

NOTICE OF MEETING

City Council Meeting

Tuesday, May 6, 2014 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

AGENDA

- 7:00**
- A. Call to Order**
 - B. Pledge of Allegiance**
 - C. Roll Call**
 - D. Order of Business**
 - E. Approval of Agenda**
 - F. Accept Minutes**
 - 1. Accept April 15, 2014 City Council Meeting Minutes
 - G. Council Reports**
 - Mayor
 - Council
- 7:10**
- H. Public Comments/Inquiries**
 - I. Presentations**
 - Jaycees – Presentation of \$10,000 to the City of Lake Elmo
 - J. Consent Agenda**
 - 2. Approve Payment of Disbursements and Payroll
 - 3. Well No. 4 Connecting Watermain Improvements – Pay Request No. 1
 - 4. Damon Farber Associates – Lake Elmo Avenue Preliminary Streetscape Design Services
- 7:30**
- K. Regular Agenda**
 - 5. Public Hearing: 39th Street N: Street & Sanitary Sewer Improvements – Improvement Hearing; Order Plans and Specifications. **Resolution No. 2014-27**
 - 6. 2014 Street Improvements – Approve Plans & Specifications; Authorize Ad for Bids. **Resolution No. 2014-28**
 - 7. Wedding Venue Ordinance. **Ordinance 08-107, Resolution No. 2014-29**
 - 8. Conditional Use Permit – Verizon Wireless Communications Tower. **Resolution No. 2014-30**
 - L. New Business**
 - 9. Lateral Benefit Policy – Water & Sewer. **Ordinance 08-108**
 - M. Staff Reports and Announcements**
 - City Administrator
 - City Attorney
 - Planning Director
 - City Engineer
 - Finance Director
 - City Clerk
- 9:00**
- N. Adjourn**

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
APRIL 15, 2014

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

PRESENT: Mayor Mike Pearson and Council Members Wally Nelson, Anne Smith, Justin Bloyer, and Mike Reeves.

Staff present: City Administrator Zuleger, City Attorney Snyder, Community Development Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

A moment of silence was held to honor the passing of Planner Nick Johnson's mother.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

MOTION: Council Member Smith moved TO APPROVE THE APRIL 15, 2014 CITY COUNCIL AGENDA AS AMENDED. Council Member Nelson seconded the motion. MOTION PASSED 5-0.

ITEM 1: ACCEPT MINUTES

THE APRIL 1, 2014 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

COUNCIL REPORTS:

Mayor Pearson: responded to resident inquiries; tabled finance committee appointment to conduct interview.

Council Member Bloyer: noted call for sprinklers in residential homes and banning lawn fertilizers. He refuted assertion that this current council has increased costs to residents for compliance with VBWD rules. City Engineer Griffin explained that it was actually a reduction in cost by streamlining rules and eliminating redundancy.

Council Member Reeves: attended task force on JPA meeting. He hopes that the item will be revisited.

Council Member Smith: no report.

Council Member Nelson: attended finance committee and JPA task force meeting.

City Attorney Snyder asked that an executive session be added to agenda.

MOTION: Mayor Pearson moved TO ADD EXECUTIVE SESSION TO THE AGENDA Council Member Nelson seconded the motion. MOTION PASSED 5-0.

Council Member Bloyer commented on the accusations of non-transparency. He requested that the library board record via video and audio all future meetings. Mayor Pearson said he would bring that request to the board.

Mayor Pearson noted that the Planning Commission Chair has asked that the meeting minutes be shortened. The Mayor asked that the minutes still contain the relevant points and debate. City Administrator Zuleger urged a balance to retain the legislative history. The council consensus is that the council minutes are good and that the Commission minutes be similarly balanced.

Speak Your Peace – Mike Reeves

Council Member Reeves spoke on the Speak Your Peace tenet of constructive criticism. He offered that perhaps the Council did not do a good job of adhering to the Speak Your Peace principles at the last meeting. He urged the Council to keep Speak Your Peace in mind during discussion.

PUBLIC COMMENTS

LAKE ELMO CITY COUNCIL MINUTES

APRIL 15, 2014

Mark Citsay, 12108 Marquess Lane North. Representing the Carriage Station Homeowner Association, he spoke about the recent parking issues in the neighborhood. It has become a safety issue. He asked the Council for guidance. Clerk Bell explained the current parking ordinance. Vehicles are only required to be moved every 48 hours. City Attorney Snyder recommended that a staff member or council liaison can provide information to the association on how to address the issue as the first step before taking any more severe action.

Library Director Linda Orsted spoke on library activities: Upcoming Library volunteer reception; e-book service use is growing; card issuance is increasing; many electronic resources that are no longer available from the county are available on the city library website; just completed the first Speak Your Peace discussion on book *Civility*.

PROCLAMATION – Arbor Day Proclamation

Mayor Pearson read the proclamation proclaiming April 25th, 2014, as Arbor Day.

PRESENTATION

Paul Burns gave presentation on Met Co Livable Communities Program. The Livable Communities Act (MS § 473.25) provides grants for compliance with set standards. Mr. Burns explained the process and requirements to participate. Mr. Burns stated that the City has already met with many of the requirements. Mr. Burns presented several examples of surrounding development projects that received grants. The source of the grant funding was also explained.

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Accept Financial Report dated March 31, 2014
4. Accept Building Report dated March 31, 2014
5. Accept City Assessor report dated March 31, 2014
6. ~~Approve City Facility Use Policy~~

Council Member Bloyer pulled Item 6 for discussion.

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

Council Member Nelson noted that the new assessor has submitted some of his resident responses to the finance committee. He is very pleased with the choice so far.

ITEM 6:

City Clerk Bell explained that the city facilities use policy had not been updated since 1982. Due to the recent attempt to use city hall for unauthorized commercial use by a third party, it is appropriate to approve a new and updated policy for staff to follow. He noted that there are private facilities in the city that are better suited for commercial events. Council Member Reeves asked how often the city facilities are reserved by outside groups. Clerk Bell stated that about 5-6 reservations are made per month.

Mayor Pearson commended staff for handling the recent issue quickly and appropriately.

MOTION: Council Member Smith moved ***TO APPROVE THE CITY FACILITIES USE POLICY.*** Council Member Bloyer seconded the motion. ***MOTION PASSED 5-0.***

OLD BUSINESS

ITEM 7: 2014 SEAL COAT PROJECT – APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE AD FOR BIDS; RESOLUTION NO. 2014-20

City Engineer Griffin explained the background and provided an update on the need of the higher amount than initially budgeted. Going forward the city will plan on a \$160,000 annual average cost. City

Administrator Zuleger noted that the budget will now include a specific line for Seal Coat project. It was noted that the Finance Committee did review this item and recommend approval.

MOTION: Council Member Bloyer moved TO APPROVE RESOLUTION NO. 2014-20, THEREBY APPROVING THE PLANS AND SPECIFICATIONS AND ORDERING THE ADVERTISEMENT FOR BIDS FOR THE 2014 SEAL COAT PROJECT. Council Member Smith seconded the motion. MOTION PASSED 5-0.

REGULAR AGENDA

ITEM 8: INFRASTRUCTURE ASSET MANAGEMENT

City Engineer Griffin provided an overview of the Beehive software. It will aid in a more efficient management of city infrastructure assets. Mr. Griffin explained the cost of \$13,098 per year. That price is locked in for three years and includes all maintenance and other support. All information regarding infrastructure will be available in a central location. The various benefits and features were explained. The software is also very user friendly.

Council Member Reeves is very supportive of utilizing this type of software. He asked about security of the data. Mr. Griffin stated that the data is encrypted and various permissions are used to access and view and edit the data.

Council Member Smith asked if other cities are using this. Mr. Griffin stated that there are a lot of programs out there and many cities use the various programs. After researching the many options available, staff thinks Beehive meets the needs of our city best.

Council Member Nelson asked about who will be primarily responsible to maintain and use software. Planner Johnson, Planning Program Assistant Ziertman, Public Works Operator Duddeck, and Assistant City Engineer Stempski will be the primary users. Finance Director Bendel explained how the item will be funded.

MOTION: Council Member Nelson moved TO APPROVE THE PURCHASE OF INFRASTRUCTURE ASSET MANAGEMENT SOFTWARE INCLUDING BEEHIVE INDUSTRIES SOFTWARE MODULES FOR ROADS, WATER, WASTEWATER AND STORM IN THE AMOUNT OF \$13,098 AND FOR A 36 MONTH TERM. Council Member Smith seconded the motion.

The Council consensus was that this will improve staff efficiency. Council Member Nelson pointed out that this will improve efficiencies across the departments. Mayor Pearson asked that staff provide an update to Council about 6 months after being implemented.

City Administrator Zuleger mentioned that there is also a park module that will be brought to the Parks Commission and potentially brought back to Council to be added. That module costs will come out of the Park Land Dedication.

MOTION PASSED 5-0.

ITEM 9: 39TH STREET N: STREET & SANITARY SEWER IMPROVEMENTS – APPROVE REPORT AND ORDER PUBLIC HEARING; RES. NO. 2014-24

City Engineer Griffin explained the background and presented the feasibility report. Project is part of a 429 Petition. Project will include reconstruction of 39th Street North from State Highway 5 to CSAH 17. Alternate options are to add 8-foot bituminous trail and 6-foot sidewalk in order to match the extension of proposed future Village Parkway. Also proposed is the replacement of existing storm sewer conveyance system along 39th Street North and extension of trunk sanitary sewer in connection with the Village East Trunk Sanitary Sewer extension. The total estimated project cost is \$1,247,000. The street and storm sewer improvement portion is \$641,000, the sanitary sewer improvement is \$425,000, the sidewalk improvement is \$113,000, and the trail improvement is \$68,000.

LAKE ELMO CITY COUNCIL MINUTES

APRIL 15, 2014

Council Member Smith noted her concern with committing to the sewer without further development on the eastern village.

Council discussed the sufficiency of the sewer pipe size. It was explained how this sewer will also provide the option for potential relief for septic failures.

The council discussed how the city would fund the City portion if the City chooses to contribute.

Ms. Smith asked about the assessment if the development does not happen as quickly as expected. It was explained that that the assessments happen regardless.

MOTION: Council Member Reeves moved TO ADOPT RESOLUTION NO. 2014-24, RECEIVING THE FEASIBILITY REPORT AND CALLING HEARING FOR THE 39TH STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS. Council Member Nelson seconded the motion.

Council Member Nelson is in favor of the city contributing to the street as they have already been assessed in the past for streets.

Mayor Pearson asked if the appeals could be separated. Attorney Snyder explained that the court would look at the entire assessment and whether the benefit afforded outweighs the assessment.

The Council discussed the proposed sidewalk, trail, and related assessments, along with what portion, if any, the city should contribute to those items. It was agreed that the trail costs should come out of park dedication.

MOTION PASSED 5-0.

Council Member Smith requested a point of privilege at 9:24 pm. Council reconvened at 9:29 pm.

ITEM 10: LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS – APPROVE PLANS AND SPECIFICATIONS AND ORDER ADVERTISEMENT FOR BIDS; RES. NO. 2014-25

City Engineer Griffin provided overview of the project. It includes installation of watermain along Lake Elmo Avenue. Total estimated cost is \$2,894,000. Post-design construction costs are estimated at \$2,325,000. The project will be paid through a combination of funds as follows: 1. Special Assessments – \$185,600; 2. Water Enterprise Fund – \$2,708,400. City Administrator Zuleger has negotiated secured funding for the project. Mr. Zuleger explained the status of the secured funding. Mr. Griffin explained the proposed project schedule.

Mayor Pearson asked how long the project cash-flows. It is unknown at this time.

Council Member Reeves asked why the funding has been secured for Lake Elmo Avenue but not for Inwood Avenue. Mr. Griffin explained the timing considerations involving the placement of the booster station and there is already temporary water provided by the City of Oakdale.

Council Member Nelson asked about the property service costs. Mr Griffin said that the bids will include that item, and the city will know at that point.

MOTION: Council Member Smith moved TO DENY RESOLUTION 2014-25. No second. MOTION FAILED FOR LACK OF A SECOND.

Council Member Smith stated that she needs more information. She wants the finances worked out before approval.

MOTION: Mayor Pearson moved TO APPROVE RESOLUTION NO. 2014-25, APPROVING THE PLANS AND SPECIFICATIONS AND ORDERING THE ADVERTISEMENT FOR BIDS FOR THE LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS. Council Member Nelson seconded the motion.

LAKE ELMO CITY COUNCIL MINUTES

APRIL 15, 2014

Council Member Boyer stated that he needs more information as well. He is not prepared to approve the awarding of the project, but will vote to move it forward. Council Member Nelson pointed out that there is still opportunity to stop the project if the cash flow needs are not met. Council Member Smith would like the Finance Committee to discuss it at the next finance meeting scheduled in three days. The Council discussed the impact of postponing the project. It could impact the system operational date. The Mayor believes that the amount of pre-work done by staff has been aggressive and adequate.

Council Member Reeves wants to keep the project moving, but wants more assurance on the financial scenarios. The potential activity for the area was discussed. Mr. Boyer asked about the Dan Regan security. City Administrator Zuleger explained it was a drawable Letter of Credit and would not be impacted if the TIF District was not provided.

Mr. Nelson wants to move it forward, but will not be voting for the project if it is not financially viable. Mr. Nelson wants the residents who want water to be charged the stub assessments, but if they do not want water, no stub. Mr. Griffin noted that that approach poses challenges and the County will not want the road torn up after they redo it.

The Council discussed the applicable lateral benefit charge and whether there is an actual benefit. Council Members Boyer and Nelson want the residents to have the option to not connect and then pay full amount later. Council Member Smith wants to have the benefit charge policy discussion separately.

MOTION: Council Member Nelson moved TO AMEND MOTION TO REQUIRE EVERY PARCEL RECEIVE A STUB AND CHARGE EACH PARCEL \$2,900 LATERAL BENEFIT CHARGE. Mayor Pearson seconded the motion.

The Council discussed the amendment. It was noted that the lateral benefit charge policy will need to be changed if the motion to amend passes.

Mr. Nelson withdrew his amendment.

ORIGINAL MOTION PASSED 3-2 (Smith and Boyer – Nay).

Council Member Boyer will not support project if residents not given option to install stub. Council Member Smith reiterated that she wants the financial information resolved.

Council Member Smith left room at 10:28 pm.

Council asked staff to place the lateral benefit charge discussion on the next meeting agenda.

ITEM 11: INWOOD TRUNK WATERMAIN IMPROVEMENTS – APPROVE PLANS AND SPECIFICATIONS AND ORDER ADVERTISEMENT FOR BIDS. RES. NO. 2014-26

City Engineer Griffin provided overview of the project. Includes installation of watermain along Inwood Avenue connecting. Will serve new development in the I94 Corridor through connections to the Eagle Point Business Park watermain system and a future 5th Street extension. Project does not include water service to the Parkview Estates neighborhood. The Inwood Booster station is being done as a separate project.

Total estimated project costs: \$2,200,000. Estimated Post-design construction cost is \$1,800,000. The project will be paid through a combination of funds as follows: 1. Special Assessments – \$11,600; 2. Water Enterprise Fund – \$2,188,400. Staff recommending project be placed on hold and bid date be delayed until City Administrator has determined project funding. State bonding is the funding source.

It was explained that if the bonding is awarded the project can be amended and Parkview Estates can be added back in.

MOTION: Council Member Boyer moved TO APPROVE RESOLUTION NO. 2014-26, APPROVING THE PLANS AND SPECIFICATIONS AND ORDERING THE ADVERTISEMENT FOR BIDS FOR THE INWOOD TRUNK WATERMAIN IMPROVEMENTS AS DIRECTED BY THE CITY ADMINISTRATOR. Council Member Reeves seconded the motion. MOTION PASSED 5-0.

Summary reports and announcements were skipped.

ITEM 12: EXECUTIVE SESSION

MOTION: Council Member Bloyer moved **TO ENTER EXECUTIVE SESSION**. Council Member Nelson seconded the motion. **MOTION PASSED 5-0.**

Adjourn to *Closed Session* per MN State Statute 13D.05, Subd. 3(b) Attorney- Client Privilege regarding threatened litigation against the City of Lake Elmo

Mayor Pearson adjourned to closed session at 10:38 pm.

MOTION: Council Member Nelson moved **TO RECONVENE OPEN SESSION**. Council Member Bloyer seconded the motion. **MOTION PASSED 5-0.**

Mayor Pearson reported that Council received report from Attorney, and no formal action taken or directed.

Mayor Pearson adjourned meeting at 12:12 am.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$322,203.89

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$322,203.89

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$322,203.89. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

BACKGROUND INFORMATION/STAFF REPORT: The City of Lake Elmo has the fiduciary responsibility to conduct normal business operations. 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	\$ 10,946.18	Payroll Taxes to IRS & MN Dept of Revenue 5/01/14
ACH	\$ 6,017.83	Payroll Retirement to PERA 5/01/14
DD5457-DD5482	\$ 28,473.86	Payroll Dated (Direct Deposits) 5/01/14
41211-41285	\$ 275,686.02	Accounts Payable 5/06/14
2359-2376	\$ 1,080.00	Library Card Reimbursement 5/06/14
TOTAL	\$ 322,203.89	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$322,203.89.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 05/01/2014 - 1:21 PM

