



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

NOTICE OF MEETING
City Council Meeting
Tuesday, October 15, 2013 7:00 P.M.
City of Lake Elmo | 3800 Laverne Avenue North

***** Park Commission Interviews *****

George Johnson - 6:00PM

Mary Frick - 6:20PM

Josh Giles - 6:40PM

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 October 01, 2013 City Council Meeting Minutes
- G. Public Comments/Inquiries**
- H. Speak Your Peace - Reeves**
- I. Presentations**
 - 2. Washington County
 - a. County Commissioner Gary Kriesel on Highway 5 Traffic Safety Grant
 - b. Gateway Corridor BRT/LRT Planning
 - c. West Side Access Plan for the Lake Elmo Regional Park Reserve
- J. Consent Agenda**
 - 3. Approve Payment of Disbursements and Payroll
 - 4. Accept Financial Report dated September 30, 2013
 - 5. Accept Building Permit Report dated September 30, 2013
 - 6. Keats MSA Street and Trunk Watermain Improvements - Change Order 5.
 - 7. Keats MSA Street and Trunk Watermain Improvements - Pay Request No. 5.
 - 8. Production Well No. 4 - Pay Request No. 3.
 - 9. Lake Elmo Sewer Infrastructure Improvements: I-94 to 30th St. - Pay Request No. 1.
 - 10. Lake Elmo Sewer Infrastructure Improvements: I94 to 30th Street - Change Order No. 1
 - 11. Approve Resolution No. 2013-87, Approving Tax Forfeited Parcels for Public Auction;
Resolution 2013-87
- K. Regular Agenda**
 - 12. Variance - 09.029.21.22.0025 (Hill Trail North); ***Resolution 2013-82***

13. Adopt Animal Code Amendment; ***Ordinance 08-088, Resolution 2013-88, Ordinance 08-089***
14. Storm Water Ordinance – Approving Revisions to City Code Section 150.277; ***Ordinance 08-090, Resolution 2013-89***
15. Establish 2014 City of Lake Elmo Growth Projections to Submit to the Metropolitan Council
16. Consider Parks Commission Appointment
17. Council Policy on Non-Compliant Septic Systems in the Old Village / Potential Sewer Service

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
OCTOBER 1, 2013**

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
OCTOBER 1, 2013**

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

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

ABSENT: Council Member Reeves

Also Present: City Administrator Zuleger, Associate City Attorney Brekken, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Mayor Pearson asked that Item H be postponed until next Council meeting when Council Member Reeves returns; to move Item 4 to immediately before Item 9; and to move Item 8 to the end of the Regular Agenda.

*MOTION: Council Member Bloyer moved **TO APPROVE THE OCTOBER 1, 2013 CITY COUNCIL AGENDA AS AMENDED.** Council Member Smith seconded the motion. **MOTION PASSED 4-0.***

ITEM 1: ACCEPT MINUTES

THE SEPTEMBER 17, 2013 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS OF THE CITY COUNCIL.

PUBLIC COMMENTS

Library Director Orsted spoke on partnering with local businesses; Joni Fletty COO of Retail Construction Services, spoke on a giving garden and sustainability; library now has a red worm compost bin – “Wormy Acres”; Oktoberfest partnering with Lake Elmo Wine Company. There will be education as well as sampling microbrews.

PRESENTATIONS

ITEM 2: QUALITY STAR AWARD – ALYSSA MACLEOD

City Administrator Zuleger presented the Quality Star Award to Alyssa MacLeod for her effort to improve communication with taxpayers, promote civility with Civility Project, and work on Lake Elmo Days.

CONSENT AGENDA

3. Approve Payment of Disbursements and Payroll in the amount of \$198,617.76
4. ~~Authorize certification to Washington County Auditor for the Unpaid Storm Water Utility Bills;~~
Resolution 2013-79
5. Approval of Resolution Appointing 2013 Election Judges; ***Resolution 2013-80***
6. Keats MSA Street and Trunk Watermain Improvements – Call for Final Assessment Hearing;
Resolution 2013-81
7. Keats MSA Street and Trunk Watermain Improvements – Change Order No. 4.
8. ~~Approval of Gates for Sunfish Lake Park~~

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

Public Comments

Bob Cusick 5470 Highlands Trail: spoke on lot next door parking issues. He was not happy that City issued a permit to his neighbor to park a trailer on his property. Mayor Pearson said that he

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may visit the site and acknowledged that the issue is difficult. City Administrator Zuleger explained the City's actions. Mayor Pearson asked if the issue is resolved as far as the city is concerned. Mr. Zuleger said Building Official Chase says it is. Mayor Pearson said it he would stop by and take a look.

ITEM 4: AUTHORIZE CERTIFICATION TO WASHINGTON COUNTY AUDITOR FOR THE UNPAID STORM WATER UTILITY BILLS; RES. 2013-79

Gaylen Springborn 8989 55th St.: spoke on his appeal of storm water fees. His complaint is that he maintains all the water of his area. Mr. Zuleger said \$265.69 was reduced to \$66.42. This was the maximum reduction in credit policy. There is intentional retention and regional retention. This is the maximum credit that the City employs. Mr. Springborn invited the Council to personally view the property. The Council discussed whether action on the item should occur now or later during the meeting. It was decided to postpone the item to the end.

*MOTION: Council Member Smith moved **TO POSTPONE THE ITEM UNTIL THE END OF THE AGENDA.** Council Member Bloyer seconded the motion. **MOTION PASSED 4-0.***

REGULAR AGENDA

ITEM 9: VARIANCE - 09.029.21.22.0025 (HILL TRAIL NORTH); RES. 2013-82

Planning Director Klatt provided overview of the variance application and background. The proposal does not meet the buildable lot size requirement imposed by City Code. It was determined that 60% of one acre is 26,136 square feet (43,560 * 0.6). The site is 0.27 acres short. The proposal does meet all other code requirements. Washington County did determine that there is enough room for a suitable septic system even though it does not meet the City requirements. Staff limited its review to the immediate area and not the larger tri-lakes area.

Council Member Smith asked if all the smaller lots that do not have lake access were used to arrive at the average. Mr. Klatt stated that staff used all the lots of the neighborhood. Ms. Smith does not believe that the smaller lots should be used to calculate the average.

Mr. Klatt explained the required variance findings: 1) practical difficulties; 2) unique circumstances; 3) character of the locality; and 4) adjacent properties and traffic. It was explained that the state also requires two other findings: variance is in harmony with the general purpose, and intent of the ordinance and consistent with the comp plan.

Staff received letters from neighbors opposed and the applicants and owners supporting the variance. Mr. Klatt explained that the Planning Commission found that the application did not meet three of the findings: 1) was not consistent with comp plan; 2) there are no unique circumstances; and 3) the variance would lead to a degradation of water quality. Planning Commission vote was 5-2 to deny the variance.

Clarification was given on the adjacent vacant lots and the ability or inability to split the lots for building. Ms. Smith asked if the lot was buildable at the time of purchase. Whether it was buildable at the time of purchase was discussed; however, due to the amount of time that has passed and the lack of specific records, the original build-ability cannot be easily determined.

Council Member Nelson asked how many houses were built in area since 1979. Mr. Klatt thought 2 had variances granted. Mr. Nelson asked to confirm that out of 64 lots, 3 would meet the 1.5 acres size. It was explained that staff could not determine exactly what rules were in place back in 1978. The 1979 Municipal Code was the first adoption of a City Zoning Code. It was explained that the previous rules are not really relevant because the City does have rules in place now that must be followed.

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Ms. Smith asked if it would be more appropriate to amend the code and comp plan rather than grant variance. Assistant City Attorney Brekken stated that that was definitely an option, but that which path to follow is the Council's discretion.

Mr. Nelson asked about another 1 acre lot that apparently did not need a variance. Mr. Klatt said that two things could happen. Reconstruction or meet 60% rule. Another neighbor obtaining a variance was brought up. Ms. Smith asked how it was relevant.

Public comment:

Dean Dworak 12325 Upper Heather, Hugo: Variance applicant. Mr. Dworak takes issue with finding #2 regarding the aquifer impact. He does not believe that the addition of two more residents on his property would have any impact on the aquifer. He provided some water use statistics. He also alleged a conflict in the land use plan with the ordinances regarding the number of units per acre. Ms. Smith noted that this was for sewer. He respectfully requests that City approve the variance or change the ordinance.

Paul Hansen 8024 Hill Trail North: Lived in Lake Elmo almost 50 years. When they purchased the property, they could not get a straight answer from City whether the lot was buildable. He asserted that multiple variances have been granted to nearby properties to build houses in last 8-10 years. He claimed that this lot is one of the last vacant lakeshore lots. Council Member Smith asked about how recent the variances were granted. Her recollection is that Mayor Johnston was the last home built back in 1983. The length of time since the last variance was debated. Mr. Hansen recommended approval of variance.

Steve Iverson 8108 Hill Trail: He has concerns that the efforts to keep the character of Lake Elmo will be lost if the variance is granted. Mr. Iverson proceeded to read his letter that he had previously submitted and is included in the packet. He is concerned about Council setting bad precedent and running out of space for septic.

Mayor Pearson believes that there is not a compelling reason to grant the variance. He also believes that the current owner was on notice that the lot may not have been buildable. Septic systems are a problem and will continue to be a problem especially for this area.

Mr. Nelson believes that the rules have been changed and that he agrees with the original staff recommendation to grant the variance. Ms. Smith asked if there were already houses on the lots with the more recently built houses. Ms. Smith said that the letter is not the ordinance, but it is just a letter. The City should change the ordinance if the City decides to allow building on these lots. Ms. Smith noted that the planning staff and the planning commission simply provide guidance to the Council. Thinks that the Planning Commission did a good job fleshing out the issues and reasons to deny. Noted that three meetings took place and a lot of consideration went into the issue.

Council Member Bloyer – aquifer two houses are not going to draw down the aquifer. Septic meets Washington County. New technology allows for smaller septic with less impact.

Messrs. Nelson and Bloyer noted that the applicant is only asking for what others have been granted. Mayor Pearson said he is empathetic to the intricacies of the variance requests, but the rules are in place for a reason. Ms. Smith concurred with

*MOTION: Council Member Bloyer moved **TO TABLE THE ITEM UNTIL NEXT MEETING.** Council Member Nelson seconded the motion. **MOTION FAILED 2-2 (SMITH AND PEARSON – NAY).***

Mr. Nelson said he just visited the area and the applicants request seems reasonable given the recent building activity and circumstances.

*MOTION: Mayor Pearson moved **TO APPROVE RESOLUTION NO. 2013-082, DENYING THE VARIANCE REQUESTED AT 09.029.21.22.0025 (HILL TRAIL NORTH) TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY HOME ON A LOT THAT IS NOT CONSIDERED A BUILDABLE***

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LOT OF RECORD, BASED UPON FAILURE TO MEET ALL REQUIRED FINDINGS NECESSARY TO GRANT THE VARIANCE. Council Member Nelson seconded the motion.

There was discussion of voting requirements and effect of the motion failure. The variance is not granted by the motion to deny failing. The variance request will remain before the Council until it is formally approved or denied.

MOTION FAILED 2-2 (BLOYER AND NELSON – NAY).

MOTION: Mayor Pearson moved TO POSTPONE ITEM. Council Member Bloyer seconded the motion.
MOTION PASSED 4-0.

ITEM 10: 2012 STREET AND WATER QUALITY IMPROVEMENTS – FINAL ASSESSMENT HEARING: RES. 2013-83

City Engineer Griffin gave overview of the project. The project came in under bid for quantities of materials. Expected to cost about \$861,000. The actual const cost about \$800,000. The project came in under budget for total cost at \$995,792.98. Initial assessment costs were \$3,200. Final proposed assessment came in at \$3,000. Mr. Griffin explained the assessment payment options.

MOTION: Council Member Bloyer moved TO OPEN THE PUBLIC HEARING. Council Member Nelson seconded the motion. **MOTION PASSED 4-0. Public Hearing opened at 8:32PM**

Jeff Nichols 8170 59th Street North: believes the City did a great job getting done under cost. However the quality of workmanship left something to be desired. Curbs and landscaping are not great. Mr. Griffin said that the city has been working on addressing issues that have been noticed. Mr. Nichols said he has not called the city to complain specifically, but expected that the city would monitor is on its own without having to be called. The mayor requested that any specific issues be brought to engineers' attention. Mr. Griffin said that there is still work being done on various rain garden issues.

MOTION: Council Member Smith moved TO CLOSE THE PUBLIC HEARING. Council Member Bloyer seconded the motion. **MOTION PASSED 4-0. Public Hearing closed at 8:35PM**

Mr. Bloyer asked about the rain gardens, and if they are federally mandated. Mr. Griffin said no they are not. The street projects have included voluntary rain gardens. Mayor Pearson asked if there is a quid pro quo with the installation. Mr. Griffin said that certain water quality levels must be met to maintain compliance with watershed rules. Valley Branch Watershed has been used for the funding and the Washington County Conservation District for design.

MOTION: Council Member Smith moved TO APPROVE RESOLUTION NO. 2013-83, ADOPTING THE FINAL ASSESSMENT ROLL FOR THE 2012 STREET & WATER QUALITY IMPROVEMENTS. Council Member Nelson seconded the motion. **MOTION PASSED 4-0.**

ITEM 11: WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS – PUBLIC IMPROVEMENT HEARING: RES. 2013-84

City Engineer Griffin gave overview of the project. Resident meeting was held on 9/18/2013. Only one property represented at meeting. Mr. Griffin explained which properties will receive a benefit. Current lateral benefit fee is \$5,800. Total estimated project cost is \$617,000.

Options: #1) \$5,800 each property – city picks up balance. \$252,000 would come out of \$1Mil. DEED grant. #2) assess \$2,900 and the balance would be carried by city. Other half would be charged at time of connection. Mr. Griffin explained the total charges and the breakdown of the cost estimates per property. There are additional \$2,000 costs after soft costs to install stub. However, if stubs are done at later date, because of tearing up road, costs can skyrocket. Mr. Griffin explained the benefits of water service, the payment schedule, and the final assessment roll. Mr. Griffin provided overview of the construction schedule. He noted that because it was initiated by council, there is a 4/5 passage requirement.

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*MOTION: Council Member Smith moved **TO OPEN THE PUBLIC HEARING.** Council Member Nelson seconded the motion. **MOTION PASSED 4-0.** Public Hearing opened at 8:49PM*

Don Slinger 4620 Lake Elmo Ave: asked if the reductions in growth by the Met Council make the water expansion not necessary. Mayor Pearson stated that contrary to what has been published and what he may have heard, the City is still subject to the MOU. Mr. Griffin explained that the improvement is still needed for the entire system both in growth and redundancy. Well #1 will eventually be taken offline.

Ms. Smith noted that there is a comprehensive water system. She reiterated several of Mr. Griffin's points. At some point nearby development will need the water. Mr. Slinger said that he does not understand how the land can be developed. Ms. Smith explained how they can be combined for Open Space Preservation developments.

Mr. Slinger also took issue with 11180 50th St. not being assessed. Mr. Griffin said that it does not meet the criteria. Mr. Slinger took issue with that determination. Mr. Slinger said if no current house, means not being assessed, that is not fair. Mayor Pearson stated that in the future that owner would pay entire cost. Mr. Slinger stated he wants to pay the same as the undeveloped lot owners. Mr. Slinger also stated that according to his information, there is no benefit to insurance.

Ms. Smith noted that the current users are paying a heavier share because of the low number of users, so it is not just the proposed assessed properties. The water fund and whether it will be flush was discussed. Mayor Pearson disagrees with some of Mr. Slinger's assertions, and asked Mr. Griffin to respond. Mr. Griffin explained that the initial buy-in is much cheaper up front. Vacant lot assessments are a policy decision, and that some cities do it differently. Some assess the total cost divided by the number of properties. Lake Elmo is not trying to encourage growth, and that assessments can force development.

The cost of the later connection charge was discussed and clarified. Mr. Griffin noted that another benefit to the early hook-up.

Margaret Schmidt 4525 Lake Elmo Ave: thanked Council for not charging for vacant lots. She was out of town for the neighborhood meeting. She has three lots. She wants to know if at any point she is going to be forced to connect. She also wants to know if she will be forced to stop using her well and what about future owners of her other lots. Will they be forced to connect as well? Discussion of what future OP lots could be. Mayor Pearson said his belief was that there would not be a forced connection. An OP development probably would. Vacant lots getting stubs at early point was discussed.

Doug Williams 3946 Lake Elmo Ave: does not want to have to hook up or be assessed. Does not believe that he will want to connect and does not believe he is receiving a benefit. He asserted that he already has the same water. If was going to spend that money, it would not be to connect to water.

Kathy Flicek 4890 Lake Elmo Ave: asked when water would begin being used. Mr. Griffin said 2014. The entire system will be using it immediately once pump station is built. Mr. Griffin explained again that the assessment is a very small portion of the entire project cost.

*MOTION: Council Member Smith moved **TO CLOSE THE PUBLIC HEARING.** Council Member Bloyer seconded the motion. **MOTION PASSED 4-0.** Public Hearing closed at 9:23PM.*

Mr. Bloyer said his perspective has changed as his role has changed. He sees multiple benefits in the water service. He is in favor of taking the same action as done with Keats Ave.

*MOTION: Council Member Smith moved **TO APPROVE RESOLUTION NO. 2013-84, ORDERING THE WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS WITH ASSESSMENT OPTION #2.** Council Member Bloyer seconded the motion.*

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Ms. Smith explained that the one property Mr. Slinger asked about will never be able to connect, so it does not make sense to assess that property.

MOTION PASSED 4-0.

ITEM 12: 2014 STREET IMPROVEMENTS – AUTHORIZE FEASIBILITY REPORT; RES. 2013-85

City Engineer Griffin presented the 2014 streets improvements plan. He also touched on some of the anticipated 2015 projects. Mr. Griffin identified what streets were included: Packard park neighborhood, Deer Pond Trail/Court, 20th Street North, and Manning Trail. The prioritization considerations were also explained: Condition of the street (salvage reclaim option); potential for future watermain; potential for significant storm sewer / drainage improvements; other potential issues / project readiness. Mr. Griffin then explained the anticipated costs and the proposed schedule.

The fact that the City has put off various projects over the years and the resulting poor condition of many of the roads was discussed. It was noted that the Council is taking a more aggressive approach now to catch up and also putting in higher quality streets, which should prolong the durability.

MOTION: Council Member Bloyer moved TO APPROVE RESOLUTION NO. 2013-85, ORDERING PREPARATION OF A FEASIBILITY REPORT FOR THE 2014 STREET IMPROVEMENTS IN THE NOT TO EXCEED AMOUNT OF \$13,000. Council Member Nelson seconded the motion.

Council Member Smith asked about the micro-surfacing street. She hoped that it is not wasting the money and will require the City to have to fix it soon after. Mr. Griffin reiterated that MNDOT was brought in for consultation. This will provide a good test of the process. Hopefully the process will be successful and be able to save the City money in the future.

MOTION PASSED 4-0.

Mayor Pearson made point of personal privilege and recessed the meeting at 9:44PM

Mayor Pearson reconvened the meeting at 9:53PM

ITEM 13: COMPREHENSIVE PLAN AMENDMENT - LANDUCCI PROPERTY; RES. 2013-86

Planning Director Klatt provided overview of the Comp Plan amendment request by Ryland Homes for the Landucci property. It is located in the I94 corridor. Planning Commission recommends approval.

Mayor asked about the reduction in RECS and not needing to be transferred. Mr. Klatt confirmed that because of the size, there are is no resulting transfer.

MOTION: Council Member Bloyer moved TO APPROVE RESOLUTION NO. 2013-086, APPROVING REQUEST BY RYLAND HOMES TO AMEND THE LAKE ELMO COMPREHENSIVE PLAN. Council Member Nelson seconded the motion. MOTION PASSED 4-0.

ITEM 14: SKETCH PLAN REVIEW - LANDUCCI PROPERTY

Planning Director Klatt provided explained the item and introduced the representative from Ryland Homes. Mark Sonstegard and Tracey Rust from Ryland Homes were present. Mr. Sonstegard provided a summary of the proposed development. Mayor Pearson asked if the plan had changed from the Planning Commission submission. Mr. Sonstegard said it had not. Mr. Sonstegard pointed out the proposed trail plan that was not on original plan.

Council Member Smith asked about the need for a park. Sonstegard said that Ryland is looking for direction on where the park dedication funds go and whether cash or pocket park is desired. Council discussed park options.

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Council Member Nelson asked about the number of façades. Mr. Sonstegard said about 5 floorplans and then multiple options for each. The proposed pricing was explained: base \$325K-400K; 370K-430K with options. Mayor Pearson asked about taking it to Parks Commission. City Administrator Zuleger said staff would like to meet to discuss parks before submitting it to Parks Commission. Mayor Pearson asked if turning a section into a common area that the neighborhood maintains, similar to what was done in his neighborhood. Council Member Bloyer noted that Public Works has commented that maintenance is difficult with number of parks as it is.

Mr. Sonstegard explained some options for secondary access to development and said Ryland is looking forward to discussing secondary access with staff. Mayor Pearson asked about the collector road buffer. Mr. Zuleger said that the road is not desired to be any farther south.

Ms. Smith asked if there was another community that she could look that is similar to proposal. Mr. Sonstegard explained a community in Mahtomedi and Prior Lake. Council can also visit Ryland.com to see all current sites.

NO FORMAL ACTION REQUESTED

ITEM 15: OFFICIAL LIST OF STORM WATER APPEALS / ASSESSMENTS

Finance Director Bendel gave overview and background of appeals. City Administrator Zuleger explained the policy in place. Council Member Nelson asked if the charge was based on square footage. Mr. Zuleger explained that it depends on what the zoning is. Base fee starts with equivalent run-off units of \$50 per standard residential lot.

There was an inquiry about the religious organizations proving hardship. Mr. Zuleger explained the process under the current policy that was used for the various properties.

Mayor Pearson commended staff's work on the issue. He then inquired about the situation where all the water is retained. Mr. Griffin explained that water quality is also a factor in addition to conveyance, so there would still be issues to consider. Over half the fees are to cover the permitting aspects. Mr. Griffin noted that the two options are to either have the fee collected through the tax levy or create the utility. The utility actually allows the agricultural properties to pay less than they would be based on tax value. Ms. Smith noted there are properties that do more than their fair share. Changing the policy going forward was discussed.

Mr. Nelson asked about who would be responsible in future if there is a required remediation. Mr. Griffin explained that it would be the City, but the City can assign that responsibility to property owners.

Gaylen Springborn asked about other cities' practices. Mr. Zuleger said some cities have credits and some do not.

George Dimmick 8465 Demontreville Trail: said he has asked for minutes from when the ordinance was passed. He has not received anything yet. The scope and of the request and the nature of his appeal were discussed.

*MOTION: Mayor Pearson moved **TO CONTINUE TO RESPOND TO ALL STORM WATER APPEAL APPLICATIONS AS OUTLINED IN ORDINANCE 2012-057**. Council Member Smith seconded the motion.*

Council Member Bloyer said on principal he cannot vote for this item because it is unfair. Council Member Nelson asked that the policy be revised. Mr. Griffin cautioned that the more the Council seeks a perfect policy more time and money will be expended. Suggested that the City needs to be careful about too much detailed critique. Ms. Bendel explained statistics and that policy is working pretty well. Mr. Nelson stated he wants to know the hardship standard.

MOTION PASSED 3-1 (BLOYER -NAY).

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ITEM 4: AUTHORIZE CERTIFICATION TO WASHINGTON COUNTY AUDITOR FOR THE UNPAID STORM WATER UTILITY BILLS; RES. 2013-79 – (CONTINUED)

No discussion.

MOTION: Council Member Smith moved TO APPROVE CERTIFICATION TO WASHINGTON COUNTY AUDITOR FOR THE UNPAID SURFACE WATER UTILITY BILLS. Council Member Nelson seconded the motion.

Ms. Bendel asked if Mr. Springborn was going to be included. Ms. Smith said no, and that council members will be looking at process. Mayor Pearson said that this year is done, but that the Council will review the policy.

MOTION PASSED 3-1 (BLOYER –NAY).

ITEM 16: APPROVE SUNFISH LAKE PARK NAME CHANGE – SUNFISH LAKE NATURE PRESERVE; RES. 2013-87

Parks Commissioner Pam Hartley urged council to change the name. The park is subject to the terms of conservation easement with the MN Land Trust. Not like any other park. The Parks Commission thinks that changing the name would better reflect the intended use.

Council Member Bloyer asked how the park came about. Council Member Smith explained her opposition to the name change: the easement was supposed to include a 5 acres in Area 2 with greater use. Ms. Hartley said the Parks Commission is creating a task force to discuss the use within the easement. Mayor Pearson wants to know more about how it was purchased. He would like to postpone taking action to see what is proposed by the Parks Commission. Ms. Hartley asserted that mountain biking is specifically not allowed under the easement.

Mr. Bloyer asked about scope of the item before the Council. City Administrator Zuleger said it is limited to the proposed name change. He noted that the Parks Commission is serious at looking at the park and its use.

MOTION: Council Member Bloyer moved TO DIRECT THE STAFF TO LOOK INTO HOW TO REMOVE THE LAND TRUST CONSERVATION EASEMENT. Council Member Nelson seconded the motion.

Ms. Smith has spent 9 years working on park. She was part of keeping the water tower out. She also kept the ball fields out. Carol Kriegler understood her desire to have Area 2 and its additional uses. Ms. Smith wants to know where it went and what happened. Parks Commissioner Sarah Hietpas said the commission is willing to look at suggestions, but that is not relevant to the name change. Ms. Smith said the name does matter as the use will be further limited by changing the park to a nature preserve.

Council discussed the conservation easement vis-à-vis the park. Opinions differ on whether the public land should even be in the Land Trust and whether removing the easement is required. City Clerk Bell confirmed that his research thus far has found that the easements are written to be permanent and difficult to remove.

Mr. Zuleger explained that Ms. Smith is correct in her beliefs of what was agreed to, but somehow those items did not get into the easement. The issue of using eminent domain was discussed. Because the City already owns the land, that option is not Ms. Smith wants to work with the Parks Commission and the Land Trust to find a solution to use Area 2.

Mayor Pearson prefers to not change the name. He wants to work with the Land Trust to see what can be done to expand use. Council Member Nelson is troubled that a public park was put in the easement. He thinks that it is reasonable to ask and negotiate. Mr. Zuleger's opinion is that working within the easement is probably more likely to be successful than removing the easement. It was noted that legal costs alone would not be cheap.

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MOTION FAILS 1-3 (PEARSON, NELSON, AND SMITH – NAY).

MOTION: Mayor Pearson moved TO POSTPONE UNTIL THE PARKS COMMISSION BRINGS BACK THEIR USE SUGGESTION. MOTION FAILED FOR LACK OF SECOND.

The Council – Parks Commission relationship was discussed. Ms. Hietpas noted that the name change has been in the works for a long time. Mayor Pearson asked if all the impact concerns were met, would mountain biking even be considered? Ms. Hietpas said probably no, but that possibly other areas could be considered.

NO FORMAL ACTION TAKEN.

ITEM 8: APPROVAL OF GATES FOR SUNFISH LAKE PARK

City Administrator Zuleger explained that the Washington County Sheriff's Office has requested that gates be installed at the park to limit access afterhours. Due to the location and nature of park, it is difficult to patrol. Mr. Zuleger described the recommended gates.

Mayor Pearson voiced his support for the gates. Council Member Smith asked about the entrance and whether it was part of an easement. City Clerk Bell confirmed that it was City land.

Council Member Nelson believes that this is premature until the task force proposes its use plan. Ms. Smith concurred. Mayor Pearson stated the security concerns will be prevalent regardless of the proposed uses; therefore, the gates are appropriate.

MOTION: Mayor Pearson moved TO AUTHORIZE THE PURCHASE AND INSTALLATION OF A 24' AUTOMATIC BARRIER GATE AT SUNFISH LAKE PARK FROM, SECURITY ACCESS SYSTEMS, FOR THE NOT TO EXCEED PRICE OF \$11,075.00. Council Member Smith seconded the motion.

The scenario of trying to get out of park after the gate closes was discussed. There is a safety feature that would allow exit only for an additional 30 minutes, but after that period, the sheriff would need to be contacted to provide egress.

MOTION PASSED 4-0.

Council Member Nelson asked about also taking steps to make Reid Park safer. The Council consensus was that this can and should be done.

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Nelson: attended a sensible land use coalition meeting. The bottom line that he took away from it is that developers want to know the rules and their fees; resident meeting discussed Speak Your Peace. Resident is bringing it back to her board; received two resident phone calls on sewer for peninsula. Wants to bring it up for discussion and get it on agenda.

Council Member Smith: spent some time perusing the lakes. Glad there have not been any problems; call on culvert at end of 28th. She hopes that the completion includes some possible clean up. Project has been a long time coming.

Mayor Pearson: trails meeting; meeting with fire chief; developer meetings; resident meetings; attended Planning Commission meeting; participated in Met Council discussions. Stated the goal is lower RECs and eliminate MOU; commended staff on healthcare costs maintenance due to lower utilization.

Council Member Bloyer: wants discussion on amending the OP rules; he has 4TB of data on Lake Jane use and would like it reviewed when the lake use review occurs.

City Administrator Zuleger: had outstanding parks retreat. Commended Parks commission and Council Member Mike Reeves and Alyssa MacLeod; bonding strategy meeting; working with Lowell

**LAKE ELMO CITY COUNCIL MINUTES
OCTOBER 1, 2013**

Johnson letter for Lake Elmo Ave/Village sewer and non-compliant septics; focus newsletter is out; invited council to sit down and discuss the approach of storm water appeals.

Associate City Attorney Brekken: no report

Planning Director Klatt: Village workgroup will be looking at the mixed use in village; airport zoning making some progress. Continuing to work with MNDOT aeronautics and MAC.

City Engineer Griffin: no additional report. Mayor Pearson asked about 30th street construction. Mr. Griffin said the impact should be limited due to directional drilling.

City Clerk Bell: no report.

Finance Director Bendel: working on storm water assessments and appeals; street assessments; upcoming budget workshop; working on CIP; wrapping up bonding documents; working on escrow updates.

Mayor Pearson adjourned the meeting at 11:37PM.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
CONSENT
 ITEM #: 3
MOTION Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of \$736,431.48

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 \$736,431.48 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	\$ 10,695.96	Payroll Taxes to IRS & MN Dept of Revenue 10/3/13
ACH	\$ 5,901.53	Payroll Retirement to PERA 10/3/13
DD4969- D4996	\$ 27,441.88	Payroll Dated (Direct Deposits) 10/3/13
40444	\$ 381.38	Accounts Payable Manual 10/1/13
40445-40517	\$ 691,470.73	Accounts Payable 10/15/13
2091-2099	\$ 540.00	Library Card Reimbursement 10/15/13
TOTAL	\$ 736,431.48	

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 \$736,431.48

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 October 15, 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: 10/01/2013 - 3:00 PM
 Batch: 027-10-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HOLIDAYI Holiday Inn & Suites 232 101-410-1320-44370	08/09/2013 Conferences & Training	381.38	0.00	10/01/2013	Council Retreat - Holiday Inn 7/26-7/27					0000
232 Total:		381.38								
HOLIDAYI Total:		381.38								
Report Total:		381.38								

Accounts Payable To Be Paid Proof List

User: denise
 Printed: 10/10/2013 - 10:02 AM
 Batch: 029-10-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TASCH T.A. Schifsky & Sons Inc PayRequestNo5 10/01/2013 409-480-8000-43030 Engineering Services	10/01/2013	303,997.00	0.00	10/15/2013	Keats MSA Street -		-	No		0000
PayRequestNo5 10/01/2013 601-494-9400-43030 Engineering Services	10/01/2013	7,683.61	0.00	10/15/2013	Keats Trun Watermain		-	No		0000
PayRequestNo5 Total: TASCH Total:		311,680.61 311,680.61								
Report Total:		311,680.61								

Accounts Payable To Be Paid Proof List

User: denise
 Printed: 10/10/2013 - 11:11 AM
 Batch: 028-10-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ADAMBELL Bell Adam										
09/27/2013	09/27/2013	24.46	0.00	10/15/2013	Reimbursement Mileage	9/26/13 -A	-	No		0000
101-410-1320-43310	Mileage				Bell					
	09/27/2013 Total:	24.46								
	ADAMBELL Total:	24.46								
ADVANCED Advanced Eng & Environ Svs Inc										
35784	09/26/2013	2,068.00	0.00	10/15/2013	Production Well No 4 AE2S		-	No		0000
601-494-9400-43030	Engineering Services									
	35784 Total:	2,068.00								
35785	09/26/2013	6,921.63	0.00	10/15/2013	Water System Design Phasing Study-Phase2		-	No		0000
601-494-9400-43030	Engineering Services									
	35785 Total:	6,921.63								
76855	09/26/2013	6,039.75	0.00	10/15/2013	Water System Design Phasing Study AE2S		-	No		0000
601-494-9400-43030	Engineering Services									
	76855 Total:	6,039.75								
	ADVANCED Total:	15,029.38								
ASPENMI Aspen Mills, Inc.										
140238	09/27/2013	50.15	0.00	10/15/2013	Inv#140238 - Polo Gimpel		-	No		0000
101-420-2220-44170	Uniforms									
	140238 Total:	50.15								
140239	09/27/2013	50.15	0.00	10/15/2013	Inv#140239 - Polo Jara		-	No		0000
101-420-2220-44170	Uniforms									
	140239 Total:	50.15								
140240	09/27/2013	22.39	0.00	10/15/2013	Inv#140240 - Nametag Gimpel		-	No		0000
101-420-2220-44170	Uniforms									
	140240 Total:	22.39								
	ASPENMI Total:	122.69								

