



MAYOR AND COUNCIL COMMUNICATION

DATE: 09/06/2016

REGULAR

ITEM #: 16

AGENDA ITEM: Exemption from Platting for Subdivision of Property Resulting from Acquisition by Governmental Agencies

SUBMITTED BY: Emily Becker, City Planner

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Stephen Wensman, Planning Director
Sarah Sonsalla, City Attorney

BACKGROUND:

Recent agreement between the City and a property owner was made to have property owners convey fee title to a portion of their property to the City for a recently constructed roadway, instead of the property owners granting the City an easement. The City Attorney advised Staff to approve the lot split (following whatever process is required) and record the deed. Upon review of Chapter 153: Subdivision Regulations, Staff was unable to determine the process that is required, as the foregoing situation does not fit neatly in to the situations described where platting is required, nor does it meet the definitions or conditions of any exceptions to platting, as outlined in this Chapter. Because the Ordinance was unclear, Staff consulted the City Attorney to determine the correct process.

After review of Section 153.09: Exceptions to Platting, of Chapter 153: Subdivision Regulations, of the City Code, the City Attorney determined that the subdivision of property resulting from acquisition by governmental agencies for public improvement or uses does not apply to any exceptions set forth in the aforementioned Section, as it does not meet the definitions or conditions set forth for a minor subdivision or lot line adjustment. She suggested this Ordinance be brought forth to amend the City's subdivisions regulations to allow this type of situation as an exception and to then follow the process set forth by this exception so this lot split can be processed.

The subdivision ordinance is not within the zoning code and therefore, the amendment does not require a public hearing.

ISSUE BEFORE COUNCIL:

In order to expedite the aforementioned subdivision of a property for public purpose, the Council is respectfully requested to consider, as part of tonight's consent agenda, whether or not an amendment to Section 153.09 should be made that would add this exemption from the platting process.

PROPOSAL DETAILS/ANALYSIS:

The current exceptions to platting, as provided forth in Section 153.09, are as follows:

(A) Minor subdivision. A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the city's minimum lot dimension and public road frontage requirements for the zoning district in which the land is located.

(B) Lot line adjustment. A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the city's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the city's platting regulations for lot line adjustments which satisfy 1 of the following conditions:

(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located;

(2) In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or

(3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, access to the noncomplying parcel is protected by a restrictive covenant approved by the City Attorney which includes the city as a beneficiary.

As previously mentioned, subdivision of property resulting from the acquisition of land by governmental agencies for the purpose of public use or acquisition does not apply to any definition or condition listed above.

Because the subdivision of property resulting from the acquisition of land by governmental agencies for the purpose of public use or acquisition does not meet the definitions or conditions of neither a minor subdivision nor a lot line adjustment, and because platting is only required for the subdivision of a tract of land which is to be divided into 3 or more lots or parcels, there is no clear direction on what process to follow for such a subdivision.

Minor subdivisions and platting require a public hearing and Council approval. Generally, when land is being acquired for public acquisition or use, it is for the purpose of a project, like a street improvement project, which has already been approved by Council. Therefore, it would be redundant for Council to hear and approve such a subdivision of property. Furthermore, the platting process takes a significant amount of time and Staff resources, and would delay public projects.

Due to the aforementioned, Staff is recommending that property that is being subdivided due to governmental agency acquisition for public improvement or uses be added as an exception to the platting

process as a separate item and be approved administratively. This would greatly facilitate and speed up the acquisition process.

FISCAL IMPACT:

Less Staff time would be spent in preparing reports and going before Planning Commission and Council to go through the platting process for such lot splits. Additionally, clearly outlining this exception to platting would ensure that such process is being done legally and correctly.

OPTIONS:

The Council may either approve or deny the proposed amendment to Section 153.09 of Chapter 153: Subdivision Regulations.

RECOMMENDATION:

Staff recommends that Council approve the proposed amendments to Section 153.09: Exceptions to Platting by adding “a subdivision of property resulting from acquisition by governmental agencies for public improvements or uses” as an exception to platting and the summary publication of the ordinance with the following motion:

“Move to approve Ordinance Amendment 08-153 amending Chapter 153: Subdivision Regulations; Section 153.09: Exceptions to Platting, by inserting, as an additional exception to platting, a subdivision of property resulting from acquisition by governmental agencies for public improvements or uses, and Resolution 2016-76 for its summary publication.”

ATTACHMENTS:

- Draft Ord. 08-153 (redlined version and edited version)
- Resolution 2016-76 approving summary publication of Ord. 08-153
- Email from City Attorney Sonsalla

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

RESOLUTION NO. 2016-76

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

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-___ amending the City's subdivision regulations by adding subdivision of property resulting from acquisition by governmental agencies for public improvement or uses as an exception to platting; and

WHEREAS, the ordinance is lengthy; and

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

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

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

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-___, which amends Section 153.09: Exceptions to Platting, of Chapter 153: Subdivision Regulations, by inserting subdivision of property for public purposes as an exception to platting. The ordinance amendment allows such a subdivision of property to be approved administratively by the City Administrator.

The full text of Ordinance No. 08-___ is available for inspection at Lake Elmo City Hall during regular business hours.

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

Dated: September 6, 2016

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof: _____ and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-153

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY EXEMPTING SUBDIVISION OF PROPERTY RESULTING FROM ACQUISITION BY GOVERNMENTAL AGENCIES FOR PUBLIC IMPROVEMENTS OR USES FROM THE PLATTING PROCESS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 153: Subdivision Regulations, Section 153.09: Exceptions to Platting, by inserting the following:

(A) *Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the city's minimum lot dimension and public road frontage requirements for the zoning district in which the land is located.

(B) *Lot line adjustment.* A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the city's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the city's platting regulations for lot line adjustments which satisfy 1 of the following conditions:

(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located;

(2) In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or

(3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, access to the noncomplying parcel is protected by a restrictive covenant approved by the City Attorney which includes the city as a beneficiary.

(C) *Subdivision of Property for Public Purpose.* The subdivision of property resulting from acquisition by governmental agencies for public improvements or uses.

(D) *Application for minor subdivision/lot line adjustment.* An application for a minor subdivision or a lot line adjustment shall be submitted on forms provided by the City

Administrator. The applicant will be responsible for all expenses incurred in obtaining the required information, which includes the following:

(1) Name, address, and telephone number of the property owner/applicant and evidence of title;

(2) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the consolidated parcels;

(3) A written description stating the reason for the request; and

(4) A land survey prepared by and signed by a registered land surveyor describing the minor subdivision and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

(E) *Review of minor subdivision.*

(1) A completed application shall be submitted to the Planning Commission for its review and recommendation to the City Council.

(2) The City Council may attach reasonable conditions to its approval and shall require the conveyance of necessary street, utility, and drainage easements on forms approved by the City Attorney; and shall require the payment of a public use dedication fee.

(F) *Review of lot line adjustment.* A completed application shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of division (B) above. The City Administrator's approval shall be conditioned upon tax parcel consolidation. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the City Administrator with the verifications listed below. Failure to provide the required verifications shall invalidate the City Administrator's approval:

(1) Recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or

(2) Proof that the Washington County Assessor has approved a Tax Parcel Consolidation and has assigned a new tax parcel number for the consolidated parcel or parcels.

(G) *Review of Subdivision of Property for Public Purpose.* A completed application, accompanied by a fully executed deed that designates a governmental agency as a grantee, shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of paragraph (C) above and if the conveyance falls within the definition of paragraph (C), the City Administrator shall approve the subdivision. The City Administrator's approval shall be conditioned upon receipt of a copy of the recorded deed. Failure to provide a copy of the recorded deed shall invalidate the City Administrator's approval.

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

SECTION 3. Adoption Date. This Ordinance 08-____ was adopted on this ____ day of _____, 2016, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2016.

Emily Becker

From: Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>
Sent: Thursday, August 04, 2016 2:48 PM
To: Emily Becker
Cc: Stephen Wensman; Chad Isakson; Kristina Handt; Sonsalla, Sarah J.
Subject: RE: 3592 Kelvin - Lot Split

Dear Emily,

I reviewed this issue. First, I reviewed the City's subdivision regulations and it appears that all subdivision of property (with a few minor exceptions, none of which apply here) must either be done by plat or meet the definition of a "minor subdivision" or a "lot line adjustment" under the code (and approved as such). From my review of the definitions of "lot line adjustment" and "minor subdivision," (Section 153.09 of the Code), I don't think that this particular situation would meet either definition.

Cities are authorized by Minnesota Statutes Chapter 505 to file what is called a "right-of-way plat," that shows the locations of rights-of-way within the city as you had suggested, however, this plat is just for informational purposes (see Minnesota Statutes Section 505.1792) and does not have any legal significance in terms of subdividing the property or conveying it to the city. These things need to happen regardless of whether or not there is a right-of-way plat filed.

Therefore, I think that the best option would probably be for the City to amend its ordinance to allow this as an exception. I would suggest that the City either include this type of situation in the definition of a lot line adjustment or minor subdivision (and then that process would need to be followed), or that it just be made a general exception that does not require there to be plat, lot line adjustment or minor subdivision approval by the City. The exception would be something similar to "a subdivision of property resulting from acquisition by governmental agencies for public improvements or uses." In most cases, the City will be aware of when it happens, because it will be the City that would be causing it to happen for its projects, but I suppose there could be situations that involve the County or another governmental agency and the City may want to be made aware of it or be required to approve it. If that is the case, the City could require administrative approval (and not have it go to Council). Even though we would be changing the code for this circumstance, it is my opinion that this may come up again in the future.

Assuming that the City changes the code and makes this an exception that does not require there to be approval of a minor subdivision application or lot line adjustment, then once the ordinance is adopted, the deed could be recorded. If the City decides to include this exception in either the minor subdivision or lot line adjustment, then that process would need to be filed (an application would need to be submitted and the Council would need to approve it).

Let me know if you have any questions.

Thanks!

Sarah

Sarah J. Sonsalla | Attorney | Kennedy & Graven, Chartered | 470 U.S. Bank Plaza | 200 South Sixth Street | Minneapolis, MN 55402 | direct: 612.337.9284 | fax: 612.337.9310 | e-mail: ssonsalla@kennedy-graven.com

From: Emily Becker [mailto:EBecker@lakeelmo.org]
Sent: Thursday, August 04, 2016 10:24 AM
To: Sonsalla, Sarah J.
Cc: Stephen Wensman; Chad Isakson
Subject: RE: 3592 Kelvin - Lot Split

Emily Becker

From: Sonsalla, Sarah J. <SSonsalla@Kennedy-Graven.com>
Sent: Thursday, August 04, 2016 2:48 PM
To: Emily Becker
Cc: Stephen Wensman; Chad Isakson; Kristina Handt; Sonsalla, Sarah J.
Subject: RE: 3592 Kelvin - Lot Split

Dear Emily,

I reviewed this issue. First, I reviewed the City's subdivision regulations and it appears that all subdivision of property (with a few minor exceptions, none of which apply here) must either be done by plat or meet the definition of a "minor subdivision" or a "lot line adjustment" under the code (and approved as such). From my review of the definitions of "lot line adjustment" and "minor subdivision," (Section 153.09 of the Code), I don't think that this particular situation would meet either definition.

Cities are authorized by Minnesota Statutes Chapter 505 to file what is called a "right-of-way plat," that shows the locations of rights-of-way within the city as you had suggested, however, this plat is just for informational purposes (see Minnesota Statutes Section 505.1792) and does not have any legal significance in terms of subdividing the property or conveying it to the city. These things need to happen regardless of whether or not there is a right-of-way plat filed.