Batch: 009-04-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
4ACE Richards Brian	04/30/2014	295.00	0.00	05/06/2014	Summer Reading performance		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	Total:	295.00								
	4ACE Total:	295.00								
AMAZONIN Amazon Inc										
Various	04/10/2014	694.29	0.00	05/06/2014	Books		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
Various	04/10/2014	53.22	0.00	05/06/2014	Teen Books		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
Various	04/10/2014	95.95	0.00	05/06/2014	Children's books		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
Various	04/10/2014	164.74	0.00	05/06/2014	DVDs		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
Various	04/10/2014	14.96	0.00	05/06/2014	Children's DVD		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
Various	04/10/2014	14.95	0.00	05/06/2014	Children's DVD		-	No		0000
206-450-5300-44300	Miscellaneous									
Various	04/10/2014	-2.49	0.00	05/06/2014	Credit		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	Various Total:	1,035.62								
	AMAZONIN Total:	1,035.62								
BIFFS Biffs Inc.										
W522144	04/02/2014	32.84	0.00	05/06/2014	Portable Restrooms		-	No		0000
101-450-5200-44120	Rentals - Buildings									
	W522144 Total:	32.84								
	BIFFS Total:	32.84								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BOLTONME Bolton & Menk, Inc										
0165075	03/31/2014	315.00	0.00	05/06/2014	2013.131 Well No 4 Connecting Watermain		-			No 0000
601-494-9400-43030	Engineering Services									
	0165075 Total:	315.00								
0165076	03/31/2014	5,010.50	0.00	05/06/2014	2014 Street Improvements		-			No 0000
409-480-8000-43030	Engineering Services									
	0165076 Total:	5,010.50								
	BOLTONME Total:	5,325.50								
BRANDERS Branders Com Inc										
10181101	04/24/2014	2,132.45	0.00	05/06/2014	Air Fresheners - Recycling Grant Money		-			No 0000
101-430-3200-42100	Recycling Supplies									
	10181101 Total:	2,132.45								
	BRANDERS Total:	2,132.45								
CARDMEMB Cardmember Service										
	04/18/2014	586.86	0.00	05/06/2014	Conference		-			No 0000
101-410-1320-44370	Conferences & Training									
	04/18/2014	107.09	0.00	05/06/2014	Audio Equip		-			No 0000
101-410-1450-43180	Information Technology/Web									
	04/18/2014	12.50	0.00	05/06/2014	supplies		-			No 0000
101-410-1320-42000	Office Supplies									
	04/18/2014	53.51	0.00	05/06/2014	supplies		-			No 0000
101-420-2220-42120	Fuel, Oil and Fluids									
	04/18/2014	408.12	0.00	05/06/2014	Printer/cartridges		-			No 0000
101-420-2220-42000	Office Supplies									
	04/18/2014	86.77	0.00	05/06/2014	postage		-			No 0000
101-410-1320-43220	Postage									
	04/18/2014	26.99	0.00	05/06/2014	WSJ		-			No 0000
101-410-1320-44330	Dues & Subscriptions									
	04/18/2014	190.85	0.00	05/06/2014	Books		-			No 0000
101-410-1520-44350	Books									
	04/18/2014	1,839.51	0.00	05/06/2014	PC - library		-			No 0000
206-450-5300-42180	Hardware									
	04/18/2014	51.66	0.00	05/06/2014	Fuel		-			No 0000
101-420-2400-42120	Fuel, Oil and Fluids									
	04/18/2014	66.20	0.00	05/06/2014	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	04/18/2014	581.62	0.00	05/06/2014	PC		-			No 0000
206-450-5300-42180	Hardware									
	04/18/2014	260.92	0.00	05/06/2014	supplies		-			No 0000
206-450-5300-42000	Office Supplies									
	04/18/2014	101.60	0.00	05/06/2014	meals		-			No 0000
101-410-1320-44300	Miscellaneous									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
101-410-1320-44370	04/18/2014	719.36	0.00	05/06/2014	Conference/Hotel deposit		-	No		0000
	Conferences & Training									
	Total:	5,093.56								
	CARDMEMB Total:	5,093.56								
CARQUEST Car Quest Auto Parts										
2055-316298	04/21/2014	103.59	0.00	05/06/2014	Service Parts		-	No		0000
101-450-5200-42210	Equipment Parts									
2055-316298	04/21/2014	104.73	0.00	05/06/2014	Oil & Antifreeze		-	No		0000
101-450-5200-42210	Equipment Parts									
	2055-316298 Total:	208.32								
2055-316527	04/23/2014	103.80	0.00	05/06/2014	Toro Glow Plug		-	No		0000
101-450-5200-42210	Equipment Parts									
	2055-316527 Total:	103.80								
	CARQUEST Total:	312.12								
CENTPOW Century Power Equipment										
619225	03/31/2014	71.78	0.00	05/06/2014	Chain Saw parts		-	No		0000
101-430-3120-44040	Repairs/Maint Eqpt									
	619225 Total:	71.78								
619547	03/31/2014	88.47	0.00	05/06/2014	Chain Saw parts		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
	619547 Total:	88.47								
619550	03/31/2014	-23.52	0.00	05/06/2014	Chain Saw parts		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
	619550 Total:	-23.52								
620277	04/11/2014	3.64	0.00	05/06/2014	Blower Filter		-	No		0000
101-430-3120-44040	Repairs/Maint Eqpt									
	620277 Total:	3.64								
622080	04/30/2014	414.29	0.00	05/06/2014	Hedge Trimmer		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
	622080 Total:	414.29								
622084	04/30/2014	2.83	0.00	05/06/2014	Chain Saw Filter		-	No		0000
101-430-3120-44040	Repairs/Maint Eqpt									
	622084 Total:	2.83								
	CENTPOW Total:	557.49								
CENTURYL CenturyLink										
6517734926160	04/19/2014	125.89	0.00	05/06/2014	Telephone		-	No		0000
206-450-5300-43210	Telephone									
6517734926160	04/19/2014	38.44	0.00	05/06/2014	Internet		-	No		0000
206-450-5300-43250	Internet									
	6517734926160 Total:	164.33								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CENTURYL Total:		164.33								
COLDWELL Coldwell Banker Commercial										
38958	04/11/2014	80.00	0.00	05/06/2014	HVAC Service call		-	No		0000
206-450-5300-44040	Repairs/Maint Eqpt	80.00								
	38958 Total:	80.00								
COLDWELL Total:		80.00								
COLEMER Colemer Jamie										
	04/15/2014	3.96	0.00	05/06/2014	Work Socks		-	No		0000
101-430-3100-44170	Uniforms	33.97	0.00	05/06/2014	Work Pants		-	No		0000
101-430-3100-44170	Uniforms	120.00	0.00	05/06/2014	Work Boots		-	No		0000
	04/15/2014									
	Uniforms	157.93								
	Total:	157.93								
COLEMER Total:		157.93								
COMOPARK Como Park Zoo & Conservatory										
	04/16/2014	200.00	0.00	05/06/2014	Bird-a-wocky Education program		-	No		0000
206-450-5300-42500	Library Collection Maintenance	200.00								
	Total:	200.00								
COMOPARK Total:		200.00								
CORNELL Cornell Mike										
	04/09/2014	22.46	0.00	05/06/2014	Water Testing Kit		-	No		0000
601-494-9400-42300	Water Meters & Supplies	22.46								
	Total:	22.46								
CORNELL Total:		22.46								
CTYBLOOM City of Bloomington										
March 2014	03/31/2014	31.50	0.00	05/06/2014	Lab- Bacteria Test		-	No		0000
601-494-9400-42270	Utility System Maintenance	31.50								
	March 2014 Total:	31.50								
CTYBLOOM Total:		31.50								
CTYROSEV City of Roseville										
218667	04/24/2014	6,735.11	0.00	05/06/2014	Lasefiche Upgrade and Maintenance		-	No		0000
101-410-1450-43180	Information Technology/Web	6,735.11								
	218667 Total:	6,735.11								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYROSEV Total:		6,735.11								
DELAPP Delapp Steve										
Paid Receipts	04/17/2014	5.35	0.00	05/06/2014	Batteries		-	No		0000
206-450-5300-42230 Building Repair Supplies										
Paid Receipts	04/17/2014	18.81	0.00	05/06/2014	Ceiling Supports		-	No		0000
206-450-5300-42230 Building Repair Supplies										
Paid Receipts	04/17/2014	105.32	0.00	05/06/2014	Building renovation supplies		-	No		0000
206-450-5300-42230 Building Repair Supplies										
Paid Receipts	04/17/2014	84.66	0.00	05/06/2014	Building renovation supplies		-	No		0000
206-450-5300-42230 Building Repair Supplies										
Paid Receipts Total:		214.14								
DELAPP Total:		214.14								
DEMCO Demco										
5260221	04/07/2014	43.20	0.00	05/06/2014	Bookends		-	No		0000
206-450-5300-42000 Office Supplies										
5260221	04/07/2014	34.00	0.00	05/06/2014	Bookmarks		-	No		0000
206-450-5300-42500 Library Collection Maintenance										
5260221	04/07/2014	23.80	0.00	05/06/2014	Posters		-	No		0000
206-450-5300-42500 Library Collection Maintenance										
5260221	04/07/2014	8.08	0.00	05/06/2014	shipping		-	No		0000
206-450-5300-42500 Library Collection Maintenance										
5260221 Total:		109.08								
DEMCO Total:		109.08								
DPCINDUS DPC Industries, Inc.										
827000598-14	04/18/2014	572.21	0.00	05/06/2014	Flouride		-	No		0000
601-494-9400-42160 Chemicals										
827000598-14 Total:		572.21								
827000599-14	04/18/2014	99.00	0.00	05/06/2014	Chlorine		-	No		0000
601-494-9400-42160 Chemicals										
827000599-14 Total:		99.00								
DPCINDUS Total:		671.21								
DWINC D.W. INC.										
210449	04/16/2014	139.49	0.00	05/06/2014	Repair positive pressure fan		-	No		0000
101-420-2220-44040 Repairs/Maint Eqpt										
210449 Total:		139.49								
DWINC Total:		139.49								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EMERGAPP Emergency Apparatus Maint. Inc										
73332-33	04/07/2014	329.40	0.00	05/06/2014	T1 pump repairs		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
73332-33	04/07/2014	599.09	0.00	05/06/2014	B2 pump repairs		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	73332-33 Total:	928.49								
	EMERGAPP Total:	928.49								
EMERGREGS Emergency Response Solutions										
1968	04/11/2014	661.90	0.00	05/06/2014	2 Ls helmets and shields		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	1968 Total:	661.90								
	EMERGREGS Total:	661.90								
FERGUSON Ferguson Waterworks, Inc #2516										
72513	04/10/2014	6,929.36	0.00	05/06/2014	Meters		-		No	0000
601-494-9400-42300	Water Meters & Supplies									
	72513 Total:	6,929.36								
74064	04/10/2014	191.46	0.00	05/06/2014	Spinner Wrench		-		No	0000
601-494-9400-42400	Small Tools & Minor Equipment									
	74064 Total:	191.46								
	FERGUSON Total:	7,120.82								
FOCUS Focus Engineering, Inc.										
1148-1149	04/27/2014	3,203.20	0.00	05/06/2014	General		-		No	0000
101-410-1930-43030	Engineering Services									
1148-1149	04/27/2014	640.00	0.00	05/06/2014	Planning		-		No	0000
101-410-1910-43030	Engineering Services									
1148-1149	04/27/2014	400.00	0.00	05/06/2014	ROW		-		No	0000
101-430-3100-43030	Engineering Services									
	1148-1149 Total:	4,243.20								
1150-1153	04/27/2014	579.05	0.00	05/06/2014	Building		-		No	0000
101-420-2400-43030	Engineering									
1150-1153	04/27/2014	661.88	0.00	05/06/2014	Planning		-		No	0000
101-410-1910-43030	Engineering Services									
1150-1153	04/27/2014	732.50	0.00	05/06/2014	PW		-		No	0000
101-430-3100-43030	Engineering Services									
1150-1153	04/27/2014	736.50	0.00	05/06/2014	Water		-		No	0000
101-494-9400-43030	Engineering Services									
1150-1153	04/27/2014	278.50	0.00	05/06/2014	Sewer		-		No	0000
602-495-9450-43030	Engineering Services									
1150-1153	04/27/2014	1,137.00	0.00	05/06/2014	Surface Water		-		No	0000
603-496-9500-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
1150-1153 Total:		4,125.43								
1154	04/27/2014	882.38	0.00	05/06/2014	2014.114 Transportation & Traffic		-		No	0000
409-480-8000-43030	Engineering Services									
1154	04/27/2014	322.36	0.00	05/06/2014	2014.115 Street System Maintenance		-		No	0000
409-480-8000-43030	Engineering Services									
1154	04/27/2014	164.50	0.00	05/06/2014	2014.116 Municipal State Aid System		-		No	0000
409-480-8000-43030	Engineering Services									
1154	04/27/2014	906.25	0.00	05/06/2014	2014.117 Capital Improvement Planning		-		No	0000
409-480-8000-43030	Engineering Services									
1154	04/27/2014	538.00	0.00	05/06/2014	2014.118 2014 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services									
1154 Total:		2,813.49	0.00	05/06/2014	OV Sanitary Sewer 2012.125		-		No	0000
409-480-8000-43030	Engineering Services									
1155 Total:		1,746.25	0.00	05/06/2014	2012.129 Keats Ave Watermain		-		No	0000
1156	04/27/2014	51.60	0.00	05/06/2014	2012.129 Keats Ave Watermain		-		No	0000
601-494-9400-43030	Engineering Services									
1156	04/27/2014	68.40	0.00	05/06/2014	2012.129 Keats Ave Watermain		-		No	0000
409-480-8000-43030	Engineering Services									
1157 Total:		120.00	0.00	05/06/2014	2013.123 LE Ave Infrastructure I94-30th		-		No	0000
409-480-8000-43030	Engineering Services									
1158 Total:		6,944.15	0.00	05/06/2014	2013.125 Prod. Well Number 4		-		No	0000
1159	04/27/2014	351.50	0.00	05/06/2014	2013.126 Section 34 Water		-		No	0000
601-494-9400-43030	Engineering Services									
1159	04/27/2014	1,731.76	0.00	05/06/2014	2013.126 Section 34 Sewer Extension		-		No	0000
602-495-9450-43030	Engineering Services									
1159 Total:		2,886.26	0.00	05/06/2014	203.127 CSAH Corridor Mgmt & Safety		-		No	0000
602-495-9450-43030	Engineering Services									
1160 Total:		29.50	0.00	05/06/2014	2013.131 Well No 4 Watermain Improv Feas		-		No	0000
1161	04/27/2014	7,116.76	0.00	05/06/2014	2013.132 Pumphouse No 4		-		No	0000
601-494-9400-43030	Engineering Services									
1161 Total:		7,116.76	0.00	05/06/2014	2013.133 LE Ave Trunk Watermain		-		No	0000
601-494-9400-43030	Engineering Services									
1162 Total:		467.75	0.00	05/06/2014	2013.134 LE Ave Corridor Improve		-		No	0000
601-494-9400-43030	Engineering Services									
1163 Total:		2,822.00	0.00	05/06/2014	2013.134 LE Ave Corridor Improve		-		No	0000
1164	04/27/2014	928.50	0.00	05/06/2014	2013.134 LE Ave Corridor Improve		-		No	0000
409-480-8000-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
1165	04/27/2014	928.50	0.00	05/06/2014	2013.135 2014 Street Improv Feas.		-		No	0000
409-480-8000-43030	Engineering Services	2,715.25								
1166	04/27/2014	2,715.25	0.00	05/06/2014	2014.127 Village East Trunk Sewer		-		No	0000
602-495-9450-43030	Engineering Services	2,559.38								
1167	04/27/2014	2,559.38	0.00	05/06/2014	2014.129 Inwood Booster Station		-		No	0000
601-494-9400-43030	Engineering Services	1,242.25			Improv					
1168	04/27/2014	1,242.25	0.00	05/06/2014	2014.130 Inwood Trunk Watermain		-		No	0000
601-494-9400-43030	Engineering Services	2,520.09			Improv					
1169	04/27/2014	5,081.25	0.00	05/06/2014	2014.131 39th Street N		-		No	0000
409-480-8000-43030	Engineering Services	5,081.25								
1170	04/27/2014	3,132.27	0.00	05/06/2014	2012.130A Lennar I-94 West Corridor		-		No	0000
203-490-9070-43030	Engineering Services	3,132.27								
1171	04/27/2014	1,104.38	0.00	05/06/2014	2013.128 Amaris Homes		-		No	0000
203-490-9070-43030	Engineering Services	1,697.50								
1172	04/27/2014	1,697.50	0.00	05/06/2014	2013.129 Hammes Estates		-		No	0000
203-490-9070-43030	Engineering Services	206.50								
1173	04/27/2014	206.50	0.00	05/06/2014	2013.130 Landucci Property(Ryland)		-		No	0000
203-490-9070-43030	Engineering Services	206.50								
1174	04/27/2014	911.88	0.00	05/06/2014	2014.124 Engstrom Village		-		No	0000
203-490-9070-43030	Engineering Services	911.88								
1175	04/27/2014	1,798.50	0.00	05/06/2014	2014.126 Easton Village		-		No	0000
203-490-9070-43030	Engineering Services	1,798.50								
	FOCUS Total:	57,564.04								
GONYEA Gonyea Homes										
	04/29/2014	5,000.00	0.00	05/06/2014	Refund Escrow #8965 10950 57th Street		-		No	0000
803-000-0000-22900	Deposits Payable	5,000.00								
	Total:	5,000.00								
	GONYEA Total:	5,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
GRAHAM Graham Richard										
101-000-0000-32280	04/14/2014	38.50	0.00	05/06/2014	Refund Partial Electrical Permit		-	No		0000
	Message Therapy Licenses									
	Total:	38.50								
	GRAHAM Total:	38.50								
GRAPHICR Graphic Resources Inc										
47989	01/17/2014	1,482.18	0.00	05/06/2014	Winter Newsletter		-	No		0000
101-410-1450-43090	Newsletters									
	47989 Total:	1,482.18								
48048	01/17/2014	456.00	0.00	05/06/2014	Full Color Envelopes		-	No		0000
101-410-1450-42000	Office Supplies									
	48048 Total:	456.00								
48783	04/11/2014	1,246.00	0.00	05/06/2014	Spring Newsletter		-	No		0000
101-410-1450-43090	Newsletters									
	48783 Total:	1,246.00								
	GRAPHICR Total:	3,184.18								
HILLS Hill's Auto Extrication										
1015	04/16/2014	221.16	0.00	05/06/2014	Repair/Rebuild Extrication RAM		-	No		0000
101-420-2220-44040	Repairs/Maint Egpt									
1015	04/16/2014	457.50	0.00	05/06/2014	Reimb from Alex Air		-	No		0000
101-000-0000-11500	Accounts Receivable									
	1015 Total:	678.66								
	HILLS Total:	678.66								
JOHNSON& Johnson & Turner Attorneys										
35095	04/09/2014	1,007.50	0.00	05/06/2014	Legal Services - Lennar Matter		-	No		0000
803-000-0000-22900	Deposits Payable									
	35095 Total:	1,007.50								
35561	04/09/2014	4,737.25	0.00	05/06/2014	Legal Services - Prosecution		-	No		0000
101-420-2150-43045	Attorney Criminal									
	35561 Total:	4,737.25								
35562	04/09/2014	4,330.00	0.00	05/06/2014	Legal Service - Civil		-	No		0000
101-410-1320-43040	Legal Services									
	35562 Total:	4,330.00								
	JOHNSON& Total:	10,074.75								
KAMCO Kamco, Corp										
3425	04/08/2014	950.00	0.00	05/06/2014	Tree/Stump Removal		-	No		0000
101-430-3250-43150	Contract Services									
	3425 Total:	950.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
KAMCO Total:		950.00								
kathfuel Kath Fuel Oil Service Co										
458675	04/08/2014	1,056.11	0.00	05/06/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids									
458675 Total:		1,056.11								
458676	04/08/2014	115.07	0.00	05/06/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids									
458676 Total:		115.07								
kathfuel Total:		1,171.18								
KORTHER KORTHER ERIC										
	04/15/2014	55.00	0.00	05/06/2014	Cable Operations - 4/15/14 CC Meeting		-	No		0000
101-410-1450-43620	Cable Operations									
	04/15/2014	25.00	0.00	05/06/2014	Bonus		-	No		0000
101-410-1450-43620	Cable Operations									
Total:		80.00								
KORTHER Total:		80.00								
LEAGMN League of MN Citires										
197320	03/03/2014	40.00	0.00	05/06/2014	2014 Safety & Loss Control Adam & Beckie		-	No		0000
101-410-1320-44370	Conferences & Training									
197320 Total:		40.00								
LEAGMN Total:		40.00								
LEOIL Lake Elmo Oil, Inc.										
5075007	03/31/2014	9.61	0.00	05/06/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids									
5075007 Total:		9.61								
5675629	03/31/2014	14.27	0.00	05/06/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids									
5675629 Total:		14.27								
5675648	03/31/2014	20.03	0.00	05/06/2014	Fuel		-	No		0000
101-430-3120-42120	Fuel, Oil and Fluids									
5675648 Total:		20.03								
LEOIL Total:		43.91								
Library1 Library Ideas										
37884	03/31/2014	3.00	0.00	05/06/2014	Pay-as-you-go March 2014		-	No		0000
206-450-5300-42000	Office Supplies									
37884 Total:		3.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LibraryI Total:		3.00								
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LTG PWR L.T.G. Power Equipment		16.15	0.00	05/06/2014	Toro Z valve		-		No	0000
176392	04/21/2014									
101-450-5200-44040	Repairs/Maint Eqpt									
	176392 Total:	16.15								
	LTG PWR Total:	16.15								
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MANUFACT Manufactured Housing Special.										
803-000-0000-22900	04/11/2014	500.00	0.00	05/06/2014	Refund Escrow 2014-95 81 Cimarron		-		No	0000
	Deposits Payable									
803-000-0000-22900	04/18/2014	500.00	0.00	05/06/2014	Refund Escrow 2014-92 39 Cimarron		-		No	0000
	Deposits Payable									
	Total:	1,000.00								
	MANUFACT Total:	1,000.00								
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MENARDSO Menards - Oakdale										
42228	04/07/2014	13.95	0.00	05/06/2014	Litter picking tools		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									
	42228 Total:	13.95								
42929	04/15/2014	11.09	0.00	05/06/2014	Mailbox		-		No	0000
101-430-3125-42250	Landscaping Materials									
	42929 Total:	11.09								
43217	04/19/2014	60.95	0.00	05/06/2014	Dado Blade router bit		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									
	43217 Total:	60.95								
43353	04/21/2014	41.07	0.00	05/06/2014	Park Maint Supplies		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	43353 Total:	41.07								
	MENARDSO Total:	127.06								
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MESSERLI Messerli & Kramer										
296975	04/14/2014	5,000.00	0.00	05/06/2014	2013-2014 Legislative Representation		-		No	0000
101-410-1320-43150	Contract Services									
	296975 Total:	5,000.00								
	MESSERLI Total:	5,000.00								
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MILLEREX Miller Excavating, Inc.										
18073	04/01/2014	2,606.25	0.00	05/06/2014	Water Main Thawing		-		No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	18073 Total:	2,606.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
18107	04/17/2014	8,290.70	0.00	05/06/2014	Watermain Repair 2767 LE Ave		-	No		0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	18107 Total:	8,290.70								
18110	04/17/2014	5,221.18	0.00	05/06/2014	Watermain Repair Tapestry Bend		-	No		0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	18110 Total:	5,221.18								
	MILLEREX Total:	16,118.13								
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MNADMIN State of Minnesota										
488145	04/15/2014	16.50	0.00	05/06/2014	Horning vs City		-	No		0000
101-410-1320-43040	Legal Services									
	488145 Total:	16.50								
	MNADMIN Total:	16.50								
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MSAPROF MSA Professional Services, Inc										
3	04/15/2014	16,870.02	0.00	05/06/2014	2014.130 Inwood Trunk Watermain		-	No		0000
601-494-9400-43030	Engineering Services									
3	04/15/2014	6,226.42	0.00	05/06/2014	2014.129 Inwood Booster Station		-	No		0000
601-494-9400-43030	Engineering Services									
	3 Total:	23,096.44								
	MSAPROF Total:	23,096.44								
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MTI MTI Distributing Inc.										
950221-00	04/15/2014	1,738.92	0.00	05/06/2014	Radiator service & parts repair		-	No		0000
101-450-5200-42210	Equipment Parts									
	950221-00 Total:	1,738.92								
950221-01	04/17/2014	90.07	0.00	05/06/2014	Toro parts		-	No		0000
101-450-5200-42210	Equipment Parts									
	950221-01 Total:	90.07								
950221-02	04/17/2014	4.65	0.00	05/06/2014	Toro parts		-	No		0000
101-450-5200-42210	Equipment Parts									
	950221-02 Total:	4.65								
950221-03	04/17/2014	42.48	0.00	05/06/2014	Toro parts		-	No		0000
101-450-5200-42210	Equipment Parts									
	950221-03 Total:	42.48								
951183-00	04/22/2014	21.57	0.00	05/06/2014	Dust Ejector		-	No		0000
101-450-5200-42210	Equipment Parts									
	951183-00 Total:	21.57								
	MTI Total:	1,897.69								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NATGEO National Geographic Society										
4351395753	04/14/2014	24.00	0.00	05/06/2014	1 year Subscription renewal		-	No		0000
206-450-5500-42500	Library Collection Maintenance									
	4351395753 Total:	24.00								
	NATGEO Total:	24.00								
NCPERS 566200-NCPERS Minnesota										
5662414	04/22/2014	160.00	0.00	05/06/2014	May premium		-	No		0000
101-000-0000-21708	Other Benefits									
	5662414 Total:	160.00								
	NCPERS Total:	160.00								
NORTHDAL Northdale Construction Co, INC										
Pay Request 1	04/25/2014	67,963.12	0.00	05/06/2014	2013.131 Well No 4 Connecting WM Imp		-	No		0000
601-494-9400-43030	Engineering Services									
	Pay Request 1 Total:	67,963.12								
	NORTHDAL Total:	67,963.12								
OAK Oak Meadows										
	04/29/2014	1,000.00	0.00	05/06/2014	Refund Escrow #6389 Receipt 8670		-	No		0000
803-000-0000-22900	Deposits Payable									
	Total:	1,000.00								
	OAK Total:	1,000.00								
OAKDRC Oakdale Rental Center										
10092995	04/14/2014	5.42	0.00	05/06/2014	Propane - Patching Trailer		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	10092995 Total:	5.42								
	OAKDRC Total:	5.42								
OURTEAMA Our Team Advantage Inc.										
1091	04/08/2014	747.50	0.00	05/06/2014	Snow Plowing		-	No		0000
101-430-3125-43150	Contract Services									
	1091 Total:	747.50								
1131	04/14/2014	75.00	0.00	05/06/2014	Sweeping		-	No		0000
101-430-3120-43150	Contract Services									
	1131 Total:	75.00								
	OURTEAMA Total:	822.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PENWORTH The Penworthy Company										
264545	04/22/2014	729.73	0.00	05/06/2014	Children's Books		-		No	0000
206-450-5300-42500 Library Collection Maintenance										
264545	04/22/2014	20.00	0.00	05/06/2014	MARC records		-		No	0000
206-450-5300-42500 Library Collection Maintenance										
264545 Total: 749.73										
PENWORTH Total: 749.73										
PERMITWO PermitWorks										
2013-79	09/13/2013	7,860.00	0.00	05/06/2014	Implement and Train, Insp Geo		-		No	0000
101-420-2400-43180 Information Technology/Web										
2013-79 Total: 7,860.00										
2013-89	12/02/2013	2,852.16	0.00	05/06/2014	Implement & Train - Sched & Animal		-		No	0000
101-420-2400-43180 Information Technology/Web										
2013-89 Total: 2,852.16										
2014-23	01/09/2014	3,875.00	0.00	05/06/2014	Software support all modules		-		No	0000
101-420-2400-43180 Information Technology/Web										
2014-23 Total: 3,875.00										
PERMITWO Total: 14,587.16										
PIKEBOB Pike Bob										
206-450-5300-42230	04/14/2014	7.30	0.00	05/06/2014	Drop Cloths		-		No	0000
206-450-5300-42230 Building Repair Supplies										
206-450-5300-42230	04/14/2014	49.84	0.00	05/06/2014	Swivel Wheels		-		No	0000
206-450-5300-42230 Building Repair Supplies										
206-450-5300-42230	04/14/2014	6.97	0.00	05/06/2014	Rosin Paper		-		No	0000
206-450-5300-42230 Building Repair Supplies										
206-450-5300-42230	04/14/2014	29.28	0.00	05/06/2014	2x4 Studs		-		No	0000
206-450-5300-42230 Building Repair Supplies										
206-450-5300-42230	04/14/2014	9.99	0.00	05/06/2014	phone line for fax		-		No	0000
206-450-5300-42230 Building Repair Supplies										
206-450-5300-42230	04/14/2014	11.47	0.00	05/06/2014	plastic bags		-		No	0000
206-450-5300-42230 Building Repair Supplies										
206-450-5300-42230	04/14/2014	34.76	0.00	05/06/2014	Ceiling and wall repair materials		-		No	0000
206-450-5300-42230 Building Repair Supplies										
Total: 149.61										
PIKEBOB Total: 149.61										
PVADNAIS Paul Vadnais Plumbing & Well										
206-450-5300-44010	04/22/2014	225.00	0.00	05/06/2014	Plumbing diagnostics & repair - sink		-		No	0000
206-450-5300-44010 Repairs/Maint Bldg										
Total: 225.00										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	PVADNAIS Total:	225.00								
RABOIN Rabin Daniel	04/29/2014	2,500.00	0.00	05/06/2014	May monthly installment - per contract	-	-	No		0000
101-410-1320-43100	Assessing Services	2,500.00								
	Total:	2,500.00								
	RABOIN Total:	2,500.00								
REGIONS Regions Hospital	04/10/2014	2,173.60	0.00	05/06/2014	EMS training - contract renewal year 2	-	-	No		0000
7611199	Conferences & Training	2,173.60								
101-420-2220-44370	7611199 Total:	2,173.60								
	REGIONS Total:	2,173.60								
S&T S&T Office Products, Inc.	04/10/2014	120.21	0.00	05/06/2014	Office Supplies - Admin	-	-	No		0000
01Q10633	Office Supplies	120.21								
101-410-1320-42000	01Q10633 Total:	120.21								
01Q14100	04/17/2014	61.71	0.00	05/06/2014	Office Supplies - Admin	-	-	No		0000
101-410-1320-42000	Office Supplies	30.85								
01Q14100	04/17/2014	61.71	0.00	05/06/2014	Office Supplies - Public Works	-	-	No		0000
101-410-1910-42000	Office Supplies	154.27								
01Q14100	04/17/2014	274.48								
101-430-3100-42000	01Q14100 Total:	274.48								
	S&T Total:									
SAMSLUB Sam's Club	04/28/2014	164.97	0.00	05/06/2014	Restock station/rehab supplies	-	-	No		0000
101-420-2220-44300	Miscellaneous	8.88								
04/28/2014	Miscellaneous	173.85								
101-410-1940-44300	Miscellaneous	173.85								
	Total:	173.85								
	SAMSLUB Total:	173.85								
SCHLOMKA Schlomka Service LLC	04/15/2014	230.00	0.00	05/06/2014	Pump Holding Tank PW	-	-	No		0000
15566	Repairs/Maint Bldg	230.00								
101-430-3100-44010	15566 Total:	230.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SCHLOMKA Total:		230.00								
SELECTAC SelectAccount										
9954321003692	04/06/2014	16.88	0.00	05/06/2014	Participant Fee 3/01-4/30/2014		-	No		0000
101-410-1520-43150 Contract Services										
9954321003692 Total:		16.88								
SELECTAC Total:		16.88								
SPRINT Sprint										
761950227-133	04/18/2014	69.60	0.00	05/06/2014	Cell phone - Admin		-	No		0000
101-410-1940-43210 Telephone										
761950227-133	04/18/2014	248.96	0.00	05/06/2014	Cell phone - Fire		-	No		0000
101-420-2220-43210 Telephone										
761950227-133	04/18/2014	49.01	0.00	05/06/2014	Cell phone - Building		-	No		0000
101-420-2400-43210 Telephone										
761950227-133	04/18/2014	89.94	0.00	05/06/2014	Cell phone - PW		-	No		0000
101-430-3100-43210 Telephone										
761950227-133	04/18/2014	95.69	0.00	05/06/2014	Cell phone - Parks Dept		-	No		0000
101-450-5200-43210 Telephone										
761950227-133	04/18/2014	62.10	0.00	05/06/2014	Cell phone - Taxpayer Service		-	No		0000
101-410-1450-43210 Telephone										
761950227-133	04/18/2014	16.51	0.00	05/06/2014	Cell phone - Planning		-	No		0000
101-410-1910-43210 Telephone										
761950227-133 Total:		631.81								
SPRINT Total:		631.81								
STILLMED Stillwater Medical Group										
139868	04/08/2014	358.00	0.00	05/06/2014	Annual Physicals - Supan & Johnson		-	No		0000
101-420-2220-43050 Physicals										
139868 Total:		358.00								
STILLMED Total:		358.00								
STJOSEPH Titan Machinery										
3515634	04/19/2014	321.75	0.00	05/06/2014	99-2 Loader Filters		-	No		0000
101-430-3125-44040 Repairs/Maint Eqpt										
3515634 Total:		321.75								
STJOSEPH Total:		321.75								
TDS TDS Metrocom - LLC										
6517798882	03/13/2014	183.08	0.00	05/06/2014	Analog Lines - Fire		-	No		0000
101-420-2220-43210 Telephone										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
6517798882	03/13/2014	166.19	0.00	05/06/2014	Analog Lines - PW		-	No		0000
101-430-3100-43210	Telephone									
6517798882	03/13/2014	123.78	0.00	05/06/2014	Analog Lines - Lift Station Alarms		-	No		0000
602-495-9450-43210	Telephone									
6517798882	03/13/2014	43.26	0.00	05/06/2014	Alarm - Wells House 2		-	No		0000
601-494-9400-43210	Telephone									
	6517798882 Total:	516.31								
	TDS Total:	516.31								
<hr/>										
TEILANDM TEI Landmark Audio										
1180805	04/08/2014	163.27	0.00	05/06/2014	Audio Books		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	1180805 Total:	163.27								
	TEILANDM Total:	163.27								
<hr/>										
TKDA TKDA, Inc.										
002014000815	04/08/2014	290.36	0.00	05/06/2014	General - Records & Data		-	No		0000
101-410-1930-43030	Engineering Services									
	002014000815 Total:	290.36								
	TKDA Total:	290.36								
<hr/>										
TRKUTI Truck Utilities Inc.										
268291	04/24/2014	323.13	0.00	05/06/2014	Lift Gate Platform		-	No		0000
101-450-5200-42210	Equipment Parts									
	268291 Total:	323.13								
	TRKUTI Total:	323.13								
<hr/>										
WAS-PH Washington County										
MNS000190272	04/26/2014	29.40	0.00	05/06/2014	Hazardous Waste Collection		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	MNS000190272 Total:	29.40								
	WAS-PH Total:	29.40								
<hr/>										
WASHPARK Washington County										
78437	04/04/2014	1,075.10	0.00	05/06/2014	Trail Grooming - Sunfish Lake		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	78437 Total:	1,075.10								
	WASHPARK Total:	1,075.10								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WASHPRTA Washington County Bill 21291 206-450-5300-45200 Buildings	05/01/2014	1,263.00	0.00	05/06/2014	1st Half Property Tax - 3537 LE Ave		-		No	0000
Bill 21291 Total:		1,263.00								
WASHPRTA Total:		1,263.00								
WASHTAX Washington County 04/29/2014		3,016.80	0.00	05/06/2014	Payment Recd After Assessment		-		No	0000
Total:		3,016.80								
WASHTAX Total:		3,016.80								
WATERCON Water Conservation Svs Inc. 4958 601-494-9400-44300 Miscellaneous	02/04/2014	273.52	0.00	05/06/2014	Leak Detection - 2767 LE Ave		-		No	0000
4958 Total:		273.52								
Total:		267.92								
WATERCON Total:		267.92								
5043 601-494-9400-44300 Miscellaneous	04/22/2014	273.52	0.00	05/06/2014	Leak Detection Tapestry Bend		-		No	0000
5043 Total:		267.92								
WATERCON Total:		541.44								
Whiteani White Anita 04/14/2014		55.00	0.00	05/06/2014	Cable operations - 4/14/2014 Planning		-		No	0000
101-410-1450-43620 Cable Operations		25.00	0.00	05/06/2014	Bonus		-		No	0000
101-410-1450-43620 Cable Operations		80.00								
Total:		80.00								
Whiteani Total:		80.00								
YOCUM Yocum Oil Company, Inc. 226013 101-430-3120-42120 Fuel, Oil and Fluids	04/08/2014	1,411.99	0.00	05/06/2014	Bulk Tanks Oil Fills		-		No	0000
226013 Total:		1,411.99								
YOCUM Total:		1,411.99								
Report Total:		259,198.94								

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 04/28/2014 - 9:29 AM
 Batch: 007-04-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 5493851	04/15/2014	1,832.70	0.00	04/28/2014	May 2014 Dental Coverage		-	No		0000
101-000-0000-21706 Medical Insurance										
	5493851 Total:	1,832.70								
	DELTA Total:	1,832.70								
LANDARCH Landmark Architectural Signs 04222014	04/22/2014	14,110.00	0.00	04/28/2014	Lake Elmo Signs		-	No		0000
404-480-8000-44030 Repairs/Maint Imp Not Bldgs										
	04222014 Total:	14,110.00								
	LANDARCH Total:	14,110.00								
	Report Total:	15,942.70								

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 05/01/2014 - 2:16 PM
 Batch: 002-05-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
POSTOFF Postmaster	05/01/2014	544.38	0.00	05/06/2014	Postage for Neighborhood Meeting		-	No		0000
101-410-1320-43090	Newsletter/Website	544.38								
	Total:	544.38								
	POSTOFF Total:	544.38								
	Report Total:	544.38								



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014

CONSENT

ITEM # 3

AGENDA ITEM: Well No. 4 Connecting Watermain – Pay Request No. 1

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

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

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

None. Partial payment is proposed in accordance with the Contract for the project. Payment remains within the authorized scope and budget.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Pay Request No. 1 for the Well No. 4 Connecting Watermain project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 1 to Northdale Construction Company in the amount of \$67,963.12, for the Well No. 4 Connecting Watermain Project”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Northdale Construction Company, the Contractor for the project, has submitted Partial Pay Estimate No. 1 in the amount of \$67,963.12. 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 \$3,577.01.

RECOMMENDATION:

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

“Move to approve Pay Request No. 1 to Northdale Construction Company in the amount of \$67,963.12, for the Well No. 4 Connecting Watermain Project”

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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WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS PROJECT NO. 2013.131	PERIOD OF ESTIMATE FROM <u>4/14/2014</u> TO <u>4/25/2014</u>
--	---

PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, P.E., CITY ENGINEER	CONTRACTOR: NORTHDAL CONSTRUCTION COMPANY INC. 9760 71ST ST. NE ALBERTVILLE, MN 55301 ATTN: THOMAS WILEBSKI
--	---

CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
				1. Original Contract Amount	\$442,484.13
				2. Net Change Order Sum	\$0.00
				3. Revised Contract (1+2)	\$442,484.13
				4. *Work Completed	\$71,540.13
				5. *Stored Materials	\$0.00
				6. Subtotal (4+5)	\$71,540.13
				7. Retainage* <u>5.0%</u>	\$3,577.01
				8. Previous Payments	\$0.00
TOTALS		\$0.00	\$0.00	9. Amount Due (6-7-8)	\$67,963.12
NET CHANGE		\$0.00	\$0.00	*Detailed Breakdown Attached	

CONTRACT TIME					
START DATE:	<u>4/14/2014</u>	ORIGINAL DAYS	<u>86</u>	ON SCHEDULE	
SUBSTANTIAL COMPLETION:	<u>6/9/2014</u>	REVISED DAYS	<u>0</u>	YES	<input checked="" type="checkbox"/>
FINAL COMPLETION:	<u>7/9/2014</u>	REMAINING	<u>75</u>	NO	<input type="checkbox"/>

ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.	FOCUS Engineering, inc. ENGINEER <u>4/28/2014</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>4-28-14</u> DATE
--	--

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

PARTIAL PAY ESTIMATE NO. 1

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

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	LS	1	\$19,640.77	\$19,640.77	0.50	\$9,820.39	0.50	\$9,820.39
2	TRAFFIC CONTROL	LS	1	\$2,275.00	\$2,275.00	0.50	\$1,137.50	0.50	\$1,137.50
3	CLEAR AND GRUB TREE	EA	5	\$375.00	\$1,875.00	-	\$0.00	-	\$0.00
4	CONNECT TO EXISTING 12" WATERMAIN	EA	1	\$1,033.82	\$1,033.82	-	\$0.00	-	\$0.00
5	CONNECT TO EXISTING 16" WATERMAIN	EA	1	\$3,353.64	\$3,353.64	-	\$0.00	-	\$0.00
6	6" DIP, CL. 52 WATERMAIN	LF	40	\$76.89	\$3,075.60	-	\$0.00	-	\$0.00
7	12" DIP, CL. 52 WATERMAIN	LF	76	\$118.02	\$8,969.52	73.00	\$8,615.46	73.00	\$8,615.46
8	12" HDPE WATERMAIN, DIRECTIONAL DRILL	LF	4,347	\$50.57	\$219,827.79	790.00	\$39,950.30	790.00	\$39,950.30
9	6" GATE VALVE AND BOX	EA	8	\$1,214.39	\$9,715.12	-	\$0.00	-	\$0.00
10	12" GATE VALVE AND BOX	EA	9	\$4,755.14	\$42,796.26	2.00	\$9,510.28	2.00	\$9,510.28
11	VALVE BOX EXTENSION	LF	9	\$138.70	\$1,248.30	-	\$0.00	-	\$0.00
12	HYDRANT	EA	8	\$6,752.79	\$54,022.32	-	\$0.00	-	\$0.00
13	HYDRANT EXTENSION	LF	4	\$991.24	\$3,469.34	-	\$0.00	-	\$0.00
14	1" TYPE "K" COPPER WATER SERVICE	LF	5	\$31.09	\$155.45	-	\$0.00	-	\$0.00
15	1" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	220	\$43.50	\$9,570.00	-	\$0.00	-	\$0.00
16	1.5" TYPE "K" COPPER WATER SERVICE	LF	65	\$39.74	\$2,583.10	-	\$0.00	-	\$0.00
17	1.5" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	215	\$46.83	\$10,068.45	-	\$0.00	-	\$0.00
18	1" CORPORATION STOP W/ FUSABLE SADDLE	EA	4	\$469.74	\$1,878.96	-	\$0.00	-	\$0.00
19	1" CURB STOP & BOX	EA	4	\$712.75	\$2,851.00	-	\$0.00	-	\$0.00
20	1.5" CORPORATION STOP W/ FUSABLE SADDLE	EA	6	\$527.08	\$3,162.48	-	\$0.00	-	\$0.00
21	1.5" CURB STOP & BOX	EA	6	\$755.16	\$4,530.96	-	\$0.00	-	\$0.00
22	OFF ROAD STRUCTURE MARKER	EA	9	\$71.25	\$641.25	-	\$0.00	-	\$0.00
23	DUCTILE IRON FITTINGS	LB	1,500	\$8.55	\$12,825.00	244.00	\$2,086.20	244.00	\$2,086.20
24	POTHOLE EXISTING UTILITY	EA	24	\$275.00	\$6,600.00	-	\$0.00	-	\$0.00
25	PATCH BITUMINOUS STREET	SY	25	\$90.00	\$2,250.00	-	\$0.00	-	\$0.00
26	TOPSOIL BORROW (CV)	CY	100	\$26.50	\$2,650.00	-	\$0.00	-	\$0.00
27	SEED MIX 250 & EROSION CONTROL BLANKET	SY	3,000	\$1.60	\$4,800.00	-	\$0.00	-	\$0.00
28	SODDING	SY	1,000	\$4.57	\$4,570.00	-	\$0.00	-	\$0.00
29	SILT FENCE, MACHINE SLICED	LF	350	\$4.20	\$1,470.00	100.00	\$420.00	100.00	\$420.00
30	STREET SWEEPER WITH PICK UP BROOM	HR	5	\$115.00	\$575.00	-	\$0.00	-	\$0.00

TOTALS - BASE CONTRACT

\$442,484.13

\$71,540.13

\$71,540.13



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
CONSENT
ITEM # 4

AGENDA ITEM: Lake Elmo Ave. Preliminary Streetscape Design Services - Damon Farber Associates

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Finance Committee
Cathy Bendel, Finance Director
Kyle Klatt, Community Development Director

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

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Finance Committee and Staff are recommend approval of a Task Order to complete the Downtown Lake Elmo Ave. Preliminary Streetscape Design submitted by Damon Farber Associates. The proposed services will result in a preferred streetscape design to be implemented as part of the Lake Elmo Avenue Corridor Management and Safety Improvement Project in 2015-2016.