Invoice #	Inv Date	Amount	Quantity	Pint Date	Description	Reference	Task	Type	PO #	Close POLine #
ATLANTPO Atlantis Pool										
10/7/2013	10/07/2013	500.00	0.00	10/15/2013	Refund Escrow #8849 10978 57th Street		-		No	0000
803-000-0000-22900	Deposits Payable									
	10/7/2013 Total:	500.00								
	ATLANTPO Total:	500.00								
<hr/>										
BIFFS Biff's Inc.										
W506093-506102	09/18/2013	781.29	0.00	10/15/2013	Portable Restroom		-		No	0000
101-450-5200-44120	Rentals - Buildings									
	W506093-506102 Total:	781.29								
	BIFFS Total:	781.29								
<hr/>										
BOLTONME Bolton & Menk, Inc										
0160358	09/30/2013	3,879.50	0.00	10/15/2013	Well No 4 Connecting Watermain		-		No	0000
601-494-9400-43030	Engineering Services									
	0160358 Total:	3,879.50								
	BOLTONME Total:	3,879.50								
<hr/>										
BURBBLAC Burberl Black Dirt, Inc.										
15357	10/01/2013	128.25	0.00	10/15/2013	Black Dirt		-		No	0000
101-450-5200-42250	Landscaping Materials									
	15357 Total:	128.25								
	BURBBLAC Total:	128.25								
<hr/>										
C A C Companion Animal Control, LLC										
9	09/01/2013	500.00	0.00	10/15/2013	Animal Control Services - September		-		No	0000
101-420-2700-43150	Contract Services									
	09/01/2013	75.00	0.00	10/15/2013	Dog/Cat Pick Up/Impoundment (2)		-		No	0000
101-420-2700-43160	Impounding									
	9 Total:	575.00								
	C A C Total:	575.00								
<hr/>										
CARDMEMB Cardmember Service										
9/19/2013	09/19/2013	81.00	0.00	10/15/2013	Misc Meals Moody's Mtg Chicago-D Zuleger		-		No	0000
101-410-1520-44300	Miscellaneous									
	09/19/2013	75.37	0.00	10/15/2013	Misc Meals 8/27-8/29 & 9/17-D Zuleger		-		No	0000
101-410-1320-44300	Miscellaneous									
	09/19/2013	16.00	0.00	10/15/2013	MSP Parking Moody's Mtg 8/28-D Zuleger		-		No	0000
101-410-1520-44300	Miscellaneous									
	09/19/2013	7.00	0.00	10/15/2013	St Paul Parking Receipts 9/18 -D Zuleger		-		No	0000
101-410-1320-44300	Miscellaneous									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
9/19/2013	09/19/2013	391.43	0.00	10/15/2013	Sounds System LE Days 25% D-Zuleger		-	No		0000
204-450-5200-44300	Miscellaneous									
9/19/2013	09/19/2013	0.50	0.00	10/15/2013	Parking Mpls Meter 9/6 - A Bell		-	No		0000
101-410-1320-44300	Miscellaneous									
9/19/2013	09/19/2013	16.00	0.00	10/15/2013	Target Water PIPO- 9/12 A Bell		-	No		0000
101-410-1320-44300	Miscellaneous									
9/19/2013	09/19/2013	65.00	0.00	10/15/2013	Gig Salad-LE Days Face Painter-C Bendel		-	No		0000
204-450-5200-44300	Miscellaneous									
9/19/2013	09/19/2013	35.25	0.00	10/15/2013	SQ Taxi - Moodys Mtg Chicago-C Bendel		-	No		0000
101-410-1520-44300	Miscellaneous									
9/19/2013	09/19/2013	800.00	0.00	10/15/2013	Omega Event Ser LE Days Tent-C Bendel		-	No		0000
204-450-5200-44300	Miscellaneous									
9/19/2013	09/19/2013	14.00	0.00	10/15/2013	MSP Parking Moodys Chicago-C Bendel		-	No		0000
101-410-1520-44300	Miscellaneous									
9/19/2013	09/19/2013	1,809.87	0.00	10/15/2013	LE Days Banners, Gifts, Auction C Bendel		-	No		0000
204-450-5200-44300	Miscellaneous									
9/19/2013	09/19/2013	68.54	0.00	10/15/2013	Office Max Budget Supplies-C Bendel		-	No		0000
101-410-1520-42000	Office Supplies									
9/19/2013	09/19/2013	26.99	0.00	10/15/2013	DJ Wall Street Journal 9/11-C Bendel		-	No		0000
101-410-1320-42000	Office Supplies									
9/19/2013	09/19/2013	391.43	0.00	10/15/2013	Sounds System - 25% C Bendel		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
9/19/2013	09/19/2013	782.84	0.00	10/15/2013	Sounds System - 50%- C Bendel		-	No		0000
101-410-1450-42000	Office Supplies									
9/19/2013	09/19/2013	1.99	0.00	10/15/2013	Google interactive app- M Bouthilet		-	No		0000
101-430-3100-44300	Miscellaneous									
9/19/2013	09/19/2013	259.04	0.00	10/15/2013	Ski Trail Signage Inv 210319-M Bouthilet		-	No		0000
101-450-5200-42250	Landscaping Materials									
9/19/2013	09/19/2013	325.00	0.00	10/15/2013	MNAPA Conference Regis-K Klatt		-	No		0000
101-410-1910-44370	Conferences & Training									
9/19/2013	09/19/2013	4.75	0.00	10/15/2013	Menards Supplies - 9/9/13-R Chase		-	No		0000
101-410-1320-42000	Office Supplies									
9/19/2013	09/19/2013	37.19	0.00	10/15/2013	Menards Supplies 9/9/13 - R Chase		-	No		0000
101-420-2400-42000	Office Supplies									
9/19/2013	09/19/2013	55.17	0.00	10/15/2013	Fuel 9/11/13 - R Chase		-	No		0000
101-420-2400-42120	Fuel, Oil and Fluids									
9/19/2013	09/19/2013	44.99	0.00	10/15/2013	Minnesota Glove & Safety Pant-R Chase		-	No		0000
101-420-2400-44300	Miscellaneous									
9/19/2013 Total:		5,309.35								
CARDMEMB Total:		5,309.35								
CARLSOAL Carlson Alex		5,000.00	0.00	10/15/2013	Refund Escrow #8732 9927 Tapestry Grove		-	No		0000
10/7/2013	10/07/2013									
803-000-0000-22900	Deposits Payable									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
10/7/2013 Total:		5,000.00								
CARLSOAL Total:		5,000.00								
CARQUEST Car Quest Auto Parts										
2055-286535	04/22/2013	19.59	0.00	10/15/2013	Return Spring Set-cr taken before invoice		-	No		0000
101-450-5200-42210	Equipment Parts	19.59								
2055-286535 Total:		19.59								
CARQUEST Total:		19.59								
CENCOLLE Century College										
518294	10/09/2013	799.00	0.00	10/15/2013	Fire Officer II & Fire Inspect M Cornell		-	No		0000
101-420-2220-44370	Conferences & Training	375.00	0.00	10/15/2013	Fire Officer II B Johnson		-	No		0000
518294	10/09/2013	424.00	0.00	10/15/2013	Fire Officer II G Malmquist		-	No		0000
101-420-2220-44370	Conferences & Training	375.00	0.00	10/15/2013	Fire Officer II N Malmquist		-	No		0000
518294	10/09/2013	375.00	0.00	10/15/2013	Fire Officer II N Witter		-	No		0000
101-420-2220-44370	Conferences & Training	2,348.00								
518294	10/09/2013	2,348.00								
518294 Total:		2,348.00								
CENCOLLE Total:		2,348.00								
CENTRSER Central Service Center										
21533	10/03/2013	90.00	0.00	10/15/2013	Speed Trailer Radar Repair		-	No		0000
101-450-5200-42250	Landscaping Materials	90.00								
21533 Total:		90.00								
CENTRSER Total:		90.00								
COMCAST Comcast										
09/27/2013	09/27/2013	7.92	0.00	10/15/2013	Monthly Service - Fire Department		-	No		0000
101-420-2220-44300	Miscellaneous	4.50	0.00	10/15/2013	Monthly Service - Oct 2013 City Hall		-	No		0000
09/27/2013	09/27/2013	12.42								
101-410-1940-43210	Telephone	12.42								
09/27/2013 Total:		12.42								
COMCAST Total:		12.42								
CONLEYMO Conley Morgan										
Cable Operator	10/01/2013	68.75	0.00	10/15/2013	Cable Operator 10/1/13 - CC Mig (5hrs)		-	No		0000
101-410-1450-43620	Cable Operations	68.75								
Cable Operator Total:		68.75								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CONLEYMO Total:		68.75								
CTYBLOOM City of Bloomington										
September 2013	09/27/2013	31.50	0.00	10/15/2013	Lab Bacteria Test		-		No	0000
601-494-9400-42270	Utility System Maintenance									
September 2013 Total:		31.50								
CTYBLOOM Total:		31.50								
CTYMAPLE City of Maplewood										
007048	10/03/2013	3,843.22	0.00	10/15/2013	Keats MSA Street	09/27/2013	-		No	0000
409-480-8000-43030	Engineering Services									
007048	10/03/2013	2,899.27	0.00	10/15/2013	Keats Trunk Watermain	9/27/2013	-		No	0000
601-494-9400-43030	Engineering Services									
007048 Total:		6,742.49								
CTYMAPLE Total:		6,742.49								
CTYOAKDA City of Oakdale										
1000460-01	09/30/2013	16,725.93	0.00	10/15/2013	Water Service 1-94	9/4/13--10/2/13	-		No	0000
601-494-9400-43820	Water Utility									
1000460-01 Total:		16,725.93								
CTYOAKDA Total:		16,725.93								
CTYROSEV City of Roseville										
217856	10/03/2013	2,714.17	0.00	10/15/2013	Monthly IT Services	- October 2013	-		No	0000
101-410-1450-43180	Information Technology/Web									
217856 Total:		2,714.17								
217883	10/03/2013	337.07	0.00	10/15/2013	Monthly Telephone	- Administration	-		No	0000
101-410-1320-43210	Telephone									
217883	10/03/2013	45.06	0.00	10/15/2013	Monthly Telephone	- Building Insp	-		No	0000
101-420-2400-43210	Telephone									
217883	10/03/2013	51.18	0.00	10/15/2013	Monthly Telephone	- Communication	-		No	0000
101-410-1450-43210	Telephone									
217883	10/03/2013	45.06	0.00	10/15/2013	Monthly Telephone	- Engineering	Oct		No	0000
101-410-1930-43210	Telephone									
217883	10/03/2013	90.12	0.00	10/15/2013	Monthly Telephone	- Finance	Oct		No	0000
101-410-1520-43210	Telephone									
217883	10/03/2013	132.08	0.00	10/15/2013	Monthly Telephone	- Planning	Oct		No	0000
101-410-1910-43210	Telephone									
217883	10/03/2013	409.97	0.00	10/15/2013	Monthly Telephone	- Public Works	-		No	0000
101-430-3100-43210	Telephone									
217883 Total:		1,110.54								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYROSEV Total:		3,824.71								
DEGEOR Dege George	09/23/2013	557.18	0.00	10/15/2013	Keats MSA Street Sod Install Reimb		-		No	0000
409-480-8000-43030	Engineering Services									
09232013	09/23/2013	420.32	0.00	10/15/2013	Keats Trunk Watermain Sod Install Reimb		-		No	0000
601-494-9400-43030	Engineering Services									
09232013 Total:		977.50								
DEGEOR Total:		977.50								
DOCKENDO Doekendorf Construction	09/24/2013	5,000.00	0.00	10/15/2013	Refund Escrow #8600 5771 Highland		-		No	0000
09242013	09/24/2013				Crt					
803-000-0000-22900	Deposits Payable									
09242013 Total:		5,000.00								
DOCKENDO Total:		5,000.00								
ECMPUBLI ECM Publishers, Inc	08/24/2013	147.75	0.00	10/15/2013	Ad for LE Days 2013-	8/24/13	-		No	0000
1457255	08/24/2013									
204-450-5200-43150	Contract Services									
1457255 Total:		147.75								
ECMPUBLI Total:		147.75								
FASTENAL Fastenal Company	09/13/2013	34.28	0.00	10/15/2013	Hardware		-		No	0000
MNOAK4599	09/13/2013									
101-450-5200-42210	Equipment Parts									
MNOAK4599 Total:		34.28								
FASTENAL Total:		34.28								
FIORILLO Fiorillo Megan	10/08/2013	48.13	0.00	10/15/2013	Cable Operations- 10/8 CC Workshop		-		No	0000
Cable Operator	10/08/2013				3.5hr					
101-410-1450-43620	Cable Operations									
Cable Operator Total:		48.13								
FIORILLO Total:		48.13								
FOCUS Focus Engineering, Inc.	09/30/2013	2,917.72	0.00	10/15/2013	General Engineering		-		No	0000
802-803	09/30/2013									
101-410-1930-43030	Engineering Services									
802-803 Total:		2,917.72								
804	09/30/2013	1,206.38	0.00	10/15/2013	General Engineering-VRA Building		-		No	0000
101-420-2400-43030	Engineering									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
804	09/30/2013	733.50	0.00	10/15/2013	General Engineering-VRA Planning		-		No	0000
101-410-1910-43030	Engineering Services									
804	09/30/2013	90.00	0.00	10/15/2013	General Engineering-VRA Public Works		-		No	0000
101-430-3100-43030	Engineering Services									
804	09/30/2013	382.50	0.00	10/15/2013	General Engineering-VRA ROW Public Wks		-		No	0000
101-430-3100-43030	Engineering Services									
804	09/30/2013	896.50	0.00	10/15/2013	General Engineering-VRA Water		-		No	0000
601-494-9400-43030	Engineering Services									
804	09/30/2013	531.50	0.00	10/15/2013	General Engineering-VRA Sewer		-		No	0000
602-495-9450-43030	Engineering Services									
804	09/30/2013	1,931.92	0.00	10/15/2013	General Engineering-VRA Surface Water		-		No	0000
603-496-9500-43030	Engineering Services									
804 Total:		5,772.30								
805	09/30/2013	650.06	0.00	10/15/2013	Transportation & Traffic Systems		-		No	0000
409-480-8000-43030	Engineering Services									
805	09/30/2013	944.50	0.00	10/15/2013	Street Maintenance		-		No	0000
409-480-8000-43030	Engineering Services									
805	09/30/2013	209.50	0.00	10/15/2013	Municipal Aid System		-		No	0000
409-480-8000-43030	Engineering Services									
805	09/30/2013	22.50	0.00	10/15/2013	2013 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services									
805	09/30/2013	807.00	0.00	10/15/2013	2013 Crack Seal Project		-		No	0000
409-480-8000-43030	Engineering Services									
805	09/30/2013	147.50	0.00	10/15/2013	Trunk Highway 36 Corridor Planning		-		No	0000
409-480-8000-43030	Engineering Services									
805	09/30/2013	59.00	0.00	10/15/2013	MN Dot Hillton Trail Interchange		-		No	0000
409-480-8000-43030	Engineering Services									
805	09/30/2013	354.00	0.00	10/15/2013	State Hwy 5 Traffic Mgmt & Safety Impr		-		No	0000
409-480-8000-43030	Engineering Services									
805 Total:		3,194.06								
806	09/30/2013	454.00	0.00	10/15/2013	Demontreville Highlands Area Str Imp		-		No	0000
419-480-8000-43030	Engineering Services									
806 Total:		454.00								
807	09/30/2013	400.00	0.00	10/15/2013	Olson Lake Trail Sewer Extension Feasibi		-		No	0000
409-480-8000-43030	Engineering Services									
807 Total:		400.00								
808	09/30/2013	1,239.12	0.00	10/15/2013	Water System Design Phasing Study		-		No	0000
601-494-9400-43030	Engineering Services									
808 Total:		1,239.12								
809	09/30/2013	2,826.93	0.00	10/15/2013	Keats Ave Watermain 43%		-		No	0000
601-494-9400-43030	Engineering Services									
809	09/30/2013	3,747.32	0.00	10/15/2013	Keats Ave Street 57%		-		No	0000
409-480-8000-43030	Engineering Services									
809 Total:		6,574.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
810	09/30/2013	1,003.00	0.00	10/15/2013	Lennar I-94 West Corridor		-	No		0000
203-490-9070-43030 Engineering Services		1,003.00								
810 Total:		1,003.00								
811	09/30/2013	13,672.76	0.00	10/15/2013	LE Ave Infrastructure I 94 to 30th St		-	No		0000
409-480-8000-43030 Engineering Services		13,672.76								
811 Total:		13,672.76								
812	09/30/2013	1,273.00	0.00	10/15/2013	Water System Funding Activities (Deeds)		-	No		0000
409-480-8000-43030 Engineering Services		1,273.00								
812 Total:		1,273.00								
813	09/30/2013	526.50	0.00	10/15/2013	Production Well Number 4		-	No		0000
601-494-9400-43030 Engineering Services		526.50								
813 Total:		526.50								
814	09/30/2013	1,949.05	0.00	10/15/2013	Section 34 Water 40%		-	No		0000
601-494-9400-43030 Engineering Services		1,949.05								
814 Total:		1,949.05								
814	09/30/2013	2,923.57	0.00	10/15/2013	Section 34 Sewer Extension 60%		-	No		0000
602-495-9450-43030 Engineering Services		2,923.57								
814 Total:		2,923.57								
815	09/30/2013	4,872.62	0.00	10/15/2013	CSAH 15 Manning Av Corridor Mgmt Safe		-	No		0000
602-495-9450-43030 Engineering Services		4,872.62								
815 Total:		4,872.62								
816	09/30/2013	840.57	0.00	10/15/2013	Hammes Estate		-	No		0000
203-490-9070-43030 Engineering Services		840.57								
816 Total:		840.57								
817	09/30/2013	294.56	0.00	10/15/2013	Landucci Property Ryland		-	No		0000
203-490-9070-43030 Engineering Services		294.56								
817 Total:		294.56								
818	09/30/2013	322.12	0.00	10/15/2013	Well No 4 Connecting Watermain Imp		-	No		0000
601-494-9400-43030 Engineering Services		322.12								
818 Total:		322.12								
819	09/30/2013	995.06	0.00	10/15/2013	Pumphouse No 4		-	No		0000
601-494-9400-43030 Engineering Services		995.06								
819 Total:		995.06								
820	09/30/2013	1,300.50	0.00	10/15/2013	LE Ave Trunk Watermain Imp Feas Study		-	No		0000
601-494-9400-43030 Engineering Services		1,300.50								
820 Total:		1,300.50								
821	09/30/2013	29.50	0.00	10/15/2013	LE Ave Corridor Improvements		-	No		0000
409-480-8000-43030 Engineering Services		29.50								
821 Total:		29.50								
822	09/30/2013	59.00	0.00	10/15/2013	2014 Street Impr Feas Report		-	No		0000
409-480-8000-43030 Engineering Services		59.00								
822 Total:		59.00								
FOCUS Total:		147.50								
		45,888.14								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close P/OLine #
GERMAIEL Germaine Elizabeth										
10/08/2013	10/08/2013	5,000.00	0.00	10/15/2013	Refund Escrow #8852 10191 Tapestry Rd		-	No		0000
803-000-0000-22900	Deposits Payable	5,000.00								
	10/08/2013 Total:	5,000.00								
	GERMAIEL Total:	5,000.00								
GONYEA Gonyea Homes										
10/09/2013	10/09/2013	5,000.00	0.00	10/15/2013	Refund Part Escrow#8747 11872 58th St		-	No		0000
803-000-0000-22900	Deposits Payable	5,000.00								
	10/09/2013 Total:	5,000.00								
	GONYEA Total:	5,000.00								
GRAPHICR Graphic Resources										
47161	10/04/2013	1,577.41	0.00	10/15/2013	8 page Fall Newsletter plus 4page insert		-	No		0000
101-410-1450-43090	Newsletter	1,577.41								
	47161 Total:	1,577.41								
	GRAPHICR Total:	1,577.41								
GUMATZ Gumatz Beckie										
9/27/2013	09/27/2013	40.12	0.00	10/15/2013	Reimb Mileage Sales Tax Mtg 9/26/13		-	No		0000
101-410-1320-43310	Mileage	40.12								
	9/27/2013 Total:	40.12								
	GUMATZ Total:	40.12								
INTERSTA Interstate All Battery Ctr										
101-420-2220-42	10/02/2013	107.17	0.00	10/15/2013	Replacement Batteries Thermal Camera		-	No		0000
101-420-2220-42400	Small Tools & Equipment	107.17								
	101-420-2220-42 Total:	107.17								
	INTERSTA Total:	107.17								
JOHNSON& Johnson & Turner Attorneys										
30621	10/08/2013	130.00	0.00	10/15/2013	Legal Services - Library		-	No		0000
206-450-5300-43040	Legal Services	130.00								
	30621 Total:	130.00								
30627-628-31019	10/08/2013	2,153.25	0.00	10/15/2013	Legal Services - Civil		-	No		0000
101-410-1320-43040	Legal Services	2,153.25								
	30627-628-31019 Total:	2,153.25								
30631	10/08/2013	1,235.00	0.00	10/15/2013	Legal Services - Lennar Section 34		-	No		0000
409-480-8000-43040	Legal Services	1,235.00								
	30631 Total:	1,235.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
31017	10/08/2013	4,405.00	0.00	10/15/2013	Legal Services - Prosecution		-		No	0000
101-420-2150-43045	Attorney Criminal									
	31017 Total:	4,405.00								
31018	10/08/2013	93.00	0.00	10/15/2013	Legal Services - 3M		-		No	0000
601-494-9400-43040	Legal Services									
	31018 Total:	93.00								
31021	10/08/2013	3,835.00	0.00	10/15/2013	Legal Services - Sewer Line Waivers		-		No	0000
409-480-8000-43040	Legal Services									
	31021 Total:	3,835.00								
31046	10/08/2013	1,143.25	0.00	10/15/2013	Legal Services - Homing Matter		-		No	0000
101-410-1320-43040	Legal Services									
	31046 Total:	1,143.25								
	JOHNSON& Total:	12,994.50								
KEYSWELL Keys Well Drilling Co.										
Pay Req No 3	10/01/2013	31,407.00	0.00	10/15/2013	Production Well No 4 Water Fund		-		No	0000
601-494-9400-43030	Engineering Services									
	Pay Req No 3 Total:	31,407.00								
	KEYSWELL Total:	31,407.00								
LANDMARK Landmark, Inc.										
10/03/2103	10/03/2013	4,950.00	0.00	10/15/2013	Refund Escrow #8825 11809 58th St		-		No	0000
803-000-0000-22900	Deposits Payable									
	10/03/2103 Total:	4,950.00								
	LANDMARK Total:	4,950.00								
LANDTITL Land Title Inc										
410042	10/01/2013	75.00	0.00	10/15/2013	Property Rpts- Diedrich/Rieder		-		No	0000
602-495-9450-43150	Contract Services									
	410042 Total:	75.00								
410043	10/01/2013	75.00	0.00	10/15/2013	Property Rpts- Landucci		-		No	0000
602-495-9450-43150	Contract Services									
	410043 Total:	75.00								
410044	10/01/2013	75.00	0.00	10/15/2013	Property Rpts- Kanne		-		No	0000
602-495-9450-43150	Contract Services									
	410044 Total:	75.00								
	LANDTITL Total:	225.00								
LARSON Larson Diesel Service, Corp										
13093009	09/30/2013	3,188.85	0.00	10/15/2013	Exhaust Hyd Pump 06-01		-		No	0000
101-430-3120-42210	Equipment Parts									
	13093009 Total:	3,188.85								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LARSON Total:		3,188.85								
LEOIL Lake Elmo Oil, Inc.										
12350	09/30/2013	1,887.13	0.00	10/15/2013	Fuel - Inv 12350-5676381 & 5676384				No	0000
101-430-3120-42120	Fuel, Oil and Fluids									
12350 Total:		1,887.13								
S01203	09/30/2013	312.78	0.00	10/15/2013	Fuel-Fire Dpt				No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
S01203 Total:		312.78								
LEOIL Total:		2,199.91								
LERELIEF Lake Elmo Fire Relief Assn.										
10/1/2013	10/01/2013	41,511.60	0.00	10/15/2013	Fire State Aid - Base				No	0000
101-420-2250-44920	Fire State Aid									
10/1/2013	10/01/2013	12,266.79	0.00	10/15/2013	Fire State Aid - Supplemental				No	0000
101-420-2250-44920	Fire State Aid									
10/1/2013 Total:		53,778.39								
LERELIEF Total:		53,778.39								
Lillie Newspapers Inc. Lillie Suburban										
Acct 007148	09/30/2013	147.00	0.00	10/15/2013	LE Days Ad - ROP 09/02/2013				No	0000
204-450-5200-43150	Contract Services									
Acct 007148	09/30/2013	147.00	0.00	10/15/2013	LE Days Ad - ROP 09/09/2013				No	0000
204-450-5200-43150	Contract Services									
Acct 007148 Total:		294.00								
Lillie Total:		294.00								
LKBLDG Lake Elmo Builders										
10/8/2013	10/08/2013	4,900.00	0.00	10/15/2013	Refund Escrow #8802 5820 Lily Ave				No	0000
803-000-0000-22900	Deposits Payable									
10/8/2013 Total:		4,900.00								
LKBLDG Total:		4,900.00								
MARONEY'S Maroney's Sanitation, Inc										
497296	10/04/2013	108.32	0.00	10/15/2013	Waste Removal - City Hall				No	0000
101-410-1940-43840	Refuse									
497296	10/04/2013	47.68	0.00	10/15/2013	Waste Removal - Fire				No	0000
101-420-2220-43840	Refuse									
497296	10/04/2013	207.82	0.00	10/15/2013	Waste Removal - Public Works				No	0000
101-430-3100-43840	Refuse									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
497296	10/04/2013	207.82	0.00	10/15/2013	Waste Removal - Parks		-		No	0000
101-450-5200-43840	Refuse									
497296	10/04/2013	48.12	0.00	10/15/2013	Waste Removal - Library		-		No	0000
206-450-5300-43840	Refuse									
497296 Total:		619.76								
MARONEY'S Total:		619.76								
MCDONALD McDonald Construction										
10/02/2013	10/02/2013	5,000.00	0.00	10/15/2013	Refund Escrow #8177 2639 Jonquil Trail		-		No	0000
803-000-0000-22900	Deposits Payable									
10/02/2013 Total:		5,000.00								
10/08/2013	10/08/2013	3,000.00	0.00	10/15/2013	Refund Escrow #7574 5805 Linden		-		No	0000
803-000-0000-22900	Deposits Payable									
10/08/2013 Total:		3,000.00								
MCDONALD Total:		8,000.00								
MENARDSO Menards - Oakdale										
28257	10/01/2013	62.59	0.00	10/15/2013	Concrete - catch basin repair		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
28257	10/01/2013	36.00	0.00	10/15/2013	City Hall Air Filters		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
28257 Total:		98.59								
MENARDSO Total:		98.59								
MENARDST Menards - Stillwater										
27367	09/30/2013	98.66	0.00	10/15/2013	Items for Training Burn House		-		No	0000
101-420-2220-44370	Conferences & Training									
27367 Total:		98.66								
MENARDST Total:		98.66								
MES Municipal Emergency Sys. Inc.										
00453124 SNV	09/27/2013	711.76	0.00	10/15/2013	2 pairs turnout boots		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
00453124 SNV Total:		711.76								
MES Total:		711.76								
MESSERLI Messerli & Kramer										
289252	09/30/2013	1,000.00	0.00	10/15/2013	2013 - 2014 Legislative Repr 9/1-9/30/13		-		No	0000
101-410-1320-43150	Contract Services									
289252 Total:		1,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MESSERLI Total:		1,000.00								
METCOU Metropolitan Council										
1025951	10/03/2013	1,484.55	0.00	10/15/2013	Monthly Wastewater Service - November		-	No		0000
602-495-9450-43820	Sewer Utility - Met Council									
1025951 Total:		1,484.55								
METCOU Total:		1,484.55								
METROFIR Metro Fire										
47087	04/15/2013	471.91	0.00	10/15/2013	12-Replacement & New Helmet Fronts		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
47087 Total:		471.91								
METROFIR Total:		471.91								
MICHAEL Michael Lee Inc.										
09302013	09/30/2013	6,000.00	0.00	10/15/2013	Refund Escrow #8421 2971 Jonquil Trail		-	No		0000
803-000-0000-22900	Deposits Payable									
09302013 Total:		6,000.00								
MICHAEL Total:		6,000.00								
MILLEREX Miller Excavating, Inc.										
17517	09/23/2013	1,275.00	0.00	10/15/2013	Hauled & graded 80 tons on Klondike Ave		-	No		0000
101-430-3120-43150	Contract Services									
17517 Total:		1,275.00								
MILLEREX Total:		1,275.00								
MINGERCO Minger Construction Inc										
Pay Request No1	10/01/2013	62,236.92	0.00	10/15/2013	Lake Elmo Ave Sewer Infra 1st pay req		-	No		0000
409-480-8000-43030	Engineering Services									
Pay Request No1 Total:		62,236.92								
MINGERCO Total:		62,236.92								
MITCHELL Mitchell Paul										
09292013	09/29/2013	250.00	0.00	10/15/2013	Labor Cost Roasting Pig LEDays 2013		-	No		0000
204-450-5200-43150	Contract Services									
09292013 Total:		250.00								
MITCHELL Total:		250.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MN NATIV Minnesota Native Land, Inc. 9767 404-480-8000-45300 Improvements Other Than Bldgs 9767 Total: MN NATIV Total:	09/27/2013	400.00 400.00 400.00	0.00	10/15/2013	Sunfish Prairie Weed Control		-	No		0000
MNFIAM MnFIAM 1720 101-420-2220-44350 Books 1720 Total: MNFIAM Total:	09/13/2013	480.94 480.94 480.94	0.00	10/15/2013	2 Books for Fire Officer & 2 Fire Inspec		-	No		0000
MNUNEMPL MN Dept Economic Security 8836406 106-002 10/08/2013 101-410-1320-41420 Unemployment Benefits 8836406 106-002 Total: MNUNEMPL Total:		2,119.15 2,119.15 2,119.15	0.00	10/15/2013	Unemployment Benefits Quarter 3 -2013		-	No		0000
ONECALL Gopher State One Call 78786 101-430-3100-43150 Contract Services 78786 Total: ONECALL Total:	09/30/2013	275.60 275.60 275.60	0.00	10/15/2013	FTP Tickets - September 2013		-	No		0000
PINKY Pinky's Sewer Service, Inc. 66374 206-450-5300-44010 Repairs/Maint Bldg 66374 Total: PINKY Total:	10/01/2013	100.00 100.00 100.00	0.00	10/15/2013	Pumped 2 Septic Tanks - 9/16/13		-	No		0000
PITNEY Pitney Bowes 584391 101-410-1940-44040 Repairs/Maint Contractual Eqpt 584391 Total: PITNEY Total:	10/03/2013	211.83 211.83 211.83	0.00	10/15/2013	Postage Meter Rental 7/1/13-9/30/13		-	No		0000
RENLUNDT Renlund Terry 8 101-420-2400-43150 Inspector Contract Services	09/25/2013	405.00	0.00	10/15/2013	Building Inspector Service		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
8	09/25/2013	54.81	0.00	10/15/2013	Building Inspector Mileage		-		No	0000
101-420-2400-43310	Mileage									
	8 Total:	459.81								
8A	09/10/2013	189.00	0.00	10/15/2013	Building Inspector Service		-		No	0000
101-420-2400-43150	Inspector Contract Services									
8A	09/10/2013	29.38	0.00	10/15/2013	Building Inspector Mileage		-		No	0000
101-420-2400-43310	Mileage									
	8A Total:	218.38								
	RENLUNDT Total:	678.19								
RHOADESC Rhoades Christopher										
10/03/2013	10/03/2013	500.00	0.00	10/15/2013	Refund Escrow #9020 3592 Kelvin Court		-		No	0000
803-000-0000-22900	Deposits Payable									
	10/03/2013 Total:	500.00								
	RHOADESC Total:	500.00								
ROTARYLE Lake Elmo Rotary Club										
4th Quarter2013	10/01/2013	125.00	0.00	10/15/2013	Membership Dues 0 A MacLeod 4th Quarter		-		No	0000
101-410-1320-44330	Dues & Subscriptions									
	4th Quarter2013 Total:	125.00								
	ROTARYLE Total:	125.00								
S&T S&T Office Products, Inc.										
01PZ6764	09/26/2013	26.15	0.00	10/15/2013	Roll Paper Towels-Library		-		No	0000
206-450-5300-42000	Office Supplies									
	01PZ6764 Total:	26.15								
01PZ7069	10/01/2013	46.95	0.00	10/15/2013	Office Supplies-Administration		-		No	0000
101-410-1320-42000	Office Supplies									
	01PZ7069 Total:	46.95								
01PZ7398	09/27/2013	29.88	0.00	10/15/2013	Multi-Fold Paper Towels-Library		-		No	0000
206-450-5300-42000	Office Supplies									
	01PZ7398 Total:	29.88								
01PZ7479	09/27/2013	58.71	0.00	10/15/2013	Toilet Paper-Library		-		No	0000
206-450-5300-42000	Office Supplies									
	01PZ7479 Total:	58.71								
01QA0402-403	10/04/2013	65.40	0.00	10/15/2013	Office Supplies-Administration		-		No	0000
101-410-1320-42000	Office Supplies									
01QA0402-403	10/04/2013	10.68	0.00	10/15/2013	Office Supplies-Planning		-		No	0000
101-410-1910-42000	Office Supplies									
	01QA0402-403 Total:	76.08								
	S&T Total:	237.77								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
SHI SHI International Corp B01346894	09/20/2013	355.66	0.00	10/15/2013	Computer Software, Gustafson		-	No		0000
101-430-3100-42000 Office Supplies										
B01346894 Total:		355.66								
SHI Total:		355.66								
SOUTHVIE Southview Design 10/07/2013	10/07/2013	500.00	0.00	10/15/2013	Refund Escrow#8848 10978 57th St		-	No		0000
803-000-0000-22900 Deposits Payable										
10/07/2013 Total:		500.00								
SOUTHVIE Total:		500.00								
SW/WC SW/WC Service Cooperatives 9/26/2013	09/26/2013	25,380.00	0.00	10/15/2013	November 2013 Insurance Premiums		-	No		0000
101-000-0000-21706 Medical Insurance										
9/26/2013 Total:		25,380.00								
SW/WC Total:		25,380.00								
TASCH T. A. Schifsky & Sons Inc 555639	09/30/2013	720.70	0.00	10/15/2013	Asphalt		-	No		0000
101-430-3120-42240 Street Maintenance Materials										
555639 Total:		720.70								
55597	09/24/2013	571.40	0.00	10/15/2013	Asphalt		-	No		0000
101-430-3120-42240 Street Maintenance Materials										
55597 Total:		571.40								
TASCH Total:		1,292.10								
TKDA TKDA, Inc. 002013002802	09/16/2013	211.77	0.00	10/15/2013	Bidding Lake Elmo Av Sewer Infra Imp		-	No		0000
409-480-8000-43030 Engineering Services										
002013002802	09/16/2013	449.25	0.00	10/15/2013	Construction Lake Elmo Av Sewer Infra Im		-	No		0000
409-480-8000-43030 Engineering Services										
002013002802	09/16/2013	1,369.34	0.00	10/15/2013	Add'l Services 5th St Re-Alignment		-	No		0000
409-480-8000-43030 Engineering Services										
002013002802 Total:		2,030.36								
TKDA Total:		2,030.36								
TOWNCTRY Town & Country Cleaning Co 1013 790	10/01/2013	245.81	0.00	10/15/2013	October Janitorial Services -		-	No		0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
1013 790 Total:		245.81								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
1013 828	10/01/2013	187.47	0.00	10/15/2013	October Janitorial Services - Library		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	1013 828 Total:	187.47								
	TOWNCTRY Total:	433.28								
WASHCONS Washington Conservation Dist.										
2743	09/24/2013	556.25	0.00	10/15/2013	3rd of Four Quarter Billing Shared		-	No		0000
603-496-9500-44370	Conferences & Training				Educa					
	2743 Total:	556.25								
	WASHCONS Total:	556.25								
WASRADIO Washington County										
76854	09/24/2013	300.06	0.00	10/15/2013	800 Radio Fees - July - Sept 2013 PW		-	No		0000
101-430-3100-43230	Radio									
	76854 Total:	300.06								
76855	09/24/2013	3,800.76	0.00	10/15/2013	3rd Quarter user fee 800 MHz - Fire		-	No		0000
101-420-2220-43230	Radio				Dpt					
	76855 Total:	3,800.76								
	WASRADIO Total:	4,100.82								
WILSONGR Wilson Grace										
10/07/2013	10/07/2013	5,000.00	0.00	10/15/2013	Refund Escrow#8724 10159 Tapestry		-	No		0000
803-000-0000-22900	Deposits Payable				Rd					
	10/07/2013 Total:	5,000.00								
	WILSONGR Total:	5,000.00								
XCEL Xcel Energy										
10032013	10/03/2013	92.65	0.00	10/15/2013	Lights at Legion Park 3509 Laverne		-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	37.17	0.00	10/15/2013	Lift Station 8860 Hudson		-	No		0000
602-495-9450-43810	Electric Utility									
10032013	10/03/2013	84.31	0.00	10/15/2013	Traffic Lights 100 Inwood		-	No		0000
101-430-3160-43810	Street Lighting									
10032013	10/03/2013	31.42	0.00	10/15/2013	Street Lights 3014 Jamley		-	No		0000
101-430-3160-43810	Street Lighting									
10032013	10/03/2013	373.67	0.00	10/15/2013	Fire Station 2 4259 Jamaca		-	No		0000
101-420-2220-43810	Electric Utility									
10032013	10/03/2013	400.39	0.00	10/15/2013	City Hall 3800 Laverne #302429100		-	No		0000
101-410-1940-43810	Electric Utility									
10032013	10/03/2013	35.73	0.00	10/15/2013	Traffic Lights 100 Keats		-	No		0000
101-430-3160-43810	Street Lighting									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
10032013	10/03/2013	341.03	0.00	10/15/2013	City Hall	3800 Laverne #304124969	-	No		0000
101-410-1940-43810	Electric Utility									
10032013	10/03/2013	16.16	0.00	10/15/2013	Tennis Court	3510 Laverne	-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	49.40	0.00	10/15/2013	Parks Bldg	11194 Upper 33rd	-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	31.15	0.00	10/15/2013	Pebble Park	8170 Lake Jane Trl	-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	3,628.10	0.00	10/15/2013	Wells 1 & 2	3303 Langly & 11975 55th	-	No		0000
601-494-9400-43810	Electric Utility									
10032013	10/03/2013	46.17	0.00	10/15/2013	Traffic Lights	998 Inwood	-	No		0000
101-430-3160-43810	Street Lighting									
10032013	10/03/2013	105.91	0.00	10/15/2013	Arts Center	3585 Laverne	-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	19.56	0.00	10/15/2013	Lift Station	11062 34th St	-	No		0000
602-495-9450-43810	Electric Utility									
10032013	10/03/2013	17.32	0.00	10/15/2013	Lift Station	2759 Legion Ave	-	No		0000
602-495-9450-43810	Electric Utility									
10032013	10/03/2013	357.01	0.00	10/15/2013	Fire Station 1	3510 Laverne	-	No		0000
101-420-2220-43810	Electric Utility									
10032013	10/03/2013	39.38	0.00	10/15/2013	Legion Park	3511 Laverne	-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	2,082.17	0.00	10/15/2013	Street Lights	-	-	No		0000
101-430-3160-43810	Street Lighting									
10032013	10/03/2013	31.58	0.00	10/15/2013	Traffic-Manning	& Stillwater Blvd	-	No		0000
101-430-3160-43810	Street Lighting									
10032013	10/03/2013	11.70	0.00	10/15/2013	VFW Ballfield	Lis - 3675 Layton	-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	34.26	0.00	10/15/2013	VFW Ballfield	Lis - 3675 Layton	-	No		0000
101-450-5200-43810	Electric Utility									
10032013	10/03/2013	1,207.72	0.00	10/15/2013	Public Works	3400 Ideal	-	No		0000
101-430-3100-43810	Electric Utility									
10032013	10/03/2013	44.84	0.00	10/15/2013	Water Tower 2	3445 Ideal Ave	-	No		0000
601-494-9400-43810	Electric Utility									
10032013	10/03/2013	12.49	0.00	10/15/2013	Speed Sign Hwy 5	10901 Stillwater Blvd	-	No		0000
101-430-3160-43810	Street Lighting									
10032013	10/03/2013	25.59	0.00	10/15/2013	Welcome Sign	425 Keats	-	No		0000
101-430-3160-43810	Street Lighting									
10032013	10/03/2013	637.68	0.00	10/15/2013	Library	3537 Lake ELmo Ave	-	No		0000
206-450-5300-43810	Electric Utility									
10032013 Total: 9,794.56										
XCEL Total: 9,794.56										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ZAWADSKI Zawadski Homes, Inc										
10/08/2013	10/08/2013	4,000.00	0.00	10/15/2013	Ref Part Escrow#8458 9445 Whistling					0000
803-000-0000-22900	Deposits Payable				Val					No
	10/08/2013 Total:	4,000.00								
	ZAWADSKI Total:	4,000.00								

Report Total: 379,790.12



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
CONSENT
ITEM #: 4

AGENDA ITEM: September 2013 Financial Reporting

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, The City Council is asked to accept the September 2013 Financial Reporting Packet. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operations and report the financial (unaudited) statement to the City Council. City guidelines suggest the Council be updated on a regular basis.

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

On a year to date basis through September 30, 2013, the actual results are \$112k better than budget.

The most significant variances are highlighted below:

Revenues:

- Building Permit revenue for the month was 25% better budget. On a year to date basis actual activity continues to be above plan by 17%.
- Plan review fees for the month were 89% above budget bringing the year to date revenue to 52% above budget.

Expenses:

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

- The City Council recently approved the Administration Department to hire a lobbying firm to assist with the state grant application process. This was not a budgeted expense and the monthly retainer of \$1k is reported as contract services.
- The Planning Department has incurred expenses above the amounts budgeted for many expense items due to the City expansion initiative. The majority of the expenses were related to Engineering support and Contractor expenses.
- Fire prevention costs for the month were over budget but on a year to date basis the costs are right on budget. It was planned that the supplies would be ordered earlier in the year. Supplies were ordered in September to be sure to be available for Lake Elmo Days.
- The Cost for the Permit Works software and licenses of \$16.3k is reflected in the year to date Info technology costs for the Building Inspection department. This expense was not budgeted.
- The Contractor expense in the Public Works department in September represents the OSHA mandated training which was budgeted later in the year.
- The part-time salaries under the Parks and Recreation department are higher than budgeted due to having to cover the Park Maintainer functions with part time resources until the full-time position is filled. Overall the salary costs are right in line with budget for the month and 25% less than budgeted year to date.
- Please note that the salary and benefit expenses are based on more accurate departmental allocations than we had in August 2012 when the 2013 budget was initially compiled. As a result, some departments are above budget, while others are under but overall, personnel expenses are below budget.

