might improve in the analysis of new policy and procedures for the City. The Council provided the following guidelines for staff analysis:

The staff analysis should include:

1. **Historical Background / Legislative History**
2. **Cost Benefit Analysis**
3. **Overall taxpayer – Resident Affect**
4. **Pro & Cons of the Policy – Consequences**
5. **Justification for the policy**

With respect to the staff bringing new ordinances forward or remodeling old sections of the Code, the Council provided the following guidance for ordinance work:

1. **Is the Old Ordinance or Current Law Difficult to Understand**
2. **Is the Ordinance Outdated**
3. **Does the proposed Ordinance meet (3) governing principles**

The Council would prefer if staff gets pre-authorization to begin work on the Municipal Code and that a rationale is provided that meets the (3) criteria above.

4. COUNCIL - COMMISSION RELATIONSHIPS

The Council provided direction on how they would like the relationship to develop between the standing Commissions and Authorities. The Council noted that it was there feeling that Commissions and Authorities provide three key policy making roles:

1. **Due Diligence in discovery of the issue**
2. **Research of proper policy and alternatives**
3. **Advise the Council on the best course of action**

In the event that the Council and a respective Commission would disagree on a policy, the Council would like the following action taken:

1. **If the matter was minor and sensitive to time issues, the Council will make the change without further action by the Commission**
2. **A joint meeting may be held if the policy differences are major**
3. **The policy may be sent back to the Commission if there are issues that needed further research or action on potential consequences.**

The Council noted that it was important for staff to remind the standing Commissions that they serve as representatives for the whole City and not just individual wards or neighborhoods. Policy should be made with the whole City in mind.

FINAL ISSUES

****In the conclusion of the retreat two specific issues were addressed as a matter of policy: Future Planning Commission Issues & the Metropolitan Council's Memorandum of Understanding.**

In terms of Future Planning Commission Issues, the Council would like discussion to take place on

1. **Allowing More Flexibility in the Open Space Areas**
2. **Consideration of the Expansion of MUSA – Sewer District**

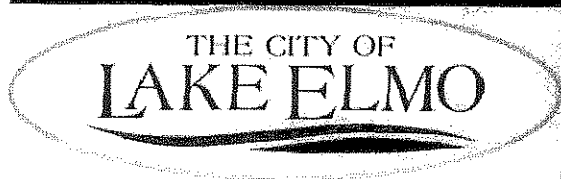
The Council then reaffirmed the staff's current goals of reducing the Met Council REC Units for sewer development by 20% and extending the compliance deadline to 2040.



2008 STATUS OF LAKE ELMO STREETS

NEW ROADS 0-8 YRS (2000)	PREVENTATIVE MAINTENANCE (9-14 YRS)	CORRECTIVE MAINTENANCE (15-19 YRS)	RECLAIM / RECONSTRUCT (20+ YRS)
25.63 MILES	19.46 MILES	9.83 MILES	12.92 MILES
38%	29%	14%	19%

- 67.85 TOTAL MILES OF PUBLIC STREETS
- 2009-2013 CIP INCLUDED 8.43 MILES OF STREET IMPROVEMENTS
- FROM 2009-2018 CIP - 23.18 MILES OF STREET IMPROVEMENTS (33%)
- 2008 = 33% STREETS (15-20+)
- 2019 = 47% STREETS (15-20+)



