



NOTICE OF MEETING

City Council Meeting

Tuesday, January 20, 2015 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

AGENDA

- 7:00 PM A. Call to order
- B. Pledge of Allegiance
- C. Roll Call | Order of Business
- D. Approval of Agenda
- E. Council Reports
- F. Presentations | Public Comment
- G. Finance Consent Agenda
 - 1. Approve Payment of Disbursements and Payroll
 - 2. Accept 2014 Year-End Building Report dated December 31, 2014
 - 3. Accept City Assessor Report dated December 31, 2014
 - 4. 2014 Street Improvements – Compensating Change Order No. 2
 - 5. 2014 Street Improvements – Pay Request No. 5 (FINAL)
 - 6. 2015 Compensation Adjustments
- H. Other Consent Agenda
 - 7. Approve 2015 Waste Hauler Licenses
 - 8. Designation of 2015 Data Practice Officials and Approving City’s Data Practice Policy; Resolution No. 2015-02
 - 9. Lifting of Restriction Imposed on Council Member Smith Regarding Staff Communication
 - 10. Appoint City Engineer
 - 11. Appoint City Attorney
 - 12. Council Meeting Date Change
- 7:30 PM I. Regular Agenda
 - 13. Discuss Purchase of City Automated External Defibrillator - *(No Memo)*
 - 14. Eagle Point Boulevard Street Improvements – Authorize Feasibility Report; Resolution No. 2015-04
 - 15. Council Protocol: Clarification of Items Discussed on 1-13-2015 - *(No Memos)*
 - a. Time Limitation (3 Minute Rule) on Public Comment (Pearson Request)
 - b. Adding Agenda Items (inc. Pre-Meeting Background / Communication) (Fliflet Requested)
 - c. Speak Your Peace Status (Pearson Request)
 - 16. Review of HR Committee Make-Up – *(No Memo)*
- J. Staff Reports and Announcements
- 8:20 PM K. Executive Session to Receive Private Personnel Data
- L. Adjourn

***** NOTICE OF MEETING *****

City Council Workshop

Tuesday, January 20, 2015 Immediately Following Council Meeting

City of Lake Elmo | 3800 Laverne Avenue North

AGENDA

- 9:00 PM A. Call to Order
- B. Met Council 2040 Forecast
- C. Development Update
- D. Growth Pace Strategy Options
 - 1. Phasing
 - 2. Comp Plan Amendments
 - 3. Moratorium
 - 4. Other Options
- 10:00 PM E. Adjourn

DATE: January 20, 2015
CONSENT
ITEM #1
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$384,705.71

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: \$384,705.71

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$384,705.71. 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
42236-42370	\$ 383,685.71	Accounts Payable 1/20/2015
2566-2582	\$ 1,020.00	Library Card Reimbursement 1/20/2015
TOTAL	\$ 384,705.71	

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 \$384,705.71.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 01/15/2015 - 2:36 PM
 Batch: 005-01-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ANIMALHU Animal Humane Society 2534 01/09/2015 101-420-2700-43150 Contract Services 2534 Total: ANIMALHU Total:		925.00 925.00 925.00	0.00	01/20/2015	Animal impound fees	10/01-1/01/15	-	No		0000
BIFFS Biff's Inc. Various 01/07/2015 101-450-5200-44120 Rentals - Buildings Various Total: BIFFS Total:		236.88 236.88 236.88	0.00	01/20/2015	Sunfish Lake Park Sept - Dec 2014		-	No		0000
BOLTONME Bolton & Menk, Inc 0173723 12/30/2014 601-494-9400-43030 Engineering Services 0173723 Total: BOLTONME Total:		1,312.50 1,312.50 1,312.50	0.00	01/20/2015	2013.132 Pumphouse No 4		-	No		0000
COLDWELL Coldwell Banker Commercial 39878 01/06/2015 206-450-5300-44040 Repairs/Maint Eqpt 39878 Total: COLDWELL Total:		16.52 16.52 16.52	0.00	01/20/2015	Filter service		-	No		0000
CTYOAKDA City of Oakdale 10004601-01 12/31/2014 601-494-9400-43820 Water Utility 10004601-01 Total: CTYOAKDA Total:		2,630.66 2,630.66 2,630.66	0.00	01/20/2015	Water service 12/01-12/31/14 South Pit		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYOAKDP City of Oakdale										
201501074526	12/31/2014	321.58	0.00	01/20/2015	CV2 oil change and sensor repair		-	No		00000
101-420-2220-44040	Repairs/Maint Eqpt	321.58								
	201501074526 Total:	321.58								
	CTYOAKDP Total:									
DELAPP DeLapp Steve										
Various	12/31/2014	430.78	0.00	01/20/2015	Building maintenance supplies		-	No		00000
206-450-5300-42230	Building Repair Supplies	430.78								
	Various Total:	430.78								
	DELAPP Total:	430.78								
DWINC D.W. INC.										
173	12/07/2014	520.00	0.00	01/20/2015	November snow plowing		-	No		00000
206-450-5300-43150	Contract Services	520.00								
	173 Total:	520.00								
186	01/04/2015	260.00	0.00	01/20/2015	December snow plowing		-	No		00000
206-450-5300-43150	Contract Services	260.00								
	186 Total:	260.00								
	DWINC Total:	780.00								
EMERGAPP Emergency Apparatus Maint. Inc										
78078	12/17/2014	1,305.97	0.00	01/20/2015	E2 repair multiple leaks at pump		-	No		00000
101-420-2220-44040	Repairs/Maint Eqpt	1,305.97								
	78078 Total:	1,305.97								
	EMERGAPP Total:	1,305.97								
H & L H & L Mesabi Corp										
92511	01/12/2015	1,500.24	0.00	01/20/2015	Snow Plow Blades		-	No		00000
101-430-3100-44040	Repairs/Maint Eqpt	1,500.24								
	92511 Total:	1,500.24								
	H & L Total:	1,500.24								
HARDDRIV Harddrives, Inc.										
Pay Request 5	12/31/2014	69,297.39	0.00	01/20/2015	2013.135 2014 Street Improvements		-	No		00000
409-480-8000-43030	Engineering Services	69,297.39								
	Pay Request 5 Total:	69,297.39								
	HARDDRIV Total:	69,297.39								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
JOHNSON & Johnson & Turner Attorneys										
39463	01/09/2014	52.00	0.00	01/20/2015	Library Matters		-	No		00000
206-450-5300-43040	Legal Services									
	39463 Total:	52.00								
39837	01/09/2014	4,652.50	0.00	01/20/2015	Prosecution		-	No		00000
101-420-2150-43045	Attorney Criminal									
	39837 Total:	4,652.50								
39951	01/09/2014	15.00	0.00	01/20/2015	3M matter		-	No		00000
601-494-9400-43040	Legal Services									
	39951 Total:	15.00								
39964	01/09/2014	1,150.00	0.00	01/20/2015	Lennar		-	No		00000
803-000-0000-22910	Developer Payments									
	39964 Total:	1,150.00								
39987	01/09/2014	2,255.00	0.00	01/20/2015	Civil Matters		-	No		00000
101-410-1320-43040	Legal Services									
	39987 Total:	2,255.00								
39988	01/09/2014	97.50	0.00	01/20/2015	39th Street		-	No		00000
409-480-8000-43040	Legal Services									
	39988 Total:	97.50								
39992	01/09/2014	19.50	0.00	01/20/2015	Burgess Matter		-	No		00000
101-410-1320-43040	Legal Services									
	39992 Total:	19.50								
40123	01/09/2014	320.00	0.00	01/20/2015	Easton Village		-	No		00000
803-000-0000-22910	Developer Payments									
	40123 Total:	320.00								
40124	01/09/2014	1,000.00	0.00	01/20/2015	Hunter's Crossing		-	No		00000
803-000-0000-22910	Developer Payments									
	40124 Total:	1,000.00								
	JOHNSON & Total:	9,561.50								
KLMENG KLM Engineering, Inc.										
4744	12/19/2014	3,000.00	0.00	01/20/2015	Plan Review - Sprint 2.5 Deployment		-	No		00000
803-000-0000-22900	Deposits Payable									
	4744 Total:	3,000.00								
	KLMENG Total:	3,000.00								
Landscap Landscape Architecture, Inc										
TO 13	01/14/2014	4,000.00	0.00	01/20/2015	2014 5th Street Landscape Plan/Design		-	No		00000
101-410-1910-43150	Contract Services									
	TO 13 Total:	4,000.00								
	Landscap Total:	4,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Library1 Library Ideas 43517	12/31/2014	2.00	0.00	01/20/2015	Freeding as you go		-	No		0000
206-450-5300-42500 Library Collection Maintenance 43517 Total:		2.00								
Library1 Total:		2.00								
LOFF Loffler Companies, Inc. 1897186	01/06/2015	260.15	0.00	01/20/2015	Copy machine contract/overage		-	No		0000
101-410-1940-44040 Repairs/Maint Contractual Eqpt 1897186 Total:		260.15								
LOFF Total:		260.15								
RIVRCCOOP River Country Cooperative 141352	12/31/2014	655.62	0.00	01/20/2015	Fuel		-	No		0000
101-420-2220-42120 Fuel, Oil and Fluids 141352 Total:		655.62								
RIVRCCOOP Total:		655.62								
SAMSCCLUB Sam's Club 01/07/2015		396.70	0.00	01/20/2015	Printer/Ink Supplies		-	No		0000
101-430-3100-42000 Office Supplies Total:		396.70								
SAMSCCLUB Total:		396.70								
SMITHSCH Smith Schafer & Associates,LTD 22221	12/30/2014	2,750.00	0.00	01/20/2015	Interim Billing		-	No		0000
101-410-1520-43010 Audit Services 22221 Total:		2,750.00								
SMITHSCH Total:		2,750.00								
STARTRIB Star Tribune 11239973	11/30/2014	149.50	0.00	01/20/2015	Subscription		-	No		0000
206-450-5300-42500 Library Collection Maintenance 11239973 Total:		149.50								
STARTRIB Total:		149.50								
TEILANDM TEI Landmark Audio 11833436	01/02/2015	163.77	0.00	01/20/2015	Used audio CD's		-	No		0000
206-450-5300-42500 Library Collection Maintenance 11833436 Total:		163.77								

Invoice # Inv Date Amount Quantity Pmt Date Description Reference Task Type PO # Close POLine #

TEILANDM Total: 163.77

WAS-SHER Washington County
 80257 12/30/2014 259,657.68 0.00 01/20/2015 July - December 2014 Police Services - No 0000
 101-420-2100-43150 Law Enforcement Contract

80257 Total: 259,657.68
 WAS-SHER Total: 259,657.68

Report Total: 359,354.44

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 01/15/2015 - 2:47 PM
 Batch: 006-01-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BERKLEY Insurance Trust League of MN Cite										
VL00012306	01/16/2015	194.00	0.00	01/20/2015	Insurance Renewal - 2015 Volunteers		-	No		0000
101-410-1320-43610	Insurance									
VL00012306	01/16/2015	195.00	0.00	01/20/2015	Insurance Renewal - 2015 Volunteers		-	No		0000
204-450-5200-43610	Insurance									
VL00012306	01/16/2015	195.00	0.00	01/20/2015	Insurance Renewal - 2015 Volunteers		-	No		0000
206-450-5300-43630	Insurance									
VL00012306 Total:		584.00								
BERKLEY Total:		584.00								
FERGUSON Ferguson Waterworks, Inc #2516										
123614	01/07/2015	3,296.52	0.00	01/20/2015	Water meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
123614 Total:		3,296.52								
123745	01/07/2015	461.91	0.00	01/20/2015	Water meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
123745 Total:		461.91								
FERGUSON Total:		3,758.43								
GONYEA Gonyea Homes										
2014-170	01/15/2015	4,900.00	0.00	01/20/2015	Escrow Release 5730 57th Street Cove		-	No		0000
803-000-0000-22900	Deposits Payable									
2014-170 Total:		4,900.00								
GONYEA Total:		4,900.00								
KORTHER KORTH ERIC										
Cable	01/13/2015	68.75	0.00	01/20/2015	CC meeting 1/13/15		-	No		0000
101-410-1450-43620	Cable Operations									
Cable Total:		68.75								
KORTHER Total:		68.75								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MARIER Marier Sherri	12/31/2014	120.16	0.00	01/20/2015	Ancestry.com presenter - mileage & fee		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	Total:	120.16								
	MARIER Total:	120.16								
MARONEYS Maroney's Sanitation, Inc	01/03/2015	109.78	0.00	01/20/2015	City Hall		-	No		0000
555556	101-410-1940-43840	Refuse						No		0000
555556	01/03/2015	48.30	0.00	01/20/2015	Fire		-	No		0000
101-420-2220-43840	Refuse							No		0000
555556	01/03/2015	210.63	0.00	01/20/2015	PW		-	No		0000
101-430-3100-43840	Refuse							No		0000
555556	01/03/2015	210.63	0.00	01/20/2015	Fire		-	No		0000
101-420-2220-43840	Refuse							No		0000
555556	01/03/2015	48.67	0.00	01/20/2015	Library		-	No		0000
206-450-5300-43840	Refuse							No		0000
	555556 Total:	628.01								
	MARONEYS Total:	628.01								
METRO FI Metro Fire Chiefs Assoc	01/08/2015	100.00	0.00	01/20/2015	Annual Dues - 2015		-	No		0000
101-420-2220-44330	Dues & Subscriptions							No		0000
	Total:	100.00								
	METRO FI Total:	100.00								
MSFDA MSFDA	01/08/2015	240.00	0.00	01/20/2015	2015 Dues		-	No		0000
101-420-2220-44330	Dues & Subscriptions							No		0000
	Total:	240.00								
	MSFDA Total:	240.00								
ORSTEDLI Orsted Linda	12/16/2014	200.00	0.00	01/20/2015	Consultation with Library Director		-	No		0000
206-450-5300-44300	Miscellaneous							No		0000
	Total:	200.00								
	ORSTEDLI Total:	200.00								
SAMISCLUB Sam's Club	01/08/2015	6.58	0.00	01/20/2015	Station Supplies		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg							No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	01/08/2015	167.23	0.00	01/20/2015	Rehab Supplies		-	No		0000
101-420-2220-44300	Miscellaneous									
	Total:	173.81								
	SAMSCLUB Total:	173.81								
TOWNCTRY Town & Country Cleaning Co										
115355	01/01/2015	215.00	0.00	01/20/2015	Cleaning Services - January 2015		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	115355 Total:	215.00								
	TOWNCTRY Total:	215.00								
WASHFIRE Fire Chiefs Association Washington										
	01/08/2015	50.00	0.00	01/20/2015	Annual Dues 2015		-	No		0000
101-420-2220-44330	Dues & Subscriptions									
	Total:	50.00								
	WASHFIRE Total:	50.00								
XCEL Xcel Energy										
12292014	01/15/2015	47.17	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	79.19	0.00	01/20/2015	Electric Utility Services		-	No		0000
602-495-9450-43810	Electric Utility									
12292014	01/15/2015	34.87	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3160-43810	Street Lighting									
12292014	01/15/2015	29.52	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3160-43810	Street Lighting									
12292014	01/15/2015	1,323.95	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-420-2220-43810	Electric Utility									
12292014	01/15/2015	429.72	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-410-1940-43810	Electric Utility									
12292014	01/15/2015	34.01	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3160-43810	Street Lighting									
12292014	01/15/2015	649.93	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-410-1940-43810	Electric Utility									
12292014	01/15/2015	11.48	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	144.50	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	27.43	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	2,108.84	0.00	01/20/2015	Electric Utility Services		-	No		0000
601-494-9400-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
12292014	01/15/2015	747.00	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-420-2220-43810	Electric Utility									
12292014	01/15/2015	49.76	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3160-43810	Street Lighting									
12292014	01/15/2015	203.92	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	22.80	0.00	01/20/2015	Electric Utility Services		-	No		0000
602-495-9450-43810	Electric Utility									
12292014	01/15/2015	18.80	0.00	01/20/2015	Electric Utility Services		-	No		0000
602-495-9450-43810	Electric Utility									
12292014	01/15/2015	342.77	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	1,892.31	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3160-43810	Street Lighting									
12292014	01/15/2015	30.67	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3160-43810	Street Lighting									
12292014	01/15/2015	15.39	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	31.78	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	3,172.53	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3100-43810	Electric Utility									
12292014	01/15/2015	174.87	0.00	01/20/2015	Electric Utility Services		-	No		0000
601-494-9400-43810	Electric Utility									
12292014	01/15/2015	12.96	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-430-3160-43810	Street Lighting									
12292014	01/15/2015	778.28	0.00	01/20/2015	Electric Utility Services		-	No		0000
206-450-5300-43810	Electric Utility									
12292014	01/15/2015	269.36	0.00	01/20/2015	Electric Utility Services		-	No		0000
602-495-9450-43810	Electric Utility									
12292014	01/15/2015	158.13	0.00	01/20/2015	Electric Utility Services		-	No		0000
601-494-9400-43810	Electric Utility									
12292014	01/15/2015	13.99	0.00	01/20/2015	Electric Utility Services		-	No		0000
101-450-5200-43810	Electric Utility									
12292014	01/15/2015	437.18	0.00	01/20/2015	Electric Utility Services		-	No		0000
601-494-9400-43810	Electric Utility									
12292014 Total:		13,293.11								
XCEL Total:		13,293.11								
Report Total:		24,331.27								



MAYOR & COUNCIL COMMUNICATION

DATE: January 20, 2015
CONSENT
ITEM 2
MOTION

AGENDA ITEM: New Single Family Home Permit Report

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Rick Chase, Building Official

REVIEWED BY: Kyle Klatt, Planning Director

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

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the monthly new single family home permit report through December, 2014. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

	<u>2014</u>	<u>2013</u>	<u>2012</u>
New Homes	41	36	33
Total valuation	\$19,968,275	\$16,996,169	\$14,766,112
Average home value	487,031	472,115	447,457
Total Valuation year	30,340,000	20,939,000	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council accept the December, 2014 monthly new home building permit report.