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

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

ATTACHMENTS:

1. September Financial Reports

2013 By Month
Budget to Actual Comparative
As of September 30, 2013
101-General Fund Detail
By Department

REVENUE	MONTH			YTD				
	BUDGET	ACTUAL	Variance (\$)	Variance (%)	BUDGET	ACTUAL	Variance (\$)	Variance (%)
	Month	Month	Month	Month	YTD	YTD	YTD	YTD
DEPT 410 - GEN'L GOV'T								
Current Ad Valorem Taxes	0.00	0.00	0.00	0.00%	1,170,922.00	1,170,922.00	(35,872.08)	-2.97%
Delinquent Ad Valorem Taxes	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Mobile Home Tax	0.00	0.00	0.00	0.00%	4,000.00	5,059.12	1,059.12	26.48%
Fiscal Disparities	0.00	0.00	0.00	0.00%	0.00	114,609.96	114,609.96	0.00%
Penalty & Interest on Taxes	0.00	0.00	0.00	0.00%	0.00	1,190.54	1,190.54	0.00%
Liquor License	0.00	0.00	0.00	0.00%	75.00	500.00	425.00	566.67%
Wastehauler License	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
General Contractor License	0.00	0.00	0.00	0.00%	0.00	265.00	265.00	0.00%
Heating Contractor License	300.00	350.00	50.00	16.67%	3,575.00	4,450.00	875.00	24.48%
Blacktopping Contractor License	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Building Permits	17,500.00	21,991.00	4,491.00	25.66%	119,500.00	139,881.79	20,381.79	17.06%
Heating Permits	1,000.00	1,405.00	405.00	40.50%	10,200.00	12,050.00	1,850.00	18.14%
Plumbing Permits	500.00	1,080.00	580.00	116.00%	6,000.00	10,165.00	4,165.00	69.42%
Sewer Permits	0.00	0.00	0.00	0.00%	0.00	485.00	485.00	0.00%
Animal License	100.00	20.00	(80.00)	-80.00%	1,760.00	1,581.00	(179.00)	-10.17%
Utility Permits	600.00	1,523.80	923.80	153.97%	5,400.00	10,350.00	4,950.00	91.67%
Burning Permit	50.00	0.00	(50.00)	-100.00%	1,000.00	2,170.33	1,170.33	117.03%
Massage Therapy Permits	0.00	0.00	0.00	0.00%	0.00	658.00	658.00	0.00%
Homestead Credit Aid	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
MSA-Maintenance	0.00	0.00	0.00	0.00%	49,011.00	98,022.00	49,011.00	100.00%
State Fire Aid	38,500.00	0.00	(38,500.00)	0.00%	40,000.00	3,000.00	(37,000.00)	-92.50%
PERA Aid	0.00	0.00	0.00	0.00%	1,374.50	1,374.50	0.00	0.00%
Gravel Tax	0.00	0.00	0.00	0.00%	688.63	0.00	(688.63)	-100.00%
Recycling Grant	0.00	0.00	0.00	0.00%	15,500.00	15,588.00	88.00	0.00%
Misc State Grant/Surcharge Rev	0.00	0.00	0.00	0.00%	0.00	1,186.03	1,186.03	0.00%
Cable Franchise Revenue	0.00	0.00	0.00	0.00%	43,000.00	39,851.98	(3,148.02)	0.00%
Zoning & Subdivision Fees	0.00	0.00	0.00	0.00%	1,000.00	1,750.00	750.00	0.00%
Plan Check Fees	6,000.00	11,358.91	5,358.91	89.32%	50,000.00	76,001.85	26,001.85	52.00%
Sale of Copies, Books, Maps	10.00	38.25	28.25	0.00%	119.10	319.60	200.50	168.35%
Assessment Searches	50.00	105.00	55.00	0.00%	550.00	1,080.00	530.00	96.36%
Clean Up Days	0.00	0.00	0.00	0.00%	4,000.00	2,647.00	(1,353.00)	0.00%
Cable Operation Reimbursement	0.00	0.00	0.00	0.00%	1,235.00	0.00	(1,235.00)	0.00%
Fines	5,000.00	4,573.06	(426.94)	-8.54%	45,000.00	33,053.68	(11,946.32)	-26.55%
Miscellaneous Revenue	1,500.00	160.00	(1,340.00)	-89.33%	13,500.00	12,615.90	(884.10)	-6.55%
Internal Charges	50.00	28.00	(22.00)	0.00%	450.00	930.00	480.00	106.67%
Interest Earnings	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Donations	0.00	14,000.00	14,000.00	0.00%	7,500.00	14,000.00	6,500.00	86.67%
Total Revenue	71,160.00	56,633.02	(14,526.98)	-20.41%	1,631,232.31	1,775,758.28	144,525.97	8.86%

EXPENSE

1110 - Mayor & Council

PT Salaries	0.00	0.00	0.00	12,845.00	12,845.00	0.00	0.00%
FICA Contributions	0.00	0.00	0.00	796.39	796.39	0.00	0.00%
Medicare Contributions	0.00	0.00	0.00	186.25	186.27	(0.02)	0.00%
Workers Compensation	0.00	0.00	0.00	36.00	215.80	(179.80)	-499.44%
Mileage	0.00	53.11	(53.11)	500.00	53.11	446.89	0.00%
Miscellaneous	0.00	0.00	0.00	565.27	1,538.33	(973.06)	0.00%
Dues & Subscriptions	4,000.00	0.00	4,000.00	8,391.00	10,339.00	(1,948.00)	-23.22%
Conferences & Training	0.00	0.00	0.00	1,655.00	1,586.00	69.00	4.17%
Total Mayor & Council	4,000.00	53.11	3,946.89	24,974.91	27,559.90	(2,584.99)	-10.35%

1320 - Administration

FT Salaries	13,000.00	13,041.16	(41.16)	129,444.93	119,293.33	10,151.60	7.84%
PERA Contributions	942.50	945.49	(2.99)	9,059.07	8,527.18	531.89	5.87%
ICMA Contributions	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
FICA Contributions	806.00	774.56	31.44	7,830.13	6,978.07	852.06	10.88%
Medicare Contributions	188.50	181.15	7.35	1,831.30	1,632.03	199.27	10.88%
Health/Dental Insurance	3,127.60	2,611.00	516.60	28,148.40	23,499.00	4,649.40	16.52%
Unemployment Benefits	0.00	0.00	0.00	0.00	963.32	(963.32)	0.00%
Workers Compensation	0.00	0.00	0.00	1,396.00	728.39	667.61	47.82%
Office Supplies	300.00	190.91	109.09	4,338.61	4,316.31	22.30	0.51%
Printed Forms	0.00	0.00	0.00	363.91	0.00	363.91	0.00%
Legal Services	4,000.00	2,887.55	1,112.45	36,000.00	41,917.47	(5,917.47)	-16.44%
Newsletter/Website	0.00	0.00	0.00	0.00	355.66	(355.66)	0.00%
Assessing Services	2,000.00	2,000.00	0.00	19,500.00	26,234.14	(6,734.14)	-34.53%
Contract Services	0.00	1,000.00	(1,000.00)	0.00	1,000.00	(1,000.00)	0.00%
Information Technology	0.00	717.75	(717.75)	0.00	717.75	(717.75)	0.00%
Telephone	0.00	337.07	(337.07)	0.00	1,685.31	(1,685.31)	0.00%
Postage	300.00	282.14	17.86	2,700.00	2,923.93	(223.93)	-8.29%
Mileage	150.00	28.30	121.70	1,350.00	985.97	364.03	26.97%
Legal Publishing	0.00	264.70	(264.70)	157.74	2,217.88	(2,060.14)	0.00%
Insurance	0.00	0.00	0.00	38,800.00	35,339.30	3,460.70	8.92%
Cable Operation Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Miscellaneous	100.00	200.00	(100.00)	900.00	2,172.76	(1,272.76)	-141.42%
Dues & Subscriptions	100.00	0.00	100.00	900.00	1,008.96	(108.96)	-12.11%
Books	0.00	0.00	0.00	0.00	225.49	(225.49)	0.00%
Conferences & Training	200.00	0.00	200.00	1,575.93	2,662.15	(1,086.22)	-68.93%
Staff Development	0.00	0.00	0.00	670.00	0.00	670.00	0.00%
Total Administration	25,214.60	25,461.78	(247.18)	284,966.02	285,384.40	(418.38)	-0.15%

1410 - Elections

PT Salaries	0.00	0.00	0.00	0.00	100.00	(100.00)	0.00%
Office Supplies	0.00	0.00	0.00	0.00	0.00	150.00	100.00%
Legal Publications/Notification	0.00	0.00	0.00	0.00	0.00	2,150.00	100.00%
Election Equipment	0.00	0.00	0.00	0.00	0.00	7,460.00	100.00%
Equipment Repair	0.00	0.00	0.00	0.00	0.00	450.00	100.00%
County Election Fees	0.00	0.00	0.00	0.00	940.00	0.00	0.00%
Printed Forms	0.00	0.00	0.00	0.00	0.00	450.00	100.00%
Miscellaneous	0.00	0.00	0.00	0.00	0.00	200.00	100.00%
Total Elections	0.00	0.00	0.00	0.00	1,040.00	10,760.00	91.19%

1450 - Communications

FT Salaries	2,916.67	1,452.92	1,463.75	50.19%	13,334.31	12,915.69	49.20%
PERA Contributions	211.46	105.33	106.13	50.19%	966.76	936.36	49.20%
FICA Contributions	180.83	87.23	93.60	51.76%	800.73	826.77	50.80%
Medicare Contributions	42.29	20.39	21.90	51.79%	187.21	193.42	50.82%
Health/Dental Insurance	0.00	272.00	(272.00)	0.00%	2,448.00	(2,448.00)	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	85.23	(29.23)	-52.20%
Newsletter	3,000.00	1.04	2,998.96	0.00%	5,800.22	3,260.78	35.99%
Office Supplies	50.00	23.13	26.87	0.00%	193.25	(43.25)	0.00%
Info Technology/Web	2,000.00	2,714.17	(714.17)	-35.71%	23,395.29	(5,395.29)	-29.97%
Telephone	250.00	108.74	141.26	0.00%	812.21	1,437.79	63.90%
Public Notices	200.00	0.00	200.00	100.00%	5,863.62	(4,063.62)	-225.76%
Cable Operations	275.00	523.59	(248.59)	-90.40%	2,475.00	38.33	1.55%
Conferences	0.00	247.50	(247.50)	0.00%	498.00	(498.00)	0.00%
Repair/Maint Equipment	0.00	0.00	0.00	0.00%	155.50	(155.50)	0.00%
Total Communications	9,126.25	5,556.04	3,570.21	39.12%	56,977.00	6,976.25	10.91%

1520 - Finance

FT Salaries	4,576.40	6,905.99	(2,329.59)	-50.90%	63,714.55	(22,526.95)	-54.69%
PERA Contributions	331.79	500.68	(168.89)	-50.90%	4,619.30	(1,633.20)	-54.69%
FICA Contributions	283.74	402.61	(118.87)	-41.90%	3,749.82	(1,196.19)	-46.84%
Medicare Contributions	66.36	94.15	(27.79)	-41.88%	876.88	(279.66)	-46.83%
Health/Dental Insurance	718.02	0.00	718.02	100.00%	8,704.00	(2,241.83)	-34.69%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	405.18	(405.18)	0.00%
Office Supplies	100.00	45.96	54.04	0.00%	290.51	9.49	3.16%
Printed Forms	0.00	0.00	0.00	0.00%	0.00	300.00	100.00%
Audit Services	0.00	0.00	0.00	0.00%	20,500.00	(12,000.00)	-141.18%
Contract Services	0.00	5.49	(5.49)	0.00%	14,308.05	(4,308.05)	-43.08%
Software Programs	0.00	0.00	0.00	0.00%	128.54	(128.54)	0.00%
Telephone	0.00	90.12	(90.12)	0.00%	450.60	(450.60)	0.00%
Mileage	0.00	0.00	0.00	0.00%	44.40	(44.40)	0.00%
Miscellaneous	0.00	0.00	0.00	0.00%	1,045.83	454.17	30.28%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	185.00	(85.00)	0.00%
Conferences & Training	0.00	0.00	0.00	0.00%	225.00	375.00	62.50%
Total Finance	6,076.30	8,045.00	(1,968.70)	-32.40%	119,247.66	(44,160.94)	-58.81%

1910 - Planning & Zoning

FT Salaries	8,278.95	12,675.91	(4,396.96)	-53.11%	74,510.55	111,647.72	(37,137.17)	-49.84%
PERA Contributions	600.22	919.01	(318.79)	-53.11%	5,402.01	8,094.51	(2,692.50)	-49.84%
FICA Contributions	513.29	741.44	(228.15)	-44.45%	4,619.65	6,570.73	(1,951.08)	-42.23%
Medicare Contributions	120.04	173.42	(53.38)	-44.46%	1,080.40	1,536.88	(456.48)	-42.25%
Health/Dental Insurance	886.48	1,656.00	(769.52)	-86.81%	7,978.36	14,904.00	(6,925.64)	-86.81%
Workers Compensation	0.00	0.00	0.00	0.00%	500.00	751.34	(251.34)	-50.27%
Office Supplies	50.00	157.39	(107.39)	-214.78%	450.00	2,447.61	(1,997.61)	-443.91%
Printed Forms	0.00	138.00	(138.00)	0.00%	0.00	585.85	(585.85)	0.00%
Engineering Services	1,500.00	2,173.17	(673.17)	-44.88%	13,500.00	17,860.22	(4,360.22)	-32.30%
Contract Services	0.00	0.00	0.00	0.00%	0.00	14,869.24	(14,869.24)	0.00%
Information Technology	0.00	2,600.03	(2,600.03)	0.00%	0.00	2,600.03	(2,600.03)	0.00%
Telephone	0.00	147.73	(147.73)	0.00%	0.00	739.34	(739.34)	0.00%
Postage	0.00	0.00	0.00	0.00%	0.00	18.15	(18.15)	0.00%
Mileage	30.00	0.00	30.00	0.00%	270.00	0.00	270.00	100.00%
Miscellaneous	20.00	0.00	20.00	0.00%	180.00	957.56	(777.56)	-431.98%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00	270.00	(270.00)	0.00%
Books	200.00	31.05	168.95	0.00%	200.00	211.37	(11.37)	0.00%
Conferences & Training	500.00	0.00	500.00	0.00%	2,100.00	909.00	1,191.00	56.71%
Total Planning & Zoning	12,699.00	21,413.15	(8,714.15)	-68.62%	110,790.98	184,973.55	(74,182.57)	-66.96%

1930 - Engineering Services

Engineering Services	5,000.00	4,192.35	807.65	16.15%	45,000.00	24,123.98	20,876.02	46.39%
Total Engineering Services	5,000.00	4,192.35	807.65	16.15%	45,000.00	24,123.98	20,876.02	46.39%

1940 - City Hall

Cleaning Supplies	50.00	0.00	50.00	100.00%	450.00	7.48	442.52	98.34%
Building Repair Supplies	75.00	0.00	75.00	100.00%	675.00	36.53	638.47	94.59%
Telephone	700.00	171.65	528.35	75.48%	6,500.00	1,577.32	4,922.68	75.73%
Utilities	900.00	688.59	211.41	23.49%	8,100.00	7,570.85	529.15	6.53%
Refuse	108.32	108.32	0.00	0.00%	974.88	974.88	0.00	0.00%
Repairs/Maint Contractual Bldg	700.00	365.81	334.19	47.74%	6,300.00	8,146.51	(1,846.51)	-29.31%
Repairs/Maint Contractual Equip	400.00	510.88	(110.88)	-27.72%	3,600.00	3,695.50	(95.50)	-2.65%
Miscellaneous	100.00	0.00	100.00	100.00%	700.00	140.46	559.54	79.93%
Total City Hall	3,033.32	1,845.25	1,188.07	39.17%	27,299.88	22,149.53	5,150.35	18.87%

Total General Government

Total General Government	65,149.47	66,566.68	(1,417.21)	-2.18%	643,871.77	721,456.02	(77,584.25)	-12.05%
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DEPT 420 - PUBLIC SAFETY

2100 - Police									
Law Enforcement Contract	0.00	0.00	0.00	0.00	280,000.00	245,758.76	34,241.24	12.23%	
Total Police	0.00	0.00	0.00	0.00%	280,000.00	245,758.76	34,241.24	12.23%	
2150 - Prosecution									
Attorney Criminal	4,250.00	4,539.00	(289.00)	-6.80%	38,250.00	34,289.00	3,961.00	10.36%	
Total Prosecution	4,250.00	4,539.00	(289.00)	-6.80%	38,250.00	34,289.00	3,961.00	10.36%	
2220 - Fire									
FT Salaries	6,000.00	5,701.48	298.52	4.98%	57,050.40	53,635.44	3,414.96	5.99%	
PT Salaries	11,000.00	8,016.36	2,983.64	27.12%	95,000.00	85,501.05	9,498.95	10.00%	
PERA Contributions	1,232.50	975.09	257.41	20.89%	11,023.65	8,999.29	2,024.36	18.36%	
FICA Contributions	1,054.00	442.94	611.06	57.98%	9,427.12	4,852.74	4,574.38	48.52%	
Medicare Contributions	246.50	192.83	53.67	21.77%	2,204.73	1,959.45	245.28	11.13%	
Health/Dental Insurance	1,276.70	1,142.00	134.70	10.55%	11,490.28	10,278.00	1,212.28	10.55%	
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%	
Workers Compensation	0.00	0.00	0.00	0.00%	10,130.00	8,042.06	2,087.94	20.61%	
Office Supplies	125.00	0.00	125.00	0.00%	375.00	2,998.40	(2,623.40)	-699.57%	
EMS Supplies	150.00	69.63	80.37	0.00%	2,208.00	874.57	1,333.43	60.39%	
Fire Prevention	0.00	2,823.50	(2,823.50)	0.00%	3,000.00	2,873.50	126.50	0.00%	
Fuel, Oil & Fluids	1,150.00	853.00	297.00	25.83%	10,182.00	8,797.03	1,384.97	13.60%	
Small Tools & Equip	0.00	0.00	0.00	0.00%	30,800.00	6,626.43	24,173.57	78.49%	
Physicals	200.00	0.00	200.00	0.00%	6,116.60	2,061.95	4,054.65	66.29%	
Information Technology	0.00	656.61	(656.61)	0.00%	0.00	656.61	(656.61)	0.00%	
Telephone	250.00	366.28	(116.28)	0.00%	2,250.00	3,016.33	(766.33)	-34.06%	
Radio	3,846.08	0.00	3,846.08	0.00%	11,838.24	8,248.17	3,590.07	30.33%	
Mileage	0.00	0.00	0.00	0.00%	100.00	99.44	0.56	0.00%	
Vehicle Insurance	0.00	0.00	0.00	0.00%	12,000.00	5,237.00	6,763.00	0.00%	
Electric Utility	1,000.00	691.34	308.66	0.00%	8,500.00	9,044.11	(544.11)	-6.40%	
Refuse	47.68	47.68	0.00	0.00%	429.12	636.94	(207.82)	-48.43%	
Repair/Maint Bldg	376.30	421.58	(45.28)	0.00%	19,886.70	13,329.05	6,557.65	32.98%	
Repair/Maint Equip	3,900.00	874.00	3,026.00	0.00%	19,337.00	19,678.34	(341.34)	-1.77%	
Uniforms	150.00	218.84	(68.84)	0.00%	6,241.50	2,934.50	3,307.00	52.98%	
Miscellaneous	75.00	121.51	(46.51)	0.00%	675.00	1,044.49	(369.49)	-54.74%	
Dues & Subscriptions	0.00	0.00	0.00	0.00%	2,000.00	2,597.00	(597.00)	-29.85%	
Books	0.00	0.00	0.00	0.00%	300.00	0.00	300.00	0.00%	
Conferences & Training	1,200.00	176.55	1,023.45	0.00%	15,500.00	8,406.33	7,093.67	45.77%	
Total Fire	33,279.76	23,791.22	9,488.54	28.51%	348,065.35	272,428.22	75,637.13	21.73%	
2250 - Fire Relief									
Fire State Aid	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%	
Total Fire Relief	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%	

2400 - Building Inspection

FT Salaries	5,747.36	6,689.08	(941.72)	-16.39%	63,047.28	(8,447.36)	-15.47%
PERA Contributions	416.68	484.96	(68.28)	-16.39%	4,571.01	(1,169.81)	-34.39%
FICA Contributions	356.34	389.42	(33.08)	-9.28%	3,670.86	(805.80)	-28.13%
Medicare Contributions	83.34	91.07	(7.73)	-9.28%	858.45	(188.38)	-28.11%
Health/Dental Insurance	767.49	1,414.00	(646.51)	-84.24%	12,726.00	(5,818.58)	-84.24%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	397.88	1,602.12	80.11%
Office Supplies	0.00	22.26	(22.26)	0.00%	828.67	(828.67)	0.00%
Printed Forms	0.00	0.00	0.00	0.00%	146.61	(146.61)	0.00%
Fuel, Oil & Fluids	0.00	0.00	0.00	0.00%	164.34	(164.34)	0.00%
Engineering	500.00	1,708.85	(1,208.85)	-241.77%	8,763.35	(4,263.35)	-94.74%
Surcharge Pmts	0.00	0.00	0.00	0.00%	0.00	0.00	0.00%
Inspector Contract Services	0.00	587.25	(587.25)	0.00%	4,161.00	(4,161.00)	0.00%
Info Technology (Permit Works)	0.00	717.74	(717.74)	0.00%	17,001.77	(17,001.77)	0.00%
Software Programs	0.00	0.00	0.00	0.00%	0.00	0.00	0.00%
Telephone	18.00	89.68	(71.68)	0.00%	650.14	(488.14)	-30.132%
Mileage	0.00	131.09	(131.09)	0.00%	0.00	0.00	0.00%
Insurance	0.00	0.00	0.00	0.00%	0.00	0.00	0.00%
Repairs/Maint Equip	0.00	0.00	0.00	0.00%	786.14	(786.14)	0.00%
Uniforms	0.00	0.00	0.00	0.00%	340.00	(85.00)	0.00%
Miscellaneous	250.00	0.00	250.00	0.00%	463.28	36.72	7.34%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	86.38	(86.38)	0.00%
Books	0.00	0.00	0.00	0.00%	1,407.51	(907.51)	-181.50%
Conferences & Training	0.00	0.00	0.00	0.00%	90.00	100.00	52.63%
	0.00	0.00	0.00	0.00%	120.64	(70.64)	0.00%
	0.00	0.00	0.00	0.00%	615.00	(615.00)	0.00%
Total Building Inspections	8,139.21	12,325.40	(4,186.19)	-51.43%	76,600.66	120,896.31	-57.83%

2500 - Emergency Communications

Contract Services	0.00	0.00	0.00	0.00%	3,745.00	2,255.00	37.58%
Total Emergency Communications	0.00	0.00	0.00	0.00%	3,745.00	2,255.00	0.00%

2700 - Animal Control

Printed Forms	0.00	0.00	0.00	0.00%	0.00	0.00	0.00%
Contract Services	600.00	500.00	100.00	16.67%	5,691.80	(391.80)	-7.39%
Miscellaneous	0.00	1,365.00	(1,365.00)	0.00%	2,235.00	(2,235.00)	0.00%
Total Animal Control	600.00	1,865.00	(1,265.00)	-210.83%	7,926.80	(2,626.80)	-49.56%

Total Public Safety

	46,268.96	42,520.62	3,748.34	8.10%	754,216.01	685,044.09	9.17%
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DEPT 430 - PUBLIC WORKS

3100 - Public Works

FT Salaries	9,700.00	11,721.20	(2,021.20)	-20.84%	98,600.00	115,233.90	(16,633.90)	-16.87%
PT Salaries	0.00	1,732.75	(1,732.75)	0.00%	0.00	7,812.13	(7,812.13)	0.00%
PERA Contributions	703.25	975.41	(272.16)	-38.70%	7,148.50	8,888.09	(1,739.59)	-24.34%
FICA Contributions	601.40	787.31	(185.91)	-30.91%	6,113.20	7,176.07	(1,062.87)	-17.39%
Medicare Contributions	140.65	184.15	(43.50)	-30.93%	1,429.70	1,678.32	(248.62)	-17.39%
Health/Dental Insurance	2,893.14	2,899.00	(5.86)	-0.20%	26,038.28	26,091.00	(52.72)	-0.20%
Unemployment Benefits	0.00	0.00	0.00	0.00%	4,000.00	0.00	4,000.00	100.00%
Workers Compensation	0.00	0.00	0.00	0.00%	9,000.00	7,399.76	1,600.24	17.78%
Office Supplies	25.00	0.00	25.00	100.00%	425.00	614.40	(189.40)	-44.56%
Shop Materials	150.00	342.73	(192.73)	-128.49%	1,350.00	779.50	570.50	42.26%
Building Repair Supplies	0.00	0.00	0.00	0.00%	0.00	229.25	(229.25)	0.00%
Small Tools and Minor Equip	250.00	71.22	178.78	71.51%	2,250.00	1,624.71	625.29	27.79%
Engineering Services	150.00	562.50	(412.50)	-275.00%	1,350.00	5,329.50	(3,979.50)	-294.78%
Contract Services	400.00	3,385.80	(2,985.80)	-746.45%	3,600.00	4,663.48	(1,063.48)	-29.54%
Information Technology	0.00	717.73	(717.73)	0.00%	0.00	717.73	(717.73)	0.00%
Telephone	650.00	706.10	(56.10)	-8.63%	6,050.00	4,651.40	1,398.60	23.12%
Radio	300.00	0.00	300.00	100.00%	2,700.00	609.12	2,090.88	77.44%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	0.00	0.00	0.00	0.00%	22,000.00	19,772.00	2,228.00	0.00%
Electric Utility	2,000.00	681.77	1,318.23	65.91%	18,000.00	13,843.99	4,156.01	23.09%
Refuse	207.82	207.82	0.00	0.00%	1,870.38	1,662.56	207.82	11.11%
Fuel, Oil, Fluids (ALL depts)	3,000.00	61.98	2,938.02	97.93%	27,000.00	28,655.26	(1,655.26)	-6.13%
Repair/Maint Bldg	250.00	0.00	250.00	100.00%	2,250.00	5,937.58	(3,687.58)	-163.89%
Repair/Maint NOT Bldg	40.00	0.00	40.00	100.00%	380.00	153.38	226.62	59.64%
Repair/Maint Equip (out)	500.00	0.00	500.00	100.00%	4,500.00	140.73	4,359.27	96.87%
Equipment Parts	500.00	0.00	500.00	100.00%	4,500.00	0.00	4,500.00	100.00%
Uniforms	175.00	0.00	175.00	100.00%	1,575.00	898.66	676.34	42.94%
Miscellaneous	100.00	0.00	100.00	100.00%	700.00	242.15	457.85	65.41%
Landscaping Material	80.00	0.00	80.00	100.00%	760.00	64.13	695.87	91.56%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	60.00	56.00	4.00	6.67%
Conferences & Training	0.00	0.00	0.00	0.00%	619.60	160.00	459.60	74.18%
Clean up Days	0.00	0.00	0.00	0.00%	6,000.00	4,481.33	1,518.67	25.31%
Total Public Works	22,816.26	25,037.47	(2,221.21)	-9.74%	260,269.66	269,566.13	(9,296.47)	-3.57%

3120 - Streets

Equipment Parts	0.00	133.27	(133.27)	0.00%	0.00	1,020.08	(1,020.08)	0.00%
Street Maintenance Materials	1,000.00	3,806.99	(2,806.99)	-280.70%	9,000.00	15,082.76	(6,082.76)	-67.59%
Sign Repair Materials	250.00	0.00	250.00	100.00%	2,250.00	1,479.16	770.84	34.26%
Contract Services	850.00	180.00	670.00	78.82%	7,650.00	8,640.67	(990.67)	-12.95%
Repairs/Maint Equipment	0.00	0.00	0.00	0.00%	0.00	1,404.63	(1,404.63)	0.00%
Total Streets	2,100.00	4,120.26	(2,020.26)	-96.20%	18,900.00	27,627.30	(8,727.30)	-46.18%

3125 - Ice & Snow Removal						
Landscaping Material	0.00	0.00	0.00	103.38	(103.38)	0.00%
Sand/Salt	0.00	0.00	0.00	57,732.37	(17,732.37)	-44.33%
Contract Services	0.00	0.00	0.00	4,307.75	1,942.25	31.08%
Repairs/Maint Equipment	250.00	0.00	250.00	4,941.95	(2,691.95)	-119.64%
Total Ice & Snow Removal	250.00	0.00	250.00	67,085.45	(18,585.45)	-38.32%
3160 - Street Lighting						
Street Lighting	2,100.00	2,291.04	(191.04)	18,527.72	372.28	1.97%
Total Street Lighting	2,100.00	2,291.04	(191.04)	18,527.72	372.28	1.97%
3200 - Recycling						
Recycling Supplies	0.00	0.00	0.00	3,584.25	(1,284.25)	-55.84%
Newsletter	0.00	0.00	0.00	0.00	2,000.00	100.00%
Miscellaneous	400.00	0.00	400.00	0.00	3,600.00	100.00%
Total Recycling	400.00	0.00	400.00	3,584.25	4,315.75	54.63%
3250 - Tree Program						
Contract Services	400.00	0.00	400.00	11,325.00	(7,525.00)	-198.03%
Total Tree Program	400.00	0.00	400.00	11,325.00	(7,525.00)	-198.03%
Total Public Works	28,066.26	31,448.77	(3,382.51)	397,715.85	(39,446.19)	-11.01%

DEPT 450 - CULTURE, RECREATION

5200 - Parks & Recreation

FT Salaries	8,583.96	6,558.46	2,025.50	23.60%	81,547.42	62,551.68	18,995.74	23.29%
PT Salaries	700.00	1,125.00	(425.00)	-60.71%	12,050.00	17,973.89	(5,923.89)	-49.16%
PERA Contributions	622.34	475.47	146.87	23.60%	5,912.19	5,103.07	809.12	13.69%
FICA Contributions	575.61	459.40	116.21	20.19%	5,803.04	4,823.16	979.88	16.89%
Medicare Contributions	134.62	107.45	27.17	20.18%	1,357.16	1,127.95	229.21	16.89%
Health/Dental Insurance	1,084.57	290.16	794.41	73.25%	9,761.16	3,856.64	5,904.52	60.49%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	3,000.00	4,105.81	(1,105.81)	-36.86%
Shop Materials	0.00	41.28	(41.28)	0.00%	0.00	423.67	(423.67)	0.00%
Chemicals	50.00	0.00	50.00	100.00%	450.00	740.98	(290.98)	-64.66%
Equipment Parts	150.00	600.02	(450.02)	-300.01%	1,350.00	2,060.04	(710.04)	-52.60%
Building Repair Supplies	0.00	10.63	(10.63)	0.00%	0.00	10.63	(10.63)	0.00%
Landscaping Materials	200.00	1,914.07	(1,714.07)	-857.04%	1,800.00	2,297.71	(497.71)	-27.65%
Small Tools and Minor Equip	75.00	276.49	(201.49)	-268.65%	675.00	1,885.50	(1,210.50)	-179.33%
Telephone	100.00	90.80	9.20	9.20%	900.00	788.45	111.55	12.39%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	0.00	0.00	0.00	0.00%	5,000.00	3,683.00	1,317.00	26.34%
Electric Utility	750.00	461.04	288.96	38.53%	6,750.00	6,559.96	190.04	2.82%
Refuse	207.82	207.82	0.00	0.00%	1,870.38	1,870.38	0.00	0.00%
Repair/Maint Bldg	25.00	0.00	25.00	100.00%	225.00	383.20	(158.20)	-70.31%
Repair/Maint NOT Bldg	50.00	0.00	50.00	100.00%	450.00	3,448.14	(2,998.14)	-666.25%
Repair/Maint Equip	100.00	0.00	100.00	100.00%	900.00	0.00	900.00	100.00%
Rental Buildings	400.00	791.29	(391.29)	-97.82%	3,600.00	3,730.04	(130.04)	-3.61%
Miscellaneous	0.00	10.99	(10.99)	0.00%	0.00	503.09	(503.09)	0.00%
Total Parks & Recreation	13,808.91	13,420.37	388.54	2.81%	143,401.35	127,926.99	15,474.36	10.79%

DEPT 460 - COMP ADJ

DEPT 490 - CONTINGENCY FUND

DEPT 493 - OTH FINANCING

GRAND TOTAL ALL DEPTS

Net Income over Expenses

DEPT 460 - COMP ADJ	0.00	0	0	0.00%	0.00	0.00	0.00	0.00%
DEPT 490 - CONTINGENCY FUND	0.00	0	0	0.00%	60,339.70	58,546.10	1,793.60	2.97%
DEPT 493 - OTH FINANCING	0.00	0	0	0.00%	0.00	0.00	0.00	0.00%
GRAND TOTAL ALL DEPTS	153,293.61	153,956.44	(662.83)	-0.43%	1,899,758.79	1,932,142.95	(32,384.16)	-1.70%
Net Income over Expenses	(82,133.61)	(97,323.42)	(15,189.81)	18.49%	(268,526.47)	(156,384.67)	112,141.80	-41.76%



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013

CONSENT

ITEM #: 5

AGENDA ITEM: New Single Family Home Permit Report

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Rick Chase, Building Official

REVIEWED BY: Kyle Klatt, Planning Director

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

STAFF REPORT: Below is the year to date statistics through September 2013. Companion data is also include from prior years for new home single family construction.

	<u>2013</u>	<u>2012</u>	<u>2011</u>
New homes	28	25	17
Total valuation	\$12,578,582	\$11,286,112	\$7,669,000
Average home value	\$449,235	\$451,444	\$451,117



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
CONSENT
ITEM #: 6

AGENDA ITEM: Keats MSA Street and Trunk Watermain Improvements – Change Order No. 5
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 MotionMayor & 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. 5 for the Keats MSA Street and Trunk Watermain Improvements, thereby increasing the Contract Amount by \$4,028.37. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to approve Change Order No. 5 for the
Keats MSA Street and Trunk Watermain Improvements”*

STAFF REPORT:

This change order provides compensation to the contractor for additional work completed at the direction of the Project Engineer. Three hydrants were raised using hydrant extensions to provide better access to the hydrant by public works and the fire department. Additional ditch grading and installation of erosion prevention measures was completed to improve stormwater drainage in several locations along the project corridor. The improved grading was ordered to better protect the new infrastructure.

Once the ditch grading and restoration was complete, the City identified three (3) hydrants that were at a low elevation relative to the road. The Contractor extended the hydrants under direction from the City to provide better access. Additional ditch grading was requested by the Project Engineer to ensure positive drainage throughout the corridor and to install additional erosion control efforts not originally in the plan. The Contractor is being paid for time and materials with the time, equipment, and labor tracked by the City inspector.

With approval of this Change Order, the revised Contract amount will be increased by \$4,028.37 for a revised Contract Amount of \$1,622,226.84. With this change, the project remains within the scope of the current project budget and contingencies.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Change Order No. 5 for the Keats MSA Street and Trunk Watermain Improvements, thereby increasing the Contract Amount by \$4,028.37. If removed from the consent agenda, the recommended motion for this action is as follows:

*“Move to approve Change Order No. 5 for the
Keats MSA Street and Trunk Watermain Improvements”*

ATTACHMENT(S):

1. Change Order No. 5

CONTRACT CHANGE ORDER FORM

CITY OF LAKE ELMO, MINNESOTA KEATS MSA STREET AND TRUNK WATERMAIN IMP PROJECT NO. 2012.129	FOCUS ENGINEERING, inc.
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CHANGE ORDER NO. 5 DATE: October 7, 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:


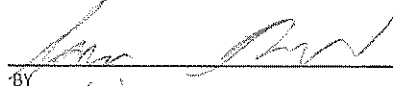
The City requested the Contractor to add hydrant extensions to select hydrants along the corridor. The extensions raise the hydrant making it more accessible for the public works and fire department to access in winter conditions. Additional ditch grading work was also requested by the City in various locations in order to improve the drainage system and provide additional erosion prevention measures not originally included in the plan.

Attachments (list documents supporting change): Change Order No. 5 Itemization

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
	**See attached itemization for Change Order items				\$4,028.37
NET CONTRACT CHANGE					\$4,028.37

Amount of Original Contract	\$ 1,606,833.47
Sum of Additions/Deductions approved to date (CO Nos. 1, 2, 3, and 4)	\$ 11,365.00
Contract Amount to date	\$ 1,618,198.47
Amount of this Change Order (ADD) (DEDUCT) (NO CHANGE)	\$ 4,028.37
Revised Contract Amount	\$ 1,622,226.84

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

APPROVED BY ENGINEER: FOCUS Engineering, inc.  _____ ENGINEER 10/7/2013 _____ DATE	APPROVED BY CONTRACTOR  _____ BY 10/7/13 _____ DATE
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA _____ BY _____ DATE	

CHANGE ORDER NO. 5

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

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CHANGE ORDER			DESCRIPTION / JUSTIFICATION
			QUANTITY	UNIT PRICE	AMOUNT	
C05-1	INSTALL 1-FOOT HYDRANT EXTENSION	EA	2.0	\$629.45	\$1,258.90	The City requested the Contractor to add hydrant extensions to select hydrants along the corridor. The extensions raise the hydrant making it more accessible for the public works and fire department to access in winter conditions. Additional ditch grading work was also requested by the City in various locations in order to improve the drainage system and provide additional erosion prevention measures not originally included in the plan.
C05-2	INSTALL 18-INCH HYDRANT EXTENSION	EA	1.0	\$1,144.47	\$1,144.47	
C05-3	TIME AND MATERIAL: HYDRANT EXTENSION INSTALLATION	HR	7.0	\$71.50	\$500.50	
C05-4	TIME AND MATERIAL: OPERATOR - ADDITIONAL GRADING	HR	3.25	\$93.00	\$302.25	
C05-5	TIME AND MATERIAL: LABORER - ADDITIONAL GRADING	HR	6.5	\$84.00	\$546.00	
C05-6	TIME AND MATERIAL: SKIDSTEER - ADDITIONAL GRADING	HR	3.25	\$85.00	\$276.25	

TOTALS - CHANGE ORDER NO. 5

\$4,028.37



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
CONSENT
ITEM #: 7

AGENDA ITEM: Keats MSA Street and Trunk Watermain Improvements – Pay Request No. 5
SUBMITTED BY: Chad Isakson, Project Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

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

- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 5 for the Keats MSA Street and Trunk Watermain Improvements.