FISCAL IMPACT: \$27,600

SUMMARY AND ACTION REQUESTED: The City Council is asked to approve a Task Order to complete the Downtown Lake Elmo Ave. Preliminary Streetscape Design submitted by Damon Farber Associates as part of the Consent Agenda. The proposed scope of work is necessary as part of the proposed project being led by Washington County to reconstruct Lake Elmo Ave. (CSAH 17) from 30th Street North to Trunk Highway (TH) 5. The Finance Committee reviewed the request at a meeting on April 24, 2014, and unanimously recommended approval of the request. It was their recommendation that the expenditure be booked to the infrastructure reserve fund. As with all capital projects, upon the approval and bonding, these

design costs will be incorporated into the project bonding amount and be recovered and capitalized. If for some reason the project does not reach fruition, the costs will be expensed to the general fund and reduce the undesignated fund balance.

The Finance Committee and Staff are recommending that the City Council approve a proposed Task Order related to the downtown preliminary streetscape design submitted by Damon Farber Associates as part of the Consent Agenda. If removed from the Consent Agenda, the Task Order can be approved through the following motion:

“Move to approve the Downtown Lake Elmo Ave. Preliminary Streetscape Design Task Order submitted by Damon Farber Associates for an amount not to exceed, without approval, \$27,600.”

LEGISLATIVE HISTORY/BCKGROUND INFORMATION:

Washington County and the City of Lake Elmo are currently engaged in a project to reconstruct Lake Elmo Ave. (CSAH 17) from 30th Street N. to TH 5. The project is titled the Lake Elmo Avenue Corridor Management and Safety Improvement Project and is scheduled to begin in 2015 and be completed in 2016. In terms of the scope of the improvements, the City is taking this opportunity to extend sanitary sewer up to the downtown area via Lake Elmo Avenue. As many of the improvements that are required as part of the project are related to City owned utilities and streets, the City will be responsible for paying for the aspects of the project that are City driven. One of the key improvements that is City responsibility is the streetscape improvements to Lake Elmo Avenue. Washington County will be mainly focused on reconstruction of Lake Elmo Ave and the ancillary drainage and storm water work, whereas the City will be responsible for the streetscape and aesthetic and improvements to the downtown. For this reason, the City is responsible for paying for the preliminary streetscape design work. It is important to get this work initiated, as the design and planning work for the streets, utilities and storm water improvements are moving forward at a rapid pace. Proceeding with the preliminary streetscape design will allow the City and County to remain on schedule with the Lake Elmo Avenue project for the 2015-16 time schedule.

In terms of costs of the preliminary streetscape design work, the City has a couple of options of how to proceed. Similar to the street and utility work, the City has the option to wrap any design costs into the County's contract with their consultant SEH if SEH performs the work. SEH submitted a proposal for the preliminary streetscape design work at \$34,000. While the work would be wrapped into the County contract, the City would be paying for these services at one time or another. Upon receipt of this proposal, the City also contacted Damon Farber Associates, the firm responsible for the creation of the Lake Elmo Branding and Theming Study. Damon Farber submitted a preliminary streetscape design proposal (Attachment #1) for \$27,600. Given the overall cost savings, as well as the opportunity to work with the consultants who delivered the City's Branding and Theming Study, staff is recommending proceeding with the proposal submitted by Damon Farber Associates. In addition, if the task order is approved, Damon Farber Associated would be contracted directly with the City, as opposed to Washington County through SEH. In the judgment of staff, the City would be better positioned to manage the

contract directly with the consultant to ensure the completion of the services on budget and that the design of the project stays true to the original intent of the Theming study.

BACKGROUND INFORMATION (SWOT):

Strengths: Proceeding with the proposal submitted by Damon Farber Associates allows the City to realize a cost savings of \$6,400. In addition, the City would be working with the landscape architects who created the Branding and Theming Study, allowing for greater continuity. Finally, Damon Farber Associates have already built a working relationship with many of the stakeholders and City staff.

Weaknesses: None

Opportunities: In working with Damon Farber Associates, the City has the opportunity to stay as consistent as possible with the vision for Lake Elmo Ave. as guided in the Lake Elmo Branding and Theming Study.

Threats: While staff has the utmost confidence in the services of SEH, the City would have less administrative control over the contract if it were wrapped into the broader Washington County services contract.

RECOMMENDATION:

Based on the aforementioned, the Finance Committee and Staff are recommending that the City Council approve a proposed Task Order related to the downtown preliminary streetscape design submitted by Damon Farber Associates as part of the Consent Agenda. If removed from the Consent Agenda, the Task Order can be approved through the following motion:

“Move to approve the Downtown Lake Elmo Ave. Preliminary Streetscape Design Task Order submitted by Damon Farber Associates for an amount not to exceed, without approval, \$27,600.”

ATTACHMENTS:

1. Task Order #1 – Downtown Lake Elmo Ave. Preliminary Streetscape Design
2. Client Professional Services Agreement

In accordance with ARTICLE 1 of the Master AGREEMENT between the City of Lake Elmo (“CITY”) and **Damon Farber Associates** (“CONSULTANT”), dated May 6, 2014 (“AGREEMENT”), the CONSULTANT agrees to provide Professional Services as follows:

Downtown Lake Elmo Avenue Preliminary Streetscape Design

PROJECT OVERVIEW: The Project includes Professional Design Services to implement the City’s vision for the Lake Elmo Avenue streetscape improvements in the downtown area, including Lake Elmo Avenue from 30th Street North to State Highway 5, 33rd Street North from Lake Elmo Avenue to Laverne Avenue, Laverne Avenue from 33rd Street North to State Highway 5, and 36th Street North from Lake Elmo Avenue to Laverne Avenue. **The work shall utilize and be guided by the design elements from the Lake Elmo Branding and Theming Study.** The work will determine the specific location, type and costs of various streetscape improvements for each of the corridors described above, and will be completed with sufficient detail to allow preliminary streetscape design to be coordinated and integrated with the final design documents for the Lake Elmo Avenue (County Road 17) Corridor Management and Safety Improvement Project. The Project Goal is to maximize positive impact while ensuring cost effective phasing of implementation. The Project shall also be completed with consideration of the future extension of the streetscape plan along State Highway 5 and 36th Street to Village Parkway.

SERVICES TO BE PROVIDED BY CONSULTANT: CONSULTANT shall provide the following Professional Services:

1. Gather data from County consultant and photo document existing conditions (8 hours)
2. Facilitate design workshop with City staff to establish baseline implementation parameters and design considerations that are consistent with the Lake Elmo Branding and Theming Study (6 hours).
3. Create up to two alternative streetscape concept plan layouts based upon the staff design workshops and provide cut sheets identifying two alternatives for each specific design element (i.e. lighting fixture and pole) (60 hours).
 - a. Decorative light layout and preliminary footcandle study.
 - b. Sidewalk paving/surfacing alternatives.
 - c. Site Furnishings including benches, tree grates, bollards, screens and fencing.
 - d. Landscaping.

4. Facilitate design workshop with City Staff to review preliminary concepts and provide direction for further refinement (6 hours)
5. Refine Concepts based upon staff input (20 hours)
6. Present alternative streetscape concept plan layouts to the City Council (either Council Meeting or Workshop). The purpose of the meeting is to discuss the location, type and costs of various streetscape amenities and improvements and to identify the preferred streetscape plan (6 hours).
7. Prepare updated Draft preferred Streetscape Plan based on City Council discussion and direction. The Draft Preliminary Streetscape Design shall be integrated with the preliminary street, drainage and utility designs. The preliminary design will include an illustrative plan view for both a Full Build-Out and Phase 1 (RR Tracks to 36th Street) Project for Lake Elmo Avenue, as well as a plan view of Laverne Avenue. Preliminary-level cross sections shall be provided for the Phase 1 section of Lake Elmo Avenue and Laverne Avenue. Plans shall be presented to the Project Management Team (20 hours).
8. Develop illustrative plan of full build out and Phase One Construction with cross section (40 hours).
9. Facilitate 1 design discussion with targeted downtown business/property owner(s) to address site specific needs and design considerations (6 hours).
10. Preliminary Plan shall be presented to the Project Management Team and refined in advance of a community open house (6 hours).
11. Facilitate one stakeholder meeting as part of a community open house to obtain public input on the Preliminary Streetscape Design (in coordination with other elements of the Lake Elmo Avenue (CSAH 17) Corridor Management and Safety Improvement Project) (5 hours).
12. Finalize the streetscape design to produce a Preferred Streetscape Design with cost estimates in sufficient detail for the City to use for preliminary assessment determinations for benefitting properties (40 hours).

CITIES RESPONSIBILITIES: The CITY (or its consultants) will provide the following:

1. Provide the Lake Elmo Branding and Theming Study to the CONSULTANT.
2. Organize 1-2 city staff design workshops to establish baseline implementation parameters and design considerations that are consistent with the Lake Elmo Branding and Theming Study.
3. Facilitate a City Council Meeting or Workshop to present two alternative streetscape concept plan layouts for streetscape improvements, specifically focusing on type, location and costs of improvements.
4. Organize design discussion with targeted business/property owner to address site specific needs and design considerations.

TIMES FOR RENDERING SERVICES: CONSULTANT shall perform its services and provide deliverables in accordance with the following schedule:

1. All work under this Task Order including the finalized Preliminary Streetscape Design shall be completed by July 01, 2014.

CITY'S REPRESENTATIVE AND CONTRACT ADMINISTRATION: The CITY's representative with respect to services rendered by CONSULTANT under this TASK ORDER shall be the City Planner. Project correspondence must be addressed to:

Nick Johnson, City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
651.747.3912
Email: nick.johnson@lakeelmo.org

COMPENSATION: Compensation to CONSULTANT shall be on an hourly rate basis using the hourly billing rates and assigned personnel as attached to this Task Order, in a not to exceed amount of \$27,600. Reimbursable expenses are included within the total proposed fee.

Payment for Services shall be in accordance with ARTICLE 3.2 of the Master AGREEMENT. Invoices should be sent to the attention of the City Planner.

ATTACHMENTS: The following documents are incorporated by reference:

1. Detailed Task Fee Estimate including assigned personnel, hourly billing rates and hours assigned for each task outlined in the scope of work.

APPROVAL AND ACCEPTANCE: Approval and Acceptance of this Task Order, including the attachment(s) listed above, shall incorporate this document as part of the AGREEMENT. CONSULTANT is authorized to begin performance of services upon receipt of a copy of this Task Order signed by CITY.

The Effective Date of this Task Order is May 6, 2014.

DAMON FARBER ASSOCIATES

CITY OF LAKE ELMO, MINNESOTA

By  _____

By _____

(Authorized Principal of the Firm)

City Administrator

TASK ORDER No. 1 – Downtown Lake Elmo Avenue Preliminary Streetscape

Page 3 of 3

CITY OF LAKE ELMO, MINNESOTA

CLIENT-PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT is made effective on **May 6, 2014**, ("Effective Date") between the **CITY OF LAKE ELMO, MINNESOTA**, a Minnesota Municipal corporation (hereinafter referred to as the "CITY"), and **Damon Farber Associates**, a corporation (hereinafter referred to as "CONSULTANT").

From time to time the CITY intends to engage CONSULTANT to provide Professional Services. This AGREEMENT sets forth the general terms and conditions which shall govern the relationship and performance of the CITY and CONSULTANT.

In consideration of the foregoing recitals and following terms and conditions contained herein, the CITY and CONSULTANT agree as follows:

ARTICLE 1: SERVICES OF THE CONSULTANT

1.1 Scope of Services:

- A. The services to be provided by CONSULTANT shall be set forth in a written communication or "Task Order" that is authorized by the City prior to the start of work.
- B. Professional Services will, in general, include studies and reports, design, preparation of working drawings and specifications; construction administration and construction observations; mapping, preparation of cost estimates; and other related tasks of a type normally associated with infrastructure improvements.
- C. This AGREEMENT is not a commitment by the CITY to CONSULTANT to request services or to issue any Task Orders.

1.2 Task Order Procedure

- A. CONSULTANT shall provide the CITY with a "Task Order" for specific services or projects when requested by the CITY. Each Task Order will indicate the specific task, scope of services, time for performance, deliverables to be provided, and the basis of compensation.
- B. Individual "Task Orders" or written communications authorizing services by the CONSULTANT shall be mutually approved by the CITY and CONSULTANT. Each duly executed Task Order shall be incorporated and made a part of this AGREEMENT and the General Considerations thereof.

ARTICLE 2: PERIOD OF SERVICE AND TIMES FOR RENDERING SERVICES

- 2.1 Term: This AGREEMENT shall be effective and applicable to each "Task Order" issued hereunder and shall apply to any service provided by CONSULTANT whether retained under a formal "Task Order" or other written action or approval by the CITY, subject, however, to termination by either party in accordance with ARTICLE 5.9.

- 2.2 The times for performing services or providing deliverables shall be as stated in each Task Order or written communication authorizing the service or deliverable.

ARTICLE 3: COMPENSATION

- 3.1 Basis for Compensation: Compensation to CONSULTANT shall be as set forth in each Task Order. When services are requested by the CITY and a Task Order is not executed, the services shall be provided on an hourly rate basis in accordance with the hourly rate sheet on file at the CITY, or as mutually agreed to in written form.
- 3.2 Payments for Services
- A. *Preparation and Submittal of Invoices:* CONSULTANT shall prepare and submit invoices to the CITY on a monthly basis, unless otherwise mutually agreed. Invoices are due and payable within 45 days of receipt.
- B. *Unpaid Invoices:* All accounts unpaid after 45 days from the date of original invoice shall be subject to a service charge of 1.0% per month, with interest beginning to accrue 45 days after the date of receipt of the invoice. Payment will be credited first to any interest and then to principal.
- C. *Disputed Invoices:* If the CITY contests an invoice, the CITY shall advise CONSULTANT of the specific basis for doing so, may withhold only that portion so contested, and must pay the undisputed portion.

ARTICLE 4: CITY'S RESPONSIBILITIES

- 4.1 The CITY shall designate a person to act as the CITY's representative with respect to services to be rendered under this AGREEMENT. Unless otherwise designated in writing, the CITY's representative shall be the CITY ENGINEER. Such persons shall have authority to transmit instructions, receive instructions, receive information, interpret and define CITY's policies with respect to CONSULTANT's services, and render decisions relative to a specific project.
- 4.2 Provide Access: The CITY shall provide access to, and make provisions for CONSULTANT to enter upon public or private property as required to perform their work.
- 4.3 Provide supporting documentation and Services: The CITY shall provide all necessary information regarding its requirements as necessary for orderly progress of the work, including records, data, instructions, and requirements for completeness. The CITY shall also provide services in regards to accounting, fiscal and bond counseling services, insurance, and legal services as may be required for the project.
- 4.4 The CITY shall be responsible for, and CONSULTANT may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by the CITY to CONSULTANT pursuant to this AGREEMENT. CONSULTANT may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this AGREEMENT.
- 4.5 Provide prompt Notice and Review: The CITY shall promptly review and examine all correspondence, reports, sketches, drawings, specifications and other documents and communications prepared and

presented by CONSULTANT and render decisions pertaining thereto within a reasonable time so as not to delay the services of CONSULTANT. The CITY shall also give prompt notice to CONSULTANT whenever CITY observes or otherwise becomes aware of any development that affects the scope or timing of CONSULTANT's services or any defect in the work.

- 4.6 The CITY shall act as liaison with other agencies or involved parties to carry out necessary coordination and negotiations; obtain permits; and to obtain approvals and consents from others as may be necessary for completion of the project.

ARTICLE 5: GENERAL CONSIDERATIONS

5.1 Standards and Parameters of Performance

- A. *Standard of Care:* The standard of care for all professional services performed or furnished by CONSULTANT under this AGREEMENT will be the care and skill ordinarily used by members of the subject profession practicing under like circumstances.
- B. *Technical Accuracy:* CONSULTANT shall be responsible for the technical accuracy of its services and documents resulting therefrom, and CITY shall not be responsible for discovering deficiencies therein. CONSULTANT shall correct such deficiencies without additional compensation except to the extent such action is directly attributable to deficiencies in CITY-furnished information.
- C. *Subconsultants:* CONSULTANT may employ such Subconsultants as CONSULTANT deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objections by Owner.
- D. *Compliance with Laws and Regulations, and Policies and Procedures:* CONSULTANT and CITY shall comply with applicable Laws and Regulations and CITY mandated standards.
- E. CONSULTANT shall not at any time supervise, direct, control, or have authority over any contractor work, nor shall CONSULTANT have authority over the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Site, nor for any failure of a contractor to comply with Laws and Regulations applicable to such contractor's furnishing and performing its work.
- F. CONSULTANT neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents, or for the acts or omissions of any Contractor, Subcontractor, or Supplier.

- 5.2 **Independent Contractor:** CONSULTANT is an independent contractor. The manner in which the services are performed shall be controlled by CONSULTANT; however, the nature of the services and the results to be achieved shall be specified by the CITY. All services provided by the CONSULTANT pursuant to this AGREEMENT shall be provided by the CONSULTANT as an independent contractor and not as an employee of the CITY for any purpose, including but not limited to: income tax withholding, workers' compensation, unemployment compensation, FICA taxes, and eligibility for employee benefits.

5.3 Insurance

- A. CONSULTANT shall procure and maintain insurance for protection from claims against it under worker's compensation acts (statutory limits), claims for damages because of bodily injury including personal injury, and from claims against it for damages because of injury to or destruction of property including loss of use resulting therefrom.
 - B. CONSULTANT shall also procure and maintain professional and commercial general liability insurance, and auto and excess insurance, for all damages arising out of the performance of services caused by an error, omission or negligent act for which CONSULTANT is legally liable.
 - C. For any specific Task Order, the CITY may request that CONSULTANT provide additional insurance coverage, increased limits, or revised deductibles.
 - D. Certificates of insurance will be provided to the CITY upon execution of the contract and thereafter upon request by the CITY. The CITY shall be listed as an additional insured.
- 5.4 Data Practices Act Compliance: Data provided by CONSULTANT or created under this AGREEMENT shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.
- 5.5 Use of Documents
- A. All Documents prepared and submitted by CONSULTANT are instruments of service, except for CITY-furnished data. CONSULTANT shall retain an ownership and property interest therein (including the right of reuse at the discretion of the CONSULTANT) whether or not the Project or Service is completed.
 - B. At the time of completion or termination of this AGREEMENT or for each "Task Order," CONSULTANT shall make available to the CITY, upon request, copies of all deliverables, maps, reports, and correspondence, pertaining to the work or Project. All such documents are not intended or represented to be suitable for reuse by the CITY for any other project. Any reuse without written verification or adaptation by CONSULTANT for the specific purpose intended will be at the CITY's sole risk.
 - C. In the event electronic copies of documents are made available to the CITY, the CONSULTANT makes no representations as to long-term compatibility of such documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by the documents' creator.
- 5.6 Conflict of Interest: The CONSULTANT shall use best efforts in the performance of its services and professional obligations to avoid conflicts of interest and appearances of impropriety in representation of the CITY. In the event of a conflict, the CONSULTANT, with the consent of the CITY, shall arrange for suitable alternative engineering representation. It is the intent of the CONSULTANT to refrain from handling engineering matters for any other person or entity that may pose a conflict of interest, or may not be in the best interests of the CITY.
- 5.7 Termination
- A. Either party may terminate this AGREEMENT upon thirty (30) days written notice.

- B. Either party has the right to terminate any "Task Order" upon ten (10) days' written notice unless otherwise stated in the Task Order. In addition, the CITY may at any time, reduce the scope of a "Task Order". Such reduction in scope of a Task Order shall be set forth in a written notice from the CITY to the CONSULTANT.
- C. In the event of a reduction in scope of a "Task Order," CONSULTANT shall be paid for the work performed and expenses incurred on the Task Order thus reduced and for any completed and abandoned work for which payment has not been made.
- D. In the event of termination of an "Task Order," copies of all documents prepared by CONSULTANT under the Task Order shall be made available by CONSULTANT to the CITY, pursuant to ARTICLE 5.6, and there shall be no further obligation of the CITY to CONSULTANT under the Task Order, except for payment of amounts due and owing for work performed and expenses incurred to the date and time of termination.
- E. In like manner, if the entire AGREEMENT is terminated, copies of all remaining documents on file with the CONSULTANT shall also, upon request, be made available to the CITY pursuant to ARTICLE 5.6 upon receipt of payment of amounts due and owing CONSULTANT for any authorized work.

5.8 Controlling Law: This AGREEMENT is to be governed by the laws of the State of Minnesota.

5.9 Successors, Assigns, and Beneficiaries

- A. The CITY and CONSULTANT are hereby bound and the successors, executors, administrators, assigns, and legal representatives of the CITY and CONSULTANT are hereby bound to the other party to this AGREEMENT and to the successors, executors, administrators, assigns and legal representatives of such other party, in respect of all covenants, agreements, and obligations of this AGREEMENT.
- B. Neither the CITY nor CONSULTANT may assign, sublet, or transfer any rights under or interest in this AGREEMENT, or any portion thereof, without the written consent of the other party. Nothing contained in this paragraph shall prevent CONSULTANT from employing such independent professional associates and consultants as CONSULTANT may deem appropriate to assist in the performance of services hereunder.
- C. Nothing under this AGREEMENT shall be construed to give any rights or benefits in this AGREEMENT to anyone other than the CITY and CONSULTANT.

5.10 Dispute Resolution

- A. The CITY and CONSULTANT agree to negotiate all disputes between them in good faith for a period of thirty (30) days from the date of notice prior to invoking other provisions of this AGREEMENT, or exercising their rights under law.

5.11 Notices: Any notice required under this AGREEMENT will be in writing, addressed to the appropriate party at its address on the signature page and given personally, by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.

5.12 Survival, Severability, Waiver

- A. *Survival:* All express representations, waivers, indemnifications, and limitations of liability included in this AGREEMENT will survive its completion or termination for any reason.
- B. *Severability:* Any provision or part of the AGREEMENT held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the CITY and CONSULTANT.
- C. *Waiver:* A party's non-enforcement of any provision shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT as of the date first above written.

DAMON FARBER ASSOCIATES

CITY OF LAKE ELMO, MINNESOTA

By  _____

By _____

Mayor

By _____

City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
REGULAR
ITEM 5

AGENDA ITEM: 39th Street North: Street and Sanitary Sewer Improvements – Public Improvement Hearing; Resolution Ordering the Improvement and the Preparation of Plans and Specifications; Motion to Approve Engineering Design and Construction Support Services Contract

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk
Cathy Bendel, Finance Director
Dave Snyder, City Attorney
Chad Isakson, Project Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Engineer
- Report/Presentation..... City Engineer
- Questions from Council to Staff..... Mayor Facilitates
- Open Public Improvement Hearing; Public Input Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering

FISCAL IMPACT: The fiscal impact for the recommended action for this agenda report is the engineering, geotechnical and legal fees necessary for the preparation of plans and specifications and bidding services for the improvements. A not to exceed budget will be presented at the Council meeting along with a recommendation to enter into a professional services contract with an Engineering firm.

Ordering the Improvements and authorizing the preparation of plans and specifications commits the City to incur the engineering, geotechnical and legal costs necessary to complete detailed design and receive contractor bids to ready the project for construction in 2014.

The total estimated project cost for the 39th Street North: Street and Sanitary Sewer Improvements project is \$1,247,000. The improvements will be funded through the issuance of general obligation bonds with bond payments made from the general tax levy and through special assessment revenue as identified in the feasibility report. The Council will be asked to award a contract for construction in August 2014, at which time the City would commit to the remaining project costs based on the Council approved project financing plan.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to open the Public Improvement Hearing for the 39th Street North: Street and Sanitary Sewer Improvements; and following the Hearing, consider adopting Resolution No. 2014-27 Ordering the Improvement and the Preparation of Plans and Specifications; and awarding a Professional Engineering Design and Construction Support Services Contract. The recommended motions for these actions are as follows:

“Move to adopt Resolution No. 2014-27 Ordering the 39th Street North: Street and Sanitary Sewer Improvements and the Preparation of Plans and Specifications.”

and

“Move to approve a Professional Engineering Design and Construction Support Services Contract based on the City Engineer’s Recommendation Presented at the Meeting.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Pursuant to Minnesota Statutes, Section 429.011 to 429.111, a Public Improvement Hearing was noticed for May 6, 2014, to consider making the following improvements:

- Reconstruction of 39th Street North from State Highway 5 to CSAH 17. The street improvements are proposed to be an extension of the Village Parkway street section as envisioned in the Village area plan.
- The improvement includes an alternative to add an 8-foot bituminous trail along the north boulevard and a 6-foot sidewalk along the south boulevard in order to maintain the extension of Village Parkway.
- Replacement of the existing storm sewer conveyance system along 39th Street North.
- Extension of 10 and 12-inch diameter trunk sanitary sewer in connection with the Village East Trunk Sanitary Sewer extension.
- Installation of 11 service stubs to existing properties to provide owners with the opportunity to hook up to municipal sewer.

Public notification: The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be assessed a portion of the project costs. In addition, a property owner meeting was held on April 29, 2014 to present the feasibility report findings and recommendations to the benefitting property owners identified in the report.

The feasibility report was authorized by the city council on March 18, 2014 in order to ready these improvements for 2014 construction. The report identifies the necessary improvements, the estimated project costs, the assessment methodology and preliminary assessment amounts to be levied against properties adjacent to and benefitting from the improvements.

STAFF REPORT

The 39th Street North: Street and Sanitary Sewer Improvement project will be built in conjunction with the Village East Trunk Sanitary Sewer extension project in 2014. The Village Sewer project will extend trunk sanitary sewer from the new Village lift station near Reid Park to undeveloped properties in the north and northwestern Village area. The Village area comprehensive sewer plan indicates the preferred alignment for this trunk sewer to be along 39th Street North.

The project will be partially funded by imposing special assessments against 11 benefitting properties abutting the improvements along 39th Street North. Eighty percent (80%) of the street, storm sewer and sidewalk improvements will be specially assessed on the basis of front footage with the remaining twenty percent (20%) paid through the general City tax levy. The bituminous trail costs will be funded through Park Dedication.

The total estimated project costs to bring sanitary sewer from the lift station through 39th Street will be paid in full by all properties benefitting from the extension with the City sewer enterprise fund paying the pipe oversize costs. Project costs were apportioned based on the Residential Equivalent (REC) Unit method. Benefitting properties along 39th Street are proposed to be specially assessed for their proportionate share of the trunk sanitary sewer extension.

To complete the engineering design, the City Engineer prepared and sent out a Request for Proposal (RFP) for Engineering Support Services that includes a full topographic survey, the preparation of plans and specifications; plan printing, distribution and bidding services; construction administration support to the city engineer, and construction staking. FOCUS Engineering will provide resident and council communication, conduct public meetings, project management, coordinate the project permitting, and will provide construction administration services for the project. FOCUS will also oversee the project design standards and documents to be incorporated with the project plans. Construction observation services will be retained at a later date once the project has been bid and awarded for construction.

The RFP was sent to three firms from the City's Engineering Consultant Pool, including Bolton and Menk, SEH, and TKDA. The proposals will be received on May 1, 2014 and the City Engineer will bring forward a recommended firm to enter into a services agreement for this project at the Council meeting. Proposals will be reviewed and ranked on the following basis:

- Project Team Qualifications with a focus on a Project Manager capable of leading and delivering a street and utility improvement project.
- Demonstrated understanding and experience with the project and understanding of the critical success factors;

- Understanding the scope of work and roles and responsibilities of the Consultant.
- Collaboration of skills and responsiveness demonstrated during the RFP submittal process: and
- Engineering Fees, indicating a detailed breakdown that is consistent with the Consultant's written proposal.

RECOMMENDATION:

Staff is recommending that the City Council adopt Resolution No. 2014-27 Ordering the Improvements and the Preparation of Plans and Specifications for the 39th Street North: Street and Sanitary Sewer Improvements. As a property owner petitioned improvement, ordering the public improvement project requires a majority 3/5 vote. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2014-27 Ordering the 39th Street North: Street and Sanitary Sewer Improvements and the Preparation of Plans and Specifications.”

Staff is also recommending that the City Council award a Professional Engineering Design and Construction Support Services Contract for the 39th Street North: Street and Sanitary Sewer Improvements. The recommended motion for this action is as follows:

“Move to approve a Professional Engineering Design and Construction Support Services Contract based on the City Engineer's Recommendation Presented at the Meeting.”

ATTACHMENT(S):

1. Resolution 2014-27 Ordering the Improvements and Preparation of Plans and Specifications.
2. Notice of Hearing on Improvement.
3. Preliminary Assessment Roll.
4. Location Map.
5. Project Schedule.
6. Feasibility Report (*available for review at City Hall*)

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

**RESOLUTION NO. 2014-27
A RESOLUTION ORDERING THE IMPROVEMENT AND PREPARATION OF
PLANS AND SPECIFICATIONS FOR THE 39TH STREET NORTH:
STREET AND SANITARY SEWER IMPROVEMENTS**

WHEREAS, pursuant a resolution of the city council adopted the 15th day of April, 2014, the council ordered a hearing on Improvement for the 39th Street North: Street and Sanitary Sewer Improvements; and

WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 6th day of May, 2014, at which all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the feasibility report prepared by FOCUS Engineering, Inc., and dated April 2014 states that the project is necessary, cost-effective, and feasible.