JULY 27, 2013

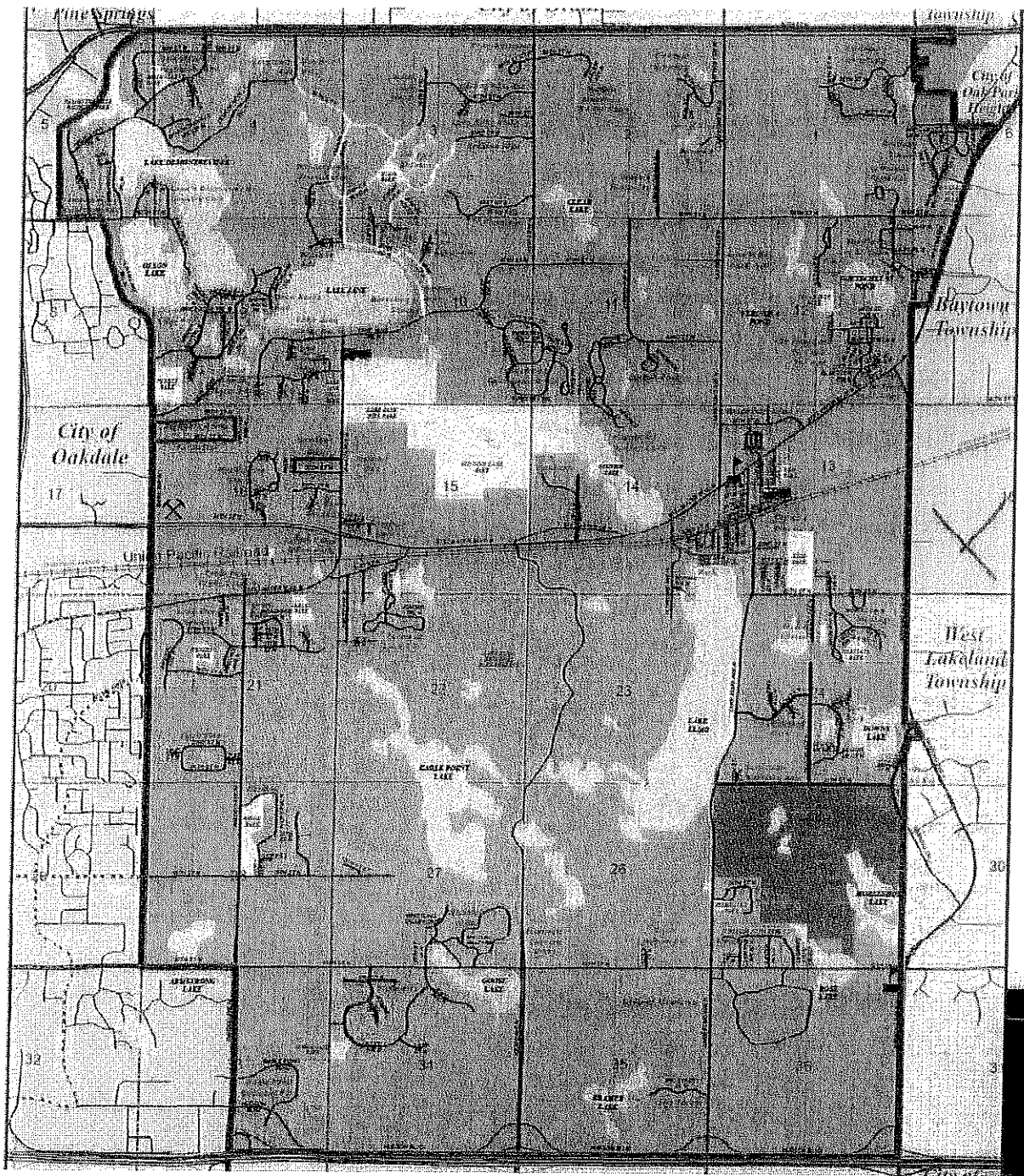
STATUS OF STREETS AFTER 5-YEAR CIP (YEAR 2019)

NEW ROADS 0-8 YRS (2005)	PREVENTATIVE MAINTENANCE (9-14 YRS)	CORRECTIVE MAINTENANCE (15-19 YRS)	RECLAIM / RECONSTRUCT (20+ YRS)
21.99 MILES	14.34 MILES	10.63 MILES	23.04 MILES
32%	20%	15%	33%
21.75 MILES	14.99 MILES	14.34 MILES	18.92 MILES
31%	22%	20%	27%

**PLUS NEW DEVELOPMENT*

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LOCATION MAP

2014-2018 STREET CIP
14.75 MILES OF STREET

RESIDENTIAL STREETS

EST. IMP. = \$10 MILLION
ASSESSMENTS = \$3 MILLION

COLLECTOR STREETS (EXISTING)
EST. IMP. = \$6 MILLION

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2013 STATUS OF LAKE ELMO STREETS

NEW ROADS 0-8 YRS (2005)	PREVENTATIVE MAINTENANCE (9-14 YRS)	CORRECTIVE MAINTENANCE (15-19 YRS)	RECLAIM / RECONSTRUCT (20+ YRS)
21.99 MILES	14.34 MILES	10.63 MILES	23.04 MILES
32%	20%	15%	33%

- 70 TOTAL MILES OF PUBLIC STREETS
 - 68.42 MILES ARE BITUMINOUS
 - 1.58 MILES ARE GRAVEL

JULY 27, 2013



STREET INFRASTRUCTURE METRICS

CITY	POPULATION	MILES OF STREETS	PEOPLE / STREET MILE
LAKE ELMO	8,177	70	117
NORTH ST. PAUL	11,601	43	270
STILLWATER	18,464	80	231
OAKDALE	27,743	92	302
MAPLEWOOD	38,472	135	285
WOODBURY	67,787	230	295

Surrounding communities have 2.5X more people to pay for every mile of road

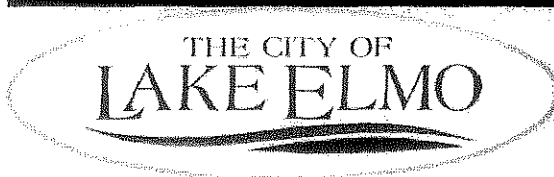
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PAVEMENT MAINTENANCE TREATMENT SELECTION

- CRITICAL SUCCESS FACTORS (ELEMENTS)
 - DETERMINING THE CAUSE OF PROBLEM/FAILURE.
 - IDENTIFYING AND APPLYING THE CORRECT TREATMENT.
 - DETERMINING THE CORRECT TIME TO DO THE WORK.
 - OBSERVING PERFORMANCE.
 - ADJUSTING THE PROGRAM ACCORDING TO THE RESULTS.

Quote: "The effectiveness of a preventive maintenance treatment is directly related to the condition of the pavement. Conducting preventive maintenance on a sound pavement in good condition will be very effective in prolonging that pavement's service life. Conducting an inappropriate repair (either method or timing) can actually accelerate the rate of distress development.



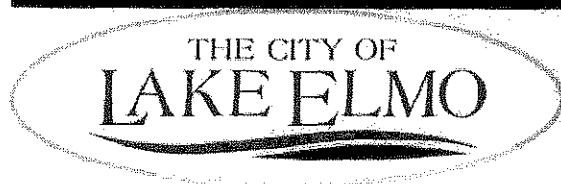
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CORRECTIVE MAINTENANCE

- PERFORMED TO CORRECT A DEFICIENCY IN PAVEMENT “REACTIVE MAINTENANCE”.
- DIFFERS FROM PREVENTIVE MAINTENANCE MAINLY IN COST AND TIMING.
- ALSO INCLUDES: Structural overlays, mill and overlays, pothole repair, and patching.

EMERGENCY MAINTENANCE

- PERFORMED TO REPAIR A BLOWOUT OR SEVERE POTHOLE.
- THIS ALSO DESCRIBES **TEMPORARY TREATMENTS** TO HOLD A SURFACE TOGETHER UNTIL MORE PERMANENT REPAIRS CAN BE PERFORMED.

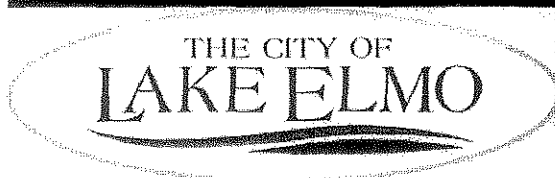


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PREVENTATIVE MAINTENANCE

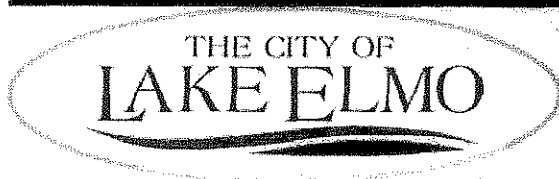
- STRATEGY OF SURFACE TREATMENTS IS TO RETARD PROGRESSIVE FAILURES AND THE EXTEND THE USEFUL LIFE OF A PAVEMENT.
(Completing the right repair on the right road at the right time)
- EXAMPLES INCLUDE: Crack sealing, seal coating, fog sealing, rut filling, thin overlays, & microsurfacing.
- STUDIES SHOW THAT PREVENTIVE MAINTENANCE IS 6-10X MORE COST-EFFECTIVE.
- SUBSTANTIAL LIFE CYCLE COST SAVINGS.
- MORE EFFECTIVE WHEN APPLIED EARLY.
- BETTER CUSTOMER SERVICE.

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PAVEMENT MAINTENANCE PROGRAM

- INVENTORY/ASSET DATA – 70 miles of Lake Elmo Streets
- CONDITION ASSESSMENT (RATING SYSTEM)
 - Measurement and assessment of pavement distresses
- TREATMENT SELECTION
- TYPES OF MAINTENANCE
 - PREVENTATIVE MAINTENANCE
 - CORRECTIVE MAINTENANCE
 - EMERGENCY MAINENANCE



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R/W

EXISTING CITY STREET SECTIONS & RECLAIM PROJECT

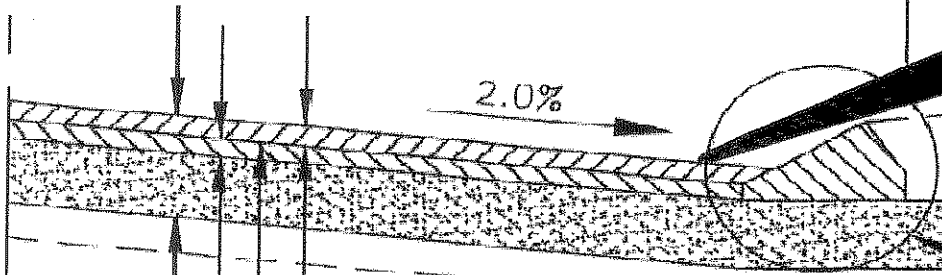
30' - 40'

- Completed at 1/3 cost of reconstruction
- Provides up to 20 year life

13' - 17'

VARIES

In many cases we have minimal to no neighborhood drainage system



1' WIDE BITUMINOUS CURB - 6" HEIGHT

No drainage layer

In situ soils remain in place

1.5"-2360 TYPE LV 4 BIT. WEARING COURSE

TACK COAT

1.5"-2360 TYPE LV 3 BIT. NON-WEARING COURSE

6" TO 8" RECLAIMED DEPTH

PAVEMENT PERFORMANCE CURVE

(WITH PROPOSED MAINTENANCE)