STAFF REPORT:

T.A. Schifsky and Sons, Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 5 in the amount of \$311,680.61. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$81,949.15. The construction pay items have exceeded the original contract amount, but the project remains within the total budget and its contingencies.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 5 for the Keats MSA Street and Trunk Watermain Improvements. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Pay Request No. 5 to T.A. Schifsky & Sons in the amount of \$311,680.61, for the Keats MSA Street and Trunk Watermain Improvements”

ATTACHMENT(S):

1. Partial Pay Estimate No. 5

PROJECT PAY FORM


PARTIAL PAY ESTIMATE NO. <u>5</u>	FOCUS ENGINEERING, inc.
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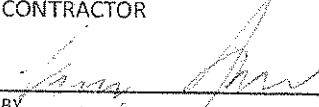
KEATS MSA STREET AND TRUNK WATERMAIN IMP. PROJECT NO. 2012.129	PERIOD OF ESTIMATE FROM <u>9/2/2013</u> TO <u>10/1/2013</u>
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PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: CHAD ISAKSON, P.E., PROJECT ENGINEER	CONTRACTOR: T.A. SCHIFSKY & SONS 2370 E. HIGHWAY 36 NORTH ST. PAUL, MN 55109 ATTN: CHRIS GRIMES
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CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
1	5/21/2013	\$0.00	\$0.00	1. Original Contract Amount	\$1,606,833.47
2	7/16/2013	\$3,960.00	\$0.00	2. Net Change Order Sum	\$11,365.00
3	9/3/2013	\$3,300.00	\$0.00	3. Revised Contract (1+2)	\$1,618,198.47
4	10/1/2013	\$4,105.00	\$0.00	4. *Work Completed	\$1,638,982.96
				5. *Stored Materials	\$0.00
				6. Subtotal (4+5)	\$1,638,982.96
				7. Retainage* <u>5.0%</u>	\$81,949.15
				8. Previous Payments	\$1,245,353.20
				9. Amount Due (6-7-8)	\$311,680.61
TOTALS		\$11,365.00	\$0.00		
NET CHANGE		\$11,365.00		*Detailed Breakdown Attached	

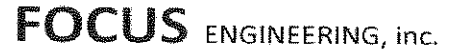
CONTRACT TIME					
START DATE:	<u>5/8/2013</u>	ORIGINAL DAYS	<u>149</u>	ON SCHEDULE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
SUBSTANTIAL COMPLETION:	<u>9/25/2013</u>	REVISED DAYS	<u>26</u>		
FINAL COMPLETION:	<u>10/30/2013</u>	REMAINING	<u>29</u>		

ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.	FOCUS Engineering, inc.  _____ ENGINEER <u>10/8/2013</u> DATE
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CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.	CONTRACTOR  BY _____ <u>10/10/13</u> DATE
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APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA	
BY _____	BY _____
DATE _____	DATE _____

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



ITEM	MN/DOT NO.	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
				QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 1 - GENERAL										
1	2021.501	MOBILIZATION	LS	1.0	\$53,000.00	\$53,000.00	0.0	\$0.00	1.0	\$53,000.00
2	2101.502	CLEARING	TREE	1.0	\$400.00	\$400.00	0.0	\$0.00	1.0	\$400.00
3	2101.507	GRUBBING	TREE	1	\$100.00	\$100.00	0.0	\$0.00	1.0	\$100.00
4	2105.525	TOPSOIL BORROW (CV)	CY	2,744	\$5.00	\$13,720.00	644.0	\$3,220.00	1,174.0	\$5,870.00
5	2453.61	EXPLORATORY DIGGING	HR	8	\$300.00	\$2,400.00	0.0	\$0.00	2.0	\$600.00
6	2563.601	TRAFFIC CONTROL	LS	1	\$24,000.00	\$24,000.00	0.0	\$0.00	1.0	\$24,000.00
7	2573.502	SILT FENCE	LF	5,880	\$1.00	\$5,880.00	0.0	\$0.00	5,882.0	\$5,482.00
8	2573.530	INLET PROTECTION	EA	9	\$60.00	\$540.00	6.0	\$360.00	9.0	\$540.00
9	2573.602	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	2	\$200.00	\$400.00	0.0	\$0.00	6.0	\$1,200.00
10	2573.602	CULVERT PROTECTION	EA	14	\$75.00	\$1,050.00	0.0	\$0.00	22.0	\$1,650.00
11	2575.505	SODDING (SALT RESISTANT)	SY	213	\$7.00	\$1,491.00	0.0	\$0.00	0.0	\$0.00
12	2575.523	EROSION CONTROL BLANKET, CAT. 3	SY	16,465	\$1.03	\$16,958.95	13,707.0	\$14,118.21	19,707.0	\$20,298.21
13	2575.605	SEEDING (SEED MIXTURE 250 AND FERTILIZER TYPE, 3)	AC	3.36	\$525.00	\$1,764.00	2.60	\$1,365.00	3.84	\$2,016.00
14	2575.605	SEEDING (SEED MIXTURE 338 AND FERTILIZER TYPE, 4)	AC	0.23	\$1,545.00	\$355.35	0.23	\$355.35	0.23	\$355.35
SUBTOTAL - DIVISION 1						\$122,059.30		\$19,418.56		\$115,511.56
DIVISION 2 - WATERMAIN										
1	2504.602	12" WATERMAIN OFFSET	EA	2	\$3,811.00	\$7,622.00	0	\$0.00	2	\$7,622.00
2	2504.602	CONNECT TO EXISTING WATERMAIN	EA	2	\$3,399.00	\$6,798.00	0	\$0.00	2	\$6,798.00
3	2504.602	6" HYDRANT	EA	13	\$3,244.50	\$42,178.50	0	\$0.00	12	\$38,934.00
4	2504.602	6" GATE VALVE & BOX	EA	13	\$1,236.00	\$16,068.00	0	\$0.00	12	\$14,832.00
5	2504.602	8" GATE VALVE & BOX	EA	3	\$1,627.40	\$4,882.20	0	\$0.00	3	\$4,882.20
6	2504.602	12" GATE VALVE & BOX	EA	15	\$2,811.90	\$42,178.50	0	\$0.00	15	\$42,178.50
7	2504.602	1" CORPORATION STOP	EA	3	\$278.10	\$834.30	0	\$0.00	3	\$834.30
8	2504.602	1.5" CORPORATION STOP	EA	18	\$607.70	\$10,938.60	0	\$0.00	18	\$10,938.60
9	2504.602	2" CORPORATION STOP	EA	1	\$741.60	\$741.60	0	\$0.00	1	\$741.60
10	2504.602	1" CURB STOP AND BOX	EA	3	\$566.50	\$1,699.50	0	\$0.00	3	\$1,699.50
11	2504.602	1.5" CURB STOP AND BOX	EA	18	\$690.10	\$12,421.80	0	\$0.00	18	\$12,421.80
12	2504.602	2" CURB STOP AND BOX	EA	1	\$844.60	\$844.60	0	\$0.00	1	\$844.60
13	2504.603	1" TYPE K COPPER WATER SERVICE PIPE	LF	135	\$20.60	\$2,781.00	0	\$0.00	117	\$2,410.20
14	2504.603	1.5" TYPE K COPPER WATER SERVICE PIPE	LF	548.00	\$23.69	\$12,982.12	0	\$0.00	506	\$11,987.14
15	2504.603	2" TYPE K COPPER WATER SERVICE PIPE	LF	45.00	\$30.90	\$1,390.50	0	\$0.00	45	\$1,390.50
16	2504.603	6" DIP CL. 52 WATERMAIN	LF	303	\$27.81	\$8,426.43	0	\$0.00	141	\$3,921.21
17	2504.603	8" DIP CL. 52 WATERMAIN	LF	52	\$32.96	\$1,713.92	0	\$0.00	74	\$2,439.04
18	2504.603	12" DIP CL. 52 WATERMAIN	LF	5,954	\$43.00	\$256,022.00	0	\$0.00	5,884	\$253,012.00
19	2504.603	12" HDPE DR. 11(DIPS), BY HDD	LF	2,435	\$58.00	\$141,230.00	0	\$0.00	2,435	\$141,230.00
20	2504.608	MJ DIP COMPACT FITTINGS	LBS	4,294	\$4.74	\$20,353.56	0	\$0.00	2,084	\$9,878.16
21	2564.551	OFF ROAD STRUCTURE MARKER	EA	2	\$170.00	\$340.00	2	\$340.00	2	\$340.00
SUBTOTAL - DIVISION 2						\$592,447.13		\$340.00		\$569,335.35
DIVISION 3 - STORM SEWER										
1	2104.501	REMOVE PIPE CULVERTS (ALL TYPES & SIZES)	LF	1,016	\$7.00	\$7,112.00	574	\$4,018.00	1,092	\$7,644.00
2	2104.521	SALVAGE CONCRETE PIPE CULVERT (ALL TYPES & SIZES)	LF	85	\$13.00	\$1,105.00	0	\$0.00	66	\$858.00
3	2501.515	15" RCP FES W/ TRASH GUARD	EA	4	\$1,163.90	\$4,655.60	0	\$0.00	4	\$4,655.60
4	2501.515	18" RCP FES W/ TRASH GUARD	EA	4	\$1,215.40	\$4,861.60	4	\$4,861.60	6	\$7,292.40
5	2501.515	21" RCP FES W/ TRASH GUARD	EA	6	\$1,421.40	\$8,528.40	0	\$0.00	6	\$8,528.40
6	2501.521	22" SPAN RCP CL. 5 STORM SEWER PIPE	LF	47	\$50.00	\$2,350.00	48	\$2,400.00	48	\$2,400.00
7	2501.521	28" SPAN RCP CL. 5 STORM SEWER PIPE	LF	49	\$60.00	\$2,940.00	48	\$2,880.00	48	\$2,880.00
8	2501.521	36" SPAN RCP CL. 5 STORM SEWER PIPE	LF	60	\$82.40	\$4,944.00	0	\$0.00	60	\$4,944.00
9	2501.525	22" SPAN RCP FES W/ TRASH GUARD	EA	2	\$1,287.50	\$2,575.00	2	\$2,575.00	2	\$2,575.00
10	2501.525	28" SPAN RCP FES W/ TRASH GUARD	EA	2	\$1,565.60	\$3,131.20	2	\$3,131.20	2	\$3,131.20
11	2501.525	36" SPAN RCP FES W/ TRASH GUARD	EA	2	\$2,183.60	\$4,367.20	2	\$4,367.20	4	\$8,734.40
12	2501.571	INSTALL SALVAGED CONCRETE PIPE CULVERT (ALL TYPES & SIZES)	LF	85	\$21.63	\$1,838.55	0	\$0.00	66	\$1,427.58
13	2502.521	15" CMP DRIVEWAY CULVERT W/ APRON	LF	326	\$28.84	\$9,401.84	35	\$1,009.40	334	\$9,632.56
14	2502.521	18" CMP DRIVEWAY CULVERT W/ APRON	LF	120	\$33.99	\$4,078.80	90	\$3,059.10	118	\$4,010.82
15	2503.511	15" RCP CL. 5 STORM SEWER PIPE	LF	126	\$26.78	\$3,374.28	120	\$3,213.60	120	\$3,213.60
16	2503.511	18" RCP CL. 5 STORM SEWER PIPE	LF	61	\$29.87	\$1,822.07	50	\$1,493.50	108	\$3,225.96
17	2503.511	21" RCP CL. 5 STORM SEWER PIPE	LF	226	\$34.00	\$7,684.00	12	\$408.00	213	\$7,242.00
18	2506.502	48" DIAMETER MANHOLE, TYPE 4065	EA	6	\$2,266.00	\$13,596.00	0	\$0.00	6	\$13,596.00
19	2506.601	INFILTRATION BASIN	EA	6	\$600.00	\$3,600.00	4	\$2,400.00	6	\$3,600.00
20	2511.501	CL. 3 RIPRAP W/ GEOTEXTILE FILTER FABRIC	CY	94.2	\$100.00	\$9,420.00	0	\$0.00	104.20	\$10,420.00
21	2511.501	CL. 4 RIPRAP W/ GEOTEXTILE FILTER FABRIC	CY	16.2	\$105.00	\$1,701.00	0.00	\$0.00	16.20	\$1,701.00
SUBTOTAL - DIVISION 3						\$103,086.54		\$35,816.60		\$111,712.52

ITEM	MN/DOT NO.	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
				QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 4 - STREETS AND RESTORATION										
1	2104.501	REMOVE & DISPOSE OF EXIST. CONCRETE CURB & GUTTER	LF	213	\$3.09	\$658.17	46	\$142.14	344	\$1,062.96
2	2104.501	REMOVE & DISPOSE OF EXIST. FLUME (ALL TYPES)	EA	6	\$360.50	\$2,163.00	0	\$0.00	8	\$2,884.00
3	2104.505	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	SY	19,710	\$1.00	\$19,710.00	0	\$0.00	20,254	\$20,254.00
4	2104.509	REMOVE SIGN	EA	18	\$30.00	\$540.00	0	\$0.00	18	\$540.00
5	2104.523	SALVAGE MAILBOX	EA	20	\$25.00	\$500.00	2	\$50.00	22	\$550.00
6	2104.523	SALVAGE POST & SIGN	EA	9	\$30.00	\$270.00	0	\$0.00	9	\$270.00
7	2105.501	COMMON EXCAVATION (P)	CY	19,252	\$8.00	\$154,016.00	0	\$0.00	19,384	\$155,072.00
8	2105.522	SELECT GRANULAR BORROW (CV), SPEC 3149.2B	CY	8,527	\$8.29	\$70,688.83	0	\$0.00	8,615	\$71,418.35
9	2105.604	GEOTEXTILE FOR ROAD STABILIZATION; MnDOT TYPE V	SY	300	\$1.00	\$300.00	0	\$0.00	1,225	\$1,225.00
10	2106.607	SUBGRADE CORRECTION	CY	100	\$15.00	\$1,500.00	0	\$0.00	1,990.4	\$29,856.00
11	2112.501	SUBGRADE PREPARATION (ROADWAY)	RS	65	\$100.00	\$6,500.00	0	\$0.00	65	\$6,500.00
12	2211.501	CLS AGGREGATE BASE	TN	7,534	\$8.50	\$64,039.00	0	\$0.00	7,533.34	\$64,033.39
13	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GA	1,044	\$3.00	\$3,132.00	1,137	\$3,411.00	1,257	\$3,771.00
14	2360.501	SPWEA240B BITUMINOUS WEARING COURSE (STREETS)	TN	1,867	\$66.00	\$123,222.00	2,034.96	\$134,307.36	2,034.96	\$134,307.36
15	2360.501	SPWEA240B BITUMINOUS WEARING COURSE (DRIVES)	TN	115	\$80.00	\$9,200.00	69.53	\$5,562.40	152.35	\$12,188.00
16	2360.502	SPNWB230B BITUMINOUS NON-WEARING COURSE (STREETS)	TN	3,111	\$58.00	\$180,438.00	1,103.19	\$63,985.02	3,019.72	\$175,143.76
17	2502.501	4" PRECAST CONCRETE HEADWALL	EA	6	\$412.00	\$2,472.00	3	\$1,236.00	3	\$1,236.00
18	2502.541	4" PERFORATED PVC EDGE DRAIN W/BACKFILL & WRAP	LF	6,083	\$3.50	\$21,290.50	1,350	\$4,725.00	6,030	\$21,105.00
19	2502.602	DRAINTILE CLEANOUT (INCL. PIPE, FITTINGS, & STEEL CAP)	EA	26	\$155.00	\$4,030.00	7	\$1,085.00	26	\$4,030.00
20	2502.602	DRAINTILE CONNECTION INTO CATCH BASIN	EA	10	\$250.00	\$2,500.00	4	\$1,000.00	10	\$2,500.00
21	2531.501	B418 CONCRETE CURB & GUTTER	LF	12,650	\$8.34	\$105,501.00	4,513	\$37,638.42	12,904	\$107,619.36
22	2531.602	CONCRETE PEDESTRIAN RAMP	EA	1	\$400.00	\$400.00	1	\$400.00	1	\$400.00
23	2531.602	CONCRETE CURB CUT	EA	38	\$10.00	\$380.00	15	\$150.00	38	\$380.00
24	2531.602	6" CONCRETE FLUME	SY	82	\$36.00	\$2,952.00	43.1	\$1,551.60	43.1	\$1,551.60
25	2531.618	CAST IRON TRUNCATED DOME PANELS	SF	8	\$50.00	\$400.00	16	\$800.00	16	\$800.00
26	2540.602	INSTALL SALVAGED MAILBOX	EA	20	\$10.00	\$200.00	20	\$200.00	20	\$200.00
27	2554.602	PERMANENT BARRICADE	EA	1	\$400.00	\$400.00	1	\$400.00	1	\$400.00
28	2564.531	INSTALL SIGN PANELS, TYPE C (INCLUDING POSTS & ASSEMBLY)	EA	18	\$55.00	\$990.00	18	\$990.00	18	\$990.00
29	2564.531	INSTALL SALVAGED SIGN	EA	9	\$50.00	\$450.00	9	\$450.00	9	\$450.00
30	2564.533	FURNISH SIGN PANELS, TYPE C	SF	117	\$24.00	\$2,808.00	117	\$2,808.00	117	\$2,808.00
31	2582.502	4" SOLID DOUBLE LINE YELLOW - EPOXY	LF	4,720	\$0.62	\$2,926.40	4,720	\$2,926.40	4,720	\$2,926.40
32	2582.502	4" SOLID LINE WHITE - EPOXY	LF	12,240	\$0.32	\$3,916.80	12,240	\$3,916.80	12,240	\$3,916.80
33	2582.502	4" SOLID LINE YELLOW - EPOXY	LF	755	\$0.31	\$234.05	755	\$234.05	755	\$234.05
34	2582.502	4" BROKEN LINE YELLOW - EPOXY	LF	1,265	\$0.10	\$126.50	1,265	\$126.50	1,265	\$126.50
35	2582.502	24" SOLID LINE YELLOW - EPOXY	LF	25	\$15.45	\$386.25	20	\$309.00	20	\$309.00
SUBTOTAL - DIVISION 4						\$789,240.50		\$268,404.69		\$831,058.53

TOTALS - BASE CONTRACT **\$1,606,833.47** **\$323,979.85** **\$1,627,617.96**

CHANGE ORDER NO. 2

CO2-1	2101.502	REMOVE COTTONWOOD TREE AND STUMP	LS	1	\$3,960.00	\$3,960.00	0	\$0.00	1	\$3,960.00
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TOTALS - CHANGE ORDER NO. 2 **\$3,960.00** **\$0.00** **\$3,960.00**

CHANGE ORDER NO. 3

CO3-1	2531.602	REMOBILIZE CONCRETE CREW FOR HALF POURS	EA	2	\$1,650.00	\$3,300.00	0	\$0.00	2	\$3,300.00
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TOTALS - CHANGE ORDER NO. 3 **\$3,300.00** **\$0.00** **\$3,300.00**

CHANGE ORDER NO. 4

CO4-1	2501.515	INSTALL 12" RCP APRON W/ TRASH GUARD	EA	1	\$1,155.00	\$1,155.00	1	\$1,155.00	1	\$1,155.00
CO4-2	2531.602	TIME AND MATERIAL - BACKHOE	HR	10	\$60.00	\$600.00	10	\$600.00	10	\$600.00
CO4-3	2531.602	TIME AND MATERIAL - LABORER	HR	10	\$68.00	\$680.00	10	\$680.00	10	\$680.00
CO4-4	2531.602	TIME AND MATERIAL - OPERATOR	HR	10	\$72.00	\$720.00	10	\$720.00	10	\$720.00
CO4-5	2531.602	TIME AND MATERIAL - TRUCK/DRIVER	HR	10	\$95.00	\$950.00	10	\$950.00	10	\$950.00

TOTALS - CHANGE ORDER NO. 4 **\$4,105.00** **\$4,105.00** **\$4,105.00**

TOTALS - REVISED CONTRACT **\$1,618,198.47** **\$328,084.85** **\$1,638,982.96**



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
CONSENT
ITEM #: 8

AGENDA ITEM: Production Well No. 4 – Pay Request No. 3
SUBMITTED BY: Chad Isakson, Project Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

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

- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 3 for the Production Well No. 4 project.

STAFF REPORT:

Keys Well Drilling Co., the Contractor for the project, has submitted Partial Pay Estimate No. 3 in the amount of \$31,407.00. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$4,011.75.

RECOMMENDATION:


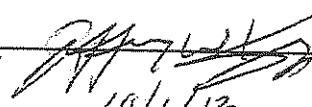
Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 3 for the Production Well No. 4 project. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Pay Request No. 3 to Keys Well Drilling Company in the amount of \$31,407.00, for the Production Well No. 4 Project”

ATTACHMENT(S):

1. Partial Pay Estimate No. 3

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. <u>3</u>		FOCUS ENGINEERING, inc.		
PRODUCTION WELL NO. 4 PROJECT NO. 2013.125		PERIOD OF ESTIMATE FROM <u>9/1/2013</u> TO <u>9/30/2013</u>		
PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, P.E., CITY ENGINEER		CONTRACTOR: KEYS WELL DRILLING CO. 1156 HOMER ST ST. PAUL, MN 55116 ATTN: JEFFREY KEYS		
CONTRACT CHANGE ORDER SUMMARY		PAY ESTIMATE SUMMARY		
No.	Approval Date	Amount		1. Original Contract Amount <u>\$304,800.00</u>
		Additions	Deductions	
				3. Revised Contract (1+2) <u>\$304,800.00</u>
				4. *Work Completed <u>\$80,235.00</u>
				5. *Stored Materials _____
				6. Subtotal (4+5) <u>\$80,235.00</u>
				7. Retainage* <u>5.0%</u> <u>\$4,011.75</u>
				8. Previous Payments <u>\$44,816.25</u>
				9. Amount Due (6-7-8) <u>\$31,407.00</u>
TOTALS		\$0.00	\$0.00	
NET CHANGE		\$0.00		
*Detailed Breakdown Attached				
CONTRACT TIME				
START DATE:	<u>7/8/2013</u>	ORIGINAL DAYS	<u>123</u>	ON SCHEDULE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
SUBSTANTIAL COMPLETION:	<u>10/25/2013</u>	REVISED DAYS	<u>0</u>	
FINAL COMPLETION:	<u>11/8/2013</u>	REMAINING	<u>39</u>	
ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.		FOCUS Engineering, inc.  ENGINEER <u>10/7/13</u> DATE		
CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.		CONTRACTOR BY  <u>10/1/13</u> DATE		
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA				
BY _____		BY _____		
DATE _____		DATE _____		

PARTIAL PAY ESTIMATE NO. 3

PRODUCTION WELL NO. 4
 CITY OF LAKE ELMO, MINNESOTA
 PROJECT NO. 2013.125

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION / SITE WORK	LS	1	\$26,000.00	\$26,000.00	-	\$0.00	0.50	\$13,000.00
2	SILT FENCE	LF	550	\$5.00	\$2,750.00	-	\$0.00	275.00	\$1,375.00
3	24-INCH STEEL CASING	LF	95	\$200.00	\$19,000.00	-	\$0.00	89.0	\$17,800.00
4	24-INCH OPEN HOLE	LF	110	\$125.00	\$13,750.00	-	\$0.00	120.0	\$15,000.00
5	18-INCH STEEL CASING	LF	210	\$80.00	\$16,800.00	209.00	\$16,720.00	209.0	\$16,720.00
6	18-INCH OPEN HOLE	LF	85	\$60.00	\$5,100.00	81.00	\$4,860.00	81.0	\$4,860.00
7	GROUT	CY	50	\$410.00	\$20,500.00	28.00	\$11,480.00	28.0	\$11,480.00
8	EXPLOSIVES	LB	400	\$28.00	\$11,200.00	-	\$0.00	-	\$0.00
9	REMOVAL OF ROCK	CY	750	\$70.00	\$52,500.00	-	\$0.00	-	\$0.00
10	AIR SURGING MOBILIZATION	LS	1	\$4,500.00	\$4,500.00	-	\$0.00	-	\$0.00
11	AIR SURGING DEVELOPMENT	HRS	125	\$210.00	\$26,250.00	-	\$0.00	-	\$0.00
12	TELEVISION SURVEY	LS	1	\$1,400.00	\$1,400.00	-	\$0.00	-	\$0.00
13	TEST PUMP MOBILIZATION & INSTALL.	LS	1	\$5,000.00	\$5,000.00	-	\$0.00	-	\$0.00
14	TEST PUMPING	HRS	80	\$140.00	\$11,200.00	-	\$0.00	-	\$0.00
15	TEST PUMPING DISCHARGE PIPE	LF	2,500	\$5.50	\$13,750.00	-	\$0.00	-	\$0.00
16	SAND CONTENT TESTS	EA	5	\$50.00	\$250.00	-	\$0.00	-	\$0.00
17	CHEM. ANALYSIS & BACT. TEST	LS	1	\$4,500.00	\$4,500.00	-	\$0.00	-	\$0.00
18	SOUNDS BARRIER CONSTRUCTION	SF	1,600	\$8.00	\$12,800.00	-	\$0.00	-	\$0.00
19	GAMMA LOG	EA	1	\$800.00	\$800.00	-	\$0.00	-	\$0.00
20	RESTORATION	LS	1	\$3,500.00	\$3,500.00	-	\$0.00	-	\$0.00
21	WELL PUMP	LS	1	\$53,250.00	\$53,250.00	-	\$0.00	-	\$0.00
TOTALS - BASE CONTRACT					\$304,800.00	\$33,060.00	\$80,235.00		



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
CONSENT
ITEM #: 9

AGENDA ITEM: Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street – Pay Request No. 1
SUBMITTED BY: Ryan Stempki, Project Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director
Mike Bouthilet, Public Works

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

- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 1 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street.

STAFF REPORT:

Minger Construction, Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 1 in the amount of \$62,236.92. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$3,275.63.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 1 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Pay Request No. 1 to Minger Construction, Inc. in the amount of \$62,236.92, for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street.”

ATTACHMENT(S):

1. Partial Pay Estimate No. 1

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. <u>1</u>	FOCUS ENGINEERING, inc.
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LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS PROJECT NO. 2013.123	PERIOD OF ESTIMATE FROM <u>9/9/2013</u> TO <u>10/1/2013</u>
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PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, CITY ENGINEER	CONTRACTOR: MINGER CONSTRUCTION, INC. 2471 GALPIN COURT, SUITE 110, PO BOX 236 CHANHASSEN, MN 55317-0236 ATTN: AARON HOEFS, PROJECT MANAGER
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CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
				1. Original Contract Amount	\$3,463,201.60
				2. Net Change Order Sum	\$0.00
				3. Revised Contract (1+2)	\$3,463,201.60
				4. *Work Completed	\$65,512.55
				5. *Stored Materials	\$0.00
				6. Subtotal (4+5)	\$65,512.55
				7. Retainage* <u>5.0%</u>	\$3,275.63
				8. Previous Payments	\$0.00
				9. Amount Due (6-7-8)	\$62,236.92
TOTALS		\$0.00	\$0.00		
NET CHANGE		\$0.00		*Detailed Breakdown Attached	

CONTRACT TIME					
START DATE:	<u>9/9/2013</u>	ORIGINAL DAYS	<u>265</u>	ON SCHEDULE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
SUBSTANTIAL COMPLETION:	<u>12/20/2013</u>	REVISED DAYS	<u>0</u>		
FINAL COMPLETION:	<u>6/1/2014</u>	REMAINING	<u>243</u>		

ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.	FOCUS Engineering, inc. _____ ENGINEER <u>10-8-2013</u> _____ DATE
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CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.	CONTRACTOR _____ BY _____ DATE
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APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA	
_____ BY	_____ BY
_____ DATE	_____ DATE

LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS
 CITY OF LAKE ELMO, MINNESOTA
 PROJECT NO. 2013.123

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 1 - GENERAL									
1	MOBILIZATION	LS	1	\$33,000.00	\$33,000.00	0	\$0.00	0	\$0.00
2	TRAFFIC CONTROL	LS	1	\$16,500.00	\$16,500.00	0.02	\$330.00	0.02	\$330.00
3	SILT FENCE	LF	4462	\$1.65	\$7,362.30	1,827	\$3,014.55	1,827	\$3,014.55
4	ROCK CONSTRUCTION ENTRANCE	EA	3	\$970.00	\$2,910.00	0	\$0.00	0	\$0.00
5	WATER FOR DUST CONTROL	MGAL	2	\$278.00	\$556.00	0	\$0.00	0	\$0.00
6	TREE REMOVAL	EA	151	\$266.00	\$40,166.00	204	\$54,264.00	204	\$54,264.00
7	CLEARING & GRUBBING	AC	4.13	\$4,160.00	\$17,180.80	1.90	\$7,904.00	1.90	\$7,904.00
8	INLET PROTECTION	EA	4	\$350.00	\$1,400.00	0	\$0.00	0	\$0.00
9	HYDRO MULCH W/ SEED & FERTILIZER	AC	10.75	\$3,700.00	\$39,775.00	0	\$0.00	0	\$0.00
10	SEEDING (WETLAND MIX)	AC	0.2	\$4,250.00	\$850.00	0	\$0.00	0	\$0.00
11	EROSION CONTROL BLANKET (WOOD FIBER)	SY	5625	\$1.10	\$6,187.50	0	\$0.00	0	\$0.00
12	TOPSOIL BORROW	CY	500	\$13.00	\$6,500.00	0	\$0.00	0	\$0.00
13	DITCH CHECK	LF	60	\$5.25	\$315.00	0	\$0.00	0	\$0.00
14	MODULAR BLOCK RETAINING WALL	SF	60	\$55.00	\$3,300.00	0	\$0.00	0	\$0.00
15	SALVAGE/SALVAGE AND REINSTALL EXISITNG IRRIGATION PUMP HOUSE /	LS	1	\$1,400.00	\$1,400.00	0	\$0.00	0	\$0.00
16	RAIN GARDEN	LS	1	\$11,500.00	\$11,500.00	0	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 1					\$188,902.60		\$65,512.55		\$65,512.55
DIVISION 2 - SANITARY SEWER									
1	CONNECT TO EXISTING MANHOLE	EA	1	\$11,600.00	\$11,600.00	0	\$0.00	0	\$0.00
2	SALVAGE & REINSTALL EXISTING SANITARY SEWER MANHOLE	EA	1	\$3,760.00	\$3,760.00	0	\$0.00	0	\$0.00
3	SALVAGE & REINSTALL EXISTING SANITARY SEWER	LF	100	\$84.00	\$8,400.00	0	\$0.00	0	\$0.00
4	LIFT STATION STRUCTURE, VALVE VAULT, AND PIPING	LS	1	\$187,000.00	\$187,000.00	0	\$0.00	0	\$0.00
5	LIFT STATION PUMPS AND ACCESSORIES	LS	1	\$66,750.00	\$66,750.00	0	\$0.00	0	\$0.00
6	LIFT STATION ELECTRICAL AND CONTROLS	LS	1	\$134,000.00	\$134,000.00	0	\$0.00	0	\$0.00
7	GENERATOR	LS	1	\$98,250.00	\$98,250.00	0	\$0.00	0	\$0.00
8	CHEMICAL FEED SYSTEM	LS	1	\$243,000.00	\$243,000.00	0	\$0.00	0	\$0.00
9	16" HDPE FORCEMAIN, INSTALLED BY HDD	LF	15271	\$81.00	\$1,236,951.00	0	\$0.00	0	\$0.00
10	16" HDPE FORCEMAIN, INSTALLED BY OPEN CUT	LF	399	\$57.00	\$22,743.00	0	\$0.00	0	\$0.00
11	8" PVC, SDR 35 SANITARY SEWER (10'-15' DEPTH)	LF	30	\$155.00	\$4,650.00	0	\$0.00	0	\$0.00
12	8" PVC, SDR 35 SANITARY SEWER (15'-20' DEPTH)	LF	15	\$155.00	\$2,325.00	0	\$0.00	0	\$0.00
13	8" PVC, SDR 35 SANITARY SEWER (20'-25' DEPTH)	LF	15	\$155.00	\$2,325.00	0	\$0.00	0	\$0.00
14	18" PVC, SDR 26 SANITARY SEWER (10-15' DEPTH)	LF	213	\$91.00	\$19,383.00	0	\$0.00	0	\$0.00
15	18" PVC, SDR 26 SANITARY SEWER (15-20' DEPTH)	LF	193	\$91.00	\$17,563.00	0	\$0.00	0	\$0.00
16	18" PVC, PS115 SANITARY SEWER (30-35" DEPTH)	LF	25	\$258.00	\$6,450.00	0	\$0.00	0	\$0.00
17	24" SANITARY SEWER (0-10' DEPTH)	LF	95	\$116.00	\$11,020.00	0	\$0.00	0	\$0.00
18	24" SANITARY SEWER (10-15' DEPTH)	LF	1029	\$116.00	\$119,364.00	0	\$0.00	0	\$0.00
19	24" SANITARY SEWER (15-20' DEPTH)	LF	1337	\$116.00	\$155,092.00	0	\$0.00	0	\$0.00
20	24" SANITARY SEWER (20-25' DEPTH)	LF	629	\$116.00	\$72,964.00	0	\$0.00	0	\$0.00
21	24" SANITARY SEWER (25-30' DEPTH)	LF	606	\$116.00	\$70,296.00	0	\$0.00	0	\$0.00
22	24" SANITARY SEWER (30-35' DEPTH)	LF	219	\$116.00	\$25,404.00	0	\$0.00	0	\$0.00
23	24" SANITARY SEWER (35'-40' DEPTH)	LF	169	\$116.00	\$19,604.00	0	\$0.00	0	\$0.00
24	6" PVC, SDR 26 SOLVENT WELD SERVICE PIPE	LF	20	\$82.00	\$1,640.00	0	\$0.00	0	\$0.00
25	6" ON 18" WYE BRANCH	EA	1	\$1,140.00	\$1,140.00	0	\$0.00	0	\$0.00
26	48" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	11	\$4,900.00	\$53,900.00	0	\$0.00	0	\$0.00
27	54" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	4	\$8,400.00	\$33,600.00	0	\$0.00	0	\$0.00
28	48" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	102.5	\$73.00	\$7,482.50	0	\$0.00	0	\$0.00
29	54" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	51.9	\$120.00	\$6,228.00	0	\$0.00	0	\$0.00
30	72" CLEANOUT MANHOLE	EA	5	\$10,400.00	\$52,000.00	0	\$0.00	0	\$0.00
31	72" AIR RELEASE MANHOLE	EA	4	\$13,500.00	\$54,000.00	0	\$0.00	0	\$0.00
32	6" DIP CLASS 50 SANITARY SEWER	LF	5	\$108.00	\$540.00	0	\$0.00	0	\$0.00
33	18" DIP CLASS 50 SANITARY SEWER	LF	18	\$138.00	\$2,484.00	0	\$0.00	0	\$0.00
34	24" DIP CLASS 50 SANITARY SEWER	LF	18	\$301.00	\$5,418.00	0	\$0.00	0	\$0.00
35	EXTERNAL MANHOLE DROP	EA	2	\$9,300.00	\$18,600.00	0	\$0.00	0	\$0.00
36	16" RES. SEAT GATE VALVE & BOX	EA	18	\$8,000.00	\$144,000.00	0	\$0.00	0	\$0.00
37	EXCAVATE, SALVAGE, AND STOCKPILE WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0	\$0.00	0	\$0.00
38	PLACE SALVAGED WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0	\$0.00	0	\$0.00
39	TRENCH STABILIZATION ROCK	LF	300	\$32.00	\$9,600.00	0	\$0.00	0	\$0.00
40	TELEVISION	LF	4541	\$1.25	\$5,676.25	0	\$0.00	0	\$0.00
41	HORIZONTAL DIRECTIONAL DRILLING BORE PITS	LS	1	\$190,000.00	\$190,000.00	0	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 2					\$3,126,808.75		\$0.00		\$0.00

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 3 - WATERMAIN									
1	8"x6" WET TAP (INCLUDE SLEEVE AND VALVE)	EA	1	\$5,100.00	\$5,100.00	0	\$0.00	0	\$0.00
2	6" DIP, CL. 52 WATERMAIN	LF	382	\$41.00	\$15,662.00	0	\$0.00	0	\$0.00
3	6" RES. SEAT GATE VALVE & BOX	EA	1	\$1,300.00	\$1,300.00	0	\$0.00	0	\$0.00
4	6" HYDRANT (8'-6" BURY)	EA	1	\$4,600.00	\$4,600.00	0	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 3					\$26,662.00		\$0.00		\$0.00
DIVISION 4 - STREETS AND RESTORATION									
1	SAWCUT BITUMINOUS PAVEMENT	LF	85	\$5.50	\$467.50	0	\$0.00	0	\$0.00
2	REMOVE PIPE CULVERT (ALL TYPES & SIZES)	LF	178	\$4.50	\$801.00	0	\$0.00	0	\$0.00
3	SALVAGE & REINSTALL WOOD WIER	EA	1	\$1,050.00	\$1,050.00	0	\$0.00	0	\$0.00
4	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, DRIVES	SY	120	\$2.90	\$348.00	0	\$0.00	0	\$0.00
5	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, STREETS	SY	25	\$2.90	\$72.50	0	\$0.00	0	\$0.00
6	REMOVE & DISPOSE OF EXIST. CONCRETE CURB & GUTTER	LF	20	\$2.50	\$50.00	0	\$0.00	0	\$0.00
7	LIFT STATION SITE GRADING	LS	1	\$21,600.00	\$21,600.00	0	\$0.00	0	\$0.00
8	CL.5 AGGREGATE BASE	TN	1101	\$18.00	\$19,818.00	0	\$0.00	0	\$0.00
9	SPWEA240B BITUMINOUS WEAR COURSE, DRIVES	SY	120	\$44.00	\$5,280.00	0	\$0.00	0	\$0.00
10	SPNVB230B BITUMINOUS NON-WEAR COURSE, STREETS	TN	165	\$194.00	\$32,010.00	0	\$0.00	0	\$0.00
11	SPWEA240B BITUMINOUS WEAR COURSE, STREETS	TN	125	\$194.00	\$24,250.00	0	\$0.00	0	\$0.00
12	BITUMINOUS MATERIAL FOR TACK COAT	GA	69	\$4.25	\$293.25	0	\$0.00	0	\$0.00
13	CONCRETE CURB & GUTTER	LF	20	\$55.00	\$1,100.00	0	\$0.00	0	\$0.00
14	CL.5 AGGREGATE BASE, SHOULDER	TN	55	\$47.00	\$2,585.00	0	\$0.00	0	\$0.00
15	15" CMP PIPE CULVERT W/APRON	LF	178	\$47.00	\$8,366.00	0	\$0.00	0	\$0.00
16	CL. 3 RIP RAP W/ GEOTEXTLE FABRIC	CY	5	\$125.00	\$625.00	0	\$0.00	0	\$0.00
17	OFF ROAD STRUCTURE MARKER	EA	24	\$88.00	\$2,112.00	0	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 4					\$120,828.25		\$0.00		\$0.00

TOTALS

\$3,463,201.60

\$65,512.55

\$65,512.55



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
CONSENT
ITEM #: 10

AGENDA ITEM: Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street – Change Order No. 1
SUBMITTED BY: Ryan Stempki, 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. 1 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street, thereby decreasing the Contract Amount by \$19,603.70. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Change Order No. 1 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street, thereby decreasing the contract amount by \$19,603.70.”

STAFF REPORT:

This change order is being issued as a City requested change and in response to a request from Ryland Homes and Pratt Homes. The change order realigns a portion of the gravity sewer pipe to place the sewer within the limits of the future right-of-way of 5th Street. New roadway and utility easements have been acquired at no cost to the City, to allow the placement of the sewer along the new alignment. With this realignment, previously acquired sewer easements will go unused and may be vacated with acquisition costs being returned to the City.

Change Order No. 1 issues revised plan sheets to alter the project design (Plan Sheets C301, C501, C502, C503, and C504), revises the contract quantities, and revises the contract amount for the project (see attached Change Order No. 1). With approval of Change Order No. 1, the revised Contract amount will be decreased by \$19,603.70 for a revised Contract Amount of \$3,443,597.90.

RECOMMENDATION:

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Change Order No. 1 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street, thereby decreasing the Contract Amount by \$19,603.70. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Change Order No. 1 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30th Street, thereby decreasing the contract amount by \$19,603.70.”

ATTACHMENT(S):

1. Change Order No. 1

CONTRACT CHANGE ORDER FORM

CITY OF LAKE ELMO, MINNESOTA
LAKE ELMO AVE SEWER INFRASTRUCTURE IMPROVEMENTS
2013.123

FOCUS ENGINEERING, inc.

CHANGE ORDER NO. 1 **DATE:** October 15, 2013

TO: Minger Construction, Inc. 2471 Galpin Court, Suite 110, Chanhassen, MN 55317

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 is being issued to address a design change in the gravity sewer alignment. A realignment in the gravity sewer was developed to place the sewer pipe within the limits of the future right-of-way of 5th Street at the request of both property owners adjacent to the corridor. New roadway and utility easements have been acquired, at no cost to the City, to allow the placement of the sewer along the new alignment. With the realignment, previously acquired sewer easements that will go unused may be vacated. The attached itemization indicates the revised quantities and contract amounts to reflect this change.

Attachments (list documents supporting change): Change Order No. 1 Itemization; Plan Sheets C301, C501, C502, C503, and C504.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
	***SEE ATTACHED ITEMIZATION				(\$19,603.70)
NET CONTRACT CHANGE					(\$19,603.70)

Amount of Original Contract	\$ <u>3,463,201.60</u>
Sum of Additions/Deductions approved to date	\$ _____
Contract Amount to date	\$ <u>3,463,201.60</u>
Amount of this Change Order (ADD) (DEDUCT) (NO CHANGE)	\$ <u>(19,603.70)</u>
Revised Contract Amount	\$ <u>3,443,597.90</u>

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

APPROVED BY ENGINEER: FOCUS Engineering, inc.