NOW, THEREFORE, BE IT RESOLVED,

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report dated April 2014.
2. Such improvement is hereby ordered as proposed in the council resolution adopted this 6th day of May, 2014.
3. Assessments shall be levied to the benefiting properties identified in the Report for 80% of the Street, Storm Sewer and Sidewalk Improvements on the basis of front footage, and for Sanitary Sewer Improvements as presented in the Report.
4. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.
5. The city engineer is hereby designated as the engineer for making this improvement. The engineer, and his consultants, shall oversee the preparation of the Plans and Specifications for the making of such improvement.
6. The city engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement and to assist the city engineer during the construction phase of the improvement as requested.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SIXTH DAY OF MAY, 2014.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
39TH STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, May 6, 2014, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvements will consist of the reconstruction of the existing street, storm sewer replacement, extension of municipal sewer service, and construction of a bituminous trail and concrete sidewalk along 39th Street North, from Highway 5 to Lake Elmo Avenue (CSAH17).

The area proposed to be assessed for these improvements include the properties along 39th Street, directly abutting the location of the proposed street and sanitary sewer improvements. The estimated total cost of the street, storm sewer, sidewalk and trail improvements is \$822,400 and the estimated total cost of the sanitary sewer improvements is \$425,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desiring to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: April 15, 2014

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on April 23, 2014 and April 30, 2014)

PRELIMINARY ASSESSMENT ROLL

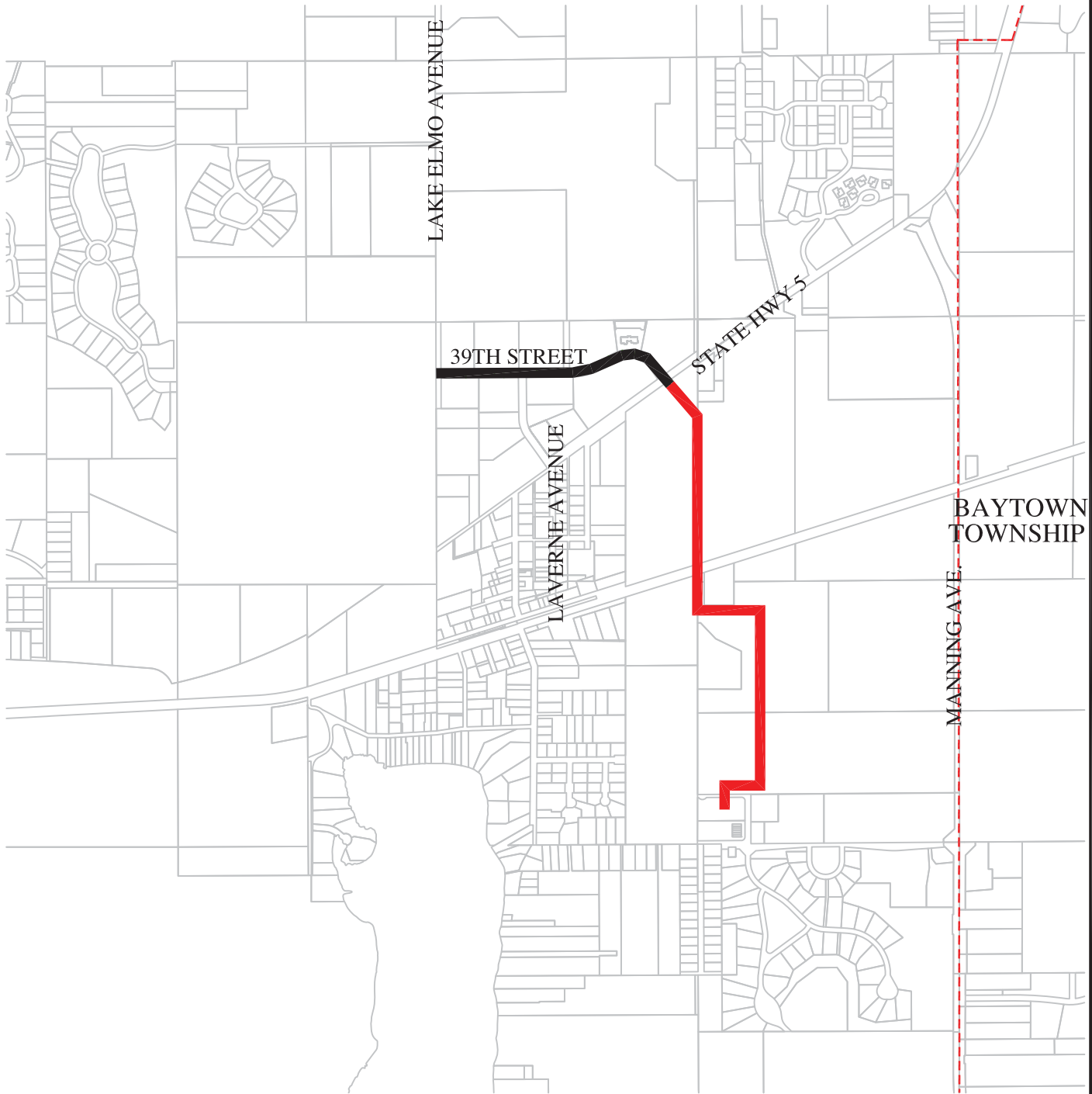
39TH STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS

CITY OF LAKE ELMO, MN.

PROJECT NO. 2014.131

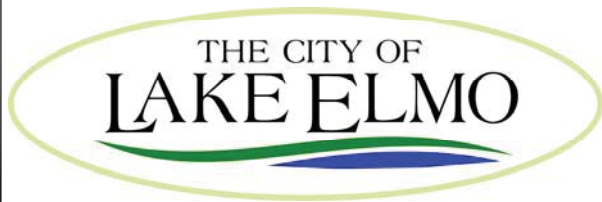
PARCEL NO.	PROPERTY IDENTIFICATION NUMBER	PROPERTY OWNER	STREET FRONT FOOTAGE BASIS	STREET, STORM SEWER, AND SIDEWALK ASSESSMENT	REC UNIT BASIS	SANITARY SEWER ASSESSMENT	TOTAL ASSESSMENT
1	13.029.21.22.0012	BROOKMAN CALVIN J	335	\$44,257	22	\$24,068	\$68,325
2	13.029.21.22.0011	BROOKMAN CALVIN J	380	\$50,201	16	\$17,504	\$67,705
3	13.029.21.22.0013	BROOKMAN CALVIN J	450	\$59,449	30	\$32,820	\$92,269
4	13.029.21.22.0010	LAKE ELMO ASSOCIATION LLP	400	\$52,844	8	\$8,752	\$61,596
5	13.029.21.22.0014	BROOKMAN CALVIN J	450	\$59,449	30	\$32,820	\$92,269
6	13.029.21.22.0008	EXCEL PARTNERS LLC	471	\$62,223	4	\$4,376	\$66,599
7	13.029.21.21.0007	BROOKMAN CALVIN J	520	\$68,725	27	\$29,538	\$98,263
8	13.029.21.21.0002	STATE BANK OF LAKE ELMO	984	\$130,015	7	\$7,658	\$137,673
9	13.029.21.21.0016	LAKE ELMO OFFICE CONDO	120	\$15,895	3	\$3,282	\$19,177
10	13.029.21.21.0010	PRTS COMMON ELEMENT	120	\$15,895	4	\$4,376	\$20,271
11	13.029.21.21.0009	BROOKMAN CALVIN J	335	\$44,246	30	\$32,820	\$77,066
TOTALS			4,566	\$603,199	181	\$198,014	\$801,213

*REC UNITS - RESIDENTIAL EQUIVALENT UNITS BASED ON MET COUNCIL SAC DETERMINATION MANUAL



LEGEND

- 39TH STREET - SANITARY SEWER IMPROVEMENTS (PUBLIC)
- VILLAGE EASTERN TRUNK SEWER IMPROVEMENTS (PRIVATE)



FOCUS
ENGINEERING

39TH STREET NORTH: STREET
& SANITARY SEWER IMP.
PROJECT NO. 2014.131
APRIL, 2014

FIGURE NO. 1
LOCATION MAP
39TH STREET NORTH

**PROJECT SCHEDULE
CITY OF LAKE ELMO**

FOCUS ENGINEERING, inc.

39th Street North Street and Sanitary Sewer Schedule
PROJECT NO. 2014.131

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

MARCH 2014

March 18, 2014	Council Declares Adequacy of Petition and Orders Preparation of Feasibility Report.
April 15, 2014	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
April 29, 2014	Property owner meeting. Presentation of Report findings and recommendations.
May 6, 2014	Public Improvement Hearing. Council orders Preparation of plans and specifications.
July 1, 2014	Council approves Plans and Specifications; Orders Advertisement for Bids.
July 31, 2014	Receive Contractor Bids.
August 5, 2014	Council accepts bids and awards Contract.
August 25, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
November 28, 2014	Substantial completion (estimated 12 weeks).
Summer, 2015	Final Completion.



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
REGULAR
ITEM # 6

AGENDA ITEM: 2014 Street Improvements – Approve Plans and Specifications and Order Advertisement for Bids

SUBMITTED BY: Ryan Stempski, 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:

- 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

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: None.

The total estimated project cost for the 2014 Street Improvements is \$1,811,000. The project is scheduled for construction as part of the 2014 Street Capital Improvement Plan. The 2014 Street Improvements will be funded through the issuance of general obligation bonds with bond payments made from the general tax levy and through special assessment revenue as identified in the feasibility report.

Approval of this resolution does not commit the council to the project costs. Once contractor bids are received, the actual construction costs will be known and the council will be asked to consider entering into a contract to complete the work.

SUMMARY AND ACTION REQUESTED:

The city council is respectfully requested to consider approving the plans and specifications and ordering the advertisement for bids for the 2014 Street Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-28, approving the plans and specifications and ordering the advertisement for bids for the 2014 Street Improvements.”

LEGISLATIVE HISTORY:

In accordance with the 2014-2018 Street Capital Improvement Plan the City is performing street improvements for Packard Park area, 20th Street Court North, 20th Street North, Manning Trail North, Deer Pond Trail North, and Deer Pond Court North.

On February 5, 2014, the council authorized the preparation of plans and specifications for the 2014 Street Improvements. In accordance with the project schedule, the plans and specifications for the improvements have been completed and are ready to be advertised for contractor bids.

BACKGROUND INFORMATION:

Plans and Specifications have been completed for the 2014 Street Improvements. The total estimated project cost is \$1,811,000. The improvements include:

- Street reclamation with concrete curb and gutter for the Packard Park neighborhood including 24th Street North from Lake Elmo Avenue to Legion Avenue, 24th Street Court North, Lansing Avenue North, and 20th Street Court North;
- Street reclamation for Legion Avenue North from 24th Street to 20th Street;
- Street reconstruction with gravel shoulders along Manning Trail North from Manning Avenue to 370 feet north of 18th Street (Lake Elmo city limits).
- Manning Trail North in West Lakeland Township consisting of 370 feet of roadway from the Lake Elmo city limits to 18th Street. This segment to be paid in full by West Lakeland Township per the attached Joint Services Agreement dated March 3rd;
- Street reconstruction with concrete curb and gutter along Deer Pond Trail North from Hidden Bay Trail to Jack Pine Trail, and Deer Pond Court North;
- Patch and Microsurface along 20th Street North from Lake Elmo Avenue to Manning Trail.

The project will be partially funded by levying special assessments against 64 benefitting properties. The proposed unit assessment for residential property is \$6,000 for the Packard Park neighborhood and \$6,400 for properties along Deer Pond Trail and Deer Pond Court. The proposed unit assessment for residential property along Manning Trail, a City collector roadway, is \$3,200. Tartan Park is a non-residential property along Manning Trail and therefore a 100% front footage assessment of \$95,800 is proposed. Tartan Park fronts the improvement with over 1,700 feet. No assessments are proposed for the 20th Street microsurfacing since the improvement is considered routine maintenance with a 5-7 year service life.

RECOMMENDATION:

Staff is recommending that the City Council approve the plans and specifications and order the advertisement for bids for the 2014 Street Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2014-28, approving the plans and specifications and ordering the advertisement for bids for the 2014 Street Improvements.”

ATTACHMENT(S):

1. Resolution 2014-28 Approving Plans and Specifications and Ordering Advertisement for Bids.
2. Location Map.
3. Project Schedule.
4. 2014 Street Improvement Plans and Specifications (*available for review at City Hall*).
5. 2014 Street Improvements Project Agreement for Joint Services (*with West Lakeland Township*).

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

RESOLUTION NO. 2014-28

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS FOR THE
2014 STREET IMPROVEMENTS**

WHEREAS, pursuant to a resolution passed by the City Council on the 5th day of February, 2014, the City Engineer, together with Bolton and Menk, Inc. has prepared plans and specifications for the 2014 Street Improvements and has presented such plans and specifications to the Council for approval.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and posted online with Quest Construction Data Network (QuestCDN.com) an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SIXTH DAY OF MAY
2014.**

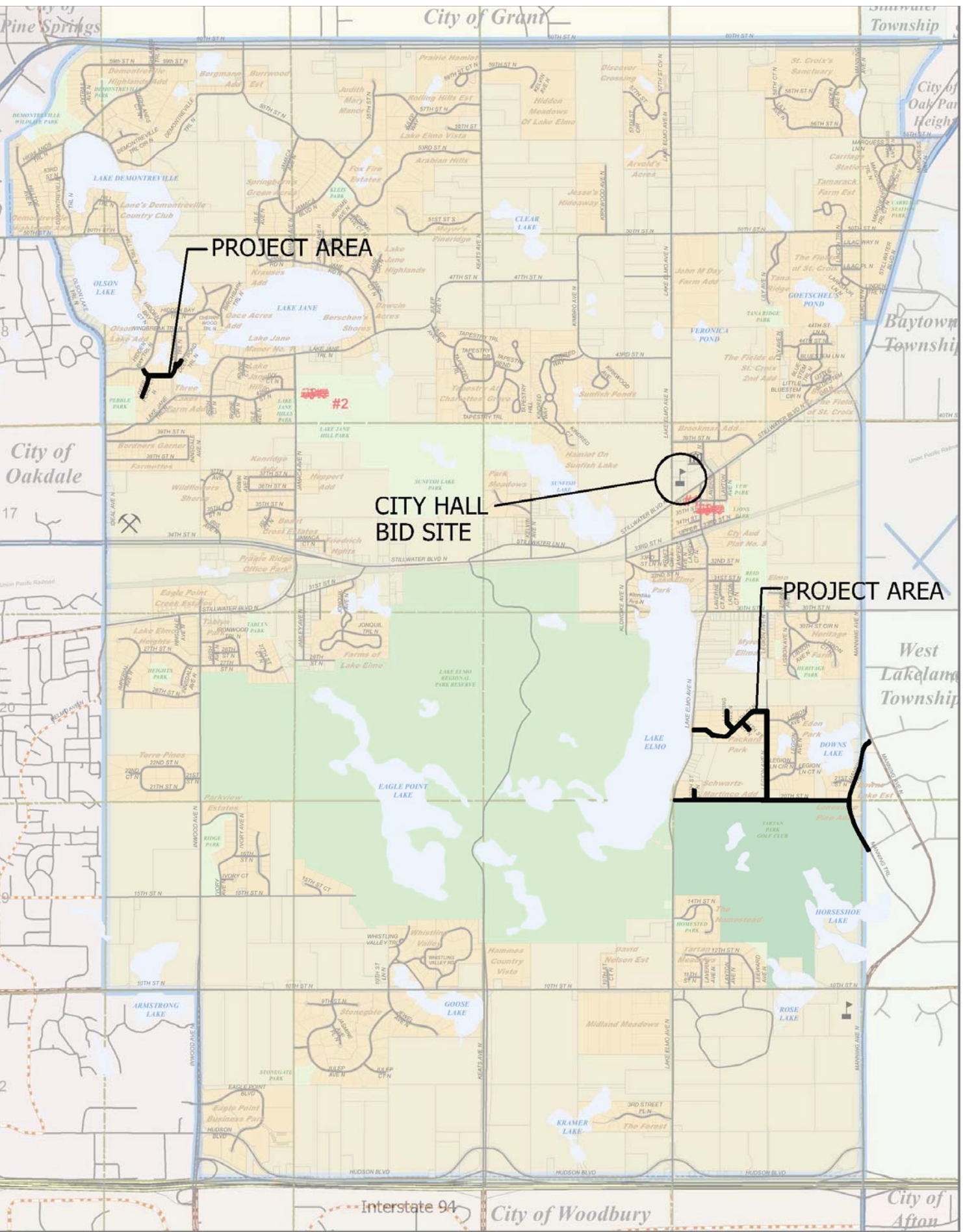
CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk



The City of Lake Elmo
VICINITY MAP

PROJECT SCHEDULE
CITY OF LAKE ELMO
2014 STREET IMPROVEMENTS
PROJECT NO. 2013.135

FOCUS ENGINEERING, inc.

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

APRIL 2014

October 1, 2013	Council authorizes Feasibility Report.
January 6, 2014	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
January 23, 2014	Property owner meeting. Presentation of Report findings and recommendations.
February 5, 2014	Public Improvement Hearing. Council orders Preparation of plans and specifications.
May 6, 2014	Council approves Plans and Specifications; Orders Advertisement for Bids.
June 5, 2014	Receive Contractor Bids.
June 17, 2014	Council accepts bids and awards Contract.
July 8, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
October 10, 2014	Substantial completion (estimated 12-15 weeks).
November 21, 2014	Final completion.

2014 STREET IMPROVEMENTS
PROJECT AGREEMENT FOR JOINT SERVICES

This Agreement is made this 3rd day of March 2014, by and between the West Lakeland Township (hereinafter referred to as "West Lakeland") and the City of Lake Elmo (hereinafter referred to as "Lake Elmo").

WHEREAS, it is the desire of the parties, and it is the purpose of this Agreement, that certain road-related services be performed or contracted by Lake Elmo on behalf of West Lakeland to reconstruct a portion of Manning Trail North located in West Lakeland Township, from the Lake Elmo City limits to 18th Street North.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the above parties hereto agree as follows:

1. Term: The term of this Agreement shall commence upon the date of execution and shall be for the duration of the one year warranty period for Lake Elmo's 2014 Street Improvement project.
2. Services. For the term of this Agreement, Lake Elmo shall provide West Lakeland with the following services in and on behalf of West Lakeland and at the direction of West Lakeland's Engineer:
 - a. Lake Elmo will provide professional engineering services to prepare Plans and Specifications and Contract documents for the 2014 Street Improvements within the City of Lake Elmo and will incorporate in said plans and specifications the reconstruction of approximately 370 feet of Manning Trail North located in West Lakeland Township, from the Lake Elmo city limits to 18th Street North.
 - b. Lake Elmo will advertisement the 2014 Street Improvements for contractor bids and may award a contract for the improvements, or a portion of the improvements as deemed in the best interests of Lake Elmo. If Lake Elmo awards a contract for Manning Trail North and West Lakeland Township agrees, the award shall include that portion in West Lakeland Township from the Lake Elmo city limits to 18th Street North.
 - c. Lake Elmo will provide professional engineering services for the construction phase of the project including construction administration of the construct, construction staking, construction observation, preparation of record drawings and the one-year warranty inspection.
3. Payments. West Lakeland shall make payments to Lake Elmo for services realted to the project or directly for services as follows:
 - a. West Lakeland will pay to Lake Elmo \$9,600 to cover three unit assessments for West Lakeland properties that access Manning Trail North in Lake Elmo, including 2155, 2231, and 2251 Manning Trail North.

- b. West Lakeland will pay Lake Elmo a fee in the amount of \$7,000 for engineering services and administration fees performed by Lake Elmo for the improvements
- c. Lake Elmo will make Contractor payments for all work completed in accordance with the Contract. West Lakeland will reimburse Lake Elmo for the work completed and paid to the contractor in accordance with the contract for the actual quantities of work performed along Manning Trail North in West Lakeland, from the Lake Elmo city limits to 18th Street North.
- d. Lake Elmo will invoice West Lakeland upon substantial completion of the project. West Lakeland will pay all amounts invoiced within 30 days of receipt of the invoice. Lake Elmo shall include with its invoices copies of the contractor's claims showing the amount charged for the work performed and materials used in West Lakeland.

4. Insurance. Lake Elmo shall require its contractor(s) to provide insurance as specified below, and West Lakeland shall be named as an additional insured on such insurance:

Comprehensive General Liability	\$1,000,000 per occurrence, \$2,000,000 aggregate
Auto Liability	\$1,200,000 per occurrence
Workers compensation	Statutory amount

5. Indemnification. Lake Elmo agrees to defend, indemnify and hold harmless West Lakeland, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses, including attorneys fees, arising out of or resulting from Lake Elmo's performance of the duties required under this Agreement, provided that any such claim, action, damage, loss or expense is caused in whole or in part by an alleged negligent act, omission, or willful misconduct (including, but not limited to, a claimed breach of contract made by the contractor) of Lake Elmo. Lake Elmo agrees to require, as part of its contract with the contractor used to provide the seal coating, to include West Lakeland in the contractor's indemnification obligation under the contract. West Lakeland agrees to defend, indemnify and hold harmless Lake Elmo, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses, including attorneys' fees, arising out of or resulting from West Lakeland's performance of the duties required of it under this Agreement, provided that any such claim, action, damage, loss or expense is caused in whole or in part by an alleged negligent act or omission or willful misconduct of West Lakeland. This provision shall not be construed as a waiver by either party of any defenses, immunities or limitations on liability to which they are entitled, under Minnesota Statutes, Chapter 466 or otherwise. Under no circumstances shall a party be required to pay on behalf of itself and other parties, any amounts in excess of the limits of liability established in Minnesota Statutes, Chapter 466, applicable to any one party. The limits of liability for some or all of the parties may not be added together to determine the maximum amount of liability for any party.

6. Service Contract. This is a service contract. The parties do not intend to create, and nothing herein shall be construed as creating, a joint powers agreement, joint venture, or joint enterprise. However, to the extent a court of competent jurisdiction may find such a relationship exists, Lake Elmo and West Lakeland shall be considered a single governmental entity as provided

in Minnesota Statutes, section 471.59, subdivision 1a for the purposes of determining total liability. The limits of liability for Lake Elmo and West Lakeland shall not be added together to determine the maximum amount of liability for either party or for any occurrence.

7. Contracting Procedure and Oversight. Lake Elmo shall be solely responsible for letting the contracts for the services to be provided hereunder in accordance with all applicable laws, rules, and regulations. The bonds obtained from the contractor for the work shall include the work to be performed in West Lakeland. Lake Elmo shall, to the extent reasonably necessary, assist West Lakeland to draw upon the performance bond as needed to complete or correct any work the contractor fails to perform in West Lakeland in accordance with the contract. West Lakeland will be responsible for inspecting the work to be performed in West Lakeland, but Lake Elmo shall be responsible for generally overseeing the contractor's performance of services in accordance with the contract.


8. Miscellaneous. This Agreement is solely for the benefit of the parties hereto and no other person shall have any right, claim, or interest in it.

9. Legal Compliance. Both parties agree to comply with all applicable state, federal and local laws, rules and regulations in carrying out their respective obligations under this Agreement.

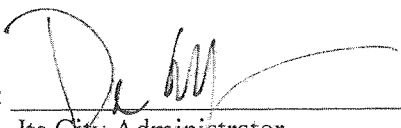
10. Entire Agreement. This Agreement represents the entire agreement between Lake Elmo and West Lakeland and supersedes and cancels any and all prior agreements or proposals, written or oral, between the parties relating to the subject matter hereof. No amendments, addenda, alterations, or modifications to the terms and conditions of this Agreement shall be effective unless in writing and signed by both parties.

IN WITNESS WHEREOF, the parties have set forth their hands on the day and year first written above.

CITY OF LAKE ELMO

By: 
Its Mayor

2-24-14
Date

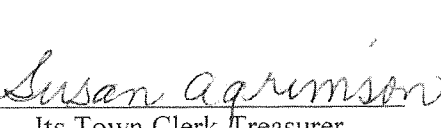
By: 
Its City Administrator

2-27-14
Date

TOWN OF WEST LAKELAND

By: 
Its Town Chairperson

3-3-14
Date

By: 
Its Town Clerk-Treasurer

3/3/14
Date



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
REGULAR
ITEM # 7
ORD 08-107/RES 2014-29

AGENDA ITEM: Commercial Wedding Ceremony Venue Ordinance
SUBMITTED BY: Kyle Klatt, Community Development Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Nick Johnson, City Planner

<u>SUGGESTED ORDER OF BUSINESS:</u>	
- Introduction of Item	Community Development Director
- Report/Presentation.....	Community Development Director
- Questions from Council to Staff.....	Mayor Facilitates
- Call for Motion	Mayor & City Council
- Discussion.....	Mayor & City Council
- Action on Motion.....	Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission and Staff are recommending amendments to the City Code that will allow Commercial Wedding Ceremony Venues through an interim use permit in A – Agriculture and RT – Rural Transitional zoning districts. The draft ordinance includes new definitions, an amendment to the use chart for rural zoning districts, and specific development standards for commercial wedding ceremony venues.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider a zoning text amendment to allow Commercial Wedding Ceremony Venues on properties that are over 10 acres in size and zoned A – Agriculture or RT – Rural Transitional. The draft ordinance includes new definitions for “wedding ceremony” and “wedding reception”, adds Commercial Wedding Ceremony Venues to the Rural Zoning Districts use chart, and includes proposed development standards for these uses. The Planning Commission has reviewed the ordinance over the course of several meetings this spring, and is recommending approval of the draft as presented. *The Planning Commission and Staff are recommending that the City Council adopt the Commercial Wedding Ceremony Venue ordinance through the following motion:*

“Move to adopt Ordinance 08-107 adding provisions concerning Commercial Wedding Ceremony Venues to the Zoning Ordinance”

In addition, Staff recommends proceeding with summary publication of the adopted ordinance through the following motion:

“Move to adopt Resolution 2014-029 to allow for summary publication of Ordinance 08-108”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:

The City of Lake Elmo has previously adopted a similar, but much less specific, ordinance concerning “Outdoor Social Events” in 2006. This ordinance was repealed approximately one year later before any events allowed under the ordinance were approved. One of the proponents of the previous ordinance, Carol Palmquist (12202 55th Street North) addressed the Planning Commission in February of this year with a request to have the Commission consider an ordinance amendment that would allow her to rent her land out for wedding ceremonies only, with no receptions. The Commission agreed to research options for such an ordinance, and ultimately directed Staff to prepare an ordinance concerning commercial wedding ceremony venues that was modeled after a similar ordinance recently adopted by the City of Afton.

The proposed ordinance would amend appropriate sections of the Zoning Ordinance to allow a new use called “commercial wedding ceremony venue” as an accessory use within the City’s use classification system. These types of activities would be allowed as an interim use in A and RT zoning districts. The draft ordinance includes a series of requirements for these types of uses, and covers a wide range of issues, including food handling, hours of operation, off-street parking requirements, setbacks, landscaping, screening, application requirements, lighting requirements, and other relevant information. The draft has been prepared using the City of Afton’s recent ordinance for similar events as a model, and also incorporates the proposed restrictions that were previously brought forward by Ms. Palmquist when she initially addressed the Planning Commission.

The proposed ordinance is intended to allow for the continued use of private agricultural property in a manner that allows for a reasonable economic return for property owners that otherwise would be limited the use of their property. Commercial wedding venues would be considered accessory to permitted agricultural activities, and would only be allowed upon an application for an Interim Use Permit. The use restrictions drafted as part of the ordinance are intended to minimize any impacts to adjacent properties, taking into account the intensive agricultural activities that are otherwise permitted on these sites.

During the course of three separate meetings this spring the Planning Commission has reviewed a draft ordinance prepared Staff and made modifications to the document in order to address questions and concerns from the Commission and members of the public. The final draft as recommended by the Planning Commission differs from the 2007 ordinance in a number of ways, including the following:

- The proposed ordinance allows ceremonies only, and does not allow receptions of any type to be conducted on the property.
- The draft ordinance permits wedding venues as an Interim Use Permit, which is only valid for a specific period of time as determined by the Council. The previous ordinance would have allowed social events as a Conditional Use Permit, with no expiration associated with such a use.
- The allowed number of guests is 150, which is lower than the previous ordinance of 250 guests.
- The proposed ordinance includes several restrictions and requirements, including setbacks, that were previously absent.
- The ordinance requires specific plans and details concerning any proposed ceremony use to be submitted with an application, which can be evaluated by the Council and public prior to the issuance of a permit.

The Planning Commission conducted a public hearing on the zoning text amendment at its April 14, 2014 meeting and received the following comments concerning the ordinance (taken from the minutes from this meeting):

- Tara Cadenhead, 12190 Marquess Lane, requested clarification regarding the food and receptions. She stated that from a safety perspective there are concerns regarding more people back in that area of the bike path.
- Sarah Ziemer, 12136 Marquess Lane, raised numerous concerns due to previous events. She cited traffic as a concern and noted that noise was an issue.
- Mark Citsay, 12108 Marquess Lane, shared that it is disconcerting to think that every weekend their quiet can be violated for another person's profit. He also expressed concern with the trail safety and the beer cans and activity by the pump-house in the area.
- Chip Longacre, 12058 55th Street N, mentioned he only had 2 events last year and one was a friend's wedding. He acknowledged that he needs to be more sensitive to the noise and trash issues.
- Pam Chickett, 5711 Linden Ave, via email, stated her concern about running a commercial business from a residential property. She noted that there has been issues with traffic from past events. She explained that there is poor access to both of the agricultural properties along 55th Street and stated her concerns about emergency vehicles being to access the property. She also stated her concern about the noise and traffic that could be generated if both properties held an event on the same day.

The Commission received no additional comments concerning the ordinance and recommended several revisions to the ordinance as presented. All such changes have been incorporated into Ordinance No. 08-108 for consideration by the City Council. The Commission adopted a motion to recommend approval of the Commercial Wedding Ceremony Venue Ordinance; the Commission's motion was adopted unanimously.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed ordinance provides for a reasonable economic activity on larger agricultural parcels within the City.

The ordinance allows for a very specific and limited use with detailed requirements that must be met by an applicant.

An interim use may be approved for a specified time period. The Council is under no obligation to renew permits in the future.