Therefore, I think that the best option would probably be for the City to amend its ordinance to allow this as an exception. I would suggest that the City either include this type of situation in the definition of a lot line adjustment or minor subdivision (and then that process would need to be followed), or that it just be made a general exception that does not require there to be plat, lot line adjustment or minor subdivision approval by the City. The exception would be something similar to "a subdivision of property resulting from acquisition by governmental agencies for public improvements or uses." In most cases, the City will be aware of when it happens, because it will be the City that would be causing it to happen for its projects, but I suppose there could be situations that involve the County or another governmental agency and the City may want to be made aware of it or be required to approve it. If that is the case, the City could require administrative approval (and not have it go to Council). Even though we would be changing the code for this circumstance, it is my opinion that this may come up again in the future.

Assuming that the City changes the code and makes this an exception that does not require there to be approval of a minor subdivision application or lot line adjustment, then once the ordinance is adopted, the deed could be recorded. If the City decides to include this exception in either the minor subdivision or lot line adjustment, then that process would need to be filed (an application would need to be submitted and the Council would need to approve it).

Let me know if you have any questions.

Thanks!

Sarah

Sarah J. Sonsalla | Attorney | Kennedy & Graven, Chartered | 470 U.S. Bank Plaza | 200 South Sixth Street | Minneapolis, MN 55402 | direct: 612.337.9284 | fax: 612.337.9310 | e-mail: ssonsalla@kennedy-graven.com

From: Emily Becker [mailto:EBecker@lakeelmo.org]
Sent: Thursday, August 04, 2016 10:24 AM
To: Sonsalla, Sarah J.
Cc: Stephen Wensman; Chad Isakson
Subject: RE: 3592 Kelvin - Lot Split

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-____

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY EXEMPTING SUBDIVISION OF PROPERTY RESULTING FROM ACQUISITION BY GOVERNMENTAL AGENCIES FOR PUBLIC IMPROVEMENTS OR USES FROM THE PLATTING PROCESS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 153: Subdivision Regulations, Section 153.09: Exceptions to Platting, by inserting the following:

(A) *Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the city's minimum lot dimension and public road frontage requirements for the zoning district in which the land is located.

(B) *Lot line adjustment.* A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the city's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the city's platting regulations for lot line adjustments which satisfy 1 of the following conditions:

(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located;

(2) In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or

(3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, access to the noncomplying parcel is protected by a restrictive covenant approved by the City Attorney which includes the city as a beneficiary.

(C) *Subdivision of Property for Public Purpose.* The subdivision of property resulting from acquisition by governmental agencies for public improvements or uses.

(D) *Application for minor subdivision/lot line adjustment.* An application for a minor subdivision or a lot line adjustment shall be submitted on forms provided by the City

Administrator. The applicant will be responsible for all expenses incurred in obtaining the required information, which includes the following:

(1) Name, address, and telephone number of the property owner/applicant and evidence of title;

(2) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the consolidated parcels;

(3) A written description stating the reason for the request; and

(4) A land survey prepared by and signed by a registered land surveyor describing the minor subdivision and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

(E) *Review of minor subdivision.*

(1) A completed application shall be submitted to the Planning Commission for its review and recommendation to the City Council.

(2) The City Council may attach reasonable conditions to its approval and shall require the conveyance of necessary street, utility, and drainage easements on forms approved by the City Attorney; and shall require the payment of a public use dedication fee.

(F) *Review of lot line adjustment.* A completed application shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of division (B) above. The City Administrator's approval shall be conditioned upon tax parcel consolidation. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the City Administrator with the verifications listed below. Failure to provide the required verifications shall invalidate the City Administrator's approval:

(1) Recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or

(2) Proof that the Washington County Assessor has approved a Tax Parcel Consolidation and has assigned a new tax parcel number for the consolidated parcel or parcels.

(G) *Review of Subdivision of Property for Public Purpose.* A completed application, accompanied by a fully executed deed that designates a governmental agency as a grantee, shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of paragraph (C) above and if the conveyance falls within the definition of paragraph (C), the City Administrator shall approve the subdivision. The City Administrator's approval shall be conditioned upon receipt of a copy of the recorded deed. Failure to provide a copy of the recorded deed shall invalidate the City Administrator's approval.

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

SECTION 3. Adoption Date. This Ordinance 08-____ was adopted on this ____ day of _____, 2016, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2016.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-___

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
EXEMPTING SUBDIVISION OF PROPERTY RESULTING FROM ACQUISITION BY
GOVERNMENTAL AGENCIES FOR PUBLIC IMPROVEMENTS OR USES FROM THE
PLATTING PROCESS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 153: Subdivision Regulations, Section 153.09: Exceptions to Platting, by inserting the following:

(A) *Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the city's minimum lot dimension and public road frontage requirements for the zoning district in which the land is located.

(B) *Lot line adjustment.* A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the city's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the city's platting regulations for lot line adjustments which satisfy 1 of the following conditions:

(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located;

(2) In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or

(3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, access to the noncomplying parcel is protected by a restrictive covenant approved by the City Attorney which includes the city as a beneficiary.

(C) *Subdivision of Property for Public Purpose.* The subdivision of property resulting from acquisition by governmental agencies for public improvements or uses.

~~(D)-(E)~~ *Application for minor subdivision/lot line adjustment.* An application for a minor subdivision or a lot line adjustment shall be submitted on forms provided by the City

Administrator. The applicant will be responsible for all expenses incurred in obtaining the required information, which includes the following:

(1) Name, address, and telephone number of the property owner/applicant and evidence of title;

(2) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the consolidated parcels;

(3) A written description stating the reason for the request; and

(4) A land survey prepared by and signed by a registered land surveyor describing the minor subdivision and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

~~(E)~~ ~~(D)~~ *Review of minor subdivision.*

(1) A completed application shall be submitted to the Planning Commission for its review and recommendation to the City Council.

(2) The City Council may attach reasonable conditions to its approval and shall require the conveyance of necessary street, utility, and drainage easements on forms approved by the City Attorney; and shall require the payment of a public use dedication fee.

~~(F)~~ ~~(E)~~ *Review of lot line adjustment.* A completed application shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of division (B) above. The City Administrator's approval shall be conditioned upon tax parcel consolidation. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the City Administrator with the verifications listed below. Failure to provide the required verifications shall invalidate the City Administrator's approval:

(1) Recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or

(2) Proof that the Washington County Assessor has approved a Tax Parcel Consolidation and has assigned a new tax parcel number for the consolidated parcel or parcels.

~~(G)~~ *Review of Subdivision of Property for Public Purpose. A completed application, accompanied by a fully executed deed that designates a governmental agency as a grantee, shall be reviewed administratively by the City Administrator who shall make a written finding in regard to the provisions of paragraph (C) above and if the conveyance falls within the definition of paragraph (C), the City Administrator shall approve the subdivision. The City Administrator's approval shall be conditioned upon receipt of a copy of the recorded deed. Failure to provide a copy of the recorded deed shall invalidate the City Administrator's approval.*

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

SECTION 3. Adoption Date. This Ordinance 08-____ was adopted on this ____ day of _____, 2016, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2016.

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

RESOLUTION NO. 2016-__

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

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-__ amending the City's subdivision regulations by adding subdivision of property resulting from acquisition by governmental agencies for public improvement or uses as an exception to platting; and

WHEREAS, the ordinance is lengthy; and

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

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

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

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-__, which amends Section 153.09: Exceptions to Platting, of Chapter 153: Subdivision Regulations, by inserting subdivision of property for public purposes as an exception to platting. The ordinance amendment allows such a subdivision of property to be approved administratively by the City Administrator.

The full text of Ordinance No. 08-__ is available for inspection at Lake Elmo City Hall during regular business hours.

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

Dated: September 6, 2016

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof: _____ and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: September 6, 2016

REGULAR

ITEM #: 17

MOTION

TO: Mayor and City Council

FROM: Michael Bent, Building Official

Kristina Handt, City Administrator

AGENDA ITEM: Authorize Advertising for Building Inspector

BACKGROUND:

As previously discussed at budget workshops, the City is experiencing an increase in building activity and additional staffing was requested to cover the inspections.

ISSUE BEFORE COUNCIL:

Should the Council authorize staff to advertise for a building inspector?

PROPOSAL DETAILS/ANALYSIS:

Attached to this cover sheet is a more in depth analysis of the need for an additional combination building inspector prepared by the building official.

Also included in the packet is the job posting used last year that has been updated with new dates.

FISCAL IMPACT:

The cost of the new position for the remainder of 2016 is estimated at \$20,000 or less depending on start date and pay. The 2016 budget is projected to have a surplus of over \$550,000 due largely to the increase in building revenue.

OPTIONS:

- 1) Authorize staff to advertise for a new building inspector
- 2) Table decision until closer to 2017
- 3) Direct staff to secure a contracted building inspector
- 4) Maintain current level of staffing

RECOMMENDATION:

Motion to authorize staff to advertise for a building inspector



The City of Lake Elmo offers competitive pay and benefits in addition to professional development opportunities to all employees. The city's number one value statement is to foster an environment based on trust and ethics. These philosophies and practices help the City in recruiting and retaining exceptional employees.

Accepting Applications for the Position of:

BUILDING INSPECTOR

SALARY: \$26 - \$32 /hr

OPENING DATE: 9/8/2016

CLOSING DATE: 9/22/2016

POSITION TITLE: Building Inspector
DEPARTMENT: Department of Building Safety
ACCOUNTABLE TO: **Building Official**

PRIMARY OBJECTIVE:

This individual will perform all functions of the Department of Building Safety to assist and maintain compliance with the State Building Code and City of Lake Elmo Municipal Code. Delivering service, solutions, education, and efficiency while facilitating positive relationships with residents, contractors, and design professionals.

ESSENTIAL FUNCTIONS OF THE POSITION

1. Perform plan reviews and building inspections on all types of building structures (commercial, industrial and residential) to ensure that they meet the MSBC and City of Lake Elmo Municipal Code.
2. Communicate with architects, engineers, contractors and property owners to interpret and clarify code requirements.
3. Maintains record of erosion control violations and coordinates the City's enforcement of erosion control requirements for new construction.
4. Verifies that site construction activity is in conformance to approved plans, coordinates City action to bring non-compliant sites into compliance.
5. Ensure complaints involving building codes, related ordinances and nuisance investigations, are m

managed in a timely manner. Initiate appropriate action regarding violations that are not corrected.

6. Keep abreast of innovations and developments in the construction industry and how changes in materials and construction practices relate to code requirements.
7. Responsible for keeping Building Official informed of issues and proactively working through for solutions. Recommends procedures and policies in cases not clearly covered by codes and ordinances.
8. Responsible for ensuring department reports are completed and accurate.