APPROVED BY CONTRACTOR

ENGINEER

BY

DATE

DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

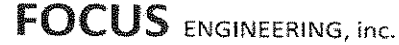
BY

BY

DATE

DATE

LAKE ELMO AVE SEWER INFRASTRUCTURE IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA
2013.123



ITEM	DESCRIPTION OF PAY ITEM	UNIT	ORIGINAL CONTRACT			CHANGE ORDER NO. 1		REVISED CONTRACT AMOUNT	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 1 - GENERAL									
1	MOBILIZATION	LS	1	\$33,000.00	\$33,000.00	0	\$0.00	1	\$33,000.00
2	TRAFFIC CONTROL	LS	1	\$16,500.00	\$16,500.00	0	\$0.00	1	\$16,500.00
3	SILT FENCE	LF	4462	\$1.65	\$7,362.30	(808)	-\$1,333.20	3,654	\$6,029.10
4	ROCK CONSTRUCTION ENTRANCE	EA	3	\$970.00	\$2,910.00	0	\$0.00	3	\$2,910.00
5	WATER FOR DUST CONTROL	MGAL	2	\$278.00	\$556.00	0	\$0.00	2	\$556.00
6	TREE REMOVAL	EA	151.0	\$266.00	\$40,166.00	53	\$14,098.00	204	\$54,264.00
7	CLEARING & GRUBBING	AC	4.13	\$4,160.00	\$17,180.80	(2.23)	-\$9,276.80	1.90	\$7,904.00
8	INLET PROTECTION	EA	4	\$350.00	\$1,400.00	0	\$0.00	4	\$1,400.00
9	HYDRO MULCH W/ SEED & FERTILIZER	AC	10.75	\$3,700.00	\$39,775.00	(1.26)	-\$4,662.00	9.49	\$35,113.00
10	SEEDING (WETLAND MIX)	AC	0.2	\$4,250.00	\$850.00	0.0	\$0.00	0.2	\$850.00
11	EROSION CONTROL BLANKET (WOOD FIBER)	SY	5625	\$1.10	\$6,187.50	0	\$0.00	5,625	\$6,187.50
12	TOPSOIL BORROW	CY	500	\$13.00	\$6,500.00	0	\$0.00	500	\$6,500.00
13	DITCH CHECK	LF	60	\$5.25	\$315.00	0	\$0.00	60	\$315.00
14	MODULAR BLOCK RETAINING WALL	SF	60	\$55.00	\$3,300.00	0	\$0.00	60	\$3,300.00
15	SALVAGE/SALVAGE AND REINSTALL EXISTING IRRIGATION PUMP HOUSE AND EQUIPMENT	LS	1	\$1,400.00	\$1,400.00	0	\$0.00	1	\$1,400.00
16	RAIN GARDEN	LS	1	\$11,500.00	\$11,500.00	0	\$0.00	1	\$11,500.00
SUBTOTAL - DIVISION 1					\$188,902.60		-\$1,174.00		\$187,728.60
DIVISION 2 - SANITARY SEWER									
1	CONNECT TO EXISTING MANHOLE	EA	1	\$11,600.00	\$11,600.00	0	\$0.00	1	\$11,600.00
2	SALVAGE & REINSTALL EXISTING SANITARY SEWER MANHOLE	EA	1	\$3,760.00	\$3,760.00	0	\$0.00	1	\$3,760.00
3	SALVAGE & REINSTALL EXISTING SANITARY SEWER	LF	100	\$84.00	\$8,400.00	0	\$0.00	100	\$8,400.00
4	LIFT STATION STRUCTURE, VALVE VAULT, AND PIPING	LS	1	\$187,000.00	\$187,000.00	0	\$0.00	1	\$187,000.00
5	LIFT STATION PUMPS AND ACCESSORIES	LS	1	\$66,750.00	\$66,750.00	0	\$0.00	1	\$66,750.00
6	LIFT STATION ELECTRICAL AND CONTROLS	LS	1	\$134,000.00	\$134,000.00	0	\$0.00	1	\$134,000.00
7	GENERATOR	LS	1	\$98,250.00	\$98,250.00	0	\$0.00	1	\$98,250.00
8	CHEMICAL FEED SYSTEM	LS	1	\$243,000.00	\$243,000.00	0	\$0.00	1	\$243,000.00
9	16" HDPE FORCEMAIN, INSTALLED BY HDD	LF	15271	\$81.00	\$1,236,951.00	378	\$30,618.00	15,649	\$1,267,569.00
10	16" HDPE FORCEMAIN, INSTALLED BY OPEN CUT	LF	399	\$57.00	\$22,743.00	0	\$0.00	399	\$22,743.00
11	8" PVC, SDR 35 SANITARY SEWER (10'-15' DEPTH)	LF	30	\$155.00	\$4,650.00	(15)	-\$2,325.00	15	\$2,325.00
12	8" PVC, SDR 35 SANITARY SEWER (15'-20' DEPTH)	LF	15	\$155.00	\$2,325.00	0	\$0.00	15	\$2,325.00
13	8" PVC, SDR 35 SANITARY SEWER (20'-25' DEPTH)	LF	15	\$155.00	\$2,325.00	(15)	-\$2,325.00	0	\$0.00
14	18" PVC, SDR 26 SANITARY SEWER (10'-15' DEPTH)	LF	213	\$91.00	\$19,383.00	0	\$0.00	213	\$19,383.00
15	18" PVC, SDR 26 SANITARY SEWER (15'-20' DEPTH)	LF	193	\$91.00	\$17,563.00	0	\$0.00	193	\$17,563.00
16	18" PVC, PS115 SANITARY SEWER (30'-35" DEPTH)	LF	25	\$258.00	\$6,450.00	0	\$0.00	25	\$6,450.00
17	24" SANITARY SEWER (0'-10' DEPTH)	LF	95	\$116.00	\$11,020.00	(50)	-\$5,800.00	45	\$5,220.00
18	24" SANITARY SEWER (10'-15' DEPTH)	LF	1029	\$116.00	\$119,364.00	(50)	-\$3,480.00	999	\$115,884.00
19	24" SANITARY SEWER (15'-20' DEPTH)	LF	1337	\$116.00	\$155,092.00	16	\$1,856.00	1,353	\$156,948.00
20	24" SANITARY SEWER (20'-25' DEPTH)	LF	629	\$116.00	\$72,964.00	(46)	-\$5,336.00	583	\$67,628.00
21	24" SANITARY SEWER (25'-30' DEPTH)	LF	606	\$116.00	\$70,296.00	(393)	-\$45,588.00	213	\$24,708.00
22	24" SANITARY SEWER (30'-35" DEPTH)	LF	219	\$116.00	\$25,404.00	(127)	-\$14,732.00	92	\$10,672.00
23	24" SANITARY SEWER (35'-40' DEPTH)	LF	169	\$116.00	\$19,604.00	0	\$0.00	169	\$19,604.00
24	6" PVC, SDR 26 SOLVENT WELD SERVICE PIPE	LF	20	\$82.00	\$1,640.00	0	\$0.00	20	\$1,640.00
25	6" ON 18" WYE BRANCH	EA	1	\$1,140.00	\$1,140.00	0	\$0.00	1	\$1,140.00
26	48" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	11	\$4,900.00	\$53,900.00	1	\$4,900.00	12	\$58,800.00
27	54" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	4	\$8,400.00	\$33,600.00	0	\$0.00	4	\$33,600.00
28	48" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	102.5	\$73.00	\$7,482.50	17.6	\$1,284.80	120.1	\$8,767.30
29	54" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	51.9	\$120.00	\$6,228.00	(7.8)	-\$936.00	44.1	\$5,292.00
30	72" CLEANOUT MANHOLE	EA	5	\$10,400.00	\$52,000.00	0	\$0.00	5	\$52,000.00
31	72" AIR RELEASE MANHOLE	EA	4	\$13,500.00	\$54,000.00	0	\$0.00	4	\$54,000.00
32	6" DIP CLASS 50 SANITARY SEWER	LF	5	\$108.00	\$540.00	(5)	-\$540.00	0	\$0.00
33	18" DIP CLASS 50 SANITARY SEWER	LF	18	\$138.00	\$2,484.00	0	\$0.00	18	\$2,484.00
34	24" DIP CLASS 50 SANITARY SEWER	LF	18	\$301.00	\$5,418.00	18	\$5,418.00	36	\$10,836.00
35	EXTERNAL MANHOLE DROP	EA	2	\$9,300.00	\$18,600.00	1	\$9,300.00	3	\$27,900.00
36	16" RES. SEAT GATE VALVE & BOX	EA	18	\$8,000.00	\$144,000.00	0	\$0.00	18	\$144,000.00
37	EXCAVATE, SALVAGE, AND STOCKPILE WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0	\$0.00	803	\$803.00
38	PLACE SALVAGED WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0	\$0.00	803	\$803.00
39	TRENCH STABILIZATION ROCK	LF	300	\$32.00	\$9,600.00	0	\$0.00	300	\$9,600.00
40	TELEVISIONING	LF	4541	\$1.25	\$5,676.25	0	\$0.00	4,541	\$5,676.25
41	HORIZONTAL DIRECTIONAL DRILLING BORE PITS	LS	1	\$190,000.00	\$190,000.00	0	\$0.00	1	\$190,000.00
SUBTOTAL - DIVISION 2					\$3,126,808.75		-\$27,685.20		\$3,099,123.55
DIVISION 3 - WATERMAIN									
1	8"x6" WET TAP (INCLUDE SLEEVE AND VALVE)	EA	1	\$5,100.00	\$5,100.00	0	\$0.00	1	\$5,100.00
2	6" DIP, CL 52 WATERMAIN	LF	382	\$41.00	\$15,662.00	0	\$0.00	382	\$15,662.00
3	6" RES. SEAT GATE VALVE & BOX	EA	1	\$1,300.00	\$1,300.00	0	\$0.00	1	\$1,300.00
4	6" HYDRANT (8'-6" BURY)	EA	1	\$4,600.00	\$4,600.00	0	\$0.00	1	\$4,600.00
SUBTOTAL - DIVISION 3					\$26,662.00		\$0.00		\$26,662.00
DIVISION 4 - STREETS & RESTORATION									
1	SAWCUT BITUMINOUS PAVEMENT	LF	85	\$5.50	\$467.50	0	\$0.00	85	\$467.50
2	REMOVE PIPE CULVERT (ALL TYPES & SIZES)	LF	178	\$4.50	\$801.00	0	\$0.00	178	\$801.00
3	SALVAGE & REINSTALL WOOD WIER	EA	1	\$1,050.00	\$1,050.00	0	\$0.00	1	\$1,050.00
4	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, DRIVES	SY	120	\$2.90	\$348.00	0	\$0.00	120	\$348.00
5	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, STREETS	SY	25	\$2.90	\$72.50	0	\$0.00	25	\$72.50
6	REMOVE & DISPOSE OF EXIST. CONCRETE CURB & GUTTER	LF	20	\$2.50	\$50.00	0	\$0.00	20	\$50.00
7	LIFT STATION SITE GRADING	LS	1	\$21,600.00	\$21,600.00	0	\$0.00	1	\$21,600.00
8	CL5 AGGREGATE BASE	TN	1101	\$18.00	\$19,818.00	0	\$0.00	1,101	\$19,818.00
9	SPWEA240B BITUMINOUS WEAR COURSE, DRIVES	SY	120	\$44.00	\$5,280.00	0	\$0.00	120	\$5,280.00
10	SPNWB230B BITUMINOUS NON-WEAR COURSE, STREETS	TN	165	\$194.00	\$32,010.00	0	\$0.00	165	\$32,010.00
11	SPWEA240B BITUMINOUS WEAR COURSE, STREETS	TN	125	\$194.00	\$24,250.00	0	\$0.00	125	\$24,250.00
12	BITUMINOUS MATERIAL FOR TACK COAT	GA	69	\$4.25	\$293.25	0	\$0.00	69	\$293.25
13	CONCRETE CURB & GUTTER	LF	20	\$55.00	\$1,100.00	0	\$0.00	20	\$1,100.00

14	CL 5 AGGREGATE BASE, SHOULDER	TN	55	\$47.00	\$2,585.00	0	\$0.00	55	\$2,585.00
15	15" CMP PIPE CULVERT W/APRON	LF	178	\$47.00	\$8,366.00	0	\$0.00	178	\$8,366.00
16	CL 3 RIP RAP W/ GEOTEXTLE FABRIC	CY	5	\$125.00	\$625.00	0	\$0.00	5	\$625.00
17	OFF ROAD STRUCTURE MARKER	EA	24	\$88.00	\$2,112.00	1	\$88.00	25	\$2,200.00
SUBTOTAL - DIVISION 4									
					\$120,828.25		\$88.00		\$120,916.25

TOTALS - BASE CONTRACT \$3,463,201.60 -\$28,771.20 \$3,434,430.40

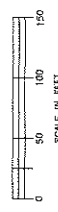
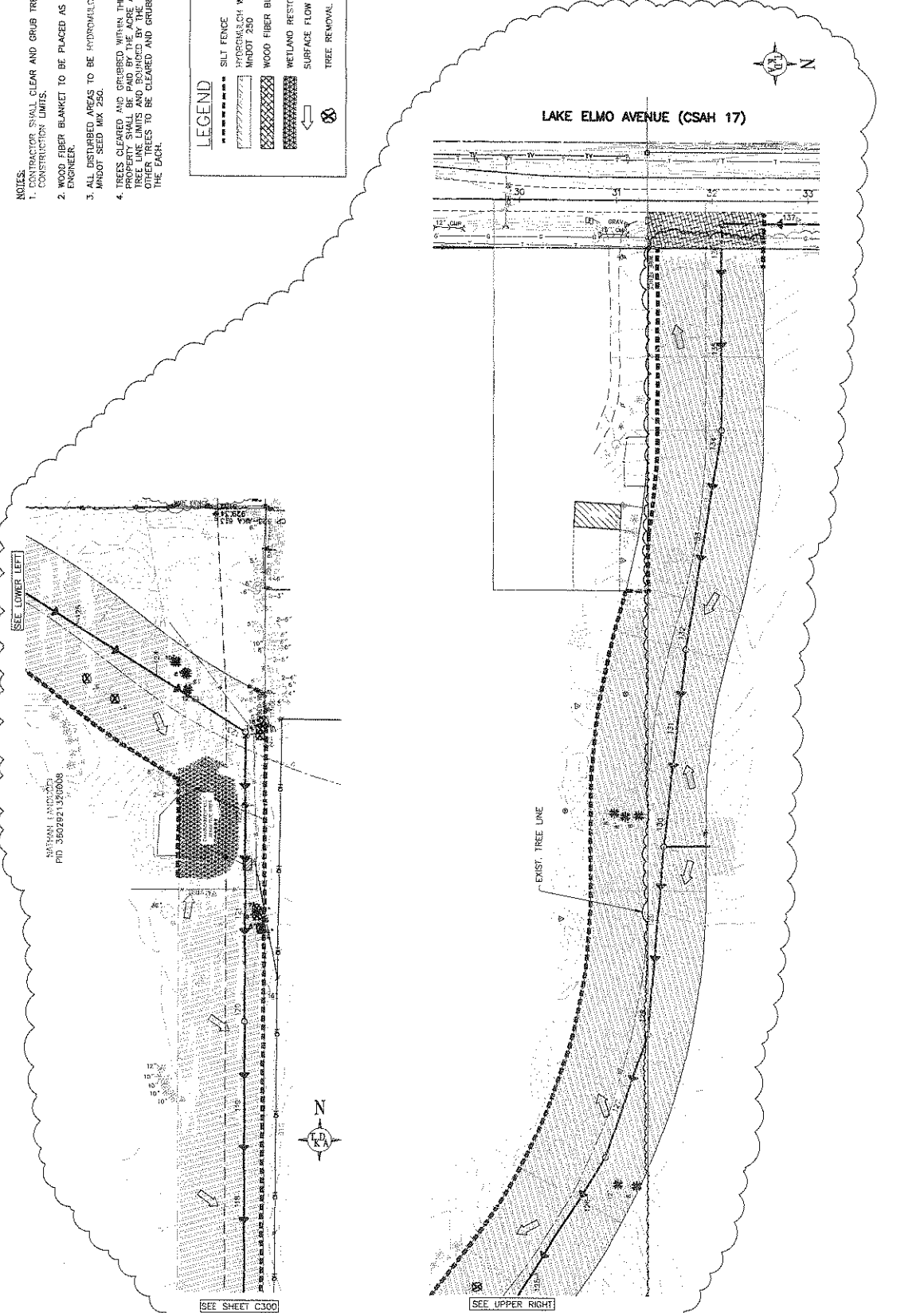
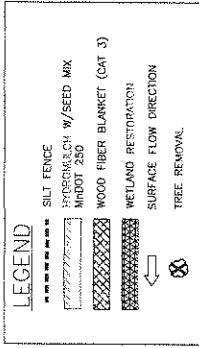
CHANGE ORDER NO. 1

CO1-1	8" PVC, SDR 23.5 SANITARY SEWER (25'-30' DEPTH)	LF		\$200.00		44.0	\$8,800.00	44.0	\$8,800.00
CO1-2	4" POLYSTYRENE INSULATION	SY		\$35.00		20.5	\$367.50	10.50	\$367.50

TOTALS - CHANGE ORDER NO. 1 \$0.00 \$9,167.50 \$9,167.50

TOTALS - REVISED CONTRACT \$3,463,201.60 -\$19,603.70 \$3,443,597.90

- NOTES:**
1. CONTRACTOR SHALL CLEAR AND GRUB TREES WITHIN CONSTRUCTION LIMITS.
 2. WOOD FIBER BLANKET TO BE PLACED AS DIRECTED BY ENGINEER.
 3. ALL DISTURBED AREAS TO BE HYDROSEEDING WITH MANDOT SEED MIX 250.
 4. TREES CLEARED AND GRUBBED WITHIN THE DESIGN/PROPER PROPERTY SHALL BE PAID BY THE ACRE AS SHOWN BY THE TREE LINE LIMITS AND BOUNDED BY THE EASEMENTS. ALL OTHER TREES TO BE CLEARED AND GRUBBED SHALL BE PAID BY THE ACRE.



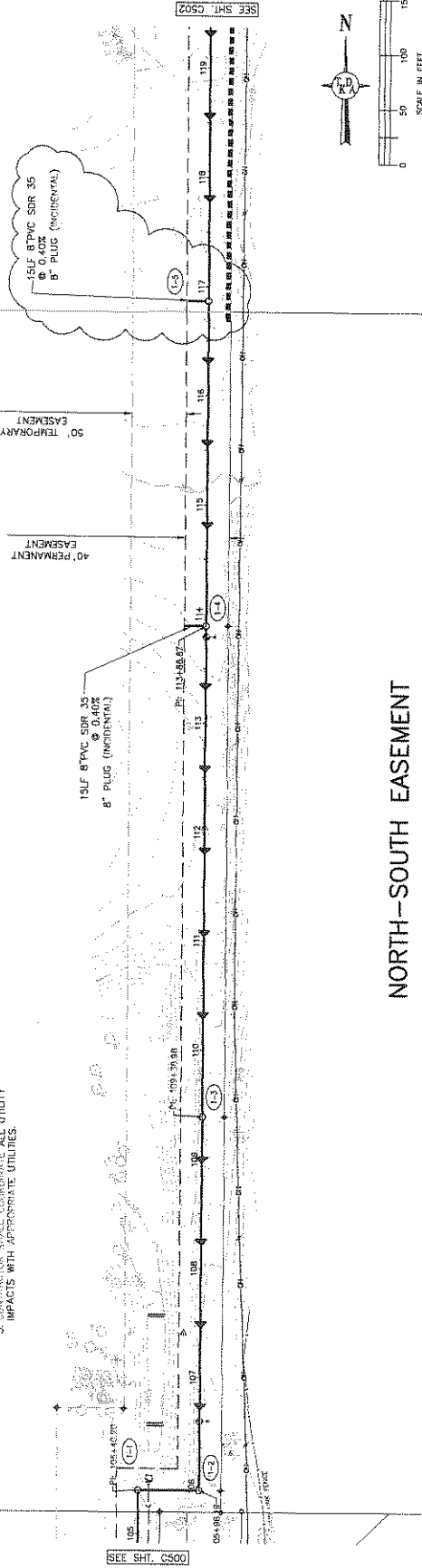
PROJECT NO. 15204.001		SHEET NO. C301									
EROSION AND SEDIMENT CONTROL											
PROJECT LOCATION LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS I-94 TO 30TH STREET LAKE ELMO MINNESOTA		DRAWN BY TKA									
444 Cahill Street, Suite 1900 Saint Paul, MN 55101 651.292.4400 tkd.com		DATE: 11/27/21									
DESIGNED BY M/OB	CHECKED BY PKO	SCALE: AS SHOWN									
<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>				NO.	DATE	BY	REVISION				
NO.	DATE	BY	REVISION								

NOTES:

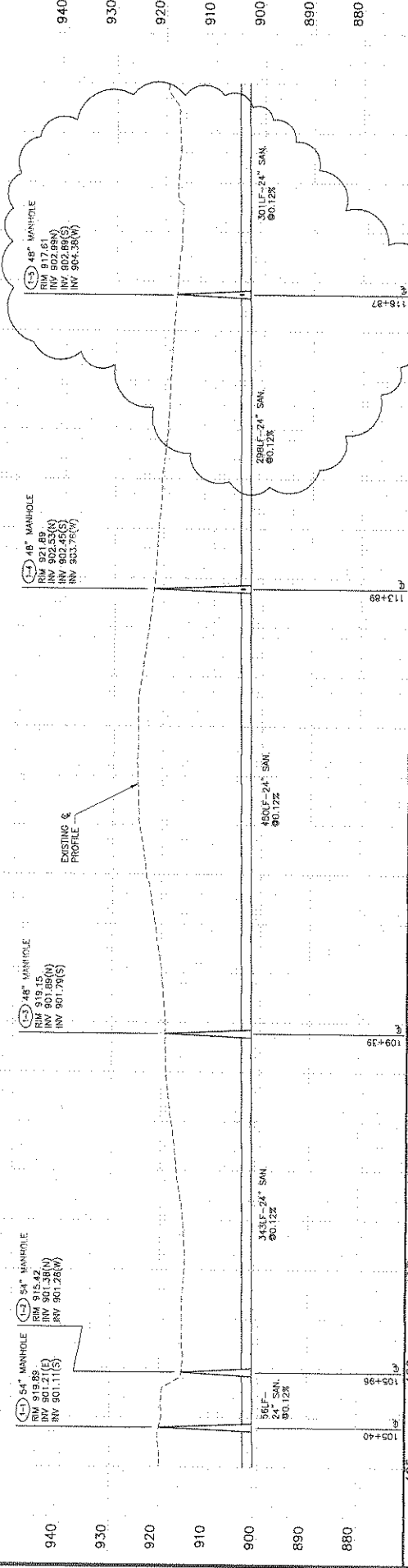
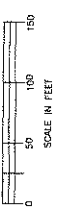
1. ALL WORK SHALL BE PERFORMED WITHIN THE CONSTRUCTION LIMITS AS DEFINED BY EASEMENTS OR ROW.
2. CONTRACTOR SHALL PROTECT EXISTING UTILITIES.
3. CONTRACTOR SHALL COORDINATE ALL UTILITY IMPACTS WITH APPROPRIATE UTILITIES.

RECO REAL ESTATE
 LLC & ATTN: MAHE NATH
 PID 3602921330001

NATHAN LANDRUCCI
 PID 3602921330008



NORTH-SOUTH EASEMENT



NO.	DATE	BY	REVISION

OWNER	REVISION	DATE
DESIGNER	BY	
CHECKED		
RECD		

PROJECT INFORMATION	
PROJECT NO.	15204 001
DATE	
PROJECT NAME	
LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS	
STATION 105+00 TO STATION 119+00	
SANTARARY SEWER	
C501	

444 Cedar Street, Suite 1500
 Saint Paul, MN 55101
 651.292.2400
 Revo.com

LAKE ELMO
 MINNESOTA

LAKE ELMO AVENUE SEWER
 INFRASTRUCTURE IMPROVEMENTS
 STATION 105+00 TO STATION 119+00
 SANITARY SEWER

PROJECT NO. 15204 001
 DATE
 PROJECT NAME LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS STATION 105+00 TO STATION 119+00
 SANITARY SEWER

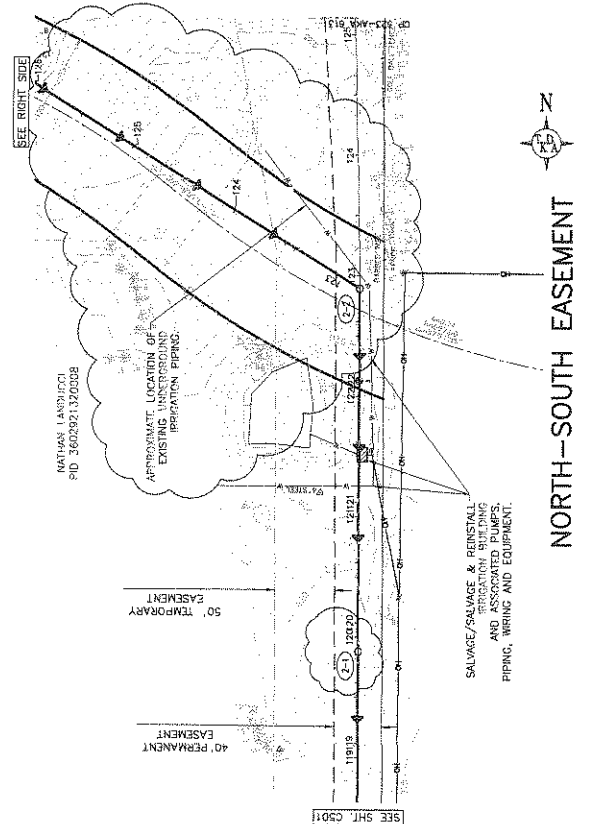
NOTES

1. ALL WORK SHALL BE PERFORMED WITHIN THE CONSTRUCTION LIMITS AS DEFINED BY EASEMENTS OR ROW.
2. CONTRACTOR SHALL PROTECT EXISTING UTILITIES.
3. CONTRACTOR SHALL COORDINATE ALL UTILITY IMPACTS WITH APPROPRIATE UTILITIES.
4. ALL WETLAND SOILS SHALL BE SALVAGED AND STOCKPILED ONSITE FOR REUSE.



SEE LEFT SIDE

SEE RIGHT SIDE



NORTH-SOUTH EASEMENT

MATHAY LANDSCAPE
PID 3602821320088

APPROXIMATE LOCATION OF EXISTING UNDERGROUND IRRIGATION PIPING.

SALVAGE/SANITISE & REINSTALL IRRIGATION PIPING AND ASSOCIATED PUMPS, PIPING, WIRING AND EQUIPMENT.

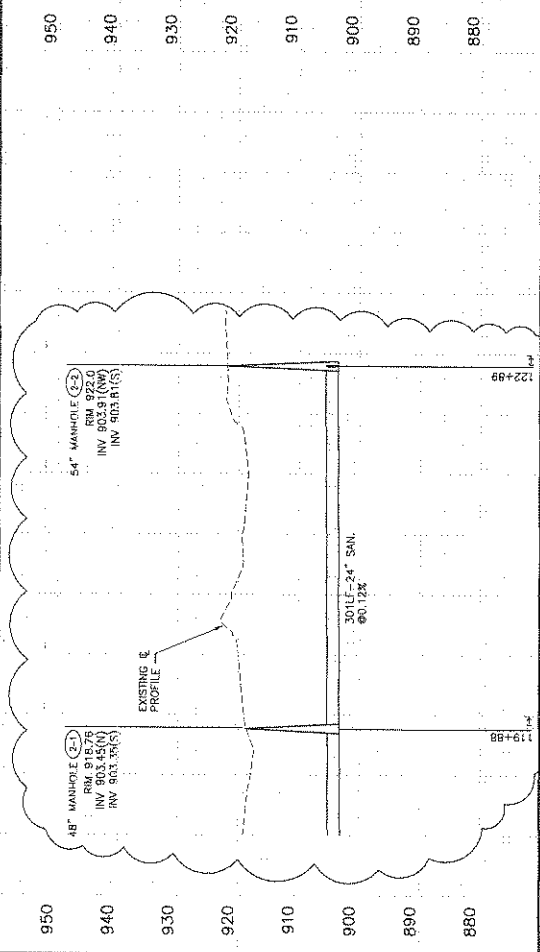
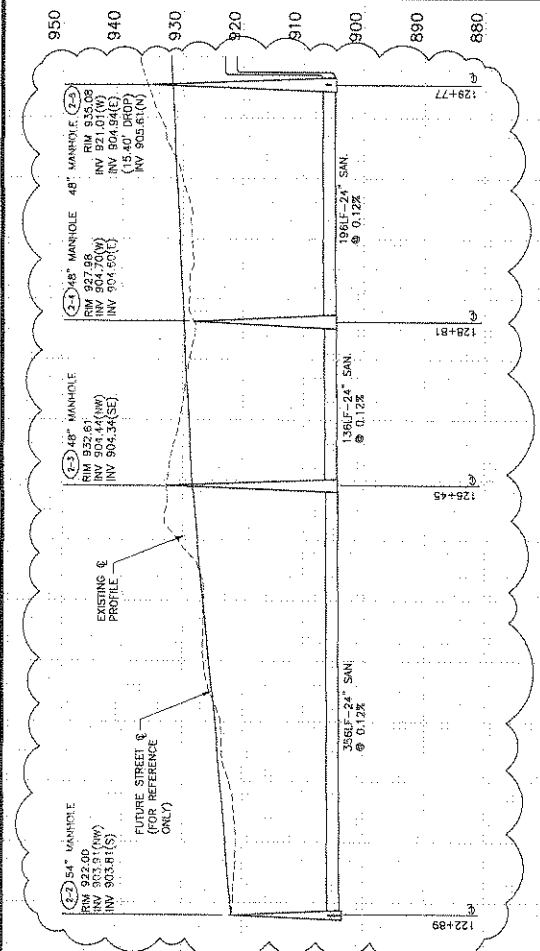
40' PERMANENT EASEMENT

50' TEMPORARY EASEMENT

SEE SHIT. CS01

SEE SHIT. CS03

EAST-WEST EASEMENT



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444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tcds.com



UNITED STATES OF AMERICA
MINNESOTA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF SAINT PAUL
SANITARY SEWER
STATION 119+00 TO STATION 130+00

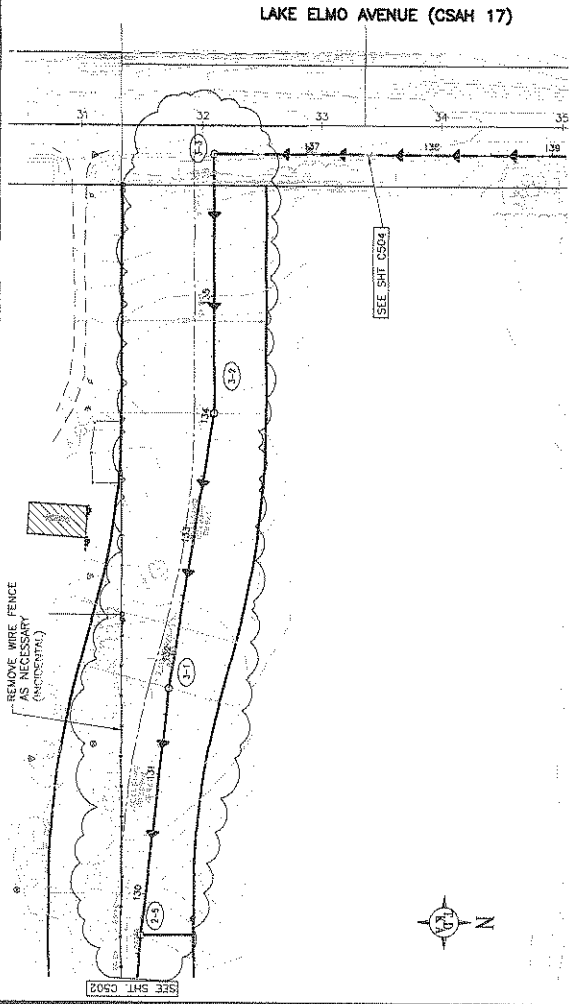
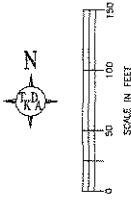
LAKE ELMO
INFRASTRUCTURE IMPROVEMENTS
I-94 TO 30TH STREET
MINNESOTA

LAKE ELMO AVENUE SEWER
INFRASTRUCTURE IMPROVEMENTS
I-94 TO 30TH STREET
MINNESOTA

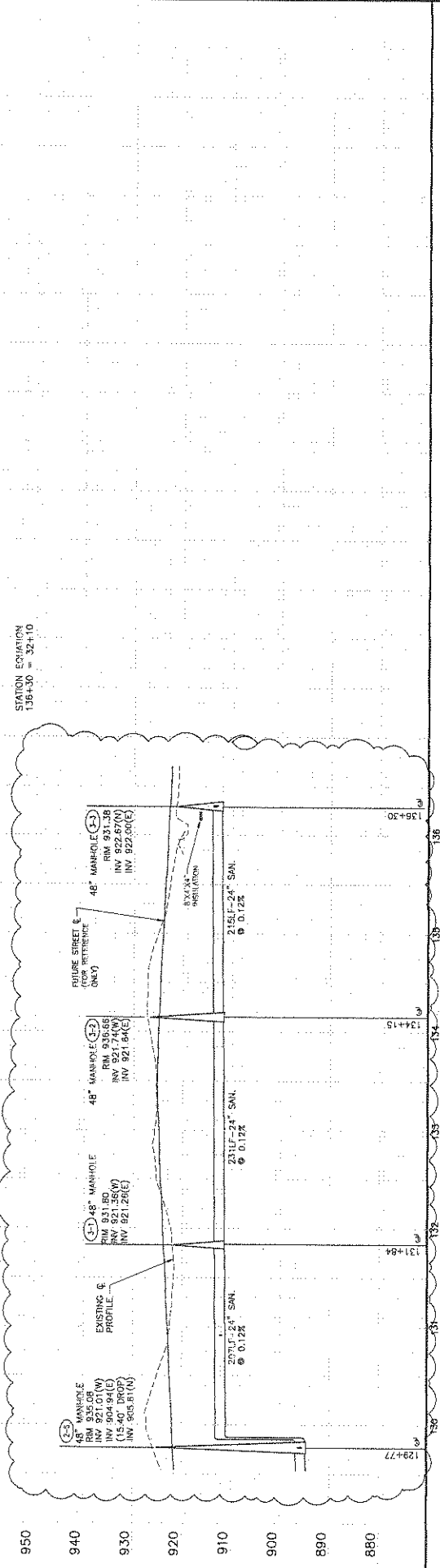
PROJECT NO. 15204.001
REVISION NO. C502

DATE: 11/19/13
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

- NOTES:
1. ALL WORK SHALL BE PERFORMED WITHIN THE CONSTRUCTION LIMITS AS DEFINED BY EASEMENTS OR ROW.
 2. CONTRACTOR SHALL PROTECT EXISTING UTILITIES.
 3. CONTRACTOR SHALL COORDINATE ALL UTILITY IMPACTS WITH APPROPRIATE UTILITIES.
 4. ALL WETLAND SOILS SHALL BE SALVAGED AND STOCKPILED ON-SITE FOR REUSE.

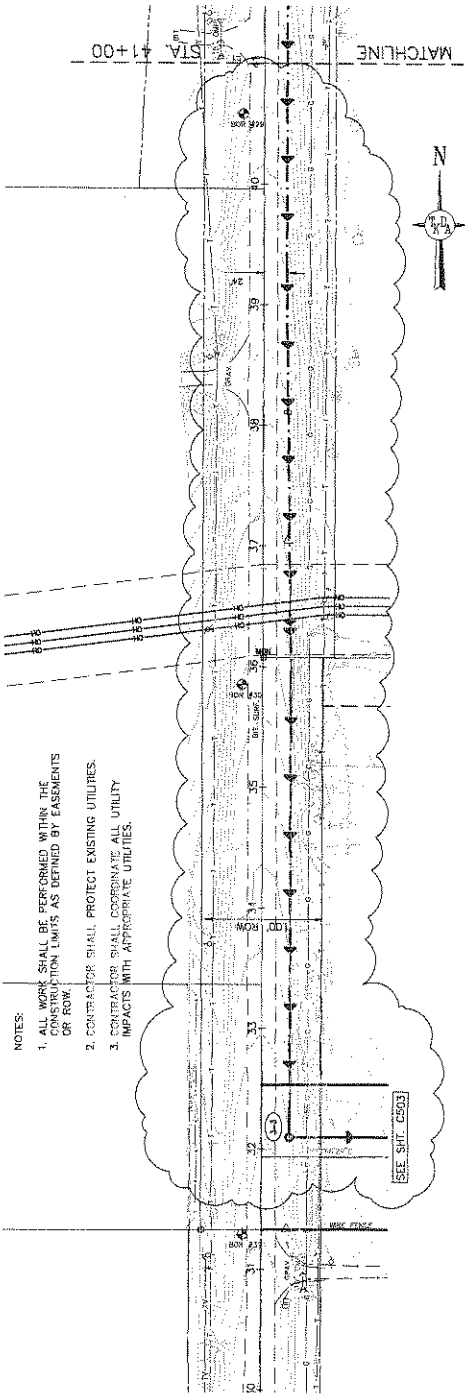


EAST-WEST EASEMENT



PROJECT NO. 15204.001		EAST-WEST EASEMENT Station 130+00 to Station 139+30		SHEET NO. C503	
PROJECT NAME LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS 1-94 TO 30TH STREET LAKE ELMO, MINNESOTA		DRAWN BY 444 Cedar Street, Suite 1500 Saint Paul, MN 55101 651.292.4400 tkda.com		DATE 15-NOV-2014	
CHECKED BY [Signature]		SCALE AS SHOWN		PROJECT LOCATION LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS 1-94 TO 30TH STREET LAKE ELMO, MINNESOTA	
DATE 15-NOV-2014		SCALE AS SHOWN		PROJECT LOCATION LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS 1-94 TO 30TH STREET LAKE ELMO, MINNESOTA	

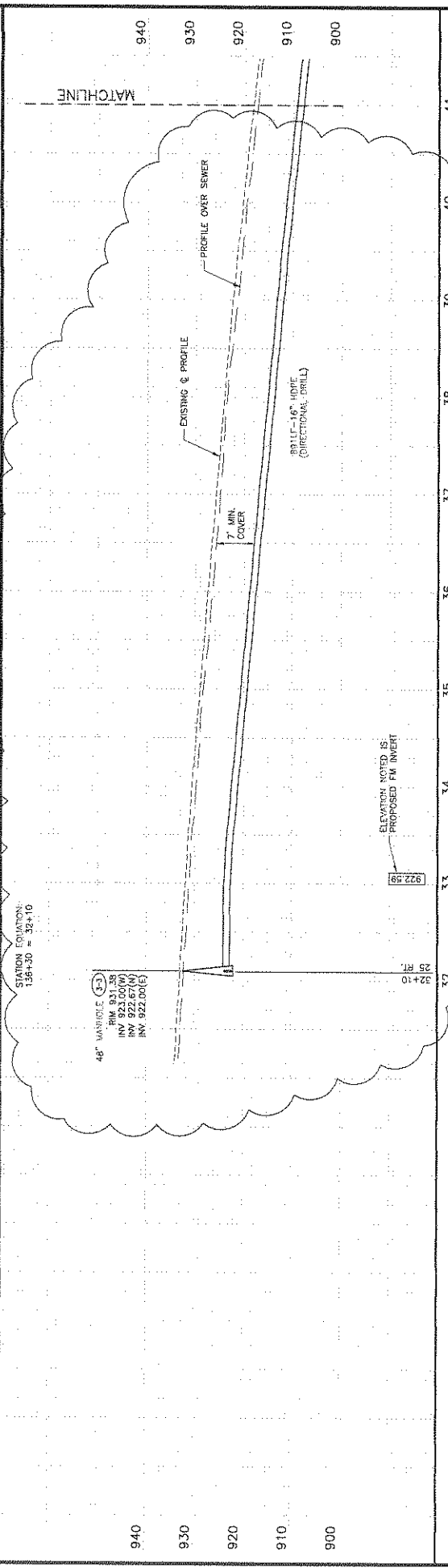
- NOTES:
- 1. ALL WORK SHALL BE PERFORMED WITHIN THE CONSTRUCTION LIMITS AS DEFINED BY EASEMENTS OR ROW.
 - 2. CONTRACTOR SHALL PROTECT EXISTING UTILITIES.
 - 3. CONTRACTOR SHALL COORDINATE ALL UTILITY IMPACTS WITH APPROPRIATE UTILITIES.