Weaknesses: It is not possible to account for all possible scenarios concerning how ceremonies are conducted with the ordinance.

City oversight will be needed to ensure that the terms and conditions of the ordinance are being properly observed by applicants.

Opportunities: The ordinance provides one tool for the long-term preservation of open space in the community that also allows reasonable use of the property by the property owner.

Threats: The ceremonies, if not properly managed, can have negative impacts on surrounding properties.

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council adopt the Commercial Wedding Ceremony Venue Ordinance through the following motion:

“Move to adopt Ordinance 08-107 adding provisions concerning Commercial Wedding Ceremony Venues to the Zoning Ordinance”

In addition, Staff recommends proceeding with summary publication of the adopted ordinance through the following motion:

“Move to adopt Resolution 2014-029 to allow for summary publication of Ordinance 08-108”

ATTACHMENTS:

1. Ordinance 08-107
2. Resolution 2014-029
3. Letter from Carol Palmquist

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-107

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING PROVISIONS CONCERNING COMMERCIAL WEDDING CEREMONY VENUES AND ALLOWING SUCH USES AS AN INTERIM USE IN A AND RT ZONING DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title I: General Provisions; Chapter 11: General Code Provisions, is hereby amended by adding the following definitions:

Wedding Ceremony: The formal activities and observances during which people are united in marriage. A wedding ceremony typically involves an exchange of vows, presentation of a gift, and a public proclamation of marriage by an authority figure or leader. Music, poetry, or readings from religious texts or literature are also commonly incorporated into the ceremony.

Wedding Reception: A wedding reception is a party held after the completion of a marriage ceremony. It is held usually as hospitality for those who have attended the wedding and typically occurs in a different venue than the wedding itself.

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.012 Zoning Use Types and Classifications

B. Use Types and Classifications.

12. Accessory Uses

Commercial Wedding Ceremony Venue. A use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.400 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered

prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

Table 9-1: Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Accessory Uses						
Commercial Wedding Ceremony Venue			-	-	-	155.111.C

SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§ 154. 310 Standards for Accessory Uses

- D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A - Agriculture and RT - Rural Transitional on parcels greater than 10 acres size. The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health, safety, and welfare of the community, and by other factors the City may deem appropriate for consideration.
 1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
 2. *Maximum Number of Guests.* The maximum numbers of guests is limited to 150 for each event.
 3. *Food and Beverages.* The serving of food and beverages is permitted only as part of the ceremony.
 4. *Seasonal Operation.* Ceremonies are limited to no more than twice per week and are permitted only during the months of May through October.
 5. *Hours of Operation.* Events shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. All guests and staff must vacate the premises by 10:00 p.m. All lights associated with the event must be turned off by 10:00 p.m. Any one ceremony is limited to a maximum duration of three (3) hours.
 6. *Overnight Accommodations.* No overnight accommodations are allowed.
 7. *Off-Street Parking.* Off-street parking shall be required in the ratio of one (1) parking space for each three attendees based on the maximum number of attendees planned for the site. The off-street parking area and the number of parking spaces shall be documented on the required site plan.
 8. *Setbacks.* The minimum setbacks from neighboring houses and property lines for the various activities associated with the wedding venue shall be as follows:
 - a. Parking: 100 feet from residential property lines; 200 feet from neighboring houses.
 - b. Outdoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.

- c. Indoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.
- 9. *Landscaping/Screening.* Landscaping may be required to buffer the use from adjacent land uses and to provide screening when such screening does not presently exist on the site. A landscape plan shall be submitted at the time of application for an Interim Use Permit.
- 10. *Grading.* Any proposed grading shall observe all requirements of Section 151.017 of the City Code. If a grading plan is required, it shall be submitted in conjunction with an application for an Interim Use Permit.
- 11. *Traffic.* A transportation management plan shall be submitted as part of an application for an Interim Use Permit. The plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.
- 12. *Structures.* All existing or proposed structures to be used for the wedding ceremony venue shall be inspected by the City's Building Official and must meet applicable Building Code requirements.
 - a. *Temporary Structures.* Temporary structures, including tents and canopies, may be allowed. Tents and canopies may be erected no more than one (1) day prior to an event and must be removed no more than one (1) day following the event.
- 13. *Application.* An application for a commercial wedding venue shall follow the application and review procedures for an Interim Use Permit as specified in Section 154.107. In addition to the submission requirements of Section 154.107, an application for a commercial wedding venue shall include the following information:
 - a. The expected number of attendees per ceremony;
 - b. The number of ceremonies per year;
 - c. The number of employees;
 - d. The hours of operation;
 - e. Sanitary facilities;
 - f. Lighting;
 - g. Sound amplification to be used and a plan to minimize any amplified sounds;
 - h. Temporary structures or tents to be used in association with the planned events;
 - i. Signage;
 - j. Security to be provided;
 - k. Location of all trash receptacles;
 - l. Traffic management plan;
 - m. Other documentation as specified herein;
- 14. *Sanitary Facilities.* Sanitary facilities adequate for the number of attendees shall be provided. Portable toilets may be approved for temporary use, and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
- 15. *Lighting.* Lighting associated with the wedding venue shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties. Lighting shall comply with Section 150.035 of the City Code.

16. *Noise.* All wedding venues shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.
17. *Sound Amplification.* Amplification of music and participants and is allowed only in conjunction with a wedding ceremony. There shall be no other amplification of music or sound outside of the ceremony.
18. *Waste.* All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, or other nuisance conditions and must be removed at least once every seven days by a licensed solid waste hauler.
19. *Liability.* The applicant shall secure adequate liability coverage, which shall be in place at least one week prior to any event.
20. *Other Activities.* Other than the commercial wedding ceremonies authorized under this section, no other commercial ceremonial activities may be conducted on the site.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 6. Adoption Date. This Ordinance 08-107 was adopted on this 6th day of May 2014, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-107 was published on the ____ day of _____, 2014.

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

RESOLUTION NO. 2014-029

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-107 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-107, an ordinance to allow Commercial Wedding Ceremony Venues as an Interim Use on certain properties zoned A – Agriculture and RT – Rural Transitional; 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. 08-107 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. 08-107, which amends certain sections of the Zoning Ordinance to allow a new use called “commercial wedding ceremony venue” as an accessory use within the City’s use classification system. These types of activities would be allowed as an interim use in A and RT zoning districts. The draft ordinance includes a series of requirements for commercial wedding ceremonies, and covers a wide range of issues, including the maximum number of guests allowed, hours of operation, off-street parking requirements, setbacks, landscaping, screening, lighting, and other application requirements.

The Ordinance includes the following components:

- Definitions of the terms “wedding ceremony” and “wedding reception”
- A listing of the districts in which a Commercial Wedding Ceremony Venue is allowed through an interim use permit
- The development standards for a Commercial Wedding Ceremony

The full text of Ordinance No. 08-107 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: May 6, 2014.

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.

Kyle Klatt

From: Carol Palmquist <carolpalmquist@gmail.com>
Sent: Monday, February 10, 2014 10:41 AM
To: Kyle Klatt; Adam Bell; Michael Pearson

TO: Kyle Klatt, Lake Elmo City Planner
FROM: Carol Palmquist
DATE: February 10, 2014
RE: Vineyard Weddings, revised request

I am seeking permission from the City of Lake Elmo to allow wedding ceremonies to occur in my vineyard.

The vineyard is on a 10 acre parcel located at 12202 55th Street North, Lake Elmo Minnesota. The south boundary is bordered by 55th Street North, a public street, and a portion of the Lake Elmo City public trail system. Residential property lies to the immediate south of the trail. My property is insulated from the south neighboring residential area by several rows of mature pine trees. The City of Oak Park Heights lies on the east boundary and is entirely commercial. A single residence on the west boundary is insulated by mature pine trees from my property. The north boundary is a 3 acre pond and additional wetland. Commercial buildings circle one-half of the 3 acre pond. Remaining land on the north, opposite the wetland is proposed commercial/high density development and lies in Stillwater Township.

I will focus on wedding ceremonies; no receptions. The maximum number of guests would be 150.

It is my desire to develop a working relationship with area dining venues for receptions.

Northern Vineyards wine or champagne may be served under a licensed bartender, should that be requested.

If deemed necessary, appropriate security will be provided.

Tents or canopies, if requested, may be erected no more than two days prior to the event and removed no more than two days following the event.

All parking shall be off-street, set back, and is screened with mature pine trees from residential properties.

Hours of operation shall be between 10:00 AM and 10:00 PM.

All guests and staff will be gone by 10:00 PM.

Lights shall be off by 10:00 PM.

Adequate on-site portable sanitation will be provided.

Appropriate liability coverage will be guaranteed and in place one week prior to a wedding ceremony.

I am requesting permission to schedule ceremonies twice weekly, Monday through Saturday, during the months May through October.

I shall be on premise during each event.

We shall comply with the Lake Elmo City Code for Ambient Noise.

Thank you for your consideration of this request



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
REGULAR
ITEM # 8
RESOLUTION 2014-30

AGENDA ITEM: Verizon Wireless Telecommunications Tower Conditional Use Permit
SUBMITTED BY: Kyle Klatt, Community Development Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Garrett Lysiak, P.E. OWL Engineering and EMC Test Labs
Nick Johnson, City Planner

- SUGGESTED ORDER OF BUSINESS:**
- Introduction of ItemCommunity Development Director
 - Report/Presentation.....Community Development Director
 - Questions from Council to Staff..... Mayor Facilitates
 - Call for Motion Mayor & City Council
 - Discussion..... Mayor & City Council
 - Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission and Staff have recommended approval of a Conditional Use Permit (CUP) for a new 125-foot wireless communications tower on the site of the Oakland Junior High School. The proposed tower is the first new such facility that has been requested under the wireless communications ordinance updated in 2009. The recommendation is based partially on the report and analysis performed by the City’s wireless communications consultant.

FISCAL IMPACT: None – All City review and consultant costs are being recuperated through the required application and escrow fee. The school district will be leasing the land on which the tower is located to Verizon Wireless.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from Faulk and Foster Real Estate, Inc. (c/o Blake Conklin) on behalf of Verizon Wireless Communications for a Conditional Use Permit to install a new 125-foot telecommunications tower on the site of the Oakland Junior High School in Lake Elmo. As per the ordinance, the City has retained the services of a consulting engineer to review the plans for

compliance with these requirements. The consultant's report and the findings adopted by the Planning Commission indicate that the applicant has complied with the City's requirements related to the construction of a new tower in the community.

The Planning Commission and Staff are recommending that the City Council approve the Conditional Use Permit request with the conditions outlined below. The recommended motion to take action on the request is as follows:

“Move to adopt Resolution 2014-30, approving a Conditional Use Permit Amendment request by Verizon Wireless to construct a 125 foot telecommunications tower on the site of the Oakland Junior High School.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached staff report to the Planning Commission provides detailed information concerning the request and a list of comments from Staff. Also attached is the report prepared by the City's wireless communications consultant. The Planning Commission considered the application for a Zoning Map amendment and PUD Concept Plan at its March 24, 2014 meeting and conducted a public hearing on the request at this time. A representative from Faulk and Foster Real Estate addressed the Commission to further explain the project and to answer questions. The City's consultant was also in attendance to present his report and answer questions from the Planning Commission.

Dennis Bloom, Director of Operation of Stillwater Area Public Schools, addressed site-related questions. He responded to questions concerning the potential safety issues associated with baseballs entering the fenced in portion of the cell tower. He noted that additional landscaping is not necessary. Bloom further explained that the school district has other properties with monopole wireless towers and the district has not experienced any problems related to the operations of these facilities.

The Commission received no other comments from the public concerning the request.

After discussing the conditions of approval and amending one of the conditions as drafted by Staff, the Planning Commission unanimously recommended approval of the Conditional Use Permit request from Verizon Wireless.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed tower and tower location has been found to comply with the City's recently updated wireless communications ordinance

Weaknesses: The tower is a monopole design, but will be taller and more visible than surrounding buildings and landscape features

Opportunities: The tower will provide wireless service to a portion of the community in which coverage gaps exist

Threats: None – the City’s wireless communications consultant addressed concerns that the tower could lead to health issues

RECOMMENDATION: Based on the above Staff and Planning Commission report, the Planning Commission and Staff are recommending that the City Council approve the Conditional Use Permit request for a new wireless communications tower with the following conditions of approval:

- 1) The applicant shall enter into a wireless communications tower agreement with the City prior to the issuance of a building permit for the proposed facility.
- 2) The applicant shall abide by the minimum conditions as listed in Section 150.123 of the Lake Elmo City Code concerning wireless communications facilities.
- 3) All lighting associated with the facility shall comply with the City’s lighting ordinance.
- 4) The applicant shall not prohibit the locating of additional carriers and their equipment within the space to be leased for the tower.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution 2014-30, approving a Conditional Use Permit Amendment request by Verizon Wireless to construct a 125 foot telecommunications tower on the site of the Oakland Junior High School.”

ATTACHMENTS:

1. Resolution 2014-30
2. Planning Commission Report, 4/28/14
3. Report from OWL Engineering (Garrett Lysiak) with Attachments
4. Application Form
5. Legal Description
6. Application Narrative and Ordinance Review
7. Verizon Coverage Maps
8. Tower Photo Simulations
9. Co-Location Statement from Certified Engineer
10. Verizon PCS Broadband License Information
11. Letter of Authorization – Stillwater School District
12. Interference Letter from Verizon Wireless
13. Search Area Map
14. Detailed Plans and Specifications – Proposed Verizon Tower and Antenna

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

RESOLUTION NO. 2014-030

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE
CONSTRUCTION OF A 125-FOOT WIRELESS COMMUNICATION TOWER AT 820
MANNING AVENUE*

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

WHEREAS, Faulk and Foster Real Estate, Inc. (acting on behalf of Verizon Wireless Communications), 588 Three Mile Road NW, Suite 102, Grand Rapids, MI (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit to construct a new 125-foot wireless communications tower and related antenna equipment on the site of the Oakland Junior High School at 820 Manning Avenue North, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on April 28, 2014; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated May 6, 2014; and

WHEREAS, the City Council considered said matter at its May 6, 2014 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 Conditional Use Permit (CUP) are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit is to construct a new 125-foot high wireless communications tower and related antenna equipment on the site of the Oakland Junior High School in Lake Elmo at 820 Manning Avenue. The proposed tower would be

located directly north of the school building and at the western edge of the school's northern parking lot.

- 4) That the proposed Conditional Use Permit will be located on property legally described as follows and commonly known as 820 Manning Avenue North:

The following parts of the North Half of the Northeast Quarter (N1/2 of NE1/4) of Section Thirty-six (36), Township Twenty-nine (29) North, Range Twenty-one (21) West described as follows: The East 666 feet of the said North Half of the Northeast Quarter and the West 234.9 feet of the East 900.9 feet of the South 891.8 feet, subject to public roadways along the North and East side thereof and containing 25 acres more or less together with a perpetual easement for utility purposes including but not limited to underground gas lines, electrical transmission lines, and drainage, said easement tract being the south 50 feet of the West 1,571.1 feet of the East 2,472.5 feet of the said North Half of the Northeast Quarter (N1/2 of NE1/4) of Section Thirty-six (36).

- 5) That a wireless communications tower is designated as a Conditional Use within the PF – Public Facility Zoning District in Section 150.111 of the City Code; and
- 6) That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 7) That the use conforms to the City of Lake Elmo Comprehensive Plan.
- 8) That the use is compatible with the existing neighborhood.
- 9) That the proposed use meets all specific development standards for such use listed in Section 150.110 through 150.123 of the City Code.
- 10) That the proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- 11) That the proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 12) That the proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- 13) That the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

- 14) That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 15) That vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 16) That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Conditional Use Permit is granted subject to the following conditions:

- 1) The applicant shall enter into a wireless communications tower agreement with the City prior to the issuance of a building permit for the proposed facility.
- 2) The applicant shall abide by the minimum conditions as listed in Section 150.123 of the Lake Elmo City Code concerning wireless communications facilities.
- 3) All lighting associated with the facility shall comply with the City's lighting ordinance.
- 4) The applicant shall not prohibit the locating of additional carriers and their equipment within the space to be leased for the tower.

Passed and duly adopted this 6th day of May 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Dean A. Zuleger, City Administrator



PLANNING COMMISSION
DATE: 4/28/14
AGENDA ITEM: 4A – PUBLIC HEARING
CASE #2014-07

ITEM: Verizon Wireless Telecommunications Tower Conditional Use Permit

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Garrett Lysiak, P.E., OWL Engineering and EMC Test Labs, Inc.
Nick Johnson, City Planner
Rick Chase, Building Official

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request from Faulk and Foster Real Estate, Inc. (c/o Blake Conklin) on behalf of Verizon Wireless Communications for a Conditional Use Permit to install a new 125-foot telecommunications tower on the site of the Oakland Junior High School in Lake Elmo. The proposed tower is the first new facility that has been submitted under the new Wireless Communications Ordinance that was adopted in 2009. As per the ordinance, the City has retained the services of a consulting engineer to review the plans for compliance with these requirements. With the recommendation from the City's consulting engineer, Staff is recommending approval of the Conditional Use Permit request.

GENERAL INFORMATION

Applicant: Faulk and Foster Real Estate, Inc., 588 Three Mile Road NW, Suite 102, Grand Rapids, MI; on behalf of Verizon Wireless Communications

Property Owners: Stillwater Area Public Schools, 1875 Greeley Street, Stillwater, MN (Dennis Bloom, Director of Operations)

Location: 820 Manning Avenue, Oakland Junior High School. PID Number 36.029.21.11.0002

Request: Conditional Use Permit – Wireless Communications Facility

Existing Land Use: Public School and Related Accessory Uses

Existing Zoning: PF – Public Facility

Surrounding Land Use: Manufactured Home Park, Agricultural Fields, Rural Residential

Surrounding Zoning: MDR – Medium Density Residential, RT – Rural Transitional, and RR – Rural Residential

Comprehensive Plan: Public/Park

Proposed Zoning: No Change

History: Oakland Junior High School was constructed in the 1960's and the site has served as a junior high school for the Stillwater Area School District. The school serves children in the Lake Elmo/Stillwater area in grades seven through nine. The School has been expanded several times during its history, which has included ball fields, tennis courts, parking area, lighting, and other improvements.

Deadline for Action: Application Complete – 4/9/13
60 Day Deadline – 6/9/13
Extension Letter Mailed – No
120 Day Deadline – 8/9/13

Applicable Regulations: 150.110 – Wireless Communications Facilities
154.106 – Conditional Use Permits

REQUEST DETAILS

The City of Lake Elmo has received a request from Verizon Wireless Communications, represented by Faulk and Foster Real Estate, for a Conditional Use Permit to construct a new 125-foot high wireless communications tower and related antenna equipment on the site of the Oakland Junior High School in Lake Elmo. The proposed tower would be located directly north of the school building and at the western edge of the school's northern parking lot. The tower site is located approximately 550 feet from Manning Avenue and over 700 feet from the 10th Street right-of-way, and would be situated in the middle portion of the school's property.

As part of its agreement with the Stillwater School District, the applicant would be leasing a 27 by 40 foot piece of land in the location described above. This space would provide room for the tower itself and an accessory building to house the equipment necessary to serve the facility. The site plan also calls for the creation of a small infiltration basin adjacent to the leased property in order to handle the additional storm water runoff from the proposed impervious surfaces. Access to the site would be gained via the existing parking area and connection to Manning Avenue.

The applicant has provided detailed drawings depicting the location of the tower and accessory equipment in addition to a statement concerning compliance with the City's Wireless Communications Facility ordinance. Because this statement of compliance includes nearly all of the text from the ordinance, Staff has not attached the City's regulations as a separate document for review by the Commission. Under the ordinance, the City may request assistance in reviewing the tower proposal by a third-party expert, which was done in this case. The City has hired Garrett Lysiak of OWL Engineering, which is a communications consulting engineering firm, to review the proposal for compliance with the City's requirements. The consultant's report is attached to this memorandum with his associated attachments and supporting documentation.

Please note that the consultant's report states that the applicant's written request and drawing details are in conflict with each other concerning the tower's proposed height (the narrative noted a 125-foot tower while the drawings depicted a 130-foot tower). The applicant agreed to revise the drawings to show a 125-foot tower, and the updated drawings are now reflected in the attached materials. This change is important because the ordinance would have required further documentation to support the additional height above 125 feet, which is the maximum height allowed across all of the City's zoning districts without such documentation.

BACKGROUND

The City of Lake Elmo updated its wireless communications ordinance in 2009 partially in response to a request to build a new communications tower in a residential area. The revised ordinance was intended to place a much higher burden on an applicant to demonstrate the need for a new tower before the City would authorize the construction of any new facilities. In addition, the ordinance gives the City the ability to hire an outside expert knowledgeable in radio frequency engineering and communications services to review proposals for consistency with the City's requirements. In this case, the applicant has provided documentation concerning the need for the tower to fulfill gaps in wireless coverage in this portion of the City, and has conducted an analysis of existing facilities in the area to determine whether or not there is a suitable site near-by that could accommodate a new facility. Based on the applicant's submissions and review by the City's consultant, the applicant has adequately address the need for a new facility.

One of the key provisions in the Wireless Communications Facility ordinance is a section that establishes location requirements for new facilities, which also includes a site ranking analysis that must be observed. In order of preference, new facilities are encouraged to be located: 1) on existing towers, 2) on existing structures, 3) on existing buildings four stories or higher, 4) on utility poles over 75 feet in height, 5) on public lands and facilities, and finally 6) on private property in the City. The applicant has stated that options 1-4 are not feasible in this part of the City (and provided documentation to support this claim), and therefore has chosen to work with the School District to build a facility on property that would be considered public property under the code.

The proposed tower location, located in roughly the middle of the School District site, would be located over 600 feet from any existing or planned residential houses. It is also located in a portion of the Oakland school property that is occupied by buildings, light poles, accessory equipment, and other facilities, but out of any traffic movement areas, parking stalls, or other activity areas. While the tower will be visible from Manning Avenue and 10th Street, views of the tower will be screened from most sides by trees, buildings, or other obstructions.

The school district has worked with the applicant to site the tower in the least obtrusive portion of its property that also met the objectives and requirements of the City's wireless tower regulations. The tower would be replacing an existing light standard, which would be added back to the tower as an attachment the structure.

In accordance with the City Code, the tower has been designed to accommodate at least two additional carriers via mounting locations lower on the tower structure. Because there could be two additional service providers using this tower, Staff is recommending that the equipment building be designed to accommodate the needs of future users in addition to Verizon Wireless.

PLANNING AND ZONING ISSUES

The City Code regulations concerning wireless communication facilities outline the requirements that must be met by an applicant in order to construct a new tower within the City. As part of the present applicant, the City's wireless communications consultant has reviewed the application materials and the ordinance for compliance with these requirements. The applicant has also provided detailed information, drawings, and diagrams to support the present request. The most significant issues that need to be considered by the Planning Commission include the following:

- **Permit Requirements.** A new wireless communications tower may only be allowed upon the issuance of a conditional use permit by the City. This type of request requires a public hearing to be conducted by the Planning Commission.
- **Proof of Need.** The applicant is required to submit a coverage/interference analysis and capacity analysis that demonstrates the need for a new facility, in addition to other information as noted in the ordinance. This documentation and analysis has been reviewed by the City's consultant, and his opinion is that the applicant has met the threshold for documenting the need for a new tower. The consultant's report is attached to this memorandum.
- **Location Requirements and Site Ranking.** As noted above, a new tower proposal must be reviewed for compliance with the City's site ranking requirements. Staff has determined that the need for service cannot be accommodated with any of the first four site preferences from the code. The applicant is placing the tower on public land, which is given preference over private property under the ordinance.
- **Prohibited Areas.** This section of the code prohibits towers from being located on smaller residential parcels, within open space or conservation easements, within airport impact zones, or in any open space preservation district. The proposed site does not fall within any of these prohibited areas.
- **Zoning Requirements.** The wireless communications ordinance specifies a maximum tower height and minimum area required for new facilities by zoning district. The proposal complies with these requirements.
- **Application and Review Procedures.** An applicant for a new tower must submit specific information as required by this section of the code. Of these requirements, the applicant has not presented a five-year plan for facilities in the community, and has not submitted a landscape plan that provides screening from the accessory equipment building. Staff is not recommending that either of these be required with the present application because Verizon is not planning for any additional facilities in the community at this time, and because the proposed site is located in the middle of existing accessory buildings and equipment that otherwise are not required to be screened under the City Code.
- **Expert Review.** The report from Garrett Lysiak is attached to this memorandum. Mr. Lysiak will be in attendance at the Planning Commission meeting and will be able to address questions from the Planning Commission or public at this time.
- **Tower Standards.** Under this section of the code, and applicant is required to address the design of the structure, adverse effects on adjacent properties, setbacks, height, lighting, landscaping, accessory buildings, and other requirements. Specific comments concerning some of these items are as follows:
 - **Design.** The proposed monopole design is required under the code, and will be constructed using a Cor-Ten weathering steel. This type of finish will take on a brownish color after a short period of time, which in Staff's opinion is preferable to a lighter blue or white color sometimes used for these facilities. A camouflage-type

design does not appear appropriate for this site given the lack of larger trees or other structures in the vicinity of the proposed tower.

- ***Adverse Effects.*** Although the tower will be visible to adjacent properties, it is located in the middle of the school district property and situated well away from any existing residential neighborhoods. There are other structures in this areas, including power poles, the Cimarron water tower, and light standards for the school ball fields that are already visible from surrounding properties.
- ***Landscaping.*** Although noted as part of the code, Staff is not recommending that landscaping be provided around the proposed site since it is located a fair distance from any adjacent properties. Because the tower is located on school district property, the school district should be able to make decisions about where screening or plantings would be appropriate around the applicant's site.
- ***Wireless Communications Tower Agreement.*** The applicant will need to enter into an agreement with the City concerning the proposed tower consistent with this section of the code. This agreement will be required before construction may begin.
- ***Minimum Conditions.*** The City Code includes several conditions as listed in the code that must be met by the applicant. Staff is recommending that these conditions be referenced as part of the Planning Commission recommendation to the City Council.

REVIEW AND ANALYSIS

Staff is recommending that the Planning Commission recommend approval of the request for a conditional use permit to allow the construction of a new Verizon Wireless communications tower on the Oakland Junior High School property. The applicant has provided appropriate documentation that the proposed site is needed to provide adequate wireless communications service in the City, and has also documented that there are no other suitable alternatives to provide this coverage either on an existing facility or as part of another tower in the area. The location on school district property is preferred to a private site in accordance with wireless communications ordinance, and the proposed tower site is situated on a central portion of the school site and away from any existing or future residential subdivisions.

The proposed use will be subject to the recently revised required findings for conditional uses, which include the following:

- 1) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 2) The use or development conforms to the City of Lake Elmo Comprehensive Plan.
- 3) The use or development is compatible with the existing neighborhood.
- 4) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
- 5) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).

- 6) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- 7) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 8) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- 9) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 10) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 11) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 12) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

In reviewing this list, Staff finds that the applicant will be able to comply with the required findings in order to issue a conditional use permit. Please note that the Staff recommendation includes the following conditions of approval:

- 1) The applicant shall enter into a wireless communications tower agreement with the City prior to the issuance of a building permit for the proposed facility.
- 2) The applicant shall abide by the minimum conditions as listed in Section 150.123 of the Lake Elmo City Code concerning wireless communications facilities.
- 3) All lighting associated with the facility shall comply with the City's lighting ordinance.
- 4) The applicant shall design the accessory equipment building to accommodate any additional equipment that may be needed by additional carriers on the tower.

DRAFT FINDINGS

The Planning Commission should review the application for consistency with the Conditional Use Permit findings listed above and with the requirements of the Wireless Communication Ordinance.

RECCOMENDATION:

Staff is recommending that the Planning Commission recommend approval of request from Faulk and Foster Real Estate, Inc. (c/o Blake Conklin) on behalf of Verizon Wireless Communications for a Conditional Use Permit to install a new 125-foot telecommunications tower on the site of the Oakland Junior High School in Lake Elmo. This recommendation includes the following conditions of approval:

- 1) The applicant shall enter into a wireless communications tower agreement with the City prior to the issuance of a building permit for the proposed facility.
- 2) The applicant shall abide by the minimum conditions as listed in Section 150.123 of the Lake Elmo City Code concerning wireless communications facilities.
- 3) All lighting associated with the facility shall comply with the City’s lighting ordinance.
- 4) The applicant shall design the accessory equipment building to accommodate any additional equipment that may be needed by additional carriers on the tower.

Suggested motion:

“Move to recommend approval of the request by Verizon Wireless Communications for a Conditional Use Permit to construct a new 125-foot high wireless communications tower and related antenna equipment on the site of the Oakland Junior High School in Lake Elmo

ATTACHMENTS:

1. Report from OWL Engineering (Garrett Lysiak) with Attachments
2. Application Form
3. Legal Description
4. Application Narrative and Ordinance Review
5. Verizon Coverage Maps
6. Tower Photo Simulations
7. Co-Location Statement from Certified Engineer
8. Verizon PCS Broadband License Information
9. Letter of Authorization – Stillwater School District
10. Interference Letter from Verizon Wireless
11. Search Area Map
12. Detailed Plans and Specifications – Proposed Verizon Tower and Antenna

ORDER OF BUSINESS:

- Introduction.....Community Development Director
- Report by Staff.....Community Development Director
- Questions from the Commission..... Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



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CONSULTING COMMUNICATIONS ENGINEERS · EMC TEST LABORATORIES

**5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541**

**REPORT REGARDING CONSTRUCTION
OF A VERIZON COMMUNICATIONS TOWER
TOWN OF LAKE ELMO, MINNESOTA**

PREPARED BY: GARRETT G. LYSIAK, P.E.

MARCH 15, 2014



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5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

TABLE OF CONTENTS

ENGINEERING STATEMENT

FIGURE 1	SITE MAP
FIGURE 2	AERIAL VIEW
FIGURE 3	FCC & FAA TOWER SEARCH
FIGURE 4	EXISTING TOWERS MAP
FIGURE 5	EXISTING COVERAGE
FIGURE 6	PROPOSED COVERAGE

ENGINEERING STATEMENT

The application for a Conditional Use Permit that was submitted by Verizon Communications to Lake Elmo, Minnesota for the proposed tower at 820 Manning Avenue North (in N ½ of the NE ¼ Section 36, Township 29N, Range 21W), was reviewed for compliance with the technical requirements of the Lake Elmo Tower Ordinance. The site was located and plotted on a USGS 7.5 minute map (Figure 1 “Site Map”). In addition, an aerial photograph is included to show the proposed site location and the surrounding area (Figure 2 “Aerial View Map”).