PERFORMANCE CRITERIA

- Skills in mediation, complaint resolution and problem solving.
- Team player with the ability to collaborate and implement effective customer service.
- Strong initiative to improve processes and productivity.
- Ability to effectively use a computer and various software programs, including software for tracking building inspections and permitting activity.
- Ability to maintain a positive and effective working relationship with council, commissions, businesses, designers, contractors, residents and staff.
- Ability to communicate effectively, both orally and in writing.
- Thorough knowledge and understanding of the pertinent state and local codes and licensing requirements applicable to the City of Lake Elmo and the legal aspects of code administration.
- Ability to read and interpret plans, specifications, engineering and architectural project drawings, and electronic documents accurately and to compare them with construction in progress.
- Ability to enforce codes and ordinances firmly, tactfully and impartially and deal with difficult situations.
- Understanding and experience working with best management practices for construction activity.
- Develop and maintain effective working relationships with City departments & Authorities having jurisdiction.
- Ability to physically move about all areas of construction properties to carry out duties.
- Ability to manage multiple projects and meet deadlines working in a fast paced environment.

MINIMUM QUALIFICATIONS

- State Certification as State Building Official
- 2 Year A.A.S degree in construction.
- Three years' experience in construction public or private sector.
- 2 years' experience in building inspections.
- Experience with Microsoft Products (Word, Excel, PowerPoint)
- Valid MN Driver's License

DESIRABLE QUALIFICATIONS

- Experience with inspections, property maintenance, sign permits and/or planning and zoning in Public Sector
- Certification from ICC in fire and or building inspections.

SUPERVISION RESPONSIBILITIES

N/A

PHYSICAL REQUIREMENTS

Positions in this class typically require: sitting, feeling, manual dexterity, grasping, talking, and hearing, typing, and seeing. The individual may encounter unexpected and prolonged workdays and stress and pressures from dealing with emotional issues and conflicts. There is sustained exposure to computer keyboards and video screens. This position is light duty and may require the exertion of up to 20 pounds of force on occasion or a negligible amount of force frequently to lift, carry, push, pull or otherwise move objects. Work is performed in both office and field settings year round. Some of the employee's time is spent in field inspections associated with code enforcement and development cases. Sufficient mobility is necessary to navigate natural terrain and construction sites.

PLEASE APPLY BY **CLOSING DATE: 9/22/16**

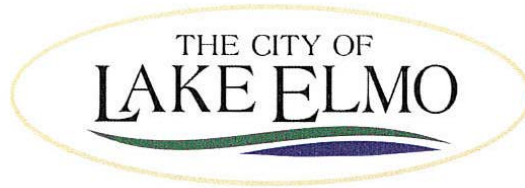
**SEND COVER LETTER, RESUME, LAKE ELMO APPLICATION AND REFERENCES TO:
CITY OF LAKE ELMO**

ATTN: Julie Johnson, CITY CLERK

3800 LAVERNE AVENUE NORTH, LAKE ELMO, MN 55042

PLEASE VISIT OUR WEBSITE AT **WWW.LAKEELMO.ORG** FOR ADDITIONAL
INFORMATION/APPLICATION OR CONTACT US AT 651.747.3900

CITY OF LAKE ELMO IS AN EQUAL OPPORTUNITY EMPLOYER



Lake Elmo Building Department

Our mission is to provide professional plan review, permitting and inspection of building construction projects to ensure a safe built environment for all those who live and work in the City of Lake Elmo.

Request for increase in staffing:

As presented in detail during the 2017 budget review process, the Lake Elmo Building Department is experiencing an increase in workload due to a variety of reasons. The workload for the department related to residential new construction is directly related to the real estate market, and the real estate market for new home construction in Lake Elmo is strong.

It is requested that the FTE combination building inspector position requested in the 2017 Building Department budget (effective 1/1/17) be moved forward, recruited and filled as soon as possible to meet current and forecasted future workload demands.

The alternative of using an external contracted resource was reviewed. The use of such a resource creates inconsistencies in inspections, workload and established relationships with our customer base. Utilizing a contract based inspector as a supplement to staff positions would only address a long term need with a short term solution. It is estimated that the lost revenue from utilizing a contract inspector to the City would be double the fully loaded cost to hire the proposed FTE.

Workload

The City of Lake Elmo Building Department has issued 139 new construction home permits from January 1, 2016 through August 17, 2016. There are currently 39 new construction home permits in for permit or awaiting development release for permit. When preparing the 2017 budget information in June, the building department estimated 202 new home build outs based on permit trends at that time. Based on the activity since that time, the building department is on pace to issue over 250 residential new construction permits in 2016.

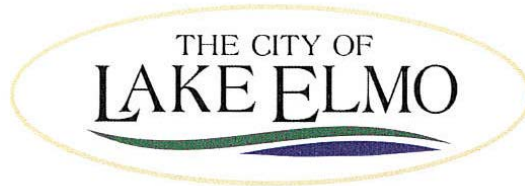
The City of Lake Elmo Building Department currently has several large scale commercial construction projects started.

The Northeast Metro Intermediate School District 916 Pankalo Elementary School project located at 8568 Eagle Point is a 78,000 sf public school project under construction.

The Arbor Glen Senior Living project permit has been issued and construction is beginning at 11020 39th Street North.

The Oak-Land Junior High School addition and remodel at 820 Manning Avenue is scheduled for completion by the time school starts up.

The Health Partners Specialty Dental Clinic build-out located at 8515 Eagle Point Boulevard is scheduled for completion in October.



The new construction value of these commercial projects permitted from January 1, 2016 through August 17, 2016 is \$84,335,275.11; generating permit revenue of \$198,415.90 and plan review revenue of \$45,136.43. Included in these numbers was unbudgeted revenue of \$189,481.33 in permit revenue and \$45,136.43 in plan review fees due to the building official having certifications and delegation authority with the State of Minnesota allowing for the work to be done in-house rather than by the State Department of Labor and Industry Construction Codes and Licensing Division inspector.

The number of inspections associated with large scale commercial projects varies according to the scope and type of the project. A project similar to the Pankalo school project will command several hundred inspections during the course of the project while a project such as the Arbor Glen Senior Living project will require between 800 and 1,000. Commercial inspections tend to differ from residential inspections; the time required to perform a commercial inspection is generally longer than a similar type of inspection on a residential project.

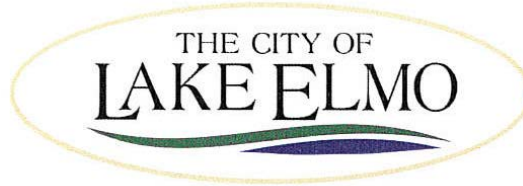
Performance Standards/Expectations

A combination building inspector performance standard for average number of field inspection is 2,000 +/- inspection annually. This performance matrix allows time in a daily schedule for plan review and other duties associated with the position. A working Building Official can typically perform 1,200 to 1,500 inspections annually. The reduced number of field inspections is due to management and supervisory duties, administering the code enforcement program, and concentrating the field inspection workload on the commercial projects.

The current staff has been able to complete an increased number of inspections due to the building inspector on average working 10 hours of overtime every week as well as the Building Official working an average of 55 hours per work. However, there is no plan in place for backing up the staff for vacations and there is concern over burning out the existing resources.

The current staffing of the Lake Elmo Building Department is set at one Building Official and one combination building inspector for 2016 who can perform 3,500 to 4,000 inspections working an average of 50 hours per week each. The building department recommendation for the 2017 budget includes the addition of one FTE combination building inspector effective 1/1/17 to meet the current and future needs projected.

The department conducted 3,670 inspections from January 1, 2016 through July and it is anticipated that over 8,000 inspections will be requested and completed by December 31, 2016 based on the current trend of scheduled inspections and anticipated workload of the commercial projects listed above.



The Lake Elmo Building Department conducts plan review and field inspection for all permitted construction projects in the city. The building department staff also responds to and administers property maintenance complaints, works with developers, contractors and residents in a wide range of capacities from plan review to guidance and local ordinance interpretation. On average, 2,000 field inspections per year accounts for approximately 6 work hours per work day. One hour per day on average should be dedicated to field inspection follow up work, recording inspections, follow up correspondence with builders, etc. Two hours per day on average should be allocated to plan review duties.

The Lake Elmo Building Department has set the following performance standards for duties assigned as primary responsibilities:

Residential Plan Review, New Construction:	2 weeks from submittal
Residential Plan Review, Remodel or Alteration:	1 week from submittal
Commercial Plan Review, New Construction:	3 weeks from submittal
Commercial Plan Review: Addition/Alteration:	1 week from submittal

Completing Inspection requests: The requests for inspections is currently set at 24 hour notice. The inspection schedule is often filled as needed and many inspection requests are accommodated either next day or same day as times are available.

Budget Impact

The 2016 Building Department Budget is set at \$260,765.91

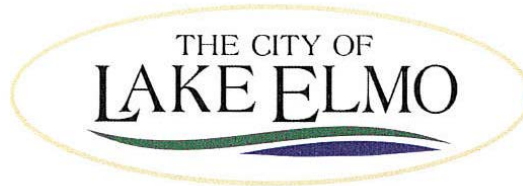
The budget projections through December 31, 2016 project a total expense of \$212,972.31.

Budget revenue projected from the Building Department for 2016 was set at \$873,629.00.

Budget revenue was revised and projected at June 30, 2016 from the Building Department for 2016 to be \$1,104,600.75.

The actual Building Department revenue is currently projected to exceed the original 2016 budget projections as well as the revised projection made in June 2016 and can be seen in the table below.

There will be no negative impact to the 2016 budget as the actual Building Department revenue far exceeds projections. It is anticipated that the cost for filling the position the remaining of 2016 is approximately \$20,000.00.



		Projected (6/30/16)	Projected (8/17/16)
	2016	2016	2016
	Budget	Actuals	Actuals
Revenue	\$873,629	\$1,104,601	\$1,500,000
Expense	\$260,766	\$226,930	\$226,930
Net	\$612,863	\$877,671	\$1,273,070

Staffing Request

Due to the current new construction demand, it is requested the FTE combination building inspector position requested in the 2017 Building Department budget be recruited and filled as soon as possible to meet current and forecasted future workload demands.

The current trends show the new construction market to be very strong and expectations are that the workload levels for the Building Department support this new position for a minimum of 5 years out based on the projected average new home build outs.



The City of Lake Elmo offers competitive pay and benefits in addition to professional development opportunities to all employees. The city's number one value statement is to foster an environment based on trust and ethics. These philosophies and practices help the City in recruiting and retaining exceptional employees.

Accepting Applications for the Position of:

BUILDING INSPECTOR

SALARY: \$26 - \$32 /hr

OPENING DATE: 9/8/2016

CLOSING DATE: 9/22/2016

POSITION TITLE: Building Inspector
DEPARTMENT: Department of Building Safety
ACCOUNTABLE TO: **Building Official**

PRIMARY OBJECTIVE:

This individual will perform all functions of the Department of Building Safety to assist and maintain compliance with the State Building Code and City of Lake Elmo Municipal Code. Delivering service, solutions, education, and efficiency while facilitating positive relationships with residents, contractors, and design professionals.

ESSENTIAL FUNCTIONS OF THE POSITION

1. Perform plan reviews and building inspections on all types of building structures (commercial, industrial and residential) to ensure that they meet the MSBC and City of Lake Elmo Municipal Code.
2. Communicate with architects, engineers, contractors and property owners to interpret and clarify code requirements.
3. Maintains record of erosion control violations and coordinates the City's enforcement of erosion control requirements for new construction.
4. Verifies that site construction activity is in conformance to approved plans, coordinates City action to bring non-compliant sites into compliance.
5. Ensure complaints involving building codes, related ordinances and nuisance investigations, are m

managed in a timely manner. Initiate appropriate action regarding violations that are not corrected.