LAKE ELMO AVENUE

STATION COORDINATES:
1364+30 = 32+10

48" MANHOLE (S)
BM 923.00(N)
BM 922.67(N)
BM 922.00(E)



EXISTING NOTED IS PROPOSED FOR INVERT

NO.	DATE	BY	REVISIONS		
			NO.	DATE	BY
DESIGNED	DRAWN	CHECKED	APPROVED	PROJECT NO.	PROJECT NAME
PROJECT LOCATION: 444 Cedar Street, Suite 1500 Saint Paul, MN 55101 651.292.4400 tkda.com			DRAWN BY: <i>R. J. [Signature]</i> DATE: 10/20/2011 SCALE: 1"=40' TITLED: SANITARY SEWER		
PROJECT NO.: 15204.001 PROJECT NAME: LAKE ELMO AVENUE FROM STA. 35+87 TO STA. 41+00			SHEET NO.: C504 TOTAL SHEETS: 5		



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013

CONSENT

ITEM #: 11

AGENDA ITEM: Resolution No. 2013-87 Approving Tax Forfeited Parcels for Public Auction or Auction to Adjacent Owners

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Director of Planning
Nick Johnson, City Planner
Cathy Bendel, Finance Director

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

- Introduction of ItemStaff
- 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:

As part of the Consent Agenda, the City Council is respectfully requested to approve Resolution No. 2013-87, Approving Tax-Forfeited Parcels for Public Auction or Auction to Adjacent Owners. **As part of the Consent Agenda, no formal motion is required.** If the Council wishes to further discuss this authorization, they can remove this item from the Consent Agenda and approve the authorization by taking the following action:

“Move to approve Resolution No. 2013-87, A Resolution Approving Tax-Forfeited Parcels for Public Auction or Auction to Adjacent Owners”

STAFF REPORT:

Please find attached the letter received from Washington County dated August 22, 2013 requesting the city’s approval for the parcels located in the City of Lake Elmo described herein which have been forfeited to the State of Minnesota for non-payment of property taxes. The parcels have been classified as non-conservation land and include the following parcels:

- 1) Parcel ID: 16.029.21.41.0029; Subdivision Name CIC 249 UNITS 3A, 3B, 4A, 4B, 7A, 7B, 8A, 8B Lot 7-B (Located in Prairie Ridge Business Park)

As required by MN Statute 282.01, the city is requested to either approve the parcels for public auction or auction to adjacent land owners or request a conveyance to the city for an authorized public use or public purpose. The City has been provided 60 days from the date of the letter to give direction to the County on how to proceed with the parcel. If the Council does not act, the parcel will be sold at public auction.

Staff has researched the parcel and because it is in a business park, the use options are very limited. If the City were to request that the property be conveyed to the City, by law the parcel must have a public use or purpose. The public use or purpose is narrowly defined. Therefore, having the parcel sent to auction is the best course of action identified by staff.

FINANCIAL IMPACT:

There is no financial cost to the City.

RECOMMENDATION:

Staff recommends the City Council approve Resolution 2012-50 Approving Tax-Forfeited Parcels for Public Auction or Auction to Adjacent Owners. This action requires a simple majority vote. As part of the Consent Agenda, no formal motion is required. If the Council wishes to further discuss this authorization, they can remove this item from the Consent Agenda and approve the authorization by taking the following action:

“Move to approve Resolution No. 2013-87, A Resolution Approving Tax-Forfeited Parcels for Public Auction or Auction to Adjacent Owners”

ATTACHMENTS:

- 1) Resolution No. 2013-87
- 2) Washington County letter to City of Lake Elmo
- 3) Tax Forfeiture data from Washington County
- 4) Map of parcel

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

RESOLUTION NO. 2013-87

**A RESOLUTION APPROVING TAX FORFEITED PARCELS FOR
PUBLIC AUCTION**

WHEREAS, the parcel located in the City of Lake Elmo described herein has been forfeited to the State of Minnesota for non-payment of property taxes; and

WHEREAS, the parcel has been classified as non-conservation land and includes Parcel ID: 16.029.21.41.0029; Subdivision Name CIC 249 UNITS 3A, 3B, 4A, 4B, 7A, 7B, 8A, 8B Lot 7-B (Located in Prairie Ridge Business Park); and

WHEREAS, required by MN Statute 282.01, the city is requested to either approve the parcel for public auction or auction to adjacent land owners or request a conveyance to the city for an authorized public use or public purpose.

NOW THEREFORE BE IT RESOLVED, that the City of Lake Elmo approves the above mentioned parcel for sale.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS FIFTEENTH DAY OF OCTOBER 2013.

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

(Seal)

Adam Bell
City Clerk



**Property Records and
Taxpayer Services**

Jennifer Wagenius
Director

Steve Gransee
Taxpayer Services Division Manager

August 22, 2013

Lake Elmo City Hall
City Clerk
3800 Laverne Ave. N.
Lake Elmo, MN 55042

Re: Tax Forfeited Parcels

City Clerk:

Enclosed is a classification listing of non-conservation land located in your city. The parcels described in the listing forfeited to the State of Minnesota for non-payment of property taxes. I will be requesting the County Board to classify the parcels as non-conservation at a September meeting.

As required under M.S. 282.01, we request that the City review and either approve the parcel(s) for public auction or auction to adjacent owners or request a conveyance to your city for an authorized public use or public purpose. We request a letter listing the parcel(s) approved for sale or to withhold from sale. If requesting a conveyance, contact us for specifics on required forms and other information.

Your request(s) will be contingent upon the Department of Natural Resources' approval of the classification and sale. Please keep in mind that the previous owner may still be allowed to repurchase their forfeited property at anytime during this period.

Special assessments that were levied before the forfeiture do not need to be certified to this office. They were canceled at forfeiture and will be paid from the sale price, if adequate funds are available. If the sale price is not high enough to fully pay the unpaid taxes and special assessments, some or all of the special assessments levied prior to forfeiture may be reassessed by the city. Special assessments that are levied after the forfeiture should be certified to this office. They will be added to the appraised value and paid from the sale price.

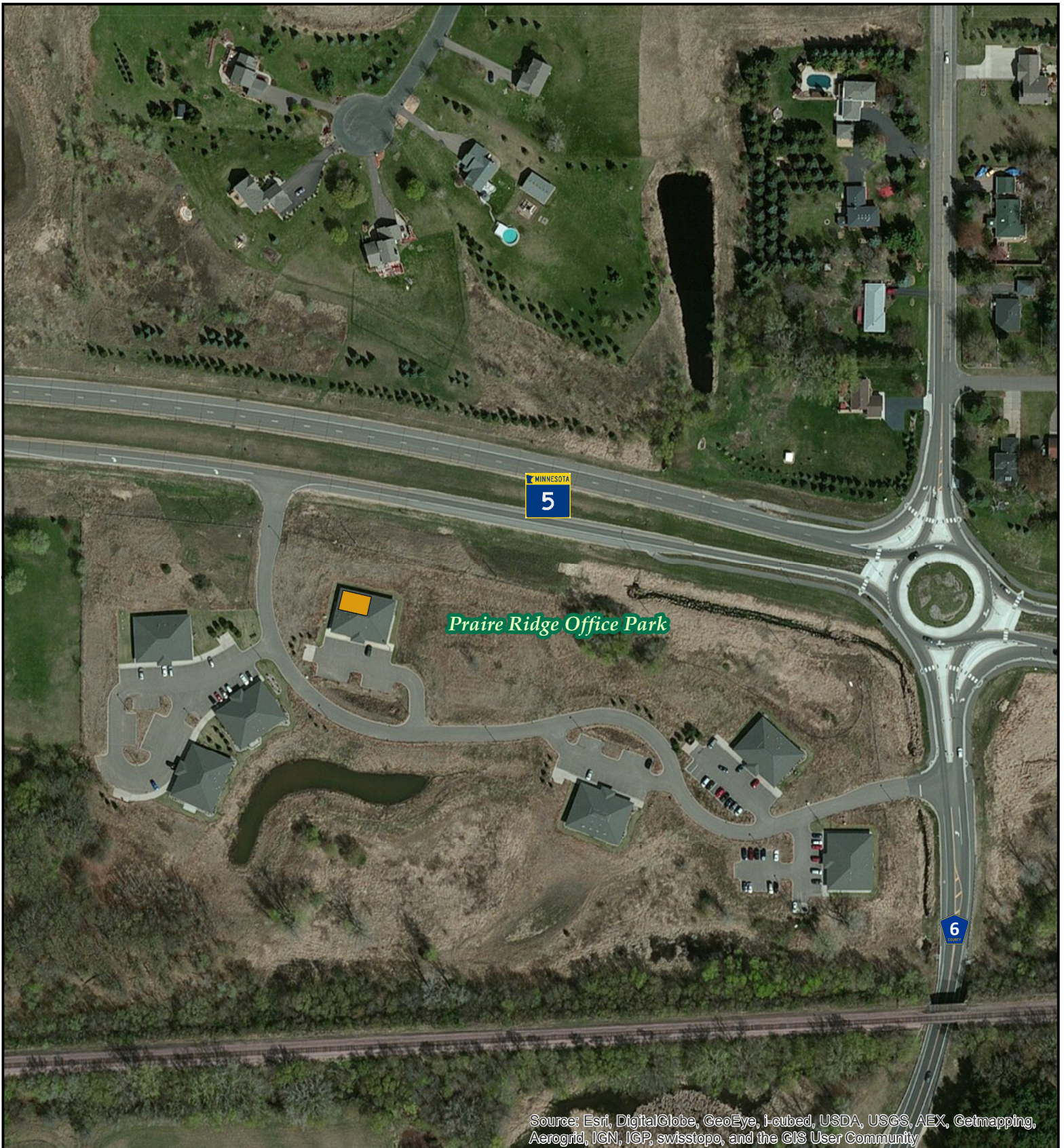
Please be advised that if the City Council fails to respond within sixty (60) days of the date of this letter, the classification and sale will be deemed to be approved by the city.

If you have any questions, please feel free to contact me by calling 651-430-8272 or by email at steve.gransee@co.washington.mn.us

Sincerely,

Steve Gransee
Taxpayer Services Division Manager

Enc. *Parcels Forfeited Listing*



Tax Forfeited Properties - 2013



 Forfeited Parcels

City of Lake Elmo
9-25-2013
Data Source:
Washington County, MN





MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 12

AGENDA ITEM: Dean and Gayle Dworak Variance – 09.029.21.22.0025 (Hill Trail North)
SUBMITTED BY: Nick Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director
Pete Ganzel, Washington County

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 Dean and Gayle Dworak at 09.029.21.22.0025 (Hill Trail North) to allow for the construction of a single family home on a lot that is not considered a buildable lot of record under the Lake Elmo Zoning Ordinance. In addition, the variance request includes an allowance to install a subsurface sewage treatment system on a lot that does not meet the area requirements for septic systems per the Zoning Ordinance. The Planning Commission held a Public Hearing on August 26, 2013, which was continued at meetings on 9/9/13 and 9/23/13. The Planning Commission recommended denial of the variance request based upon failure to meet three findings necessary to grant a variance. The City Council considered the variance request at its meeting on 10/1/2013 and postponed the item for further consideration at its next meeting.

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

“Move to approve Resolution 2013-082, denying the variance requested at 09.029.21.22.0025 (Hill Trail North) to allow for the construction of a single family home on a lot that is not considered a buildable lot of record, based upon failure to meet all required findings necessary to grant the variance.”

BACKGROUND AND STAFF REPORT:

The City of Lake Elmo received an application for a variance from Dean and Gayle Dworak to build a single family home on a lot that is not considered a buildable lot of record under the Zoning Ordinance. The City Council reviewed the request at the meeting on 10/1/13 and postponed the item for further

consideration at a future meeting. To access all of the application materials, staff reports, and other documents included in the variance review, please reference the City Council agenda packet from the 10/1/13 meeting.

In order to approve a variance under the City Code, the applicant must demonstrate compliance with 4 required findings. The findings and their definitions per City Code (§154.109) are the following:

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.
 - a. *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 problem for the landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant.
3. *Character of Locality.* The proposed variance will not alter the essential character of the locality in which the property in question is located.
 - a. *Definition of Locality.* For purposes of this subsection, "locality" shall be defined as all that property within 350 feet of the property proposed for the variance; however, in all events, it shall include all parcels abutting the affected parcel, including those immediately across a public street, alley or other public property.
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.

Based upon these application submitted and the required findings, staff recommended the variance application for approval. Staff determined that the variance application met the four findings as required by the City Code. Further detail about the content of the staff recommendation can be found in the Staff Report dated 8/26/13, also found in the 10/1/13 City Council agenda packet.

During the review of the application at the Public Hearing, the Planning Commission spent a significant amount of time over the course of several meetings reviewing the applicant's request and considering testimony from the applicants and neighboring property owners. All of the reports, submitted comments, and record of the public hearing can be found in the City Council agenda packet for the 10/1/2013 meeting.

Following up from the last City Council meeting (10/1/13), the applicants, Dean and Gayle Dworak, have submitted a letter to the City Council. In the letter, they submit that four other properties have received lot size variances to construct single family homes after the 1979 zoning regulations were adopted. Based upon staff research, three of these properties received variances to build on substandard lots, while the fourth property was a tear down and rebuild. However, it must be noted that each variance application must be reviewed independently based on its own merit, unique characteristics and in light of prevailing City Code requirements at the time.

PLANNING COMMISSION REPORT:

The Planning Commission recommended denial of the variance request based upon the failure of the applicants to meet three required findings for granting a variance. The Planning Commission's findings included the following: 1) that the variance was inconsistent with the Comprehensive Plan, 2) that there are no unique circumstances associated with the request, and 3) that the variance would lead to a degradation of water quality of the Tri-Lakes area and would alter the essential character of the locality. For further detail related to the Planning Commission's discussion and findings, please reference the content found in the City Council agenda packet dated 10/1/2013.

RECOMMENDATION:

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

“Move to approve Resolution 2013-082, denying the variance requested at 09.029.21.22.0025 (Hill Trail North) to allow for the construction of a single family home on a lot that is not considered a buildable lot of record, based upon failure to meet all required findings necessary to grant the variance.”

ATTACHMENT(S):

1. Resolution 2013-082
2. Letter from Dean and Gayle Dworak dated 10/10/2013

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

RESOLUTION 2013-082

A RESOLUTION DENYING A VARIANCE AT 09.029.21.22.0025 (HILL TRAIL NORTH) TO ALLOW THE CONSTRUCTION OF A SINGLE FAMILY HOME ON A LOT NOT CONSIDERED A BUILDABLE LOT OF RECORD PER THE LAKE ELMO ZONING ORDINANCE AND TO ALLOW FOR THE INSTALLATION OF A SUBSURFACE SEWAGE TREATMENT SYSTEM ON A LOT THAT DOES NOT HAVE THE REQUIRED AMOUNT OF AREA THAT IS SUITABLE FOR A SEPTIC SYSTEM PER THE LAKE ELMO ZONING ORDINANCE.

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

WHEREAS, Mr. Dean Dworak and Mrs. Gayle Dworak, 12325 Upper Heather Avenue North, Hugo, 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 single family home on a lot that is not considered a buildable lot of record; and to allow for a subsurface sewage treatment system on a lot that does not have the required amount of

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, September 9, 2013, and September 23, 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 October 1, 2013; and

WHEREAS, the City Council considered said matter at its October 1, 2013 meeting and postponed consideration until the next available meeting; and

WHEREAS, the City Council considered said matter at its October 15, 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:
 - a) The construction of a single family home on a lot not considered a buildable lot of record per the Lake Elmo Zoning Ordinance; and
 - b) The installation of a subsurface sewage treatment system on a lot that does not contain the necessary area suitable for a septic system as required by the Lake Elmo Zoning Ordinance.
- 4) That the Variance will be located on property legally described as follows:
Lots 505 Thru 510 and Lots 629 Thru 634, Part of Vacated Beach, Lane's DeMontreville Country Club, Section 9, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota.
- 5) That the plight of the landowner is **not** due to circumstances unique to the property not created by the landowner. *Specific findings: That the applicant's property was purchased with the knowledge that the lot was not a buildable lot of record, thereby negating the existence of unique circumstances related to the lot being platted and acquired before the current zoning regulations were established.*
- 6) That the proposed variance **will** alter the essential character of the locality in which the property in question is located. *Specific findings: The degradation of the water quality caused by additional drainage and erosion on the site and additional strain on the aquifer caused by an additional private water supply well will alter the essential character of the locality.*
- 7) That the proposed variance is **not** consistent with the Comprehensive Plan. *The proposed variance is not consistent with the Comprehensive Plan, as the area is guided for rural development, and allowing for smaller lots that do not meet the minimum size requirements of the Rural Single Family zoning district would be in conflict with the Comprehensive Plan.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is denied.

Passed and duly adopted this 15th day of October, 2013 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

October 10, 2013

To: Lake Elmo City Council

From: Dean and Gayle Dworak

With regard to a question at the October 1 City Council meeting, at least four homes have been built on Lake Demontreville shoreline lots of less than 0.9 acres since 1979 since the current ordinance took effect.

They are :

8084 Hill Trail North on 0.51 acres

8181 Hill Trail North on 0.376 acres

8200 Hill Trail North on 0.852 acres

8450 Hidden Bay Trail on 0.715 acres

Having met other requirements as well as these precedents, we respectfully request approval of the variance for the property 09.029.21.22.0025.

Sincerely,

Dean Dworak



Gayle Dworak





MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 13

AGENDA ITEM: Animal Code Amendment
SUBMITTED BY: Adam Bell, City Clerk
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Beckie Gumatz, Deputy Clerk

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 respectfully requested to consider an amendment to the current Animals chapter of the City Code. The amendment reorders, adds clarifying language, and makes the Animal code much easier to read and enforce.

Staff recommends the City Council approve Ordinance 08-088 through the following motion:

“Move to approve Ordinance 08-088, which amends the Animals chapter of the current City Code.”

In addition, Staff recommends that the City Council approve Resolution No. 2013-88, authorizing summary publication of Ordinance 08-088, through the following motion (a 4/5 vote is required):

“Move to approve Resolution No. 2013-88, authorizing summary publication of Ordinance 08-088.”

In addition, Staff further recommends that the City Council adopt Ordinance 08-089, an ordinance amending the Municipal Fee Schedule, by taking the following action:

“Move to approve Ordinance 08-089, an ordinance amending municipal fees.”

BACKGROUND AND STAFF REPORT:

The current Animal Code in the City of Lake Elmo is difficult to understand and requires updating. Staff has researched Animal Codes from surrounding and similar cities over the past year and recommends the following clarifications and changes.

The first five sections of the amended Animal Code are new and act as introductory language. They lay out a very basic summary of the Code, adopt state law that prevents cruelty to animals, advise that this chapter does not regulate trapping or hunting, lay out basic definitions that are used throughout the chapter, and state some basic care requirements for domestic animals.

In order to make the code more understandable for residents, staff has added clarifying language regarding limiting the numbers of dogs and cats allowed in the City of Lake Elmo. This language is essentially the same as is allowed under the current City Code, with a couple of additions. Under current code, no more than three dogs, cats, or combination thereof is allowed in the City unless a kennel license is obtained. This section clearly states such language, and places that language in the appropriate chapter. Current language is only located in definitions. After considerable research by staff of regional, surrounding, and similar communities, the maximum of three animals allowed is the standard and staff is recommending that Lake Elmo stay with that number. It also adds a Grandfather Clause so that anyone who currently owns more than three domestic pets is allowed to keep their animals as long as they are properly licensed and documented with the City.

While keeping most of the substantive law and policy, staff added some clarifying language to the section on Dog Licensing. All dogs are required to be licensed in the City of Lake Elmo. Owners must also provide proof of current rabies vaccination at the time of licensing. Language was added to clarify that licenses are valid for one year beginning on Jan 1 of each calendar year. It also adds language that states that this section does not apply to domestic animals temporarily brought into the city.

There is a change in the amended code regarding the fees for dog licenses. The City will be charging \$20 for a dog license for altered dogs and \$25 for unaltered dogs. An additional cost of \$2.50 per month will also be added if a license is renewed late (after Jan 31) each year. There is also a provision for residents who properly apply for a new dog license after June 30 of a given year. They will pay one-half of the total fee.

Language was also added to the section on Unreasonable Disturbances. This added clarity and will allow the city to better and reasonably enforce this provision.

To protect the city from future legal claims, a Liability and a Severability section were also added.

The Dangerous and Potentially Dangerous Dogs Article of the Code was left unchanged. This was prescribed by the Washington County Sheriff's Department. This article lays out reporting and notification, registration and containment requirements for dangerous or potentially dangerous dogs. There is also language that states confiscation procedures as well as an exception to the section.

There was also language added to the Horses article that requires owners to clean up after their animals when on a public street, alley, sidewalk or other public right-of-way. This section was added to expressly clarify that these animals need to be attired and to prevent animal waste from being deposited on public property. Language was left unchanged that states that horses are not allowed on any street in the city which is hard surfaced or will be made hard surfaced. Horses, ponies, and horse-drawn vehicles are only allowed on paved shoulders of the street or public roads.

The Article on Dangerous Animals was also left largely unchanged. The only change was adding a section for Exceptions. It states that this part of the code does not apply to animals which are temporarily brought into the city, does not apply to any public zoos or persons keeping an animal for a public zoo, nor

does it apply to any bona fide research institution or veterinary hospital provided that protective devices adequate to prevent such animals from escaping or injuring the public are provided.

In addition to researching surrounding and similar communities, staff also consulted with the current Animal Control Officer and her recommendations were taken into consideration and incorporated into the new ordinance.

RECOMMENDATION:

Staff recommends the City Council approve Ordinance 08-088 through the following motion:

“Move to approve Ordinance 08-088, which amends the Animals chapter of the current City Code.”

In addition, Staff recommends that the City Council approve Resolution No. 2013-88, authorizing summary publication of Ordinance 08-088, through the following motion (a 4/5 vote is required):

“Move to approve Resolution No. 2013-88, authorizing summary publication of Ordinance 08-088.”

In addition, Staff further recommends that the City Council adopt Ordinance 08-089, an ordinance amending the Municipal Fee Schedule, by taking the following action:

Move to approve Ordinance 08-089, an ordinance amending municipal fees.”

ATTACHMENT(S):

1. Existing Animal Code
2. Ordinance 08-088
3. Resolution No. 2013-88
4. Ordinance 08-089
5. Fee Schedule



Lake Elmo, MN Code of Ordinances

CHAPTER 95: ANIMALS

Section

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HORSES

§ 95.01 HARD SURFACED ROADS.

No horses or ponies shall be allowed directly on and in contact with any street or public road in the city which is hard surfaced or which has been made ready for hard surfacing to the extent that the base for the hard surface has been applied. Horses, ponies, and horse-drawn vehicles shall only be allowed on paved shoulders of the street or public roads.

(1997 Code, § 1315.01) Penalty, see § 10.99

§ 95.02 RIDING.

No person shall ride, drive, lead, or otherwise allow any horse or pony to directly travel over and in contact with any street or public road in the city which is hard surfaced or which has been ready for hard surfacing to the extent that the base for the hard surface has been applied, except the horses, ponies, and horse drawn vehicles shall be allowed unpaved shoulders of the street or public road.

(1997 Code, § 1315.02) Penalty, see § 10.99

DOGS; GENERALLY

§ 95.15 DOG LICENSING REQUIRED.

No person shall own, keep, or harbor any dog over the age of 4 months, within the city, unless a dog license has first been secured. Dog licenses shall be issued by the Administrator for a fee as set by resolution of the Council. It shall be the duty of each person owning, keeping, or harboring a dog to pay the license fee imposed by §§ 95.15 *et seq.* to the Administrator on or before the first day of January of each year, or upon establishing residence in the city to immediately pay the license fee. The Administrator may cause a notice of the necessity of the license fee to be printed in the official newspaper in December prior to each license year.

(1997 Code, § 1320.02) Penalty, see § 10.99

§ 95.16 RABIES SHOTS REQUIRED.

At the time of application for registration, the applicant shall present to the Administrator a written statement from a licensed veterinarian or other satisfactory evidence that a rabies shot has been administered, within the previous 24 months, to the dog or dogs being registered.

(1997 Code, § 1320.03) Penalty, see § 10.99

§ 95.17 RECEIPT FOR REGISTRATION FEES.

Upon payment of the registration fee, the Administrator shall execute a receipt in duplicate, the original of which shall be delivered to the person who pays the fee and the duplicate retained in the records of the city. The receipt shall describe the dog as to breed, age, color, and sex, and whether or not the dog has been neutered.

(1997 Code, § 1320.04)

§ 95.18 TAGS.

The Administrator shall also procure a sufficient number of suitable metallic tags, the shape of which shall be different for each registration year. The Administrator shall deliver 1 appropriate tag to the owner when the fee is paid. The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog so registered in a manner that the tag may be easily seen. The owner shall ensure that the tag is constantly worn by the dog. In case any dog tag is lost, a duplicate may be issued by the Administrator upon presentation of a receipt showing the payment of the registration fee for the current year. A charge of \$1 shall be made for the duplicate tag.

(1997 Code, § 1320.05) Penalty, see § 10.99

§ 95.19 OFFENSES INVOLVING TAGS.

It shall be unlawful to counterfeit or attempt to counterfeit the tag provided for in § 95.18 or take from any dog a tag legally placed upon it by its owner with the intent to place it upon another dog, or to place the tag upon another dog.

(1997 Code, § 1320.06) Penalty, see § 10.99

§ 95.20 TAGS NOT TRANSFERABLE; REFUNDS.

Dog tags shall not be transferable. No refunds shall be made on any dog registration fee because of leaving the city or death of the dog before the expiration of the registration period.

(1997 Code, § 1320.07)

§ 95.21 PROHIBITION OF DOGS RUNNING AT LARGE.

It shall be unlawful for any person who owns, harbors, or keeps a dog to allow the dog to run at large in the city.

(1997 Code, § 1320.08) Penalty, see § 10.99

§ 95.22 DISTURBING PEACE.

No person owning, operating, having charge of, or occupying, any building or premise shall keep or allow to be kept, any animal which shall, by any noise, unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by any animal which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a 5-minute period of time with 1 minute or less lapse of time between each animal noise during the 5-minute period.

(1997 Code, § 1320.09) Penalty, see § 10.99

§ 95.23 PROHIBITION OF UNSECURED FEMALE DOGS IN HEAT.

(A) It shall be unlawful for any person to own, harbor, keep, or have in their possession or on their premises any unsecured female dog in heat.

(B) An unsecured female dog in heat shall be deemed to be any female dog in heat which is not confined in a building or secured enclosure in a manner that the dog cannot come into contact with another animal except for planned breeding.

(1997 Code, § 1320.10) Penalty, see § 10.99

§ 95.24 DOGS WHICH ARE PUBLIC NUISANCES.

Every unregistered dog, unsecured female dog in heat, and every dog that runs at large or causes disturbance, or noise, in violation of the provisions of §§ 95.15 *et seq.* is declared a public nuisance.

(1997 Code, § 1320.11) Penalty, see § 10.99

§ 95.25 INTERFERENCE WITH ENFORCEMENT.

It shall be unlawful for any unauthorized person to take or attempt to take from any officer any dog taken up by the officer in compliance with §§ 95.15 *et seq.* or in any manner to interfere with or hinder the officer in the discharge of official duties under §§ 95.15 *et seq.*

(1997 Code, § 1320.12) Penalty, see § 10.99

§ 95.26 INVESTIGATION.

Any agent of the Council may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, after obtaining required warrant, and demand to examine the animal and to take possession of the animal when in the agent's opinion it requires humane treatment.

(1997 Code, § 1320.13)

§ 95.27 QUARANTINE.

(A) Whenever any person owning, possessing, or harboring any dog within the corporate limits of the city shall learn that the dog has bitten any human being, the person shall immediately impound the dog in a place of confinement where it cannot escape or have access to any human being or other animal. The person shall also immediately notify the Administrator. Whenever the Administrator learns that any human being has been bitten by any dog within the city, the Administrator shall ascertain the identity of the dog and the person owning, possessing, or harboring it. The Administrator shall immediately direct the person to impound the dog as required. Any dog so impounded shall be kept continuously confined for a period of 10 days from the day the dog bit a human being.

(B) Upon learning that a dog has bitten a human being, the Administrator shall immediately notify the Animal Control Officer and inform Animal Control Officer of the place where the dog is impounded. It shall be the duty of the Animal Control Officer to inspect the dog as necessary during its period of 10-days' confinement and to determine whether the dog is infected with rabies. For this purpose, the Animal Control Officer shall have access to the premises where the dog is kept at all reasonable hours and may take possession of the dog and confine it in a suitable place at the expense of the owner. The owner or person in possession or harboring the dog shall immediately notify the Animal Control Officer of any evidence of sickness or disease in the dog during its period of confinement and shall promptly deliver its carcass to the Animal Control Officer in case of its death during the period.

(1997 Code, § 1320.14) Penalty, see § 10.99

§ 95.28 MUZZLING PROCLAMATION.

Whenever the prevalence of hydrophobia renders action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on the owner's or keeper's premises unless it is muzzled so that it cannot bite. Any unmuzzled dog running at large during the time fixed in the proclamation shall be killed by the police without notice to the owner.

(1997 Code, § 1320.15)

§ 95.29 PROHIBITION OF KENNELS.

No kennels may be established in the city unless a special use permit has been issued for the kennel as provided by the city ordinances regulating land use.

(1997 Code, § 1320.16) Penalty, see § 10.99

§ 95.30 ANIMAL CONTROL OFFICER.

The Council may appoint a person, persons, or firm as the Council may deem necessary and advisable as Animal Control Officer for the city. The Animal Control Officer shall be charged with the duty of enforcement of §§ 95.15 *et seq.* and shall be vested with all the authority conferred by §§ 95.15 *et seq.*, including the power to issue a summons requesting a violator to appear in court. The Council may provide for compensation for the Animal Control Officer as it may deem reasonable. The Animal Control Officer shall file a monthly report with the Council relating to the operation of the Animal Control Officer as it applies to the city.

(1997 Code, § 1320.17)

§ 95.31 POUNDKEEPER.

The Council shall appoint a person, persons, or firm as the Council may deem necessary and advisable as poundkeeper for the city. The Council shall designate or establish a pound in which dogs taken up under the provisions of §§ 95.15 *et seq.* shall be impounded. The poundkeeper shall be compensated in the manner as the Council may deem reasonable. The poundkeeper shall file a monthly report with the Council relating to the operation of the pound as it applies to the city.

(1997 Code, § 1320.18)

§ 95.32 IMPOUNDING OF DOGS.

The Animal Control Officer shall take up and impound any dogs found in the city without the tags provided in § 95.18 or any dogs which are in violation of any of the other provisions of §§ 95.15 *et seq.* To enforce §§ 95.15 *et seq.*, the Animal Control Officer is empowered and instructed to enter upon any private premises where the officer has reasonable cause to believe there is an unlicensed dog, a dog which has been at large during the same day, or an unsecured female dog in heat.

(1997 Code, § 1320.19)

§ 95.33 REDEMPTION.

(A) *Redemption.* Any dog may be redeemed from the pound by the owner within 5 days after impounding by payment of a fee as set forth from time to time by resolution of the Council for each day the dog is confined in the pound, as the cost of boarding, feeding.

(B) *Additional impoundment charge.* An additional fee, set from time to time by resolution of the Council, shall be charged for any dog that has been impounded more than once each year.

(C) *Double impoundment charge.* In the case of unregistered or untagged dogs, the poundkeeper shall not return the dog to the owner until a dog license and/or tag has been purchased at the city office or from the poundkeeper. In the case of unregistered or untagged dogs, a double impounding fee shall be paid due to the special handling required on an unregistered or untagged dog.

(D) *Registration certificate.* The poundkeeper shall remit to the city the sum paid to him/her for the dog license and/or tag. The poundkeeper shall furnish to the city all necessary information pertaining to the purchase, including a copy of any dog license issued in connection with the registration.

(1997 Code, § 1320.20)

§ 95.34 DISPOSITION OF UNCLAIMED DOGS.

Any dog which is not claimed as provided for in § 95.33 or by a licensed educational or scientific institution or sold, shall be painlessly put to death and the body properly disposed of by the poundkeeper.

(1997 Code, § 1320.21)

§ 95.35 PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS.

(A) Upon sworn complaint to district court that any 1 of the following facts exist:

(1) That any dog at any time has destroyed property or habitually trespassed in a damaging manner on property of persons other than the owner;

(2) That any dog at any time has attached or bitten a person outside the owner's or custodian's premises;

(3) That any dog is vicious or shows vicious habits, or molests pedestrians or interferes with the driving of automobiles on the public highways;

(4) That any dog is a public nuisance as defined in M.S. § 561.01, as it may be amended from time to time; and/or

(5) That any dog is running at large or violates its quarantine contrary to the provisions of the chapter.

(B) The district court shall issue a summons directed to the owner or person having possession of the dog commanding the owner or person in possession to appear before the court and show cause why the dog should not be disposed of as authorized in this code. The summons shall be returnable not less than 2 nor more than 6 days from the date of delivery and shall be served at least 2 days before the time of appearance mentioned in the summons. If, at the hearing, the district court finds that the facts stated in the complaint are true, the judge may either order: the owner or custodian to keep the dog confined to a designated place; the owner or custodian to remove the dog from the city; or the dog killed. If the owner or custodian disobeys the order, the owner or custodian shall, upon the filing of a complaint and after a hearing and conviction before a district court, be liable to the punishment provided for violation of this chapter. Any Animal Control Officer may, upon

disobedience of the order, impound and kill any dog described in the order of the district court. The provisions of this section are in addition to and supplemental to other provisions of this code. Costs of the proceeding specified by this section shall be assessed against the owner or custodian of the dog.

(1997 Code, § 1320.22)

DANGEROUS AND POTENTIALLY DANGEROUS DOGS

§ 95.50 DANGEROUS DOGS; REPORTING AND NOTIFICATION.

(A) *Incident report.* The Animal Control Officer shall complete an "Incident Report" on any incident listed in the definition for "dangerous dog" in § 11.01.

(B) *Notice declaring a dangerous dog.* The Animal Control Officer shall provide the animal owner with a "Notice to Declare Dog Dangerous" for any incident listed in the definition for "dangerous dog" in § 11.01. The Animal Control Officer shall provide written notice to the City Clerk/Administrator that a "Notice to Declare Dog Dangerous" has been issued to an animal owner.

(1) Every reasonable attempt should be made by the Animal Control Officer to deliver the "Notice Declaring a Dangerous Dog" to the animal owner in person.

(2) If the "Notice to Declare Dog Dangerous" cannot be delivered to the animal owner, the Animal Control Officer shall provide the "Notice" to the City Clerk/Administrator for mailing. The "Notice Declaring Dog Dangerous" shall be mailed to the animal owner by certified mail.

(3) Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(b) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(c) Who was committing or attempting to commit a crime.

(1997 Code, § 1320.24)

§ 95.51 DANGEROUS DOGS; REGISTRATION REQUIREMENT.

(A) The owner of a dangerous dog shall obtain a certificate of registration from Washington County.

(B) Washington County regulations indicate that a certificate of registration will be issued if:

(1) *Registration.* The county shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(a) A proper enclosure exists for the dangerous dog and a posting on the premises with a

clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; and

(b) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the county in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(2) *Fee.* The county may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

(3) *Law enforcement exemption.* The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

(4) *Tag.* A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous affixed to the dog's collar at all times.

(1997 Code, § 1320.25) Penalty, see § 10.99

§ 95.52 DANGEROUS DOGS; CONTAINMENT REQUIREMENTS.

An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(1997 Code, § 1320.26) Penalty, see § 10.99

§ 95.53 POTENTIALLY DANGEROUS DOGS; REPORTING AND NOTIFICATION.

(A) *Incident report.* The Animal Control Officer shall complete an "Incident Report" on any incident listed in the definition for "potentially dangerous dog" in § 11.01.

(B) *Notice declaring a potentially dangerous dog.* The Animal Control Officer shall provide the animal owner with a "Notice to Declare Dog Potentially Dangerous" for any incident listed in the definition for "potentially dangerous dog" in § 11.01. The Animal Control Officer shall provide written notice to the City Clerk/Administrator that a "Notice to Declare Dog Potentially Dangerous" has been issued to an animal owner.

(1) Every reasonable attempt should be made by the Animal Control Officer to deliver the "Notice To Declare a Potentially Dangerous Dog" to the animal owner in person.

(2) If the "Notice" cannot be delivered to the animal owner, the Animal Control Officer shall provide the "Notice" to the City Clerk/Administrator for mailing. The "Notice To Declare a Potentially Dangerous Dog" shall be mailed to the animal owner by certified mail.

(1997 Code, § 1320.27)

§ 95.54 POTENTIALLY DANGEROUS DOGS; CONTAINMENT REQUIREMENTS.

(A) An owner of a potentially dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure.

(B) If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person.

(C) The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(1997 Code, § 1320.28) Penalty, see § 10.99

§ 95.55 CONFISCATION.

(A) *Seizure.*

(1) The Animal Control Officer shall immediately seize any dangerous dog if:

(a) After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under § 95.51;

(b) The dog is not maintained in the proper enclosure; or

(c) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under § 95.52.

(2) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

(B) *Reclaimed.* A dangerous dog seized under division (A) above may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer, and the city that the requirements of §§ 95.51 and 95.52, as they may be amended from time to time, will be met. A dog not reclaimed under this subdivision within 7 days may be disposed of as provided in § 95.35, and the owner is liable to the city for costs incurred in confining and disposing of the dog.

(C) *Subsequent offenses; seizure.*

(1) If a person has been convicted of a misdemeanor for violating a provision of §§ 95.51 and 95.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the city's Animal Control Officer.

(2) If the owner is convicted of a crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal.

(3) If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the city of a fee for the care and boarding of the dog.

(4) If the dog is not reclaimed by the owner within 7 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under § 95.35, and the

owner is liable to the city for the costs incurred in confining, impounding, and disposing of the dog.
(1997 Code, § 1320.29)

DANGEROUS ANIMALS

§ 95.70 KEEPING OF ANIMALS.

The keeping of animals except for domesticated pets inside of the dwelling unit shall be prohibited.

(1997 Code, § 1325.01) Penalty, see § 10.99

§ 95.71 OTHER ANIMALS.

No person who owns or who has custody of any horse, mule, sheep, goat, swine, fowl, poultry, cattle, monkey, domesticated snake, cat, or any other animal shall permit the same to run at large in the city. Any animal or fowl found running at large shall be impounded by the Animal Control Officer who will then proceed, pursuant to §§ 95.33 through 95.36.

(1997 Code, § 1325.02) Penalty, see § 10.99

§ 95.72 DANGEROUS ANIMALS PROHIBITED.

(A) No person shall harbor, maintain, or control any dangerous animal within the city.

(B) A dangerous animal is 1 which is capable of inflicting severe bodily harm to humans, and shall include but not be limited to the following species:

(1) *Class Mammalia.*

- (a) African buffalo (*Syncerus caffer*);
- (b) Hippopotamus (*Hippopotamus amphibious*);
- (c) Wolves, dingoes, jackals, all species except foxes (Family Canidae);
- (d) Hyenas, all species except aardwolves (*Proteles cristatus*)(Family Hyaenidae);
- (e) Wolverine (*Gulo gulo*);
- (f) Honey badger or ratel (*Mellivora campensis*);
- (g) Old World badger (*Meles metes*);
- (h) Bears (Family Ursidae);
- (i) Lions, jaguars, leopards, tigers (Genus *Panthera*);
- (j) Clouded leopard (*Neofelis nebulosa*);

- (k) Cheetah (*Acinonyx jubatus*);
- (l) Cougar or mountain lion (*Felis concolor*);
- (m) Elephants (Family Elephantidae);
- (n) Rhinoceroses (Family Rhinocerotidae);
- (o) Gibbons, siamangs (Family Hylobatidae);
- (p) Orangutans, chimpanzees, gorillas (Family Pongidae);
- (q) Baboons, drills, mandrills (Genus *Papio*);
- (r) Macaques (Genus *Macaca*); and
- (s) Gelada baboon (*Theropithecus gelada*).