Initial Review

My initial review of the application found several discrepancies. The application requested a 125-foot monopole that is proposed to be constructed on the school property. However, the drawings provided indicated a 130-foot tower (Sheet A3). Since the ordinance has a maximum allowable height of 125-feet and there was no request for a variance or any information showing the need for the increased allowable height, I requested additional information from Verizon. The changes were provided but there was no explanation concerning the added tower height. In several conversations with the applicant it was agreed that the initial height of 125-feet would be the desired height and the only change that would have to be made was to the construction drawings to show the requested 125-foot tower.

Existing Towers

Searches of the FCC and FAA tower databases were performed and nearby towers within 5 miles were identified and are listed in Figure 3 (“FCC & FAA Tower Search”) and all are greater than 2.4 miles from the proposed site and cannot be used to provide the required coverage. Figure 4 is a map showing the location of all of the nearby existing towers. As can be seen by these figures there are no existing towers that can supply the required coverage for the Verizon Wireless system.

Airspace Study

The proposed tower site was examined for any impact on the local airspace and airports. The tower is proposed to be under 200-feet and is therefore not usually required to get FAA approval, unless it is located near an airport. The search showed that the closest public air facility is Lake Elmo (21D) which is located more than 2.4 miles from the proposed tower site and is only 40-feet and not capable of either

supporting a new antenna or providing the needed coverage. The proposed facility is not predicted to be impacted by this tower.

The FCC TOWAIR program was used to examine the proposed tower for any FAA notification. The results show that no FAA notification is required.

Coverage Study

In reviewing the submitted data it was determined that additional information for nearby Verizon Communications sites was needed in order to make a signal coverage study determination. The requested information was provided and the data was analyzed. This analysis shows how Verizon Communications has designed its communications facilities in the Lake Elmo area with several surrounding sites providing area wide coverage.

The coverage study analysis was performed using parameters for signal levels that made the display easier to understand and the parameters were maintained in all of the different examples to ensure accuracy. Figure 5 shows the results of the coverage study analysis for the present Verizon system. The existing gap in coverage is identified in this exhibit.

The study was then repeated with the proposed site included in the analysis in order to determine if the gap in coverage is eliminated. It is shown in Figure 6 and that the coverage gap is eliminated.

The study was then repeated using lower heights to determine if using these lower heights could provide the required signal coverage. The results show that this tower location does not provide the coverage needed to eliminate the gap in coverage at reduced heights and still allow for future co-location use.

Site Construction

The site construction documents show the tower that is planned for this project. In my review I noted that the plans did show compliance with the requirements of EIA-222 standard which requires loading for winds of 80 mph with radial ice loading.

The proposal does satisfy the requirements for setbacks from structures and property lines.

Since the tower is less than 200-feet there is no requirement for any lighting or marking requirements by the FAA.

The proposal shows that the tower is designed to accommodate three communications systems and therefore complies with the ordinance as a potential co-location site.

Interference Study

A search was performed using the FCC frequency database to determine the frequency and location of any city or county public safety facilities within one-mile from the proposed tower location. Using all the identified frequencies utilized by the county an intermodulation (interference) study was performed to determine if any predicted interference products would be generated by the proposed Verizon Communications facility. The results of the study indicate that there are no interference products predicted to be generated that would cause interference to any of the identified protected frequencies.

RF Radiation Analysis

Using the data submitted by Verizon Communications, I performed a "Worst-Case" radiation analysis to determine the amount of RF energy that would be present at the base of the tower. In making my calculations I assumed that all of the RF energy generated by the facility would be directed downward. This is not the real world situation since the antennas used by PCS systems are designed to radiate towards the horizon. However, using this analysis method I am able to determine that the maximum level of RF radiation reaching the ground at the tower base is less than 10 percent of the ANSI standard value and as such is not classified as an RF radiation hazard.

Additionally, I did a sample calculation inserting three additional users on the tower and determined that the increased potential RF radiation would still be within the FCC standards. This calculation would have to be repeated when additional carriers were installed on the tower to get an exact value.

Summary

My review of the proposed Verizon Communications tower indicates that:

1. It would provide the required PCS system coverage to eliminate the present existing coverage gap in the Lake Elmo area.
2. The site is not predicted to cause any interference products to any protected frequency in the area and is not predicted to be an RF radiation hazard.
3. The tower is designed to accommodate additional communications systems.



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4. The proposal is in compliance with the structural and setback requirements of the ordinance.
5. The proposed tower is not predicted to impact any Public or Private airport in the immediate vicinity.
6. The proposal meets all of the technical requirements of the Lake Elmo Tower Ordinance.

Respectfully submitted,

A handwritten signature in black ink that reads "Garrett G. Lysiak". The signature is written in a cursive style with a large, stylized initial "G".

Garrett G. Lysiak, P.E.
March 15, 2014

(WHITE BEAR
LAKE EAST)

093° 12' 55.96" W
045° 20' 34.05" N

(STILLWATER)

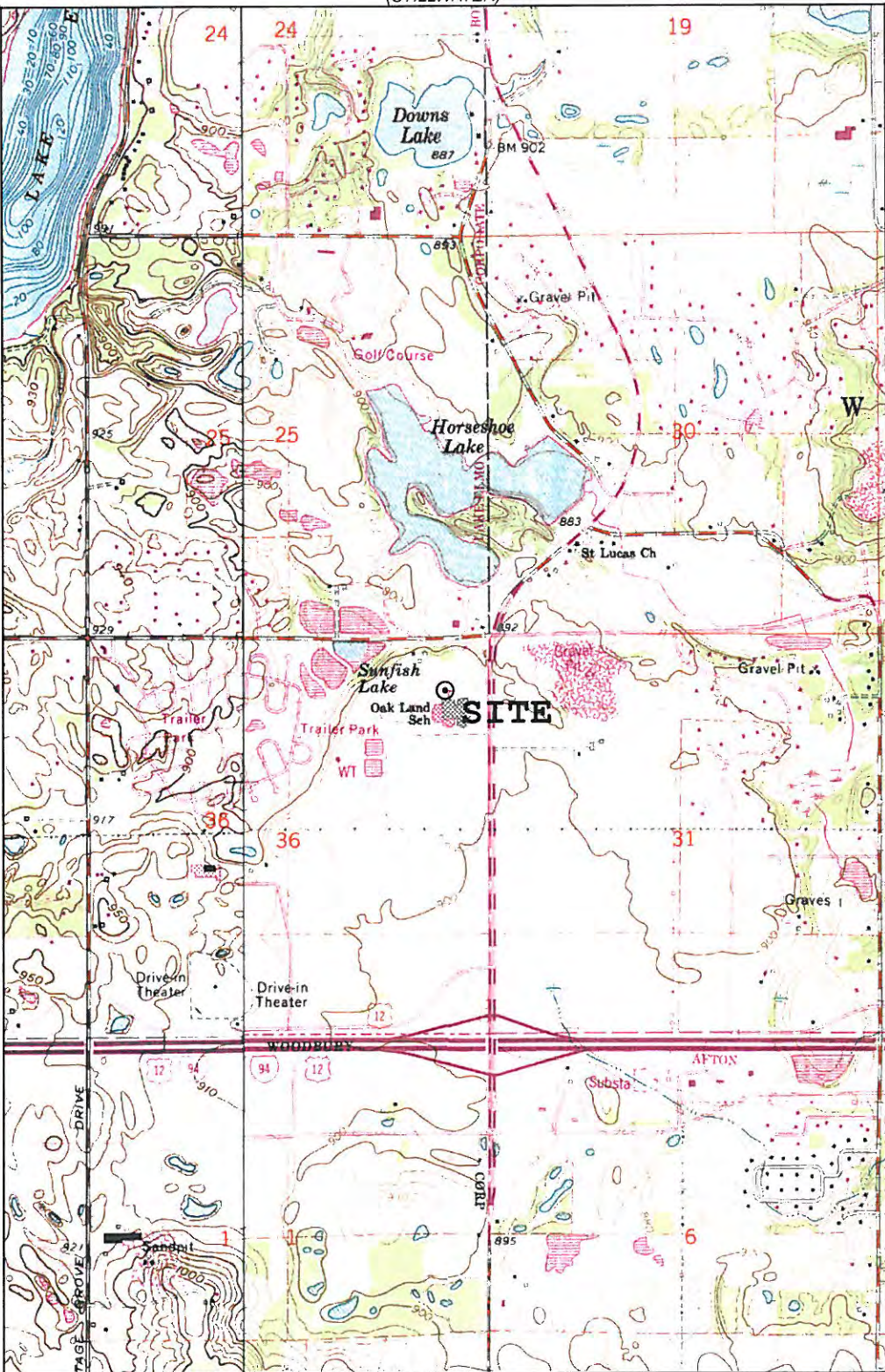
HUDSON QUADRANGLE
MINNESOTA
TOPOGRAPHIC SERIES

(SOMERSET
SOUTH)

092° 31' 06.82" W
045° 20' 34.05" N

(LAKE ELMO)

(Unavailable)



044° 34' 45.77" N
093° 12' 55.96" W

044° 34' 45.77" N
092° 31' 06.82" W

(ST PAUL PARK)

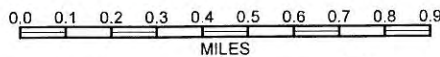
(Unavailable)

Declination



GN 0.10° E
MN 0.08° E

(PRESCOTT)
SCALE 1:24000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

HUDSON, MN
1967

FIGURE 1 - SITE MAP



FIGURE 2 - AERIAL VIEW

FIGURE 3 - FCC & FAA TOWER SEARCH

Specified Search

Latitude='44-57-41.7 N', Longitude='92-51-53.8 W', Radius=8 Kilometers

Registration Number	Status	File Number	Owner Name	Latitude/Longitude	Structure City/State	Overall Height Above Ground (AGL)
1 1004586	Constructed	A0884146	STC Five, LLC	45-00-11.1N 092-49-03.0W	BAYTOWN, MN	33.2
2 1009660	Constructed	A0500917	MINNESOTA, STATE OF	44-59-57.0N 092-57-46.0W	OAKDALE, MN	79.2
3 1023182	Constructed	A0853087	Verizon Wireless (VAW) LLC	45-01-01.0N 092-47-31.0W	BAYTOWN, MN	50.9
4 1023184	Dismantled	A0655215	Verizon Wireless (VAW) LLC	44-54-59.0N 092-53-09.0W	WOODBURY, MN	47.5
5 1024930	Constructed	A0529189	Xcel Energy Services Inc.	45-01-48.0N 092-46-44.0W	BAYPORT, MN	239.2
6 1025302	Dismantled	A0452877	21ST CENTURY WIRELESS GROUP INC	44-53-30.0N 092-53-03.0W	NEWPORT, MN	94.5
7 1261231	Constructed	A0618383	Minnesota, State of	45-00-00.5N 092-51-17.5W	Lake Elmo, MN	11.3
8 1272246	Constructed	A0814444	SBA 2012 TC Assets, LLC	44-55-07.2N 092-56-06.1W	Saint Paul, MN	46.6

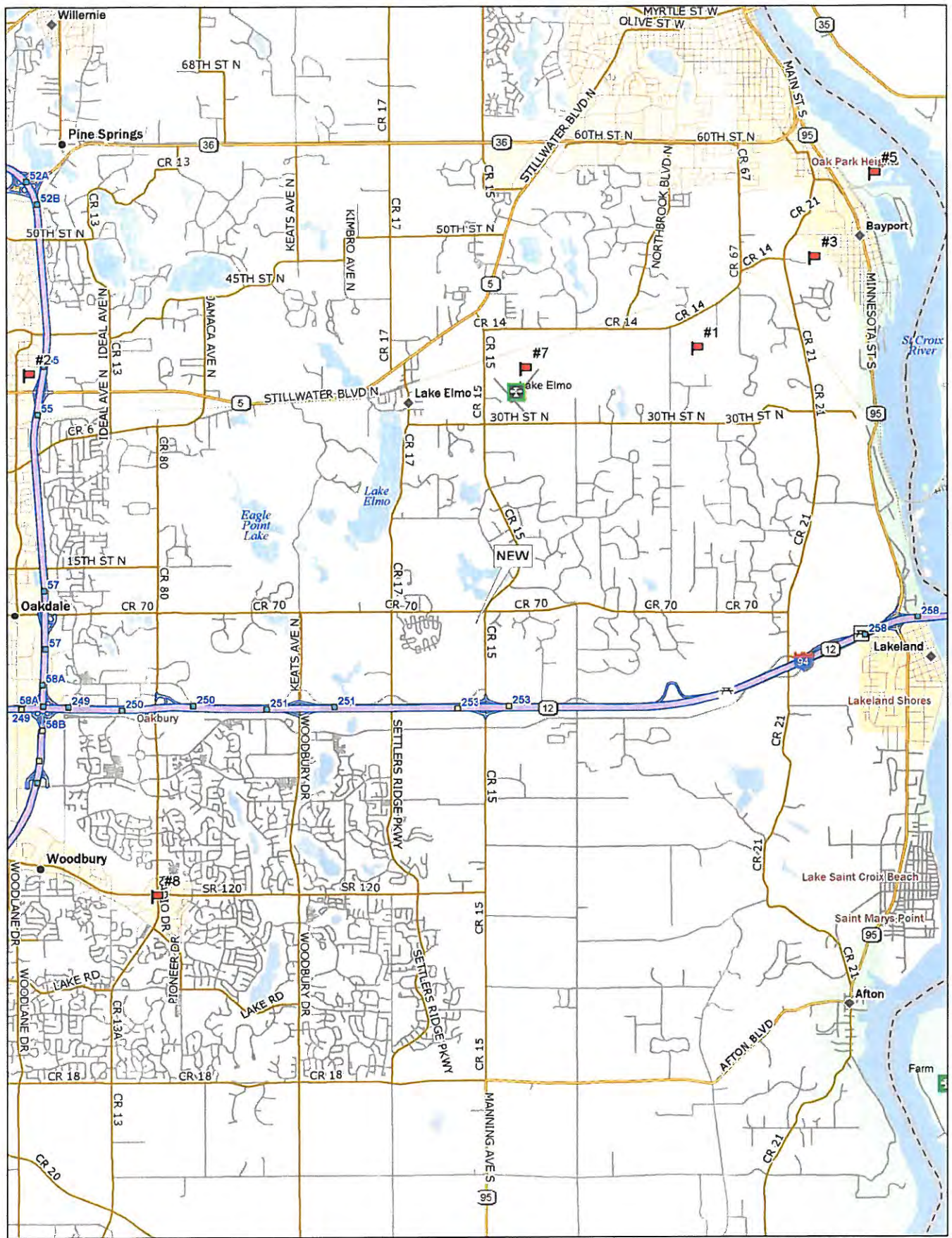


FIGURE 4 - EXISTING TOWERS

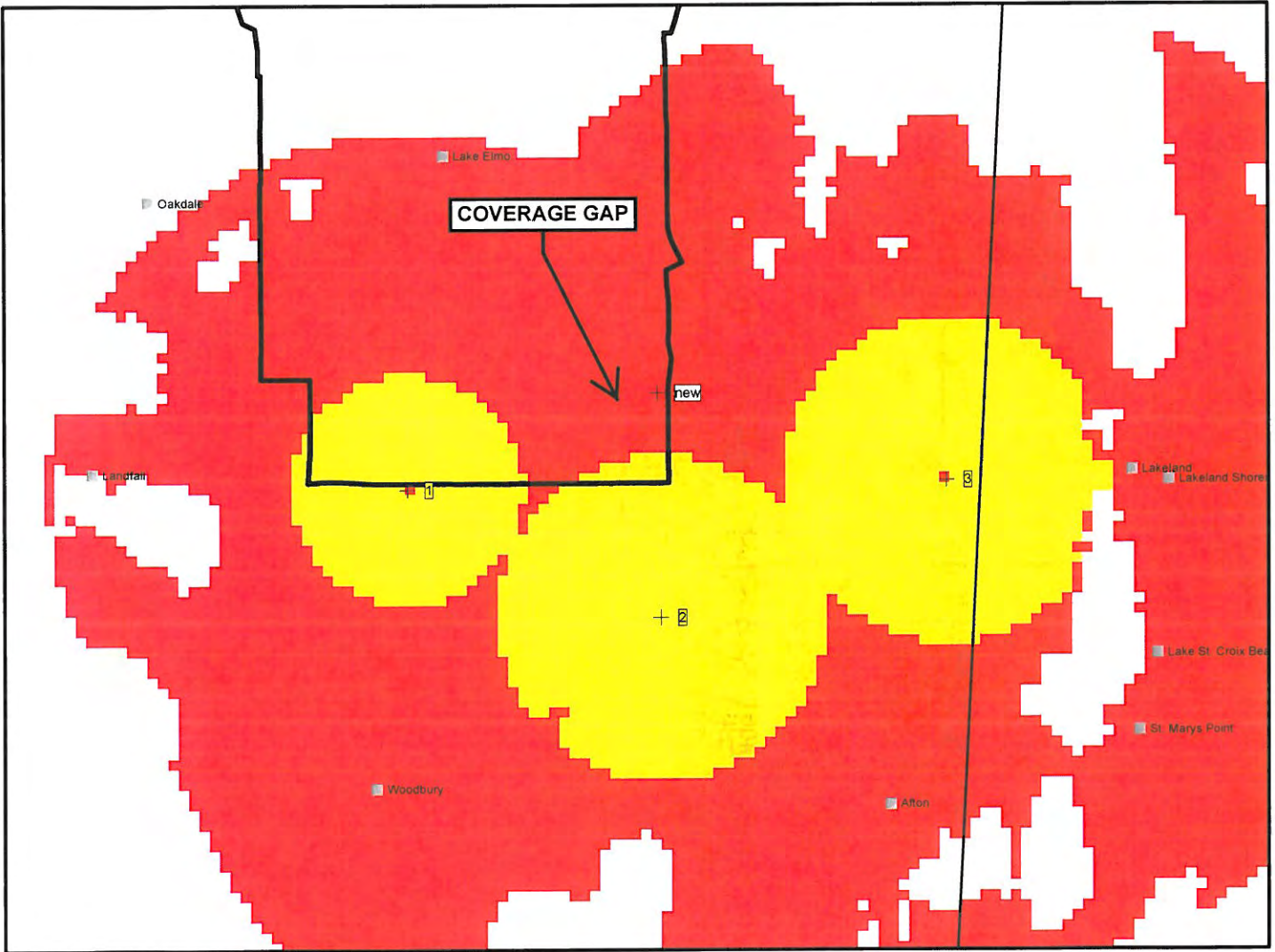


FIGURE 5 - EXISTING COVERAGE

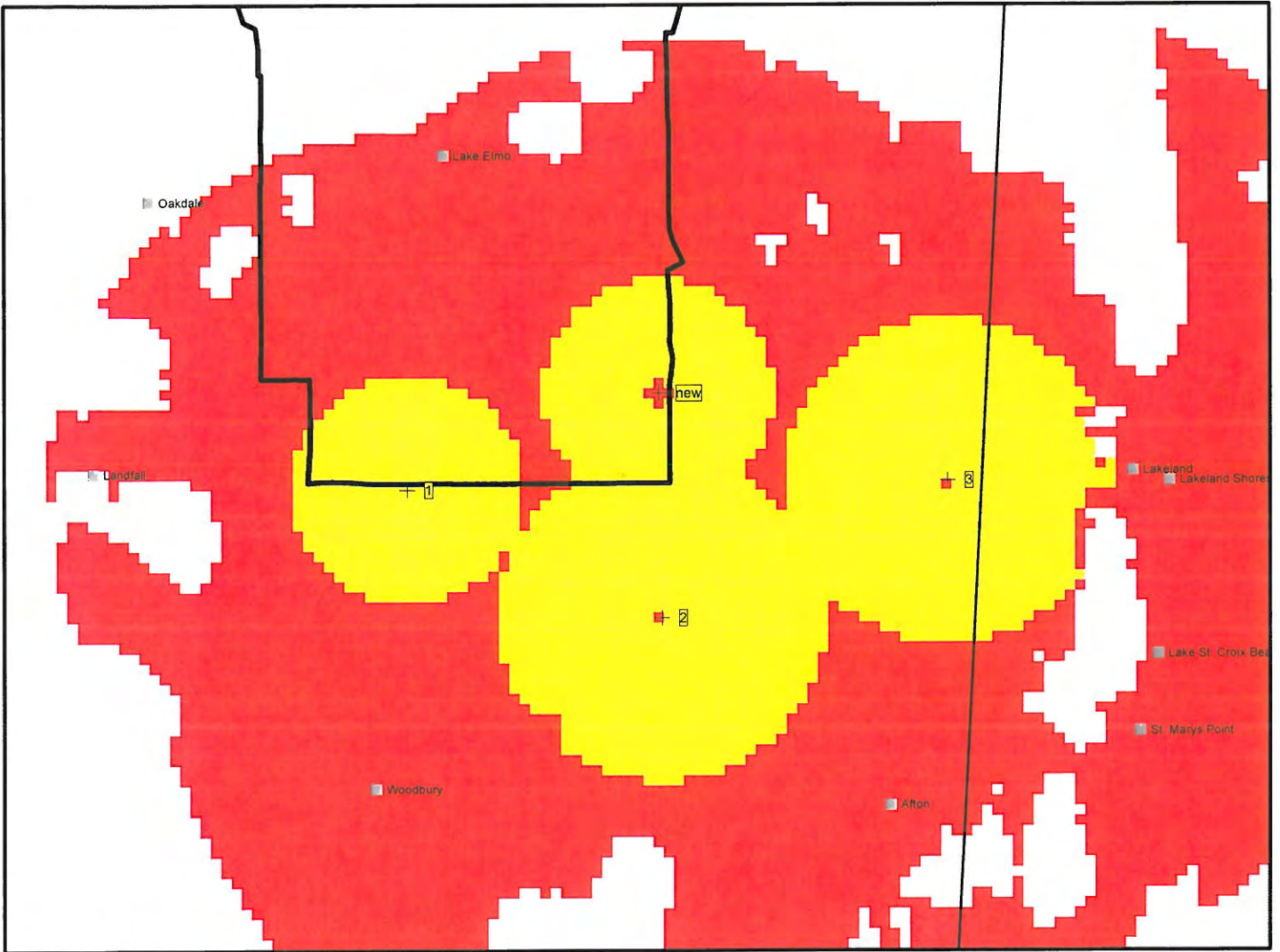


FIGURE 6 - PROPOSED COVERAGE


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



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

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision

Applicant: Faulk and Foster Real Estate, Inc. o/b/o Verizon Wireless
Address: 588 Three Mile Road NW, Suite 102 Grand Rapids, Michigan 49544 
Phone # 616-647-3720 ext. 112
Email Address: blake.conklin@faulkandfoster.com

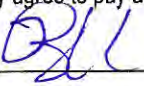
Fee Owner: Stillwater Area Public Schools c/o Dennis Bloom, Director of Operations
Address: 1875 Greeley St, Stillwater, MN 55082
Phone # 651-351-8379
Email Address: N/A

Property Location (Address and Complete (long) Legal Description): 820 Manning Ave N Lake Elmo, MN 55042
The East 666 feet of the said North Half of the Northeast Quarter and the West 234.9 feet of the East 900.9 feet of the South 891.8 feet, subject to public roads
roads and utility easements containing 25 acres more or less

Detailed Reason for Request: Verizon Wireless is proposing a 125' communications tower with a 9' lightening rod. This site will serve to upgrade the wireless communications capabilities of the surrounding area.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
No variance requested

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

Signature of applicant:  o/b/o Verizon Wireless Date: 1/17/14

City Use Only

Planning: Zoning District: _____ Date: _____
Reviewed by: _____ Date: _____
Subject to the following conditions: _____
Engineering: Reviewed by: _____ Date: _____
Subject to the following conditions: _____

QUALITY ABSTRACT, INC.

7582 Currell Boulevard, Suite 111
Woodbury, MN 55125
Phone (651) 739-8597 Fax (651) 739-8492

December 27, 2013

Faulk & Foster
588 Three Mile Road NW Suite 102
Grand Rapids, MI 49544
Attention: Blake Conklin

RE: Abstracter's Certificate

Legal Description: Part of the North ½ of the Northeast ¼ being the East 665 feet of said North ½ of the Northeast ¼ and the West 234.9 feet of the East 900.9 feet of the South 891.8 feet and subject to easements, all in Section 36, Township 29, Range 21, Washington County, Minnesota.

QUALITY ABSTRACT, INC. does hereby certify that it has made a search of the public record in Washington County, Minnesota and discloses the apparent owners and addresses of real estate within a 350 foot radius of the above referenced property and has shown them as Entries No. 1 to 17, inclusive, on Exhibit "A" attached hereto.

Dated this 27th day of December, 2013.

QUALITY ABSTRACT, INC.

By: 
Licensed Abstracter

A FULL SERVICE ABSTRACT COMPANY

Verizon Wireless Conditional Use Permit Application

GENERAL INFORMATION

Verizon Site Name: MIN Valley Ranch

Project Overview: Verizon Wireless proposes to place a 125' monopole tower with 9' lightning rod and associated 12' x 30' equipment shelter within a fenced compound on an 80' x 80' lease area. See enclosed drawings for details (Exhibit A)

Parcel Address: 820 Manning Avenue North Lake Elmo, MN 55042

Legal Description: The following parts of the N/2 of the NE/4 of Section 36, Township 29 North, Range Twenty One West described as follows: The East 666 feet of the said North Half of the NE/4 and the West 234.9 feet of the East 900.9 feet of the South 891.8 feet, subject to public roadways along the North and East side thereof and containing 25 acres more or less.

Property Owner: Stillwater Area Public Schools, Independent School District #834

Zoning: Public Facility

Contact Information

Applicant:
Faulk and Foster Real Estate, Inc.
c/o Blake Conklin
588 Three Mile Road NW, Suite 102
Grand Rapids, Michigan 49544
(616) 647-3720 ext. 112

Property Owner:
Independent School District #834
1875 Greeley Street
Stillwater, MN 55082
(651) 351-8379

Architect:
Design 1 of Eden Prairie
9973 Valley View Road
Eden Prairie, MN 55344
(952) 903-9299

Surveyor:
Sunde Land Surveying
9001 E. Bloomington Freeway,
Suite 118
Bloomington, MN 55420
(952) 881-2455

ORDINANCE COMPLIANCE STATEMENT

Verizon Wireless offers this Ordinance Compliance Statement in support of its application for a Conditional Use Permit for the above-described project. Our answers are highlighted in bold and section not requiring a response are redacted as noted:

WIRELESS COMMUNICATIONS FACILITIES

§ 150.110 PURPOSE AND INTENT.

The purpose of this subchapter is to allow for and regulate the design, location, placement, construction, maintenance, and removal of wireless communications towers and antennae and to:

- (A) Reasonably accommodate the provision of wireless telecommunication services to the general public;
- (B) Provide safety/emergency service through the use of wireless communications facilities;
- (C) Minimize adverse visual effects of wireless telecommunication towers, antennae, or accessory equipment through careful design and siting standards;
- (D) Strictly control the location and design of wireless communications facilities so that allowed facilities will not be obtrusive or visually unpleasant and in particular, to protect residential property and neighborhoods from visually intrusive tower installations where reasonably possible;
- (E) Provide clear standards governing all aspects of such facilities;
- (F) Avoid potential damage to adjacent properties from tower failures through structural standards and setback requirements;
- (G) Maximize the use of existing and approved towers, structures, and/or buildings for the location of new wireless telecommunication towers in order to reduce the number of the structures needed to accommodate wireless telecommunication services; and
- (H) Allow new facilities only when a documented proof of need satisfactory to the city can be shown.

The proposed site will meet the communication needs of residents and business. The site will support the general welfare of the community by providing voice and data service that is an essential part of modern infrastructure. This service will support critical communications and fast emergency response to accidents, health emergencies, crimes, fires, storms and other events impacting public health and safety.

§ 150.111 PERMIT REQUIREMENTS.

(A) All new wireless communications facilities shall require a conditional use permit in accordance with the zoning district requirements specified in §150.115 with the exception of those facilities that are exempt from review under this chapter or that may be approved administratively with a wireless communications permit.

(1) A public hearing for a new wireless communications facility that requires a conditional use permit shall be preceded by 10 days mailed notice to record owners of property located within 1,000 feet of the parcel on which the tower will be located.

(B) *Exemptions.* The following are exempt from review under this chapter:

- (1) Television antennas, satellite dishes 1 meter (39 inches) in diameter or less;

- (2) Satellite dishes used commercially and 3 meters in diameter or less;
- (3) Receive only antennas;
- (4) Amateur radio facilities, subject to other City Code requirements;
- (5) Mobile services providing public information coverage of news events or of a temporary or emergency nature.

(C) *Administrative review.* The following shall be allowed as a permitted use subject to the issuance of a wireless communications permit in accordance with § 150.115 :

- (1) Satellite dishes more than 1 meter (39 inches) in diameter;
- (2) Ground mounted antennas not exceeding the maximum height allowed for structures in the underlying zoning district;
- (3) Building mounted antennas not exceeding 25 feet above the highest part of the building to which they are attached;
- (4) Utility pole mounted antennas not exceeding 25 feet above the highest part of the utility pole to which they are attached;
- (5) Antennas co-located on an existing wireless communications facility structure.

Verizon Wireless is submitting a conditional-use permit application pursuant to this section.

§ 150.112 PROOF OF NEED.

(A) As part of an application for a conditional use permit or wireless communications permit an applicant shall demonstrate proof of need by providing a coverage/interference analysis and capacity analysis, which indicates that the location and height of the tower or antennas as proposed is necessary to meet the frequency plus other spacing needs of the cellular communication system and/or to provide adequate portable radio coverage and capacity to areas which cannot be adequately served by locating the tower or antenna at another site. The proof of need for the tower or antennae must be demonstrated to the satisfaction of the city by providing the city an analysis from a qualified professional RF engineer with experience in radio frequency analysis work, which is subject to acceptance by the city prior to commencing the work.

(B) The cost of the city's review, including an analysis of the proof of need, is the applicant's responsibility. An escrow shall be established in an amount required by Council resolution for this purpose.

(C) The analysis and the material provided by the engineer shall include at least the following:

(1) *Structural capacity analysis.* Provide an analysis of the impact of the proposed facility on the tower's carrying capacity of at least 3 antenna arrays required (using a typical maximum facility) under the co-location provision of this subchapter.