DATE: January 20, 2015
**CONSENT
ITEM** #3

AGENDA ITEM: Monthly Assessor Report
SUBMITTED BY: Dan Raboin, City Assessor
THROUGH: Cathy Bendel, Finance Director
REVIEWED BY: Cathy Bendel, Finance Director

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

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the monthly assessor report for through December 2014 outlining work performed on behalf of the City of Lake Elmo. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Property splits/plats – 6
Sales collected and viewed – 13
Taxpayer inquiries – 2
Miscellaneous inquiries - 3
Inspections – Residential – 41; Commercial – 1
Building permit reviews – 23
Pictures taken – 17

Other work performed included:

- Sales analysis, land values
- Monthly meeting with County residential and commercial supervisors

- Input of all inspection and permit work
- Perform sales verifications and land value analysis using MLS and other resources
- Field telephone inquiries

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council accept the December 2014 monthly assessor report.



MAYOR & COUNCIL COMMUNICATION

DATE: January 20, 2015

CONSENT

ITEM # 4

AGENDA ITEM: 2014 Street Improvements – Compensating Change Order No. 2

SUBMITTED BY: Ryan Stempiski, 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: Decrease of \$91,056.29 to the final construction contract amount.

This change order reconciles the estimated and actual quantities installed on the project and decreases the contract amount by \$91,056.29. With this change order and previous change orders on the project the final contract amount is \$1,385,947.71. The estimated job to completion total project costs will be finalized at 86% of the original project budget as authorized by the City Council on June 17, 2014.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving, *as part of the consent agenda*, Compensating Change Order No. 2 for the 2014 Street Improvements to reconcile the estimated and actual quantities installed on the project. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Compensating Change Order No. 2 for the 2014 Street Improvements thereby decreasing the final contract amount by \$91,056.29.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Hardrives, Inc. was awarded a construction contract on June 17, 2014 to complete the 2014 Street Improvements. The contractor has completed the work in accordance with the contract, plans and specifications; and with approval of this change order the contract amount will be adjusted to reflect quantities actually installed as a part of the project. The overall decrease in the contract amount for this change order is \$91,056.29 as detailed on the attached itemization.

The final construction contract amount is \$1,385,947.71, or 5.6% under the original construction contract award. In addition, the project has been completed with total project costs at approximately 86% of the original budget authorized on June 17, 2014.

RECOMMENDATION:

Staff is recommending that the City Council consider, *as part of the Consent Agenda*, approving Compensating Change Order No. 2 for the 2014 Street Improvements thereby decreasing the final contract amount by \$91,056.29. If removed from the consent agenda, the recommended motion for this action is as follows:

“Move to approve Compensating Change Order No. 2 for the 2014 Street Improvements thereby decreasing the final contract amount by \$91,056.29.”

ATTACHMENT(S):

1. Compensating Change Order No. 2

COMPENSATING CHANGE ORDER NO. 2

CITY OF LAKE ELMO, MINNESOTA 2014 STREET IMPROVEMENTS PROJECT NO. 2013.135	FOCUS ENGINEERING, inc.
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CHANGE ORDER NO. 2 **DATE:** January 20, 2015

TO: HARDRIVES, INC. 14475 QUIRAM DRIVE, RODGERS, MN 55374

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

CHANGE ORDER DESCRIPTION / JUSTIFICATION:

Per the project Contract Documents the original contract amount and basis of award is established using the estimated quantities for each item of work listed in the bid schedule and multiplying them by the Contractor's corresponding unit bid price. The Contractor is paid for the actual final quantities installed on the project at the unit bid prices.

At the completion of the project, a compensating change order is prepared to revise the estimated quantities for each work item listed in the bid schedule to the actual quantities installed and the corresponding Contract Amount is revised accordingly.


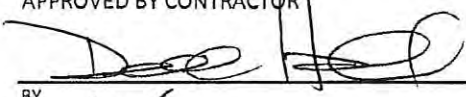
This compensating change order reflects a net decrease to the contract amount by \$91,056.29.

Attachments (list documents supporting change): Itemization

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
	**See attached itemization for Change Order items				(\$91,056.29)
NET CONTRACT CHANGE					(\$91,056.29)

Amount of Original Contract	\$	1,469,015.70
Sum of Additions/Deductions approved to date (CO No. 1)	\$	7,988.30
Contract Amount to date	\$	1,477,004.00
Amount of this Change Order (ADD) (DEDUCT) (NO CHANGE)	\$	(91,056.29)
Revised Contract Amount	\$	1,385,947.71

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

APPROVED BY ENGINEER: FOCUS Engineering, inc.  _____ ENGINEER _____ DATE <u>1/9/2015</u>	APPROVED BY CONTRACTOR  _____ BY _____ DATE <u>1/8/15</u>
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA _____ BY _____ DATE _____	

ITEM	DESCRIPTION OF PAY ITEM	UNIT	REVISED CONTRACT			TOTAL TO DATE		COMPENSATING CO NO. 2	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	NET CHANGE	AMOUNT
DIVISION 1 - PACKARD PARK AREA									
1	MOBILIZATION	LS	1	\$34,750.00	\$34,750.00	1.00	\$34,750.00	1.00	\$0.00
2	TRAFFIC CONTROL	LS	1	\$2,162.47	\$2,162.47	1.00	\$2,162.47	1.00	\$0.00
3	SILT FENCE, TYPE MACHINE SLICED	LS	3,188	\$2.03	\$6,471.64	0.00	\$0.00	0.00	-\$6,471.64
4	INLET PROTECTION	EA	14	\$74.93	\$1,049.02	14.00	\$1,049.02	14.00	\$0.00
5	BIOROLL DITCH CHECK	EA	14	\$80.28	\$1,123.92	0.00	\$0.00	0.00	-\$1,123.92
6	STREET SWEEPING	HR	35	\$151.26	\$5,294.10	0.00	\$0.00	0.00	-\$5,294.10
7	TREE TRIMMING	LS	1	\$5,352.13	\$5,352.13	0.50	\$2,676.07	0.50	-\$2,676.07
8	SALVAGE MAILBOX	EA	24	\$32.44	\$778.56	25.00	\$811.00	25.00	\$32.44
9	INSTALL SALVAGED MAILBOX	EA	24	\$37.84	\$908.16	25.00	\$946.00	25.00	\$37.84
10	SAWCUT BITUMINOUS PAVEMENT	LF	720	\$2.12	\$1,526.40	261.00	\$553.32	261.00	-\$973.08
11	SAWCUT CONCRETE PAVEMENT	LF	130	\$3.13	\$406.90	130.00	\$406.90	130.00	\$0.00
12	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	410	\$5.35	\$2,193.50	389.06	\$2,081.47	389.06	-\$112.03
13	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT (DRIVEWAYS)	SY	150	\$8.56	\$1,284.00	102.67	\$878.86	102.67	-\$405.14
14	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT	SY	10	\$32.11	\$321.10	0.00	\$0.00	0.00	-\$321.10
15	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	230	\$10.81	\$2,486.30	230.00	\$2,486.30	230.00	\$0.00
16	SUBGRADE EXCAVATION - RECLAIM AREAS (CV)	CY	1,000	\$9.10	\$9,100.00	0.00	\$0.00	0.00	-\$9,100.00
17	SELECT GRANULAR BORROW (CV)	CY	250	\$14.13	\$3,532.50	0.00	\$0.00	0.00	-\$3,532.50
18	RECLAIM EXISTING BITUMINOUS AND BASE MATERIALS, 8" DEPTH	SY	21,500	\$0.91	\$19,565.00	21,500.00	\$19,565.00	21,500.00	\$0.00
19	HAUL EXCESS RECLAIMED MATERIAL OFF-SITE (LV)	CY	300	\$8.62	\$2,586.00	91.00	\$784.42	91.00	-\$1,801.58
20	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	61	\$324.76	\$19,690.20	60.63	\$19,690.20	60.63	\$0.00
21	TYPE SP 9.5 BITUMINOUS NON WEARING COURSE MIXTURE (2,B) [SPNWA230B]	TN	1,905	\$60.76	\$115,747.80	1,667.00	\$101,286.92	1,667.00	-\$14,460.88
22	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	1,905	\$62.64	\$119,329.20	2,014.00	\$126,156.96	2,014.00	\$6,827.76
23	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1,350	\$1.96	\$2,646.00	700.00	\$1,372.00	700.00	-\$1,274.00
24	PATCH BITUMINOUS DRIVEWAY	SY	410	\$20.11	\$8,245.10	441.00	\$8,868.51	441.00	\$623.41
25	PATCH CONCRETE DRIVEWAY	SY	150	\$46.03	\$6,904.50	113.00	\$5,201.39	113.00	-\$1,703.11
26	SAW & SEAL STREET (40' INTERVALS)	LF	2,900	\$2.61	\$7,569.00	2,372.00	\$6,190.92	2,372.00	-\$1,378.08
27	B418 CONCRETE CURB & GUTTER	LF	7,660	\$9.63	\$73,765.80	7,247.00	\$69,788.61	7,247.00	-\$3,977.19
28	CONCRETE RIBBON CURB	LF	530	\$14.50	\$7,685.00	857.00	\$12,426.50	857.00	\$4,741.50
29	6" CONCRETE FLUME	SF	500	\$6.74	\$3,370.00	370.00	\$2,493.80	370.00	-\$876.20
30	REMOVE CB CASTING	EA	12	\$83.68	\$1,004.16	13.00	\$1,087.84	13.00	\$83.68
31	R-3250-1 CASTING	EA	12	\$779.82	\$9,357.84	12.00	\$9,357.84	12.00	\$0.00
32	2' X 3' CATCH BASIN WITH CASTING PER DETAIL 404	EA	1	\$1,838.10	\$1,838.10	0.00	\$0.00	0.00	-\$1,838.10
33	4' DIA CBMH WITH SUMP AND CASTING PER DETAIL 405	EA	1	\$2,811.21	\$2,811.21	2.00	\$5,622.42	2.00	\$2,811.21
34	4' DIA MH WITH CASTING PER DETAIL 407	EA	2	\$1,946.23	\$3,892.46	2.00	\$3,892.46	2.00	\$0.00
35	15" RCP STORM SEWER, CLASS 5	LF	208	\$44.33	\$9,220.64	209.00	\$9,264.97	209.00	\$44.33
36	15" RCP FLARED END SECTION INCL TRASH GUARD	EA	4	\$1,243.42	\$4,973.68	4.00	\$4,973.68	4.00	\$0.00
37	CLASS 3 RIP RAP WITH FABRIC	CY	8	\$162.19	\$1,297.52	24.00	\$3,892.56	24.00	\$2,595.04
38	DITCH GRADING	LF	180	\$10.70	\$1,926.00	61.00	\$652.70	61.00	-\$1,273.30
39	POND EXCAVATION (CV)	CY	70	\$21.41	\$1,498.70	126.00	\$2,697.66	126.00	\$1,198.96
40	JET AND CLEAN STORM SEWER	LF	135	\$15.14	\$2,043.90	135.00	\$2,043.90	135.00	\$0.00
41	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	800	\$15.00	\$12,000.00	544.00	\$8,160.00	544.00	-\$3,840.00
42	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	1,500	\$2.94	\$4,410.00	3,290.00	\$9,672.60	3,290.00	\$5,262.60
43	SODDING	SY	8,800	\$4.28	\$37,664.00	3,500.00	\$14,980.00	3,500.00	-\$22,684.00
44	SALVAGE SIGN	EA	10	\$27.03	\$270.30	1.00	\$27.03	1.00	-\$243.27
45	INSTALL SALVAGED SIGN	EA	10	\$124.34	\$1,243.40	1.00	\$124.34	1.00	-\$1,119.06
SUBTOTAL - DIVISION 1					\$561,296.21		\$499,076.63		-\$62,219.58
DIVISION 2 - 20TH STREET NORTH									
46	MOBILIZATION	LS	0	\$15,172.98	\$0.00	0.00	\$0.00	0	\$0.00
47	TRAFFIC CONTROL	LS	0	\$5,000.00	\$0.00	0.00	\$0.00	0	\$0.00
48	JOINT REPAIR	SY	0	\$20.00	\$0.00	0.00	\$0.00	0	\$0.00
49	PATCH BITUMINOUS STREET (PARTIAL DEPTH)	SY	0	\$20.00	\$0.00	0.00	\$0.00	0	\$0.00
50	PATCH BITUMINOUS STREET (FULL DEPTH)	SY	0	\$38.64	\$0.00	0.00	\$0.00	0	\$0.00
51	REMOVE PAVEMENT MARKINGS - 4" LINES	LF	0	\$0.65	\$0.00	0.00	\$0.00	0	\$0.00
52	3/4" OVERLAY	TN	0	\$68.06	\$0.00	0.00	\$0.00	0	\$0.00
53	3/8" MICROSURFACE	SY	0	\$3.21	\$0.00	0.00	\$0.00	0	\$0.00
54	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMESTONE	TN	0	\$21.39	\$0.00	0.00	\$0.00	0	\$0.00
55	4" DOUBLE SOLID YELLOW LINE - LATEX	LF	0	\$0.22	\$0.00	0.00	\$0.00	0	\$0.00
56	4" SOLID WHITE LINE - LATEX	LF	0	\$0.11	\$0.00	0.00	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 2					\$0.00		\$0.00		\$0.00