6. Keep abreast of innovations and developments in the construction industry and how changes in materials and construction practices relate to code requirements.
7. Responsible for keeping Building Official informed of issues and proactively working through for solutions. Recommends procedures and policies in cases not clearly covered by codes and ordinances.
8. Responsible for ensuring department reports are completed and accurate.

PERFORMANCE CRITERIA

- Skills in mediation, complaint resolution and problem solving.
- Team player with the ability to collaborate and implement effective customer service.
- Strong initiative to improve processes and productivity.
- Ability to effectively use a computer and various software programs, including software for tracking building inspections and permitting activity.
- Ability to maintain a positive and effective working relationship with council, commissions, businesses, designers, contractors, residents and staff.
- Ability to communicate effectively, both orally and in writing.
- Thorough knowledge and understanding of the pertinent state and local codes and licensing requirements applicable to the City of Lake Elmo and the legal aspects of code administration.
- Ability to read and interpret plans, specifications, engineering and architectural project drawings, and electronic documents accurately and to compare them with construction in progress.
- Ability to enforce codes and ordinances firmly, tactfully and impartially and deal with difficult situations.
- Understanding and experience working with best management practices for construction activity.
- Develop and maintain effective working relationships with City departments & Authorities having jurisdiction.
- Ability to physically move about all areas of construction properties to carry out duties.
- Ability to manage multiple projects and meet deadlines working in a fast paced environment.

MINIMUM QUALIFICATIONS

- State Certification as State Building Official
- 2 Year A.A.S degree in construction.
- Three years' experience in construction public or private sector.
- 2 years' experience in building inspections.
- Experience with Microsoft Products (Word, Excel, PowerPoint)
- Valid MN Driver's License

DESIRABLE QUALIFICATIONS

- Experience with inspections, property maintenance, sign permits and/or planning and zoning in Public Sector
- Certification from ICC in fire and or building inspections.

SUPERVISION RESPONSIBILITIES

N/A

PHYSICAL REQUIREMENTS

Positions in this class typically require: sitting, feeling, manual dexterity, grasping, talking, and hearing, typing, and seeing. The individual may encounter unexpected and prolonged workdays and stress and pressures from dealing with emotional issues and conflicts. There is sustained exposure to computer keyboards and video screens. This position is light duty and may require the exertion of up to 20 pounds of force on occasion or a negligible amount of force frequently to lift, carry, push, pull or otherwise move objects. Work is performed in both office and field settings year round. Some of the employee's time is spent in field inspections associated with code enforcement and development cases. Sufficient mobility is necessary to navigate natural terrain and construction sites.

PLEASE APPLY BY **CLOSING DATE: 9/22/16**

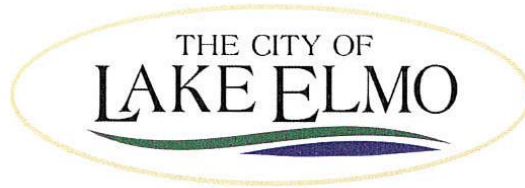
SEND COVER LETTER, RESUME, LAKE ELMO APPLICATION AND REFERENCES TO:
CITY OF LAKE ELMO

ATTN: Julie Johnson, CITY CLERK

3800 LAVERNE AVENUE NORTH, LAKE ELMO, MN 55042

PLEASE VISIT OUR WEBSITE AT **WWW.LAKEELMO.ORG** FOR ADDITIONAL
INFORMATION/APPLICATION OR CONTACT US AT 651.747.3900

CITY OF LAKE ELMO IS AN EQUAL OPPORTUNITY EMPLOYER



Lake Elmo Building Department

Our mission is to provide professional plan review, permitting and inspection of building construction projects to ensure a safe built environment for all those who live and work in the City of Lake Elmo.

Request for increase in staffing:

As presented in detail during the 2017 budget review process, the Lake Elmo Building Department is experiencing an increase in workload due to a variety of reasons. The workload for the department related to residential new construction is directly related to the real estate market, and the real estate market for new home construction in Lake Elmo is strong.

It is requested that the FTE combination building inspector position requested in the 2017 Building Department budget (effective 1/1/17) be moved forward, recruited and filled as soon as possible to meet current and forecasted future workload demands.

The alternative of using an external contracted resource was reviewed. The use of such a resource creates inconsistencies in inspections, workload and established relationships with our customer base. Utilizing a contract based inspector as a supplement to staff positions would only address a long term need with a short term solution. It is estimated that the lost revenue from utilizing a contract inspector to the City would be double the fully loaded cost to hire the proposed FTE.

Workload

The City of Lake Elmo Building Department has issued 139 new construction home permits from January 1, 2016 through August 17, 2016. There are currently 39 new construction home permits in for permit or awaiting development release for permit. When preparing the 2017 budget information in June, the building department estimated 202 new home build outs based on permit trends at that time. Based on the activity since that time, the building department is on pace to issue over 250 residential new construction permits in 2016.

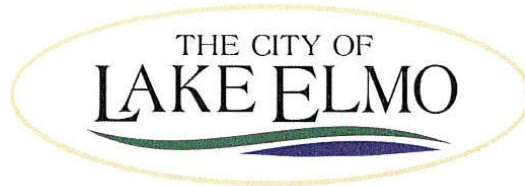
The City of Lake Elmo Building Department currently has several large scale commercial construction projects started.

The Northeast Metro Intermediate School District 916 Pankalo Elementary School project located at 8568 Eagle Point is a 78,000 sf public school project under construction.

The Arbor Glen Senior Living project permit has been issued and construction is beginning at 11020 39th Street North.

The Oak-Land Junior High School addition and remodel at 820 Manning Avenue is scheduled for completion by the time school starts up.

The Health Partners Specialty Dental Clinic build-out located at 8515 Eagle Point Boulevard is scheduled for completion in October.



The new construction value of these commercial projects permitted from January 1, 2016 through August 17, 2016 is \$84,335,275.11; generating permit revenue of \$198,415.90 and plan review revenue of \$45,136.43. Included in these numbers was unbudgeted revenue of \$189,481.33 in permit revenue and \$45,136.43 in plan review fees due to the building official having certifications and delegation authority with the State of Minnesota allowing for the work to be done in-house rather than by the State Department of Labor and Industry Construction Codes and Licensing Division inspector.

The number of inspections associated with large scale commercial projects varies according to the scope and type of the project. A project similar to the Pankalo school project will command several hundred inspections during the course of the project while a project such as the Arbor Glen Senior Living project will require between 800 and 1,000. Commercial inspections tend to differ from residential inspections; the time required to perform a commercial inspection is generally longer than a similar type of inspection on a residential project.

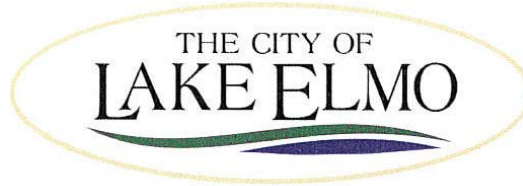
Performance Standards/Expectations

A combination building inspector performance standard for average number of field inspection is 2,000 +/- inspection annually. This performance matrix allows time in a daily schedule for plan review and other duties associated with the position. A working Building Official can typically perform 1,200 to 1,500 inspections annually. The reduced number of field inspections is due to management and supervisory duties, administering the code enforcement program, and concentrating the field inspection workload on the commercial projects.

The current staff has been able to complete an increased number of inspections due to the building inspector on average working 10 hours of overtime every week as well as the Building Official working an average of 55 hours per work. However, there is no plan in place for backing up the staff for vacations and there is concern over burning out the existing resources.

The current staffing of the Lake Elmo Building Department is set at one Building Official and one combination building inspector for 2016 who can perform 3,500 to 4,000 inspections working an average of 50 hours per week each. The building department recommendation for the 2017 budget includes the addition of one FTE combination building inspector effective 1/1/17 to meet the current and future needs projected.

The department conducted 3,670 inspections from January 1, 2016 through July and it is anticipated that over 8,000 inspections will be requested and completed by December 31, 2016 based on the current trend of scheduled inspections and anticipated workload of the commercial projects listed above.



The Lake Elmo Building Department conducts plan review and field inspection for all permitted construction projects in the city. The building department staff also responds to and administers property maintenance complaints, works with developers, contractors and residents in a wide range of capacities from plan review to guidance and local ordinance interpretation. On average, 2,000 field inspections per year accounts for approximately 6 work hours per work day. One hour per day on average should be dedicated to field inspection follow up work, recording inspections, follow up correspondence with builders, etc. Two hours per day on average should be allocated to plan review duties.

The Lake Elmo Building Department has set the following performance standards for duties assigned as primary responsibilities:

Residential Plan Review, New Construction:	2 weeks from submittal
Residential Plan Review, Remodel or Alteration:	1 week from submittal
Commercial Plan Review, New Construction:	3 weeks from submittal
Commercial Plan Review: Addition/Alteration:	1 week from submittal

Completing Inspection requests: The requests for inspections is currently set at 24 hour notice. The inspection schedule is often filled as needed and many inspection requests are accommodated either next day or same day as times are available.

Budget Impact

The 2016 Building Department Budget is set at \$260,765.91

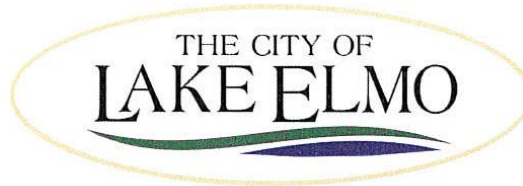
The budget projections through December 31, 2016 project a total expense of \$212,972.31.

Budget revenue projected from the Building Department for 2016 was set at \$873,629.00.

Budget revenue was revised and projected at June 30, 2016 from the Building Department for 2016 to be \$1,104,600.75.

The actual Building Department revenue is currently projected to exceed the original 2016 budget projections as well as the revised projection made in June 2016 and can be seen in the table below.

There will be no negative impact to the 2016 budget as the actual Building Department revenue far exceeds projections. It is anticipated that the cost for filling the position the remaining of 2016 is approximately \$20,000.00.



		Projected (6/30/16)	Projected (8/17/16)
	2016	2016	2016
	Budget	Actuals	Actuals
Revenue	\$873,629	\$1,104,601	\$1,500,000
Expense	\$260,766	\$226,930	\$226,930
Net	\$612,863	\$877,671	\$1,273,070

Staffing Request

Due to the current new construction demand, it is requested the FTE combination building inspector position requested in the 2017 Building Department budget be recruited and filled as soon as possible to meet current and forecasted future workload demands.

The current trends show the new construction market to be very strong and expectations are that the workload levels for the Building Department support this new position for a minimum of 5 years out based on the projected average new home build outs.



MAYOR & COUNCIL COMMUNICATION

DATE: September 6, 2016
REGULAR
ITEM # 18

AGENDA ITEM: Old Village Sanitary Sewer Extensions – Discussion on Capital Improvement Phasing and Assessment Plan

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director
Chad Isakson, Assistant City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Engineer
- Report/Presentation..... City Engineer
- 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/Finance Committee.

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to provide direction to staff regarding the Old Village Sanitary Sewer Assessment methodology in preparation for the Phase 1 Improvements final assessment hearing. Staff will lead a brief presentation regarding the future sanitary sewer capital projects to be completed in the Old Village together with the potential assessment amounts based upon varied cost allocation methodologies. The presentation will include a recommendation from staff and the Finance Committee to base the Sanitary Sewer assessments on the total cost for the overall extension of sanitary sewer improvements needed to replace all (or substantially all) existing private wastewater systems in the Old Village area.

PROJECT BACKGROUND: The Phase 1 Old Village Street, Drainage and Utility Improvements have been substantially completed and the final assessment hearing for the improvements will be held on October 20, 2016. Staff will be presenting a resolution on September 20, 2016 to declare costs to be assessed, the final assessment rolls to be prepared and call for a final assessment hearing. The Phase 2 Old Village Street, Drainage and Utility Improvements are currently in construction, to be substantially completed by the end of the 2016 construction season. The final assessment hearing for the Phase 2 Improvements will be held in September/October 2017.

The Feasibility Reports for both project phases presented the preliminary assessment amounts to be based on the total cost for the extension of sanitary sewer for both Phase 1 and Phase 2 of the improvements, divided by the total number of REC's (or SAC's) connecting to the sewer main. Each benefitting property's assessment was then determined based on how many REC's it contains. From this analysis, the proposed per REC preliminary unit assessment was originally \$14,000 and more recently reduced to \$13,000.

Looking ahead, staff has prepared preliminary cost estimates for several future lateral sewer extension projects within the Old Village area as part of the City's capital improvement planning process. Through these efforts staff has identified the potential for a wide range of sanitary sewer assessment amounts for different neighborhoods. Because the long range planning efforts have always focused on maintaining a fair and equitable distribution of the sewer costs within the Old Village area, staff is proposing that the Council consider amending the assessment methodology to create one unit assessment amount for all properties with existing septic systems to be served by sanitary sewer in the Old Village.

Adopting this recommendation would loosely commit the City to pursue the remaining lateral sanitary sewer projects over the next 3-5 years in order to contain cost increases over an extended period of time. However, it should be noted that there is already some interest in completing some of these projects. Staff has received two signed sanitary sewer petitions requesting projects be pursued for their properties so staff is also looking for council direction regarding the phasing and schedule for these improvements.

RECOMMENDATION: Staff is recommending that the City Council provide direction to staff regarding the Old Village Sanitary Sewer Assessment methodology in preparation for the Phase 1 Improvements final assessment hearing. It is recommend direction be provide to staff by adopting one of the following motions:

“Move to direct staff to prepare the Phase 1 Improvement Final Assessments for Sanitary Sewer on the basis of the total cost for the overall extension of sanitary sewer improvements needed to replace all existing private wastewater systems in the Old Village area, divided by the total number of REC's (or SAC') connecting to the sewer main.”

OR

“Move to direct staff to prepare the Phase 1 Improvement Final Assessments for Sanitary Sewer in accordance with the approved feasibility reports basing the unit assessments on the total cost for the extension of sanitary sewer for only the Phase 1 and Phase 2 improvements, divided by the total number of REC's (or SAC') connecting to the sewer main.”

ATTACHMENT(S):

1. None.



MAYOR & COUNCIL COMMUNICATION

DATE: September 6, 2016
REGULAR
ITEM #19
MOTION

AGENDA ITEM: Financing Matters Related to the Downtown Project

SUBMITTED BY: Lake Elmo Finance Committee

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Cathy Bendel, Finance Director
Kristina Handt, City Administrator
Finance Committee Chair Fliflet

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: Lake Elmo Finance Committee

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve the recommendations proposed by the Finance Committee related to the downtown project fees and assessments and to direct staff to update the special assessment policy to reflect these changes.

BACKGROUND INFORMATION: For a number of months, the City Finance Committee has been viewing and discussing a number of avenues to alleviate the financial burden to the taxpayers who are part of the Lake Elmo Avenue Downtown Project. The following summarizes the recommendations that came out of those meetings.

The following two items have already be approved by the City Council:

- All costs and assessments for Phase I and Phase I were treated as one project for calculating assessments
- An early connection incentive was recommended and approved for those properties connection to the sewer system within one year of being made available.

The following still need review and approval by the City Council:

- Decrease the interest rate being charged on special assessments from 2% over the bond rate to 1% over the bond rate.
- Allow special assessments to be financed for 5 years longer than the City bonding cycle (streets for up to 15 years and utilities for up to 20 years)
- Allow existing residents to be allowed to defer through special assessment City Connection fees
- Approve that the City participate in the Met Council deferral program which will allow residents and businesses to participate in this Met Council program with the Met Council.

RECOMMENDATION: Based on the aforementioned, staff recommends the City Council approve the recommendations from the Lake Elmo Finance Committee as follows:

“Move to approve the four recommendations listed and updated the special assessment policy to reflect those changes”

OR

“Move to approve the following recommendations; _____ and update the special assessment policy to reflect those changes”

ATTACHMENT:

1. Detailed recommendation listing from the 8/10/16 Finance Committee meeting

City of Lake Elmo
Summary of Financing Matters Related to the Downtown Project
Finance Committee – 8/10/16
Recommending to CC 9/6/16

The Finance Committee has been discussing and reviewing many items related to the financing of the downtown project. The focus of these discussions has been to make recommendations to the city council focused on reducing the financial burden for residents that will be faced with assessments for both roads and sewer. Below is a summary of the items considered and discussed.

Assessment Policies for Phases 1 & 2

All costs and assessments for Phase 1 & 2 were combined into one project for the purposes of calculating the special assessments. This approach was deemed to be the most fair and equitable means for assessing residents for this project. This also allowed the state aid funding to be allocated equitably and applied to the project as a whole. This was recommended by the Finance Committee and adopted by the City Council.

Connection Charge Reduction for Existing Residents

Incentives could be offered to properties with existing on-site sewage treatment systems that will be required to hook up to municipal sewer in the future. Currently the fees charged are \$3,000 per SAC and \$1,000 per connection charge for a total of \$4,000 for each REC. The Finance Committee discussed options, including the amount of the incentive reduction, the possibility of lowering assessments rather than lowering SAC and connection charges, and also how this may or may not apply to those properties currently served by the city owned community sewage treatment systems commonly referred to as the 201 systems within the MUSA area. The Finance Committee felt that it was important to have the upfront SAC and Connection charges be where the discount applied to make it more visible, to allow all to benefit from the incentive equally, and to not muddle up the assessments with such an incentive. The Finance Committee recommended a reduction in the SAC and Connection Fee of 50% (currently \$2,000 per REC unit) for properties with existing on-site sewage treatment systems if those properties are connected to the municipal sewer within 1 year, and this was adopted by the City Council June 21st, 2016.

Decrease Interest Rate Add-On Charged to Residents that Elect to Defer Assessments

Currently the city policy is to charge 2% over the city's bonding rate to those residents that chose to defer payment of their assessments. This interest rate add-on is meant to cover the costs associated with the administrative functions of that deferral process. The City can decide to reduce or eliminate the additional rate of +2%. It was noted that since this add-on is a percentage of the total assessment, when the project costs and associated assessments are larger, the city receives more from this interest rate add-on to cover administrative costs than when the assessments are smaller, even though the administrative work of accounting for and tracking those assessments would be the same. The Finance Committee did not favor adjusting this rate with each project, and having the rate set differently for each project. They thought a discussion and change in policy could be brought forward, but that it should be considered a change in policy for all future projects, and should not be related solely to the old village improvements.

It is being recommended to update the special assessment policy for current residents. This recommendation being proposed effective 9/6/16 is to charge one percent above the current

bonding rate rather than the two percent currently being added to the current year bonding interest rate. One member of the Finance Committee did not agree with this recommendation.

Allow Longer Special Assessment Deferral Periods

The 2016A bond terms were 10 years for streets and 15 years for utilities. The length of the special assessment terms could be longer to help residents manage the payment of these large assessments over time. Options discussed included extending both to 20 years, or extending each +5 years which would equate to a deferral period of 15 years for streets and 20 years for utilities. The city engineer expressed some problems that could occur if the street assessments were extended to 20 years, specifically that he felt property owners could possibly be hit with another street assessment before the previous one was paid off, which would then create a situation where they would be paying off two assessments for streets at the same time. The Finance Committee consensus was to recommend that the special assessment terms be extended 5 years beyond the bond terms for the downtown project assessments which would be 15 years for streets and 20 years for utilities.

This recommendation is being proposed for approval effective 9/6/16.

Initiating a City Loan Program

Some Cities offer loan programs to help residents finance various upfront costs that residents are faced with in projects such as these. Examples like city hookup costs, costs of hiring a contractor to extend sewer lines to the house, and other costs driven by City projects to the residents. The Finance Committee discussed starting a city loan program but consensus was not to recommend this program. The Finance Committee noted that the city would incur a lot of administrative and legal costs to setup a new program like this because it would entail a thorough review of other loan programs and discussions of what would work best for Lake Elmo, drafting of loan policy documents, drafting of actual loan agreement documents, and a lot of review and work throughout the process by attorneys. The Finance Committee also did not think it was in the best interest of the city to become a bank for residents, and that many other problems with defaults and other circumstances could arise that would be problematic and costly for the city.

This is was not recommended by the Finance Committee.

Assessment Policy for Deferral of WAC & Water Connection Charges, SAC and Sewer Connection Charges

The city's current special assessment policy allows the deferral of WAC and SAC fees through special assessment for a period of 15 years. The policy does not allow the deferral of the water and sewer connection charges but those could be included as well by modifications to the policy. The WAC and SAC fees are \$3,000 each and the water and sewer connection charges are \$1,000 each.

The Finance Committee is recommending that effective 9/6/16, existing residents will be allowed to defer any connection fees due to the City. This election can be made by completing a form.

Assessment Policy for Deferral of Met Council Sewer Connection Fees

The Met-Council currently has a program which allows Commercial properties to defer up to 80% of their Met-Council SAC fees over 10 years if their SAC determination is 25 or fewer units. They have recently approved a new program which would allow a similar program for residents. If the

City chooses to participate in one or both of these programs, the City Council will need to approve applying to participate in the program. The Finance Committee is recommending that the City complete whatever paperwork necessary to participate in this Met Council Program for businesses and residents.

There was discussion as to whether the City provide this service to the residents to keep all fee deferrals together. Since this is a Met Council program, the recommendation from the Finance Committee is to leave this component with the Met Council since this is their program to administer.

Assessment Policies for Future Downtown Sewer Project Phases

The City Engineer brought forward an option of combining the project costs for Phase 1 and Phase 2 with all/or most of the future phases to provide sanitary sewer to existing residential and commercial properties to create 1 REC unit assessment amount for all properties. Based on high level cost estimating it appears that the single unit assessment amount would be several thousand less than the Phase 1 and Phase 2 unit assessment of \$13,000/REC; thereby reducing the assessment burden on the Phase 1 and Phase 2 properties. This policy would have the benefit of equalizing the sewer costs to all downtown properties rather than creating unit assessments on a project by project basis which will vary greatly (from \$6,000/REC to \$18,000/REC). The potential issue with this method is that once all properties are finally serviced the final project costs may be different than the estimates produced today. To the extent the single unit assessment does not generate sufficient funds to cover all costs, the Sanitary Sewer Enterprise Fund would need to subsidize this program. The City would need to be comfortable with this potential subsidy.

As was the case in Phases 1&2, completing future phases of the sewer would also entail street reconstruction together with street assessments. The street assessments would continue to follow the City Assessment Policy. Staff only recommends going forward with this if all future phases can be done in within a reasonable time frame to not risk large project cost changes.

This was brought forward as the last agenda item by the City Engineer.

Met-Council Decision to Grandfather City 201 Systems and Not Charge the Met Council SAC Fee

There are 4 City Septic systems (201 systems) in the old village that were built in the 70's and 80's. The majority were built with grant proceeds and the city maintains these systems, and charges the residents supported by these systems a flat monthly charge for sewer. In looking at the history of these systems and charges, those served by these systems did not pay a hookup fee to the city when they were installed, and they pay a flat monthly rate to the city for their sewer service (currently \$75 per rec unit per quarter). The Met-Council has indicated that they will waive the Met-Council SAC fee for existing 201 systems.

Based on earlier discussions between staff and the Met-Council, it was believed that the fees could be reapportioned over the project area, however, this is not the case. Per the Met Council, 201 exemptions remain with the property (by parcel ID) on which they were initially paid.



MAYOR AND COUNCIL COMMUNICATION

DATE: 09/06/2016

Regular

ITEM #: 21

AGENDA ITEM: Tablyn Park Pricing
SUBMITTED BY: Emily Becker, City Planner
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Kristina Handt, City Administrator
 Rob Weldon, Public Works Director

BACKGROUND:

At its meeting on June 21, 2016, the City Council made a motion to approve an expenditure of up to \$46,000 for improvements to Tablyn Park that included stairs to the parking lot, ADA-compliant switchback trail, and entrance lighting.

Staff has since received bids for the aforementioned and is asking Council to approve these costs.



ISSUE BEFORE COUNCIL:

The Council is requested to approve the expenditure of a total of \$41,257.84 for the construction of stairs to the parking lot, accessibility trail, and entrance lighting.

PROPOSAL DETAILS/ANALYSIS:

The table below provides a summary of the quotes gathered. Attached are details of the quotes:

Amenity	Option	Bid Price
Steps to Parking Lot	#1 – Jim Weber General Contracting, Inc. <ul style="list-style-type: none"> • Removal/disposal of existing wood steps • Broom finished • 4500 PSI, 6% air entrained concrete • #3 rebar throughout • Cured and sealed 	\$19,250.00
	#2 – St. Croix Concrete <ul style="list-style-type: none"> • Removal/disposal of existing wood steps • New class 5 base, 4” thick • 4”-10” thick concrete with 1/2” rebar every 2 feet on center • 4500 PSI concrete w/air entrained agent • Proper control joints to reduce risk of cracking • Cured and sealed 	\$16,904.84

Lighting	<p>#1 – Xcel Energy Standard Service Underground</p> <ul style="list-style-type: none"> LED cobra fixtures <p>Reliable Standard The Cobrahead is appreciated for function and form that contributes to the safety and security of well-lit streets for your residents and business patrons. COLORS: GREY ONLY Available on pole style "A" only</p> 	<p>-\$3,572.00 upfront installation cost -\$18.92 monthly under- ground rate per luminaire</p>
	<p>#2 - Xcel Energy Pre-Pay Option</p> <ul style="list-style-type: none"> LED cobra fixtures (reference photo above) 	<p>-\$9,503.00 upfront installation cost -\$4.89 monthly under- ground rate per luminaire</p>
	<p>#3 - Xcel Energy Pre-Pay Option</p> <ul style="list-style-type: none"> Evans fixtures <p>Renaissance Grandeur The Evans intelligent design will revitalize any community roadway with sophisticated style. COLORS: BRONZE, BLACK, AND GREEN Available on pole style "D" only</p> 	<p>-\$22,460.10 upfront installation cost -\$6.94 monthly under- ground rate per luminaire</p>
Repaving trail from parking lot and adding new trail connecting stairs to parking lot and connecting looping trail to playground	<p>#1- Brochman Blacktopping Co</p> <ul style="list-style-type: none"> Remove existing trail and replace to 8 feet wide Does not have a machine to replace 6 foot wide trails 	\$19,900
	<p>#2-T.A. Schifsky</p> <ul style="list-style-type: none"> Remove existing trail and replace to 8 feet wide 	\$20,000
	<p>#3-T.A. Schifsky</p> <ul style="list-style-type: none"> Remove existing trail and replace to 6 feet wide 	\$14,850

Note about Trail Quotes. It should be noted that the quotes provided are not for an ADA-compliant switchback trail. Staff has further evaluated the site, and creating an accessible switchback trail that would be ADA-compliant would require a significant amount of grading, a very large amount of fill, possible disturbance of wetland and drainage area, and a substantial number of trees removed (attached photos are provided showing this). Therefore, the quote provided is to redo the existing trail that connects the parking lot to the area below. The existing looping trail connects to 27th Street Court N, so with the addition of trails that connect to the playground area, access is provided to the playground area.

Recommended Options. Staff would recommend Option #2 of the stairs to the parking lot based on the lower price. Option #2 of the lighting would also be recommended based on the lower monthly cost and the existence of park dedication funds that can cover this upfront cost. Option #3 for the trail improvements is recommended as staff feels the 6-foot wide trail that exists is an adequate width.

FISCAL IMPACT:

The cost from the Parks Fund will be \$41,257.84, which is \$4,742.16 less than the amount Council directed Staff to not exceed of \$46,000.

OPTIONS:

The Council may choose to accept any combination of the aforementioned bids.

RECOMMENDATION:

Staff recommends that the Council approve the following bids:

- Steps to parking lot: Option #2
- Lighting: Option #2
- Accessibility trail improvements: Option #3

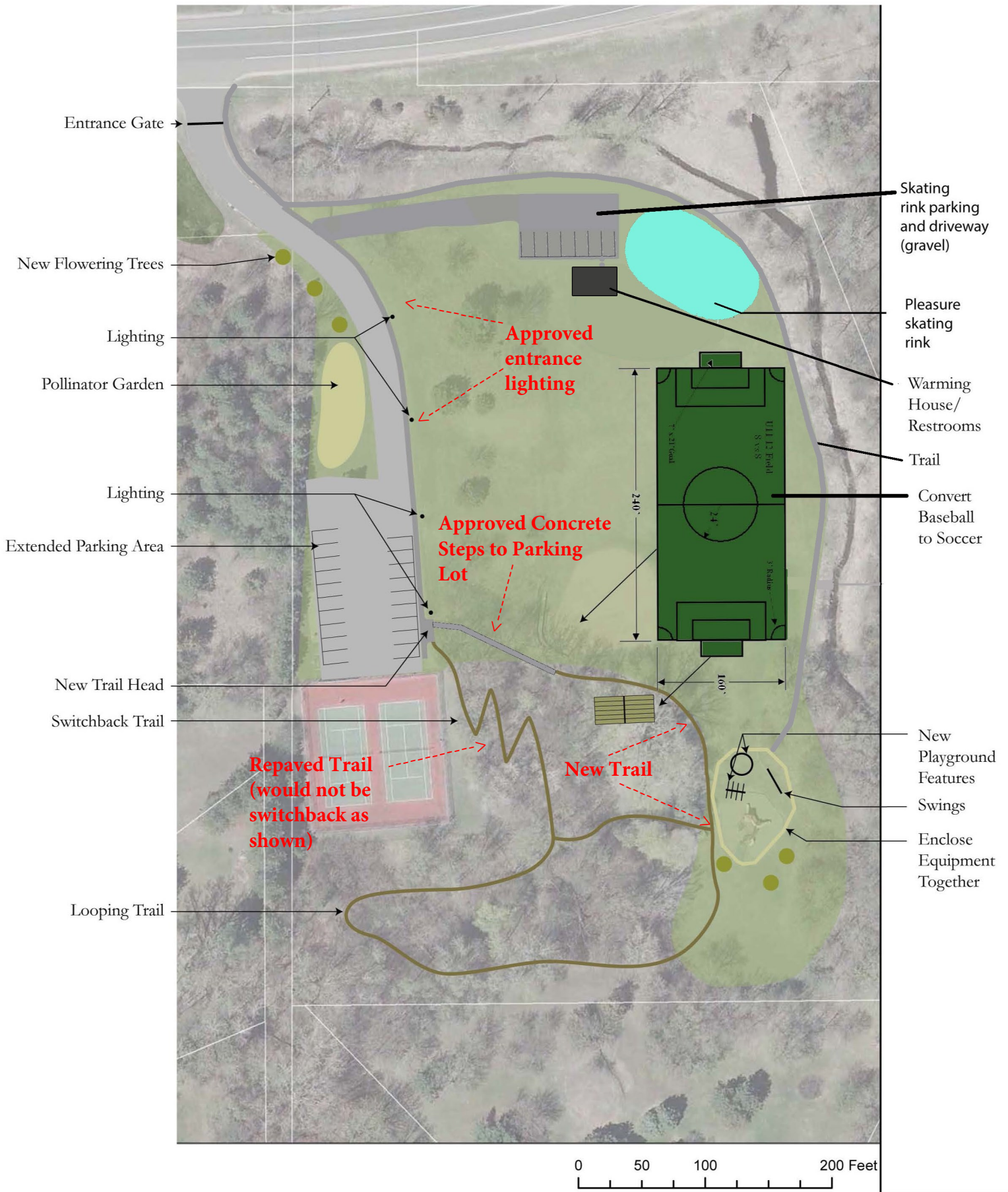
“Move to approve the following bids for improvements to Tablyn Park, totaling an expenditure of \$41,257.84: Steps to the parking lot: Option #2; lighting: Option #2; Trail improvements: Option# 3.”

ATTACHMENTS:

- Quotes
- Tablyn Park Plan

Tablyn Park Plan

4/13/16



From: [Jay Weber](#)
To: [Emily Becker](#)
Subject: Concrete (Jim Weber General Contracting, Inc)
Date: Thursday, June 30, 2016 5:53:57 PM

Hello Emily,

I apologize for taking so long to send this over. I thought I had sent it earlier this week but just came my bid sheet (and it wasn't in my sent folder...)

We appreciate your interest in our companies services. Below is our bid for the work discussed at Tablyn Park. Let me know if you have any questions.

*Emily you had asked for a recommendation of the railing... I think that the existing railing is just fine, but it is missing a section at the top. If that is replaced I think that we could put the concrete steps close enough to the railing (as the current steps are) so that there is not need to replace it.

*Let me know if you'd like to have us send over a W-9 and a Cert. of insurance.

Steps

Removal & disposal of existing wooden steps.

Install ~45 new concrete steps to the same dimensions of the previous wooden steps (4' Wide steps running ~104' @6" high each).

Broom Finished.

Cured & Sealed.

4500PSI, 6% Air Entrained Concrete.

#3 Rebar throughout.

Bid:\$19,250

All labor, materials, and tax included.

Work completed in a timely manner.

The work site kept orderly throughout the project and cleaned afterward.

Proper barricades (caution tape, cones, safety fence, etc) will be in place any time that is appropriate.

Payment terms are Net 30. We accept Cash, Check, & Card (3% is added for the use of card).

In our 36 years in business we have learned what it takes to create lasting concrete products. We continue to educate ourselves in the industry through certifications like our American Concrete Institute –Flatwork Finisher & Technician certification. It is our promise to our customers that we use all of our knowledge, not skipping any steps, to provide only the highest quality concrete products.

I hope that you've had a nice day. We look forward to working with you.

-Jay Weber

Jim Weber General Contracting, Inc.

1918 Greeley Street South

Stillwater, MN 55082

(651) 468-1065 Cell

(651) 439-3237 Office

(651) 439-6169 Fax

jay@jimwebergc.com Email

MN LIC#: BC693081



CONCRETE BID PROPOSAL

OWNER INFORMATION

Company	City of Lake Elmo
Name	Emily Becker
Address	Tablyn Park, Stillwater Blvd
City, State ZIP	Lake Elmo, MN 55042
Phone	651-747-3912
Email	
Date	7/5/16

CONTRACTOR INFORMATION

Company	St. Croix Concrete, Inc.
Name	Dustin Dahlblom
Address	3303 Lake Elmo Ave. N.
City, State ZIP	Lake Elmo, MN 55042
Phone	612-213-9637
Email	dustind@stcroixconcretemn.com
PO	N/A

SCOPE OF WORK

1) New Concrete Steps:

Demo, remove and properly dispose of existing wood steps. Sub cut current base and make way for new class 5 base roughly 4" thick as needed. Grade and compact new class 5 base. Form and pour new steps.

Concrete will consist of. 4" to 10" thick concrete with 1/2" rebar every 2 feet on center. 4500 PSI concrete with air entrained agent. Proper control joints to reduce risk of cracking. Seal with a coat of cure and seal.

Based on 516 sq. ft. at \$9.99 per square foot – Total: \$5,154.84

43 – 6" X 4' wide steps at \$250 each – Total: \$10,750.00

Concrete pump truck to place the concrete - \$1,000.00

Total: \$16,904.84

NOT INCLUDED

- Additional square feet above and beyond what is quoted in this proposal will be billed out at the same price
- Although St. Croix Concrete does our best not to disturb our customer's property too much while working to place our concrete, sometimes additional landscaping is needed to compliment the new concrete and to repair any wear that occurs by our machines. Landscaping is not included in this bid.

COMPANY PROPOSAL

Notice to property owner:

Any person or company supplying labor or materials for this improvement to your property may file a lien against your property if that person or company is not paid for the contributions. Under Minnesota law you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or materials for

St. Croix Concrete, Inc. | 649 Schilling Circle NW. | Forest Lake, MN 55025 | 651.204.9044

Thank you for your business!

the improvement and who gave you timely notice.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Projects are bid at normal wage rates unless specified as prevailing wage or other on this proposal.

Due to climate, soil conditions, shrinkage and other relative issues, cracking of concrete is common and typically not a structural concern. Control joints are placed within industry standards to help control cracking but may not prevent it; therefore, cracking is not a warrantable item. If cracks of over 3/8" in width occur, they will be addressed per circumstance and warranted as applicable. Furthermore, cracking or displacement due to settling of soils whether from lack of compaction or presence of frost is also not a warrantable item.

From time to time, SCC may sub some of their work to qualified and experienced Subcontractors. The work performed by the Subcontractor shall be at the risk of the Subcontractor exclusively. Customer hereby indemnifies and holds SCC, its parent and affiliates and their respective officers, directors, employees and agents, harmless from and against any and all claims, actions, losses, judgments, or expenses, including reasonable attorneys fees, arising from or in any way connected with the work performed, materials furnished, or services provided to SCC during the term of this Agreement.

SCC recommends sealing all concrete with approved sealers to help prevent damage and to keep concrete looking it's best. SCC does not recommend the use of deicers on concrete whether the manufacturer states that it is safe to use or not. Damage to concrete from direct use of deicers or indirect tracking of deicers onto concrete (by a vehicle, etc.) is considered to be beyond our control and is not warrantable.

Color, whether integral or not, may differ in appearance from truck to truck and pour to pour.

Heated ready-mix material charges to be applied to all pricing between November 1st and April 15th and will be above and beyond the proposal pricing (typically 7% additional) unless stated as included or specified differently in this bid on the previous pages.

Protection of concrete from freezing temperatures is recommended by SCC per ACI specifications and is to be the contractor's responsibility unless noted otherwise in this bid. Furthermore, SCC does not recommend the use of un-vented heaters due to the probability of dusting occurring. Dusting or damage due to freezing are not warrantable items.

Road postings begin in the spring of each year dependent upon temperatures and ground thaw. Due to the volatility in beginning and ending dates, charges for additional trucks during road postings will be billed at the current rate and will be above and beyond the proposal price unless stated as included in this bid on the previous pages.

We hereby propose to furnish material and labor – complete in accordance with these specifications, for the sum of: Dollars (per square footage above)

Payable as follows: 50% paid up front, balance paid upon completion. 10% interest thereafter. Legal fees to be additional if applicable. This Proposal / Contract become binding by acceptance on signature page or scheduling of work. It may be withdrawn by SCC if not accepted within 30 days. SCC may require this Proposal / Contract to be signed, dated and returned prior to commencement of work.

OWNER ACCEPTANCE

ACCEPTANCE OF PROPOSAL BY CUSTOMER:

Signature: _____

Date: _____

The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

SCC AUTHORIZED SIGNATURE:

Signature: _____

Date: _____

BROCHMAN



BLACKTOPPING CO.

www.brochmanpaving.com

12770 McKusick Rd. N., Stillwater, MN 55082 MN: (651) 439-5379 WI: (715) 294-1622

Service Contract

NAME: City of Lake Elmo DATE: 7/5/16

ADDRESS: Trablyn Park TELEPHONE: _____

CITY: _____ STATE: _____ FAX: _____

E-MAIL: Ji Colomer @ Lake Elmo, MN

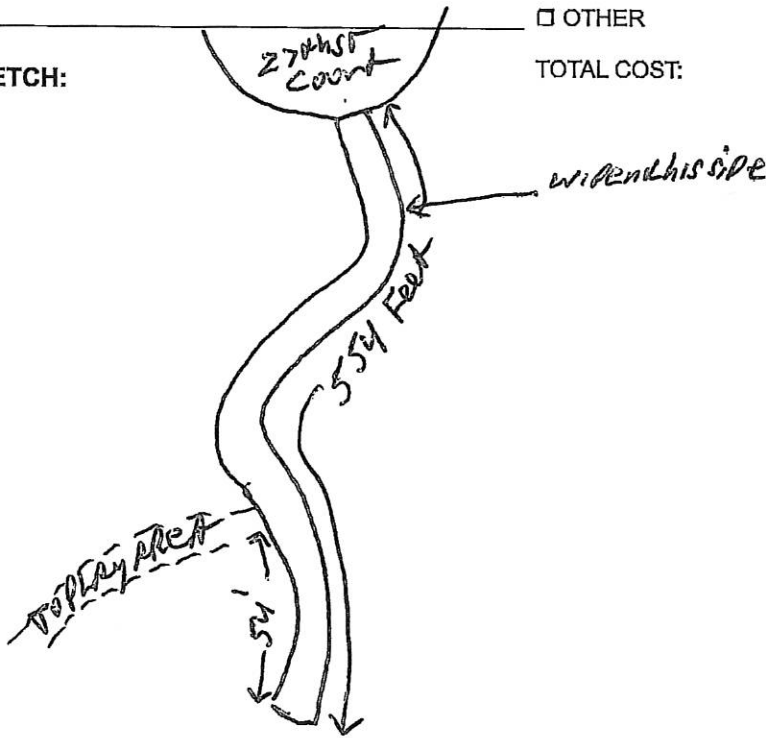
4,432 Square Feet of Trunk

JOB TYPE:

- ASPHALT WORK \$ 13,400.00
- CEMENT WORK \$ _____
- SURFACE SEAL \$ _____
- CRACK SEAL \$ _____
- TRUCKING \$ _____
- SNOWPLOWING \$ _____
- OTHER \$ _____

TOTAL COST: \$ _____

JOB SKETCH:



ASPHALT AND CEMENT WARRANTY
One (1) year on workmanship excluding damage caused by freezing or winter activity.

CONTRACTOR AGREES TO SUPPLY LABOR, MATERIALS, AND EQUIPMENT FOR THE FOLLOWING JOB DESCRIPTION:

Remove old Trunk - widen to 8 Feet - Rebase as needed
to 6 inches - Grade & Pack Base - Pave with 3 inches - one Layer
Rolled Smooth

CUSTOMER SIGNATURE _____

CONTRACTOR SIGNATURE _____

Customer agrees to make full payment upon completion of job. Late fees of 1.5% per month will be charged on past due accounts over 30 days

PLEASE SEND PAYMENT TO: BROCHMAN BLACKTOPPING CO., 12770 MCKUSICK RD. N., STILLWATER, MN 55082

ANY QUESTIONS PLEASE CALL (651) 439-5379 OR E-MAIL US AT brochmanpaving@msn.com.

Original - White

Customer Copy - Yellow

Office - Pink

BLACKTOPPING CO.

www.brochmanpaving.com

12770 McKusick Rd. N., Stillwater, MN 55082 MN: (651) 439-5379 WI: (715) 294-1622

Service Contract

NAME: City of Lake Elmo DATE: 7/5/16

ADDRESS: Trablyn Park TELEPHONE: _____

CITY: _____ STATE: _____ FAX: _____

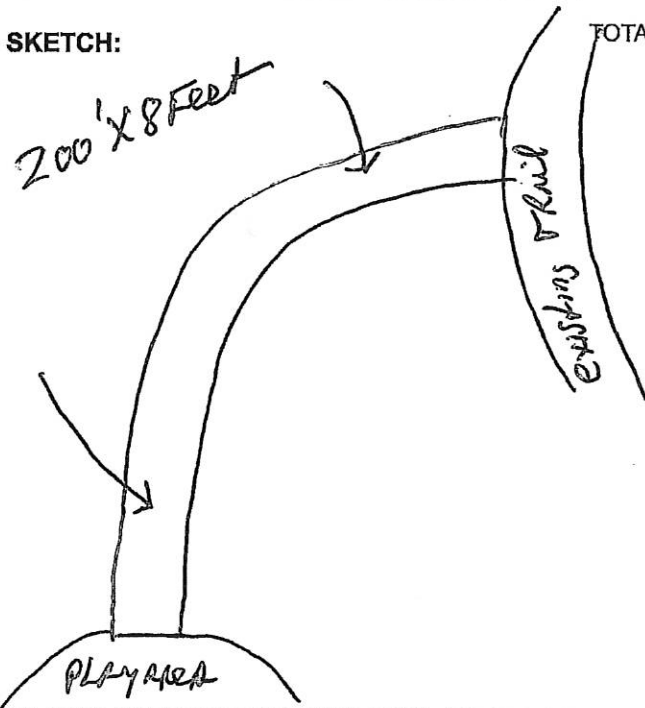
E-MAIL: J. Coleman @ LakeElmo.org

1,600 square feet of trail

JOB TYPE:

- ASPHALT WORK \$ \$ 8,200.00 or \$ 6,500.00
- CEMENT WORK \$ _____
- SURFACE SEAL \$ _____
- CRACK SEAL \$ _____
- TRUCKING \$ _____
- SNOWPLOWING \$ _____
- OTHER \$ _____

JOB SKETCH:



TOTAL COST: \$ _____

ASPHALT AND CEMENT WARRANTY
One (1) year on workmanship excluding damage caused by freezing or winter activity.

Note: \$ 6,500 if Done with Repairing of existing trail

CONTRACTOR AGREES TO SUPPLY LABOR, MATERIALS, AND EQUIPMENT FOR THE FOLLOWING JOB DESCRIPTION:

Dig out - add base to 6 inches - grade and pack base

Pave with 1 Layer of Asphalt 3 inches - rolled smooth

CUSTOMER SIGNATURE _____

CONTRACTOR SIGNATURE _____

Customer agrees to make full payment upon completion of job. Late fees of 1.5% per month will be charged on past due accounts over 30 days

PLEASE SEND PAYMENT TO: BROCHMAN BLACKTOPPING CO., 12770 MCKUSICK Rd. N., STILLWATER, MN 55082
ANY QUESTIONS PLEASE CALL (651) 439-5379 OR E-MAIL US AT brochmanpaving@msn.com.

Original - White

Customer Copy - Yellow

Office - Pink

T. A. Schifsky & Sons, Inc.
 2370 Highway 36 East
 North St. Paul, MN 55109
 Phone (651) 777-1313
 Fax (651) 777-7843
www.taschifsky.com



PROPOSAL

Bid To:	City Of Lake Elmo	Attention:	Jamie
Job:	Blacktop Trail	Address:	
Location:	Lake Elmo - Tablyn Park	Phone:	651.248.1688
Addendums:	NA	Fax:	
Date:	7.26.16	Email:	j.colemer@lakeelmo.org

We propose the following for the above referenced project:

<u>Trail</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
<i>Blacktop Trails</i>	SF	5,200		\$14,850.00
Remove Existing Blacktop And Excess Fill				
Add Class 5 Base As Needed				
Install 3" Mat Of (Dura-Drive) Bituminous				
Lump Sum Total =				\$14,850.00

Notes:

Contractor's Guarantee

We guarantee all material used in this contract to be as specified above and the entire job to be done in a neat, workmanlike manner. Bid is based on quantities stated. Any variations from the plan or alterations requiring extra labor or material will be performed only upon written order and billed in addition to the sum covered by this contract. Prices are for 2015 unless otherwise specified.

Thank you for the opportunity to quote. If you have any questions please do not hesitate to call.

T.A. Schifsky & Sons, Inc. (Affirmative Action, Equal Opportunity Employer)

By: _____ Date 7.26.16
 Nick Schifsky - Project Manager/Estimator

Accepted By: _____ Date _____
 (Bid must be signed and returned)

Due to the rising cost of asphalt oil fuel, we can only honor our quotes for 30days. After 30 days bids/quotes are subject to our review and possible cost increase. Payment due upon completion.
 F:\Proposals\2016 Proposals\Trails-Courts-Tracks\Lake Elmo

August 22, 2016

City of Lake Elmo
Attn: Emily Becker
3800 Laverne Avenue North
Lake Elmo, MN 55042

Xcel Energy Outdoor Lighting is pleased to have an opportunity to submit a proposal for the City of Lake Elmo street light project. Our goal is to provide you with the necessary information to assist you in your decision making process. We are confident we can provide you with a comprehensive package that will meet all your needs.

Please find below styles of product and the estimated project costs. This proposal includes all underground facilities installed using the plowing or boring method for conduit and wire and the installation of each of the following material. If successful in acquiring the identified project, delivery of the specified product could take 8 to 10 weeks:

Tablyn Park Street Light Project:

1. The Standard Service Underground upfront installation cost is - \$3,572.00.
The monthly underground rate (A30) 50-75W LED per luminaire is - \$18.92.
Install 2-50-75W (6,000 Lumens) LED cobra fixtures on 30' direct buried fiberglass poles.
Install 3 overhead spans and install by plow approx. 375' of #6 AL DX in 1 1/2" conduit.
Restoration is not included.
2. The Pre-Pay Option upfront installation cost is - \$9,503.00.
The monthly pre-pay option rate (A30) 50-75W LED per luminaire is - \$4.89.
Install 2-50-75W (6,000 Lumens) LED cobra fixtures on 30' direct buried fiberglass poles.
Install 3 overhead spans and install by plow approx. 375' of #6 AL DX in 1 1/2" conduit.
Restoration is not included.
3. The Pre-Pay Option upfront installation cost is - \$22,460.10.
The monthly pre-pay option rate (A30) 150W HPS per luminaire is - \$6.94.
Install 2-150W HPS Evans fixtures on 28' base mounted steel poles.
Install 3 overhead spans and install by plow approx. 375' of #6 CU wires in 1 1/2" conduit.
Restoration is not included.

Included in the monthly street light rate is full maintenance of the street light system. Maintenance of the system covers the pole, fixture, conduit and wiring, as well as facilitation of any locating and damage administration for 25 years under our Pre-Pay Option. If you have any questions please call me at 651.229.2255.

Sincerely,
Angela Adesoro
Project Coordinator, Xcel Energy



MAYOR AND COUNCIL COMMUNICATION

DATE: 09/06/2016

CONSENT

ITEM #: 21

AGENDA ITEM: Easton Village Additional Cost Approval Request
SUBMITTED BY: Emily Becker, City Planner
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

At the April 5, 2016 City Council meeting, the Council directed Staff to coordinate with Easton Village developer to grade the park pad and to install concrete curbing while Easton Village crews on site, to purchase proposed large park amenities and have amenities installed this summer. The estimated cost for this project was \$75,000, which included installation, rubber mulch, curbing, and grading.

The actual cost of the playground equipment, including rubber mulch and installation, came in to be \$71,927.52. The staff report from the April 5, 2016 City Council meeting stated the estimated cost of installation of concrete curbing would be \$2970.

On August 3, 2016, the Easton Village developer met with Staff to discuss the poor drainage underneath the swings of the playground area and the need for draitile. Public Works Staff suggested that the developer install the draitile along with the concrete curbing. The developer was asked to provide a quote for the draitile so the cost could be approved by Council. A few weeks later, Staff was made aware that draitile had been installed without a Council approved quote. Staff contacted the developer regarding the installation, and the developer communicated that it was felt that the lack of drainage was creating a safety issue, so their contractor was directed to install the draitile (the concrete curbing has not yet been installed). The developer then provided a quote of \$7241.50 for the installation of concrete curbing and \$3475.00 for the draitile, totaling \$10,716.50. It should be noted that the quote does not include site surveying/staking, soil conditionaing, testing, bonds, permits or turf restoration.

ISSUE BEFORE COUNCIL:

The Council is requested to approve the additional cost for the installation of draitile for Easton Village Park. With the installation of the playground equipment, the revised, total cost of the project will be closer to \$82,644.02, as compared to the \$75,000 budgeted for this project.

PROPOSAL DETAILS/ANALYSIS:

The first attached photo shows what the playground had looked like without the draitile. The water had nowhere to drain, and the playground could not be safely utilized as a result. The second photo shows that the draitile properly drained the playground area.

Staff asked the developer why the quote for the concrete curbing was so much more than what was quoted in the April 5, 2016 City Council Staff Report, and the developer replied that he believes that quote was for the plastic curbing, which Staff did not recommend installing due to its inferior durability. Staff has confirmed that the quote provided for concrete curbing, though higher than the cost estimate provided at the April 5, 2016 Council meeting, is reasonable; the seemingly high per square foot cost could be attributable to the smaller size of the park's perimeter.

FISCAL IMPACT:

The total cost of the playground will be \$82,644.02, \$7644.02 more than what was budgeted for the park.

OPTIONS:

- Approve reimbursement of draitile cost and increased cost estimate for concrete curbing.
- Deny reimbursement of draitile cost and increased cost estimate for concrete curbing.
- Approve reimbursement of draitile and direct Staff to gather bids for concrete curbing.
- Approve reimbursement of draitile and direct that the developer install plastic curbing, decreasing the cost.

RECOMMENDATION:

Staff recommends that Council approve, as part of tonight's consent agenda, the additional cost for installation of concrete curbing and draitile in Easton Village Park. The base bid given for the installation of draitile and concrete curbing is \$10,716.50. If the Council chooses to remove this item from the Consent Agenda, the recommended action can be take through the following motion:

“Move to approve reimbursement of \$10,716.50, plus possible necessary excluded costs listed on the bid, to Easton Village developer for the installation of draitile and concrete curb once all work on the aforementioned is complete.”

ATTACHMENTS:

- Quote from Easton Village
- Photos of playground before and after draitile was installed.
- Easton Village playground equipment invoice

Photos of Easton Village Park Without Draintile Installed



Photos of Easton Village Park With Drain Tile Installed





PROPOSAL FRIEDGES, INC.

Landscaping · Excavating Contractors
9380 202nd Street West, Lakeville, MN 55044
(952) 469-2996 · Fax: (952) 469-1755

Job: Lake Elmo Playground		Date
		8/19/16
STREET		
CITY, STATE and ZIP CODE Lake Elmo, MN		JOB LOCATION
ARCHITECT	DATE OF PLANS	JOB PHONE

We Propose hereby to furnish material and labor – complete in accordance with specifications below, for the sum of:

*** See Below ***

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized

Signature _____

Note: This proposal may be withdrawn by us if not accepted within 30 (thirty) days.

Work for Playground

We hereby submit the following:

- **350LF of Playground Curb Furnished and Installed @ \$20.69/LF Total: 7,241.50**

Includes base work

- **Core Drill Drain Tile into existing Structure and 316LF of 4" Drain Tile, Fabric and Rock running from structure to city's specified location @ \$3,475.00**

Grand Total: \$10,716.50

Excludes:

- *Site Survey/ Staking
- *Soil Conditioning/ Testing
- *Bonds
- *Permits
- *Turf Restoration

PLEASE CALL IF YOU HAVE ANY QUESTIONS

Acceptance of Proposal – The above prices; specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

By signing you have read and are familiar with the Minnesota Mechanic's Lien Law.

Signature _____ Date _____



PLAYPOWER

PLEASE REMIT TO

PlayPower LT Farmington, Inc.
PO Box 204713
Dallas, TX 75320-4713

Billing & A/R Inquiries - (866) 544-0348 Opt 2
Cust. Service and Order Dept. - (800) 325-8828
Tax ID# 34-1725366

Tracking #: Innovative 16-0476

B ci07816 1

I MIKE BOUTHILET

L LAKE ELMO, CITY OF

L 3800 LAVERNE AVE NORTH

LAKE ELMO MN 55042

T United States

O

Invoice Number: 1400200336

Page: 1 of 1

Date: 05/17/2016

Salesperson: NORTHLAND RECREATION LLC

Regular Invoice

Registration Number:

Currency: USD US Dollars

TERMS AND CONDITIONS

TERMS AND CONDITIONS OF SALE
ARE AS STATED IN OUR CURRENT
PRICE LIST AND/OR CATALOG

S 1

H PUBLIC WORKS - CITY OF LAKE ELMO

I 3445 IDEAL AVE N

P F/EASTON VILLAGE

LAKE ELMO MN 55042

T United States

O

Go to www.littletikesccommercial.com/warranty to register your product online.

To access your CPSIA General Certificate of Conformance please go to www.littletikesccommercial.com/CPSIA.

Order	Purchase Order	Packages	Prepaid	Weight	Ship Date	Terms
FM00150610	KB STRUCTURE	0		0.00	05/17/2016	Net 30 Days

Line/Rel	Qty Ordered	Qty Shipped	Back Order	Unit Price	Extended Price
1	1.00	1.00	0.00	40,646.53	40,646.53
Item:					
Description: Playground Equipment					
51	1.00	1.00	0.00	18,027.47	18,027.47
Item: 600000001					
Description: PBO (PRODUCT BY OTHER)					
52	1.00	1.00	0.00	9,073.00	9,073.00
Item: 600000003					
Description: EXTERNAL INSTALLATION					

m j j B
Easton Village
Parks CIP 404

Sales Amount	67,747.00
Misc Charges	0.00
Freight	0.00
Sales Tax	4,180.52
	0.00
Prepaid Amount	0.00
Total	71,927.52