(2) *Coverage/interference.* Provide an analysis for:

(a) City property and other public property with signal strength values (expressed in dBu) for on street level, in vehicle, and in building level with said interference analysis indicating the protection afforded for all the frequencies in use or which could be in use by the city or other public safety agencies.

(b) Private property with signal strength values (expressed in dBu) for on street level and in building level with said analysis indicating the protection afforded property within 1/2 mile of the proposed facility and site.

(3) *System capacity analysis.* If the system coverage analysis does not show a coverage need, provide a system capacity analysis.

(4) *Radio frequency radiation hazard analysis.* The analysis must address compliance with the most current FCC Bulletin OET 65 radiation standard.

(5) *Map of existing and proposed facilities.* A map showing the location of all existing and any proposed towers within 2 miles of the site being considered. Communications equipment and towers within this area shall be identified by type, function, ownership/users and height. The capacity of existing towers located within 2 miles (the study area) to carry additional facilities must be provided.

(6) *Map of existing buildings and structures.* A map showing the location of all existing buildings, water towers and structures 75 feet or more in height above the ground and within 2 miles of the site being considered. The potential and efforts undertaken to use these buildings and structures as a supporting base for an antenna or communications facility purpose must be described and analyzed.

(7) *Other information.* Any other information deemed necessary by the city in order to demonstrate the need for a new wireless communications facility.

(8) *Exception.* If the request is limited to adding an antenna array on an existing tower without increasing the height of the tower support structure or otherwise permitted after an administration review under § 150.111, the city may waive some or all of the proof of need requirements listed above.

Verizon's proposed site will address both coverage and capacity objectives and allow Verizon to maintain adequate service levels in the area.

In terms of coverage, Exhibit B reflects Verizon's current coverage in the proposed area. The colors represent coverage as follows:

- 1. Green = excellent coverage both in-building/vehicle and outdoors**
- 2. Yellow = excellent coverage outdoors, some in-building/in-vehicle coverage**
- 3. Red = mainly outdoor coverage**
- 4. White = poor and unreliable coverage**

As you will notice, there are significant areas of red and white surrounding the proposed site. This includes the dense residential neighborhoods to the east and west as well as areas along Manning Avenue. Residents utilizing Verizon's network in their homes experience significantly degraded coverage in the "red area". With the increasing

percentage of people replacing the traditional land line phone with a cell phone, network coverage inside residential homes is necessary.

Furthermore, there are numerous “white areas” reflecting coverage gaps along Manning Avenue where citizens will not receive adequate coverage even outside of their vehicles. Mobile phone coverage on heavily traveled roads is critical for emergency situations.

Exhibit C reflects the coverage remedy from the proposed site. As you will notice, the dense residential neighborhoods surrounding the school will begin to receive excellent cellular coverage. Additionally, Manning Avenue heading north will start receiving adequate coverage as well.

The proposed site will remedy capacity issues in the area as well. Briefly put, although other existing antenna sites were in the past able to serve this area, they can no longer do so efficiently because the number of customers has grown enormously over the past few years. This growth has led to “capacity issues” where there are too few antennas to accommodate the high volume of users. To illustrate the effect these capacity problems have had in the vicinity of the proposed site, Verizon has introduced before and after “best server” maps as Exhibit D and Exhibit E. The best server maps depict what antenna site provides the user with service in a particular area. As indicated on Exhibit D, users in the vicinity of the proposed site are served by a number of different antennas. This leads to inadequate service and an increase in dropped calls. The increase in usage and overcapacity problems at the existing sites led to this problem. As Exhibit E indicates, this problem will be remedied by the proposed installation.

§ 150.113 LOCATION REQUIREMENTS AND SITE RANKING ANALYSIS.

(A) *Location requirements for new facilities.* If a new wireless communications facility is needed based on the materials and studies submitted and reviewed by the city, the following preferences, listed in ranked order, shall be followed and each preference shall be analyzed to determine the most appropriate location:

(1) *Use of existing towers.* An existing tower may be used to support the proposed facility. If no existing tower has additional capacity, a determination must be made to show if and how towers in the study area can be modified to accommodate the proposed facility. The co-location requirements specified in § 150.114 shall be used to help determine whether or not an existing tower can be used to support a proposed facility. **There are no existing towers available that could accommodate Verizon’s proposed equipment as discussed below.**

(2) *Use of existing structures.* An existing structure over 35 feet high may be used. Preference shall be given to existing light poles, high voltage utility towers and water towers. **Verizon’s proposed tower is replacing an existing light pole.**

(3) *Use of existing building 4 or more stories in height.* Public and commercial buildings or structures 4 or more stories high which can more likely accommodate facilities without obstructing views or being obtrusive to scenic views shall be given preference over shorter buildings. **There are no buildings within a two mile radius that are greater than 4 stories in height that would provide feasible collocation potential. Attached as Exhibit F is a map of**

the two-mile radius surrounding the proposed site. It is mostly agricultural and residential buildings in nature so they do not exceeding 4 stories in height.

(4) Within an existing easement that contains utility poles over 75 feet in height or within 100 feet of said right-of-way. **There are no utility poles over 75 feet in the two-mile radius of the proposed site.**

(5) *Public land and facilities.* In situations in which one of the 4 options listed above is not feasible, land owned by the city or other public property shall have preference to private property. **Verizon Wireless has proposed its tower on public property.**

(6) Private property within the City of Lake Elmo subject to the location and zoning requirements of this chapter and the following criteria:

(a) Less restrictive zoning districts shall be given preference over more restrictive zoning districts. For example, proposed sites in commercial or industrial districts will be given preference over sites in residential, rural residential or agricultural zoning districts.

(b) Sites with the least visual impact on residential areas and which are the most consistent with the community's rural character shall be given preference.

(B) In cases where a lower ranked alternative is proposed, the applicant shall file a written analysis demonstrating that despite diligent efforts to adhere to the established hierarchy within the potential service area, as determined by a qualified radio frequency engineer, higher ranked options are not technologically feasible. An application for a lower-ranked site shall be considered incomplete without this written documentation.

(Ord. 08-019, passed 10-4-2009)

§ 150.114 CO-LOCATION REQUIREMENTS.

(A) In accordance with the location requirements and site preferential ranking found in this chapter, wireless communication services shall be located on existing towers or structures which exceed 35 feet in height and which are located within the potential service area for the site being proposed by the applicant. In the event that co-location is not possible, the applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made but an agreement could not be reached.

(B) *Exceptions to co-location requirements.* The City Council shall waive any or all of the co-location requirements if it is determined that:

(1) The antennae and/or tower accessory equipment would cause the structural capacity of an existing or approved tower or building to be exceeded, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate the antennae or tower accessory equipment at a reasonable cost;

(2) The antennae and/or tower accessory equipment would cause interference materially impacting the usability of existing antennae or tower accessory equipment as documented by a qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost,

or would otherwise prevent the use of existing antennae or related accessory equipment and structures;

(3) Existing or approved towers and buildings within the applicant's search radius cannot or will not accommodate the antennae and/or tower accessory equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer; and/or

(4) Other unforeseen reasons make it infeasible to locate the antennae and/or tower accessory equipment upon an existing or approved tower or building.

As detailed above, there are no suitable collocation opportunities on existing towers or buildings within a two-mile radius of the proposed site. Attached as Exhibit G is a copy of the FCC tower registry for a two-mile radius surrounding the proposed site. It shows no FCC registered towers. The origin website is <http://wireless.fcc.gov/antenna/>.

§ 150.115 PROHIBITED AREAS.

Wireless telecommunication towers shall not be allowed in the following areas:

(A) Residentially zoned parcels (R-1, R-2, R-3, R-4, and RE zoning districts) of less than 2.5 acres or rural residential parcels of less than 5 acres unless the wireless telecommunication tower and ground facilities accessory thereto are located within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way;

(B) Open space easements or conservation easements;

(C) Airport impact zones without consent of the F.A.A.; and/or

(D) Open space preservation zoning districts.

Verizon's proposed facility is located on a PF-Public Facility classified property, and is not located in an open space or conservation easement, an airport impact zone, or an open space preservation district. Therefore, this provision is satisfied.

(Ord. 08-019, passed 11-4-2009)

§ 150.116 ZONING REQUIREMENTS.

(A) Wireless communications facilities that require a conditional use permit, including the installation of a new tower, shall be permitted in the following districts and subject to the following height restrictions provided they meet all other requirements of this subchapter.

<i>Zoning District</i>	<i>Maximum Height (in feet)</i>	<i>Minimum Parcel Area</i>
A- Agriculture	125	10
RR - Rural Residential Zoning	125	5
R-1, R-2, R-3 and R-4 Residential	125	2.5

OP - Open Space	125	2.5
RE - Residential Estates	125	2.5
GB, LB, CB, HB - Business	125	5
BP - Business Park	125	5
PF - Public Facility	125	None

(B) The City Council may increase the maximum height of a wireless communications facility by 25 feet in all residential and open space districts and 50 feet in agriculture, business and public facility districts provided that an applicant is able to demonstrate a need for a higher facility and/or that the additional height will serve a public interest in allowing fewer towers to serve a given area.

(C) Regardless of zoning district, new facilities may be allowed within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way.

(D) *Public land exemption.* A wireless communication facility may be located on any parcel that is owned by the city or another public entity regardless of the zoning district or size of the property.

Verizon Wireless has complied with this section.

§ 150.117 APPLICATION AND REVIEW PROCEDURES.

(A) *Wireless communications permit (administrative approval).* [REDACTED]

(B) *Conditional use permit.* Wireless communications facilities that require a conditional use permit are subject to the requirements specified in the zoning code in addition to all requirements of § 150.110. Applications shall be submitted on forms provided by the city and shall include the following information.

(C) A site plan drawn to scale acceptable to the Planning Director which illustrates:

- (1) The parcel on which the tower and accessory ground facilities will be located;
- (2) The existing and proposed buildings and structures on the tower parcel;
- (3) The buildings located within 200 feet of the perimeter of the tower parcel; and
- (4) Access easements as necessary to the tower parcel.

Complete site plan and survey are attached as Exhibit A.

(D) A scaled drawing of the exterior of the proposed wireless communications facility, clearly showing the method of fencing, coloration, materials, and camouflage techniques being used.

Included in the drawings attached as Exhibit A.

(E) Photo-simulated post construction renderings of the proposed wireless communications facilities, equipment enclosures, and ancillary structures as they would look after construction from locations at the periphery of the proposed site, which shall, at a minimum, include renderings from the vantage point of any adjacent roadways and residential neighborhoods. The renderings shall also include photo- simulations of the antenna supporting structure after it has been fully developed with antenna structures (the applicant may assume for the purpose of the simulation that other antenna structures on the facility will resemble their proposed structure size and design). A minimum of 2 such renderings shall be provided; additional renderings may be required if the city determines that additional views should be considered.

Attached as Exhibit H.

(F) Exterior paint or finish samples of the colors to be used in the construction of the wireless communication facility.

Included in the drawings attached as Exhibit A.

(G) A report from a qualified and licensed professional engineer which:

(1) Describes the wireless communication tower height and design including a cross-section and elevation;

(2) Certifies the wireless communication tower's compliance with structural and electrical standards;

(3) Documents the height above grade for the mounting positions, which can be used for co-location and the minimum separation distances between the co-location positions; and

(4) Describes the wireless communication tower's capacity to support antennae, including an example of the number and type of antennas that can be accommodated on the wireless communication tower.

The drawings attached as Exhibit A as well as the letter attached as Exhibit I will satisfy this requirement.

(H) In conjunction with the information required to demonstrate the proof of need for a new facility under this subchapter, the applicant shall submit a 5-year plan for wireless telecommunication facilities to be located within the city. The city acknowledges that the plans are fluid and in all likelihood will change depending upon market demands for the service. The city will maintain an inventory of all existing and reasonably anticipated cell site installations. The applicant shall provide the following written information in each 5-year plan and the plan must be updated with each submittal for a new wireless communication tower permit as necessary:

(1) A description of the radio frequencies to be used for each technology;

(2) A list of all existing sites to be upgraded or replaced, and proposed cell sites within the city for these services by the applicant; and

(3) A presentation size map of the city, which shows the 5-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.

(I) An application fee in an amount prescribed from time to time by City Council resolution as necessary to reimburse the city for costs incurred to process the wireless communication tower permit application along with an escrow payment as prescribed by the City Council to cover the costs associated with the city's review of the permit.

Because of the nature of wireless communications, the industry changes so quickly that it is not possible to supply a five year plan.

(J) Confirmation that the applicant is properly licensed by the F.C.C., or is the authorized representative of a wireless communication provider properly licensed by the F.C.C.

Verizon Wireless is properly licensed by the F.C.C. A copy of the license to operate one of the frequencies that will be operating at the proposed site is attached as Exhibit J.

(K) Written authorization from the property owner describing the area which will be subject to the tower lease.

Written authorization is attached as Exhibit K.

(L) Documentation of the steps to be taken by applicant to avoid causing destructive interference to co-located previously established public safety communications facilities; and

Attached as Exhibit L.

(M) A detailed landscape plan, which indicates how tower accessory equipment will be screened.

§ 150.118 EXPERT REVIEW. [REDACTED]

§ 150.119 CONSTRUCTION PERMITS. [REDACTED]

§ 150.120 TOWER STANDARDS.

(A) Wireless communication towers shall comply with the following standards unless the City Council grants a variance as necessary to reasonably accommodate the wireless communication tower. Variance procedures shall be processed according to the zoning code.

(B) *Design.*

(1) To blend into the surrounding environment through the use of color; and architectural treatment and techniques that softens the visual impact of the wireless communication tower on the surrounding environment;

(2) To be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment;

(3) All proposed wireless communication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least 1 additional user if the tower is less than 100 feet in height; provided that this standard may be waived or otherwise modified by the City Council as necessary to allow the applicant to construct a wireless communication tower that better blends into the surrounding environment; and

(4) Where possible, all proposed wireless communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

(5) All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species, whenever feasible, and camouflage, and be compatible with existing architectural element, building materials, and other site characteristics. The applicant shall use the least visible antennas possible to accomplish the coverage objectives.

Verizon Wireless has followed design standards to minimize visual effects. The tower height has been kept below a level where FAA required lighting is necessary. The use will be buffered towards the north and south by mature tree growth. Lastly, the tower's location in the middle of a large property will minimize view shed impacts on neighboring properties.

(C) Adverse effects on properties.

(1) New wireless communications facilities shall be configured and located in a manner that shall minimize adverse effects, including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration and location proposed.

(2) The following attributes shall be considered from vantage points at adjacent properties, roadways and occupied structures: height and location, mass and scale, materials and color, existing and proposed vegetation and intervening structures.

(3) An applicant shall demonstrate through the photo-simulation requirements under § 150.114 that the project design employs each of these attributes in a manner that minimizes adverse effects to the greatest extent possible.

(4) All facilities that have the potential for high visibility shall be sited in such a manner as to cause the least detriment to the view shed of adjoining properties.

The proposed location is the best available location from a sitting perspective. Verizon's search area is dictated by the radio-frequency engineer's objectives. The attached Exhibit M depicts the area where Verizon needed to place new facilities in order to remedy the coverage and capacity objectives highlighted in § 150.112 above. As you will notice, the search area is mostly filled with residential parcels, a developed golf course, and an agricultural parcel. These were not suitable candidates for this installation because the landowner's were not interested, the parcel could not meet setbacks, or the visual impact would be greater. Additionally, § 150.113 requires applicants to consider and rule out public land, such as the school, prior to considering private land. As the only public land in the search area, the school is Verizon's only feasible candidate.

(D) *Setbacks.*

(1) No communications tower shall be located in the required front, side or rear yard setback of any parcel.

(2) No freestanding communications tower shall be located closer than 125% of the tower height from any lot lines with the following exceptions:

(a) Towers in a side or rear yard that are adjacent to parcels zoned commercial, industrial or public facility.

Verizon's tower meets all setback requirements.

(3) Setbacks from buildings:

(a) In residential zoning districts, wireless communications towers shall be set back a minimum of 100% of the tower height from a residential dwelling except for dwellings on the subject property.

(b) In all other zoning districts, the minimum setback between structures as required by the Building Code shall be observed.

(4) Use of existing light poles, high voltage poles or towers and other existing structures are exempt from the setback requirements provided that such pole, tower or structure is not increased in height.

(5) Wireless communications towers located within an existing public utility power line right-of-way or other public right-of-way that contains utility poles over 75 feet in height or within 100 feet of said right-of-way shall be exempt from the setbacks as herein required.

(6) A required setback may be reduced or its location in relation to a public street varied upon providing the city with a licensed professional engineer's certification that the wireless communication tower is designed to collapse or fail within a distance or zone shorter than the required setback distance.

Verizon's tower meets all setback from building requirements.

(E) *Height.*

(1) The maximum height of a wireless communications tower shall be determined based on the underlying zoning district and will be the amount specified in § 150.117.

Verizon's installation meets height requirements.

(F) *Lighting.* At night, wireless communication towers shall not be illuminated by artificial means, unless otherwise required by the Federal Aviation Administration (F.A.A.).

(1) White strobe lighting is prohibited.

(2) The applicant shall document the need for lighting as part of a new wireless communications facility application.

(3) A site that requires lighting shall only be accepted when no other suitable alternative exists. A new tower may be rejected on the grounds that lighting will be a visual nuisance to surrounding properties.

Verizon's proposed tower will not be lit.

(G) *Landscaping and screening.* All wireless communications towers and related building facilities shall be landscaped and screened with natural vegetation to lessen the visual impact. The natural vegetation on the site shall be documented on the site plans. Suitable existing vegetation shall be retained to the maximum extent possible based on an analysis of the site. New landscaping shall be selected that includes coniferous and deciduous plants and trees that are hardy for conditions on the site without the use of augmented water.

Verizon will screen and landscape the proposed tower as required by the City.

(1) Landscaping shall include ground cover, lower story, mid-story and upper story plants. Plant density shall be sufficient to provide 80% opacity year round from the ground up to a distance of 5 feet high for 60% or more of the site with the planting to be located based on an analysis of the site in relation to the surrounding area. Greater or lesser amounts and percentages may be required or allowed based on the city's review.

(H) *Signs and advertising.* The use of any portion of a wireless communications tower for signs other than warning or equipment information is prohibited.

There will be no signs except as required by applicable state and federal regulations.

(I) *Interference with public safety communication.* No wireless communication facility shall interfere with public safety communications. All wireless communication towers/antennas shall comply with F.C.C. regulations and licensing requirements.

(J) *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and compatible with adjacent buildings, and shall be permitted in addition to the number of accessory buildings otherwise allowed in each zoning district.

(1) Ground mounted equipment shall not be visible from beyond the boundaries of the site and shall be screened by a solid wall or fence and dense landscaping materials described in division (G) above.

(2) Accessory utility buildings shall observe the minimum setback requirements for accessory buildings in the underlying zoning district as well as all other applicable zoning and building requirements for accessory buildings.

(K) *Maintenance.* All buildings and structures on the premises of the wireless communications facility shall observe the city's property maintenance standards of the city code.

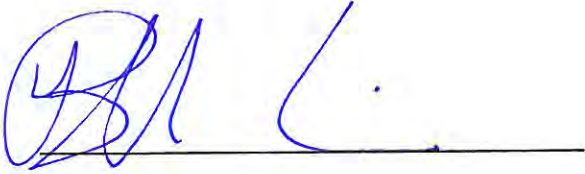
Verizon Wireless agrees to comply with any required conditions and all provisions of this act.

§ 150.121 WIRELESS COMMUNICATIONS TOWER AGREEMENT. [REDACTED]

§ 150.122 ABANDONMENT AND REMOVAL. [REDACTED]

§ 150.123 MINIMUM CONDITIONS. [REDACTED]

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'B. Conklin', is written over a solid horizontal black line. The signature is stylized and cursive.

Blake Conklin

Exhibit B

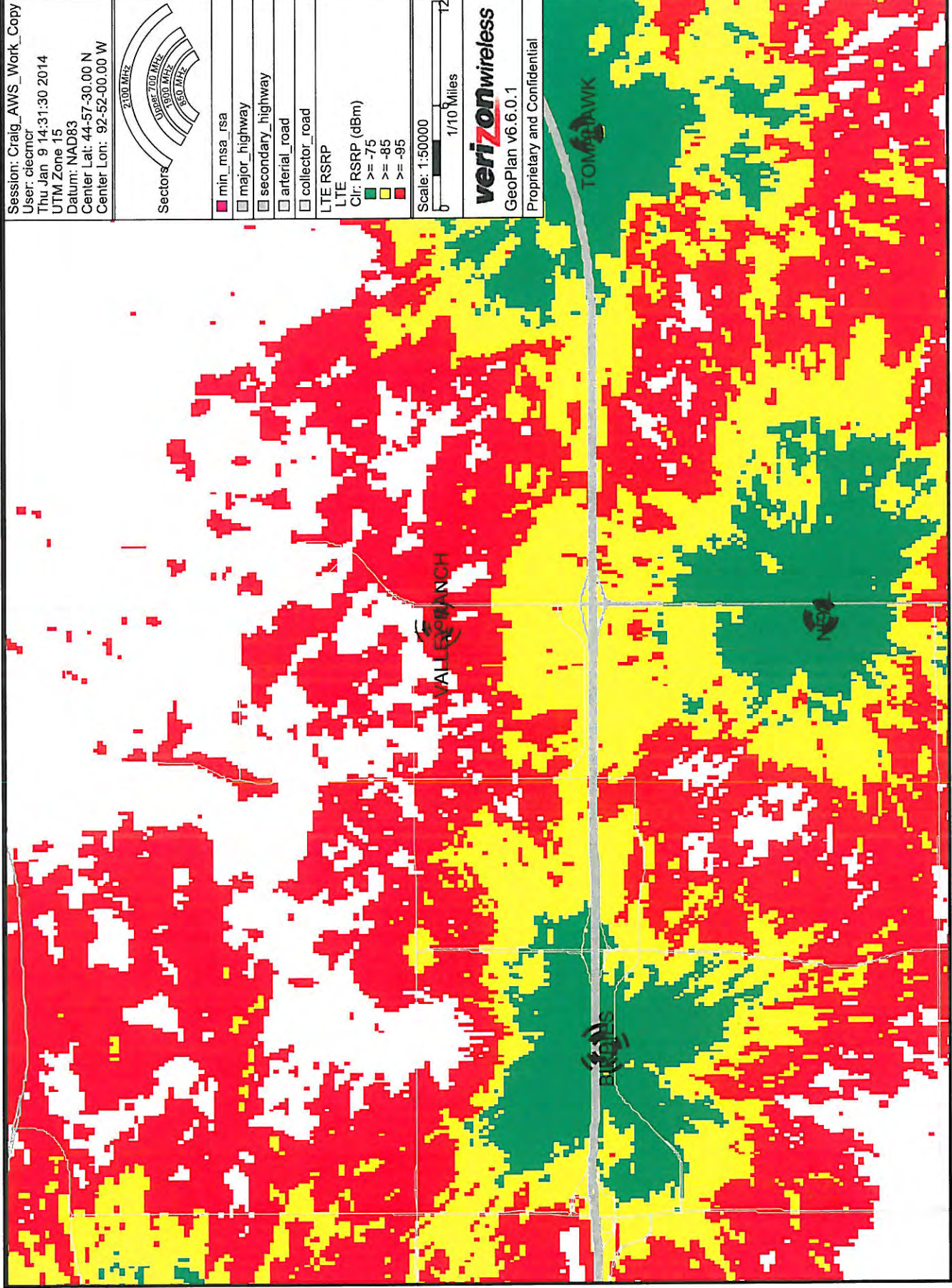
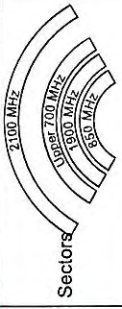


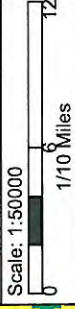
Exhibit C

Session: Craig_AWS_Work_Copy
User: elecmtc
Thu Jan 9 14:33:11 2014
UTM Zone 15
Datum: NAD83
Center Lat: 44-57-30.00 N
Center Lon: 92-52-00.00 W



- min_msa_rsa
- major_highway
- secondary_highway
- arterial_road
- collector_road