(2) *Class Reptilia.*

- (a) Gavials (Family Gavialidae);
- (b) Crocodiles (Family Crocodylidae);
- (c) Alligators, caimans (Family Alligatoridae);
- (d) Cobras, coral snakes (Family Elapidae);
- (e) Sea Snakes (Family Hydrophidae);
- (f) Adders, vipers (Family Viperidae);
- (g) Pit Vipers (Family Crotalidae); and
- (h) All venomous rear-fanged species (Family Colubridae).

(3) *The following species of constricting snakes over 8 feet in length.*

- (a) Boa constrictor (*Boa constrictor*), all subspecies;
- (b) Anaconda (*Eunectes murinus*);
- (c) Indian python (*Python molurus*);
- (d) Reticulate python (*Python reticulatus*); and
- (e) Rock python (*Python sebae*).

(4) *Other.*

- (a) Gila monsters and beaded lizards (Family Helodermatidae); and
- (b) Komodo dragon (*Varanus komodoensis*).

(1997 Code, § 1325.03) Penalty, see § 10.99

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

ORDINANCE NO. 08-088

**AN ORDINANCE AMENDING THE ANIMALS CHAPTER OF THE GENERAL
REGULATIONS OF THE CITY OF LAKE ELMO**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by repealing City Code Sections 95.01 through 95.72 in their entirety.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 95: Animals, by adding the following language:

ARTICLE 1. ANIMAL CONTROL AND LICENSING

§ 95.00	Purpose and Intent
§ 95.01	State Code Adopted
§ 95.02	Construction and Application
§ 95.03	Definitions
§ 95.04	Care of Domesticated Animals
§ 95.05	Number of Dogs and Cats Limited
§ 95.06	Rabies Shots Required
§ 95.07	Dog Licensing Required
§ 95.08	Offenses Involving Tags
§ 95.09	Tags Not Transferable; Refunds
§ 95.10	Prohibition of Kennels
§ 95.11	Prohibition of Dogs or Cats Running at Large
§ 95.12	Unreasonable Disturbance Prohibited
§ 95.13	Dogs or Cats which are Public Nuisances
§ 95.14	Interference with Enforcement
§ 95.15	Investigation
§ 95.16	Quarantine
§ 95.17	Muzzling Proclamation
§ 95.18	Required Removal of Animal Excreta
§ 95.19	Animals on Owners Property
§ 95.20	Animal Control Officer
§ 95.21	Animal Control Agency
§ 95.22	Impounding of Dogs or Cats
§ 95.23	Impoundment Charges
§ 95.24	Disposition of Unclaimed Dogs or Cats
§ 95.25	Proceedings for Destruction of Certain Dogs
§ 95.26	Prohibition of Unsecured Female Dogs or Cats in Heat
§ 95.27	Liability
§ 95.28	Severability

§ 95.00 Purpose and intent

The purpose of this ordinance is to promote health, safety and general welfare of animals and the people around them by requiring animals be cared for in such a manner that they will not become a public nuisance, requiring animals be properly fed, sheltered and cared for, requiring the removal of animal defecation from public property and to ensure licensing of dogs and rabies vaccination of all dogs and cats within the City of Lake Elmo.

§ 95.01 State code adopted

All of the relevant provisions of Minnesota Statutes Chapter 343, as amended, are hereby incorporated by reference into this chapter with the same force and effect as if fully set forth in this chapter.

§ 95.02 Construction and application

This chapter shall not be interpreted as covering any law regulating the trapping of animals, the use of live animals in dog trials or in training of hunting dogs, or the slaughter of animals by persons acting under state and federal law, or taking of animals through hunting or fishing as permitted by law.

§ 95.03 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult dog means a dog over four (4) months of age.

Animal means any live vertebrate or invertebrate creature either domestic or wild, except a human being.

Animal, dangerous means any animal that is declared to be dangerous by the animal control officer after a temperament test has been conducted on the animal or as defined by Section 11.01 of this Code.

Animal control officer means any person designated by the city to enforce State Statutes, adopted by reference, and local ordinances as they pertain to animal control.

Animal shelter, public means a facility operated by a humane society, or a governmental agency or its authorized agents for the purpose of impounding or caring for animals.

Animal, wild or exotic means apes, coyotes, foxes, wolves, bears, cougars, lynx, bobcats, wild boars, cheetahs, jaguars, lions, tigers, leopards, panthers, ocelots, monkeys, elephants or other similar animals as determined by the humane officer.

At large means to be off the premises of the owner and not under the control of some person, either by leash or otherwise, but a dog or cat within an automobile of its

owner or in an automobile of any other person with the consent of the dog's or cat's owner, shall be deemed to be upon the owner's premises.

Cat means a domesticated animal of the feline type (*Felis domesticus*), except for a feral cat.

Cat, altered means a cat which has been certified in writing by a veterinarian as being nonreproductive.

Cat, feral means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is unsocialized to people.

Circus means a commercial variety show featuring animal acts for public entertainment.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable pain, injury or death to an animal.

Commercial Animal Establishment shall mean any pet shop, grooming shop or boarding kennel and shall exclude any city pound, humane society, animal shelter or veterinary facility.

Dog means a domesticated animal of the canine type (*Canis familiaris*); young animals (puppies) of this type are considered dogs. It shall not include any animal which is in whole or in part of the *canis lupus* or wolf species.

Dog, altered means a dog which has been certified in writing by a veterinarian as being nonreproductive.

Dog, service means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

Dog, unlicensed means a dog for which a required license fee has not been paid, or to which the license tag required by this chapter is not attached.

Foster parent, animal means a person who provides temporary care for kittens, puppies, cats and dogs in their homes for 6 months or less at a time. Animals which are in temporary foster care are not required to be licensed.

Grooming shop means a commercial establishment where animals are bathed, clipped or otherwise groomed.

Kennel means a facility where dogs, cats or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. This does not include animal shelters or a facility owned or operated by a veterinarian where animals are boarded only in conjunction with the provision of veterinary care.

Owner means any individual, partnership or corporation that has the right of

property in an animal or who keeps, harbors, cares for or acts as its custodian or who knowingly permits an animal to remain on or about or return to his/her property/premises for five or more consecutive days is presumed to be harboring or keeping the animal within the meaning of this article.

Permanent animal exhibition means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

Person means and includes all natural persons and any firm, sole proprietorship, limited liability corporation (LLC), partnership, corporation, trust and any association of persons, government agency or political subdivision.

Pet means an animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

Pet shop means any person, sole proprietorship, limited liability corporation (LLC), partnership or corporation, whether operated separately or in connection with another business enterprise, except for a kennel, that buys, gives away, sells or takes on consignment any species of animal.

Temperament testing means evaluating an individual dog's temperament through a series of tests that measure traits including stability, confidence, shyness, friendliness, aggressiveness, protectiveness, prey instincts, play drive, and self-defense instincts, and the ability to distinguish between threatening and nonthreatening situations.

Transient animal exhibition means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

Veterinarian has the meaning as defined in Minnesota Administrative Rules, Chapter 9100.0100.

Veterinary hospital or clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries in animals.

Cross References--Definitions generally, Section 11.01.

§ 95.04 Care of Domesticated Animals

All domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises such as barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death. No person who owns, harbors, or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured.

§ 95.05 Number of Dogs and Cats Limited

- A. The keeping of a large number of dogs or cats poses health, safety and public welfare risks and is deemed a public nuisance.
- B. *Cats.* Unless the property owner holds a valid kennel license, no individual or family unit living together, firm or corporation shall keep more than three (3) cats over the age of four (4) months on any parcel.
- C. *Dogs.* Unless the property owner holds a valid kennel license, no individual or family unit living together, firm or corporation shall keep more than three (3) dogs over the age of four (4) months on any parcel.
- D. *Cats and Dogs.* Unless the property owner holds a valid kennel license, no individual or family unit living together, firm or corporation shall keep more than a combination of three (3) cats and dogs over the age of four (4) months on any parcel.
- E. *Grandfather clause.*
 - 1. Any person who owned, possessed, kept or harbored dogs and/or cats on or before October 15, 2013, in excess of the above allowed number of dogs and/or cats shall be permitted to continue ownership or possession as long as they meet all the requirements set forth under State and Federal Law in addition to those set forth in this Ordinance.
 - 2. Anyone whose animals fall under the grandfather clause shall have obtained license for the dogs within sixty days of the effective date of the original ordinance (October 15, 2013).
 - i. Any person who successfully obtains license within sixty days of the adoption of this Ordinance shall be permitted to hold, keep, harbor or maintain the number of animals that person had as of the date of the adoption of this Ordinance but shall not be permitted to increase the number of animals. Following death of the licensed animal, the property owner shall not acquire more animals until they have brought the number of animals down to legal limits through attrition.
 - ii. Any person who has not successfully obtained license for their animal within sixty days of the adoption of this Ordinance shall forfeit the right to keep the animal under the grandfather clause and be deemed to unlawfully possess the animal.

§ 95.06 Rabies Shots Required

At the time of application for registration, the applicant shall present to the City a written statement from a licensed veterinarian or other satisfactory evidence that a rabies shot has been administered, within the previous 24 months, to the dog or dogs being registered.

§ 95.07 Dog Licensing Required.

A. No person shall own, keep, or harbor any dog over the age of 4 months, within the city, unless a dog license has first been secured. Dog licenses shall be issued by the City for a fee as set by resolution of the Council. It shall be the duty of each person owning, keeping, or harboring a dog to pay the license fee imposed by §95.07 *et seq.* to the City on or before the first day of January of each year, or upon establishing residence in the city to immediately pay the license fee. The City may cause a notice of the necessity of the license fee to be printed in the official newspaper in December prior to each license year.

1. The license fees are provided for in the city fee schedule for the following:
 - a. Altered dogs
 - b. Unaltered dogs
 - c. Service dogs

B. All licenses shall be valid for one year from each January 1 to the following December. License applications may be made from January 1 through January 31 each year without penalty. When application is made after January 31 for any animal subject to licensing prior to that date, an additional fee shall be charged for the license. The additional fee herein prescribed is assessed to cover the additional costs of the administration and not as a penalty, and the payment of such a fee shall not exempt any owner from any penalties imposed for any violation of this subchapter.

C. A license will be one-half of the amount set out in the fee schedule if properly obtained after June 30 of the license year.

D. The City shall deliver one (1) appropriate tag to the owner when the fee is paid. The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog registered in a manner that the tag may be easily seen. The owner shall ensure that the tag is constantly worn by the dog. In case any dog tag is lost, a duplicate may be issued upon verification of the licensure for the current year. A charge of \$1 shall be made for the duplicate tag.

E. The provisions of this section shall not be intended to apply to domestic animals brought into the city for the purpose of participating in any domestic animal show or for less than 30 days.

§ 95.08 Offenses Involving Tags

It shall be unlawful to counterfeit or attempt to counterfeit the tag provided for in §95.07 or take from any dog a tag legally placed upon by its owner with the intent to place it upon another dog.

§ 95.09 Tags Not Transferable; Refunds

Dog tags shall not be transferable. No refunds shall be made on any dog registration

fee because of leaving the city or death of the dog before the expiration of the registration period.

§ 95.10 Prohibition of Kennels

No kennels may be established in the city unless a special use permit has been issued for the kennel as provided by the city ordinances regulating land use.

§ 95.11 Prohibition of Dogs and Cats Running at Large

It shall be unlawful for any person who owns, harbors or keeps a dog or cat to allow the dog or cat to run at large in the city.

§ 95.12 Unreasonable Disturbance Prohibited

The following are prohibited:

A. The keeping or harboring of any animal or fowl, whether licensed or not, which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city which tends to cause or create a disturbance is prohibited and is a public nuisance. An animal is considered to be in violation of this section when written complaints from two or more adults living in separate residences within audible distance of the noisy animal are filed with the law enforcement or the city within a four-week period. No prosecution shall be commenced, except upon the request of the law enforcement or city, following a written petition signed by two or more adult persons residing at different residences. Failure to correct the disturbance within 24 hours of written notification from law enforcement or other designee of the city shall constitute a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in Sec. 10.99, Penalty. Each day that such nuisance exists constitutes a separate offense.

B. The phrase “unreasonable disturbance” shall include, but is not limited to, the creation of any noise by any animal which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a 30 minute period of time with a 5 minute or less lapse of time between each animal noise during the 30 minute period.

C. *Exemptions.* The provisions of this section shall not apply to animal veterinary hospitals or clinics operated for the treatment of animals or to permitted kennels.

§ 95.13 Dogs or Cats which are Public Nuisances

Every unlicensed dog, unsecured female dog or cat in heat, and every dog or cat that runs at large or causes disturbance, or noise, in violation of the provisions of §95.07 *et seq.* is declared a public nuisance.

§ 95.14 Interference with Enforcement

It shall be unlawful for any unauthorized person to take or attempt to take from any

officer any animal taken up by the officer in compliance with §95.07 *et seq.* or in any manner to interfere with or hinder the officer in the discharge of official duties under §95.07 *et seq.*

§ 95.15 Investigation

Any agent of the Council may enter the premises where any animal is kept in a reportedly cruel or inhumane manner, after obtaining required warrant, and demand to examine the animal and to take possession of the animal when in the agent's opinion it requires humane treatment.

§ 95.16 Quarantine

A. Whenever any person owning, possessing, or harboring any dog within the corporate limits of the city shall learn that the dog has bitten any human being, the person shall immediately impound the dog in a place of confinement where it cannot escape or have access to any human being or other animal. The person shall also immediately notify the Administrator. Whenever the Administrator learns that any human being has been bitten by any dog within the city, the Administrator shall ascertain the identity of the dog and the person owning, possessing, or harboring it. The Administrator shall immediately direct the person to impound the dog as required. Any dog so impounded shall be kept continuously confined for a period of 10 days from the day the dog bit a human being.

B. Upon learning that a dog has bitten a human being, the Administrator shall immediately notify the Animal Control Officer and inform Animal Control Officer of the place where the dog is impounded. If the animal is current on its rabies vaccination with proof provided by a rabies certificate, then the animal is safe to be quarantined in the owner's home. If no proof of a current rabies vaccine is able to be provided the animal must be impounded at the current impound facility. When an animal is impounded at home, the animal should be required to be inspected by a licensed veterinarian at the beginning of the rabies quarantine and at the end of the rabies quarantine. The Animal Control Officer will inspect the animal as needed during the 10 day quarantine only when the animal is kept in the home of the owner. For this purpose, the Animal Control Officer shall have access to the premises where the dog is kept at all reasonable hours and may take possession of the dog and confine it in a suitable place at the expense of the owner. In the circumstance that the animal is impounded at the impound facility it is the duty of the licensed veterinarian on staff to inspect the animal during the rabies quarantine.

C. The owner or person in possession or harboring the dog shall immediately notify the Animal Control Officer of any evidence of sickness or disease in the dog during its period of confinement. In the case that an animal dies during this period when the animal is kept in the owner's home, the animal is to be brought to the impound facility where it will then be transported to the U of MN for diagnostic testing. If the animal dies while being impounded at the impound facility, then the impound facility will be responsible for diagnostic rabies testing.

D. In the case that the owner of the animal that has bitten does not have a current rabies vaccine and it is impounded at the impound facility, and if the owner decides not to reclaim the animal from the impound facility, the impound facility can then humanely euthanize the animal and send it for diagnostic testing without holding the

animal for a 10 day quarantine.

§ 95.17 Muzzling Proclamation

Whenever the prevalence of hydrophobia renders action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on the owner's or keeper's premises unless it is muzzled so that it cannot bite. Any unmuzzled dog running at large during the time fixed in the proclamation shall be killed by law enforcement without notice to the owner.

§ 95.18 Required Removal of Animal Excreta

The owner or person having immediate care, custody or control of any animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property. Failure to do so shall be a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in section 10.99 Penalty. Each day that such act exists shall constitute a separate offense.

§ 95.19 Animals on Owners Property

The accumulation of dog feces or wastes upon private property in the city is declared to be a public nuisance. The owner or occupant of property upon which there exists any accumulation of dog feces or waste shall remove all such waste from his premises and dispose of the wastes in a safe and sanitary manner within 24 hours of written notification from law enforcement or the city to remove the wastes. Failure to do so shall be a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in section 10.99 Penalty. Each day that such act exists shall constitute a separate offense.

§ 95.20 Animal Control Officer

The Council may appoint a person, persons, or firm as the Council may deem necessary and advisable as Animal Control Officer for the city. The Animal Control Officer shall be charged with the duty of enforcement of §95.07 *et seq.* and shall be vested with all the authority conferred by §95.07 *et seq.*, including the power to issue a summons requesting a violator to appear in court. The Council may provide for compensation for the Animal Control Officer as it may deem reasonable. The Animal Control Officer shall file a monthly report with the Council relating to the operation of the Animal Control Officer as it applies to the city.

§ 95.21 Animal Control Agency

The city may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals, and for assisting in the administration of rabies vaccinations programs.

§ 95.22 Impounding of Dogs or Cats

The Animal Control Officer may take up and impound any dog found in the city without the tags provided in §95.07 or any dogs which are in violation of any other provisions of §95.07 *et seq.* To enforce §95.07 *et seq.*, the Animal Control Officer is empowered and instructed to enter upon any private premises where the officer has reasonable cause to believe there is an unlicensed dog, a dog or cat which has been at large during the same day, or an unsecured female dog or cat in heat. Animals will not be impounded with any facility that sells, trades, or deals animals for licensed educational or scientific institution purposes.

§ 95.23 Impoundment Charges

A. *Redemption.* Any dog or cat may be redeemed from the impound facility by the owner within 5 days after impoundment by payment of a fee as set forth from time to time by resolution of the Council for each day the dog or cat is confined in the pound, as well as the cost of boarding, feeding, and required vet charges. The city may recover, from the owner, impoundment fees charged to it by the impound facility.

B. *Additional Impoundment Charge.* An additional fee, set forth from time to time by resolution of the Council, shall be charged for any dog or cat that has been impounded more than once each year.

C. *Unlicensed Additional Charge.* In the case of unlicensed or untagged dog, an additional fee, set forth from time to time by resolution of the Council, shall be charged due to the special handling required on an unlicensed or untagged dog.

D. If the owner does not pay fees, expenses, license and reclaim the animal within five (5) days of being notified of the impoundment, the animal will be put up for adoption without further notification, at the owner's expense. If the animal is adopted, the expenses and fees may be paid by the new owner through adoption fees.

§ 95.24 Disposition of Unclaimed Dogs or Cats

Any dog or cat which is not claimed as provided for in §95.23 or sold through a standard adoption process, shall be painlessly put to death and the body properly disposed of by the poundkeeper.

§ 95.25 Proceedings for Destruction of Certain Dogs

- A. Upon sworn complaint to district court that any one (1) of the following facts exist:
1. That any dog at any time has attacked or bitten a person outside the owner's or custodian's premises;
 2. That any dog is vicious or shows vicious habits, or molests pedestrians;
 3. That any dog is a public nuisance as defined in M.S. §561.01, as it may be amended from time to time; and/or
 4. That any dog violates its quarantine contrary to the provisions of the chapter.

B. The district court shall issue a summons directed to the owner or person having possession of the dog commanding the owner or person in possession to appear before the court and show cause why the dog should not be disposed of as authorized in this code. The summons shall be returnable not less than 2 nor more than 6 days from the date of delivery and shall be served at least 2 days before the time to appear mentioned in the summons. If, at the hearing, the district court finds that the facts stated in the complaint are true, the judge may either order: the owner or custodian to keep the dog confined to a designated place; the owner or custodian to remove the dog from the city; or humanely euthanized by certified veterinary staff. If the owner or custodian disobeys the order, the owner or custodian shall, upon the filing of a complaint and after a hearing and conviction before a district court, be liable to the punishment provided for violation of this chapter. Any Animal Control Officer may, upon disobedience of the order, impound and order the humane euthanasia of any dog describe in the order of the district court. The provisions of this section are in addition to and supplemental to other provisions of this code. Costs of the proceeding specified by this section shall be assessed against the owner or custodian of the dog.

§ 95.26 Prohibition of Unsecured Female Dogs or Cats in Heat

A. It shall be unlawful for any person to own, harbor, keep, or have in their possession or on their premises any unsecured female dog or cat in heat.

B. Any unsecured female dog or cat in heat shall be deemed to be any female dog or cat which is not confined in a building or secured enclosure in a manner that the dog or cat cannot come into contact with another animal except for planned breeding.

§ 95.27 Liability

The city and/or its animal control agents shall not be liable to any person for the death, destruction, damage, injury or disease caused to any animal that has been impounded pursuant to this chapter.

§ 95.28 Severability

The provisions of any part of this chapter are severable. If any provision or subsection hereof or the application thereof to any person or circumstance is held invalid, the other provisions, subsections and application of this chapter to other persons or circumstances shall not be affected thereby. It is the intent of this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein.

ARTICLE 2. DANGEROUS AND POTENTIALLY DANGEROUS DOGS

§ 95.30	Dangerous dogs; reporting and notification
§ 95.31	Dangerous dogs; registration requirement
§ 95.32	Dangerous dogs; containment requirements
§ 95.33	Potentially dangerous dogs; reporting and notification
§ 95.34	Potentially dangerous dogs; containment requirements
§ 95.35	Confiscation

§ 95.36 Exceptions

§ 95.30 Dangerous Dogs; Reporting And Notification

(A) *Incident report.* The Animal Control Officer shall complete an "Incident Report" on any incident listed in the definition for "dangerous dog" in § 11.01.

(B) *Notice declaring a dangerous dog.* The Animal Control Officer shall provide the animal owner with a "Notice to Declare Dog Dangerous" for any incident listed in the definition for "dangerous dog" in § 11.01. The Animal Control Officer shall provide written notice to the City Clerk/Administrator that a "Notice to Declare Dog Dangerous" has been issued to an animal owner.

(1) Every reasonable attempt should be made by the Animal Control Officer to deliver the "Notice Declaring a Dangerous Dog" to the animal owner in person.

(2) If the "Notice to Declare Dog Dangerous" cannot be delivered to the animal owner, the Animal Control Officer shall provide the "Notice" to the City Clerk/Administrator for mailing. The "Notice Declaring Dog Dangerous" shall be mailed to the animal owner by certified mail.

(3) Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(a) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(b) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(c) Who was committing or attempting to commit a crime.

§ 95.31 Dangerous Dogs; Registration Requirement

(A) The owner of a dangerous dog shall obtain a certificate of registration from Washington County.

(B) Washington County regulations indicate that a certificate of registration will be issued if:

(1) *Registration.* The county shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(a) A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; and

(b) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the county in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(2) *Fee.* The county may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

(3) *Law enforcement exemption.* The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

(4) *Tag.* A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous affixed to the dog's collar at all times.

§ 95.32 Dangerous Dogs; Containment Requirements

An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

§ 95.33 Potentially Dangerous Dogs; Reporting And Notification

(A) *Incident report.* The Animal Control Officer shall complete an "Incident Report" on any incident listed in the definition for "potentially dangerous dog" in § 11.01.

(B) *Notice declaring a potentially dangerous dog.* The Animal Control Officer shall provide the animal owner with a "Notice to Declare Dog Potentially Dangerous" for any incident listed in the definition for "potentially dangerous dog" in § 11.01. The Animal Control Officer shall provide written notice to the City Clerk/Administrator that a "Notice to Declare Dog Potentially Dangerous" has been issued to an animal owner.

(1) Every reasonable attempt should be made by the Animal Control Officer to deliver the "Notice To Declare a Potentially Dangerous Dog" to the animal owner in person.

(2) If the "Notice" cannot be delivered to the animal owner, the Animal Control Officer shall provide the "Notice" to the City Clerk/Administrator for mailing. The "Notice To Declare a Potentially Dangerous Dog" shall be mailed to the animal owner by certified mail.

§ 95.34 Potentially Dangerous Dogs; Containment Requirements

(A) An owner of a potentially dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure.

(B) If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person.

(C) The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

§ 95.35 Confiscation

(A) *Seizure.*

(1) The Animal Control Officer shall immediately seize any dangerous dog if:

(a) After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under § 95.31;

(b) The dog is not maintained in the proper enclosure; or

(c) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under § 95.32.

(2) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

(B) *Reclaimed.* A dangerous dog seized under division (A) above may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer, and the city that the requirements of §§ 95.31 and 95.32, as they may be amended from time to time, will be met. A dog not reclaimed under this subdivision within 7 days may be disposed of as provided in § 95.25, and the owner is liable to the city for costs incurred in confining and disposing of the dog.

(C) *Subsequent offenses; seizure.*

(1) If a person has been convicted of a misdemeanor for violating a provision of §§ 95.31 and 95.32, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the city's Animal Control Officer.

(2) If the owner is convicted of a crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal.

(3) If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the city of a fee for the care and boarding of the dog.

(4) If the dog is not reclaimed by the owner within 5 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under § 95.35, and the owner is liable to the city for the costs incurred in confining, impounding, and disposing of the dog.

§ 95.36 Exceptions

- (1) This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers, docents or otherwise; nor to any bona fide research institution, or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.
- (2) In the case of regulated animals, those exemptions listed in Minn. Stat. § 346.155, subd. 7 shall apply.

ARTICLE 3. HORSES

§ 95.40 Horses; Requirements

§ 95.40 Horses; Requirements

- A. No person shall ride, drive, lead, or otherwise allow any horse or pony to directly travel over and in contact with any street or public road in the city which is hard surfaced or which has been ready for hard surfacing to the extent that the base for the hard surface has been applied, except the horses, ponies, and horse drawn vehicles shall be allowed on unpaved shoulders of the street or public road.
- B. No horse, pony, mule or other beast of burden shall be allowed on any public street, alley, sidewalk or other public right-of-way or upon public property unless the animal is properly attired to prevent animal waste from being deposited upon such public property or the owner of the animal shall be otherwise responsible for cleanup of all animal waste deposited upon public property by the animal.
- C. The restrictions of this section do not apply to animals that are part of a parade or other legally sanctioned event held in the city; however, all animals participating in such events are still subject to waste and cleanup requirements.

ARTICLE 6. DANGEROUS ANIMALS

§ 95.90 Keeping of Animals
§ 95.91 Other Animals
§ 95.92 Dangerous Animals Prohibited

§ 95.93 Exceptions

§ 95.90 Keeping Of Animals

The keeping of animals except for domesticated pets inside of the dwelling unit shall be prohibited.

§ 95.91 Other Animals

No person who owns or who has custody of any horse, mule, sheep, goat, swine, fowl, poultry, cattle, monkey, domesticated snake, cat, or any other animal shall permit the same to run at large in the city. Any animal or fowl found running at large shall be impounded by the Animal Control Officer who will then proceed, pursuant to §§ 95.33 through 95.36.

§ 95.92 Dangerous Animals Prohibited

A. No person shall harbor, maintain, or control any dangerous animal within the city.

B. A dangerous animal is 1 which is capable of inflicting severe bodily harm to humans, and shall include but not be limited to the following species:

1. *Class Mammalia.*
 - a. African buffalo (*Syncerus caffer*);
 - b. Hippopotamus (*Hippopotamus amphibious*);
 - c. Wolves, dingoes, jackals, all species except foxes (Family Canidae);
 - d. Hyenas, all species except aardwolves (*Proteles cristatus*)(Family Hyaenidae);
 - e. Wolverine (*Gulo gulo*);
 - f. Honey badger or ratel (*Mellivora campensis*);
 - g. Old World badger (*Meles metes*);
 - h. Bears (Family Ursidae);
 - i. Lions, jaguars, leopards, tigers (Genus *Panthera*);
 - j. Clouded leopard (*Neofelis nebulosa*);
 - k. Cheetah (*Acinonyx jubatus*);
 - l. Cougar or mountain lion (*Felis concolor*);

- m. Elephants (Family Elephantidae);
 - n. Rhinoceroses (Family Rhinocerotidae);
 - o. Gibbons, siamangs (Family Hylobatidae);
 - p. Orangutans, chimpanzees, gorillas (Family Pongidae);
 - q. Baboons, drills, mandrills (Genus Papio);
 - r. Macaques (Genus Macaca); and
 - s. Gelada baboon (*Theropithecus gelada*).
2. *Class Reptilia.*
- a. Gavials (Family Gavialidae);
 - b. Crocodiles (Family Crocodylidae);
 - c. Alligators, caimans (Family Alligatoridae);
 - d. Cobras, coral snakes (Family Elapidae);
 - e. Sea Snakes (Family Hydrophidae);
 - f. Adders, vipers (Family Viperidae);
 - g. Pit Vipers (Family Crotalidae); and
 - h. All venomous rear-fanged species (Family Colubridae).
3. *The following species of constricting snakes over 8 feet in length.*
- a. Boa constrictor (*Boa constrictor*), all subspecies;
 - b. Anaconda (*Eunectes murinus*);
 - c. Indian python (*Python molurus*);
 - d. Reticulate python (*Python reticulatus*); and
 - e. Rock python (*Python sebae*).
4. *Other.*
- a. Gila monsters and beaded lizards (Family Helodermatidae); and
 - b. Komodo dragon (*Varanus komodoensis*).

§ 95.93 Exceptions

A. This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor does it apply to any public zoo, or persons keeping animals for a public zoo as volunteers, docents or otherwise; nor to any bona fide research institution, or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.

B. In the case of regulated animals, those exemptions listed in Minn. Stat. § 346.155, subd. 7 shall apply.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-088 was adopted on this fifteenth day of October 2013, by a vote of _____ Ayes and _____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

This Ordinance 08-088 was published on the _____ day of _____, 2013.

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

RESOLUTION NO. 2013-88

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-088 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-088, an ordinance to the City's regulations pertaining to Animals; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-088 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-088, which replaces the current sections of the City Code pertaining to Animals. The ordinance includes the following provisions.

- The ordinance regulates dog and cat ownership and care in the City of Lake Elmo
- The ordinance regulates licensing of dogs in the City of Lake Elmo
- The ordinance prohibits unreasonable disturbances by animals in the City of Lake Elmo
- The ordinance adds a section on Requirements for Horse-Drawn Vehicles to the Horses Article.
- The ordinance adds an Exceptions section to the Dangerous Animals Article

The full text of Ordinance No. 08-088 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: October 15, 2013.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

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

ORDINANCE NO. 08-089

AN ORDINANCE AMENDING MUNICIPAL FEES

The Lake Elmo City Council hereby adopts the following fee schedule amendment and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

- Change of \$20 Dog License Fee to \$20 Dog License – altered Fee
- Addition of \$25 Dog License – unaltered Fee
- Addition of \$2.50 per month late fee for Dog Licenses

ADOPTION DATE: Passed by the Lake Elmo City Council on the fifteenth day of October, 2013 by a vote of ___ Ayes and ___ Nays.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

EFFECTIVE DATE: This ordinance shall become effective immediately upon adoption and publication.

PUBLICATION DATE: Published on the _____ day of _____ 2013.



City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Dog License- altered	\$20.00		Licensing
Dog License- unaltered	\$25.00		Licensing
Dog License- late fee	\$2.50 per month		Licensing
Service Dogs License	\$5.00		Licensing
Duplicate License or Tag	\$1.00		Licensing
First Impound- Unlicensed Dog	\$60.00		Licensing
First Impound- Licensed Dog	\$42.00	All Impound Fees plus \$20/day Boarding Fee	Licensing
First Impound- Cat	\$42.00		Licensing
Subsequent dog/ cat impound	\$85.00		Licensing
Driveway			Planning
Residential	\$70.00		Planning
Commercial	\$160.00		Planning
Easement Encroachment	\$100.00	Staff & Recording Fee	Planning
Electronic Fund Withdrawal/Bill Payment	Fee + Trans. Charge		Administration
Erosion Control			Engineering
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	\$50.00 per hour	\$5,000.00 Security	Engineering
Excavating & Grading ≥ 50 cubic yards, up to 400 cubic yds	\$125.00	Security \$500.00	Engineering
Excavating & Grading ≥ 400 cubic yards	\$500.00	\$500.00 fee escrow plus security \$1,500.00 per acre with \$1,500 minimum.	Engineering
False Alarms (12 Month Period) * (*1-3 no charge)			Fire
Residential			Fire
4-6 False Alarms	\$110.00		Fire
In Excess of 6 False Alarms	\$185.00		Fire
Commercial			Fire
4-6 False Alarms	\$315.00		Fire
In Excess of 6 False Alarms	\$520.00		Fire
Fire Alarm Systems (new or rework including low voltage systems)	1.2% of value	plus \$5.00 surcharge; Minimum \$100	Fire
Flood Plain District Delineation	\$500.00		Planning
Fuel Tank Removal (Underground)	\$100.00	Plus \$5.00 Surcharge (State Mandated)	Administration
Fuel Tank Install	2% of value of work	Minimum \$100.00	Administration
HVAC			Administration
Residential	\$60.00/unit	Up to 3 units, max fee \$180.00 plus \$5.00 Surcharge (State Mandated)	Building



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 14

AGENDA ITEM: Storm Water and Erosion and Sediment Control – Approving Revisions to City Code Section 150.277
SUBMITTED BY: Jack Griffin, City Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Adam Bell, City Clerk
Kyle Klatt, Planning Director

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 approving Ordinance 08-090, thereby approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo; and approving Resolution No. 2013-89 authorizing summary publication of Ordinance 08-090. The recommended motions for these actions are as follows:

“Move to approve Ordinance 08-090, approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo.”

and

“Move to approve Resolution No. 2013-89, authorizing summary publication of Ordinance 08-090.”

STAFF REPORT:

The Storm Water and Erosion and Sediment Control Ordinance was adopted and incorporated into the City Code by the City Council on June 16, 2009, and received minor revisions in May 2011. Additional revisions are now being proposed through Ordinance 08-090 to better align the

regulation of stormwater management in the city with the new State and Watershed rules and to simplify permitting and compliance requirements with the rules.

In compliance with the Federal Clean Water Act, the Minnesota Pollution Control Agency (MPCA) maintains permitting authority to manage stormwater and improve water quality throughout the state. The MPCA Stormwater Program includes two general stormwater permits that have been reissued on August 1, 2013 to comply with changing federal rules and incorporate changes needed to enhance compliance with the permit. The MPCA issues the Minnesota NPDES/SDS Construction Stormwater General Permit (R1000001) to protect water resources from contaminants in runoff from construction sites. The MPCA also issues the General NPDES/SDS Permit MNR040000 for Municipal Separate Storm Sewer Systems (MS4s) to regulate stormwater discharge from counties, cities, townships and other government entities in urbanized areas.

Through the reissuance of these two permits the MPCA has included new requirements for construction projects and by MS4's for controlling stormwater discharge volume, Total Suspended Solids (TSS) and Phosphorus; which will require increased infiltration of stormwater runoff for new development and redevelopment projects.

In addition, the Valley Branch Watershed District (VBWD) is updating their Rules and Regulations to comply with the changes in federal and state rules. Among these changes the VBWD is increasing the volume control design standard to capture and retain on site 1.1 inches of stormwater runoff from the new and/or fully reconstructed impervious surface. This design standard was previously 0.5 inches.

Ordinance 08-090 revises Section 150.277 Performance and Design Standards to;

- Eliminate the requirement by applicants to prepare and submit for approval by the City a Storm Water Management Plan using stormwater modeling design criteria that is different from the State and/or local Watershed District(s). Instead the Stormwater Management Plan must be submitted to the City, but will be the same Stormwater Management Plan already prepared for watershed district and/or State approvals.
- Align the stormwater rate control requirements by the city with the rate control requirements of the State and local Watershed(s).
- Align the water quality control (volume) requirements by the city with the water quality control (volume) requirements of the State and local Watershed(s).

The proposed revisions to Section 150.277 of the City Code are shown in Ordinance 08-090 (see Attachment No. 1). Since these revisions are not within the City's Zoning Code, a public hearing is not required.

RECOMMENDATION:

Staff is recommending that the City Council approve Ordinance 08-090, thereby approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo; and approve Resolution No. 2013-89 authorizing summary publication of Ordinance 08-090. The recommended motions for these actions are as follows:

“Move to approve Ordinance 08-090, approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo.”

and

“Move to approve Resolution No. 2013-89, authorizing summary publication of Ordinance 08-090.”

ATTACHMENT(S):

1. Ordinance 08-090.
2. Resolution No. 2013-89.
3. Storm Water and Erosion and Sediment Control Ordinance, Revisions to Section 150.277.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-090

AN ORDINANCE AMENDING SECTION 150.277 OF
THE LAKE ELMO CITY CODE OF ORDINANCES GOVERNING
STORM WATER AND EROSION AND SEDIMENT CONTROL

Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 150.277 subdivision (A) (1) is hereby amended to read as follows:

- (1) All storm water management plans shall meet the minimum requirements of the NPDES Construction Stormwater Permit (Permit No. MNR100001), the minimum requirements of the watershed(s) having jurisdiction over the site(s), the City Engineering Design Standards, and other regulatory agencies. A storm water management plan must be submitted to the city for review and approval concurrently with the submittal to the watershed(s) having jurisdiction over the site(s).

Section 2. The City Council of the City of Lake Elmo hereby ordains that Section 150.277 subdivision (A) (2) (a) and (b) are hereby amended to read as follows:

- (2) *Storm Water Criteria.* Storm water management plans will be assessed for stormwater rate control and storm water quality management to reduce the impacts of the land activity.
 - (a) *Rate control requirements.* The stormwater management plan shall demonstrate that all rate control requirements of the NPDES Construction Stormwater Permit (Permit No. MNR100001) and the watershed(s) having jurisdiction over the site(s) are met. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the City Engineering Design Standards. The City Engineer retains the authority to require the above conditions to apply to the rate of storm water runoff discharging at any point leaving the site.
 - (b) *Water Quality Control Requirements.* The stormwater management plan shall demonstrate that all water quality control requirements of the NPDES Construction Stormwater Permit (Permit No. MNR100001) and the watershed(s) having jurisdiction over the site(s) are met. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the City Engineering Design Standards. The City Engineer retains the authority to require the above conditions to apply to the rate of storm water runoff discharging at any point leaving the site.

Section 3. Adoption Date. This Ordinance 08-090 was adopted on this fifteenth day of October, 2013, by a vote of _____ Ayes and _____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance No. 08-090 was published on the _____ day of _____, 2013.

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

RESOLUTION NO. 2013-89

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE 08-090 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-090, an ordinance to the City's regulations pertaining to Storm Water and Erosion and Sediment Control; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-090 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-090, which replaces the current sections of the City Code pertaining to Storm Water and Erosion and Sediment Control. The revisions to the Lake Elmo stormwater management ordinance are being proposed to better align the regulation of stormwater management in the city with the new State and Watershed rules and to simplify permitting and compliance requirements with the rules.

In compliance with the Federal Clean Water Act, the Minnesota Pollution Control Agency (MPCA) maintains permitting authority to manage stormwater and improve water quality throughout the state. The MPCA Stormwater Program includes two general stormwater permits that have been reissued on August 1, 2013 to comply with changing federal rules and incorporate changes needed to enhance compliance with the permit. The MPCA issues the Minnesota NPDES/SDS Construction Stormwater General Permit (R1000001) to protect water resources from contaminants in runoff from construction sites. The MPCA also issues the General NPDES/SDS Permit MNR040000 for Municipal Separate Storm Sewer Systems (MS4s) to regulate stormwater discharge from counties, cities, townships and other government entities in urbanized areas.

Through the reissuance of these two permits the MPCA has included new requirements for construction projects and by MS4's for controlling stormwater discharge volume, Total Suspended Solids (TSS) and Phosphorus; which will require increased infiltration of stormwater runoff for new development and redevelopment projects.

In addition, the Valley Branch Watershed District (VBWD) is updating their Rules and Regulations to comply with the changes in federal and state rules. Among these changes the VBWD is increasing the volume control design standard to capture and retain on site 1.1 inches of stormwater runoff from the new and/or fully reconstructed impervious surface. This design standard was previously 0.5 inches.

Ordinance 08-090 revises Section 150.277 Performance and Design Standards to;

- Eliminate the requirement by applicants to prepare and submit for approval by the City a Storm Water Management Plan using stormwater modeling design criteria that is different from the State and/or local Watershed District(s). Instead the Stormwater Management Plan must be submitted to the City, but will be the same Stormwater Management Plan already prepared for watershed district and/or State approvals.
- Align the stormwater rate control requirements by the city with the rate control requirements of the State and local Watershed(s).
- Align the water quality control (volume) requirements by the city with the water quality control (volume) requirements of the State and local Watershed(s).

The full text of Ordinance No. 08-090 is available for inspection at Lake Elmo city hall during regular business hours.

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

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIFTHTEENTH DAY OF OCTOBER 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk

STORM WATER AND EROSION AND SEDIMENT CONTROL ORDINANCE

Sections:

- 150.270 Statutory Authorization
- 150.271 Findings
- 150.272 Purpose
- 150.273 Applicability
- 150.274 Definitions
- 150.275 Incorporations by Reference
- 150.276 Plan Review Procedure
- 150.277 Performance and Design Standards
- 150.278 Storm Water Facility Maintenance
- 150.279 Monitoring and Inspections
- 150.280 Enforcement
- 150.281 Financial Securities
- 150.282 Storm Water Utility
- 150.283 Lawn Fertilizer Regulations
- 150.284 Other Controls

150.270 STATUTORY AUTHORIZATION.

This subchapter is adopted pursuant to the authorization and policies contained in M.S. Chs. 103B, 103F.401, 103F.441, and 462 and Minnesota Rules Chs. 7050, 7090, and 8410. This subchapter is intended to meet the current construction site erosion and sediment control and post-construction storm water management regulatory requirements for construction activity and small construction activity (NPDES Permit) as defined in 40 CFR pt. 122.26(b)(14)(x) and (b)(15), respectively.

150.271 FINDINGS.

The City of Lake Elmo finds that uncontrolled storm water runoff and construction site erosion from land development and land disturbing activity can have significant adverse impacts upon local and regional water resources diminishing the quality of public health, safety, public and private property, and natural resources of the City. Specifically, uncontrolled construction site erosion and storm water runoff can:

- (A) Threaten public health, safety, property, and general welfare by increasing runoff volume peak flood flows, and overburdening storm sewers, drainage ways, and other storm drainage systems;

- (B) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing pollutant loadings of total sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants;
- (C) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperatures;
- (D) Undermine floodplain management efforts by increasing the incidence and levels of flooding;
- (E) Alter wetland communities by changing wetland hydrology and increasing pollutant loading; and
- (F) Generate airborne particulate concentrations that are health threatening or may cause other damage to property or the environment.

150.272 PURPOSE.

- (A) The general purpose of this subchapter is to set forth regulatory requirements for land development and land disturbing activities aimed at minimizing threats to public health, safety, public and private property and natural resources within the city from construction site erosion and post-construction storm water runoff.
- (B) Specific purposes are to establish performance standards that will:
 - (1) Protect life and property from dangers associated with flooding;
 - (2) Protect public and private property and the natural resources from damage resulting from runoff and construction site erosion;
 - (3) Protect functional values of all types of natural water bodies (e.g., rivers, streams, wetlands, lakes, seasonal ponds);
 - (4) Sustain or enhance biodiversity (native plant and animal habitat) and support riparian ecosystems;
 - (5) Protect water quality from nutrients, heavy metals, bacteria, pathogens, debris, thermal stress, and other urban pollutants;
 - (6) Promote infiltration and groundwater recharge;
 - (7) Regulate storm water runoff volumes and peak rates for land development and land disturbing activities;
 - (8) Promote regional storm water management by watershed; and
 - (9) Provide a single, consistent set of performance standards that apply to all land development and land disturbing activities.

150.273 APPLICABILITY.

(A) Storm Water Management.

- (1) A storm water management (SWM) plan shall be required for all proposed land development activity, unless otherwise exempted in this subchapter, which meets any or all of the following:
 - (a) Any land development activity that increases and/or replaces impervious surface with a surface area exceeding 1 acre, including smaller individual sites that are part of a common plan of development that may be constructed at different times; and/or
 - (b) A subdivision consisting of 3 or more lots; and/or
 - (c) Any land development activity, regardless of size, that the city determines would otherwise cause an adverse impact to an environmentally sensitive area.
- (2) *Exemptions.* The following land development activities will be exempt from the storm water management requirements of this subchapter:
 - (a) Mining activities regulated by Chapter 90 of the City Code; and
 - (b) Reconstruction of existing public trails and construction of new public trails that are not a part of a proposed land development activity as defined in division (A) (1) above; and
 - (c) Reclamation and maintenance of existing public streets.

(B) Erosion and Sediment Control.

- (1) An erosion and sediment control (ESC) plan shall be required for all proposed land disturbing activity, unless otherwise exempted in this subchapter, which meets any or all of the following:
 - (a) Meets the permit requirements of an excavation and grading permit per Section 151.017 of the City Code;
 - (b) New dwelling permits;
 - (c) A subdivision of any size;
 - (d) Involves the laying, repairing, replacing, or enlarging of an underground utility, pipe or other facility, or the disturbance of road ditch, grass swale or other open channel for a distance of 500 feet or more;

- (e) Is a land disturbing activity, regardless of size, that the city determines would otherwise cause an adverse impact to an environmentally sensitive area, or may violate any erosion and sediment control standard set forth in this subchapter.
- (2) *Exemptions.* The following land disturbing activities will be exempt from the erosion and sediment control plan requirements of this subchapter:
- (a) Cemetery graves;
 - (b) Mining activities regulated by Chapter 90 of the City Code;
 - (c) Tilling, planting, or harvesting of agricultural, horticultural or silvicultural (forestry) crops;
 - (d) Emergency work necessary to protect life, limb, or property; and
 - (e) City, county, state, or federal agency project whose plans and specifications meet the requirements of this subchapter and are reviewed and approved by the city under a separate process.

150.274 DEFINITIONS.

For the purposes of this subchapter, all terms, phrases, words, and their derivatives shall have the meanings as stated in Chapter 11 of the City Code.

150.275 INCORPORATION BY REFERENCE.

- (A) The following are incorporated into this subchapter by reference:
 - (1) The Local Surface Water Management Plan; and
 - (2) The City Engineering Design Standards.
- (B) All storm water mitigation and management technologies shall be consistent with the most current versions of the City Engineering Design Standards.

150.276 PLAN REVIEW PROCEDURE.

(A) *Plan approval required* - The applicant shall not commence any construction activity subject to this subchapter until plan approval has been authorized by the city and all fees, escrows and securities have been paid and filed with the city.

(B) *Plan Submittal* - The applicant must submit the required plans and documentation to fully address all provisions of this subchapter and demonstrating conformance to the current versions of the City Engineering Design Standards.

(C) *Plan review and authorization* - The city shall review the plan submittal for completeness and compliance with standards. If the city determines that the plan does not meet the requirements of this subchapter, the city shall notify the applicant that the submittal is incomplete and request changes or additional information. The plan(s) must be revised to correct the deficiencies and resubmitted for approval before the land disturbance activity

begins. If the city determines that the storm water management plan and/or erosion and sediment control plan meet the requirements of this subchapter, the city shall issue a plan approval valid for a specified period of time that authorizes the land activity contingent on the implementation and completion of this plan. The city may approve the plans subject to compliance to conditions reasonable and necessary to insure that the requirements in this subchapter are met.

(D) *Construction initiation and first compliance inspection* – No work shall begin on a site until a preconstruction meeting has been conducted (if required by the city as part of the plan approval). Once work is authorized to begin, the applicant or agent shall install all erosion and sediment control devices as required by the approved plan and shall inform the city that they are in place. The city will complete an initial site inspection to determine compliance with the plan and to authorize the land disturbance activity to begin.

(E) *Adherence to the approved plans and plan modifications* – Once approved by the city, the storm water management plan and/or erosion and sediment control plan must be followed throughout the duration of the land disturbance or land development activity. The approved plans shall not be modified or altered without receiving written authorization from the city. Plan amendments will be required by the city whenever:

- (1) A change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge or pollutants to surface waters or underground waters;
- (2) Inspections or investigations indicate the plans are not effective in eliminating or significantly minimizing the discharge or pollutants to surface waters or underground waters or that the discharges are causing water quality degradation;
- (3) The plan is not achieving the general objectives of minimizing pollutants in storm water discharges associated with construction activity; or
- (4) The plan is found to not be consistent with the terms and conditions of this subchapter.

(F) *Variance Requests*. The city may grant a variance on a case-by-case basis. The content of a variance is specified in the zoning code.

150.277 PERFORMANCE AND DESIGN STANDARDS.

(A) Storm Water Management Plan.

- (1) All storm water management plans shall meet ~~or exceed the most stringent of the performance and design standards of this subchapter and shall be consistent with~~ minimum requirements of the National Construction Stormwater Permit (Permit No. MNR100001), Pollution Discharge Elimination Permit (NPDES) requirements, the minimum requirements of the watershed(s) having jurisdiction over the site(s), the City Engineering Design Standards, and the filing or approval requirements of relevant watershed districts (Brown's Creek, South Washington, and/or Valley Branch), Washington County, Minnesota Department of Natural Resources.

Minnesota Pollution Control Agency, U.S. Army Corps of Engineers, and other regulatory agencies. A storm water management plan must be submitted to the city for review and approval concurrently with the submittal to the watershed(s) having jurisdiction over the site(s).

~~(2) Storm Water Criteria.~~

~~(a) Storm water management plans will be assessed for stormwater rate control, stormwater volume control and storm water quality management to reduce the impacts of the land activity, by maintaining pre-development hydrological conditions in the following ways:~~

- ~~1. Decrease runoff volume.~~
- ~~2. Decrease erosion and sedimentation.~~
- ~~3. Decrease flow frequency, duration, and peak runoff rates.~~
- ~~4. Increase infiltration (groundwater recharge).~~
- ~~5. Maintain existing flow patterns.~~
- ~~6. Reduce time to peak flows by increasing the time of concentration to and through drainage ways and storm sewers.~~
- ~~7. Storage of storm water runoff on-site.~~

~~8. Avoid channel erosion.~~

~~(b)(a) Rate control requirements. The stormwater management plan shall demonstrate that all rate control requirements of the NPDES Construction Stormwater Permit (Permit No. MNR100001) and the watershed(s) having jurisdiction over the site(s) are met. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the City Engineering Design Standards. The City Engineer retains the authority to require the above conditions to apply to the rate of storm water runoff discharging at any point leaving the site.~~

- ~~1. The rate of storm water runoff discharging from a proposed site shall not be greater than the rate of storm water runoff discharging prior to the proposed site alteration for the 2-, 10-, and 100-year storm events. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the City Engineering Design Standards. The City Engineer retains the authority to require the above conditions to apply to the rate of storm water runoff discharging at any point leaving the site.~~
- ~~2. The analyses for the rate of storm water runoff shall be calculated using the Soil Conservation Service Type II time distribution for the 2-, 10-, and 100-year 24-hour storm events. The rate of storm water runoff prior to the proposed development shall be calculated at the pre-settlement condition as defined in the *State of Minnesota Stormwater Manual* for a "meadow" condition based on the applicable hydrologic soil group(s) for the development (see Table 1).~~

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(b) Volume Water Quality Control Requirements. The stormwater management plan shall demonstrate that all water quality control requirements of the NPDES Construction Stormwater Permit (Permit No. MNR100001) and the watershed(s) having jurisdiction over the site(s) are met. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the City Engineering Design Standards. The City Engineer retains the authority to require the above conditions to apply to the rate of storm water runoff discharging at any point leaving the site.

~~(c)~~

1. The volume of storm water runoff discharging from a proposed site shall not be greater than the volume of storm water runoff discharging prior to the proposed site alteration for the 2-, 10-, and 100-year storm events. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the City Engineering Design Standards. The City Engineer retains the authority to require the above conditions to apply to the volume of storm water runoff discharging at any point leaving the site.
2. The analyses for the volume of storm water runoff shall be calculated using the Soil Conservation Service Type II time distribution for the 2-, 10-, and 100-year 24-hour storm events. The volume of storm water runoff prior to the proposed development shall be calculated at the pre-settlement condition as defined in the *State of Minnesota Stormwater Manual* for a "meadow" condition based on the applicable hydrologic soil group(s) for the development (see Table 1).

(d) Table 1. Curve Number for Pre-Settlement Condition

Hydrologic Soil Group	Runoff Curve Number
A	30
B	58
C	74
D	78

~~(e)~~ (3) Drainage-Related Easements. Drainage easements must be acquired on behalf of the city and legally recorded at the county for all permanent storm water facilities to allow for proper access and maintenance activities. At a minimum, drainage easements shall meet the following criteria.

1. Easements are required for all ponding areas to the basin's 100-year storm high water level elevation.
2. Easements are required for all outlet swales and ditches, and for overland overflow routes located downstream of basins located on site.
3. Easements are required for all storm sewer pipes, throughout its entire length. For storm sewer pipes installed less than 10 feet in depth within private property, the easement shall be a minimum of 20 feet wide. For storm sewer pipes installed greater than 10 feet in depth within private property, the

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easement shall be a minimum of 30 feet wide, or as determined by the city engineer.

4. Easements are required for maintenance vehicle access to all storm water facilities where not directly available on a public road.
5. If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

(B) *Erosion and Sediment Control Plan.*

- (1) All erosion and sediment control plans shall meet or exceed the most stringent of the performance and design standards of this subchapter and shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, the City Engineering Design Standards, and the filing or approval requirements of relevant watershed districts (Brown's Creek, South Washington, and/or Valley Branch), Washington County, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and other regulatory agencies.

(2) *Erosion and Sediment Control Criteria.*

(a) Erosion and sediment control plans will be assessed in the following ways:

1. Pollution prevention by minimizing disturbance of natural soil cover and vegetation, and minimizing, in area and duration, exposed soil and unstable soil conditions;
2. Using sediment barriers to protect soil stockpiles, receiving water bodies, wetlands, storm sewer inlets, and adjacent properties from sediment deposition;
3. Minimize off-site sediment transport on trucks and equipment;
4. Minimize work in and adjacent to water bodies and wetlands;
5. Maintain stable slopes;
6. Avoid steep slopes and the need for high cuts and fills;
7. Minimize disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing;
8. Minimize the compaction of site soils;
9. Using and maintaining temporary and permanent soil stabilization;
10. Controlling site waste through the use of a designated concrete washout area; and
11. Managing site waste of all unused building materials by properly disposed of wastes offsite and not allowing site wastes to be carried by runoff into a receiving channel or storm sewer system.

(b) All sites must be maintained to prevent unreasonable erosion and sedimentation.

(c) Erosion control measures must be in place before any land disturbance activity begins, and measures must remain in place and functional until the site is

permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken.

- (d) Streets shall be cleaned and swept within 24 hours whenever tracking of sediment occurs and before sites are left idle for weekends and holidays.
- (e) All temporary erosion and sediment control measures, such as silt fence and inlet protection devices, shall be removed within 30 days after permanent stabilization is attained. All storm sewer systems and drainage ways must be flushed and cleaned of sediment accumulation and all accumulated sediments must be removed and properly disposed.

150.278 STORM WATER FACILITY MAINTENANCE.

(A) Maintenance of publically owned facilities.

- (1) The city shall perform maintenance of publicly owned storm water facilities within the city as provided for in the local surface water management plan and the City Storm Water Pollution Prevention Plan.
- (2) A final inspection shall be required before the city accepts ownership of the stormwater facilities. Before work under the plan is deemed complete, the applicant must submit as-built record drawings and a maintenance plan demonstrating at the time of final stabilization that the storm water facilities conform to design specifications.

(B) Maintenance of privately owned facilities. A maintenance agreement in a form acceptable to the city must be executed and recorded with the county for all permanent storm water facilities to be located on private property. The agreement shall provide a maintenance plan defining the party responsible to conduct maintenance, the type of maintenance and the maintenance intervals.

150.279 MONITORING AND INSPECTIONS.

(A) Monitoring and inspection requirements for site construction. The applicant is responsible for inspections and record keeping in accordance with the approved plan requirements and NPDES permit requirements. The applicant must maintain a copy of the approved storm water management and erosion and sediment control plans at the site at all times including all daily records required by the plan(s). The applicant must monitor site conditions and make any and all necessary repairs and corrections to the erosion control measures to maintain site compliance. The applicant has a duty to report to the city any illegal offsite discharges. Failure to make a report within 24 hours of the discovery of the offsite discharge shall constitute a violation of this subchapter.

(B) City Inspections.

- (1) The city shall conduct inspections on a regular basis to ensure that both storm water and erosion and sediment control measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The city shall not

be responsible for the direct or indirect consequences to the applicant or to third-parties for non-compliant conditions undetected by inspection.

(2) Right of entry. The issuance of an approved plan under this subchapter constitutes a right of entry for the city or its contractor to enter upon the construction site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys, including the right to bring such equipment to perform such surveys and investigations. The City Inspector may copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this site, and may inspect the storm water pollution control and erosion control measures including any sampling and monitoring pertaining to the compliance requirements for the site.

(3) Construction shall not occur on the site at any time when the city has identified conditions of non-compliance or a stop work order has been issued.

(4) Construction activities undertaken by an applicant prior to resolution of all discrepancies specified by the city shall constitute a violation of this subchapter.

(5) Whenever there is insufficient evidence of compliance with any of the provisions of this subchapter or evidence that any material or construction does not conform to the requirements of the approved plans, the city may require tests as proof of compliance to be made at no expense to the city. Test methods shall be as specified by recognized test standards, or in the absence thereof, by the city.

150.280 ENFORCEMENT.

(A) *Enforcement.* The city shall be responsible for enforcing this subchapter.

(B) *Penalties.* Any person, firm or corporation failing to comply with or violating any of the provisions of this subchapter, shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this subchapter is committed, continued or permitted, shall constitute a separate offense. All land use and building permits shall be suspended until the applicant has corrected any and all violations.

(C) *Enforcement by Stop Work Order.*

(1) Whenever a city inspector finds any violation of this subchapter, the inspector will fill out an inspection form noting the observed violations and a stop work order will be issued.

(2) The stop work order shall be in writing and shall be given to the applicant or the applicant's agent.

(3) Upon issuance of the stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order.

(4) The applicant must immediately begin corrective actions to remedy the violations. Once the violations have been corrected the applicant must contact the city to schedule a re-inspection.

(5) The applicant may commence further activity at the site after a re-inspection is provided by the city and the city determines that the site is in compliance, and all fees associated with the violation are paid in full.

(6) If the applicant fails to correct the violations in a timely manner, the City may correct the cited violations and draw down the escrow to cover the costs.

(D) *Enforcement Actions to Ensure Compliance.*

(1) The city can take the additional following actions in the event of a failure by applicant to meet the terms of this subchapter.

- (a) Withhold inspections or issuance of certificates or approvals.
- (b) Revoke any permit issued by the city to the applicant.
- (c) Conduct remedial or corrective action on the development site or adjacent site affected by the failure.
- (d) Recover from applicant all costs associated with correcting the failure or remediating damage from the failure, by drawing down any escrow funds. If the costs exceed the escrow funds the city may invoice the applicant with payment due immediately. All payments by applicant must be made prior to resuming work on the site.
- (e) Bring other actions against the applicant to recover costs of remediation or meeting the terms of this subchapter.

150.281 FINANCIAL SECURITIES.

(A) *Financial securities.* The applicant shall provide security for the performance of the work in the amount established in the city's fee schedule, and in a form acceptable to the City.

(B) *Action against the financial security.* The city may access the financial security to conduct work necessary to correct any violations in a timely manner and in accordance with the provisions of this subchapter. The city shall use the security to finance remedial work undertaken by the city, or a private contractor under contract to the City including a fee to the city for processing equal to 10% of the any contractor(s) invoice for materials and services, to reimburse the City for all costs incurred in the process of remedial work including, but not limited to, staff time, engineering fees and attorney's fees.

(C) *Maintenance of financial security.* If at any time the financial security is drawn upon, the applicant will be required to submit additional security to restore the security to the full amount as originally established. Restoring the full security is a requirement prior to resuming work on the site.

150.282 STORM WATER UTILITY.

Please refer to Chapter 53 in the City Code.

150.283 LAWN FERTILIZER REGULATIONS.

No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within storm water drainage systems, natural drainage ways, or within wetland buffer areas.

150.284 OTHER CONTROLS.

- (A) In the event of any conflict between the provisions of this subchapter and the provisions of any other city ordinance adopted by the city council, the more restrictive standard prevails.
- (B) The city retains the right to impose supplemental or additional conditions or requirements to prevent erosion or undesired runoff.



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 15

AGENDA ITEM: Met Council 2040 Growth Forecast Discussion
SUBMITTED BY: Kyle Klatt, Planning Director
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Nick Johnson, City Planner

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

PUBLIC POLICY STATEMENT

In preparation for next spring’s adoption of Thrive MSP 2040 and the beginning of decennial Comprehensive Plan updates, the Metropolitan Council has developed preliminary local forecasts of population and employment to 2040. This is the beginning of the process to determine the population and household projections that will be used for the City’s next Comprehensive Plan Update. With the release of these forecast numbers, the City intends to continue working with the Met Council towards an overall reduction of the population, household, and employment projections specified in the Memorandum of Understanding (MOU) between the City and the Met Council, with the ultimate goal of eventually eliminating the MOU as regulatory document.

FISCAL IMPACT: None at present – the Wastewater Inefficiency Fees that are included as part of the MOU would require the City to make payments to the Met Council if the development targets specified in the agreement are not met.

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to review proposed population, household, and employment projections for Lake Elmo that have been prepared in response to recent conversations with the Met Council concerning the Thrive MSP 2040 process. With the release of preliminary 2040 forecast numbers for Lake Elmo, the timing is appropriate for the City to propose a new set of growth targets for the community that are much more consistent with the expected level of development in the community and the help the City Council achieve its stated goal of easing the Met Council REC unit mandates and to extend the deadlines for development out until 2040. Planning Staff has recently met with Mayor Pearson and Council Member Smith to begin the process of creating a credible 2040 forecast for the City of Lake Elmo, with the intent of:

- Understanding the real growth potential of the community in the next 27 years using primarily a single family residential philosophy.
- Determining how this growth relates to sewer REC units.
- Allowing enough growth to provide enough cash flow to support ancillary efforts like downtown development.
- Ensuring that the population forecast will be viewed as credible by the Met Council and provide a sufficient level of development to permit the eventual elimination of the MOU.

The projections that have been proposed as a result of this meeting are included below as part of this memorandum.

At this time, Staff is seeking conformation from the City Council that the proposed forecast numbers may be presented to the Met Council for consideration as a first step towards revising or eliminating the MOU. With the City Council's support, Staff will be submitting a letter to the Met Council with the proposed updated numbers for Lake Elmo. The suggested motion for this action is as follows:

“Motion to authorize Staff to present the proposed 2040 forecast numbers to the Met Council”

PROPOSED FORECAST:

Using the goals noted above, the following numbers are being proposed to replace the projections included in the Comprehensive Plan and Memorandum of Understanding (both of which were updated earlier this year). These numbers would be presented as a minimum commitment on the part of the City.

	PROPOSED	EXISTING MOU
MOU Projections		
2040 Total Population	18,000	24,000
2040 REC Units	5,000	6,600
New Housing Units		
Rural Development Areas	720	1,407
Village Planning Area	1,250	900
I-94 Corridor	2,600	3,300
Commercial REC Units		
I-94 Corridor	500	1,400

Please note that it is very difficult (if not impossible) to predict the number future housing units and commercial REC units within the Village due to the mixed-use zoning that will be used for the central portions of the Village Planning Area. Rather than attempting to guess at the commercial/housing nature of future development and the amount of existing units will be lost due to redeveloped in the future, Staff is proposing to establish a baseline REC count of 2.5 units per acre for all land outside of the greenbelt in the Village. This allows the City to use a general number for planning purposes while allowing flexibility to plan for various forms of development. The number used in the existing MOU does not take into account any future housing development within the mixed use development area within the Village, nor

does it take into account any future commercial development in the Village (this is why the existing MOU number is smaller than the proposed unit count).

In moving ahead with a proposal to revise or eliminate the MOU, the City's ultimate goal is the elimination of any numbers that are otherwise not required to be included in the Comprehensive Plan. This would allow the City to focus on attracting appropriate development that is consistent with the overall objectives of the Comprehensive Plan rather than having to worry about whether or not an arbitrary housing or commercial REC number is being met. The projected REC counts are important for planning purposes, but typically are only reported as part the wastewater plan and generally do not serve as targets for growth and development.

The assumptions and rationale that led to these numbers include in the above table are as follows:

- That the City should be planning for residential densities of 2.5 units per acre throughout all of the areas that guided for public sanitary sewer service. This is seen as the minimum level of housing development that is needed to help support the needed public infrastructure on City-wide basis. This also correlates with the housing demand that is anticipated in Lake Elmo.
- That the household and population growth in the rural development areas should be set at a level that anticipates a low to moderate level of growth consistent with the City's 2010 rural development review and analysis.
- That the overall projections should reflect a reduced amount of housing in all three of the City's future development areas (Village Area, I-94 Corridor, and rural development areas) rather than reducing the household numbers in only one or two of these areas. Although it does not appear to the case, the proposed Village unit count does represent a decrease from the current plan following the methodology described above.
- That previous projections for commercial development areas were overly aggressive and could only be achieved through the creation of large employment centers. The City prefers to focus on developing appropriate land uses within the commercial areas rather than concentrating on employment numbers and REC unit counts.

The numbers as proposed have also been drafted in order to account for the following variables, which will be very difficult to project with any degree of certainty in the future:

- How much of the Village Planning Area will develop for commercial or mixed use development compared to housing alone.
- What the average household size will be in 2040 given current population trends and the City's desire to accommodate senior housing options.
- Other factors that may shift more of the City's planned REC units into commercial or mixed-use development.
- How much development is likely to occur in the City's rural development areas. Under the City's current comprehensive plan, many of the City's 10-20 acre parcels would need to be redeveloped as OP or OP-2 development in order to achieve the housing unit projections. The proposed rural development number of 720 would greatly reduce this pressure

STAFF RECCOMENDATION:

Based upon the above background information and Staff report, it is recommended that the City Council authorize the drafting and submission of a letter to the Met Council with the proposed updated projections for Lake Elmo by undertaking the following action:

“Motion to authorize Staff to present the proposed 2040 forecast numbers to the Met Council”



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 16

AGENDA ITEM: Consider Parks Commission Appointment
SUBMITTED BY: Adam Bell, City Clerk
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Beckie Gumatz, Deputy Clerk

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 respectfully requested to formally appoint Dana Nelson as 1st Alternate on the Parks Commission. The options before the Council are as follows:

a) If the Council desires to approve the appointment, it can do so by taking the following action:

“Move to appoint Dana Nelson of 2871 Legion Avenue North as 1st Alternate on the Lake Elmo Parks Commission, effective immediately.”

b) If the Council desires to deny the appointment, it can do so by taking the following action:

“Move to deny the appointment of Dana Nelson of 2871 Legion Avenue North as 1st Alternate on the Lake Elmo Parks Commission, effective immediately.”

c) If the Council desires to further deliberate the appointment, it can do so by taking the following action:

“Move to postpone making any appointment until a later City Council Meeting.”

BACKGROUND INFORMATION:

With the recent departures from the Parks Commission, there are currently two positions open on that commission. It is recommended that the Council makes an appointment without much delay so that the Parks Commission can be fully staffed and operational as soon as possible.

Applicant Dana Nelson recently applied for one of the vacant Commission seats. He was interviewed for that position on October 1, 2013. Council interviewed three additional candidates immediately prior to this meeting. At the Mayor's request, staff prepared action for one appointment tonight so as to provide Mr. Nelson an answer and move forward to filling the Parks Commission. The question of Mr. Nelson's appointment is now before the Council. The Council has the option to appoint Mr. Nelson, deny the appointment, or postpone any appointment decision until a later City Council Meeting.

RECOMMENDATION:

Staff is requesting the City Council formally appoint Dana Nelson as 1st Alternate on the Parks Commission. The options before the Council are as follows:

- a) If the Council desires to approve the appointment, it can do so by taking the following action:

“Move to appoint Dana Nelson of 2871 Legion Avenue North as 1st Alternate on the Lake Elmo Parks Commission, effective immediately.”

- b) If the Council desires to deny the appointment, it can do so by taking the following action:

“Move to deny the appointment of Dana Nelson of 2871 Legion Avenue North as 1st Alternate on the Lake Elmo Parks Commission, effective immediately.”

- c) If the Council desires to further deliberate the appointment, it can do so by taking the following action:

“Move to postpone making any appointment until a later City Council Meeting.”

ATTACHMENTS:

1. Parks Commission Application



Application for Park Commission Appointment

Please return to City Clerk's Office - Thank You for your interest in the Lake Elmo Park Commission

Date: 9/22/13

Name: Dana Nelson

Address: 2871 Legion Ave N

Phone Number: H) 651 493-2777 W) 651 230-6447 C) 651 230-6447

Email: guswilt24@comcast.net

Resume Attached (Optional): Yes No

1. Why are you interested in serving on the Lake Elmo Parks Commission? What personal interests and expertise will you bring?

Since moving to Lake Elmo seven years ago from Saint Paul, I have had the pleasure of enjoying the various parks located in the area. Reid Park is located in my neighborhood and our family enjoys the trails, playground, and the open field. I take pride in the appearance of Reid Park and enjoy helping to keep the park beautiful and functional by assisting with cleanliness of the grounds and debris removal from the trails after storms. As an Adapted Physical Education Teacher for Saint Paul Schools, I also understand and appreciate the offerings that parks can offer with their recreational and leisure opportunities. I enjoy the Lake Elmo community and look forward to being part of the process that will assist in promoting and preserving the parks of Lake Elmo.

2. How will those skills and interests be of service to the development and management of the city's parks, trails and natural areas?

As an educator, a parent of two children in the Stillwater School District, and an active participant of the Lake Elmo Parks, it would be my goal to help maintain and promote the physical activities that are currently being offered, promote the beauty of the parks and the trails, and offer my knowledge in helping to make areas and facilities open and accessible to everyone. I know that parents enjoy safe and functional places to entertain and educate their children, and I would hope to bring the skills that I share with the students and parents for Saint Paul Schools with the Lake Elmo Park Commission. In addition, helping to adapt programs and facilities to increase inclusion for all that would visit the parks and enjoy the facilities is an area in which I could offer my assistance.

3. What do you see as the role and function of the Parks Commission? How does this relate to the role and responsibility of the City Council in Park matters?

Lake Elmo is a beautiful rural setting located minutes from a major urban area; I would hope that the Parks Commission would have knowledge, input, and an understanding of how to sustain and offer services that the visitors to the parks are looking for, while maintaining the beauty that is Lake Elmo. In addition, the Parks Commission, being a service to the Lake Elmo community, should work collaboratively with the City Council to help meet the needs of the growing city and changes that have been slated for the growth of Lake Elmo. The style and speed of life, the open and green spaces in our community, the active lifestyle that our citizens enjoy, and the beauty of the Lake Elmo parks are a draw to the people that live here and will choose to reside here in the future.

4. What value do parks and trails have to our citizens? What role or function do they provide?

Parks and trails have the wonderful opportunity to be a focal point of an area, being able to provide meeting places, fields for athletic teams, trails for bikes, horses, and skiers, and beautiful paths and scenery for just about anyone that wants to enjoy nature. Growing up as a child in Saint Paul, park and recreation areas were my second home. From joining teams, to hanging out with my friends, meeting new people, and participating in structured and non-structured activities, I found safety, friendships, and wonderful opportunities that encouraged me to be an active member of my society. Many of those same activities are still important to me today as an Adapted Physical Education Teacher, parent, and member of the Lake Elmo community. I would hope that in addition to current services provided through the parks and trails of Lake Elmo, more can be done to help make the beauty of Lake Elmo more inclusive.

5. How much time do you have or are you willing to devote to Parks Commission activities?

I would be able to attend the monthly meetings and provide assistance as needed. In addition, I have my summer months open for the most part, as I have two children (ages 11 and 14) that still demand some of my attention while they increasingly demand their independence. This is a new endeavor for me and I welcome the opportunities that await me as a member of the Lake Elmo Parks Commission.

Dana Nelson
2871 Legion Ave North
Lake Elmo, MN 55042
651 230-6447
dana.nelson@spps.org

Employment History

Saint Paul School District (June 7, 2008 – Present). Developmental / Adapted Physical Education (D/APE) teacher responsible for working with students in a cooperative physical education setting in 12 schools grades k-12. Responsible for gross motor assessments and evaluating students for special education services.

Saint Paul School District (January 29, 2008 – June 6, 2008). Teacher on Special Assignment (TOSA) with the Physical Education Program Grant (PEP Grant); responsibilities included coordination of curriculum activities, materials, and budgets with elementary classroom teachers, district staff, and physical education teachers. In addition, communicate with St. Paul Parks and Recreation staff, mentors, and volunteers and ensuring the flow of communication between the school district and community until the completion of the grant in June 2008.

Saint Paul School District (January 27, 1997 – January 28, 2008). Developmental / Adapted Physical Education (D/APE) teacher responsible for working with special education students in a physical education setting at Central High School, Hazel Park Junior High School and Highland Park Junior and Senior High Schools.

Saint Paul School District (September 1999 - June 2003). Coach of Adapted Athletics: Cognitive Impairment (CI) soccer and softball, and wrestling coach at Humboldt High School (1999 –2002). Responsibilities included: Recruiting and coaching the team, organizing transportation, assisting officials, organizing practice and game schedules, working with the assistant coaches and athletic directors, meeting with the parents and guardians, uniform maintenance and enjoying the pure teamwork and love of the activities that the student-athletes displayed.

Bloomington School District (September 1994 - June 1999). Assistant coach of the South Suburban MI (Mentally Impaired) soccer, floor hockey and softball teams. Responsibilities included: Organizing practices, supervising athletes before and after practice, assisting with all games, maintaining equipment and learning how to enjoy life from a great group of student-athletes.

Education

- Minnesota State University-Mankato: (August 2006 – Spring 2010). Master's Degree in Education-Pedagogy of Physical Education.
- University of Minnesota-Twin Cities: (Spring 1995 - Winter 1996). D/APE (Developmental/Adapted Physical Education) licensure.
- University of Wisconsin River-Falls: (August 1991 - June 1994). BS Secondary Education, K-12 Physical Education.

Additional Certifications / Relevant Experience

- WSI, CPR, First Aid, and Coaching.



MAYOR & COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 17

AGENDA ITEM: Council Policy on Non-Compliant Septic Systems in Old Village/
Potential Sewer Area

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Mike Pearson

REVIEWED BY: Washington County Health & Environment, City Attorney

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

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to approve a City Policy to provide a bridge for homeowners in the Old Village with older septic systems to use temporary measures / continue to use their systems until City sewer services can be provided in 2015-2016. *The recommended motion for this action is as follows:*

“Move to adopt the general property notice regarding private septic systems residing in the old village of Lake Elmo dated October 15, 2013.”

BACKGROUND INFORMATION:

Many homeowners in the Old Village area of Lake Elmo have private septic systems that exceed 20 years in age and were built under state law that did not require as much soil separation as current law. Subsequently, when these systems need to be replaced these same homeowners find

themselves with little or no room for the replacement, especially lake shore homeowners. This problem becomes compounded when the house is placed for sale with many homeowners finding that they must either discount the sales price or escrow funds for a system replacement. With City sewer services imminent, the City, in cooperation with Washington County, thought it prudent to develop an interim policy that allows taxpayers / homeowners to bridge the gap between having to install a new system and hooking up to City sewer (2015).

STAFF REPORT:

The City Administrator (after being made aware of the issue by several home owners and Council Member Smith), in concert with Washington County and the City Attorney, has constructed a two-fold policy that allows for temporary use of holding tanks for systems that are deemed to be an imminent health threat and a continued use of non-compliant systems until sewer is installed in the Old Village beginning in 2015. The policy places operational control of system review in Washington County's hands for the determination of system viability. The material change in policy for the Council to consider is that current City Code allows for a two year grace period for hook-up to City sewer when it is made available at the curb. Systems found to be either a health threat or non-complaint would not be allowed the grace period.

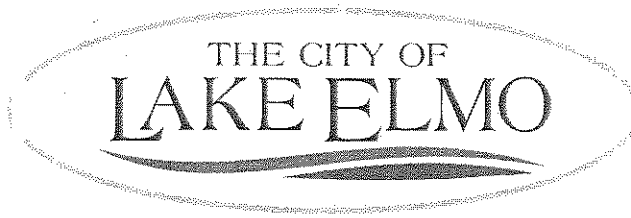
RECOMMENDATION:

Based on considerable review, the City of Lake Elmo staff recommends the adoption of the attached policy for interim measures to transition homeowners from private septic systems to city sewer in the Old Village or other potentially sewerred areas:

“Move to adopt the general property notice regarding private septic systems residing in the old village of Lake Elmo dated October 15, 2013.”

ATTACHMENT:

1. General Property Notice Regarding Private Septic Systems Residing in the Old Village of Lake Elmo - October 15th, 2013



**GENERAL PROPERTY NOTICE REGARDING PRIVATE SEPTIC SYSTEMS RESIDING IN THE OLD
VILLAGE OF LAKE ELMO**

October 15th, 2013

Dear Property Purchaser / Property Owner:

The City of Lake Elmo is currently installing a force main sewer line to connect residents of the Old Village portion of the community to a Metropolitan Council sewer interceptor line located in the I-94 corridor. The force main sewer line is the first step to providing sanitary sewer service to downtown area of Lake Elmo -- which is scheduled to commence in 2015 when Washington County rebuilds CTH Highway (Lake Elmo Avenue). It has been suggested that installing lateral sewer pipes to service the 200+ homes could take up to two years (2016) and most likely will include street and water main repairs. In the interim, the City understands that many residents in the Old Village may be faced with a situation where their current septic system is failing due to age or has been deemed non-compliant due to change in state regulations. This becomes particularly troublesome when it becomes necessary to sell your home.

The City of Lake Elmo, in conjunction with Washington County, is issuing this notice to inform prospective property purchasers, property owners, realtors, private home inspectors and private septic system consultants and vendors that the City of Lake Elmo presently intends, subject to fiscal ability and construction logistics, to install sewer to Old Village homes commencing in 2015.

In the event that your system is deemed an imminent health threat, it will be important for you to talk with representatives of Washington County to determine your best course of action. In an effort to save you money, the City of Lake Elmo would allow the construction of a temporary holding tank to bridge the gap between your old system and city sewer. Since the City of Lake Elmo contracts with Washington County for private septic system inspections, it is necessary for you to receive your interim solution from the Washington County Public Health & Environment Department. They may be reached by calling 651-430-6655.

In the event that your system is functioning, but is determined to be failing to protect groundwater due to a lack of soil separation, this notice will serve as your regulatory bridge to hook-up with the city's sewer system. Simply put, you will be able to use your current system until city sewer service is provided, BUT you will be required to hook-up immediately when the sewer pipe reaches your property. (NOTE: Current City Ordinances allows a grace period of two years to hook up to city services when provided). Our current estimation, in 2013 dollars, is that sewer costs (including Sewer Access & Availability Charges) could run between \$18,000 - \$30,000 based on your home's proximity to the sewer line, the retrofitting of your plumbing, and other site specific concerns.

Please present this notice to your financial institution, realtor, home inspector or others that may need a clear understanding of how your home will be served by city sewer in the near future.

The City Council of Lake Elmo, Minnesota