ITEM	DESCRIPTION OF PAY ITEM	UNIT	REVISED CONTRACT			TOTAL TO DATE		COMPENSATING CO NO. 2	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	NET CHANGE	AMOUNT
DIVISION 3 - DEER POND TRAIL & COURT									
57	MOBILIZATION	LS	1	\$21,000.00	\$21,000.00	1.00	\$21,000.00	1.00	\$0.00
58	TRAFFIC CONTROL	LS	1	\$1,621.85	\$1,621.85	1.00	\$1,621.85	1.00	\$0.00
59	SILT FENCE, TYPE MACHINE SLICED	LF	2,150	\$2.03	\$4,364.50	550.00	\$1,116.50	550.00	-\$3,248.00
60	INLET PROTECTION	EA	12	\$74.93	\$899.16	12.00	\$899.16	12.00	\$0.00
61	STREET SWEEPING	HR	10	\$151.26	\$1,512.60	2.00	\$302.52	2.00	-\$1,210.08
62	BIOROLL DITCH CHECK	EA	5	\$80.28	\$401.40	0.00	\$0.00	0.00	-\$401.40
63	CLEAR AND GRUB TREE	EA	6	\$588.73	\$3,532.38	7.00	\$4,121.11	7.00	\$588.73
64	GRUB EXISTING STUMP	EA	5	\$214.09	\$1,070.45	4.00	\$856.36	4.00	-\$214.09
65	SALVAGE MAILBOX	EA	22	\$32.44	\$713.68	22.00	\$713.68	22.00	\$0.00
66	INSTALL SALVAGED MAILBOX	EA	22	\$37.84	\$832.48	24.30	\$919.51	24.30	\$87.03
67	SAWCUT BITUMINOUS PAVEMENT	LF	375	\$2.17	\$813.75	269.00	\$583.73	269.00	-\$230.02
68	SAWCUT CONCRETE PAVEMENT	LF	100	\$4.07	\$407.00	89.00	\$362.23	89.00	-\$44.77
69	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	6,680	\$2.91	\$19,438.80	6,680.00	\$19,438.80	6,680.00	\$0.00
70	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	250	\$5.35	\$1,337.50	432.00	\$2,311.20	432.00	\$973.70
71	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT (DRIVEWAYS)	SY	110	\$8.56	\$941.60	37.00	\$316.72	37.00	-\$624.88
72	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	190	\$10.81	\$2,053.90	190.00	\$2,053.90	190.00	\$0.00
73	REMOVE AND DISPOSE OF EXISTING STORM SEWER STRUCTURE	EA	2	\$432.50	\$865.00	2.00	\$865.00	2.00	\$0.00
74	COMMON EXCAVATION (P)	CY	3,575	\$8.56	\$30,602.00	3,575.00	\$30,602.00	3,575.00	\$0.00
75	SUBGRADE EXCAVATION - RECONSTRUCT AREAS (CV)	CY	325	\$8.56	\$2,782.00	76.00	\$650.56	76.00	-\$2,131.44
76	SELECT GRANULAR BORROW (CV)	CY	2,390	\$12.31	\$29,420.90	2,390.00	\$29,420.90	2,390.00	\$0.00
77	AGGREGATE BASE CLASS 5	TN	2,600	\$10.17	\$26,442.00	2,600.00	\$26,442.00	2,600.00	\$0.00
78	TYPE SP 9.5 BITUMINOUS NON WEARING COURSE MIXTURE (2,B) [SPNWA230B]	TN	690	\$62.38	\$43,042.20	690.00	\$43,042.20	690.00	\$0.00
79	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	520	\$63.49	\$33,014.80	521.10	\$33,084.64	521.10	\$69.84
80	BITUMINOUS MATERIAL FOR TACK COAT	GAL	405	\$1.96	\$793.80	350.00	\$686.00	350.00	-\$107.80
81	PATCH BITUMINOUS DRIVEWAY	SY	250	\$20.55	\$5,137.50	454.06	\$9,330.93	454.06	\$4,193.43
82	PATCH CONCRETE DRIVEWAY	SY	110	\$46.03	\$5,063.30	65.50	\$3,014.97	65.50	-\$2,048.34
83	PATCH GRAVEL DRIVEWAY	TN	20	\$27.54	\$550.80	0.00	\$0.00	0.00	-\$550.80
84	SAW & SEAL STREET (40' INTERVALS)	LF	1,300	\$2.61	\$3,393.00	1,020.00	\$2,662.20	1,020.00	-\$730.80
85	ADJUST EXISTING MANHOLE CASTING	EA	2	\$584.98	\$1,169.96	2.00	\$1,169.96	2.00	\$0.00
86	B612 CONCRETE CURB & GUTTER	LF	4,500	\$9.10	\$40,950.00	4,446.00	\$40,458.60	4,446.00	-\$491.40
87	6" CONCRETE FLUME	SF	2	\$42.82	\$85.64	0.00	\$0.00	0.00	-\$85.64
88	4" PVC PERF EDGE DRAIN W/BACKFILL & WRAP	LF	1,155	\$9.10	\$10,510.50	1,155.00	\$10,510.50	1,155.00	\$0.00
89	CONNECT DRAIN TILE TO STRUCTURE	EA	12	\$160.56	\$1,926.72	12.00	\$1,926.72	12.00	\$0.00
90	CONNECT TO EXISTING STORM SEWER MH	EA	2	\$540.62	\$1,081.24	2.00	\$1,081.24	2.00	\$0.00
91	2' X 3' CATCH BASIN WITH CASTING PER DETAIL 404	EA	2	\$1,838.10	\$3,676.20	2.00	\$3,676.20	2.00	\$0.00
92	4' DIA CBMH WITH CASTING PER DETAIL 402	EA	1	\$1,838.10	\$1,838.10	1.00	\$1,838.10	1.00	\$0.00
93	4' DIA CBMH WITH CASTING PER DETAIL 406	EA	6	\$2,108.41	\$12,650.46	6.00	\$12,650.46	6.00	\$0.00
94	4' DIA CBMH WITH SUMP AND CASTING PER DETAIL 405	EA	3	\$2,919.34	\$8,758.02	3.00	\$8,758.02	3.00	\$0.00
95	15" RCP STORM SEWER, CLASS 5	LF	382	\$42.17	\$16,108.94	382.00	\$16,108.94	382.00	\$0.00
96	18" RCP STORM SEWER, CLASS 5	LF	235	\$45.41	\$10,671.35	240.00	\$10,898.40	240.00	\$227.05
97	15" RCP FLARED END SECTION INCL TRASH GUARD	EA	2	\$1,243.42	\$2,486.84	2.00	\$2,486.84	2.00	\$0.00
98	18" RCP FLARED END SECTION INCL TRASH GUARD	EA	1	\$1,297.48	\$1,297.48	1.00	\$1,297.48	1.00	\$0.00
99	CLASS 3 RIP RAP WITH FABRIC	CY	15	\$162.19	\$2,432.85	11.40	\$1,848.97	11.40	-\$583.88
100	DITCH GRADING	LF	100	\$10.70	\$1,070.00	100.00	\$1,070.00	100.00	\$0.00
101	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	300	\$15.00	\$4,500.00	250.00	\$3,750.00	250.00	-\$750.00
102	SODDING	SY	5,000	\$4.28	\$21,400.00	2,180.00	\$9,330.40	2,180.00	-\$12,069.60
103	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	400	\$2.94	\$1,176.00	1,065.00	\$3,131.10	1,065.00	\$1,955.10
104	4" DOUBLE SOLID YELLOW LINE - EPOXY	LF	1,440	\$0.79	\$1,137.60	1,246.00	\$984.34	1,246.00	-\$153.26
105	REMOVE SIGN	EA	1	\$27.03	\$27.03	1.00	\$27.03	1.00	\$0.00
106	SIGN PANEL, TYPE C	SF	9	\$54.06	\$486.54	9.00	\$486.54	9.00	\$0.00
107	SALVAGE SIGN	EA	6	\$27.03	\$162.18	6.00	\$162.18	6.00	\$0.00
108	INSTALL SALVAGED SIGN	EA	6	\$124.34	\$746.04	6.00	\$746.04	6.00	\$0.00
SUBTOTAL - DIVISION 3					\$388,398.04	\$370,816.73		-\$17,581.32	
DIVISION 4 - MANNING TRAIL NORTH									
109	MOBILIZATION	LS	1	\$3,500.00	\$3,500.00	1.00	\$3,500.00	1.00	\$0.00
110	TRAFFIC CONTROL	LS	1	\$2,324.66	\$2,324.66	1.00	\$2,324.66	1.00	\$0.00
111	SILT FENCE, TYPE MACHINE SLICED	LF	6,600	\$2.03	\$13,398.00	6,530.00	\$13,255.90	6,530.00	-\$142.10
112	STREET SWEEPING	HR	25	\$151.26	\$3,781.50	0.00	\$0.00	0.00	-\$3,781.50
113	BIOROLL DITCH CHECK	EA	20	\$80.28	\$1,605.60	0.00	\$0.00	0.00	-\$1,605.60
114	CLEAR AND GRUB TREE	EA	15	\$588.73	\$8,830.95	12.00	\$7,064.76	12.00	-\$1,766.19
115	SALVAGE MAILBOX	EA	12	\$32.44	\$389.28	12.00	\$389.28	12.00	\$0.00
116	INSTALL SALVAGED MAILBOX	EA	12	\$37.84	\$454.08	12.00	\$454.08	12.00	\$0.00

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			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	NET CHANGE	AMOUNT
117	SAWCUT BITUMINOUS PAVEMENT	LF	375	\$2.17	\$813.75	122.00	\$264.74	122.00	-\$549.01
118	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	8,970	\$2.71	\$24,308.70	8,970.00	\$24,308.70	8,970.00	\$0.00
119	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	130	\$5.35	\$695.50	0.00	\$0.00	0.00	-\$695.50
120	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	53	\$10.81	\$572.93	53.00	\$572.93	53.00	\$0.00
121	COMMON EXCAVATION (P)	CY	5,205	\$8.56	\$44,554.80	5,205.00	\$44,554.80	5,205.00	\$0.00
122	SUBGRADE EXCAVATION - RECONSTRUCT AREAS (CV)	CY	500	\$8.56	\$4,280.00	500.00	\$4,280.00	500.00	\$0.00
123	SELECT GRANULAR BORROW (CV)	CY	3,290	\$12.31	\$40,499.90	3,528.00	\$43,429.68	3,528.00	\$2,929.78
124	AGGREGATE BASE CLASS 5	TN	4,820	\$10.17	\$49,019.40	4,820.00	\$49,019.40	4,820.00	\$0.00
125	TYPE SP 12.5 BITUMINOUS NON-WEARING COURSE MIXTURE (2,B) [SPNWB230B]	TN	1,360	\$55.64	\$75,670.40	1,134.00	\$63,095.76	1,134.00	-\$12,574.64
126	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	820	\$61.67	\$50,569.40	892.57	\$55,044.79	892.57	\$4,475.39
127	BITUMINOUS MATERIAL FOR TACK COAT	GAL	640	\$1.96	\$1,254.40	400.00	\$784.00	400.00	-\$470.40
128	PATCH BITUMINOUS DRIVEWAY	SY	130	\$20.27	\$2,635.10	250.00	\$5,067.50	250.00	\$2,432.40
129	PATCH GRAVEL DRIVEWAY	TN	30	\$27.02	\$810.60	0.00	\$0.00	0.00	-\$810.60
130	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMESTONE	TN	345	\$20.84	\$7,189.80	211.81	\$4,414.12	211.81	-\$2,775.68
131	4" PVC PERF EDGE DRAIN W/BACKFILL & WRAP	LF	3,000	\$11.77	\$35,310.00	3,000.00	\$35,310.00	3,000.00	\$0.00
132	PRECAST CONCRETE HEADWALL (DRAIN TILE)	EA	8	\$535.21	\$4,281.68	10.00	\$5,352.10	10.00	\$1,070.42
133	18" RCP STORM SEWER, CLASS 5	LF	48	\$62.71	\$3,010.08	48.00	\$3,010.08	48.00	\$0.00
134	18" RCP FLARED END SECTION INCL TRASH GUARD	EA	2	\$1,297.49	\$2,594.98	2.00	\$2,594.98	2.00	\$0.00
135	CLASS 3 RIP RAP WITH FABRIC	CY	5	\$162.19	\$810.95	5.00	\$810.95	5.00	\$0.00
136	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	500	\$15.00	\$7,500.00	350.00	\$5,250.00	350.00	-\$2,250.00
137	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	7,850	\$2.94	\$23,079.00	8,768.00	\$25,777.92	8,768.00	\$2,698.92
138	4" DOUBLE SOLID YELLOW LINE - EPOXY	LF	3,300	\$0.79	\$2,607.00	3,732.00	\$2,948.28	3,732.00	\$341.28
139	4" SOLID WHITE LINE - EPOXY	LF	6,600	\$0.48	\$3,168.00	7,594.00	\$3,645.12	7,594.00	\$477.12
140	REMOVE SIGN	EA	5	\$27.03	\$135.15	5.00	\$135.15	5.00	\$0.00
141	SIGN PANEL, TYPE C	SF	21	\$54.06	\$1,108.23	20.50	\$1,108.23	20.50	\$0.00
142	SALVAGE SIGN	EA	14	\$27.03	\$378.42	14.00	\$378.42	14.00	\$0.00
143	INSTALL SALVAGED SIGN	EA	14	\$124.34	\$1,740.76	14.00	\$1,740.76	14.00	\$0.00
SUBTOTAL - DIVISION 4					\$422,883.00	\$409,887.09		-\$12,995.91	

TOTALS - BASE CONTRACT \$1,372,577.25 \$1,279,780.45 -\$92,796.80

CHANGE ORDER NO. 1 - 20TH STREET OVERLAY

CO1-1	MOBILIZATION	LS	1.0	\$5,000.00	\$5,000.00	1.00	\$5,000.00	1.00	\$0.00
CO1-2	TRAFFIC CONTROL	LS	1.0	\$5,000.00	\$5,000.00	1.00	\$5,000.00	1.00	\$0.00
CO1-3	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B] - LEVELING COURSE	TN	300.0	\$68.06	\$20,418.00	323.11	\$21,990.87	323.11	\$1,572.87
CO1-4	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	1,065.0	\$60.67	\$64,613.55	1,094.14	\$66,381.47	1,094.14	\$1,767.92
CO1-5	BITUMINOUS MATERIAL FOR TACK COAT	GAL	865.0	\$1.96	\$1,695.40	700.00	\$1,372.00	700.00	-\$323.40
CO1-6	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMESTONE	TN	260.0	\$21.39	\$5,561.40	206.98	\$4,427.30	206.98	-\$1,134.10
CO1-7	4" DOUBLE SOLID YELLOW LINE - LATEX	LF	4,860.0	\$0.22	\$1,069.20	4,593.00	\$1,010.46	4,593.00	-\$58.74
CO1-8	4" SOLID WHITE LINE - LATEX	LF	9,720.0	\$0.11	\$1,069.20	8,956.00	\$985.16	8,956.00	-\$84.04

TOTALS - CHANGE ORDER NO. 1 \$104,426.75 \$106,167.26 \$1,740.51

TOTALS-DIFFERENCE IN CONTRACT AND ACTUAL WORK COMPLETE \$1,477,004.00 \$1,385,947.71 -\$91,056.29



MAYOR & COUNCIL COMMUNICATION

DATE: 1/20/2015
CONSENT
ITEM 5

AGENDA ITEM: 2014 Street Improvements – Accept Improvements and Pay Request No. 5 (Final)

SUBMITTED BY: Ryan Stempiski, 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.

Final payment is proposed in accordance with the Contract for the project. Payment remains within authorized contract amount and approved change orders for the project.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider accepting the improvements and approving Pay Request No. 5 (Final) for the 2014 Street Improvements. The work has been reviewed by the Engineer and is fully completed in accordance with the Contract, Plans and Specifications and Change Orders. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 5 (Final) to Hardrives, Inc. in the amount of \$69,297.39, for the 2014 Street Improvements”.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Hardrives, Inc. has completed the 2014 Street Improvements in accordance with the construction contract awarded by the council on June 17, 2014. The Project Engineer has prepared a Certification of Completion indicating that all work is complete, including all punch list items, and is recommending acceptance of the improvements and release of final retainage. Project acceptance will initiate the one-year warranty period for the improvements. The one-year warranty begins with substantial completion which was certified on October 31, 2014 and will extend through October 31, 2015.

The project was authorized with a total project budget of \$1,744,150. The estimated total project costs at job completion is \$1,510,000 (86%). The project is being partially funded by imposing special assessments to the benefitting properties and City bonding. The final assessment hearing will be held in the fall 2015 with the assessments certified to the County for payments to begin in 2016.

RECOMMENDATION:

Staff is recommending that the City Council consider, *as part of the Consent Agenda*, accepting the improvements for the 2014 Street Improvements and approving Pay Request No. 5 (Final) in the amount of \$69,297.39. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to accept the improvements for the 2014 Street Improvements and approve Pay Request No. 5 (Final) to Hardrives, Inc. in the amount of \$69,297.39”.

ATTACHMENT(S):

1. Certification of Completion.
2. Partial Pay Estimate No. 5 (Final).

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: **JANUARY 20, 2014**

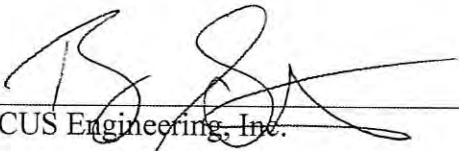
OWNER:	CITY OF LAKE ELMO, MN
CONTRACTOR:	HARDRIVES, INC.
PROJECT NAME:	2014 STREET IMPROVEMENTS
PROJECT NO.:	2013.135

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

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated JULY 2, 2014. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: **JANUARY 20, 2015**

Ryan Stempski Reg. No. 45395



FOCUS Engineering, Inc.

THE WARRANTY PERIOD BEGINS **OCT. 31, 2014** AND ENDS **OCT. 31, 2015**

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. <u>5 (FINAL)</u>	FOCUS ENGINEERING, inc.
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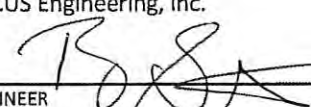
2014 STREET IMPROVEMENTS PROJECT NO. 2013.135	PERIOD OF ESTIMATE FROM <u>12/1/2014</u> TO <u>12/31/2014</u>
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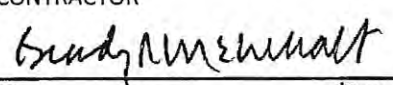
PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, CITY ENGINEER	CONTRACTOR: HARDRIVES, INC. 14478 QUIRAM DRIVE ROGERS, MN 55374 ATTN: DAN LOBELLO, PROJECT MANAGER
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CONTRACT CHANGE ORDER SUMMARY	PAY ESTIMATE SUMMARY
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No.	Approval Date	Amount			
		Additions	Deductions		
1	7/1/2014	\$7,988.30			1. Original Contract Amount <u>\$1,469,015.70</u>
2	1/20/2015		\$91,056.29		2. Net Change Order Sum <u>-\$83,067.99</u>
					3. Revised Contract (1+2) <u>\$1,385,947.71</u>
					4. *Work Completed <u>\$1,385,947.71</u>
					5. *Stored Materials <u>\$0.00</u>
					6. Subtotal (4+5) <u>\$1,385,947.71</u>
					7. Retainage* <u>0.0%</u> <u>\$0.00</u>
					8. Previous Payments <u>\$1,316,650.32</u>
					9. Amount Due (6-7-8) <u>\$69,297.39</u>
TOTALS		\$7,988.30	\$91,056.29		
NET CHANGE		(\$83,067.99)			*Detailed Breakdown Attached

CONTRACT TIME					
START DATE:	<u>7/2/2014</u>	ORIGINAL DAYS	<u>142</u>	ON SCHEDULE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
SUBSTANTIAL COMPLETION:	<u>10/10/2014</u>	REVISED DAYS	<u>0</u>		
FINAL COMPLETION:	<u>11/21/2014</u>	REMAINING	<u>-40</u>		

ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.	FOCUS Engineering, inc.  ENGINEER DATE <u>1/9/2015</u>
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CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.	CONTRACTOR  BY <u>Brady Amehwalt</u> DATE <u>1/9/15</u> TREASURER
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APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA	
BY _____	BY _____
DATE _____	DATE _____

ITEM	DESCRIPTION OF PAY ITEM	UNIT	REVISED CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 1 - PACKARD PARK AREA									
1	MOBILIZATION	LS	1	\$34,750.00	\$34,750.00	0.00	\$0.00	1.00	\$34,750.00
2	TRAFFIC CONTROL	LS	1	\$2,162.47	\$2,162.47	0.00	\$0.00	1.00	\$2,162.47
3	SILT FENCE, TYPE MACHINE SLICED	LS	3,188	\$2.03	\$6,471.64	0.00	\$0.00	0.00	\$0.00
4	INLET PROTECTION	EA	14	\$74.93	\$1,049.02	0.00	\$0.00	14.00	\$1,049.02
5	BIOROLL DITCH CHECK	EA	14	\$80.28	\$1,123.92	0.00	\$0.00	0.00	\$0.00
6	STREET SWEEPING	HR	35	\$151.26	\$5,294.10	0.00	\$0.00	0.00	\$0.00
7	TREE TRIMMING	LS	1	\$5,352.13	\$5,352.13	0.00	\$0.00	0.50	\$2,676.07
8	SALVAGE MAILBOX	EA	24	\$32.44	\$778.56	0.00	\$0.00	25.00	\$811.00
9	INSTALL SALVAGED MAILBOX	EA	24	\$37.84	\$908.16	0.00	\$0.00	25.00	\$946.00
10	SAWCUT BITUMINOUS PAVEMENT	LF	720	\$2.12	\$1,526.40	0.00	\$0.00	261.00	\$553.32
11	SAWCUT CONCRETE PAVEMENT	LF	130	\$3.13	\$406.90	0.00	\$0.00	130.00	\$406.90
12	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	410	\$5.35	\$2,193.50	0.00	\$0.00	389.06	\$2,081.47
13	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT (DRIVEWAYS)	SY	150	\$8.56	\$1,284.00	0.00	\$0.00	102.67	\$878.86
14	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT	SY	10	\$32.11	\$321.10	0.00	\$0.00	0.00	\$0.00
15	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	230	\$10.81	\$2,486.30	0.00	\$0.00	230.00	\$2,486.30
16	SUBGRADE EXCAVATION - RECLAIM AREAS (CV)	CY	1,000	\$9.10	\$9,100.00	0.00	\$0.00	0.00	\$0.00
17	SELECT GRANULAR BORROW (CV)	CY	250	\$14.13	\$3,532.50	0.00	\$0.00	0.00	\$0.00
18	RECLAIM EXISTING BITUMINOUS AND BASE MATERIALS, 8" DEPTH	SY	21,500	\$0.91	\$19,565.00	0.00	\$0.00	21,500.00	\$19,565.00
19	HAUL EXCESS RECLAIMED MATERIAL OFF SITE (LV)	CY	300	\$8.62	\$2,586.00	0.00	\$0.00	91.00	\$784.42
20	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	61	\$324.76	\$19,690.20	0.00	\$0.00	60.63	\$19,690.20
21	TYPE SP 9.5 BITUMINOUS NON WEARING COURSE MIXTURE (2,B) [SPNWA230B]	TN	1,905	\$60.76	\$115,747.80	0.00	\$0.00	1,667.00	\$101,286.92
22	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	1,905	\$62.64	\$119,329.20	0.00	\$0.00	2,014.00	\$126,156.96
23	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1,350	\$1.96	\$2,646.00	0.00	\$0.00	700.00	\$1,372.00
24	PATCH BITUMINOUS DRIVEWAY	SY	410	\$20.11	\$8,245.10	0.00	\$0.00	441.00	\$8,868.51
25	PATCH CONCRETE DRIVEWAY	SY	150	\$46.03	\$6,904.50	0.00	\$0.00	113.00	\$5,201.39
26	SAW & SEAL STREET (40' INTERVALS)	LF	2,900	\$2.61	\$7,569.00	0.00	\$0.00	2,372.00	\$6,190.92
27	B418 CONCRETE CURB & GUTTER	LF	7,660	\$9.63	\$73,765.80	0.00	\$0.00	7,247.00	\$69,788.61
28	CONCRETE RIBBON CURB	LF	530	\$14.50	\$7,685.00	0.00	\$0.00	857.00	\$12,426.50
29	6" CONCRETE FLUME	SF	500	\$6.74	\$3,370.00	0.00	\$0.00	370.00	\$2,493.80
30	REMOVE CB CASTING	EA	12	\$83.68	\$1,004.16	0.00	\$0.00	13.00	\$1,087.84
31	R-3250-1 CASTING	EA	12	\$779.82	\$9,357.84	0.00	\$0.00	12.00	\$9,357.84
32	2' X 3' CATCH BASIN WITH CASTING PER DETAIL 404	EA	1	\$1,838.10	\$1,838.10	0.00	\$0.00	0.00	\$0.00
33	4' DIA CBMH WITH SUMP AND CASTING PER DETAIL 405	EA	1	\$2,811.21	\$2,811.21	0.00	\$0.00	2.00	\$5,622.42
34	4' DIA MH WITH CASTING PER DETAIL 407	EA	2	\$1,946.23	\$3,892.46	0.00	\$0.00	2.00	\$3,892.46
35	15" RCP STORM SEWER, CLASS 5	LF	208	\$44.33	\$9,220.64	0.00	\$0.00	209.00	\$9,264.97
36	15" RCP FLARED END SECTION INCL TRASH GUARD	EA	4	\$1,243.42	\$4,973.68	0.00	\$0.00	4.00	\$4,973.68
37	CLASS 3 RIP RAP WITH FABRIC	CY	8	\$162.19	\$1,297.52	0.00	\$0.00	24.00	\$3,892.56
38	DITCH GRADING	LF	180	\$10.70	\$1,926.00	0.00	\$0.00	61.00	\$652.70
39	POND EXCAVATION (CV)	CY	70	\$21.41	\$1,498.70	0.00	\$0.00	126.00	\$2,697.66
40	JET AND CLEAN STORM SEWER	LF	135	\$15.14	\$2,043.90	0.00	\$0.00	135.00	\$2,043.90
41	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	800	\$15.00	\$12,000.00	0.00	\$0.00	544.00	\$8,160.00
42	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	1,500	\$2.94	\$4,410.00	0.00	\$0.00	3,290.00	\$9,672.60
43	SODDING	SY	8,800	\$4.28	\$37,664.00	0.00	\$0.00	3,500.00	\$14,980.00
44	SALVAGE SIGN	EA	10	\$27.03	\$270.30	0.00	\$0.00	1.00	\$27.03
45	INSTALL SALVAGED SIGN	EA	10	\$124.34	\$1,243.40	0.00	\$0.00	1.00	\$124.34
SUBTOTAL - DIVISION 1					\$561,296.21		\$0.00		\$499,076.63
DIVISION 2 - 20TH STREET NORTH									
46	MOBILIZATION	LS	0	\$15,172.98	\$0.00	0.00	\$0.00	0	\$0.00
47	TRAFFIC CONTROL	LS	0	\$5,000.00	\$0.00	0.00	\$0.00	0	\$0.00
48	JOINT REPAIR	SY	0	\$20.00	\$0.00	0.00	\$0.00	0	\$0.00
49	PATCH BITUMINOUS STREET (PARTIAL DEPTH)	SY	0	\$20.00	\$0.00	0.00	\$0.00	0	\$0.00
50	PATCH BITUMINOUS STREET (FULL DEPTH)	SY	0	\$38.64	\$0.00	0.00	\$0.00	0	\$0.00
51	REMOVE PAVEMENT MARKINGS - 4" LINES	LF	0	\$0.65	\$0.00	0.00	\$0.00	0	\$0.00
52	3/4" OVERLAY	TN	0	\$68.06	\$0.00	0.00	\$0.00	0	\$0.00
53	3/8" MICROSURFACE	SY	0	\$3.21	\$0.00	0.00	\$0.00	0	\$0.00
54	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMESTONE	TN	0	\$21.39	\$0.00	0.00	\$0.00	0	\$0.00
55	4" DOUBLE SOLID YELLOW LINE - LATEX	LF	0	\$0.22	\$0.00	0.00	\$0.00	0	\$0.00
56	4" SOLID WHITE LINE - LATEX	LF	0	\$0.11	\$0.00	0.00	\$0.00	0	\$0.00
SUBTOTAL - DIVISION 2					\$0.00		\$0.00		\$0.00

ITEM	DESCRIPTION OF PAY ITEM	UNIT	REVISED CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
DIVISION 3 - DEER POND TRAIL & COURT									
57	MOBILIZATION	LS	1	\$21,000.00	\$21,000.00	0.00	\$0.00	1.00	\$21,000.00
58	TRAFFIC CONTROL	LS	1	\$1,621.85	\$1,621.85	0.00	\$0.00	1.00	\$1,621.85
59	SILT FENCE, TYPE MACHINE SLICED	LF	2,150	\$2.03	\$4,364.50	0.00	\$0.00	550.00	\$1,116.50
60	INLET PROTECTION	EA	12	\$74.93	\$899.16	0.00	\$0.00	12.00	\$899.16
61	STREET SWEEPING	HR	10	\$151.26	\$1,512.60	0.00	\$0.00	2.00	\$302.52
62	BIOROLL DITCH CHECK	EA	5	\$80.28	\$401.40	0.00	\$0.00	0.00	\$0.00
63	CLEAR AND GRUB TREE	EA	6	\$588.73	\$3,532.38	0.00	\$0.00	7.00	\$4,121.11
64	GRUB EXISTING STUMP	EA	5	\$214.09	\$1,070.45	0.00	\$0.00	4.00	\$856.36
65	SALVAGE MAILBOX	EA	22	\$32.44	\$713.68	0.00	\$0.00	22.00	\$713.68
66	INSTALL SALVAGED MAILBOX	EA	22	\$37.84	\$832.48	0.00	\$0.00	24.30	\$919.51
67	SAWCUT BITUMINOUS PAVEMENT	LF	375	\$2.17	\$813.75	0.00	\$0.00	269.00	\$583.73
68	SAWCUT CONCRETE PAVEMENT	LF	100	\$4.07	\$407.00	0.00	\$0.00	89.00	\$362.23
69	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	6,680	\$2.91	\$19,438.80	0.00	\$0.00	6,680.00	\$19,438.80
70	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	250	\$5.35	\$1,337.50	0.00	\$0.00	432.00	\$2,311.20
71	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT (DRIVEWAYS)	SY	110	\$8.56	\$941.60	0.00	\$0.00	37.00	\$316.72
72	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	190	\$10.81	\$2,053.90	0.00	\$0.00	190.00	\$2,053.90
73	REMOVE AND DISPOSE OF EXISTING STORM SEWER STRUCTURE	EA	2	\$432.50	\$865.00	0.00	\$0.00	2.00	\$865.00
74	COMMON EXCAVATION (P)	CY	3,575	\$8.56	\$30,602.00	0.00	\$0.00	3,575.00	\$30,602.00
75	SUBGRADE EXCAVATION - RECONSTRUCT AREAS (CV)	CY	325	\$8.56	\$2,782.00	0.00	\$0.00	76.00	\$650.56
76	SELECT GRANULAR BORROW (CV)	CY	2,390	\$12.31	\$29,420.90	0.00	\$0.00	2,390.00	\$29,420.90
77	AGGREGATE BASE CLASS 5	TN	2,600	\$10.17	\$26,442.00	0.00	\$0.00	2,600.00	\$26,442.00
78	TYPE SP 9.5 BITUMINOUS NON WEARING COURSE MIXTURE (2,B) [SPNWA230B]	TN	690	\$62.38	\$43,042.20	0.00	\$0.00	690.00	\$43,042.20
79	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	520	\$63.49	\$33,014.80	0.00	\$0.00	521.10	\$33,084.64
80	BITUMINOUS MATERIAL FOR TACK COAT	GAL	405	\$1.96	\$793.80	0.00	\$0.00	350.00	\$686.00
81	PATCH BITUMINOUS DRIVEWAY	SY	250	\$20.55	\$5,137.50	0.00	\$0.00	454.06	\$9,330.93
82	PATCH CONCRETE DRIVEWAY	SY	110	\$46.03	\$5,063.30	0.00	\$0.00	65.50	\$3,014.97
83	PATCH GRAVEL DRIVEWAY	TN	20	\$27.54	\$550.80	0.00	\$0.00	0.00	\$0.00
84	SAW & SEAL STREET (40' INTERVALS)	LF	1,300	\$2.61	\$3,393.00	0.00	\$0.00	1,020.00	\$2,662.20
85	ADJUST EXISTING MANHOLE CASTING	EA	2	\$584.98	\$1,169.96	0.00	\$0.00	2.00	\$1,169.96
86	B612 CONCRETE CURB & GUTTER	LF	4,500	\$9.10	\$40,950.00	0.00	\$0.00	4,446.00	\$40,458.60
87	6" CONCRETE FLUME	SF	2	\$42.82	\$85.64	0.00	\$0.00	0.00	\$0.00
88	4" PVC PERF EDGE DRAIN W/BACKFILL & WRAP	LF	1,155	\$9.10	\$10,510.50	0.00	\$0.00	1,155.00	\$10,510.50
89	CONNECT DRAIN TILE TO STRUCTURE	EA	12	\$160.56	\$1,926.72	0.00	\$0.00	12.00	\$1,926.72
90	CONNECT TO EXISTING STORM SEWER MH	EA	2	\$540.62	\$1,081.24	0.00	\$0.00	2.00	\$1,081.24
91	2' X 3' CATCH BASIN WITH CASTING PER DETAIL 404	EA	2	\$1,838.10	\$3,676.20	0.00	\$0.00	2.00	\$3,676.20
92	4' DIA CBMH WITH CASTING PER DETAIL 402	EA	1	\$1,838.10	\$1,838.10	0.00	\$0.00	1.00	\$1,838.10
93	4' DIA CBMH WITH CASTING PER DETAIL 406	EA	6	\$2,108.41	\$12,650.46	0.00	\$0.00	6.00	\$12,650.46
94	4' DIA CBMH WITH SUMP AND CASTING PER DETAIL 405	EA	3	\$2,919.34	\$8,758.02	0.00	\$0.00	3.00	\$8,758.02
95	15" RCP STORM SEWER, CLASS 5	LF	382	\$42.17	\$16,108.94	0.00	\$0.00	382.00	\$16,108.94
96	18" RCP STORM SEWER, CLASS 5	LF	235	\$45.41	\$10,671.35	0.00	\$0.00	240.00	\$10,898.40
97	15" RCP FLARED END SECTION INCL TRASH GUARD	EA	2	\$1,243.42	\$2,486.84	0.00	\$0.00	2.00	\$2,486.84
98	18" RCP FLARED END SECTION INCL TRASH GUARD	EA	1	\$1,297.48	\$1,297.48	0.00	\$0.00	1.00	\$1,297.48
99	CLASS 3 RIP RAP WITH FABRIC	CY	15	\$162.19	\$2,432.85	0.00	\$0.00	11.40	\$1,848.97
100	DITCH GRADING	LF	100	\$10.70	\$1,070.00	0.00	\$0.00	100.00	\$1,070.00
101	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	300	\$15.00	\$4,500.00	0.00	\$0.00	250.00	\$3,750.00
102	SODDING	SY	5,000	\$4.28	\$21,400.00	0.00	\$0.00	2,180.00	\$9,330.40
103	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	400	\$2.94	\$1,176.00	0.00	\$0.00	1,065.00	\$3,131.10
104	4" DOUBLE SOLID YELLOW LINE - EPOXY	LF	1,440	\$0.79	\$1,137.60	0.00	\$0.00	1,246.00	\$984.34
105	REMOVE SIGN	EA	1	\$27.03	\$27.03	0.00	\$0.00	1.00	\$27.03
106	SIGN PANEL, TYPE C	SF	9	\$54.06	\$486.54	0.00	\$0.00	9.00	\$486.54
107	SALVAGE SIGN	EA	6	\$27.03	\$162.18	0.00	\$0.00	6.00	\$162.18
108	INSTALL SALVAGED SIGN	EA	6	\$124.34	\$746.04	0.00	\$0.00	6.00	\$746.04
SUBTOTAL - DIVISION 3					\$388,398.04		\$0.00	\$370,816.73	
DIVISION 4 - MANNING TRAIL NORTH									
109	MOBILIZATION	LS	1	\$3,500.00	\$3,500.00	0.00	\$0.00	1.00	\$3,500.00
110	TRAFFIC CONTROL	LS	1	\$2,324.66	\$2,324.66	0.00	\$0.00	1.00	\$2,324.66
111	SILT FENCE, TYPE MACHINE SLICED	LF	6,600	\$2.03	\$13,398.00	0.00	\$0.00	6,530.00	\$13,255.90
112	STREET SWEEPING	HR	25	\$151.26	\$3,781.50	0.00	\$0.00	0.00	\$0.00
113	BIOROLL DITCH CHECK	EA	20	\$80.28	\$1,605.60	0.00	\$0.00	0.00	\$0.00
114	CLEAR AND GRUB TREE	EA	15	\$588.73	\$8,830.95	0.00	\$0.00	12.00	\$7,064.76
115	SALVAGE MAILBOX	EA	12	\$32.44	\$389.28	0.00	\$0.00	12.00	\$389.28
116	INSTALL SALVAGED MAILBOX	EA	12	\$37.84	\$454.08	0.00	\$0.00	12.00	\$454.08
117	SAWCUT BITUMINOUS PAVEMENT	LF	375	\$2.17	\$813.75	0.00	\$0.00	122.00	\$264.74
118	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	8,970	\$2.71	\$24,308.70	0.00	\$0.00	8,970.00	\$24,308.70
119	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	130	\$5.35	\$695.50	0.00	\$0.00	0.00	\$0.00

ITEM	DESCRIPTION OF PAY ITEM	UNIT	REVISED CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
120	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	53	\$10.81	\$572.93	0.00	\$0.00	53.00	\$572.93
121	COMMON EXCAVATION (P)	CY	5,205	\$8.56	\$44,554.80	0.00	\$0.00	5,205.00	\$44,554.80
122	SUBGRADE EXCAVATION - RECONSTRUCT AREAS (CV)	CY	500	\$8.56	\$4,280.00	0.00	\$0.00	500.00	\$4,280.00
123	SELECT GRANULAR BORROW (CV)	CY	3,290	\$12.31	\$40,499.90	0.00	\$0.00	3,528.00	\$43,429.68
124	AGGREGATE BASE CLASS 5	TN	4,820	\$10.17	\$49,019.40	0.00	\$0.00	4,820.00	\$49,019.40
125	TYPE SP 12.5 BITUMINOUS NON-WEARING COURSE MIXTURE (2,B) [SPNWB230B]	TN	1,360	\$55.64	\$75,670.40	0.00	\$0.00	1,134.00	\$63,095.76
126	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	820	\$61.67	\$50,569.40	0.00	\$0.00	892.57	\$55,044.79
127	BITUMINOUS MATERIAL FOR TACK COAT	GAL	640	\$1.96	\$1,254.40	0.00	\$0.00	400.00	\$784.00
128	PATCH BITUMINOUS DRIVEWAY	SY	130	\$20.27	\$2,635.10	0.00	\$0.00	250.00	\$5,067.50
129	PATCH GRAVEL DRIVEWAY	TN	30	\$27.02	\$810.60	0.00	\$0.00	0.00	\$0.00
130	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMEROCK	TN	345	\$20.84	\$7,189.80	0.00	\$0.00	211.81	\$4,414.12
131	4" PVC PERF EDGE DRAIN W/BACKFILL & WRAP	LF	3,000	\$11.77	\$35,310.00	0.00	\$0.00	3,000.00	\$35,310.00
132	PRECAST CONCRETE HEADWALL (DRAIN TILE)	EA	8	\$535.21	\$4,281.68	0.00	\$0.00	10.00	\$5,352.10
133	18" RCP STORM SEWER, CLASS 5	LF	48	\$62.71	\$3,010.08	0.00	\$0.00	48.00	\$3,010.08
134	18" RCP FLARED END SECTION INCL TRASH GUARD	EA	2	\$1,297.49	\$2,594.98	0.00	\$0.00	2.00	\$2,594.98
135	CLASS 3 RIP RAP WITH FABRIC	CY	5	\$162.19	\$810.95	0.00	\$0.00	5.00	\$810.95
136	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	500	\$15.00	\$7,500.00	0.00	\$0.00	350.00	\$5,250.00
137	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	7,850	\$2.94	\$23,079.00	0.00	\$0.00	8,768.00	\$25,777.92
138	4" DOUBLE SOLID YELLOW LINE - EPOXY	LF	3,300	\$0.79	\$2,607.00	0.00	\$0.00	3,732.00	\$2,948.28
139	4" SOLID WHITE LINE - EPOXY	LF	6,600	\$0.48	\$3,168.00	0.00	\$0.00	7,594.00	\$3,645.12
140	REMOVE SIGN	EA	5	\$27.03	\$135.15	0.00	\$0.00	5.00	\$135.15
141	SIGN PANEL, TYPE C	SF	21	\$54.06	\$1,108.23	0.00	\$0.00	20.50	\$1,108.23
142	SALVAGE SIGN	EA	14	\$27.03	\$378.42	0.00	\$0.00	14.00	\$378.42
143	INSTALL SALVAGED SIGN	EA	14	\$124.34	\$1,740.76	0.00	\$0.00	14.00	\$1,740.76
SUBTOTAL - DIVISION 4					\$422,883.00	\$0.00	\$409,887.09		

TOTALS - BASE CONTRACT

\$1,372,577.25

\$0.00

\$1,279,780.45

CHANGE ORDER NO. 1 - 20TH STREET OVERLAY

CO1-1	MOBILIZATION	LS	1.0	\$5,000.00	\$5,000.00	0.00	\$0.00	1.00	\$5,000.00
CO1-2	TRAFFIC CONTROL	LS	1.0	\$5,000.00	\$5,000.00	0.00	\$0.00	1.00	\$5,000.00
CO1-3	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B] -LEVELING COURSE	TN	300.0	\$68.06	\$20,418.00	0.00	\$0.00	323.11	\$21,990.87
CO1-4	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2,B) [SPWEA240B]	TN	1,065.0	\$60.67	\$64,613.55	0.00	\$0.00	1,094.14	\$66,381.47
CO1-5	BITUMINOUS MATERIAL FOR TACK COAT	GAL	865.0	\$1.96	\$1,695.40	0.00	\$0.00	700.00	\$1,372.00
CO1-6	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMEROCK	TN	260.0	\$21.39	\$5,561.40	0.00	\$0.00	206.98	\$4,427.30
CO1-7	4" DOUBLE SOLID YELLOW LINE - LATEX	LF	4,860.0	\$0.22	\$1,069.20	0.00	\$0.00	4,593.00	\$1,010.46
CO1-8	4" SOLID WHITE LINE - LATEX	LF	9,720.0	\$0.11	\$1,069.20	0.00	\$0.00	8,956.00	\$985.16

TOTALS - CHANGE ORDER NO. 1

\$104,426.75

\$0.00

\$106,167.26

COMPENSATING CHANGE ORDER NO. 2

CCO2-1		LS	1.0	-\$91,056.29	-\$91,056.29	0.00	\$0.00	0.00	\$0.00
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TOTALS - REVISED CONTRACT

\$1,385,947.71

\$0.00

\$1,385,947.71



MAYOR & COUNCIL COMMUNICATION

DATE: January 20, 2015
CONSENT
ITEM #: 6
MOTION \$\$+

AGENDA ITEM: 2015 Compensation Adjustments
SUBMITTED BY: City Administrator
THROUGH: City Council
REVIEWED BY: Finance Committee/ HR Committee/City Council via 2015 Budget

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 Administrator as Advised By the 2015 City of Lake Elmo Annual Budget

FISCAL IMPACT: \$29,981.00

AMOUNT REQUESTED: \$29,981.00

BUDGET AMOUNT AUTHORIZED: \$35,000

FUNDING SOURCE: GENERAL BUDGET / ENTERPRISE FUNDS

SUMMARY AND ACTION REQUESTED: The City Council is asked to adopt the 2015 Employee Compensation Adjustments of \$29,981.00 retroactive to 1-1-2015 and guided by the adoption of the 2015 Lake Elmo Budget. The figure is \$5,019 under budget leaving some room for merit increases or other adjustments.

BACKGROUND INFORMATION

Per the 2015 Budget, the City Administrator – after consultation with the designated Department Heads – recommends a staff compensation adjustment of \$29,981 for the workforce for the City of Lake Elmo. Having completed performance reviews, organizational goals, and workload analysis, the City Administrator recommends (per City Code) that compensation increases be approved using the following methodology (see attached matrix):

- (12) Employees will receive a standard 2.5% increase, due to satisfactory performance reviews, totaling \$17,411 with no reclassification. In addition, the 2.5% increase will be applied for the Lake Elmo Fire Department Paid on Call Firefighters;
- (3) Public Work Employees will be reclassified using the approved 2013 Classification System – upon the recommendation of the Public Works Director. These reclassifications, based on the attached matrix, amount to a pay upgrade of \$12,570 and are consistent with the City Council's 2013 policy to use skill mastery as a compensation determiner within the DPW. (1) DPW employee did not advance in classification in 2015;
- (2) Employees were reclassified directly in the 2015 Annual Budget. The Taxpayer Relations Coordinator (Note A) assumed Committee Management duties for the Park Commission and a DPW Operator agreed to take on sewer maintenance and formal mechanic responsibilities, allowing the City to not have to add an additional DPW position in 2015. The compensation for the DPW employee has been split between the already designated budget number and additional reclassification (Note B);
- The City Administrator is not included in this formula as this compensation is generally discussed in February;
- The City Librarian is not included in this formula as his compensation is directed by the Library Board.

The 2015 Compensation Adjustments were budgeted at \$35,000 with a desire emphasis on merit or advancement through classification. The recommended adjustments of \$29,981, leaves \$5,019 available for future compensation consideration. Administration is currently considering an upgrade of the Planning Assistant to a dual purpose role of serving as a program assistant to the Director of Public Works for the purpose of Beehive data compilation, the development of standard operating guidelines, MS4 stormwater recordkeeping, and customer service. This role would come with an upgraded wage of \$2012 dollars (or the equivalent of the Deputy Clerk position). This would leave \$3,007 available for merit increases or budget savings as the Council sees fit.

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

M/S/P: To approve the 2015 Compensation Adjustments of \$29,918 as recommended by the City Staff in accordance with the 2015 City of Lake Elmo Budget and guided by satisfactory performance reviews and the 2013 DPW Classification Matrix.

**City of Lake Elmo
Compensation Increase Recommendations for 2015**

Name	Position	Sal/Hrly	Annual	2.00%	2.50%	Reclass	Total	Relevant Notes
Dean Zuleger	City Administrator	Sal	113,000				113,000	
Adam Bell	City Clerk/Asst Admin	Sal	65,000		1,625		66,625	
Beckie Gumatz	Deputy Clerk	Sal	38,250		956		39,206	
Stacy Bodsberg	Asst Admin	Hrly	32,240		806		33,046	
Nathan Deprey	Library Director	Sal	45,000				45,000	Library Board Decision
Alyssa MacLeod	Taxpayer Relations	Sal	45,250	A			45,250	Reclassification for Park Mgmt Per DZ
Cathy Bendel	Finance Director	Sal	73,440		1,836		75,276	
Kyle Klatt	Comm Dev Director	Sal	83,057		2,076		85,133	
Nick Johnson	Planner	Sal	50,000		1,250		51,250	
Joan Ziertman	Planning Asst	Hrly	36,088		902		36,990	
Rick Chase	Building Inspector	Sal	63,200		1,580		64,780	
Greg Malmquist	Fire Chief	Sal	68,617		1,715		70,332	
Mikc Cornell	Fire Asst/PW Water	Hrly	32,280		807		33,087	
Mike Bouthilet	Public Works Director	Sal	73,325		1,833		75,158	
Mark Duddeck	PW Asst Sup/Mech	Hrly	58,240	B		2,080	60,320	Reclassification for Sewe/Mechanic Per CC
Matt Nicklay	PW-Streets	Hrly	41,600				41,600	
Jamie Colemer	PW-Parks	Hrly	45,760			5,893	51,653	Reclassification for Prk Maintainer Per MB
Rick Gustafson	PW-General	Hrly	51,563			2,517	54,080	Reclassification for Operator3 Per MB
Jim Sachs	PW-Utilities	Hrly	54,080			2,080	56,160	Permanent Water PER MB
POC Fire		Hrly	80,939		2,023		82,962	
			<u>1,150,929</u>	<u>0</u>	<u>\$17,411</u>	<u>\$12,570</u>	<u>1,180,910</u>	



2.5% Standard Increase

A = Reclass factored into 2015 Budget
B = Partial reclass factored in 2015 Budget

City of Lake Elmo Department of Public Works

Pay Classification / Street & Utility Workforce

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

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



MAYOR & COUNCIL COMMUNICATION

DATE: January 20, 2015
CONSENT
ITEM # 7

AGENDA ITEM: Approve 2015 Solid Waste Hauler Licenses

SUBMITTED BY: Beckie Gumatz, Deputy Clerk

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Staff, City Code

FISCAL IMPACT: +\$1,560 in annual license application fees

SUMMARY AND ACTION REQUESTED: City Council is respectfully requested to approve the 2015 Solid Waste Hauler Licenses. This action is required by the City Code. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the Consent Agenda, the recommended motion is as follows:

“Move to approve the 2015 Solid Waste Hauler Licenses in the City of Lake Elmo.”

LEGISLATIVE HISTORY: City Code Section 52.09 requires that waste haulers be licensed in the City of Lake Elmo. It states that, “No person, firm, or corporation, except city employees, shall collect garbage, refuse, recyclables, or waste materials belonging to another in the city without a license from the city.”

Staff has sent out applications to each waste hauler operating in the City. As of January 13, staff has received completed applications, insurance certificates, and license fees from Advanced

Disposal, Aspen Waste, Highland Sanitation, Maroney's, Republic Services, Tennis Sanitation and Waste Management. Staff is still waiting to receive a renewal application from Troje's.

City Code Section 52.13 states that Council shall approve or deny the applications. Staff recommends that all these waste haulers continue to be licensed with the City.

BACKGROUND INFORMATION (SWOT):

Strengths By having all Solid Waste Haulers licensed it will allow the city to keep track of all the garbage collectors operating in the city. It is also helpful to residents because they will know what their options are for choosing a waste hauler.

Weaknesses NA

Opportunities Licensed waste haulers are required to report back to the city how much recycling they collect. This helps the city report to the county at the end of each year.

Threats NA

RECOMMENDATION: City Council is respectfully requested to approve the 2015 Solid Waste Hauler Licenses. This action is required by the City Code. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the Consent Agenda, the recommended motion is as follows:

“Move to approve the 2015 Solid Waste Hauler Licenses in the City of Lake Elmo.”



MAYOR & COUNCIL COMMUNICATION

DATE: January 20, 2015
CONSENT
ITEM # 8

AGENDA ITEM: Designating City’s Data Practice Officials and Approving City Data Practices Policy
SUBMITTED BY: Adam Bell, Assistant City Administrator/City Clerk
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Beckie Gumatz, Deputy Clerk

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: City Clerk/Staff. State law mandates that the City designate data practice officials. The City Clerk is traditionally the designated official.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is requested to consider approval of Resolution No. 2015-02, Designating City’s Data Practices Officials and Approving City’s Data Practices Policy. There are no changes from the 2014 Data Practices Policy. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the consent agenda, the recommended motion is as follows:

“Move to approve Resolution No. 2015-02, Designating City Data Practices Officials and Approving City’s Data Practices Policy; specifically, designating Adam Bell as the City’s Data Practices Responsible Authority and Beckie Gumatz as Compliance Officer and Approving City’s 2015 Data Practices Policy.”

LEGISLATIVE HISTORY: Minnesota State Statute Chapter 13 regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities. MN Statute 13.05 requires the government entity’s Responsible Authority to annually

update the City's Data Practices Policy and make any changes necessary to maintain the accuracy of the document.

The policy identifies the types of data the City maintains and how each type of data is classified. In addition, the policy provides for written procedures to ensure data requests are received and complied with in an appropriate, permitted, and prompt manner.

The City is required to have two officers to administer responsibilities set forth in the act. The required officers are the Responsible Authority and the Compliance Officer, who by state statute can be, and often are, the same person within a government entity. The Responsible Authority is responsible for collection, use and dissemination of any set of data. The Compliance Officer handles questions or issues with regard to data access. Both of these officials are required to be named specifically, not just as a position responsibility. It is recommended that the City Council designate Adam Bell as the Responsible Authority and Beckie Gumatz as the Compliance Officer.

BACKGROUND INFORMATION (SWOT):

- Strengths** Naming two separate individuals increases the opportunity for legal compliance. Formally adds Data Practice duties and responsibilities to the Deputy Clerk's role.
- Weaknesses** There are no identified weaknesses.
- Opportunities** The Deputy Clerk will have a greater opportunity to familiarize with Data Practices for increased responsibility within administration.
- Threats** There are no identified threats.

RECOMMENDATION: The City Council is requested to consider approval of Resolution No. 2015-02, Designating City's Data Practices Officials and Approving City's Data Practices Policy. There are no changes from the 2014 Data Practices Policy. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the consent agenda, the recommended motion is as follows:

“Move to approve Resolution No. 2015-02, Designating City Data Practices Officials and Approving City's Data Practices Policy; specifically, designating Adam Bell as the City's Data Practices Responsible Authority and Beckie Gumatz as Compliance Officer and Approving City's 2015 Data Practices Policy.”

ATTACHMENTS:

1. Resolution No. 2015-02
2. 2015 Data Practices Policy 1-20-15

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

RESOLUTION 2015-02

**A RESOLUTION DESIGNATING CITY'S DATA PRACTICES OFFICIALS AND
APPROVING CITY'S DATA PRACTICES POLICY**

WHEREAS, Minnesota Statutes, Chapter 13, requires the adoption of certain policies and procedures pertaining to government data practices; and

WHEREAS, the statute also requires the appointment of a data practices compliance official, a data practices responsible authority and optional designee(s) to enforce the data practices policies of government agencies.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, that the attached City of Lake Elmo Data Practices Policy, together with the exhibits attached thereto, are hereby adopted and approved as if fully set forth herein; and

BE IT FURTHER RESOLVED, that City Clerk Adam Bell will be appointed to serve as the city's data practices responsible authority and Deputy Clerk Beckie Gumatz will be appointed to serve as the city's data practices compliance official.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
TWENTIETH DAY OF JANUARY 2015.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk



2015

**DATA PRACTICES
CLASSIFICATION OF
GOVERNMENT DATA**

ACCESS TO DATA BY THE PUBLIC

Access To Data By The Public

While some data maintained by the city is data about individuals, which is presumed to be private, the broader assumption about government data in general is that it is public, and should be readily available to anyone who asks for it. Failure to disclose information that is public is a violation of data practices laws.

Any person (individual or non-individual) can have access to public data simply by making a request to the responsible authority that has jurisdiction over the data. The person has the right to inspect and copy the data at reasonable times and places, and, if the person so requests, will be informed of the data's meaning.

Inspection of Data

There is no fee for inspecting the data (Minn. Stat. Sec. 13.03, subd. 3.) Inspection includes visual inspection of the information in paper or some other medium, such as on the website. Inspection does not include printing copies, unless printing a copy is the only way to inspect the data.

For data stored in electronic form and available to the public through electronic remote access, inspection includes allowing the public to have access to the data so that they can print or download the data from their own computer equipment. The responsible authority may charge a reasonable fee for remote access to data if there is a specific statutory grant of authority.

Data with Commercial Value

When data requested by the public include data that have commercial value (such as a formula, pattern, compilation, program, device, method, technique, etc) and a substantial and discrete portion of the data was developed with a significant expenditure of public funds, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying and compiling the copies (Minn. Stat. Sec. 13.03, subd. 3(d)). Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information.

Computer Storage Medium

If the requested data is maintained in a computer storage medium, the responsible authority must provide a copy of the data contained in that medium in electronic form if the city can reasonably do so (Minn. Stat. Sec. 13.03, subd. 3(e)).

Time Limits For Response

Copies of public information should be disclosed as soon as reasonably possible. Work on compiling copies should begin immediately upon request. If the request cannot be honored immediately the city should, as a matter of courtesy, send a letter to the requester acknowledging receipt of the request and giving the requester an estimate of the time it will take to compile and send the information.

CLASSIFICATIONS OF GOVERNMENT DATA

Classifications of Government Data

The Minnesota Government Data Practices Act defines Government Data as all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use (Minn. Stat. Sec. 13.02, subd. 7).

Government Data are separated into classifications and the classification of data determines their accessibility by the public. Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is attached as Exhibit A.

Data On Individuals

Data on individuals are defined as government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data is not accessed by the name or other identifying data of any individual.

There are three classifications of data on individuals :

- **Public** -- This is data about individuals which can be disclosed to anyone for any purpose, e.g. names and salaries of city employees.
- **Private** -- This is data about individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data.

- **Confidential** -- This is data about individuals that even the individuals themselves cannot be told, e.g., information from an investigation about welfare fraud or in adoption records. Note, however, that even if the confidential data itself cannot be disclosed to individuals, individuals do retain the right to know whether an agency is maintaining confidential data about them. Confidential information may be given to people who are authorized access by federal, state or local law or court order or people within the city staff, the city council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Data Not On Individuals

Data not on individuals are government data about non-individuals, such as organizations including partnerships, corporations, associations, etc.

- **Public** -- This is data about non-individuals, such as businesses, which can be disclosed to anyone for any purpose, e.g., names of vendors who have contracts with the city.

- **Private** -- This is data about non-individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data, e.g., certain financial information about businesses.

- **Protected Non-public** -- This is data about non-individuals, which is available only to government entities with a legal right to know it. A corporation being investigated for fraud, for example, would not have a right to the information being collected during the investigation.

Information Technology Policy

Information Policy Compliance and Consequences

All City of Lake Elmo users, including employees, volunteers and contractors, who have rights to access or modify city information in any media, or who use city computers, business applications or electronic communication resources, must comply with Lake Elmo Information Policy, the federal Health Insurance Portability and Accountability Act (HIPAA), the Minnesota Government Data Practices Act and all other laws or rules governing the protection of data. Failure to comply is grounds for sanction and/or disciplinary action up to and including termination of employment, cancellation of contract and/or loss of resource privileges. Failure to comply may also result in notification to law enforcement officials and regulatory, accreditation and licensure organizations.

Use of any City of Lake Elmo information technology devices will be limited to employees. All files of any kind, including electronic mail disseminated or received utilizing city devices or software or which resides on computers within the City of Lake Elmo should not be considered as private and employees shall have no expectation of privacy. The contents of electronic mail will not normally be monitored, censured, or otherwise examined unless there is reason to believe the usage is being abused. City investigations, law enforcement investigations, or court order or data practices request may require the examination and release of any file or document, including electronic files such as electronic mail.

Electronic Mail (Email):

Purpose of Email: the email system is a tool to be used for matters directly related to the business activities of city employees and as a means to further the mission by providing services that are efficient, accurate, timely and complete.

Public Nature of Email: email is a public record like any other public document. Email may be searched for evidence in any legal proceeding. By using the email system, the employee consents that in the event of suspicious activity their email system may be searched for evidence gathering purposes.

E-mail messages are subject to regulation under the Minnesota Data Practices Act. As such, all e-mails unless private (content determines public or private) should be considered public information.

Policy: employees are responsible for adhering to business standards when email is created, sent, forwarded or saved. Failure to adhere puts the organization and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences. Employees should not keep e-mail for an extended period of time. If it is a critical e-mail correspondence, it should be saved as a hard copy or as a text file and moved to the server. Delete all inbox, sent, and deleted messages that are no longer needed.

Members of the Public

Right to Access Public Data

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

The Data Practices Act also provides that the City of Lake Elmo must keep all government data in a way that makes it easy for you, as a member of the public, to access public data.

You have the right to look at (inspect), free of charge, all public data that we keep.

You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Make a Data Request

To look at data or request copies of data that the City of Lake Elmo keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page eight. You may make your written request for data by mail, using the data request form on page ten.

If you choose not to use the data request form, your written request should include:

1. that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
2. whether you would like to look at the data, get copies of the data, or both; and
3. a clear description of the data you would like to inspect or have copied.

The City of Lake Elmo cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your written request, we will work to process it. If we do not have the data, we will notify you in writing as soon as reasonably possible. If we have the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law says the data are not public.

If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:

- 1) Arrange a date, time, and place to inspect data, for free, if your request is to view the data, or
- 2) Provide you with copies of the data as soon as reasonably possible.

You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide you with an explanation.

The Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

The Data Practices Act does not require us to answer questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. The City of Lake Elmo will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. Upon receiving your written request – you may use the data request form on page ten – we will respond within ten business days with the data or details of when the data will be ready and what the cost will be.

Data Subjects

Data about You

The Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

Classification of Data about You

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

Public data: We must give public data to anyone who asks; it does not matter who is asking for the data or why. The following is an example of public data about you: *if you are an employee of a government entity, the fact that you work for the entity, and your job title and bargaining unit is public.*

Private data: We cannot give private data to the general public, but you have access when the data are about you. The following is an example of private data about you: *your Social Security number.*

We can share your private data with you, with someone who has your permission, with City of Lake Elmo staff who need the data to do their work, and as permitted by law or court order.

Confidential data: Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. The following is an example of confidential data about you: *if you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential.*

We can share confidential data about you with City of Lake Elmo staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

Your Rights under the Data Practices Act

The City of Lake Elmo must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

Your Access to Your Data: You have the right to view (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies. Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you may have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City of Lake Elmo not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. Note: Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

When we Collect Data from You: When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessee warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must use the consent form we provide.

Protecting your Data: The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

When your Data are Inaccurate and/or Incomplete: You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

To look at data, or request copies of data that the City of Lake Elmo keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts document on page ten. You may make your written request by mail using the data request form on page twelve.

If you choose not use to use the data request form, your written request should include:

1. That you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
2. Whether you would like to inspect the data, have copies of the data, or both;
3. A clear description of the data you would like to inspect or have copied; and
4. Identifying information that proves you are the data subject, or data subject's parent/guardian.

The City of Lake Elmo requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity document located on page thirteen.

How We Respond to a Data Request

Once you make your written request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you in writing within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 1. Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 2. Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

After we have provided you with access to data about you, we do not have to show you the data again for six months unless there is a dispute or we collect or create new data about you. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide additional explanation.

The Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time. In addition, we are not required under the Data Practices Act to respond to questions that are not requests for data.

CITY OF LAKE ELMO
Data Practices Contacts

Responsible Authority

Adam Bell, City Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
abell@lakeelmo.org

Data Practices Compliance Official

Beckie Gumatz, Deputy Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
bgumatz@lakeelmo.org

Copy Costs – Members of the Public

The City of Lake Elmo charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). Copies must be paid for prior to receiving.

For 100 or Fewer Paper Copies – 25 Cents per Page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies will be calculated at the actual hourly rate of the employee.

Copy Costs - Data Subjects

The City of Lake Elmo charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3. Copies must be paid for prior to receiving.

Actual Cost of Making the Copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to make copies will be calculated at the actual hourly rate for the employee.

**City of Lake Elmo
Data Request Form – Members of the Public**

Date of request: _____

I am requesting access to data in the following way:

Note: inspection is free, for copies the City of Lake Elmo charges \$0.25 per page for 100 or fewer one-sided pages of black and white, letter or legal size paper copies cost or 50¢ for a two-sided copy.

Inspection Copies Inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone number: _____ Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

City of Lake Elmo

Data Request Form – Data Subjects

Date of request: _____

To request data as a data subject, you must show a valid state ID, such as a driver’s license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

Inspection Copies Inspection and copies

Note: inspection is free, for copies we charge \$0.25 per page for up to 100 pages (\$0.50 two sided up to 50 pages) or employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies. The cost of employee time to make copies is calculated at the actual hourly rate of the employee.

Description of data requested:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address _____

Phone number _____

Email address _____

Signature of Data Subject or Parent/Guardian _____

Staff Verification

Identification provided _____

Standards for Verifying Identity

The following constitute proof of identity.

An **adult individual** must provide a valid photo ID, such as

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota tribal ID

A **minor individual** must provide a valid photo ID, such as

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota Tribal ID
- Minnesota school ID

The **parent or guardian of a minor** must provide a valid photo ID *and either* a certified copy of the minor's birth certificate *or* a certified copy of documents that establish the parent or guardian's relationship to the child, such as

- court order relating to divorce, separation, custody, foster care
- foster care contract
- affidavit of parentage

The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as

- court order(s)
- valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.

CITY OF LAKE ELMO

**NOTICE TO ALL APPLICANTS FOR MUNICIPAL PERMITS, LICENSES,
OR OTHER MUNICIPAL ACTION**

1. If you are requesting municipal action on any request for any of the above, you will be required to furnish certain information about yourself, the project you are involved in, or other matters pertaining to the application. Some of the information you are asked to provide is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.
2. The purpose of this information is to enable the City of Lake Elmo or other government agencies to evaluate relevant factors in considering your request. You are not legally required to provide this information. If you do not provide the requested information, the City may not act upon your request.
3. The information you supply will be public and available to any entity requesting to inspect the information.

**DATA PRACTICES ADVISORY
TENNESSEN WARNING
REQUIRED BY MINNESOTA STATUTES CHAPTER 13.04**

BY _____

COMPANY/TITLE: _____

NON-PUBLIC DATA MAINTAINED BY CITY (EXHIBIT A)

1. Personnel Data (Private)

Minn. Stat. §13.43

All data on all individuals who are or were an employee, an applicant for employment, volunteer, independent contractor, or member or applicant for advisory board or commission is private, except the following which is public:

- Name
- Employee identification number (not the employee's Social Security number)
- Actual gross salary
- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job description, job title and bargaining unit
- Education and training background
- Relevant test scores and rank on eligible list
- Previous work experience
- Date of first and last employment
- Veteran status
- The existence and status (but not nature) of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in discipline
- Final disposition of any disciplinary action, together with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the city
- Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- Work availability
- Work location
- Work telephone number
- Honors and awards received
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data

- Names and addresses of applicants for and members of an advisory board or commission
- Name, after being certified as eligible for appointment to a vacancy or when considered a finalist for a position of public employment (which occurs when the person has been selected to be interviewed by the appointing authority)

If it is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a pre-petition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting agency.

All other data is private but may be released pursuant to a court order. Data pertaining to an employee's dependents are private data on individuals.

2. Property Complaint Data (confidential) Minn. Stat. §13.44

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

3. Security Information (Private) Minn. Stat. §13.37

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs. This also includes interior sketches, photos, or plans of buildings where detailed information about alarm systems or similar issues could jeopardize security.

4. Sealed bids (Non-public) Minn. Stat. §13.37

Sealed bids, including the number of bids received, prior to opening.

5. Trade Secret Information (Non-public) Minn. Stat. §13.37

Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the City, (2) that is the subject of efforts by the City that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known

to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

6. Examination Data **Minn. Stat. §13.34**

Completed versions of personnel and licensing examinations are private, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.

7. Elected Officials Correspondence (Private) **Minn. Stat. §13.601**

Correspondence between individuals and elected officials, but either may make it public.

8. Federal Contracts Data (Non-public) **Minn. Stat. §13.35**

To the extent that a federal agency requires it as a condition for contracting with the city, all government data collected and maintained by the city is classified as private or nonpublic depending on whether the data are data on individuals or data not on individuals.

9. Civil Investigative Data **Minn. Stat. §13.39**

Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation is confidential, except that a complainant's statement is private.

10. Appraisal Data (Confidential or Non-public) **Minn. Stat. §13.44**

- a. Estimated or appraised values of individual parcels of real property that are made by personnel of the city or by independent appraisers acting for the city for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.
- b. Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the city are classified as private data on individuals or nonpublic data.

The data become public upon the occurrence of any of the following:

- The data are submitted to a court-appointed condemnation commissioner;
- The data are presented in court in condemnation proceedings; or

The negotiating parties enter into an agreement for the purchase and sale of the property.

11. Personal and intangible property; appraisal data (Non-public)
Minn. Stat. §13.44

Preliminary and final market value appraisals, which are made by personnel of the city or by an independent appraiser acting on behalf of the city, of personal and intangible property owned by the city are classified as nonpublic data not on individuals until either (1) a purchase agreement is entered into; or (2) the parties negotiating the transaction exchange appraisals.

12. Social Security numbers (Private) **Minn. Stat. §13.355**

The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a government entity are private data on individuals, except to the extent that access to the Social Security number is specifically authorized by law.

13. Recreation/Social Programs Data (Private) **Minn. Stat. §13.57**

People enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

14. Planning Survey Data (Private/Non-public) **Minn. Stat. §13.43**

The following data collected in surveys of individuals conducted by the city for the purpose of planning, development and redevelopment are classified as private or nonpublic: names and addresses of individuals and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.

15. City Attorney Records **Minn. Stat. §13.30**

The use, collection, storage, and dissemination of data by the city attorney are governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data which is the subject of attorney-client privilege is confidential. Data which is the subject of the "work product" privilege is confidential.

16. Electronic Access Data

Minn. Stat. §13.15

Data created, collected, or maintained about a person's access to a city computer for the purpose of gaining access to data or information, transferring data or information are private data on individuals or nonpublic data.

17. Service Cooperatives Claims Data

Minn. Stat. §13.43

Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through the Minnesota service cooperatives to the city, and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

Consent to Release – Request from a Government Entity

Explanation of Your Rights

You have the right to choose what data we release. This means you can let us release all of the data, some of the data, or none of the data listed on this form. Before you give us permission to release the data, we encourage you to review the data listed on this form. You have the right to let us release the data to all, some, or none of the persons or entities listed on this form. This means you can choose which entities or persons may receive the data and what data they may receive.

You have the right to ask us to explain the consequences for giving your permission to release the data. You may withdraw your permission at any time. Withdrawing your permission will not affect the data that we have already released because we had your permission to release the data.

If you have a question about anything on this form, or would like additional information or explanation, please contact Adam Bell, City Clerk, 3800 Laverne Avenue North, Lake Elmo, Minnesota 55042; 651.747.3900 or abell@lakeelmo.org, before signing.

I, _____, give my permission for the City of Lake Elmo to release data about me to _____ as described on this form. I understand that my decision to allow release of the data to _____ is voluntary.

1) The specific data that the City of Lake Elmo may release:

_____.

2) I understand the City of Lake Elmo wants to release the data for this reason:

_____.

3) I understand that although the data are classified as private at the City of Lake Elmo, the classification/treatment of the data at _____ depends on laws or policies that apply to _____. This authorization to release the data expires on _____.

Individual data subject's signature _____

Date _____

Parent/guardian's signature [if necessary] _____

Date _____



MAYOR & COUNCIL COMMUNICATION

DATE: January 20, 2015
CONSENT
ITEM # 10

AGENDA ITEM: Appointment of Official City Engineer
SUBMITTED BY: Adam Bell, Assistant City Administrator/City Clerk
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Beckie Gumatz, Deputy Clerk

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: Staff

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to appoint an official City Engineer. This official is contracted for professional engineering services. This appointment is not specifically required by statute or ordinance, but is consistent with past practice. No specific motion is needed as this item is part of the Consent Agenda. However, if Council chooses to remove this item from Consent, the recommended motion is as follows:

“Move to appoint Mr. Jack Griffin, of Focus Engineering, Inc., as the official City Engineer and principal provider of professional engineering services for 2015.”

LEGISLATIVE HISTORY: Mr. Jack Griffin of Focus Engineering currently serves as the Official City Engineer and primary provider of professional engineering services. He is supported by Mr. Ryan Stempski. Focus Engineering and the City have an ongoing agreement for professional services effective 7/19/2011. This appointment would be a continuation of that agreement.

BACKGROUND INFORMATION (SWOT):

Strengths Mr. Griffin is familiar with the City and its current needs. Focus Engineering currently meets the city's engineering services needs at satisfactory levels.

Weaknesses City needs may change and other or additional services may be required. Proposal for services neither were solicited this year nor received from other parties.

Opportunities All contracting parties should look to identify areas where the City can save money or maximize services provided.

Threats There are no specific identifiable threats. As with all contract services, parties may terminate the services and the City would need to find a replacement.

RECOMMENDATION: The City Council is respectfully requested to appoint an official City Engineer. This official is contracted for professional engineering services. This appointment is not specifically required by statute or ordinance, but is consistent with past practice. No specific motion is needed as this item is part of the Consent Agenda. However, if Council chooses to remove this item from Consent, the recommended motion is as follows:

“Move to appoint Mr. Jack Griffin, of Focus Engineering, Inc., as the official City Engineer and principal provider of professional engineering services for 2015.”



MAYOR & COUNCIL COMMUNICATION

DATE: January 13, 2015

CONSENT

ITEM # 11

AGENDA ITEM: Appointment of Official City Attorney for 2015

SUBMITTED BY: Adam Bell, Assistant City Administrator/City Clerk

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Beckie Gumatz, Deputy Clerk

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: Staff

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to appoint an official City Attorney. This official is contracted for legal advice. This appointment is not specifically required by statute or ordinance, but is consistent with past practice. No specific motion is needed as this item is part of the Consent Agenda. However, if Council chooses to remove this item from Consent, the recommended motions are as follows:

“Move to appoint Mr. Dave Snyder, of Johnson & Turner, P.A., as the official City Attorney and principal provider of both civil and criminal legal services for 2015.”

LEGISLATIVE HISTORY: Mr. David Snyder of Johnson & Turner currently serves as the Official City Attorney for both civil and criminal legal services. At his last appointment, Mr. Snyder indicated that he would continue his services under the same terms and conditions as a previous agreement from 4/13/2009. This appointment would be a continuation of that previous agreement.

BACKGROUND INFORMATION (SWOT):

Strengths Mr. Snyder is familiar with the City and its current needs. Johnson and Turner, P.A. currently meets the city's legal services needs at satisfactory levels.

Weaknesses City needs may change and other or additional services may be required. Proposal for services neither were solicited this year nor received from other parties.

Opportunities All contracting parties should look to identify areas where the City can save money or maximize services provided.

Threats There are no specific identifiable threats. As with all contract services, parties may terminate the services and the City would need to find a replacement.

RECOMMENDATION: The City Council is respectfully requested to appoint an official City Attorney. This official is contracted for legal advice. This appointment is not specifically required by statute or ordinance, but are consistent with past practice. No specific motion is needed as this item is part of the Consent Agenda. However, if Council chooses to remove this item from Consent, the recommended motions are as follows:

“Move to appoint Mr. David Snyder, of Johnson & Turner, P.A., as the official City Attorney and principal provider of both civil and criminal legal services for 2015.”



MAYOR & COUNCIL COMMUNICATION

DATE: 01/20/2015
CONSENT
ITEM # 12
No SWOT Analysis

AGENDA ITEM: City Council Workshop Date Change
SUBMITTED BY: Council Member Fliflet
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Adam Bell, Assistant City Administrator/City Clerk

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: Staff, MN State Law

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: City Council is respectfully requested to reschedule the City Council meeting from Tuesday, February 17, 2015 to Tuesday, February 24, 2015, to accommodate Council Member Fliflet. *As part of its consent agenda, no specific motion is required.* If removed from the consent agenda, the recommended motion is as follows:

“Move to approve rescheduling the Tuesday, February 17, 2015 City Council meeting to Tuesday, February 24, 2015.”

BACKGROUND: Council Member Fliflet is not able to attend the City Council meeting scheduled for February 17, 2015. She is requesting that Council reschedule the meeting to February 24, 2015 so the entire Council can attend.

RECOMMENDATION: As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

“Move to approve rescheduling the Tuesday, February 17, 2015 City Council meeting to Tuesday, February 24, 2015.”

Greg Malmquist

From: Graham, Douglas <doug.graham@philips.com>
Sent: Wednesday, January 07, 2015 11:53 AM
To: Greg Malmquist
Subject: RE: INFO
Attachments: OnSite_Brochure.pdf; OnSite Accessories.pdf

Chief Malmquist,

Thanks for your inquiry and interest in the Philips AEDs for city hall.

I see you are using the FRx. There are two AEDs we recommend for building use like city hall or corporate/business offices, the FRx and the OnSite.

Both the FRx and OnSite have the same prompts, CPR coaching, and ability to shock in wet or conductive surfaces. They share the same battery but not the same pads, the OnSite pads are integrated into the face of the AED where the FRx are attached by a cable. I've included literature for the OnSite.

They share all the features except robustness and the OnSite requires pediatric pads instead of a reusable key; the FRx is designed for rugged use and can withstand drops of 1 meter onto concrete, driving rain from any angle, and dust. The OnSite is designed for inside use. The OnSite is less expensive and has the same 8 year warranty.

In a nut shell, if you don't mind different pads I'd go with the OnSite. I've attached pricing and literature. Feel free to call me with any questions or concerns. If you need a quote let me know the quantity, if you require cabinets, and signs and I'll get it right out.

AED Quote

Prepared For: Lake Elmo Fire Department

Quote Expiration: April 14, 2015

Terms: Net 30

Prepared by: Mark Peters, Northern Regional Sales Manager / 570.856.2045

Description	Product	Quantity	List Price	Quoted Price	Total
Powerheart AED G3 Plus Fully-Automatic Package	9390A-1001P	1	\$2,130.00	\$1,295.00	\$1,295.00
Powerheart AED G3 Plus Fully Automatic "Oklahoma Package"	9390A-1001P	1	\$2,231.00	\$1,369.00	\$1,369.00
Wall Mount Cabinet	50-00392-10	1	\$192.00	\$162.00	\$162.00
3-D Wall Mount Sign Identifying AED Location w/ two window decals	168-6002-001	1	\$35.60	\$21.36	\$21.36

Comments: The prices quoted above are based on Minnesota State Contract #23043. Shipping charges are included in the price.

HeartStart OnSite Automated External Defibrillator

REF	DESCRIPTION	OFFER PRICE
M5066A	HeartStart OnSite AED (customer must choose a carry case option)	\$880.10
Option C01	Standard Carry Case, OnSite (recommended); space for spare battery and spare pads cartridge)	\$65.65
Option C02	Slim Carry Case, OnSite	\$22.75
Option C04	No Carry Case (customer receives clear vinyl sleeve to hold Quick Reference Guide and call 911 reminder)	\$0.00
Option R01	HeartStart IIS1 Ready-Pack (includes: Standard Carrying Case, Spare Adult SMART Pads Cartridge. Device and spare pads are pre-installed in carry case.)	\$102.70

HeartStart OnSite Defibrillator includes Owner Manual, Quick Set-up Guide, Maintenance Booklet, Quick Reference Guide, pre-installed battery, 1 set pre-installed SMART Pads Cartridge, and user-selected carrying case. OnSite Ready-Pack has device and spare pads pre-installed in carry case. HeartStart OnSite Defibrillator device includes 8-year manufacturer's warranty at no charge. Battery includes 4-year warranty; pads are warranted until expiration date. Other accessories include 1-year warranty.

HeartStart OnSite Accessories

REF	DESCRIPTION	OFFER PRICE
M5070A	Battery, Long-Life LiMnO2, IIS1/FRx	\$109.85
M5071A	HeartStart Adult SMART Pads Cartridge, IIS1	\$43.55
M5072A	Infant/Child SMART Pads Cartridge, IIS1	\$70.20
68-PCIAT	Fast Response Kit	\$29.90

HeartStart Cabinets, Cases & Wall Mounts

REF	DESCRIPTION	OFFER PRICE
989803136531	Defibrillator Cabinet, Basic	\$164.45
PFE7023D	Defibrillator Cabinet, Premium, Semi-recessed	\$304.85
PFE7024D	Defibrillator Cabinet, Premium, Wall Surface	\$286.00
M5075A	Carrying Case, IIS1 (when ordering case alone)	\$86.45
M5076A	Slim Carrying Case, IIS1 (when ordering case alone)	\$72.80

Thanks for your business!

Regards,

Doug




Doug Graham
Channel Manager
Emergency Care & Resuscitation
Philips Healthcare
4315 Commerce Dr., Suite 440-280
Lafayette, IN 47905

614-315-5194 Cell/Office
855-276-1105 Fax







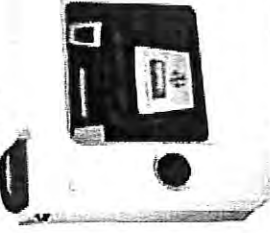


From: Greg Malmquist [mailto:GMalmquist@lakeelmo.org]
Sent: Tuesday, January 06, 2015 5:18 PM
To: Graham, Douglas
Subject: INFO



Part Number	Product Description	Unit Price
	AED Standard Package	
9390A-1001P	 <p>Powerheart AED G3 Plus Fully-Automatic Package</p> <p>Package Includes:</p> <ul style="list-style-type: none"> (1) 9390A-1001 Powerheart AED G3 Plus Full-Auto; (1) 9146 Intellisense Battery; (2) pairs 9131 Adult Defibrillation Pads; (1) 168-6000-001 AED Carry Bag; (1) 5550-005 Ready Kit; (1) Quick Start Tool Kit (includes Quick Start Guide, CD-ROM with AED manual, training video, RescueLink & MDLink; (1) Serial Communications Cable. 	\$1,295.00
	AED Standard Package	
9300A-1001P	 <p>Powerheart AED G3 Fully-Automatic Package</p> <p>Package Includes:</p> <ul style="list-style-type: none"> (1) 9300A-1001 Powerheart AED G3 Full-Auto; (1) 9146 Intellisense Battery; (2) pairs 9131 Adult Defibrillation Pads; (1) 168-6000-001 AED Carry Bag; (1) 5550-005 Ready Kit; (1) Quick Start Tool Kit (includes Quick Start Guide, CD-ROM with AED manual, training video, RescueLink & MDLink; (1) Serial Communications Cable. 	\$1,295.00
	AED Standard Package	
9300E-1001P	 <p>Powerheart AED G3 Semi-Automatic Package</p> <p>Package Includes:</p> <ul style="list-style-type: none"> (1) 9300E-1001 Powerheart AED G3 Semi-Auto; (1) 9146 Intellisense Battery; (2) pairs 9131 Adult Defibrillation Pads; (1) 168-6000-001 AED Carry Bag; (1) 5550-005 Ready Kit; (1) Quick Start Guide, CD-ROM with AED manual, training video, RescueLink & MDLink; (1) Serial Communications Cable. 	\$1,295.00






Part Number	Product Description	Unit Price
	<p align="center">Oklahoma Package 1</p> <p>*Includes 1 extra pair of pediatric defibrillation pads into standard package*</p> <p>Powerheart AED G3 Plus Fully-Automatic Package</p> <p>Package Includes:</p> <ul style="list-style-type: none"> (1) 9390A-1001 Powerheart AED G3 Plus Full-Auto; (1) 9146 Intellisense Battery; (2) pairs 9131 Adult Defibrillation Pads; (1) pair 9730 Pediatric Defibrillation Pads; (1) 168-6000-001 AED Carry Bag; (1) 5550-005 Ready Kit; (1) Quick Start Tool Kit (includes Quick Start Guide, CD-ROM with AED manual, training video, RescueLink & MDLink); (1) Serial Communications Cable 	<p align="center">\$1,369.00</p> 
	<p>Powerheart AED G3 Fully-Automatic Package</p> <p>Package Includes:</p> <ul style="list-style-type: none"> (1) 9300A-1001 Powerheart AED G3 Full-Auto; (1) 9146 Intellisense Battery; (2) pairs 9131 Adult Defibrillation Pads; (1) pair 9730 Pediatric Defibrillation Pads; (1) 168-6000-001 AED Carry Bag; (1) 5550-005 Ready Kit; (1) Quick Start Tool Kit (includes Quick Start Guide, CD-ROM with AED manual, training video, RescueLink & MDLink); (1) Serial Communications Cable 	<p align="center">\$1,369.00</p> 

Part Number	Product Description	Unit Price
180-2021-001 	Powerheart AED Storage Options "Traditional" AED wall mount storage case with strobe light alarm	\$202.00
180-2022-001 	Wall Sleeve	\$66.00
168-6002-001 	3-D Wall Mount Sign Identifying AED Location w/ two window decals	\$21.36





Part Number	Product Description	Unit Price
50-00392-10 	Surface Wall Mount Cabinet for AED's	\$162.00
50-00392-20 	Surface Wall Mount Cabinet with alarm, security enabled for AED's	\$202.00
50-00392-30 	Surface Wall Mount Cabinet with alarm, strobe, security enabled (for AED's)	\$243.00





MAYOR & COUNCIL COMMUNICATION

DATE: January 20, 2015
REGULAR
ITEM # 14

AGENDA ITEM: Eagle Point Boulevard Street Improvements – Authorize Preparation of Feasibility Report

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempksi, Assistant City Engineer
Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Engineer
- Report/Presentation.....City Engineer
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: \$11,000.

If authorized, FOCUS Engineering Inc. will prepare a feasibility report in a not to exceed amount of \$11,000 for the Eagle Point Boulevard Street Improvements. If the improvements are ordered, the report costs will be charged against the project fund and become assessable to the benefiting properties. Should the project not be constructed, the report costs cannot be assessed.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Resolution No. 2015-04, Ordering Preparation of a Feasibility Report for the Eagle Point Boulevard Street Improvements. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2015-04, Ordering preparation of a Feasibility Report for the Eagle Point Boulevard Street Improvements in a not to exceed amount of \$11,000.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Over the past few years the City has received complaints regarding the condition of Eagle Point Boulevard and received repeated requests to address the problems. Street pavement heaves during the winter creating a series of “bumps” at each crack in the roadway, approximately every 15 feet (see attached letter dated February 13, 2013 and email dated March 28, 2014). The street was built in 2001 and is only 14 years old. Staff has been in contact with the property owners and have indicated that a street reconstruction will be necessary to correct the issue. It is the City’s policy to assess 100% of the street improvement costs to commercial and facility properties. In 2013, a petition was received to pursue this improvement, however the City did not have sufficient bonding capacity to include the project in the CIP.

In the fall 2014, the City cancelled the 2015 Street Improvement project, rescheduling each of the three neighborhood areas for improvement in 2016, 2017 and 2018. This change, along with other changes in the 2015-2019 CIP created bonding capacity to enable the City to pursue improvements to Eagle Point Boulevard in 2015. Therefore this improvement was included in the 2015 CIP adopted by the City Council in December 2014.

After recently contacting the property owners, the City of Lake Elmo received a Petition, pursuant to Minnesota Statue 429, requesting street improvements along Eagle Point Boulevard from Inwood Avenue to Hudson Boulevard. The petition has been reviewed and certified by the City Clerk to represent at least 35% of the properties to be benefited by the requested improvements.

Consistent with most public street improvement projects the use of special assessments has been identified as one of the available funding mechanisms for the improvements, where the benefitting property owners are specially assessed all or a portion of the cost of the improvement, pursuant to the City’s Special Assessment Policy and Minnesota Statutes, Chapter 429. In order to maintain special assessments as a viable funding alternative, the City Council must direct the preparation of a feasibility report meeting the statutory process for public improvements that are specially assessed.

Should the Council choose to accept the petition and authorize the Feasibility Report, the report will evaluate and consider a new street section for Eagle Point Boulevard. The Report will advise on the scope of recommended improvements along the corridor, provide estimated project costs for the recommended improvements, identify easement and right-of-way, permits, and other requirements of other local agencies needed to implement the improvements, recommend whether the improvements should be made as proposed or in connection with some other improvement, and advise if the improvements are necessary, cost effective, and feasible. The Report will also provide a proposed preliminary assessment roll for each of the benefitting

properties based upon the City's Special Assessment Policy for Local Improvements dated June 2014.

RECOMMENDATION:

Staff is recommending that the City Council authorize FOCUS Engineering, Inc. to prepare a Feasibility Report for the Eagle Point Boulevard Street Improvements in a not to exceed amount of \$11,000. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2015-04, Ordering preparation of a Feasibility Report for the Eagle Point Boulevard Street Improvements in a not to exceed amount of \$11,000.”

ATTACHMENT(S):

1. Resolution No. 2015-04, Ordering Preparation of a Feasibility Report.
2. Signed Petitions.
3. Location Map –Scope of Improvements.
4. Project Schedule.
5. Property owner pavement condition complaint correspondence.

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

RESOLUTION NO. 2015-04

**A RESOLUTION ORDERING PREPARATION OF A FEASIBILITY
REPORT FOR THE EAGLE POINT BOULEVARD STREET
IMPROVEMENTS**

WHEREAS, a petition was received from the owners of real property abutting Eagle Point Boulevard, from Inwood Avenue (CSAH 13) to Hudson Boulevard, in the City of Lake Elmo, requesting street improvements along said street; and

WHEREAS, it is proposed to assess the benefiting properties for all or a portion of the cost of the improvement, pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

That the proposed improvement, called the Eagle Point Boulevard Street Improvements, be referred to the City Engineer and FOCUS Engineering, and that FOCUS Engineering is instructed to complete a feasibility report in accordance with Minnesota Statutes, Chapter 429 for the proposed improvements, and to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should be best made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRTEENTH DAY OF
JANUARY 2015.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk

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

RESOLUTION NO. 2015-04

**A RESOLUTION ORDERING PREPARATION OF A FEASIBILITY
REPORT FOR THE EAGLE POINT BOULEVARD STREET
IMPROVEMENTS**

WHEREAS, a petition was received from the owners of real property abutting Eagle Point Boulevard, from Inwood Avenue (CSAH 13) to Hudson Boulevard, in the City of Lake Elmo, requesting street improvements along said street; and

WHEREAS, it is proposed to assess the benefiting properties for all or a portion of the cost of the improvement, pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

That the proposed improvement, called the Eagle Point Boulevard Street Improvements, be referred to the City Engineer and FOCUS Engineering, and that FOCUS Engineering is instructed to complete a feasibility report in accordance with Minnesota Statutes, Chapter 429 for the proposed improvements, and to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should be best made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRTEENTH DAY OF
JANUARY 2015.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk

CITY OF Lake Elmo

PETITION FOR LOCAL IMPROVEMENT

DATE:

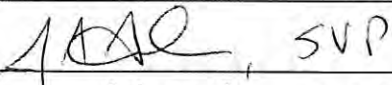
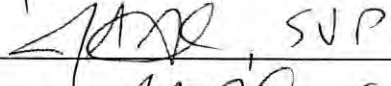
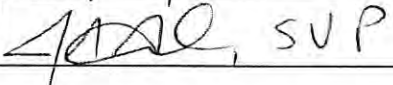
TO THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

We the undersigned, being the owners of real property in the City of Lake Elmo and representing at least 35% of the affected properties abutting or receiving benefit from the requested improvements, hereby petition the City to complete a feasibility study for street improvements for **Eagle Point Boulevard, from Inwood Avenue North to Hudson Boulevard North**, pursuant to Minnesota Statutes, Chapter 429.

We understand that by signing this petition, the City may recommend improvements to be completed that are consistent with the City's design standards for public streets and may recommend additional improvements, as deemed necessary in the City's opinion, to be completed in conjunction with said improvements (such as storm sewer system and drainage provisions as deemed necessary by the City, or extending watermain or sanitary sewer service to unserved properties prior to reconstructing City streets).

We also understand that if the City Council orders the improvements, we may be assessed for these improvements in accordance with the City's Special Assessment Policy for Public Improvements. Consistent with State Statutes and City policies, we understand that the City Council has full authority to authorize improvements to be made, and assessments to be levied against my property, and that any decision to order the improvements is NOT subject to vote by the abutting properties.

(To allow for proper City notifications, each signature must be accompanied by a legibly printed name and address)

NAME	SIGNATURE OF PROPERTY OWNER(S)	PARCEL ID#
1. Bremer Financial Services		3302921410049
2. Bremer Financial Services		3302921420007
3. United Land LLC	 SUP	3302921440009
4. United Land LLC	 SUP	3302921410048
5. United Properties INV LLC	 SUP	3302921420015
6. Northeastern Metropolitan School District #916		3302921420013
7. Eagle Point II LLC		3302921420012
8. Eagle Point Townoffice Park Assn INC		3302921420036
9. Inwood 10 LLC		3302921420002

PETITION FOR LOCAL IMPROVEMENT

Page 2

10. Danate Prop INV I LLC 3302921420008

11. Eagle Point Medical Building LLC 3302921420014

12.

13.

14.

15.

16.

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21.

22.

23.

24.

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

Adam Bell, City Clerk

(Seal)

STREET IMPROVEMENTS
 EAGLE POINT BLVD N
 PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	Street Frontage (ft)	AMOUNT
1	EAGLE POINT II LLC	8550 HUDSON BLVD N LAKE ELMO	3302921420012	182	\$ 31,633.84
2	NORTHEASTERN METROPOLITAN SCHOOL DIST #916		3302921420013	2,594	\$ 450,869.06
3	UNITED LAND LLC		3302921440009	740	\$ 128,621.09
4	EAGLE POINT TOWNOFFICE PARK ASSN INC		3302921440036	46	\$ 7,995.37
5	UNITED LAND LLC		3302921410048	445	\$ 77,346.47
6	BREMER FINANCIAL SERVICES INC	8555 EAGLE POINT BLVD N LAKE ELMO	3302921410049	885	\$ 153,823.87
7	INWOOD 10 LLC		3302921420002	91	\$ 15,816.92
8	BREMER FINANCIAL SERVICES INC		3302921420007	704	\$ 122,363.85
9	DANATE PROP INV I LLC	8519 EAGLE POINT BLVD N LAKE ELMO	3302921420008	602	\$ 104,634.99
10	UNITED PROPERTIES INV LLC	8530 EAGLE POINT BLVD N LAKE ELMO	3302921420015	336	\$ 58,400.93
11	EAGLE POINT MEDICAL BUILDING LLC	8515 EAGLE POINT BLVD N LAKE ELMO	3302921420014	279	\$ 48,493.63
TOTAL				6,904	\$ 1,200,000

CITY OF Lake Elmo

PETITION FOR LOCAL IMPROVEMENT

DATE:


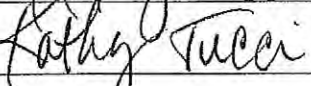
TO THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

We the undersigned, being the owners of real property in the City of Lake Elmo and representing at least 35% of the affected properties abutting or receiving benefit from the requested improvements, hereby petition the City to complete a feasibility study for street improvements for Eagle Point Boulevard, from Inwood Avenue North to Hudson Boulevard North, pursuant to Minnesota Statutes, Chapter 429.

We understand that by signing this petition, the City may recommend improvements to be completed that are consistent with the City's design standards for public streets and may recommend additional improvements, as deemed necessary in the City's opinion, to be completed in conjunction with said improvements (such as storm sewer system and drainage provisions as deemed necessary by the City, or extending watermain or sanitary sewer service to unserved properties prior to reconstructing City streets).

We also understand that if the City Council orders the improvements, we may be assessed for these improvements in accordance with the City's Special Assessment Policy for Public Improvements. Consistent with State Statutes and City policies, we understand that the City Council has full authority to authorize improvements to be made, and assessments to be levied against my property, and that any decision to order the improvements is NOT subject to vote by the abutting properties.

(To allow for proper City notifications, each signature must be accompanied by a legibly printed name and address)

NAME	SIGNATURE OF PROPERTY OWNER(S)	PARCEL ID#
1. Bremer Financial Services	 KATHY TUCCI	3302921410049
2. Bremer Financial Services	 KATHY TUCCI	3302921420007
3. United Land LLC		3302921440009
4. United Land LLC		3302921410048
5. United Properties INV LLC		3302921420015
6. Northeastern Metropolitan School District #916		3302921420013
7. Eagle Point II LLC		3302921420012
8. Eagle Point Townoffice Park Assn INC		3302921420036
9. Inwood 10 LLC		3302921420002

VP Facilitator
VP Facilitator

PETITION FOR LOCAL IMPROVEMENT

Page 2

10. Danate Prop INV I LLC 3302921420008

11. Eagle Point Medical Building LLC 3302921420014

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Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

Adam Bell, City Clerk

(Seal)

CITY OF Lake Elmo

PETITION FOR LOCAL IMPROVEMENT

DATE:

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PETITION FOR LOCAL IMPROVEMENT

Page 2

10. Danate Prop INV I LLC 3302921420008

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M. J. Davis
Chief Mgr.

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Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

Adam Bell, City Clerk

(Seal)



PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

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

EAGLE POINT BOULEVARD STREET IMPROVEMENTS
PROJECT NO. 2015.XXX

JANUARY 2015

January 20, 2015	Council authorizes Feasibility Report.
March 3, 2015	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
March, 2015	Property owner meeting. Presentation of Report findings and recommendations.
April 7, 2015	Public Improvement Hearing. Council orders Preparation of plans and specifications.
June 2, 2015	Council approves Plans and Specifications; Orders Advertisement for Bids.
June 30, 2015	Receive Contractor Bids.
July 7, 2015	Council accepts bids and awards Contract.
July 28, 2015	Conduct Pre-construction Meeting and Issue Notice to Proceed.
October 23, 2015	Substantial completion.
November 27, 2015	Final completion.



8555 Eagle Point Blvd.
P.O. Box 1000
Lake Elmo, Minnesota 55042-1000
phone: 1-800-908-BANK (2265)
fax: 651-734-4215

February 13, 2013

Mr. Mike Bouthilet
Superintendent, Public Works
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo MN 55042

Dear Mike:

This letter is to inform you of the horrendous condition of the road within the northern side of Eagle Point Business Park. Our business moved into this business park in December, 2002. Unlike some financial institutions, we are thriving and have continued to grow during the economic down-turn. Details you should find of interest about Bremer include the following:

- We moved here with 248 employees. Our staff has grown to over 450.
- We bought land in the business park and constructed a 100,000 square foot facility.
- We recently invested \$400,000 into additional parking.
- Annually we pay about \$375,000 in real estate taxes.
- We welcome over 1,200 visitors each month to this location.

After a year of searching, we chose the location in Lake Elmo because of the easy access to highways, the rate of business growth, the variety of restaurants, retail shops, misc service providers and the openness Lake Elmo prides itself on providing.

In 2009 we noticed the road buckling slightly during the winter months. Initially, it settled down fairly well once the summer of 2010 arrived. However, it's gotten worse every year to the point now of vast deterioration. It's the equivalent of driving over massive speed bumps every 15'. This has proven to be very hard on all vehicles, not to mention our backs and necks. Within the park, we have the longest distance to drive regardless of which entrance one chooses. This road is the equivalent of a rollercoaster on steroids!

We receive constant complaints from our executives, employees, guests and visitors. I don't understand why there has not been a plan communicated to successfully resolve this long overdue issue. There has been no attempt whatsoever to repair or replace this road. With all the ice and snow we've endured this winter driving conditions are not only difficult, but dangerous.

Please take a drive thru the park to experience this yourself. There is an expectation the city will provide a detailed plan and schedule as to when consideration and resolution of this long-term issue will receive the priority we deserve.

Sincerely,

Kathy Tucci
Vice President, Facilities
Bremer Financial Services
8555 Eagle Point Blvd.
Lake Elmo MN 55042
651-734-4744
kmtucci@bremer.com



Jack Griffin <jack.griffin@focusengineeringinc.com>

Eagle Point Blvd

2 messages

Ryan Moore <ryan.moore@cushwakenm.com> Fri, Mar 28, 2014 at 3:19 PM
To: "jack.griffin@focusengineeringinc.com" <jack.griffin@focusengineeringinc.com>, Nick Johnson <NJohnson@lakeelmo.org>
Cc: Mary Kay Buescher <marykay.buescher@frauenshuh.com>, Melissa Duce <melissa.duce@uproperties.com>, Kelly Hecksel <kelly.hecksel@frauenshuh.com>

Jack/Nick,

As you may recall, I am a property manager for Eagle Point Business Park. I've received multiple complaints about the quality of Eagle Point Blvd. The number of complaints has increased significantly over the past month. Can you please provide an update as to the research and progress of Eagle Point Blvd?

I know you mentioned that there are two issues: 1) Finding out what the problem is and how to fix it. 2) Obtaining approval for bonding. We would like to see this repair made as soon as possible in 2014.

There will be a school developed in the park, there also is additional land in the park that people are looking to develop. The quality of the road is a huge turn off for everyone. Most importantly, Bremer Bank offices in the park and this is a very big problem to their business.

I urgently need information to tell everyone about the status! Please let me know if you have any recommendations to help move this forward.

Sincerely,

Ryan Moore, RPA
Property Manager II
Cushman Wakefield | NorthMarq
P 952.893.8828
F 952.842.2259

From: Ryan Moore <ryan.moore@cushwakenm.com>
Sent: Friday, February 21, 2014 2:36 PM
To: Nick Johnson; 'Jack Griffin'
Cc: Kelly Hecksel; Mary Kay Buescher
Subject: RE: I 94 Corridor Update

Jack/Nick,

Last fall we discussed the quality of Eagle Point Blvd via email and over the phone. You mentioned that you will be performing testing to determine the proper corrective action on this road. Can you please provide an update on your finding? Also, you mentioned a bonding hurdle that needs to be crossed. Can you provide an update on that too?

As you know, this road is deteriorated to a very poor level. There is expected to be more development along this road in the coming year and it is extremely important to get this upgraded ASAP. As the primary tax payer on this roadway, United Properties is more than happy to pay their fair share of this project. We cannot go one more year in this poor state.

Please let us know your findings and provide an update with scheduling.

Sincerely,

Ryan Moore, RPA
Property Manager II
Cushman Wakefield | NorthMarq
P 952.893.8828
F 952.842.2259

—Original Message—

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]
Sent: Friday, August 23, 2013 9:42 AM
To: Ryan Moore
Cc: 'Jack Griffin'
Subject: RE: I 94 Corridor Update

Ryan,

I would funnel this request on to the City Engineer, Jack Griffin. I have copied him on this email for your convenience.

It is also worth noting that in a recent meeting with staff from Bremer Bank, they indicated their interest in submitting a petition for road improvements along Eagle Point Blvd. as well. We spoke with Kathy Tucci from Bremer Bank. It may be worthwhile to speak with her about her company's interest in improving the roadway. Her contact is the following:

kmtucci@bremer.com

Let me know if you have any other questions. Otherwise, I would work with Jack on the petition.

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo
njohnson@lakeelmo.org
(w) 651-747-3912 | (f) 651-747-3901

—Original Message—

From: Ryan Moore [mailto:ryan.moore@cushwakenm.com]
Sent: Friday, August 23, 2013 8:51 AM
To: Nick Johnson
Subject: RE: I 94 Corridor Update

Hi Nick,

Do you know how the attached Petition can be submitted to the City Council? Should I mail it to the city directly?

I appreciate any help you can provide on this matter.

Thank you!