LTE RSRP
LTE
Cir: RSRP (dBm)
 >= -75
 >= -85
 >= -95



verizonwireless
GeoPlan v6.6.0.1
Proprietary and Confidential

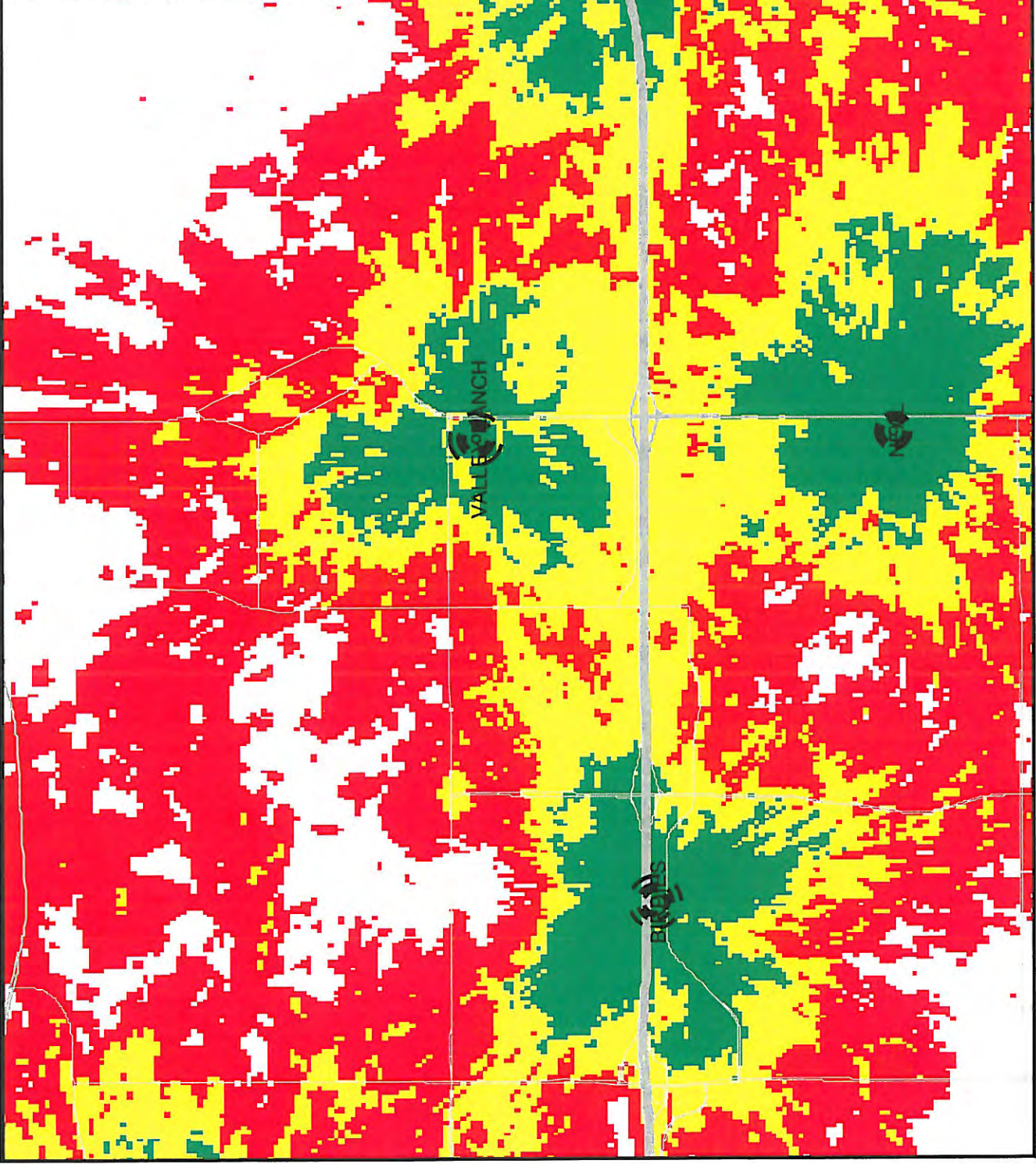


Exhibit D

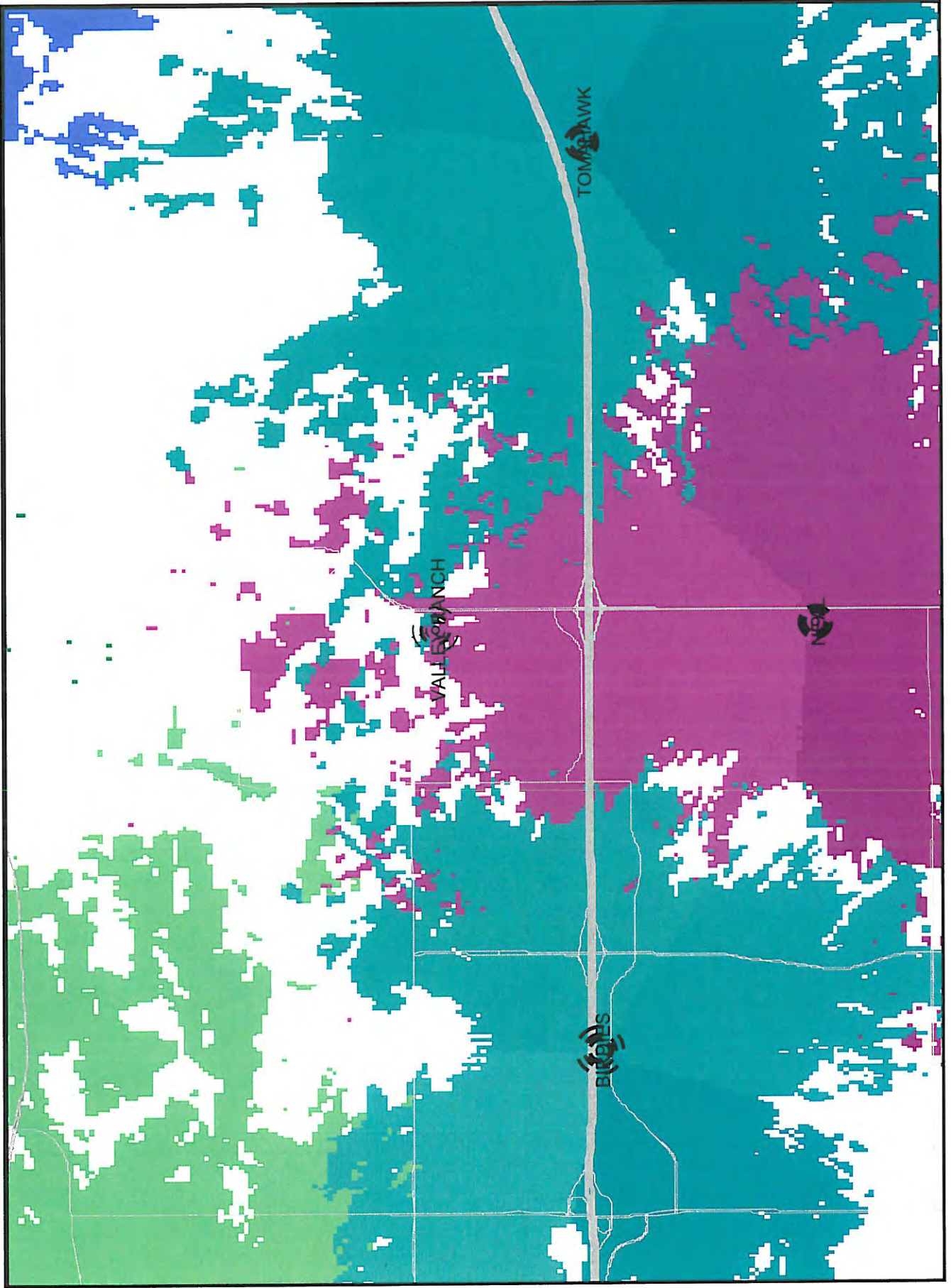
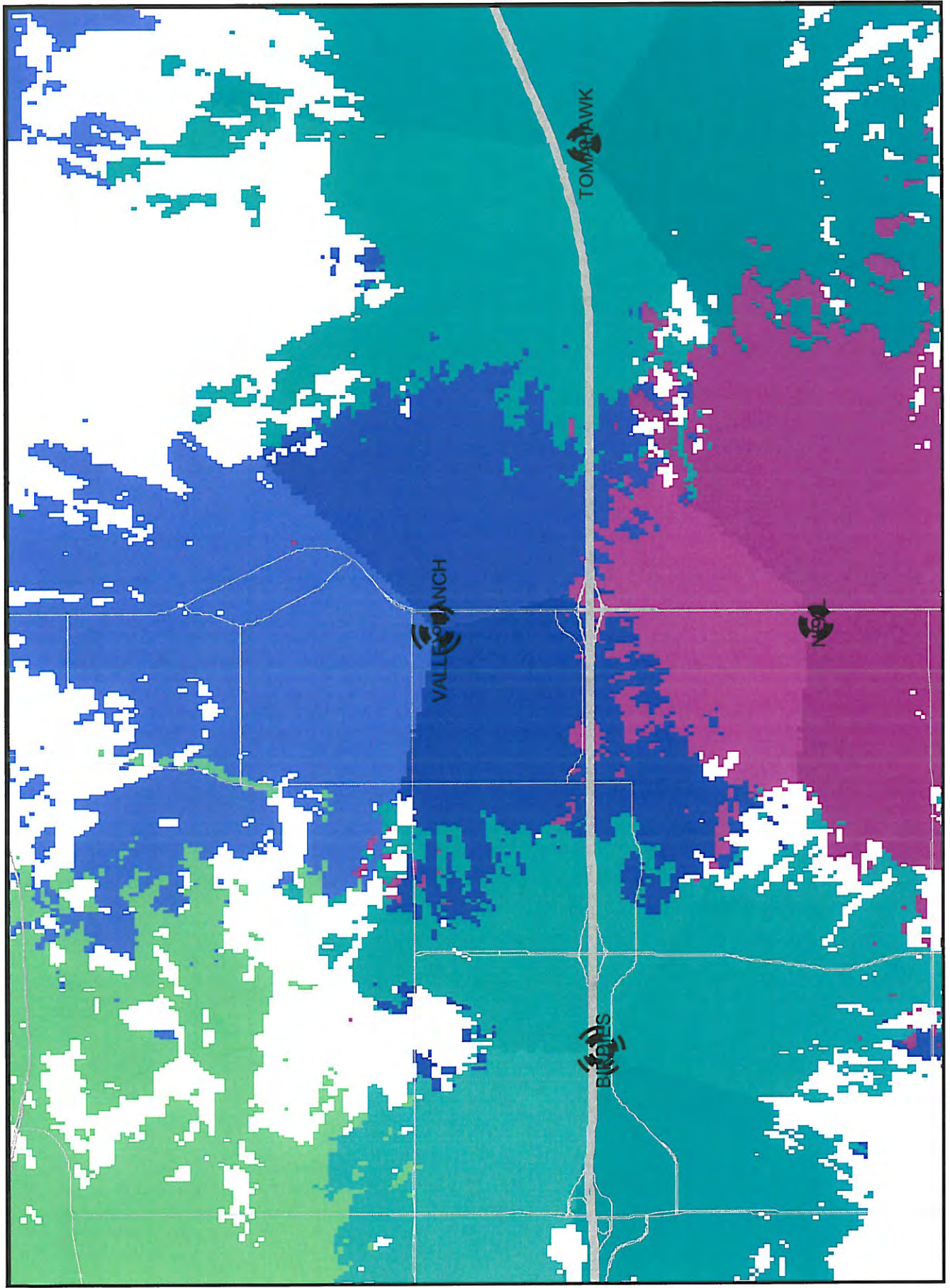


Exhibit E



ASR Registration Search

Registration Search Results

Displayed Results

No matches found

PA = Pending Application(s)

To try again, you can perform a [new search](#) or [refine your existing search](#).

Specified Search

Latitude='44-57-40.7 N', Longitude='92-51-53.2 W', Radius=3.2 Kilometers

CLOSE WINDOW



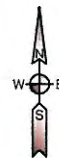
Bismark • Cedar Rapids • Denver • Detroit Lakes • Fargo • St. Paul • Sioux Falls
4285 Lexington Ave. N.
St. Paul, Minnesota 55126
Phone: 651.415.3800 Fax: 651.415.2001
Web: www.ulteig.com

PHOTO SIMULATION

SITE: MINC VALLEY RANCH
CARRIER: VERIZON WIRELESS
SITE ADDRESS: 820 MANNING AVENUE NORTH, LAKE ELMO, MN



SITE LOCATION MAP
NOT TO SCALE



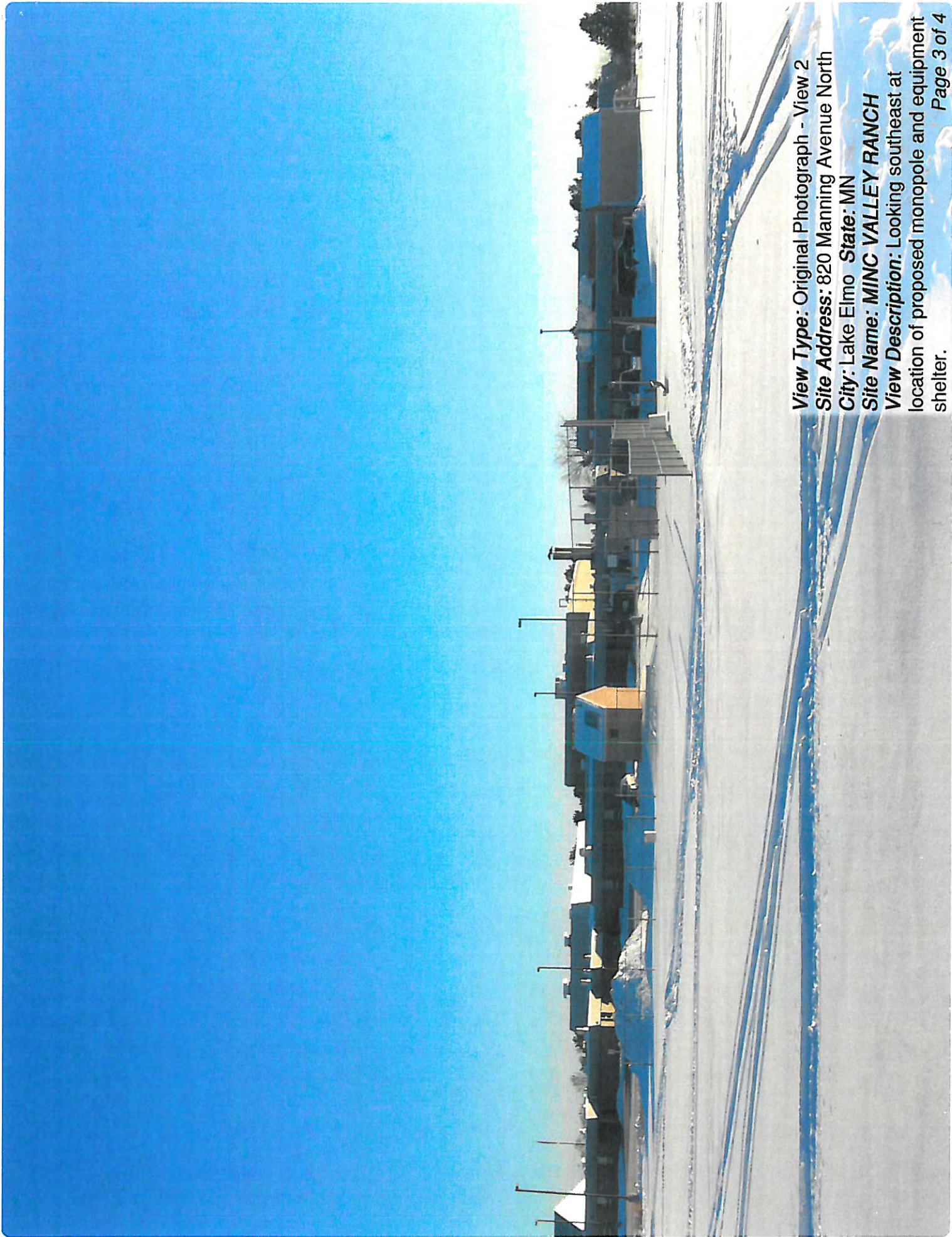


View Type: Original Photograph - View 1
Site Address: 820 Manning Avenue North
City: Lake Elmo **State:** MN
Site Name: MINC VALLEY RANCH
View Description: Looking west at location of proposed monopole and equipment shelter.
Page 1 of 4



View Type: Simulated Photograph - View 1
Site Address: 820 Manning Avenue North
City: Lake Elmo **State:** MN
Site Name: MINC VALLEY RANCH
View Description: Looking west at location of proposed monopole and equipment shelter.

Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.



View Type: Original Photograph - View 2
Site Address: 820 Manning Avenue North
City: Lake Elmo **State:** MN
Site Name: MINC VALLEY RANCH
View Description: Looking southeast at location of proposed monopole and equipment shelter.



View Type: Simulated Photograph - View 2
Site Address: 820 Manning Avenue North
City: Lake Elmo **State:** MN
Site Name: MINC VALLEY RANCH
View Description: Looking southeast at location of proposed monopole and equipment shelter.

Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.

January 14, 2014

Mr. Michael J. Scanlan
Design 1
9973 Valley View Road
Eden Prairie, MN 55344

Re: Proposed 130 ft Sabre Monopole for MINC Valley Ranch, MN

Dear Mr. Scanlan,

Upon receipt order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph with no ice and 50 mph with 3/4", Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas", while supporting the following equipment:

1. Verizon array at 125'
2. Future array at 110'
3. Future array at 95'

PROFESSIONAL ENGINEER

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

Sincerely,

Robert E. Beacom, P.E.
Design Engineer I

Print Name Robert E. Beacom

Signature 

Date 1/14/14 License #49156

ULS License

PCS Broadband License - KNLH679 - Verizon Wireless (VAW) LLC

PA This license has pending applications: 0006015686

Call Sign	KNLH679	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular

Market

Market	BTA298 - Minneapolis-St. Paul, MN	Channel Block	D
Submarket	7	Associated Frequencies (MHz)	001865.00000000-001870.00000000-001945.00000000-001950.00000000

Dates

Grant	07/23/2007	Expiration	06/27/2017
Effective	02/18/2011	Cancellation	

Buildout Deadlines

1st	06/27/2002	2nd	
-----	------------	-----	--

Notification Dates

1st	07/08/2002	2nd	
-----	------------	-----	--

Licensees

FRN	0003800307	Type	Limited Liability Company
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Licensee

Verizon Wireless (VAW) LLC 1120 Sanctuary Pkwy, #150 GASA5REG Alpharetta, GA 30009-7630 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
--	---

Contact

Verizon Wireless Licensing - Manager 1120 Sanctuary Pkwy, #150 GASA5REG Alpharetta, GA 30009-7630 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
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Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government?	No
Is the applicant an alien or the representative of an alien?	No
Is the applicant a corporation organized under the laws of any foreign government?	No

Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? **No**

Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? **Yes**

If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Race

Ethnicity

Gender

LETTER OF AUTHORIZATION

City of Lake Elmo
Department of Planning & Zoning
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

**Re: Authorization to File for Any Necessary Permits or Approvals
Associated with a Verizon Wireless Communication Project on the Parcel.**

To whom it may concern:

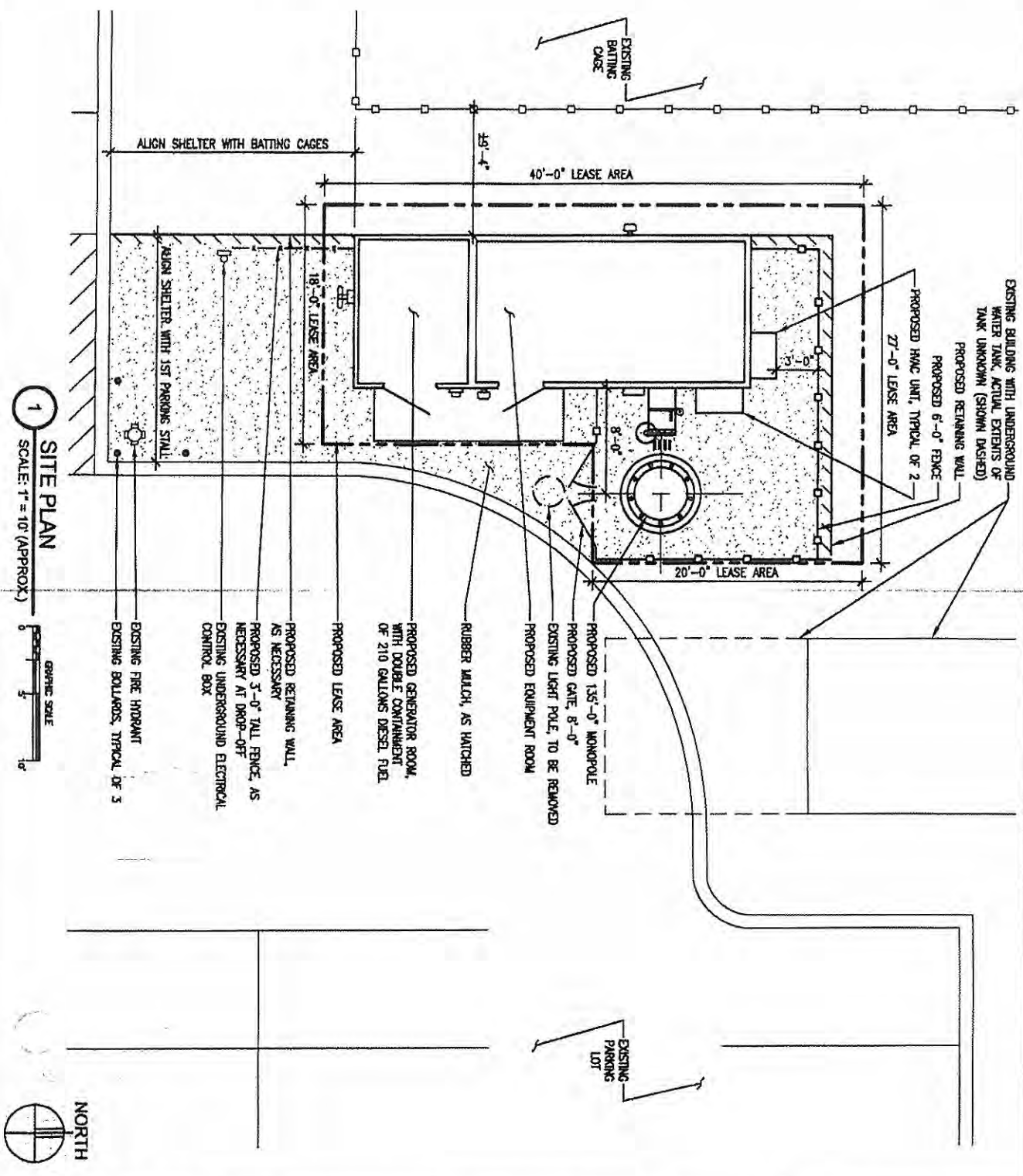
Stillwater Area Public Schools of Lake Elmo, Minnesota authorizes Faulk & Foster, its agents and employees, including but not limited to Blake Conklin and Joe Egge, to obtain any necessary permits or approvals associated with the proposal of a Verizon Wireless communication project as described on the attached Exhibit A.

Stillwater Area Public Schools

By:  _____

Its: Director of Finance

Date 12/23/13



1 SITE PLAN
SCALE: 1" = 10' (APPROX)



PROJECT:
MINC VALLEY RANCH

MANNING AVENUE NORTH
LAKE ELMO, MN 55042

**VERIZON
WIRELESS**

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(612) 720-0030

DESIGN 1

8873 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344
(952) 903-8299 FAX 903-8292

ROBERT J. DAVIS, AIA
ARCHITECT

REVISION: 12
DRAWN BY: MJS
DATE: 07-02-13
SS-2



December 18, 2013

City of Lake Elmo
Department of Planning & Zoning
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Verizon Wireless Proposed 135' Monopole at **820 Manning Ave North**

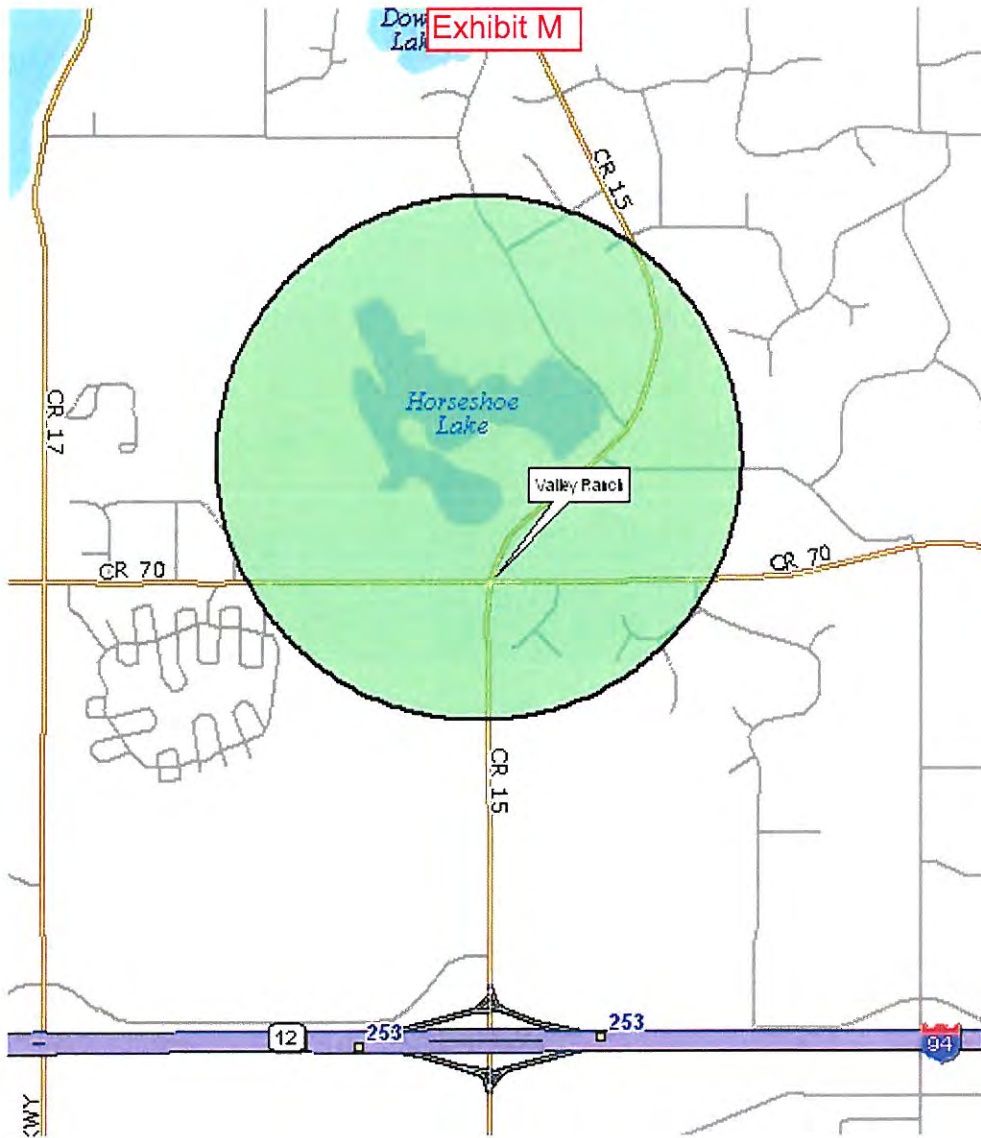
To whom it may concern:

Verizon Wireless is aware of the interference issues that can arise while locating in proximity to other carriers; therefore, appropriate separation has been maintained between Verizon Wireless antennas and those of any other carrier to avoid any possibility of our frequency interfering with other equipment. In addition, Verizon Wireless has acquired an FCC license, which exclusively entitles the company to operate within an assigned frequency range. This in turn eliminates any interference issues from CB radios, electronic appliances, pacemakers, fire and police equipment as well as other carriers. In the highly unlikely event that interference does occur, Verizon Wireless agrees to fully cooperate with the entity experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by its installation.

Sincerely,

A handwritten signature in blue ink that reads "Craig Ciecmierowski".

Craig Ciecmierowski
RF Engineer
Verizon Wireless





MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
REGULAR
ITEM #: 9 \$\$
MOTION/ORDINANCE

AGENDA ITEM: Amending the Lateral Benefit Assessment Calculation for Trunk Water and Sewer Mains

SUBMITTED BY: City Administrator

THROUGH: Mayor Pearson, City Council

REVIEWED BY: Finance Director, City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: City Council via April 23rd, 2014 Special Council Meeting

FISCAL IMPACT: \$5800/\$2900 per affected building unit
2014 Fiscal Impact - \$104,500 (36 properties) levy assessment on the Lake Elmo Water Main Extension Policy

SUMMARY AND ACTION REQUESTED: The City Council is requested to amend City Ordinance 600.06 of the Municipal Code to establish a formula for levying lateral benefit assessments for building unit (parcels) both in and out of utility areas designated by the Comprehensive Plan. (see Attached Ordinance). The motion for this action is as follows:

“Move to approve Ordinance No. 08-108 to establish a formula for levying lateral benefit assessments for building unit (parcels) both in and out of utility areas designated by the Comprehensive Plan”

LEGISLATIVE HISTORY/ ANALYSIS: In September of 2006, the City of Lake Elmo adopted 600.06 of the City Code (Ordinance No.97-177) establishing a policy to levy a lateral

benefit charge for trunk water mains to provide for the equitable financing and maintenance of the City of Lake Elmo water utility. Similarly, the City adopted Ordinance No. 97-176 which established a fee certain lateral benefit charge of \$5718. This was the last official fee certain determination of the lateral benefit charge and no indexing for inflation or a rise in costs have been factored in since 2006. In November of 2010, the City of Lake Elmo adopted a Special Assessment Policy that simplified the 2006 ordinance that states (Page 22):

“Any building unit which is served directly by an interceptor or trunk sewer and therefore requires no lateral sewer, is levied a lateral benefit assessment which is equal to the Sewer Lateral Benefit Charge as set in the latest City Fee Schedule.”

Page 24 of the Assessment Policy states:

“Any building unit which is served directly by a trunk water main and therefore requires no lateral water main is levied a lateral benefit assessment which is equal to the Water main Lateral Benefit Charge as set in the latest adopted fee schedule.”

Since 2006, the recognized lateral benefit charge has been \$5800 and has been most recently levied in the 2013 Keats Avenue water project. The 2013 Keats water project was the first time that the City Council directly dealt with installation of a water main in an area not designated for utility service. The Council (taking into consideration the length of connection lines from the street to homes setback in a rural setting) determined to assess a .5 lateral benefit assessment (\$2900) for two primary reasons: 1) pressurized fire protection was provided; 2) the potential for these lots to be subdivided if future zoning permitted it. The Council also determined that if a Keas Avenue property requested connection to city water service it would be charged the remainder of the full lateral benefit charge (\$2900) and the corresponding WAC (\$3000). Thus, a precedent has been set for the methodology for levying a lateral benefit assessment in an area designated as a non-utility area.

In the spring of 2014, the realization that the City would once again be traversing a main water line across an area non-designated for utility service surfaced in the planning for the Lake Elmo Water Main line from the Old Village to the I-94 corridor. This project would impact t36 properties along Lake Elmo Avenue currently served by private wells. This project prompted the City Council to revisit its current policy and examine the nature of lateral benefit assessments in theory, with the Council expressing three distinct views:

1. Maintain the same policy as recently employed on the Keats Avenue project – thus recognizing a minimal benefit to the property;
2. Place a stub in front of each property and charge a .5 lateral benefit assessment. If the property connects subsequent to installation then an additional .5 lateral benefit assessment and WAC will be charge;
3. Charge the full \$5800 lateral benefit assessment for properties whether they are within the utility district or not (Staff Recommended);

In reviewing the standard (and best) management practices of surrounding communities, it was found that for uniformity and cash flow purposes most utilities make no distinction when it comes to trunk water and sewer main lines run in front of a property – a full charge is assessed. This was the case in 23 / 27 communities examined. Each community, where noted, ascribed a benefit to the access to water. The benefits that were noted can be broken down into three categories: functional benefit, market benefit, and future benefit.

The current benefit ascribed to water access is a public safety benefit in that pressurized water supply is provided for fire suppression. ISO and most insurance companies recognize a benefit to the homeowner if a hydrant is within 1500 feet of the structure. A potential current benefit could be the cost of replacing a private well and reduced treatment costs of the potable water supply. The market benefit is very subjective in that most home buyers prefer hassle free, municipal water (Minneapolis MLS) – thus expanding the market base. In most suburban settings municipal services also increase the value of the home (ranging from 5-12%), but Lake Elmo assessors currently do not calculate municipal utilities in their valuation. The future benefit is the ability to hook-up to municipal water rather than drilling a new well. In addition, a future community benefit may be the preservation of surface water levels (ie White Bear Lake) and thus the value of property fronting a lake. This could be a factor in the 2014 Lake Elmo Avenue Water Main line as all 36 properties along the transmission route have private wells drawing from the aquifer that serves Lake Elmo proper, if lake levels were to drop it may be a necessity to hook up to municipal water from a deep aquifer that does not compete with the lake.

In the review of other communities, it became very clear that the \$5800 lateral benefit assessment is extremely low and does not reflect current market costs for the construction of water main lines. Most communities use the most current assessed project to set their lateral benefit assessments or at a minimum a three-year average. A handful of communities use an indexing on the last lateral benefit assessment to determine the annual assessment. In the winter of 2013-14, the City of Lake Elmo developed a project pro forma for a water project in Parkview Estates / Cardinal Ridge that resulted in an average assessment of approximately \$16,000 – which would serve as the bench mark for setting the annual lateral benefit assessment. If the fee had been annually adjusted against the standard local construction index it should be \$6954 – still well below recently calculated project costs..

Understanding that Lake Elmo is in the midst of evolving into a fully built, hydrologic efficient water utility that will serve two distinct areas almost two miles apart, a hybrid, transitional approach has been proposed to create policy in four distinct areas:

1. Establish a consistent policy for lateral benefit assessment and hook up for properties that are designated to be in utility service areas by the Comprehensive Plan;
2. Adopt a functional policy for recognizing a minimum lateral benefit assessment for properties that are not designated to be in a utility service area but may wish to hook up in the future;
3. Establish a lateral benefit assessment fee calculator that allows the City to stay attempt to catch up with the rising costs of utility installation.

BACKGROUND INFORMATION (SWOT):

Strengths	Policy is updated to reflect growth environment of the City
Weaknesses	Policy does not recognize that current lateral benefit assessment of \$5800 does not cover installation and O & M costs of operating a water utility.
Opportunities	Improve finances of a struggling water utility that will improve cash flow and eventually lead to lower water rates.
Threats	Policy does not prevent cross contamination possibility from adjacent private wells

RECOMMENDATION: Based on the aforementioned, the staff recommends and appropriate guiding motion:

“Move to approve Ordinance No. 08-108 to establish a formula for levying lateral benefit assessments for building unit (parcels) both in and out of utility areas designated by the Comprehensive Plan”

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

ORDINANCE NO. 08-108

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF LATERAL BENEFIT ASSESSMENTS FOR TRUNK WATER MAIN, TRUNK/INTERCEPTOR SEWER AND WATER SYSTEM IMPROVEMENTS

The Lake Elmo City Council hereby ordains that Section 600.06 of the Municipal Code of the City of Lake Elmo is amended to read as follows;

600.06 Lateral Benefit Assessments for Trunk Water Main, Trunk / Interceptor Sewer and Water System Facilities Improvements

(1) A full lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building unit resides in a utility service area designated by the City of Lake Elmo Comprehensive Plan. The building unit must connect to the municipal utility service within two years of the installation of the trunk utility main.

2) A lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building resides in a non-utility service as designated by the City of Lake Elmo Comprehensive Plan. A stub shall be placed in front of the building unit and the building unit shall be levied at an equivalent of .5 lateral benefit assessment. If the building unit requests water service subsequent to the completion of the utility main, the building unit shall be levied the remaining .5 lateral benefit assessment and charged a Water Accessibility Charge (WAC) and/or Sewer Accessibility Charge (SAC) consistent with the City of Lake Elmo's current fee schedule and the cost of any restoration to the street, right of way, or water transmission infrastructure that results from the building unit connection.

3) The base lateral benefit assessment is calculated at \$5800 using the most recent project data (circa 2014). For the purposes of future cost recovery, the lateral benefit assessment shall be calculated by using a per lot average of the last (2) most recent utility projects where a utility service installation has been assessed.

ADOPTION DATE: Passed by the Lake Elmo City Council on the 6th Day of May, 2014

EFFECTIVE DATE: This Ordinance shall be effective the day following its publication.

Dated: _____

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk