

City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota

August 18, 2009

7:00 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE:

C. ATTENDANCE: \_\_\_ Johnston \_\_\_ DeLapp \_\_\_ Emmons \_\_\_ Park \_\_\_ Smith

D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)

E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)

F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)

G. APPROVE MINUTES:

- 1. Approval of the August 4, 2009 City Council minutes

H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.

I. CONSENT AGENDA: (Items are placed on the consent agenda by city staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)

- 2. Approve payment of disbursements and payroll
- 3. Approve Declaration of default in development agreement - Farms of Lake Elmo
- 4. Truck replacement upgrade - Public Works
- 5. Award contract of 2009 Crack Seal Project

J. REGULAR AGENDA:

- 6. Resolution No. 2009-035 Setting date for sale of bonds for 2009 Street Improvements

7. Consider an application to allow construction of a covered porch five feet into the required 30 foot front yard setback at 8618 Ironwood Trail N.; Resolution No. 2009-036
8. Lanes DeMontreville Country Club Addition -- Request to order the preparation of feasibility report for sanitary sewer and water improvements; Resolution No. 2009-037
9. Project Agreement with the VBWD to repair an eroding ravine and to prevent sediment from washing into Lake DeMontreville
10. MAC recommendation on further investigation to purchase 100' ladder truck

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and City Council
- Administrator
- Planning Director

L. Adjourn

City of Lake Elmo  
City Council Minutes

August 4, 2009

Mayor Johnston called the meeting to order at 7:00 p.m.

PRESENT: Mayor Johnston and Council Members DeLapp, Park and Smith  
Absent: Council Member Emmons

Also Present: Interim City Administrator Dawson, Planning Director Klatt, City Engineer Griffin, City Attorney Snyder, Finance Director Bouthilet and City Clerk Lumby

#### APPROVAL OF AGENDA:

*MOTION: Council Member DeLapp moved to approve the August 4, 2009 City Council agenda as presented. Council Member Park seconded the motion. The motion passed 4-0.*

#### ORDER OF BUSINESS:

#### GROUND RULES:

#### APPROVED MINUTES:

The July 21, 2009 City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES: None

#### CONSENT AGENDA:

*MOTION: Council Member Smith moved to approve Items #3-#5 on the Consent agenda as presented. Council Member Park seconded the motion. The motion passed 4-0.*

- Award bid to Sun Ray Plumbing and Hearing Inc for the CDBG Gas Line replacement project in the Cimarron neighborhood; Resolution No. 2009-034
- Authorize the expenditure of \$4,950 (plus tax) to expand parking lot in Reid park
- Appoint David Steele, 9576 55<sup>th</sup> Street, as First Alternate, Parks Commission

#### REGULAR AGENDA:

Approve payment of disbursements and payroll in the amount of \$167,569.54

Council Member DeLapp asked for a clarification of a disbursement.

*MOTION: Council Member DeLapp moved to approve payment of disbursements and payroll in the amount of \$167,569.54. Council Member Smith seconded the motion. The motion passed 4-0.*

Approve temporary liquor license required by Lake Elmo Rotary to sell beer at the Fall Festival

Council Member Smith, Fall Festival member, asked that this item be continued until the August 18<sup>th</sup> Council agenda so that the Fall Festival Committee can discuss this request.

*MOTION: Council Member Smith moved to continue consideration of the request by Lake Elmo Rotary to sell beer at the Fall Festival until the August 18<sup>th</sup> Council Meeting. Motion failed 2-2 (Mayor Johnston and Council Member DeLapp voting against.)*

*MOTION: Council Member DeLapp moved to conditionally approve the temporary liquor license requested by the Lake Elmo Rotary upon a positive decision from the Fall Festival Committee to include this activity. Mayor Johnston seconded the motion. The motion passed 3-1 (Council Member Smith voting against.)*

MPCA Update on Lake Jane/Washington County Landfill Remediation Project

Craig Dawson, Interim City Administrator, related the City Council requested that MPCA provide an update on the remediation project at the Lake Jane/Washington County Landfill.

Pat Hanson and Peter Tiffany, MPCA, explained that construction on the Lake Jane/Washington County Landfill remediation project began in early June with project duration of 3+ years. As the contractor, Enebak Construction, began work, it proposed a different phasing plan than what had been anticipated in the plans developed by the MPCA's engineering consultant. The MPCA is in agreement with the contractor's approach and the duration of the project is now anticipated to be 2+ years.

Council Member DeLapp questioned whether the MPCA activities at the Lake Elmo landfill site constitute "mining" as defined by the City Code; and noted that the City Code includes specific provisions and permitting related mining. He believed that MPCA is therefore in violation of the City Code by its activities at the Lake Elmo Landfill site.

Peter Tiffany responded that State Attorney General Office advised that MPCA was not subject to the mining regulations. The MPCA has pledge their cooperation with the City for completion of this project.

The City website has a link to the MPCA website for weekly updates.

Authorize Enforcement Action re:5699 Keats Avenue North

Craig Dawson, Interim City Administrator, reported in December, 2008 the City Council, acting as the Board of Adjustment and Appeals, ordered several code violations at 5699 Keats Avenue N. be remedied by June 30, 2009. A compliance review was made on July 11, 2009 found that only one item had been completed satisfactorily.

The remaining violations continue.

1. Removal of proper storage of personal property items including, but not limited to, piles of brick, piles of wood, a large tank, etc.
2. Removal of the small cabin or proper changes to the structure necessary to meet the definition of "tool shed".
3. Landscaping to the east of the house between the garage door and the rear entry door, including required construction of a retaining wall.

In a review by the acting building official, with the assistance of a TKDA structural engineer, it was determined that the retaining wall as constructed required a building permit and an engineer's certification; the property owner did not apply for a permit nor provided the engineer's certification.

Rod Sessing, 5699 Keats Avenue, believed that many of the issues were now in compliance or would be shortly. With regard to the retaining wall, Mr. Sessing was not aware, until now, that it had to meet structural engineer's regulations and required a permit.

In response to Mr. Sessing's complaint regarding another property, Attorney Snyder pointed out that a resident should come into the City and files their complaint and the City staff will make its review.

*MOTION: Council Member Smith moved to authorize commencement of legal proceedings for enforcement of the Order of the Board of Adjustment and Appeals regarding property at 5699 Keats Avenue N. Mayor Johnston second the motion. The motion passed 3-1 (Council Member voting against.)*

Budget Discussion

Council Member Smith requested a committee be formed comprised of two council members, for the purpose of providing recommendations and options on the budget. Mayor Johnston and Council Members DeLapp and Smith volunteered to serve on the budget committee.

*MOTION: Council Member Smith moved to form a committee of two Council Members to review the budget with the staff and provide recommendations and possible options. Council Member DeLapp seconded the motion. The motion passed 3-1 (Mayor Johnston voted against.)*

*MOTION: Council Member Park moved to amend the motion by including the nomination of Council Member Smith and Emmons to serve on the budget committee. If Council Member Emmons cannot make the meeting, Mayor Johnston will serve on the committee. Council Member DeLapp seconded the motion. The motion as amended passed 3-1 (Mayor Johnston voted against.)*

The Council meeting was adjourned at 8:36 p.m..

Respectfully submitted by Sharon Lumby, City Clerk

City Council  
8/18/2009  
CONSENT  
Item: 2

ITEM: Approve disbursements in the amount of \$ 141,031.13

SUBMITTED BY: Tom Bouthilet, Finance Director

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<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 8,016.06	Payroll Taxes to IRS 08/13/09
ACH	\$ 1,202.71	Payroll Taxes to Mn Dept.of Revenue 08/13/09
DD2323 - DD2359	\$ 22,754.06	Payroll Dated 08/13/2009 (Direct Deposit)
34537 - 34546	\$ 19,222.06	Payroll Dated 08/13/2009 ( Payroll)
34547 - 34596	\$ 89,836.24	Accounts Payable Dated 08184/2009

**Total: \$ 141,031.13**

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the total amount of \$141,031.13

# Accounts Payable Checks for Approval

User: julie  
Printed: 08/13/2009 - 10:25 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34573	08/18/2009	Sewer	Sewer Utility - Met Council	Metropolitan Council	1,068.66
34592	08/18/2009	Water	Engineering Services	TKDA, Inc.	479.43
34592	08/18/2009	Development Fund	Engineering Services	TKDA, Inc.	552.44
34592	08/18/2009	Development Fund	Engineering Services	TKDA, Inc.	271.89
34592	08/18/2009	Development Fund	Engineering Services	TKDA, Inc.	2,913.78
34592	08/18/2009	Development Fund	Engineering Services	TKDA, Inc.	374.95
34592	08/18/2009	Development Fund	Engineering Services	TKDA, Inc.	5,175.68
34592	08/18/2009	Village	Engineering Services	TKDA, Inc.	343.08
34592	08/18/2009	Water	Engineering Services	TKDA, Inc.	785.20
34592	08/18/2009	Surface Water Utility	Engineering Services	TKDA, Inc.	2,011.02
34592	08/18/2009	General Fund	Engineering Services	TKDA, Inc.	3,687.89
34592	08/18/2009	General Fund	Engineering Services	TKDA, Inc.	2,260.55
34592	08/18/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	138.85
34592	08/18/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	2,662.97
34592	08/18/2009	Park Dedication	Engineering Services	TKDA, Inc.	5,994.70
34592	08/18/2009	Surface Water Utility	Engineering Services	TKDA, Inc.	1,388.29
34592	08/18/2009	Water	Engineering Services	TKDA, Inc.	870.65
34592	08/18/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	1,042.90
34592	08/18/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	3,231.80
34557	08/18/2009	General Fund	Information Technology/Web	City of Roseville	1,551.58
34557	08/18/2009	General Fund	Contract Services	City of Roseville	787.50
34594	08/18/2009	Capital Acquisitions	Other Equipment	Tri State Bobcat, Inc.	13,194.15
34585	08/18/2009	General Fund	Office Supplies	S&T Office Products, Inc.	246.54
34585	08/18/2009	General Fund	Office Supplies	S&T Office Products, Inc.	23.41
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	31.00
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.90
34582	08/18/2009	General Fund	Postage	Pitney Bowes Reserve Account	500.00
34584	08/18/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	342.00
34584	08/18/2009	General Fund	Repairs/Maint Bldg	Diane Rud	256.50
34584	08/18/2009	General Fund	Cleaning Supplies	Diane Rud	21.66
34584	08/18/2009	General Fund	Use Tax Payable	Diane Rud	-38.50
34580	08/18/2009	General Fund	Cable Operation Expense	Steven Press	62.93
34580	08/18/2009	General Fund	Use Tax Payable	Steven Press	-4.05



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34559	08/18/2009	General Fund	Miscellaneous	Compensation Consultants, Ltd	40.00
34574	08/18/2009	Water	Water Meters & Supplies	Mid America Meter, Inc,	293.91
34574	08/18/2009	Water	Use Tax Payable	Mid America Meter, Inc,	-18.91
34536	08/18/2009	Water	Water Utility	City of Oakdale	308.47
34570	08/18/2009	General Fund	Repairs/Maint Contractual Eqpt	Loffler Companies, Inc.	117.98
34550	08/18/2009	General Fund	Use Tax Payable	Loffler Companies, Inc.	-7.59
34568	08/18/2009	General Fund	Radio	ANCOM COMMUNICATIONS, INC.	105.15
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	1,177.84
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	1,235.00
34583	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	652.50
34575	08/18/2009	General Fund	Contract Services	River Country Cooperative	14.00
34583	08/18/2009	General Fund	Fuel, Oil and Fluids	Miller Excavating, Inc.	630.00
34548	08/18/2009	Capital Aquisitions	Other Equipment	River Country Cooperative	24.75
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Advanced Graphix, Inc.	1,397.00
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	51.01
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	21.57
34569	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	64.00
34569	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	35.00
34569	08/18/2009	Capital Aquisitions	Repairs/Maint Imp Not Bldgs	Linner Electric Company, Inc.	237.50
34571	08/18/2009	General Fund	Other Equipment	Linner Electric Company, Inc.	1,440.00
34588	08/18/2009	General Fund	Small Tools & Minor Equipment	Linner Electric Company, Inc.	31.58
34588	08/18/2009	General Fund	Repairs/Maint Imp Not Bldgs	Marv's Professional Tools	29.90
34563	08/18/2009	General Fund	Use Tax Payable	STEICHEN'S SPORTING GOODS	-1.92
34564	08/18/2009	Water	Miscellaneous	STEICHEN'S SPORTING GOODS	11.60
34564	08/18/2009	Water	Chemicals	Hagbergs Country Market	867.53
34552	08/18/2009	General Fund	Use Tax Payable	Hawkins, Inc.	-55.81
34576	08/18/2009	General Fund	Repairs/Maint Eqpt	Hawkins, Inc.	79.62
34595	08/18/2009	Fall Festival	Miscellaneous	Batteries Plus Woodbury, Corp	16.03
34581	08/18/2009	General Fund	Miscellaneous	Minnesota's Bookstore	8.02
34593	08/18/2009	Escrow Fund	EMS Supplies	Valley Trophy Inc.	170.70
34579	08/18/2009	General Fund	Deposits Payable	Primary Products Company	5,500.00
34590	08/18/2009	General Fund	Repairs/Maint Contractual Eqpt	Tower Asphalt, Inc.	135.00
34568	08/18/2009	General Fund	Street Maintenance Materials	Pinky's Sewer Service, Inc.	271.11
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	T.A. Schifsky & Sons Inc	55.53
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	33.30
34596	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	14.00
34596	08/18/2009	Sewer	Electric Utility	Lake Elmo Oil, Inc.	43.28
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	167.00
34596	08/18/2009	General Fund	Street Lighting	Xcel Energy	62.73
34596	08/18/2009	General Fund	Street Lighting	Xcel Energy	31.01
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	27.19
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	209.08
34596	08/18/2009	General Fund	Street Lighting	Xcel Energy	426.53
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	28.69
				Xcel Energy	13.18

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	41.22
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	34.82
34596	08/18/2009	Water	Electric Utility	Xcel Energy	2,813.28
34596	08/18/2009	General Fund	Street Lighting	Xcel Energy	39.03
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	105.93
34596	08/18/2009	Sewer	Electric Utility	Xcel Energy	16.31
34596	08/18/2009	Sewer	Electric Utility	Xcel Energy	15.17
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	193.98
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	41.62
34596	08/18/2009	General Fund	Street Lighting	Xcel Energy	1,835.93
34596	08/18/2009	General Fund	Street Lighting	Xcel Energy	29.39
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	460.73
34596	08/18/2009	General Fund	Electric Utility	Xcel Energy	471.44
34596	08/18/2009	Water	Electric Utility	Xcel Energy	20.99
34596	08/18/2009	General Fund	Street Lighting	Xcel Energy	10.51
34566	08/18/2009	General Fund	Landscaping Materials	John Deere Landscapes/Lusco	96.41
34579	08/18/2009	General Fund	Repairs/Maint Contractual Eqpt	Pinky's Sewer Service, Inc.	245.00
34551	08/18/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	40.86
34551	08/18/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	42.56
34551	08/18/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	64.25
34551	08/18/2009	General Fund	Uniforms	Aramark, Inc.	36.26
34551	08/18/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	61.15
34551	08/18/2009	General Fund	Uniforms	Aramark, Inc.	36.26
34560	08/18/2009	General Fund	Telephone	CP Telecom, Corp	524.02
34560	08/18/2009	General Fund	Telephone	CP Telecom, Corp	444.27
34572	08/18/2009	General Fund	Repairs/Maint Contractual Bldg	Menards - Oakdale	34.50
34572	08/18/2009	General Fund	Shop Materials	Menards - Oakdale	18.13
34586	08/18/2009	General Fund	Miscellaneous	Sam's Club	32.16
34583	08/18/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	61.00
34583	08/18/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	27.00
34583	08/18/2009	General Fund	Repairs/Maint Eqpt	River Country Cooperative	33.20
34549	08/18/2009	General Fund	Repairs/Maint Bldg	American Flagpole & Flag	53.33
34558	08/18/2009	General Fund	Miscellaneous	COMCAST	7.90
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	32.50
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.00
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	16.01
34568	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	45.50
34589	08/18/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	44.50
34578	08/18/2009	General Fund	Repairs/Maint Bldg	Communication Systems Specialists	129.80
34583	08/18/2009	General Fund	Contract Services	Gopher State One-Call One Call Concept	270.05
34587	08/18/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	34.25
34587	08/18/2009	Sewer	Utility System Maint Supplies	State Industrial Products	280.53
34587	08/18/2009	Water	Use Tax Payable	State Industrial Products	-18.05
34583	08/18/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	13.00
34567	08/18/2009	General Fund	Contract Services	Kern DeWenter Viere Ltd	3,570.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34562	08/18/2009	General Fund	Legal Services	Eckberg Lamers Briggs Wolff	5,059.99
34562	08/18/2009	Development Fund	Legal Services	Eckberg Lamers Briggs Wolff	110.50
34555	08/18/2009	Water	Utility System Maintenance	City of Bloomington	60.00
34561	08/18/2009	Water	Miscellaneous	DEPT of LABOR & INDUSTRY	10.00
34561	08/18/2009	Water	Miscellaneous	DEPT of LABOR & INDUSTRY	10.00
34561	08/18/2009	General Fund	Miscellaneous	DEPT of LABOR & INDUSTRY	10.00
34561	08/18/2009	General Fund	Miscellaneous	DEPT of LABOR & INDUSTRY	10.00
34565	08/18/2009	General Fund	Mileage	Karl Horning	11.00
34554	08/18/2009	Capital Acquisitions	Other Equipment	Carol Kriegler	102.82
34555	08/18/2009	Water	Utility System Maintenance	City of Bloomington	60.00
34591	08/18/2009	General Fund	Landscaping Materials	Tessman Company Corp	46.76
34577	08/18/2009	General Fund	Sign Repair Materials	Newman Signs	1,409.13
34547	08/18/2009	General Fund	Sign Repair Materials	3M	1,079.44
34547	08/18/2009	General Fund	Use Tax Payable	3M	-69.44
34547	08/18/2009	General Fund	Sign Repair Materials	3M	577.13
34553	08/18/2009	General Fund	Use Tax Payable	3M	-37.13
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	122.57
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	81.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	81.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	81.29
34553	08/18/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.29
				Total for this Date:	89,836.24
				Report Total:	89,836.24

City Council  
Date:  
CONSENT  
Item: 3  
Motion

August 18, 2009

ITEM: Declaration of Default in Development Agreement – Farms of Lake Elmo  
SUBMITTED BY: Craig W. Dawson, Interim City Administrator  
Dave Snyder, City Attorney  
REVIEWED BY: Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:** M&K Development, LLC, has not completed performance satisfactorily on several items in the development agreement for the Farms of Lake Elmo subdivision. Staff has been persistent in its pursuit to have the developer fulfill all of the requirements in the agreement, with the latest written notification sent July 6, 2009. Due to the lack of responsiveness over a prolonged period of time, staff believes it is appropriate to declare M&K Development, LLC, in default and thus give the City pursue remedies to gain completion.

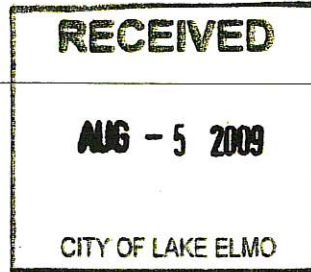
**BACKGROUND:** The development agreement with M&K Development, LLC, dates from November 2005. The City Attorney has prepared a memorandum (attached) providing details of unfinished items.

***SUGGESTED MOTION FOR CONSIDERATION:***

***Move to declare M&K Development, LLC, in default of in the development agreement for the Farms of Lake Elmo subdivision, and to authorize all available remedies to cure the default.***

**ATTACHMENTS:**

- \* Memorandum from City Attorney dated August 4, 2009



Stillwater Office:  
1809 Northwestern Avenue  
Stillwater, Minnesota 55082  
(651) 439-2878  
Fax (651) 439-2923

Hudson Office:  
2417 Monetary Boulevard  
Hudson, Wisconsin 54016  
(715) 386-3733  
Fax (651) 439-2923

August 4, 2009

Craig W. Dawson  
Interim City Administrator  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

[www.eckbergglammers.com](http://www.eckbergglammers.com)

Re: *Farms of Lake Elmo Development Punch List Items*  
*City of Lake Elmo*  
Our File No.: 22702-18960

Dear Craig:

Attached is a July 6, 2009 letter from you to Jack Krongard at M&K Development regarding incomplete items of the Farms of Lake Elmo. This letter followed discussions between staff wherein it was observed that the remaining development items that the Farms of Lake Elmo had not been completed for a long, long time and it was necessary to bring this matter to a conclusion one way or the other. Accordingly, this letter asked that Mr. Krongard complete action on the major outstanding issues which are:

- 1) conveyance of easements;
- 2) submission of MPCA permits for the waste water treatment system;
- 3) disposal of debris and adjustment of sanitary curb stops;
- 4) replacement of dead or dying trees;
- 5) provision of record drawings; and
- 6) provision of a schedule for completion of all these things.

None of the above happened and accordingly, I recommend that the City Council declare the developer in default of the development agreement between the City of Lake Elmo and M&K Development, LLC. Said development agreement dated November 21, 2005. Among other things, this development agreement required:

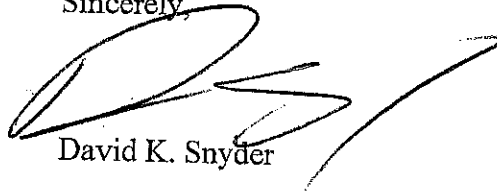
- 1) completion of street improvements by November 30, 2005;
- 2) completion of the waste water treatment systems/drain field prior to the issuance of any certifications of occupancy;
- 3) completion of water main and all pipes and appurtenances by November 30, 2005;
- 4) provision of an open space and conservation easement covering the out lots; and
- 5) completion of landscaping by September 30, 2006 in accordance with the plans and

specifications reviewed and approved by the City.

The remedies available to the City include drawing on the Letter of Credit, withholding of building permits, and bringing an action for specific performance or breach of contract against the development.

I request that the Council authorize all available remedies including the withholding of building permits, collection on the Letter of Credit and an action to direct the developer to complete the improvements. I will be available to answer any questions should they arise. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Snyder', written over the word 'Sincerely,'.

David K. Snyder

DKS/nwm  
Enclosure



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

July 6, 2009

Mr. Jack Krongard  
M&K Development, LLC  
14791 60th Street North  
Stillwater, Minnesota 55082

Re: Farms of Lake Elmo Development  
Punch List Items

Dear Mr. Krongard:

The intent of this letter is to provide the outstanding punch list items that must be addressed to complete the Farms of Lake Elmo development. Finalization of all development items must occur at this time.

1. Evidence of all recording requirements per Section 4.07 B1-4, C, D, and E must be provided to the City of Lake Elmo. Please note this includes all easements that have not been recorded to cover storm water facilities in the development. Since these are presumably in your files, please forward them within 10 days.
2. Waste Water Treatment System
  - a. An approved MPCA Permit must be provided for the 33 lot subdivision. Currently, the MPCA only has approved a Waste Water Treatment Facility for 30 lots. The 3 additional lots will not be issued a building permit until this is resolved.
  - b. As homes are coming on the system, blockage has occurred within the collection system. Please provide the design specifications for the collection system and a written response from the design engineer explaining the reasons for the issues experienced with the system. Final acceptance of the system cannot be given until the system is and will be functional.
  - c. During correction of the collection system, any street patches must be sawcut full depth to the centerline of the road and replaced to the existing road section.
  - d. The Wastewater Treatment System O&M Manual references a Collection System O&M Manual. Please provide this document.
  - e. The drainfield area must be treated for weeds and seeded to establish vegetation.
3. Restoration, additional concrete debris disposal, rising of valves to finished grade, and correction of a sanitary curb stop per the attached marked up plan set.





## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

4. The most recent inspection for Farms of Lake Elmo indicated that there were 74 trees that were dead or dying and need to be replaced. In addition, because a large portion of the ornamental and fruit trees planted on the site do not meet the minimum size requirement of the Zoning Ordinance, there will need to be additional plantings to make up for this size deficit. The City Forester has requested that an additional 50 trees be planted on the site. All replacement and additional trees must meet the size requirement of the Zoning Ordinance (not less than 1.5 inch in caliper measured at 54 inches above grade level) and should be native species or improved cultivars of native species. The replacement trees should be planted near sites where trees are removed and a plan should be submitted for review and approval by the City Forester for the planting of the 50 additional trees on the site. All tree plantings should conform to the City Forester's report dated 12/16/08.
5. Final Record Drawing comments to complete the submittal sent to FFE, Inc. on June 18, 2009.

To avoid default of the Development Agreement, please provide a written schedule by July 24, 2009 that ensures that the work itemized above will be fully completed. We **MUST** be notified 48 hours in advance of any construction activity, so we can schedule a City field representative onsite for all work. Any work done without City observation is subject to rejection.

The development has not been accepted by the City of Lake Elmo. All work has past the completion dates specified in the Development Agreement. If the items listed above are not completed and confirmed as completed per the City's standard requirements by August 21, 2009, the development will be considered in default and subject to all available remedies listed in the Development Agreement.

If you have any questions, please contact Kyle Klatt at (651) 233-5402. I can also be reached at (651) 233-5401.

Sincerely,

Craig W. Dawson  
Interim City Administrator

Enclosure

cc: Dave Snyder, City Attorney  
Jack Griffin, City Engineer  
Kyle Klatt, Planning Director





# City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

August 13, 2009

Jack Krongard  
M&K Development, LLC  
14791 60<sup>th</sup> Street North  
Stillwater, MN 55082

## **RE: Farms of Lake Elmo Developer's Agreement**

Dear Mr. Krongard:

Thank you for providing the City of Lake Elmo with the information that has been received to date regarding the Farms of Lake Elmo development. Our office, in conjunction with the City Engineer, is currently reviewing the submitted documents. As a follow-up to your email dated August 5, 2009 (attached), I would like to note the current status of each item as follows:

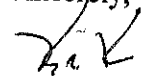
1. The City is in receipt of the requested easement descriptions, however, our office has not been provided with any evidence that these easements have been recorded (or a schedule of when this will be accomplished). The other documents that have been submitted to show that the recording requirements per Section 4.07 B1-4, C, D, and E of the developer's agreement have been met are currently being reviewed by our office.
2. a) The City has received the report submitted to MPCA, but to date has not been provided with a response or permit from MPCA.  
b) Your engineer has submitted design specifications for the collection system which are presently being reviewed by the City Engineer. The information submitted does not include an explanation for the issues experienced with the system, which will be a vital component to clarify before the system will be accepted by the City.  
c) The corrective measures needed cannot be determined until the City Engineer has completed his review of the Collection System O&M Manual.  
d) The City is in receipt of the Collection System O&M Manual and is in the process of reviewing this document. As noted in heading (c) above, corrective work may be necessary to ensure proper functioning of the system in the future.  
e) Your email indicates that cutting and seeding will be performed the week of August 20<sup>th</sup>. In addition to this maintenance work, please be advised that the weeds currently in this area must be properly treated. The City Forester will be able to provide you with some recommended treatment options.

3. It is my understanding that your engineer has contacted F&K Excavating to finish the outstanding corrective work identified by the City Engineer. The City has not received a schedule for the completion of this work. Please note that the City Engineer should be contacted prior to construction and will need to observe the work being performed.
4. The City has previously requested a revised landscape plan that complies with the recommendations of the City Forester in an inspection report filed in late 2008. This plan must be reviewed and approved by the City prior to any plantings taking place. Your proposed schedule indicates that a revised plan will be submitted during the week of August 20<sup>th</sup> with the plantings to be completed in the late fall.
5. The City is in receipt of final record drawings and these drawings are being reviewed by the City Engineer.

As noted in my comments above, not all of the requested information has been received to date, and a schedule for completion has been provided for only a few of the outstanding items. Because these issues have not been resolved in full, the City Attorney will be recommending that the City Council declare the development in default of the developer's agreement at the Council's August 18, 2009 meeting. This action will allow the Attorney's office to seek any and all available remedies.

Never-the-less, I would invite you to advise us about whether or not you can and will comply with the remaining requirements needed to close out this project. We acknowledge the progress that has been made to date and would expect that a timely response to the remaining issues will allow the City to continue moving towards final acceptance of this project. Feel free to contact the City Engineer or me at any time to discuss these outstanding issues.

Sincerely,



Kyle Klatt  
Planning Director

cc: Jack Griffin, City Engineer  
Craig Dawson, Interim City Administrator

## Kyle Klatt

---

**From:** jackkrongard@comcast.net  
**Sent:** Wednesday, August 05, 2009 5:02 PM  
**To:** Kyle Klatt  
**Cc:** bob mcdonald; todd erickson  
**Subject:** Fwd: M & K Dev.  
**Attachments:** Letter regarding M&K recd Aug 5.pdf

To: [jackkrongard@comcast.net](mailto:jackkrongard@comcast.net)  
Sent: Wednesday, August 5, 2009 4:29:46 PM GMT -05:00 US/Canada Eastern  
Subject: M & K Dev.

Attached is a letter received in today's mail.

karal klatt,

update on the progress and schedule to close out the farms of lake elmo.

letter dated 7/06/09

1. email was forwarded to you today with easements for your file, scott mcdonald is finishing the recording of these.
2. a. todd erickson have forwarded calculations to the mnPCA, this was also forwarded to you for your file, i will forward eric blasings, of ayres associates, report when i receive it late next week.  
b. i forwarded you emails on this issue with the engineers, myself, and the home owners regarding this. i hope to have an answer next week as to how we are going to proceed.  
c. ok  
d. this was emailed to you.  
e. will schedule the cutting, seeding for week of 8/20/09 when i will be in mn.
3. todd erickson of ffe engineering has contacted f&k excavating to finish the valve raising, and will get a schedule from todd monday a.m.
4. i have contracted aberhanson nursery for the 124 trees and will mark the remaining trees to be planted on the landscape plan when i am in mn the week of 8/20/09 the planting will be done in late fall after the hot weather season has past.
5. todd erickson will have this delivered to the city by the end of next week.

jack krongard  
612 750 6436

ITEM: Truck Replacement/Upgrade

REQUESTED BY: Public Works Department

SUBMITTED BY: Michael Bouthilet, Public Works Superintendent  
Presented by Rick Gustafson/Bud Talcott MAC Chairman  
(Mike Bouthilet at waste water training for license re-certification)

REVIEWED BY: Craig Dawson, City Administrator  
Tom Bouthilet, Finance Director  
Maintenance Advisory Commission

**PURPOSE:** The Public Works Department in conjunction with the MAC has researched the purchase a new truck to replace the 1998 truck that was totaled in an accident earlier this summer. This truck was scheduled for replacement in the CIP for 2008, but all CIP equipment replacement schedules were revamped to address priority purchases. Under the revamped priority purchases, this truck replacement/upgrade was on the top of the Public Works list, even prior to the accident. The Public Works and MAC met three times for this proposal including a meeting where the MAC was able to inspect a new Ford,Dodge, and two competitive hook lift systems.

Upgrades to this truck include:

- Higher gross vehicle weight.
- A hook lift for exchanging multiple body components.
- Body components include a municipal box, flat bed, and wood chip/garbage container.
- Salt spreader for snow and ice control.
- A scoop style snow plows for cul-de-sacs and parking lots.

Explanation of upgrades:

**Higher gross vehicle weight** is going to allow this truck to be utilized for snow plow operations with the capacity to carry salt for ice control. This truck will be utilized during all 2 inch or less snow events, and would also be an important asset if any other plow equipment has a breakdown during significant snowfalls. Although our equipment is in maintained and in good condition, the overall age of the fleet dictates that we do have the capability to continue snow removal operations in the event of a break down, albeit at reduced capacity. During the rest of the year the extra capacity enable the Public Works to haul more amounts of old asphalt out, new asphalt in, gravel, dirt, sod, wood chips, etc.

**Hook Lift** is a system that municipalities and counties are starting to utilize instead of a straight hoist dump box. A hook lifts allows you to switch the box, bed or container on a truck for multiple operations or tasks. This is accomplished by a hydraulic controlled hook that will roll off any component and place it on the ground. It is similar to the system seen on garbage container trucks, but put on a smaller truck designed for municipal applications. Washington County has recently bought two hook trucks and there are other municipalities exploring this option.

**Hook Lift cont:** The City of Delano purchased a hook and one function they employ is to load all their mowers and park maintenance supplies on and then drop the box off with seasonal help freeing the truck to be utilized in the street department for the rest of the day. They can then go back and pick up the re-loaded box at the end of the day.

Ourselves and neighboring Public Works Departments have been developing a mutually beneficial relationship where we can share services and equipment to save from purchasing inventory that is used infrequently. Currently both North Saint Paul and Oakdale have provided sewer jetting and emergency pumping services to Lake Elmo. We recently developed a program for the City of Maplewood to produce street signs for a significant cost savings. Currently North Saint Paul and Maplewood have hook lift systems on their large tandem dump trucks and have interchanged components as needed. Although our proposed hook lift is on a smaller municipal truck, the trend for these units is established and opportunities for future sharing are available.

**Body Components** include a municipal (contractor) box which with the hook lift can be either utilized as a straight dump box or dropped for loading, unloading, and switching. This box would have the sander and carry salt for snow falls. During the summer it would be a basic material hauler.

The flat bed would be utilized to transport equipment, palleted materials, and misc items that are difficult to load in boxes i.e. playground equipment and components.

The wood chip container/garbage container would be used for tree trimming and storm debris removal. If purchased we recommend selling the 1989 truck with the chipper box. This truck is only used for these operations and has had numerous mechanical failures recently. It is not prudent to spend any significant money on this old truck, but it is believed it will fail at a time when needed. This unit can also be utilized for garbage collection during City events.

**Salt spreader** for ice control is new and was not on truck being replaced.

**Scoop Style Plow** is an upgrade from the plow that was on the 1998 truck. The 1998 plow is now being used on the 2003 truck. A new plow for this truck would be larger and have a "scoop" capability to carry snow through cul-de-sacs or parking lots. It also can be used as a conventional plow on the streets.

**Summary:** To replace the 1998 truck and plow only with a similar unit would be approximately \$30,000.00. Although the proposed replacement/upgrade is significantly more money, it can haul more, be used as a dump truck, has hook/transfer component capability, eliminates 1989 chipper truck, has the snow plowing and salt spreading capability, and would have the capacity to do several functions with one cab and chassis for both winter and summer operations. Price below includes all lights and accessories.

Pricing was solicited from four cab and chassis dealers and the components were priced from four equipment supply companies. All prices are at state contract or lower.

This is a CIP identified purchase and would be funded from the equipment CIP. This truck and equipment is expected to last at least 15 years.

**RECOMMENDATION:** To approve the purchase of a 2009 Dodge 550 cab/chassis and components not to exceed \$84,375.00 (plus tax and license)

**SUGGESTED ORDER OF BUSINESS:**

Attachments: MAC Minutes, Truck and Hook Lift Pictures

**CITY of LAKE ELMO  
MAINTENANCE ADVISORY COMMITTEE**

Minutes of  
August 12, 2009

Present : Chuck Stanley, George Dege, Steve Ziertman, Dick Gustafson  
Bud Talcott, Mike Bouthilet, Rick Gustafson, GT Magnuson, and  
Brad Winkel

Absent: Steve Gurney

The meeting was called to order at 6:30pm at the Public Works Building by  
Bud Talcott.

The Fire Dept trip approval to view used Ladder Truck was added. The agenda  
was accepted with changes.

Brad made a presentation on the need of a 100ft ladder truck and reviewed the  
used 2000 (9yr old) unit that was found in Kansas, which is in very good  
condition. The cost of this truck is \$ 475,000.00 and Greg would like to go down  
and look it over. He would take three others with him at a total cost for the trip of  
\$ 2,475.

The council passed this along to us at their August 11<sup>th</sup> workshop and asked that  
we review it and make a recommendation. The comments made at the workshop  
were discussed regarding funding of this truck. It would have to be bonded and a  
dollar figure of around \$60,000 per year was stated. It would be the same  
amount per year for a new truck at twice the initial cost as it would be spread  
over a longer period of time.

The cost of a new unit built to our specs was discussed. Brad confirmed it would  
probably be in the area of twice the cost of this used unit, which is what Greg  
indicated in his cover letter. A new unit would have a life twice as long or more  
and would have a warranty, as well as the exact equipment we want on it.

George Dege stated it would be a bad business decision to invest in a used  
vehicle now and again in about 10 years when we can purchase a new unit now  
for the same overall investment cost. Used units would most likely require some  
sort of repairs where a new unit would have about a 2yr warranty period and over  
the 20 years would actually cost less.

Everyone agreed with some additional comments as to possible weak points in a  
used unit such as hydraulics, hidden rust, etc.

George asked Brad what time frame we would be looking at for a new truck. Brad  
said about 1yr. George commented with the slow economy now it might be good  
timing to get a new unit on order, both price and delivery could be better. We  
would then have it when things pick up and our population begins to grow.

**A MOTION** was made by Chuck Stanley and seconded by Steve Ziertman to recommend **NOT** traveling to Kansas to review the used 100ft ladder Truck, being it is only half the cost of a new unit and had no warranty.  
The motion passed.

**A MOTION** was made by Bud Talcott and seconded by Dick Gustafson to recommend the Fire Department get specifications and preliminary pricing for a new 100ft ladder truck with bucket for review.  
The motion passed.

**NOTE TO COUNCIL** Comments were made that some homes in the city have driveways that our trucks cannot access because of trees, other growth and obstacles. It was commented we should approach the homeowners and inform them they must remove these obstacles if they want to have full fire protection. If not, they should sign a release form or something stating they agree not to have full protection. This would release the city from any liability but hopefully would cause people to clear their driveways. Someone but who? should look into this.

The Hook-Lift truck is on the CIP for 2009. It is a vehicle that will be capable of being used for many duties, including but not limited to snow plowing, sanding, material hauling, wood chipper, transport of equipment to parks, etc. It is a vehicle that can be used year around simply by hooking up a different box to the back of it. It was decided a few years ago to replace vehicles with this unit when ever possible.

At our last meeting there were a few questions regarding the differences in the truck chassis and type of fuel required. If we should standardize on a truck color.

Mike review new updated information on the vehicles. The main concern of fuel will not be an issue. The color of this truck as with the other trucks will be white; the very large snow plows will be Green.

We again discussed the differences and the Dodge is the best choice for us with a better engine and a 6 speed transmission. We reviewed the list of equipment Mike will need for the truck.

**A MOTION** was made by George Dege and seconded by Dick Gustafson, to recommend the purchase of the Dodge model 5500 4X4 Cab and Chassis per the 2009 state contract, and body components of Hook Lift, Salt Spreader, and Plow at a total price not to exceed \$84,375.00 plus tax and license.  
The motion passed

Hearing no objections the meeting was adjourned at 8:20pm.

Respectfully submitted,  
Bud Talcott,  
Chairman/ Secretary

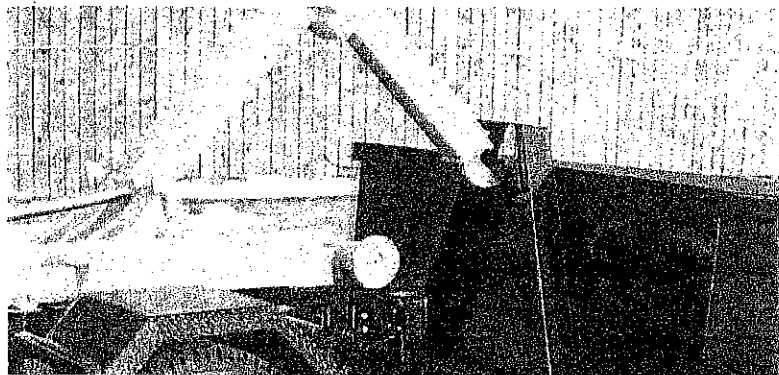




# AMPLIROLL®

AMERICA'S #1 HOOKLIFT SYSTEM

MODEL A135E  
CAPACITY 6500 LBS



## HOW IT WORKS

The key word is "simple." The operator backs the truck toward the container. With in-cab mounted controls, the operator switches on the power take off, lowers the hydraulic boom and engages the container with the hook. He then activates the hydraulic lift, which pulls the container onto the chassis and locks it in position. The operator then turns off the power take off and drives away.

## ELAPSED TIME

Less than one minute from the time the operator shifted the truck into reverse.

Ampliroll® has one major purpose: To help you pick-up, drop-off, transport, and unload your containers — safer and faster — and that means **larger profits**.

## AMPLIROLL® IS VERSATILE:

- With a container it is a roll-off
- With a platform it is a flatbed truck
- With a dump body it is a dump truck

**THE MOST VERSATILE HOOKLIFT SYSTEM HAS UNLIMITED APPLICATIONS!**

## FACTS...About this truly unique system

-The driver never leaves the cab...this saves time and is safer.

-Maximum dump angle is almost 20% greater than conventional roll-offs.

-The operator can pick-up or set-down a container at dock heights.

-Container can be pushed and spotted more accurately, with no chance of damaging the container front.

-Truck alignment is not necessary. The operator may approach from any angle within a 60° arc.

-The Ampliroll® is virtually maintenance free.

 **marrel**  
CORPORATION

ITEM: 2009 Crack Seal Project – Consideration of Quotes and Awarding a Contract.

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

REVIEWED BY: Mike Bouthilet, Public Works Superintendent  
Tom Bouthilet, Finance Director  
Craig Dawson, Interim City Administrator

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SUMMARY AND ACTION REQUESTED: The Council is being asked to accept the quotes and award a contract for the 2009 Crack Sealing Project. Please see the attached map for the streets to be crack sealed with this project. The 2009 Crack Seal Project does not include Jamaca Avenue, which will not be addressed until the MPCA Landfill Project has been completed. Also, crack sealing of the streets in the Sanctuary development have been added to the 2009 Crack Seal Project to address timely maintenance of the streets.

Quotes were received on August 7, 2009. Five competitive quotes were received for the project. The lowest responsible quote was submitted by Gopher State Sealcoat, Inc. for the total amount of \$25,200. This equates out to \$1.26 per pound of crack sealant material, which is a competitive price based on similar previous projects.

Funds for the 2009 Crack Seal Project would be paid from the Infrastructure Fund.

**BACKGROUND INFORMATION:**

Historically, we have seen the best pavement management results when crack sealing is performed the season prior to sealcoating (which allows the crack sealing to fully adhere prior to the sealcoat cover). Also, Public Works performs minor patching and leveling to streets prior to sealcoating. Per the 5-Year Capital Improvement Plan (see attachment no. 3), sealcoating and crack sealing were to be budgeted at \$125,000 per year to implement the plan. The 5-Year CIP was presented and approved at the January 20, 2009 City Council Meeting.

At this point in the year, the sealcoating for 2009 was moved to 2010. Therefore, to keep the 5-Year CIP on track, crack sealing of the 2009 and 2010 streets is proposed for 2009 street maintenance. The 2009 and 2010 streets to be sealcoated would be completed in 2010, along with the crack sealing for 2011. This would allow the 5-Year CIP to be back on the annual cycle in 2011, with the 2011 sealcoat.

Due to budgetary constraints (currently the Infrastructure Fund balance is approximately \$200,000), the 5-Year CIP cannot be completed as presented. Future street maintenance will be performed as funding allows.

Crack sealing alone does proactively prevent surface moisture from further distressing a road, but does not seal the entire road and provide a wearing surface as a sealcoat does. It is recommended that timely maintenance continue to be completed as scheduled in the 5-Year CIP.

**RECOMMENDATION:**

Staff recommends that the City Council accept the quotes and award a contract for the 2009 Crack Seal to Gopher State Sealcoat, Inc. in the amount of \$25,200.

*SUGGESTED MOTION FOR CONSIDERATION*

*Move to Award a Contract for the 2009 Crack Sealing Project per the Engineer's Letter of Recommendation for the Award of Contract.*

ATTACHMENTS:

1. Engineer's Letter of Recommendation for Award of Contract
2. 2009 Crack Sealing Location Map
3. 2009-2013 Capital Improvement Project Location Map

# **TKDA**

ENGINEERS • ARCHITECTS • PLANNERS

444 Cedar Street, Suite 1500  
Saint Paul, MN 55101-2140

(651) 292-4400  
(651) 292-0083 Fax  
www.tkda.com

August 12, 2009

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota 55042

Re: 2009 Crack Sealing Project  
City of Lake Elmo, Minnesota  
TKDA Project No. 14290.003

Dear Mayor and City Council:

Quotes for the above referenced project were received on August 7, 2009 at 4:00pm via fax, with the following results. A complete Tabulation of Quotes is enclosed for your information.

<u>Contractor</u>	<u>Quote Amount</u>
Gopher State Sealcoat, Inc	\$ 25,200
ASTECH Corp.	\$ 26,600
Asphalt Associates Inc.	\$ 28,400
Allied Blacktop Company	\$ 31,800
Fahrner Asphalt Sealers, Inc.	\$ 32,000
Engineers Estimate	\$ 32,000

### ***Recommendation***

We recommend that you award to the Contract to the lowest responsible quoter, Gopher State Sealcoat, Inc., in the amount of \$25,200.

Please do not hesitate to call me with any questions or comments you may have.

Sincerely,



Ryan W. Stempinski, P.E.  
Assistant City Engineer

DMK:cme  
Enclosure

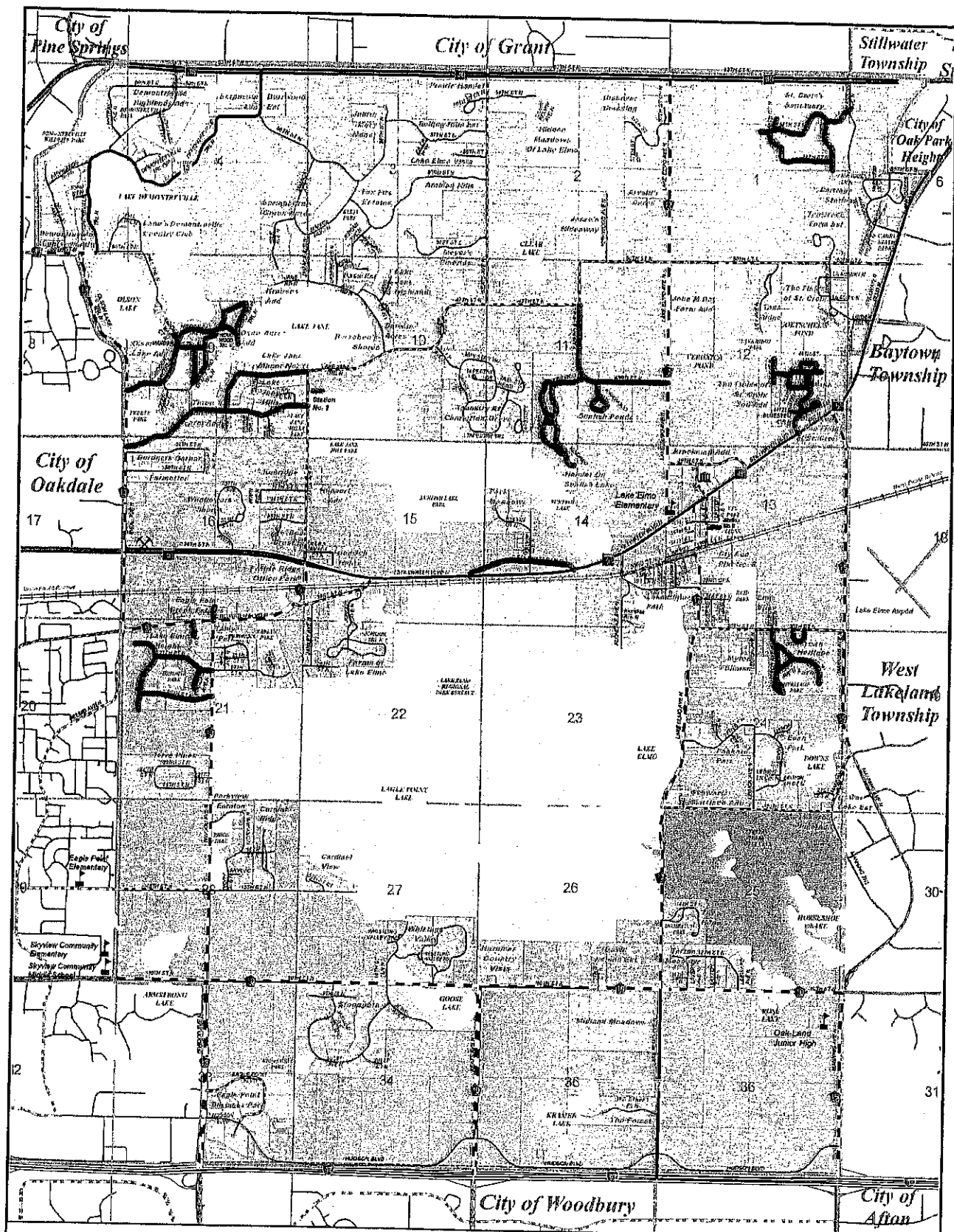
# TABULATION OF QUOTES

2009 CRACK SEALING PROJECT  
 CITY OF LAKE ELMO, MINNESOTA  
 TKDA PROJECT NO. 14292.003



Quotes Received: August 7, 2009, AT 4:00PM  
 \*DENOTES ERROR IN QUOTERS CALCULATION

ITEM NO.	DESCRIPTION	QUANTITY	ENGINEERS ESTIMATE			GOPHER STATE SEALCOAT			ASTECH CORP.			
			UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	
1	ROUTE AND SEAL CRACKS	20,000	LBS	\$ 1.60	\$ 32,000.00		\$	1.26	\$ 25,200.00		\$ 1.33	\$ 26,600.00
<b>TOTAL</b>					<b>\$ 32,000.00</b>		<b>\$ 25,200.00</b>		<b>\$ 25,200.00</b>		<b>\$ 26,600.00</b>	
ITEM NO.	DESCRIPTION	QUANTITY	ASPHALT ASSOCIATES INC.			ALLIED BLACKTOP			FAHRNER ASPHALT SEALERS			
			UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	UNIT	PRICE	TOTAL AMOUNT	
1	ROUTE AND SEAL CRACKS	20,000	LBS	\$ 1.42	\$ 28,400.00		\$	1.59	\$ 31,800.00		\$ 1.60	\$ 32,000.00
<b>TOTAL</b>					<b>\$ 28,400.00</b>		<b>\$ 31,800.00</b>		<b>\$ 31,800.00</b>		<b>\$ 32,000.00</b>	



### 2009 CRACK SEALING PROJECT LOCATION MAP



**Legend**  
 — 2009 Crack Sealing Project

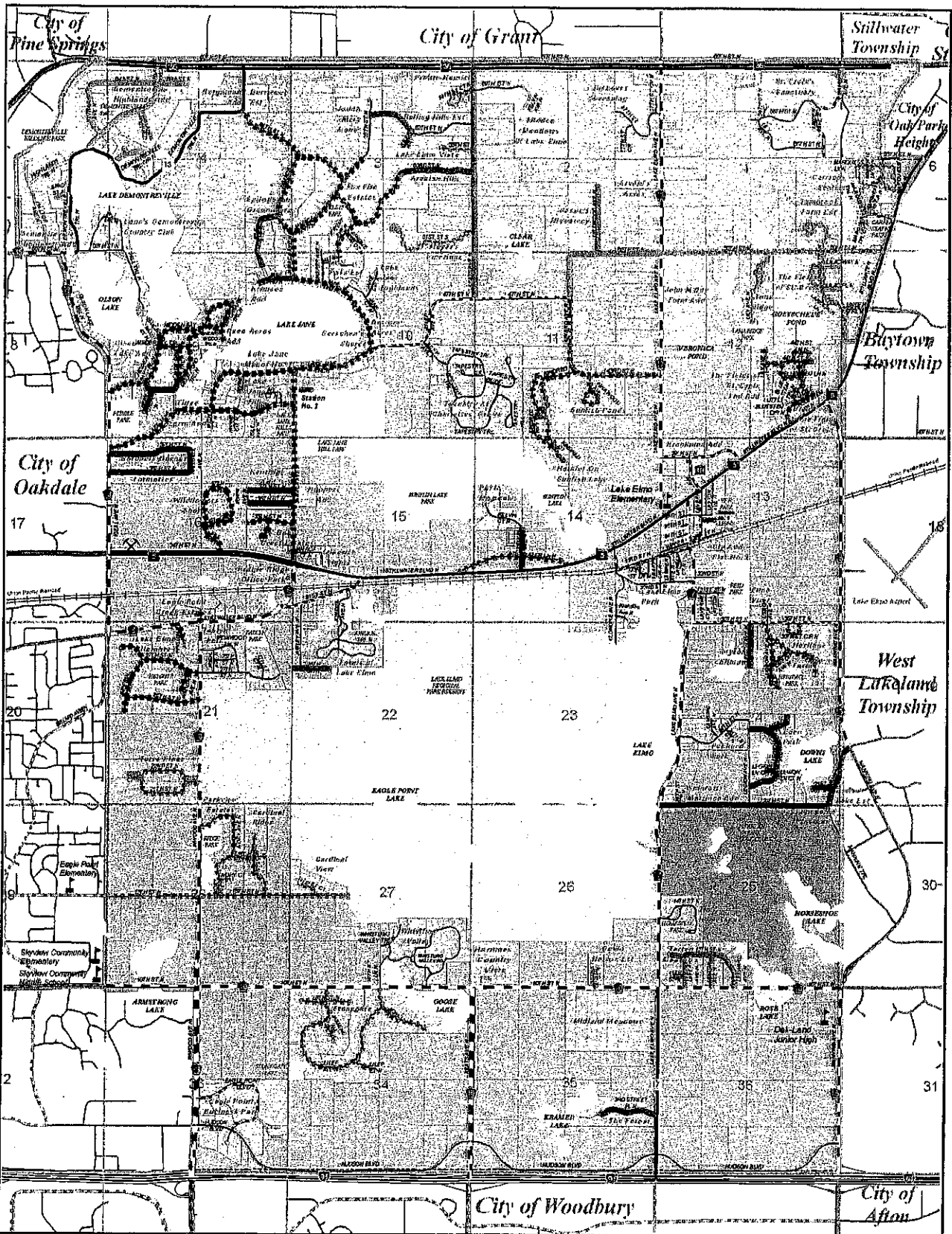
- City Hall  
3800 Levee Avenue N  
6519774-6510  
www.lakeelmo.org
- Public Works Building  
345 1st Ave N  
651733-6414
- Fire Stations  
Station No. 1  
2000 Levee Ave N  
651977-6900  
Station No. 2  
620 2nd Ave N  
651774-6900
- Schools

- Parcels
- Subdivisions
- City Parks
- Golf Course
- Lake Elmo Regional Park Reserve  
Park Office  
651930-6965
- Lakes



Map Date: July 2009

Created By  
**TKDA**  
 ENGINEERS • ARCHITECTS • PLANNERS



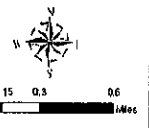
## 5-YEAR STREET CAPITAL IMPROVEMENT PLAN



IMPROVEMENT YEAR	SEALCOAT YEAR

- City Hall  
3806 Lawrence Avenue N  
65177-0000  
www.lakeelmo.org
- Public Works Building  
3415 Mead Ave N  
65123-5414
- Fire Stations  
Buddhette, L.  
2515 Lawrence Ave N  
65178-2001
- Schools  
Buddhette, L.  
4215 Lawrence Ave N  
65179-0012

- Parcels
- Subdivisions
- City Parks
- Golf Course
- Lake Elmo Regional Park Reserve
- Map Date: January 2009
- Created By



**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS

City Council  
Date:  
REGULAR  
Item: 6  
Motion

August 18, 2009

ITEM: Resolution Setting Date for Sale of Bonds for 2009 Street Improvements  
SUBMITTED BY: Craig W. Dawson, Interim City Administrator  
Tom Bouthilet, Finance Director

---

**SUMMARY AND ACTION REQUESTED:** Construction will begin by the last week of August for the City's 2009 Street Improvement Program and the reconstruction of the entry and parking lot at Tablyn Park. The City needs to issue bonds in order to have funds to pay the contractor as invoices are submitted this fall. The Council needs to take formal action by Resolution to set the sale of the bonds, which would be scheduled for action at the October 6, 2009, Council meeting.

**BACKGROUND:** The City Council has followed the process in Chapter 429 of Minnesota Statutes for these public improvement projects. When the Council ordered the improvements, it set 30 percent as the amount that owners of abutting properties would be assessed for these improvements. Bids were very favorable, and it is expected that property owners will be assessed less than was projected for their street improvements. These assessments would be payable over 10 years at 5 percent interest. The reconstruction of the entry and parking lot to Tablyn Park is also included with the proposed bond issue, and is under the same contract as the street improvements. With the inclusion of the Tablyn Park project, the amount of revenue from special assessments for the overall bond issue is approximately 25 percent, which is above the minimum of 20 percent to issue these types of bonds.

With approval of the Resolution by the Council tonight, the bonds can be sold on October 6, with closing and receipt of proceeds taking place a few weeks later.

**RECOMMENDATION:** Staff recommends that the Council adopt the proposed resolution (attached).

**SUGGESTED MOTION FOR CONSIDERATION**

***Move to adopt the Resolution setting the date of sale for General Obligation Improvement Bonds, Series 2009B.***

**ATTACHMENTS:**

- Proposed Resolution
- Summary of Proposed Bond Issue prepared by Northland Securities, Inc.

**ORDER OF BUSINESS:**

- Introduction Craig Dawson
- Report by presenter Paul Donna, Northland Securities
- Questions from City Council members to the presenter Mayor facilitates
- Questions/comments from the public to the City Council Mayor facilitates
- Action on motion City Council



City of Lake Elmo

Washington County, Minnesota

Resolution No. 2009-035

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF  
GENERAL OBLIGATION IMPROVEMENT BONDS,  
SERIES 2009B

BE IT RESOLVED by the City Council (the Council) of the City of Lake Elmo, Minnesota (the City), as follows:

SECTION 1. PURPOSE. It is hereby determined to be in the best interests of the City to issue its General Obligation Improvement Bonds, Series 2009B, in the approximate principal amount of \$575,000 (the Bonds), pursuant to Minnesota Statutes, Chapters 429 and 475, to finance various improvements projects in the City.

SECTION 2. PROPOSALS FOR SALE. The Bonds are exempt from the public sale requirements of Chapter 475 pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (2). Northland Securities, Inc. (Northland) is hereby authorized to solicit proposals for the Bonds on behalf of the City on a negotiated basis or to present a proposal for the purchase of the Bonds by Northland, in each case based upon such terms as shall be approved by the City Finance Director. The Bonds may be offered on either a tax-exempt or taxable basis, or both.

SECTION 3. SALE MEETING. This Council shall meet at the time and place shown in the offering materials for the Bonds for the purpose of considering proposals for the purchase of the Bonds and of taking such action thereon as may be in the best interests of the City.

Upon vote being taken thereon, the following members voted in favor thereof:

and the following members voted against the same:

whereupon the resolution was declared duly passed and adopted by the Lake Elmo City Council on August 18, 2009.

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Dean A. Johnston, Mayor

ATTEST:

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Craig W. Dawson City Administrator

# FINANCE PLAN SUMMARY

City of Lake Elmo, Minnesota

\$575,000

General Obligation Improvement Bonds, Series 2009A

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Prepared by:

NORTHLAND  SECURITIES

45 South 7th Street  
Suite 2000  
Minneapolis, MN 55402  
612-851-5900 800-851-2920

August 17, 2009

City of Lake Elmo, Minnesota  
 \$575,000  
 General Obligation Improvement Bonds, Series 2009A

**Financing Overview:**

Proceeds from this bond issue will be used to fund the City's 2009 Street Improvement Project and improvements to the Tablyn Park entrance road. The cost of the projects total \$539,083 plus financing costs and capitalized interest on the street improvement portion result in a financing requirement of \$575,000. A detailed illustration of the sources and uses of funds is as follows:

**Total Issue Sources And Uses**

Dated 10/01/2009 | Delivered 10/01/2009

	Street Improvements	Tablyn Park Entrance	Issue Summary
<b>Sources Of Funds</b>			
Par Amount of Bonds	\$505,000.00	\$70,000.00	\$575,000.00
<b>Total Sources</b>	<b>\$505,000.00</b>	<b>\$70,000.00</b>	<b>\$575,000.00</b>
<b>Uses Of Funds</b>			
Costs of Issuance	26,289.52	3,505.48	28,795.00
Deposit to Capitalized Interest (CIF) Fund	4,963.84	-	4,963.84
Deposit to Project Construction Fund	474,588.00	64,495.00	539,083.00
Rounding Amount	158.64	1,999.52	2,158.16
<b>Total Uses</b>	<b>\$505,000.00</b>	<b>\$70,000.00</b>	<b>\$575,000.00</b>

The estimated principal and interest is illustrated as Exhibit A. The debt is scheduled to be repaid 2011 – 2020. The interest estimate is based on an assumed average rate of 2.80%. The principal payment structure is based on the City's expectations of revenues to be received over the term of the Bonds. The City expects to fund debt service on the street improvement portion from a combination of special assessments against benefited properties and property tax collections. The special assessment revenue stream assumes the City will file \$156,000 of assessments in 2010 over a term of ten years at a rate of 5.00%. The Tablyn Park portion of the debt will be paid from a tax levy. The estimated average annual tax levy for the combined projects will be approximately \$50,991 at the 105% required level. The capitalized interest on

the street improvement portion in the amount of \$4,964 will be used to fund the assessed portion of the interest due on the Bonds thru July 15, 2011 because the first collection of the assessments will not be available until the January 15, 2011 payment on the street improvement portion of the Bonds. In addition, because the City has budgeted for a debt levy payable in 2010 of approximately \$50,000, the debt service schedule for the Tablyn Park portion has been accelerated to blend with the balance of the debt. The summary cash flow analysis detailing the revenues, capitalized interest and tax levy component is illustrated in Exhibit B.

**Related Considerations:**

- Bank Qualified - We understand the City (in combination with any subordinate taxing jurisdictions or debt issued in the City's name by 501c3 corporations) does not anticipate issuing more than a total of \$30,000,000 in tax-exempt debt during this calendar year. Therefore the bonds will be designated as "bank qualified" obligations pursuant to Federal Tax Law if the Bonds are sold as Tax Exempt securities.
- Arbitrage and Rebate - We understand the City anticipates issuing \$5,000,000 or less in tax-exempt bonds in calendar year 2009 and therefore any arbitrage earnings in the construction fund will be exempt from rebate.

This exemption from rebate does not eliminate the need to comply with other arbitrage regulations governing the investment of bond proceeds and debt service funds. In particular, the City should become familiar with the requirements for maintaining a "bona fide" debt service fund. These requirements will be explained in the bond transcript following closing.

- The Bonds will be *global book entry with a bank designated as the paying agent*. As "paperless" bonds, you will avoid the costs of bond printing and annual registrar charges. The Paying Agent will invoice you for the interest semiannually and on an annual basis for the principal coming due. You will be charged only for paying agent/transfer agent services provided by the bank. This cost of services has been capitalized into the bond issue.
- Because the City's outstanding debt is less than \$10.0M, and this issue is less than \$1.0M, it is not subject to continuing disclosure requirements of the Securities and Exchange Commission.

**Summary of Recommended Terms:**

1. Type of Bond Sale To Be Determined
2. Proposal(s) Received Tuesday, October 6, 2009
3. Council Consideration Tuesday, October 6, 2009 at 7:00 p.m.
4. Statutory Authority The Bonds are being issued pursuant to Minnesota Statutes 429 and 475.
4. Repayment Term The Bonds will mature annually each January 15, 2011 - 2020. Interest on the Bonds will be payable on July 15, 2010 and semiannually thereafter on each January 15 and July 15.
5. Security General obligation pledge of the City. The City expects to fund debt service from a combination of special assessments and property tax collections as previously discussed.
6. Prepayment Feature The Bonds maturing January 15, 2018 – 2020 will be subject to prepayment on January 15, 2017 at a price of par plus accrued interest.
7. Tax Status Dorsey & Whitney, LLP
8. Credit Rating The City's general obligation debt is currently rated AA by Standard & Poor's rating service. We believe a credit rating will be cost effective for this issue and we will pursue a rating with S&P for the Bonds.

## EXHIBIT A

### Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
10/01/2009	-	-	-	-	-
07/15/2010	-	-	11,127.28	11,127.28	-
01/15/2011	30,000.00	1.050%	7,052.50	37,052.50	48,179.78
07/15/2011	-	-	6,895.00	6,895.00	-
01/15/2012	55,000.00	1.300%	6,895.00	61,895.00	68,790.00
07/15/2012	-	-	6,537.50	6,537.50	-
01/15/2013	60,000.00	1.600%	6,537.50	66,537.50	73,075.00
07/15/2013	-	-	6,057.50	6,057.50	-
01/15/2014	60,000.00	1.900%	6,057.50	66,057.50	72,115.00
07/15/2014	-	-	5,487.50	5,487.50	-
01/15/2015	60,000.00	2.250%	5,487.50	65,487.50	70,975.00
07/15/2015	-	-	4,812.50	4,812.50	-
01/15/2016	60,000.00	2.600%	4,812.50	64,812.50	69,625.00
07/15/2016	-	-	4,032.50	4,032.50	-
01/15/2017	60,000.00	2.900%	4,032.50	64,032.50	68,065.00
07/15/2017	-	-	3,162.50	3,162.50	-
01/15/2018	65,000.00	3.150%	3,162.50	68,162.50	71,325.00
07/15/2018	-	-	2,138.75	2,138.75	-
01/15/2019	65,000.00	3.350%	2,138.75	67,138.75	69,277.50
07/15/2019	-	-	1,050.00	1,050.00	-
01/15/2020	60,000.00	3.500%	1,050.00	61,050.00	62,100.00
10/01/2020	-	-	-	-	-
<b>Total</b>	<b>\$575,000.00</b>	<b>-</b>	<b>\$98,527.28</b>	<b>\$673,527.28</b>	<b>-</b>

#### Date And Term Structure

Dated	10/01/2009
Delivery Date	10/01/2009
First Coupon Date	7/15/2010
First available call date	01/15/17
Call Price	100.00%

#### Yield Statistics

Average Coupon	2.8061566%
Net Interest Cost (NIC)	2.8061566%
True Interest Cost (TIC)	2.7832940%

## EXHIBIT B

### Revenue vs D/S

Date	Assessment Revenues*	Capitalized Interest	Total Revenues	Scheduled P+I	Equals:		105% Levy	Levy Year	Collection Year
					City Levy	City Levy			
01/15/2010	-	-	-	-	-	-	-	-	-
01/15/2011	-	4,963.84	4,963.84	48,179.78	43,215.93	45,376.73	2009	2010	
01/15/2012	20,325.67	-	20,325.67	68,790.00	48,464.33	50,887.55	2010	2011	
01/15/2013	20,325.55	-	20,325.55	73,075.00	52,749.45	55,386.92	2011	2012	
01/15/2014	20,325.45	-	20,325.45	72,115.00	51,789.55	54,379.03	2012	2013	
01/15/2015	20,325.60	-	20,325.60	70,975.00	50,649.40	53,181.87	2013	2014	
01/15/2016	20,325.35	-	20,325.35	69,625.00	49,299.65	51,784.63	2014	2015	
01/15/2017	20,326.00	-	20,326.00	68,065.00	47,739.00	50,125.95	2015	2016	
01/15/2018	20,325.70	-	20,325.70	71,325.00	50,999.30	53,549.27	2016	2017	
01/15/2019	20,325.60	-	20,325.60	69,277.50	48,951.90	51,399.50	2017	2018	
01/15/2020	20,325.70	-	20,325.70	62,100.00	41,774.30	43,863.02	2018	2019	
01/15/2021	20,325.90	-	20,325.90	-	-	-	-	-	
<b>Total</b>	<b>\$203,256.52</b>	<b>\$4,963.84</b>	<b>\$208,220.36</b>	<b>\$673,527.28</b>	<b>\$485,632.81</b>	<b>\$509,914.46</b>			

\*Assumes assessments of \$156,000 (30% of street improvements) for a term of 10 years at a rate of 5.00%.

# \$575,000.00 City of Lake Elmo, Minnesota

General Obligation Improvement Bonds, Series 2009B

Current Tax Exempt Bank Qualified Rates

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### Report

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#### STREET IMPROVEMENTS

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Debt Service Schedule 4

Revenue vs D/S 5

#### TABLYN PARK ENTRANCE

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Debt Service Schedule 6



# \$575,000.00 City of Lake Elmo, Minnesota

General Obligation Improvement Bonds, Series 2009B

Current Tax Exempt Bank Qualified Rates

## Total Issue Sources And Uses

Dated 10/01/2009 | Delivered 10/01/2009

	Street Improvements	Tablyn Park Entrance	Issue Summary
<b>Sources Of Funds</b>			
Par Amount of Bonds	\$505,000.00	\$70,000.00	\$575,000.00
<b>Total Sources</b>	<b>\$505,000.00</b>	<b>\$70,000.00</b>	<b>\$575,000.00</b>
<b>Uses Of Funds</b>			
Costs of Issuance	25,289.52	3,505.48	28,795.00
Deposit to Capitalized Interest (CIF) Fund	4,963.84	-	4,963.84
Deposit to Project Construction Fund	474,588.00	64,495.00	539,083.00
Rounding Amount	158.64	1,999.52	2,158.16
<b>Total Uses</b>	<b>\$505,000.00</b>	<b>\$70,000.00</b>	<b>\$575,000.00</b>

# \$575,000.00 City of Lake Elmo, Minnesota

General Obligation Improvement Bonds, Series 2009B  
 Current Tax Exempt Bank Qualified Rates

## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
10/01/2009	-	-	-	-	-
07/15/2010	-	-	11,127.28	11,127.28	-
01/15/2011	30,000.00	1.050%	7,052.50	37,052.50	48,179.78
07/15/2011	-	-	6,895.00	6,895.00	-
01/15/2012	55,000.00	1.300%	6,895.00	61,895.00	68,790.00
07/15/2012	-	-	6,537.50	6,537.50	-
01/15/2013	60,000.00	1.600%	6,537.50	66,537.50	73,075.00
07/15/2013	-	-	6,057.50	6,057.50	-
01/15/2014	60,000.00	1.900%	6,057.50	66,057.50	72,115.00
07/15/2014	-	-	5,487.50	5,487.50	-
01/15/2015	60,000.00	2.250%	5,487.50	65,487.50	70,975.00
07/15/2015	-	-	4,812.50	4,812.50	-
01/15/2016	60,000.00	2.600%	4,812.50	64,812.50	69,625.00
07/15/2016	-	-	4,032.50	4,032.50	-
01/15/2017	60,000.00	2.900%	4,032.50	64,032.50	68,065.00
07/15/2017	-	-	3,162.50	3,162.50	-
01/15/2018	65,000.00	3.150%	3,162.50	68,162.50	71,325.00
07/15/2018	-	-	2,138.75	2,138.75	-
01/15/2019	65,000.00	3.350%	2,138.75	67,138.75	69,277.50
07/15/2019	-	-	1,050.00	1,050.00	-
01/15/2020	60,000.00	3.500%	1,050.00	61,050.00	62,100.00
<b>Total</b>	<b>\$575,000.00</b>	<b>-</b>	<b>\$98,527.28</b>	<b>\$673,527.28</b>	<b>-</b>

### Date And Term Structure

Dated	10/01/2009
Delivery Date	10/01/2009
First Coupon Date	7/15/2010
First available call date	
Call Price	-

### Yield Statistics

Bond Year Dollars	\$3,511.11
Average Life	6.106 Years
Average Coupon	2.8061566%
Net Interest Cost (NIC)	2.8061566%
True Interest Cost (TIC)	2.7832940%
All Inclusive Cost (AIC)	3.7192800%

### IRS Form 8038

Net Interest Cost	2.8061566%
Weighted Average Maturity	6.106 Years
Bond Yield for Arbitrage Purposes	2.7832940%

GO Improvement 2009B Set | Issue Summary | 8/13/2009 | 10:43 AM

Northland Securities Inc.  
 Public Finance

# \$575,000.00 City of Lake Elmo, Minnesota

General Obligation Improvement Bonds, Series 2009B

Current Tax Exempt Bank Qualified Rates

## Revenue vs D/S

Date	Assessment Revenues*	Capitalized Interest	Total Revenues	Scheduled P+I	Equals: City Levy	105% Levy	Levy Year	Collection Year
01/15/2010	-	-	-	-	-	-	-	-
01/15/2011	-	4,963.84	4,963.84	48,179.78	43,215.93	45,376.73	2009	2010
01/15/2012	20,325.67	-	20,325.67	68,790.00	48,464.33	50,887.55	2010	2011
01/15/2013	20,325.55	-	20,325.55	73,075.00	52,749.45	55,386.92	2011	2012
01/15/2014	20,325.45	-	20,325.45	72,115.00	51,789.55	54,379.03	2012	2013
01/15/2015	20,325.80	-	20,325.80	70,975.00	50,649.40	53,181.87	2013	2014
01/15/2016	20,325.35	-	20,325.35	69,625.00	49,299.05	51,764.63	2014	2015
01/15/2017	20,326.00	-	20,326.00	68,065.00	47,739.00	50,125.95	2015	2016
01/15/2018	20,325.70	-	20,325.70	71,325.00	50,999.30	53,549.27	2016	2017
01/15/2019	20,325.60	-	20,325.60	69,277.50	48,951.90	51,399.50	2017	2018
01/15/2020	20,325.70	-	20,325.70	62,100.00	41,774.30	43,863.02	2018	2019
01/15/2021	20,325.90	-	20,325.90	-	-	-	-	-
<b>Total</b>	<b>\$203,256.52</b>	<b>\$4,963.84</b>	<b>\$208,220.36</b>	<b>\$673,527.28</b>	<b>\$485,632.81</b>	<b>\$509,914.46</b>		

\*Assumes assessments of \$156,000 (30% of street improvements) for a term of 10 years at a rate of 5.00%.

# \$505,000.00 City of Lake Elmo, Minnesota

General Obligation Improvement Bonds, Series 2009B

Street Improvement Portion

## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
10/01/2009	-	-	-	-	-
07/15/2010	-	-	10,127.36	10,127.36	-
01/15/2011	-	-	6,418.75	6,418.75	16,546.11
07/15/2011	-	-	6,418.75	6,418.75	-
01/15/2012	50,000.00	1.300%	6,418.75	56,418.75	62,837.50
07/15/2012	-	-	6,093.75	6,093.75	-
01/15/2013	55,000.00	1.600%	6,093.75	61,093.75	67,187.50
07/15/2013	-	-	5,653.75	5,653.75	-
01/15/2014	55,000.00	1.900%	5,653.75	60,653.75	66,307.50
07/15/2014	-	-	5,131.25	5,131.25	-
01/15/2015	55,000.00	2.250%	5,131.25	60,131.25	65,262.50
07/15/2015	-	-	4,512.50	4,512.50	-
01/15/2016	55,000.00	2.600%	4,512.50	59,512.50	64,025.00
07/15/2016	-	-	3,797.50	3,797.50	-
01/15/2017	55,000.00	2.900%	3,797.50	58,797.50	62,595.00
07/15/2017	-	-	3,000.00	3,000.00	-
01/15/2018	60,000.00	3.150%	3,000.00	63,000.00	66,000.00
07/15/2018	-	-	2,055.00	2,055.00	-
01/15/2019	60,000.00	3.350%	2,055.00	62,055.00	64,110.00
07/15/2019	-	-	1,050.00	1,050.00	-
01/15/2020	60,000.00	3.500%	1,050.00	61,050.00	62,100.00
<b>Total</b>	<b>\$505,000.00</b>	<b>-</b>	<b>\$91,971.11</b>	<b>\$596,971.11</b>	<b>-</b>

### Date And Term Structure

Dated	10/01/2009
Delivery Date	10/01/2009
First Coupon Date	7/15/2010
First available call date	
Call Price	-

### Yield Statistics

Bond Year Dollars	\$3,240.89
Average Life	6.418 Years
Average Coupon	2.8378360%

Net Interest Cost (NIC)	2.8378360%
True Interest Cost (TIC)	2.8161131%
All Inclusive Cost (AIC)	3.7086963%

### IRS Form 8038

Net Interest Cost	2.8378360%
Weighted Average Maturity	6.418 Years
Bond Yield for Arbitrage Purposes	2.7832940%

# \$505,000.00 City of Lake Elmo, Minnesota

General Obligation Improvement Bonds, Series 2009B

Street Improvement Portion

## Revenue vs D/S

Date	Assessment Revenues*	Capitalized Interest	Total Revenues	Scheduled P+I	Equals: City Levy	105% Levy	Levy Year	Collection Year
01/15/2010	-	-	-	-	-	-	-	-
01/15/2011	-	4,963.84	4,963.84	16,546.11	11,682.27	12,161.38	2009	2010
01/15/2012	20,123.80	-	20,123.80	62,837.50	42,713.70	44,849.39	2010	2011
01/15/2013	20,124.40	-	20,124.40	67,187.50	47,063.10	49,416.26	2011	2012
01/15/2014	20,123.96	-	20,123.96	66,307.50	46,183.54	48,492.72	2012	2013
01/15/2015	20,124.12	-	20,124.12	65,262.50	45,138.38	47,395.30	2013	2014
01/15/2016	20,124.40	-	20,124.40	64,025.00	43,900.60	46,095.63	2014	2015
01/15/2017	20,124.28	-	20,124.28	62,595.00	42,470.72	44,594.26	2015	2016
01/15/2018	20,124.16	-	20,124.16	66,000.00	45,875.84	48,169.63	2016	2017
01/15/2019	20,123.38	-	20,123.38	64,110.00	43,986.62	46,185.95	2017	2018
01/15/2020	20,124.20	-	20,124.20	62,100.00	41,975.80	44,074.59	2018	2019
01/15/2021	20,123.70	-	20,123.70	-	-	-	-	-
<b>Total</b>	<b>\$201,240.40</b>	<b>\$4,963.84</b>	<b>\$206,204.24</b>	<b>\$596,971.11</b>	<b>\$410,890.57</b>	<b>\$431,436.10</b>		

# \$70,000.00 City of Lake Elmo, Minnesota

General Obligation Improvement Bonds, Series 2009B  
Tablyn Park Entrance Portion

## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
10/01/2009	-	-	-	-	-
07/15/2010	-	-	999.92	999.92	-
01/15/2011	30,000.00	1.050%	633.75	30,633.75	31,633.67
07/15/2011	-	-	476.25	476.25	-
01/15/2012	5,000.00	1.300%	476.25	5,476.25	5,952.50
07/15/2012	-	-	443.75	443.75	-
01/15/2013	5,000.00	1.600%	443.75	5,443.75	5,887.50
07/15/2013	-	-	403.75	403.75	-
01/15/2014	5,000.00	1.900%	403.75	5,403.75	5,807.50
07/15/2014	-	-	356.25	356.25	-
01/15/2015	5,000.00	2.250%	356.25	5,356.25	5,712.50
07/15/2015	-	-	300.00	300.00	-
01/15/2016	5,000.00	2.600%	300.00	5,300.00	5,600.00
07/15/2016	-	-	235.00	235.00	-
01/15/2017	5,000.00	2.900%	235.00	5,235.00	5,470.00
07/15/2017	-	-	162.50	162.50	-
01/15/2018	5,000.00	3.150%	162.50	5,162.50	5,325.00
07/15/2018	-	-	83.75	83.75	-
01/15/2019	5,000.00	3.350%	83.75	5,083.75	5,167.50
<b>Total</b>	<b>\$70,000.00</b>	<b>-</b>	<b>\$6,556.17</b>	<b>\$76,556.17</b>	<b>-</b>

### Date And Term Structure

Dated	10/01/2009
Delivery Date	10/01/2009
First Coupon Date	7/15/2010
First available call date	
Call Price	-

### Yield Statistics

Bond Year Dollars	\$270.22
Average Life	3.860 Years
Average Coupon	2.4262130%

Net Interest Cost (NIC)	2.4262130%
True Interest Cost (TIC)	2.3991143%
All Inclusive Cost (AIC)	3.8436162%

### IRS Form 8038

Net Interest Cost	2.4262130%
Weighted Average Maturity	3.860 Years
Bond Yield for Arbitrage Purposes	2.7832940%

ITEM: Consider an application to allow construction of a covered porch five feet into the required 30 foot front yard setback at 8618 Ironwood Trail North – R-1 zoning – PID 21-029-21-12-0028.

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Craig Dawson, Interim City Administrator  
Kyle Klatt, Planning Director

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#### SUMMARY AND ACTION REQUESTED

The City Council is being asked to consider a variance request from Vernon and Vicky Reichow to allow the construction of a covered porch five feet into the required 30 foot front yard setback at 8618 Ironwood Trail North. The existing house currently is located eight feet from the setback line, but the attached garage extends to the setback line. The applicants are proposing to add a foyer to the house which would be eight feet deep and would abut the setback line. This would be a permitted addition to the house without a variance. However, the property owner is also interested in building an additional five foot covered front porch onto the foyer, which would then encroach into the setback. The covered porch would encroach five feet into the front yard setback.

Staff and the Planning Commission are recommending denial of the variance application as the applicants have eight feet in which to construct a permitted addition to their house. In addition, the applicants have the option, should they choose to maintain the size and layout of the proposed foyer and porch, of removing the cover to the porch, which would then be permitted under Section 154.081 Permitted Encroachments on Required Yards.

The applicant has stated that the variance is justified due to the following (applicant's full narrative is attached to this report):

- The property owners desire to live the remainder of their lives in their home and believe it a necessity to have a foyer deep enough for a wheelchair to turn around and maneuver. They contend that the covered porch would need to be covered to prevent any injuries caused by the elements such as snow and ice and would need to be a depth of five feet to again allow a wheelchair to maneuver safely without accident.

For variance applications, the burden is on the applicant to demonstrate why this situation is unique and necessitates flexibility to code requirements. To make this case, a variance can only be granted by the city when strict enforcement of the code would cause undue hardship on a property owner. "Hardship" is broken down into the following three components:

- a. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;*
- b. *The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations;*

- c. *And the approval of the variance would not alter the essential character of the neighborhood.*

In reviewing the request against the three criteria listed above, staff determined all criteria were not met, as more completely explained in the attached full staff report.

ADDITIONAL INFORMATION:

- The Planning Commission reviewed the application and held a public hearing at the August 10<sup>th</sup> meeting. One neighbor spoke in favor of granting the variance during the public hearing. The Planning Commission recommended denial of the application by failure of a motion to approve with a vote of 4:5.
- The existing house is currently built eight feet from the eastern side property line where there is a ten foot side yard setback. This was approved by a variance in 1982 and the home is otherwise in a conforming location.

RECOMMENDATION:

In following a strict review of the variance criteria outlined in city code, Staff and the Planning Commission are recommending that the City Council deny the proposed variance for Vernon and Vicky Reichow to allow construction of a covered porch five feet within the 30 foot front yard setback at 8618 Ironwood Trail North.

ORDER OF BUSINESS:

- Introduction ..... Craig Dawson, City Administrator
- Report by staff ..... Kyle Klatt, Planner
- Questions from the Council ..... Mayor & Council Members
- Questions/Comments from the applicant ..... Mayor facilitates
- Questions/Comments from the public ..... Mayor facilitates
- Call for a Motion  
(required for further discussion; does not imply approval of the motion ..... Mayor facilitates
- Discussion ..... Mayor facilitates
- Action on motion ..... Council

ATTACHMENTS (5):

1. Staff Report
2. Applicant's Narrative
3. Area Map
4. Proposed Site Plan
5. Resolution 2009 - 0310



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

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*To:* **City Council**

*From:* Kelli Matzek, City Planner

*Meeting Date:* **8-18-09**

*Applicant:* **Vernon and Vicky Reichow**

*Owner:* Same

*Location:* **8618 Ironwood Trail North**

*Zoning:* R-1

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***Introductory Information***

***Proposed Project:*** The applicant is seeking to construct a covered porch five feet into the required thirty-foot front yard setback at 8618 Ironwood Trail North. The resulting structure, if approved, would be twenty-five feet from the front property line.

***Variance Request(s):*** A **5-foot variance** from the required 30' setback from the front yard property line.

***Applicable Codes:*** **Section 154.041 Zoning Districts (R-1).**  
Subd. C – Minimum district requirements.  
Requires that all structures be setback a minimum of 30 feet from a front property line.

**Section 154.081 Permitted Encroachments on Required Yards.**

The following shall be permitted encroachments into setback and height requirements, except as restricted by other sections of this chapter.

- (A) *In any yards.* Posts, off-street open parking, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to 3 feet), gutters, awnings, open terraces, steps, chimneys, flag poles, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), uncovered porches, stoops, or similar features, provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than 5 feet from any lot line nor less than 1 foot from any existing or proposed driveway; yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light

illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons; provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

### **Findings & General Site Overview**

**Site Data:** Lot Size: 0.92 acres (40,273 square feet)  
Existing Use: Single Family Dwelling  
Existing Zoning: R-1  
Property Identification Number (PID): 21-029-21-12-0028  
Legal Description: Lot 8, Block 3, Tablyn Park, Washington County, Minnesota

### **Application Review:**

**Applicable Definitions:**

**BUILDING LINE.** A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

**BUILDING SETBACK LINE.** A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water mark or line, behind which buildings or structures must be placed.

**DWELLING, SINGLE-FAMILY.** A residential structure designed for or used exclusively as 1 dwelling unit of permanent occupancy.

**HARDSHIP.** The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists; that the plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district; and that these unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.

**Property/ Application Info:** The existing house at 8618 Ironwood Trail North is currently located an additional eight feet beyond the required 30 foot front yard setback in the location the applicant is proposing an addition. The applicant is proposing to add an eight foot by eighteen foot foyer to the front of the house in a conforming location. In addition to the foyer, the applicant is proposing to add a five foot by eighteen foot covered porch in front of the foyer, which would extend into the front yard setback by five feet, thus requiring a

variance.

**Variance Criteria:** An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. For ease of review, staff provides a three-part breakdown of the definition of "hardship" in Lake Elmo City code to ensure the requests are meeting the spirit and intent of the ordinance.

1. *The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the city's zoning regulations and no other reasonable alternative use exists;*

Staff finds the addition of a five foot covered porch within the front yard setback is not essential to continue a reasonable use of the property. The homeowners can continue to use the dwelling for residential purposes without the granting of the requested variance.

The applicants have written in a narrative (attached to this report) that the size of both the proposed (conforming) foyer and the proposed non-conforming covered porch is necessary for future use of the property to ensure adequate space to maneuver a wheelchair, should that come to be needed for those inhabiting the home. However, an exposed wheelchair ramp and/or an uncovered porch would both be permitted to be built within the setback without the need of a variance.

**Staff finds this criterion is NOT met.**

2. *The plight of the landowner is due to the physical conditions unique to the land, structure, or building involved and is not applicable to other lands, structures, or buildings in the same zoning district. The unique conditions of the site were not caused or accepted by the landowner after the effective date of the city's zoning regulations.*

The applicants' house (in the proposed addition location) is currently eight feet from the 30 foot front yard setback line. The applicants' are proposing to add an eight foot foyer which would be located within a conforming location and then a five foot covered porch beyond the foyer, which would then extend into the required setback. Because the applicants' have eight feet in which to construct a revised configuration of a conforming foyer and covered porch, staff would suggest the site is not unique, and in fact, offers more opportunities for a conforming addition than other homes in that neighborhood which are currently built up to the setback.

In addition, the city code has a list of permitted exceptions to encroachments for setback requirements which includes uncovered porches, stoops, or other similar

(cont.)

features. If the applicants were interested in maintaining the proposed size of both the foyer and porch and the applicants were to remove the cover from the porch, a variance would not be needed.

As such, **staff finds this criterion is NOT met.**

3. *The approval of a variance would not alter the essential character of the neighborhood.*

A foyer and covered porch would not be out of character for the neighborhood as it is entirely single family dwellings. **Staff finds this criterion is met.**

**Variance  
Conclusions:**

Based on our analysis of the review criteria in City Code, staff would recommend **denial** of the variance request to allow construction of a covered porch five feet into the thirty foot front yard setback at 8618 Ironwood Trail.

**Resident  
Concerns:**

Staff is not aware of any resident concerns surrounding the requested variances. Staff has received a phone call from a neighbor who was unable to attend the public hearing that was in support of the application.

**Additional  
Information:**

- The existing house is currently built eight feet from the eastern side property line where there is a ten foot side yard setback. This was approved by a variance in 1982 and the home is otherwise in a conforming location.

**Planning  
Commission  
Review**

The Planning Commission reviewed the application and held a public hearing at the August 10<sup>th</sup> meeting. The commission recommended denial of the application by failure of a motion to approve. The vote was 4:5.

**Conclusion:**

The applicants are seeking approval of the following variance:  
A **5-foot variance** from the required 30' setback from the front yard.

**Council  
Options:**

The City Council has the following options:

- A) Approve the variance requested;
- B) Deny the variance requested;
- C) Table the item and request additional information.

The 60-day review period for this application expires on 9-21-09, but can be extended

an additional 60 days if more time is needed.

**Staff Rec:** Staff is recommending denial of the variance request to allow construction of a covered porch five feet into the 30 foot front yard setback at 8618 Ironwood Trail based on the following:

- Denial of the request would not deny the owners reasonable use of the property as the home could continue to be used for residential purposes;
- The applicants have eight feet in which to construct an addition in a conforming location on the property in the proposed location;
- The applicants could build the proposed foyer and porch in the size and shape requested if the porch were to be uncovered;
- A wheelchair ramp and an uncovered porch are permitted encroachments into the setback should the applicants choose to alter their plans and eliminate the need for a variance.

**Denial Motion** To deny the request, you may use the following motion as a guide:

**Template:** I move we deny the requested variance based on the findings of fact provided by staff. (use staff's findings provided or cite your own)

**Approval Motion** To approve the requested variance, you may use the following motion as a guide:

**Template:** I move we approve the requested variance based on the following findings of fact...(please site reasons for the recommendation)

...with the following condition:

1. The variance shall expire one year from the date of resolution if not acted upon; City Council approval will be required for any subsequent extension.

cc: Vern and Vicky Reichow, Applicant  
Joe Kurle, Applicants' Contractor

To whom this may concern:

Vern and Vicky Reichow, property owners of 8618 Ironwood Trail, are seeking a variance to the front setback of there property. They are working with R.P. Vogel Remodeling as the builder, along with Joe Kurle from Joe's Drafting and Design.

The legal description of the property is:  
8618 Ironwood Trail N., Lake Elmo, MN 55042  
Tablyn Park, Lot 8, Block 3  
Parcel ID# 2102921120028  
Parcel size: 40,273 sq. ft. (0.92 acres)  
Residential use and zoned Residential

We are proposing to change the front setback requirement of 30'-0" for a covered porch to 25'-0". Currently, an uncovered porch can exceed the 30'-0" requirement, but a covered porch cannot.

The application for a variance came up during the design phase of a functional foyer addition with a covered porch. The front garage wall currently is at the required setback and the house wall is 8'-0" behind the garage. It quickly became clear that for a functional foyer with a covered porch to work, a variance was required.

Explanation for request of variance:

Vern and Vicky Reichow, life long residence of Lake Elmo, desire to live the remainder of their lives in their home on 8618 Ironwood Trail. Because they are retirement age, planning ahead is a good idea. While they hope never to be in a wheelchair, Vern's family has experience with being in a wheelchair. Having a foyer that is deep enough for a wheelchair to turn around and maneuver in was essential in the design. The covered porch, the reason for the request of the variance, was also a necessity to prevent any injuries caused by the elements, like snow and ice. The depth of the porch, 5'-0", was needed to allow a wheelchair to maneuver safely without accident. They also like the neighborhood and not wanting to change the look of it have kept with the design and character similar to other houses in the area. Because they wish to live their later years in this house, they want to enter it safely, without injury. Since there are no nursing homes in Lake Elmo, the Reichows' are faced with few options without the variance. They are asking to allow the covered porch to extend into the setback by only 5'-0".

The Reichows', R.P. Vogel Remodeling and Joe's Drafting and Design would like to thank you for considering this request and are willing to assist in anyway possible.

Thanks,

Joe Kurle  
Joe's Drafting and Design, LLC  
On behalf of Vern and Vicky Reichow

JBB

8635 CARLEMAN AVE. W., ROSEMOUNT, MN 55068  
PHONE: (651) 267-3486 EMAIL: jbb@jbbllc.com  
WEBSITE: www.jbbllc.com

ILLUSTRATIONS MAY VARY FROM PLAN FOR ALL TRADES. STRUCTURAL  
AND MECHANICAL WORK IS TO BE COMPLETED BY A LICENSED PROFESSIONAL  
ENGINEER. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE MINNESOTA  
BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES. THE CONTRACTOR  
IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING  
THE ACCURACY OF ALL INFORMATION PROVIDED. THE CONTRACTOR SHALL  
VERIFY THE EXISTING CONDITIONS AND CONDITIONS OF ALL UTILITIES  
BEFORE BEGINNING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR  
OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL  
INFORMATION PROVIDED.

# R.P. VOGEL REMODELING

RECHOW RESIDENCE

8618 IRONWOOD TRAIL  
LAKE ELMO, MN 55042

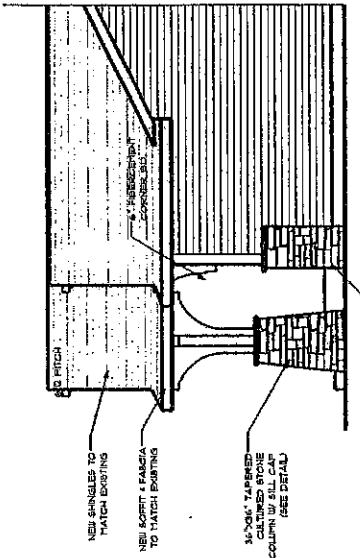
July 10, 2008

SQUARE FOOTAGE	
FRONT ENTRY	24
BASEMENT FIN	114
HAIN FLOOR	114
SUPPER FLOOR	114
SECOND FL.	114
TOTAL SQ. FT. FIN	366
TOTAL SQ. FT.	366

PERMANENT DATE	
8-10-08 JK	
8-10-08 JK	
8-10-08 JK	
8-10-08 JK	
8-10-08 JK	

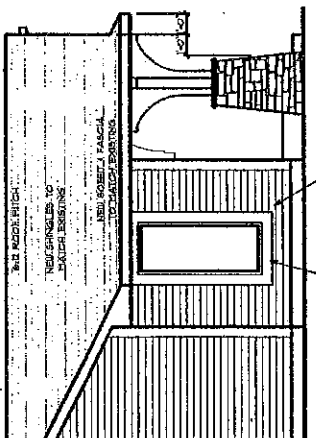
REVISION DATE	
8-10-08 JK	
8-10-08 JK	
8-10-08 JK	

0911  
SHEET | of 3



**NEW RIGHT ELEVATION**

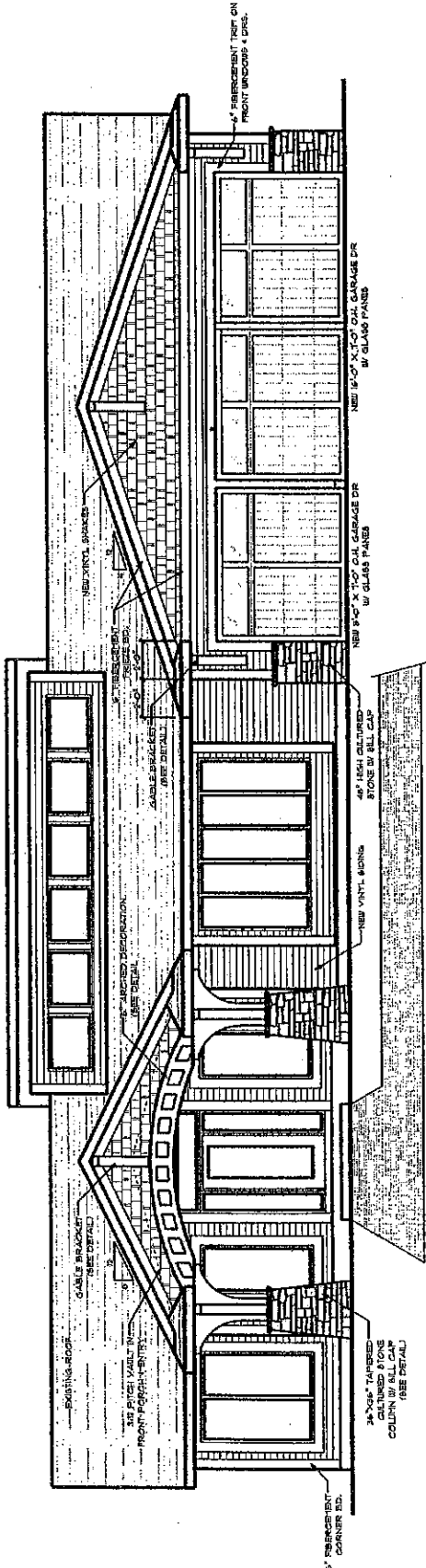
SCALE: 1/8"=1'-0"



**NEW LEFT ELEVATION**

SCALE: 1/8"=1'-0"

EXISTING HOUSE BEYOND NOT SHOWN



**NEW FRONT ELEVATION**

SCALE: 1/4"=1'-0"

**R.P. VOGEL REMODELING**  
 REICHOW RESIDENCE  
 6616 RONWOOD TRAIL  
 LAKE ELMO, MN 55042

SQUARE FOOTAGE	
FRONT ENTRY	157
BASEMENT FIN	
MAIN FLOOR	
UPPER FLOOR	
BONUS RM.	
TOTAL G.S.F. (FIN)	
TOTAL G.S.F.	

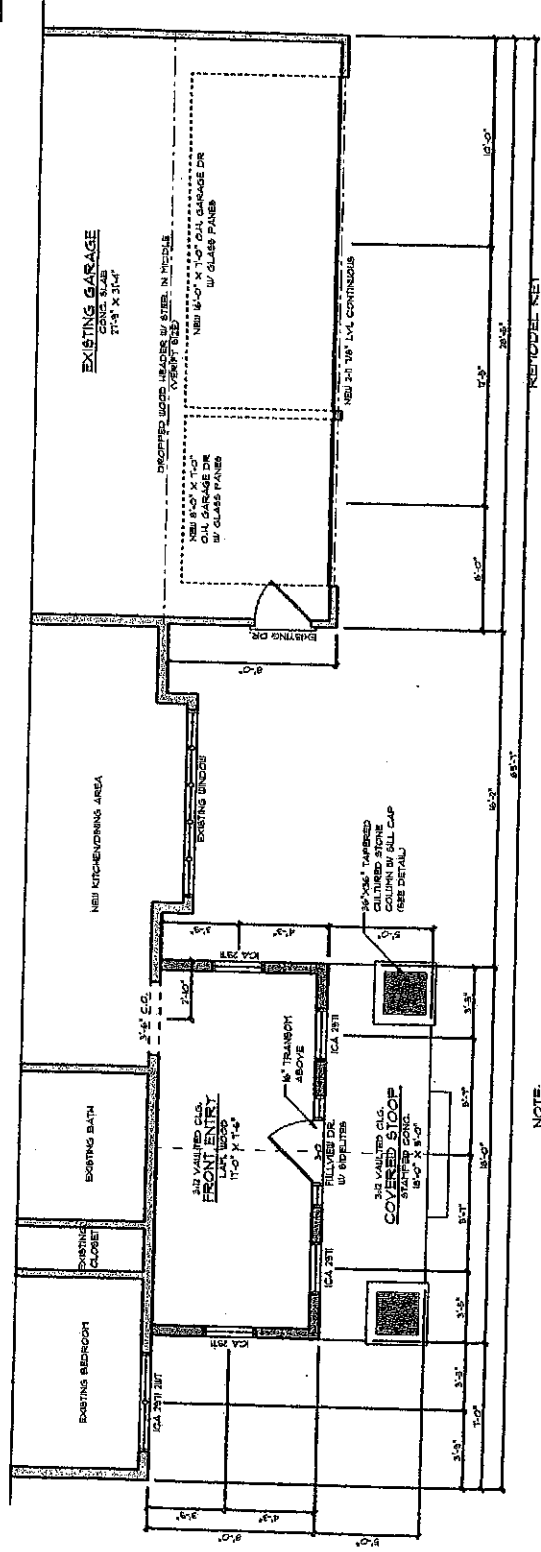
PRELIMINARY DATE	
5-14-09 JK	
5-20-09 JK	
5-20-09 JK	
6-03-09 JK	

REVISION DATE	
6-18-09 JK	
7-03-09 JK	
10-08-09 JK	

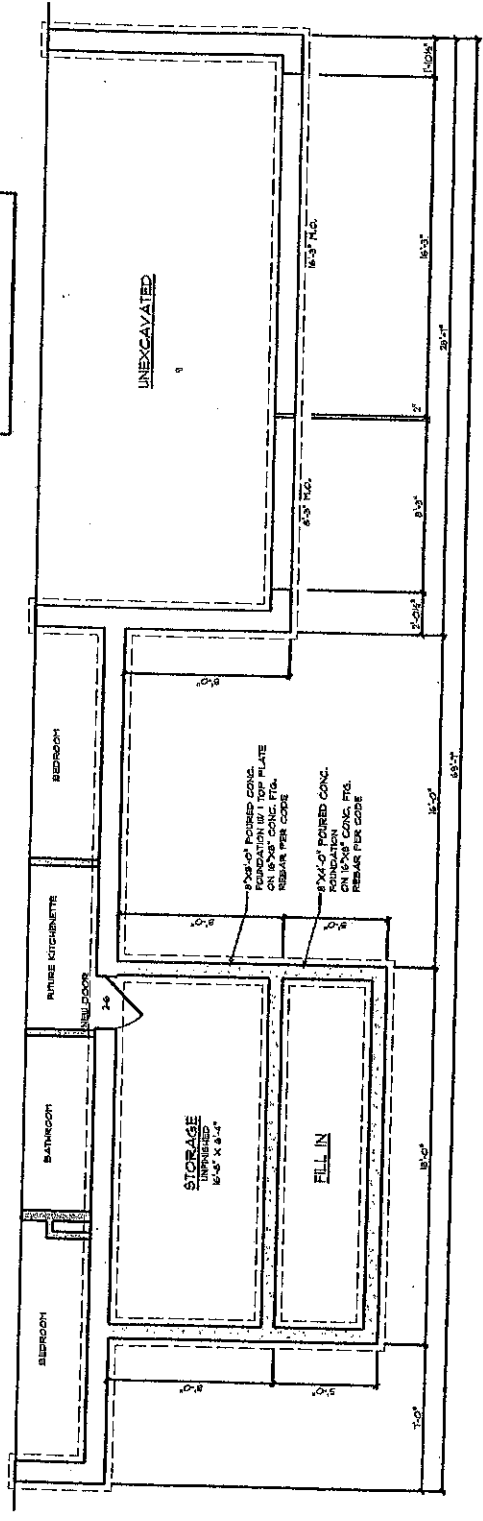
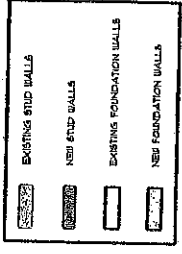
  

0811
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**NEW PORCH MAIN FLOOR**  
 SCALE: 1/4"=1'-0"

NOTE:  
 SIDEWALK TO BE  
 STAMPED CONC.



**NEW PORCH FOUNDATION**  
 SCALE: 1/4"=1'-0"



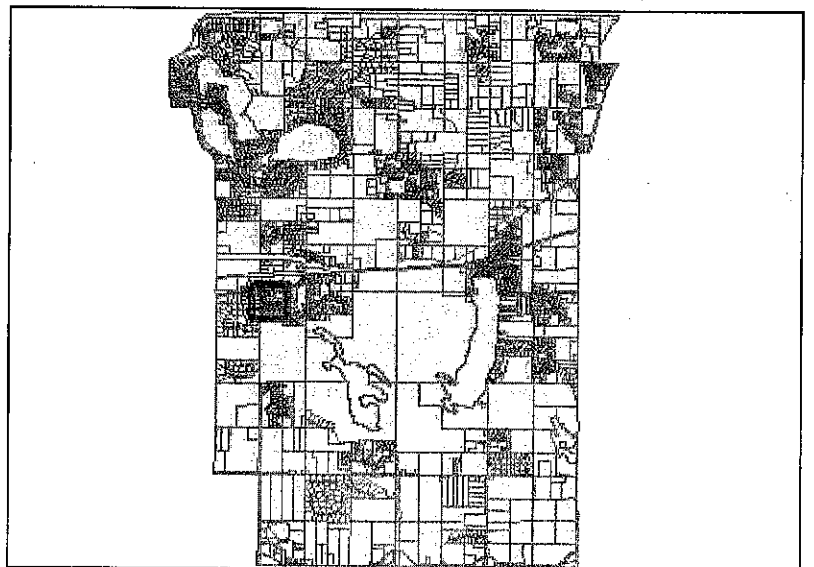
JAMES DEGRUIT, ARCHITECT, INC. 1501  
 W. WISCONSIN ST. ST. PAUL, MN 55102  
 PHONE: (612) 277-4343 FAX: (612) 277-4343  
 WEBSITE: www.jddarchitect.com

PERMISSIONS MAY VARY FROM PERMITS IN ALL JURISDICTIONS. ALL DRAWINGS ARE THE PROPERTY OF JDD ARCHITECT, INC. AND SHALL REMAIN THE PROPERTY OF JDD ARCHITECT, INC. UNLESS OTHERWISE STATED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JDD ARCHITECT, INC.



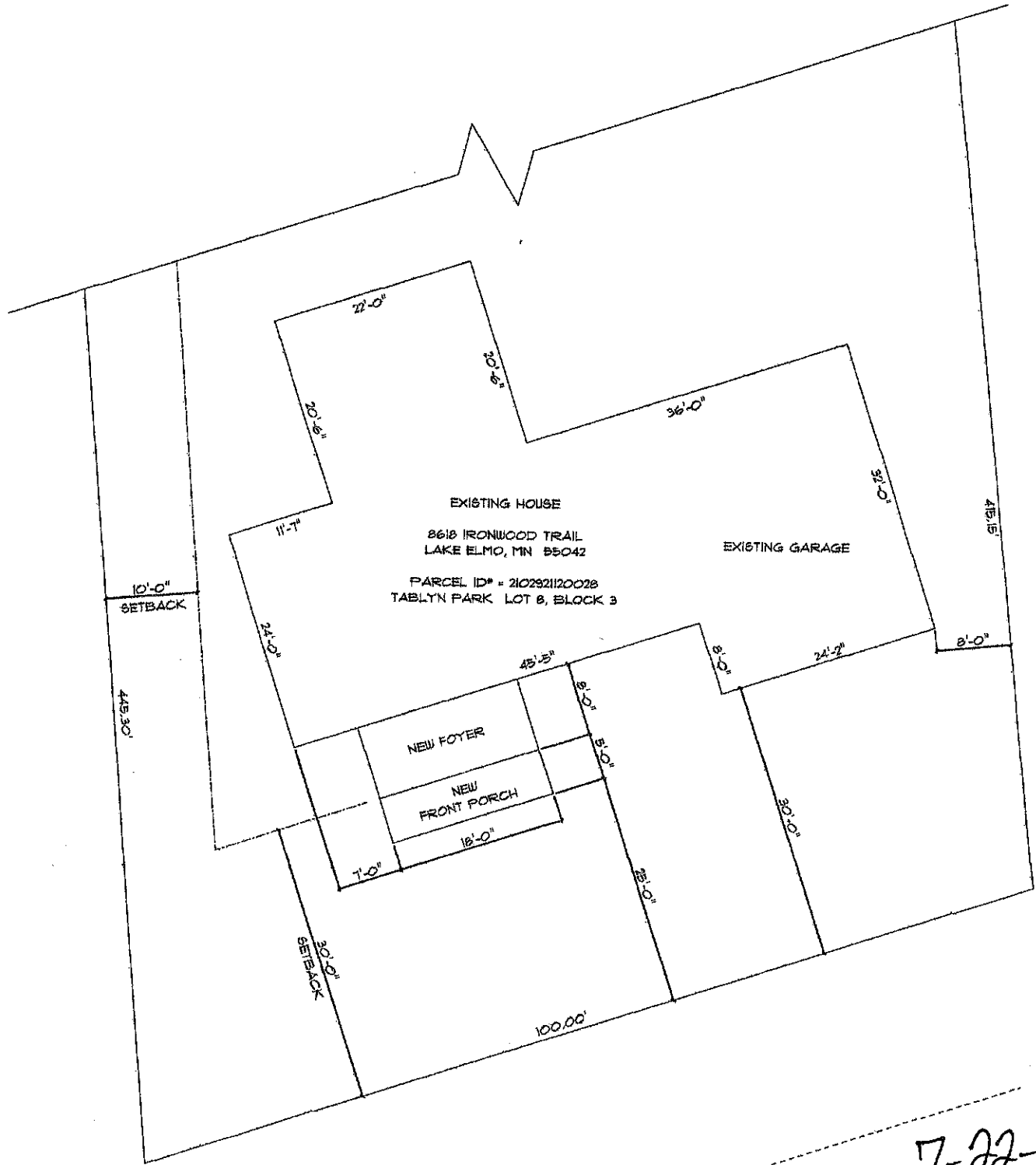


# 8618 Ironwood Trail North



# R.P. VOGEL REMODELING

8618 IRONWOOD TRAIL, LAKE ELMO, MN 55042



EXISTING HOUSE  
8618 IRONWOOD TRAIL  
LAKE ELMO, MN 55042  
PARCEL ID# = 2102921120028  
TABLYN PARK LOT B, BLOCK 3

EXISTING GARAGE

NEW FOYER

NEW FRONT PORCH

7-22-09

0.02 acres

10,000 sq. ft. approx

CURB  
IRONWOOD TRAIL

SITE PLAN  
1/4" = 1'-0"

JOE'S DRAFTING & DESIGN  
14835 CAMBRIAN AVE. W.  
ROSEMOUNT, MN 55068

JOE'S DRAFTING & DESIGN

PHONE: (952) 237-3436  
EMAIL: joe@joesdrafting.com  
WEBSITE: www.joesdrafting.com

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

**RESOLUTION NO. 2009-0376**

*A RESOLUTION DENYING A VARIANCE FROM THE 30 FOOT FRONT YARD SETBACK  
REQUIRED FROM THE PROPERTY LINE TO ALLOW THE CONSTRUCTION OF A  
COVERED PORCH AT 8618 IRONWOOD TRAIL NORTH.*

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

**WHEREAS**, Vernon and Vicky Reichow, 8618 Ironwood Trail North (the "Applicants"), have submitted an application to the City of Lake Elmo (the "City") for a five foot variance from the 30 foot front yard setback from the property line at 8618 Ironwood Trail North to allow the construction of a covered porch as depicted in a site plan dated July 22, 2009, a copy of which is on file with the City; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on August 10, 2009; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its recommendation to the City Council as part of a Staff Memorandum dated August 18, 2009; and

**WHEREAS**, the City Council discussed the application on August 18<sup>th</sup>.

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

**FINDINGS**

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.
- 3) That the proposed setback variance of five feet is to allow the construction of a covered porch at 8618 Ironwood Trail North.

- 4) The proposed covered porch can be established under the conditions allowed by the city's zoning regulations and other reasonable alternatives exist. *The applicant has a reasonable use of the property as it is currently used for residential purposes. Given the setback requirement set forth in the R-1 Zoning District, there remains area available for an addition to the home. The existing house on the property could continue to be put to reasonable use as a single family dwelling without the construction of a covered porch.*
- 5) The plight of the landowner is not due to the physical conditions unique to the land and are applicable to other lands, structures, or buildings in the same zoning district. *The Tablyn Park neighborhood, in which the applicants live, has houses built at or near the front yard setback. The house on the applicant's property is currently located eight feet from the required setback, allowing the property owners area in which to build a conforming addition to the home.*

*The proposed foyer and porch could be built as shown in the applicant's site plan if the porch were to be uncovered. An uncovered porch is a permitted encroachment as identified in Section 154.081 Permitted Encroachments on Required Yards, as outlined in the Lake Elmo City Code.*

- 6) The variance will not change the essential character of the neighborhood. *The proposed covered porch would not detract from or be out of character of the neighborhood.*

### CONCLUSIONS AND DECISION

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

Passed and duly adopted this 18<sup>th</sup> day of August 2009 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

\_\_\_\_\_  
Dean A. Johnston, Mayor

\_\_\_\_\_  
Craig Dawson, Interim City Administrator

City Council  
Date:  
REGULAR  
Motion 8

August 18, 2009

ITEM: Lanes DeMontreville Country Club Addition – Request To Order the Preparation of Feasibility Report for Sanitary Sewer and Water Improvements

SUBMITTED BY: Craig W. Dawson, Interim City Administrator  
Jack Griffin, City Engineer

REVIEWED BY: Ryan Stempski, Assistant City Engineer

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**SUMMARY AND ACTION REQUESTED:** The City has received a request from Roger Johnson, 8048 Hill Trail North, that the City Council order a feasibility report for sewer and water improvements to the Lanes DeMontreville Country Club Addition. A Resolution Ordering the Preparation of Feasibility Report for Sanitary Sewer and Water Improvements to this area has been prepared for Council's consideration..

**BACKGROUND:** In November 2008, staff received a petition from owners of more than 70% in frontage of the real property located in the Lanes DeMontreville Country Club Addition, and they are requesting the City of Lake Elmo to develop a sewer and water improvement plan for the area together with an estimate of the cost to implement the plan. In the petition, they asked that the City prepare a report and estimate costs, with the condition that the project "would not proceed without the approval of the required number of property owners." The City Council considered this petition on March 17, and chose not to pay for a report that the residents could veto; rather, the residents should pay for the cost estimate. The Council also asked for evidence that septic systems were failing or that the quality of water in the lakes was being impaired by septic seepage.

The properties in question are located outside of the planned municipal service boundary for sanitary sewer services per the Comprehensive Plan. In addition, there is no current plan by the City to extend municipal water to this area. The petition area is about 1,500 feet from the Oakdale City limits, and about 3/4 of a mile from the nearest Oakdale sewer connection point.

As provided in statute, with a petition having more than "35% in frontage of the real property abutting the streets named in the petition", the project may be ordered by a 3/5<sup>th</sup>s vote of the Council. That is not the case with this request, and consequently would require a 4/5<sup>th</sup>s vote of the Council to proceed.

**Comprehensive Plan Issues:** As stated above, the area affected is one where the City's Comprehensive Plan does not anticipate that public sewer service will be provided. However, the 2005 Memorandum of Understanding with the Metropolitan Council anticipates that sewer use may be extended to existing neighborhoods, if and when there are failing septic systems that need to be mitigated to protect the environment. The City has not yet articulated or adopted a policy on this scenario. An amendment to the Comprehensive Plan, which will likely be needed, would require a 2/3<sup>rd</sup>s vote of the Council.

**Policy Consideration regarding Feasibility Report:** In following the "429 process" (i.e., the one in Chapter 429 of Minnesota Statutes, relating to public improvements and the possibility of special assessments), an improvement project may not proceed without the preparation of a feasibility report. The cost for the feasibility report may be assessed if the Council orders the improvement. If the improvement is not ordered, then the City (in this case, its sewer and water funds,) will bear the cost of the feasibility study. As recommended below, a very general (or "high-level") feasibility study could be undertaken to provide a wide range of probable cost, and become the basis for a more refined feasibility study if the Council so desired. This very general, and much less expensive, initial Report may satisfy the statutory requirement.

**RECOMMENDATION:** Staff recommends that if the City Council concurs with the resident's request, that it order a preliminary feasibility report by the City Engineer to develop a preliminary project cost estimate to determine an order of magnitude of the proposed assessments to the benefitting properties for sanitary sewer only. This order of magnitude study would be a quick cost estimate using aerial mapping and scaled drawings without in depth investigation of the properties, utilities, rights-of-way, topography, or identification of issues impacting the feasibility of a potential project. The high-level study would assume a sewer connection to the City of Oakdale and would assume a low-pressure gravity sewer system with individual grinder pumping stations at each property. The City Engineer would complete this study for an amount not to exceed \$2,000.

Staff recommends that a study not include water at this time, as a hook-up to the Oakdale system appears difficult for Oakdale to accommodate, and the City's system is too far away to be feasible at this time.

By authorizing this preliminary study, the Council will receive a Report by the City Engineer estimating the potential assessment of a project of this scope. This estimate may then be used to determine if the project is worth further investigation. It is recommended that the initial study include only sanitary sewer service. Upon receipt of the initial study information, should the Council wish to proceed further with this project, a detailed feasibility report meeting Chapter 429 requirements could then be authorized for sanitary sewer and, if desired, water improvements.

#### **SUGGESTED MOTION FOR CONSIDERATION**

*If the Council is inclined to approve the request, and for sanitary sewer only,*

***Move to adopt the Resolution Ordering the Preparation of preliminary Feasibility Report for Sanitary Sewer to the properties of the Lanes Demontreville Country Club Addition. The initial study would be completed in an amount not to exceed \$2,000.***

#### **ATTACHMENTS:**

1. Proposed Resolution
2. Letter from Roger Johnson, 8048 Hill Trail North (dated August 4, 2009)

#### **ORDER OF BUSINESS:**

- |   |  |
|---|--|
| • Introduction  | Craig Dawson, Interim City Administrator |
| • Report by staff   | Jack Griffin, City Engineer              |
| • Questions from city council members to the presenter  | Mayor facilitates                        |
| • Questions/comments from the public to the City Council<br>(a maximum of three minutes per question/statement) | Mayor facilitates                        |
| • Action on motion  | City Council                             |

CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA

RESOLUTION NO. 2009- 038

A RESOLUTION  
ORDERING PREPARATION OF FEASIBILITY REPORT

WHEREAS, the City has received a Petition for Local Improvements to complete a feasibility report to provide municipal sewer and water service for the properties in the Lanes DeMontreville Country Club Addition; and

WHEREAS, the City follows the provisions of Chapter 429 Minnesota Statutes relating to public improvements,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo, that

1. A request has been made to the City Council sanitary sewer and water improvements to the properties in the Lanes DeMontreville Country Club Addition, and that the City Council proceed with the project as one initiated by the City Council in accordance with Minn. Stat. Section 429.031.
2. The City Engineer is hereby instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement for sanitary sewer service is cost-effective and as to whether it should best be made as proposed or in connection with some other improvement.
3. The preliminary cost estimate will be developed for sanitary sewer service for an amount not to exceed \$2,000. Should the project appear to be cost-effective the Council may authorize further Feasibility Studies to pursue the necessity and feasibility of sanitary sewer and/or water improvements as initially requested by petition.

ADOPTED by the City Council of the City of Lake Elmo this 18<sup>th</sup> day of August, 2009

\_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Craig W. Dawson  
Interim City Administrator



August 4, 2009

City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, Minnesota 55042  
Attn: Craig Dawson, City Administrator

Subject:  
Sewer and Water Feasibility Study for Lanes Demontreville Country Club addition  
abutting on 50<sup>th</sup> Street, Hill Trail, Hill Trail Court, and Argyle-Bennett Street

Dear Craig:

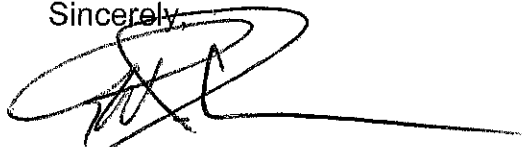
Last November 3, I provided the city staff with a sewer petition for the Lanes Demontreville Country Club Addition. It was signed by 70% of the property owners. At it's March 17, 2009 meeting, the council acted on the petition by rejecting the cost estimate request.

Since that council meeting, I further discussed this matter with my neighbors and with several city representatives. At their urging, I am hereby requesting that the matter of Sewer and Water for Lanes Demontreville Country Club addition again be put on the councils agenda for the August 18 council meeting.

My specific request at this time is for the council to order a feasibility study for sewerage the Lanes Demontreville Country Club Addition. The feasibility study would include a cost estimate and required comp plan changes to facilitate the project.

Thanks again for your consultation on this matter. Call me at the numbers listed below if you need anything more to proceed with this request.

Sincerely,



Roger Johnson  
8048 Hill Trail North,  
Lake Elmo, MN 55042

Home... 651-777-7766  
Cell..... 651-402-8541

City Council  
Date: 8-18-09  
Regular  
Item: 9

ITEM: Consider authorizing the Interim City Administrator to enter into a Project Agreement with the Valley Branch Watershed District to repair an eroding ravine and to prevent sediment from washing into Lake DeMontreville.

REQUESTED BY: Valley Branch Watershed District, Applicant

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Craig Dawson, Interim City Administrator  
Kyle Klatt, Planning Director  
Ryan Stempski, Assistant City Engineer  
Mike Bouthilet, Public Works Director

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#### SUMMARY AND ACTION REQUESTED:

The City Council is being asked to authorize the Interim City Administrator to enter into a Project Agreement with the Valley Branch Watershed District to repair an eroding ravine and to prevent sediment from washing into Lake DeMontreville. The Project Agreement is necessary to identify various project related details such as access, maintenance, and restoration responsibilities and has been reviewed by the City Attorney. The project will take place entirely within the City-owned DeMontreville Wildlife Park to address erosion issues that occur largely due to the intermittent stream at the site. A grading permit has been received and reviewed administratively as it considered a public improvement project. The Assistant City Engineer has reviewed the proposed grading and found the project and resulting grades to be acceptable.

#### ADDITIONAL INFORMATION

- The City Forester reviewed the construction documents and made a site visit to the project area with the applicant. Dr. Widin found the plans for tree removal, tree protection, and re-vegetation and tree replacement appropriate for the project and the ravine restoration may help to prevent more damage to root systems of existing trees and vegetation.
- Two of the three bridges crossing the intermittent stream will be removed for the restoration work. The bridges will be reinstalled by the City at appropriate locations after the work is complete.
- The Assistant City Engineer has recommended four additional conditions be listed on the grading permit as outlined further in the full staff report.
- This item will be presented to the Park Commission on Monday, August 17<sup>th</sup> as the project is located within the City-owned park, DeMontreville Wildlife Park.

#### RECOMMENDATION:

Staff is recommending approval of the authorization for the Interim City Administrator to enter into the Project Agreement.

SUGGESTED MOTION FOR CONSIDERATION:

*Motion:*

*Move to authorize the Interim City Administrator to enter into the Project Agreement with the Valley Branch Watershed District to perform ravine restoration work at DeMontreville Wildlife Park.*

ORDER OF BUSINESS:

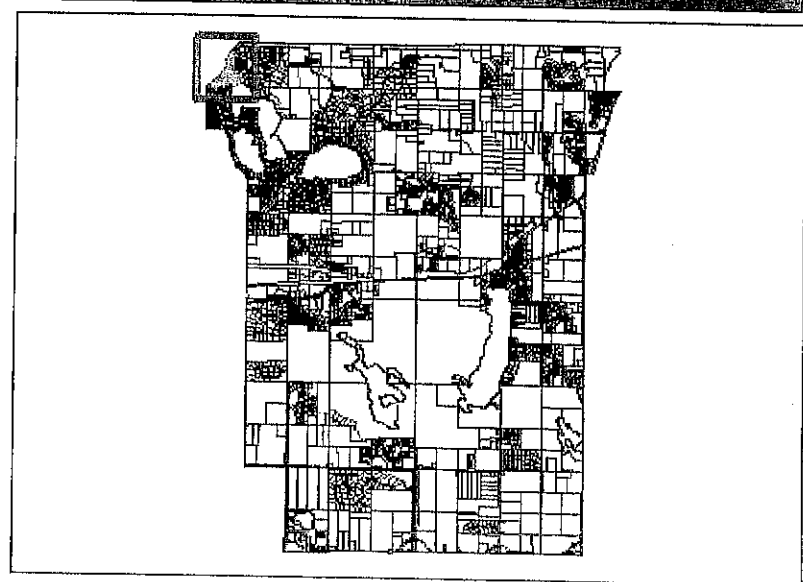
- Introduction ..... Craig Dawson, Interim City Administrator
- Report by staff ..... Kyle Klatt, Planning Director
- Questions from the Council ..... Mayor & Council Members
- Questions/Comments from the applicant ..... Mayor facilitates
- Call for a Motion  
(required for further discussion; does not  
imply approval of the motion ..... Mayor facilitates
- Discussion ..... Mayor facilitates
- Action on motion ..... Council

ATTACHMENTS:

1. Location Map
2. Detailed Staff Report
3. Project Agreement
4. City Forester Report
5. Engineer Report



DeMontreville Wildlife Park



City of Lake Elmo Planning Department  
**Project Agreement Review**

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**To:** City Council

**From:** Kelli Matzek, City Planner

**Meeting Date:** 10/18/09

**Applicant:** Valley Branch Watershed District (VBWD)

**Owners and Location:** City of Lake Elmo, DeMontreville Wildlife Park

**Zoning:** PF – Public Facilities

***Introductory Information***

<b>Request</b>	The Valley Branch Watershed District is requesting the City of Lake Elmo enter into the attached Project Agreement allowing grading work for a ravine stabilization project on an intermittent creek flowing through DeMontreville Wildlife Park. This project would repair and stabilize an eroding ravine and prevent sediment from washing into Lake DeMontreville.
----------------	--

<b>Site Data:</b>	Property Identification No.	Address	Use
	05-029-21-13-0005	7950 DeMontreville Trl N	Community Park

***Project Agreement and Grading Review***

<b>Background Information:</b>	The property on which the work is proposed to be undertaken is currently owned by the City of Lake Elmo and functions as a public community park. There is a natural intermittent creek that flows through DeMontreville Wildlife Park to Lake DeMontreville. The intent of the project is to repair and stabilize an eroding ravine and prevent sediment from washing into Lake DeMontreville.
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The Valley Branch Watershed District is projecting to begin the project on September 15<sup>th</sup> with a substantial completion date of November 15<sup>th</sup>. The watershed district believes additional vegetation work will need to be performed in the spring of 2010.

***Review Comments:***

<b>Planning Issues:</b>	<b>Grading Permit</b> The project will require more than 600 cubic yards of grading as identified by the Valley Branch Watershed District. A grading permit has been submitted and reviewed administratively. The Assistant City Engineer has reviewed the proposed grading and found the project and resulting grades to be acceptable. He has provided four conditions of approval, which are outlined later in this staff report.
-------------------------	---

(cont.)

A public hearing at the city is not being required as this is considered a public improvement project and as outlined by city code, is exempt from the permit requirements. The entire project is located on city owned property and would have minimal impacts to adjacent neighbors. However, the City Council must authorize the Interim City Administrator to enter into the Project Agreement with the Valley Branch Watershed District before the project may commence.

The Valley Branch Watershed District held a public hearing on the project on Thursday, August 13<sup>th</sup> at their regularly scheduled meeting. Although no individual notices are required for neighbors of the property, a notice was published in the Lake Elmo-Oakdale Review.

#### *Project Agreement*

A Project Agreement is necessary to identify various project related details such as access, maintenance, and restoration responsibilities.

The Valley Branch Watershed District has developed a Project Agreement which was then reviewed by the City's Attorney. The agreement, as attached to this report, was found to be adequate for the project.

#### *Tree Removal*

The City Forester has reviewed the construction documents and done a site visit with a representative from the Valley Branch Watershed District. They discussed the planned tree and vegetation removal as well as the proposed re-vegetation plan. Her full report is attached.

Dr. Widin has found that the plans for tree removal, tree protection, and re-vegetation and tree replacement is appropriate for the project and the ravine restoration may help to prevent more damage to root systems of existing trees and vegetation.

#### *Existing Trails*

Currently there are no plans or specifications in the Park CIP to alter, expand, or relocate the existing dirt trails in the park. The Valley Branch Watershed District has agreed to replace any damaged portions of the dirt trail with another dirt trail during the time of the project. This is outlined in the Project Agreement.

#### *Bridges*

There are currently three bridges that cross the creek within the DeMontreville Wildlife Park. The bridges are owned by the City of Lake Elmo and maintained by the City's Public Works Department. As a part of the restoration project, the Valley Branch Watershed District will remove two of the three bridges as it is necessary for the work being proposed. The Public Works Department will reinstall the bridges in the appropriate locations after the work is complete. The bridge locations may be slightly altered due to changes in the width of the creek from the grading and stabilization efforts. The relocation of the bridges will be determined by the Public Works staff at the time the project is substantially completed this fall.

(cont.)

If improvements to the bridge are deemed necessary due to the height of the bridge above the waterline, Lake Elmo's Public Works Department will provide the necessary upgrade.

Staff is recommending that the City Council authorize the Interim City Administrator to enter into the Project Agreement for the Ravine Stabilization Project in DeMontreville Wildlife Park for the following reasons:

- The project is intended to fix existing erosion issues through ravine restoration and associated grading work to prevent sediment from washing into local water bodies.
- There is a public benefit associated with the repair and the improvements of the ravines. The work proposed will stabilize the slopes of the creek and prevent sediment from washing into Lake DeMontreville.

**Engineer  
Comments:**

The City Engineer has reviewed the application and supports staff's recommendation of approval with four conditions to be added:

- 1) Any changes in the construction start and finish date must be provided to the City.
- 2) The City of Lake Elmo must be notified 48 hours prior to any construction activity.
- 3) Any changes from the proposed plan dated June 26, 2009 must be provided to the City.
- 4) City Staff must be notified prior to any tree removal, trail impacts, or removal of wooden footbridges.

**Conclusion:**

Staff is recommending that the City Council authorize the Interim City Administrator to enter into the Project Agreement based on the findings cited above and with conditions.

**Conclusion:**

The Valley Branch Watershed District is requesting the City of Lake Elmo enter into the attached Project Agreement allowing grading work for a ravine stabilization project on an intermittent creek flowing through DeMontreville Wildlife Park. This project would repair and stabilize an eroding ravine and prevent sediment from washing into Lake DeMontreville.

**Council  
Options:**

The City Council may consider the following options for taking action on this request:

- A) Authorize the Interim City Administrator to enter into the Project Agreement based on the findings drafted by Staff or other additional information that is presented at the meeting;
- B) Deny the Project Agreement based on findings provided by the Council.

**Staff Rec:** **Staff recommends the City Council approve** entering into the Project Agreement in order to perform the ravine restoration and grading requested based on the following:

- 1) The project is intended to fix existing erosion issues through ravine restoration and associated grading work will prevent sediment from washing into local water bodies.
- 2) There is a public benefit associated with the repair and the improvements of the ravines. The work proposed will stabilize the slopes of the creeks and prevent sediment from washing into Lake DeMontreville.

Provided the following conditions are met

- 1) Any changes in the construction start and finish date must be provided to the City.
- 2) The City of Lake Elmo must be notified 48 hours prior to any construction activity.
- 3) Any changes from the proposed plan dated June 26, 2009 must be provided to the City.
- 4) City Staff must be notified prior to any tree removal, trail impacts, or removal of wooden footbridges.

**Approval Motion** To approve the request, the City Council is asked to use the following motion as a guide:

**Template:**

**Move to approve authorize the Interim City Administrator to enter into the Project Agreement with the Valley Branch Watershed District to repair eroding ravines and prevent sediment from washing into Lake DeMontreville... (use staff's findings provided above or cite your own)**

**...with the conditions outlined by staff.**

cc: Lincoln Fetcher, Valley Branch Watershed District  
John Hanson, Valley Branch Watershed District



## PROJECT AGREEMENT

THIS AGREEMENT is made the \_\_\_\_ day of July, 2009, by and between the Valley Branch Watershed District, a Minnesota Municipal Corporation (hereinafter "District") and the City of Lake Elmo, a Municipal Corporation (hereinafter "Landowner").

### 1. RECITALS

- 1.1 The City is the fee Owner of certain real property situated in the city of Lake Elmo, Washington County, Minnesota, legally described as follows:  
  
Tract C, Registered Land Survey No. 98, Washington County, Minnesota.
- 1.2 The District has included in its annual budget funds to implement repair and maintenance of stormwater management features within the watershed district.
- 1.3 Landowner has property to repair or maintain for stormwater management located on the property listed above.
- 1.4 The District is willing to provide some funds for the maintenance of the Project dealing with stormwater. Landowner is willing to provide access inside the construction limits as shown on Exhibit "A" in accordance with the terms of this Agreement as well as funds for maintaining trails, bridges, fences. Landowner is willing to provide temporary access outside of the construction limits in areas to be agreed upon prior to construction and maintenance activities.

### 2. TERMS

- 2.1 The District will complete and maintain the Project described in Exhibit "A" in accordance with the terms, scope and schedule set forth therein.
- 2.2 The Landowner will provide access to the District for the purpose of maintaining the stormwater management features and such access shall inure to and run with the land until this Agreement is cancelled by either party upon thirty (30) days advance written notice.
- 2.3 The District or its successors shall maintain the boulder cross vanes, boulder straight vanes, boulder spreaders, and sedimentation basin features of the Project until otherwise agreed between the parties. The District will not disturb the trails in any future maintenance activities, without prior approval from the Landowner. The Landowner shall not modify the project unless agreed upon by the District.
- 2.4 The Landowner or its successor shall maintain the bridges and trails within the Project to keep them in reasonably good condition as determined by Landowner.

The District will restore trails during the Project, but not the bridges or fences.

2.5 The District is not responsible for any injuries caused from, or within, the Project after the Project is constructed. The District's contractor shall provide liability insurance in a form and amount satisfactory to the District and Landowner naming both as insureds during construction.

3. GENERAL TERMS

3.1 This Agreement shall remain in effect and run with the land unless canceled by the District.

3.2 Landowner agrees to allow the District access to the premises for evaluation and promotion of the Project.

3.3 This Agreement may be cancelled by either party upon thirty (30) days advance written notice to the other party.

VALLEY BRANCH WATERSHED  
DISTRICT

LANDOWNER(S)  
CITY OF LAKE ELMO

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

P.O. Box 838  
Lake Elmo, MN 55042

Property Address:  
PID 0502921130005

Signed and sworn to before me on  
\_\_\_\_\_, 2009

Signed and sworn to before me on  
\_\_\_\_\_, 2009

by \_\_\_\_\_  
the \_\_\_\_\_

by \_\_\_\_\_  
the \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public

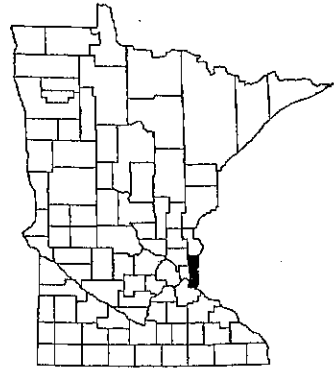
Instrument Drafted by:  
Lawson, Marshall, McDonald,

Galowitz & Wolle, P.A.  
Lawyers  
10390 39<sup>th</sup> Street North  
Lake Elmo, MN 55042  
Telephone: (651)777-6960  
BW

# VALLEY BRANCH WATERSHED DISTRICT *Exhibit A*

## DEMONTREVILLE RAVINE STABILIZATION

### LAKE ELMO, MINNESOTA

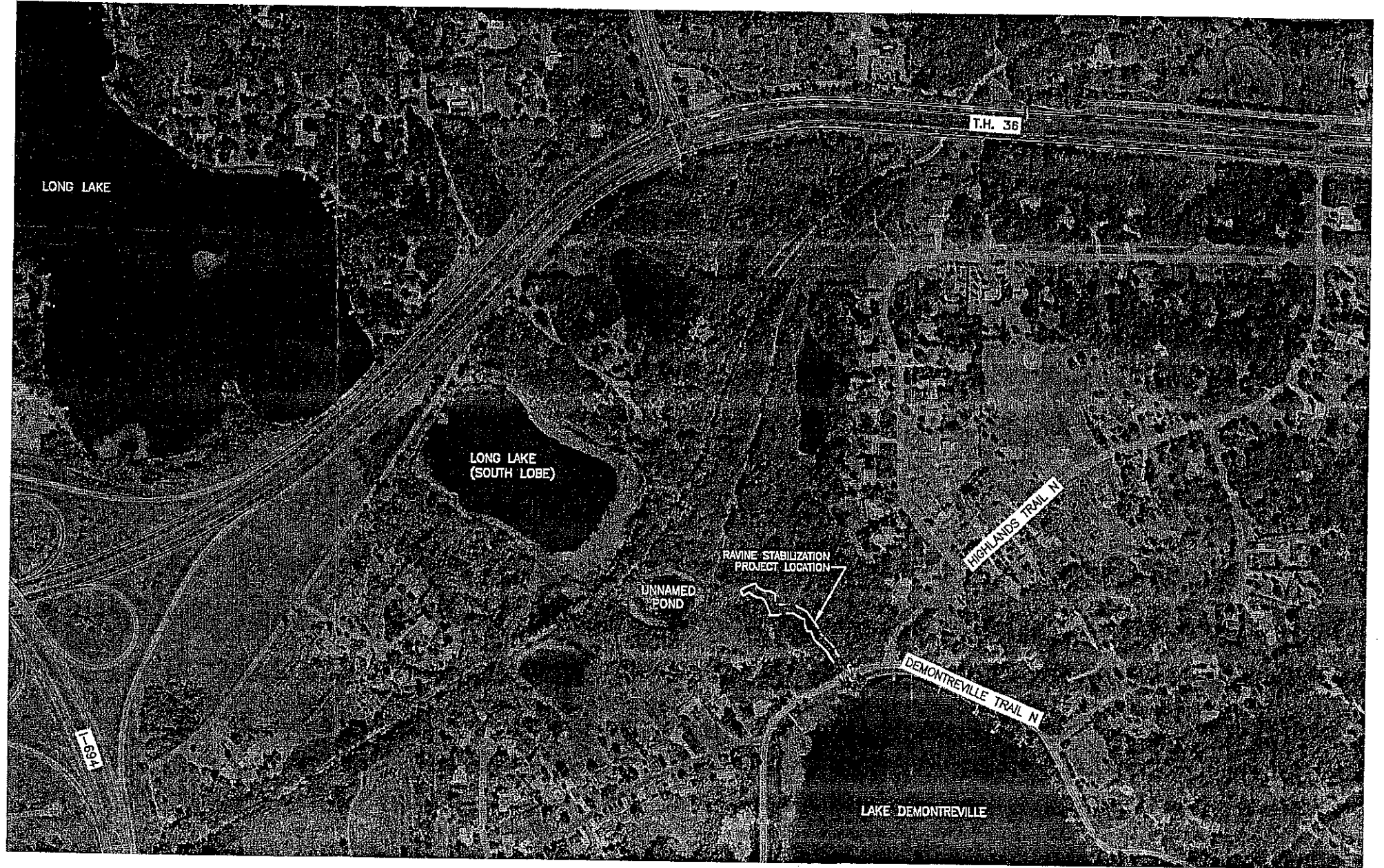


Valley Branch Watershed District

1 PLAN: WASHINGTON COUNTY NOT TO SCALE

#### SHEET INDEX

SHEET NO.	SHEET NAME	DWG. NO.
G-01	COVER SHEET AND SHEET INDEX	31615_1
G-02	GENERAL NOTES	31622_1
G-03	STORMWATER POLLUTION PREVENTION PLAN	31623_1
C-01	EXISTING CONDITIONS AND REMOVALS	31322_1
C-02	PLAN AND PROFILE	31323_1
C-03	PLAN AND PROFILE	31327_1
C-04	PLAN AND PROFILE	31330_1
C-05	REVEGETATION PLAN	32117_1
C-06	CROSS SECTIONS	31614_1
C-07	DETAILS	31613_1



**ENGINEER:**  
 BARR ENGINEERING CO.  
 4700 WEST 77TH STREET  
 MINNEAPOLIS, MN 55435  
 PH: 952-832-2600  
 FAX: 952-832-2601  
 WWW.BARR.COM  
 CONTACT: PETER HINCK, E.I.T.  
 TOM MACDONALD, SENIOR CIVIL ENGINEER, P.E.

**OWNER:**  
 VALLEY BRANCH WATERSHED DISTRICT  
 P.O. BOX 638  
 LAKE ELMO, MN 55042-0538  
 CONTACT: JOHN HANSON  
 BARR ENGINEERING CO.  
 4700 WEST 77TH STREET, MINNEAPOLIS  
 PH: 952-832-2622  
 FAX: 952-832-2601



GOPHER STATE ONE CALL:  
 CALL BEFORE YOU DIG.  
 1-800-252-1166

DRAFT — NOT FOR CONSTRUCTION

2 PLAN: VICINITY MAP SCALE AS SHOWN

0 300 600  
 SCALE IN FEET

CAD USER: Peter J. Hinck FILE: M:\CAD\2382434\31615\_1.DWG PLOT SCALE: 1:2 DWG PLOT SCALE: 1:2 PLOT DATE: 6/26/2009 3:35 PM  
 Xrefs in Drawing: M:\CAD\2382434\31615\_1.DWG  
 MISC. TO DRAWING: M:\CAD\2377682\IMAGES\gopherstateonecall.jpg M:\CAD\2382434\LOCAL\sheet1.bmp  
 PLOT: M:\CAD\2382434\31615\_1.DWG Plot of 6 06/26/2009 15:34:16

NO.		BY	CHK.	APP.	DATE	REVISION DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNATURE: <i>Thomas E. Macdonald</i> PRINTED NAME: THOMAS E. MACDONALD DATE: JUN 26 2009 REG. NO. 23505		CLIENT CONSTRUCTION RELEASED TO/FOR: A B C D 1 2 3 DATE RELEASED: 06/26	BARR Corporate Headquarters: Minneapolis, Minnesota PH: 1-800-632-2277 PH: 952-832-2601 www.barr.com	Project Office: BARR ENGINEERING CO. 4700 WEST 77TH STREET MINNEAPOLIS, MN. 55435-4803 PH: 1-800-632-2277 Fax: (952) 832-2601 www.barr.com	Scale: AS SHOWN Date: 06/26/09 Drawn: PJH2 Checked: TEM Designed: PJH2 Approved: TEM	VALLEY BRANCH WATERSHED DIST. LAKE ELMO, MINNESOTA	DEMONTREVILLE RAVINE STABILIZATION LAKE ELMO, MINNESOTA COVER SHEET AND SHEET INDEX	BARR PROJECT No. 23/82-434 CLIENT PROJECT No. DWG. No. G-01 REV. No. 0
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**GENERAL NOTES:**

**GENERAL NOTES:**

1. PRIOR TO COMMENCING WORK AT THE SITE, CONTRACTOR SHALL CONTACT GOPHER ONE-CALL (1-800-252-1166) AND HAVE ALL EXISTING UTILITIES, PUBLIC AND PRIVATE, FIELD LOCATED AND MARKED. EXISTING UTILITIES SHALL BE PROTECTED UNLESS OTHERWISE INDICATED. ANY UTILITIES DAMAGED BY CONTRACTOR SHALL BE REPAIRED OR REPLACED AT EXPENSE OF CONTRACTOR.
2. IF SITE CONDITIONS OR UTILITIES DIFFER SIGNIFICANTLY FROM THAT SHOWN, CONTRACTOR SHALL NOTIFY ENGINEER OR OWNER'S REPRESENTATIVE IMMEDIATELY.
3. CONTRACTOR SHALL MINIMIZE DISTURBANCE OF EXISTING VEGETATION WHERE POSSIBLE IN AREAS WHERE GRADING IS NOT TO OCCUR.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING THE SITE PERIMETER SAFE FOR PEDESTRIANS, CHILDREN, AND OTHER PASSERS-BY FOR THE DURATION OF THE WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SITE SAFETY PRECAUTIONS.
5. CONTRACTOR SHALL COORDINATE ALL REMOVALS W/ OWNER. CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES, UTILITIES AND FACILITIES NOT DESIGNATED FOR REMOVAL. EXISTING UTILITIES AND FACILITIES NOT DESIGNATED FOR REMOVAL SHALL REMAIN OPERATIONAL FOR THE DURATION OF THE WORK. DEMOLISHED DEBRIS SHALL BECOME THE PROPERTY OF CONTRACTOR AND TRANSPORTED OFF SITE OR DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
6. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY AND ALL DAMAGE RESULTING FROM CONTRACTOR'S WORK. CONTRACTOR SHALL REPAIR OR REMOVE/REPLACE ITEMS THAT ARE DAMAGED DUE TO CONTRACTOR'S ACTIVITIES. REPAIR OR REPLACEMENT WILL BE AT THE EXPENSE OF CONTRACTOR AND MUST BE PERFORMED TO THE CONDITION, AT MINIMUM, EQUAL TO THE CONDITION PRIOR TO START OF THE WORK.
7. CONTRACTOR SHALL INSPECT PAVED SURFACES DAILY, AT A MINIMUM, AND SHALL SWEEP IF NECESSARY TO PREVENT DIRT AND MUD FROM BEING TRACKED OFF SITE. HAUL ROADS SHALL BE MAINTAINED IN ACCORDANCE WITH MN/DOT STD SPEC. 2051.
8. PRIOR TO COMMENCING SITE WORK AND DISTURBING EXISTING VEGETATION CONTRACTOR MUST ESTABLISH TEMPORARY EROSION CONTROL MEASURES.
9. CONSTRUCTION LIMITS AND CONSTRUCTION ACCESS SHALL BE COORDINATED WITH ENGINEER AND OWNER TO LIMIT INCONVENIENCE TO LANDOWNERS.

**MISCELLANEOUS CONSTRUCTION NOTES:**

1. CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION PHASING WITH OWNER.
2. ALL STOCKPILES SHALL BE WITHIN CONSTRUCTION LIMITS. STOCKPILES SHALL BE PROTECTED FROM EROSION IN ACCORDANCE WITH THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE WORK.
2. CONTRACTOR SHALL STRIP AND STOCKPILE TOPSOIL ON SITE FOR SITE RESTORATION. TOPSOIL SHALL BE MADE FREE OF DELETERIOUS DEBRIS PRIOR TO FINAL PLACEMENT. STOCKPILES MUST BE LOCATED WITHIN CONSTRUCTION LIMITS.

**SURVEY NOTES:**

1. EXISTING TOPOGRAPHY SHOWN BASED ON FIELD SURVEYS PERFORMED BY BARR ENGINEERING IN 2008 AND 2-FOOT TOPOGRAPHIC CONTOURS BASED ON INFORMATION PROVIDED BY WASHINGTON COUNTY DEPARTMENT OF TRANSPORTATION AND PHYSICAL DEVELOPMENT, LAND MANAGEMENT/LAND SURVEY DIVISION.
2. HORIZONTAL DATUM = NAD83, WASHINGTON COUNTY COORDINATES (FT)
3. VERTICAL DATUM = NAVD88

**SEED MIX SCHEDULE**

**SHADY WOODS SEED MIX:**

Scientific Name	Common Name	% of Forb Mix
<b>Forbs - 2 pounds per acre</b>		
<i>Aquilegia canadensis</i>	Columbine	10
<i>Aster macrophyllus</i>	Bigleaf aster	15
<i>Aster prenanthoides</i>	Crooked-stemmed Aster	5
<i>Osmorhiza claytonia</i>	Sweet Cicely	40
<i>Polygonatum canaliculatum</i>	Solomon's Seal	15
<i>Rudbeckia subtomentosa</i>	Black-eyed Susan	10
<i>Zizia aurea</i>	Golden Alexanders	5
<b>Grasses - 8 pounds per acre</b>		
<i>Bromopsis kalmii</i>	Prairie Brome	15
<i>Carex brevior</i>	Plains Oval Sedge	10
<i>Diarhenna americana</i>	Beak Grass	30
<i>Elymus villosus</i>	Silky Wild Rye	25
<i>Festuca subverticillata</i>	Nodding Fescue	5
<i>Hystrix patula</i>	Bottlebrush Grass	15

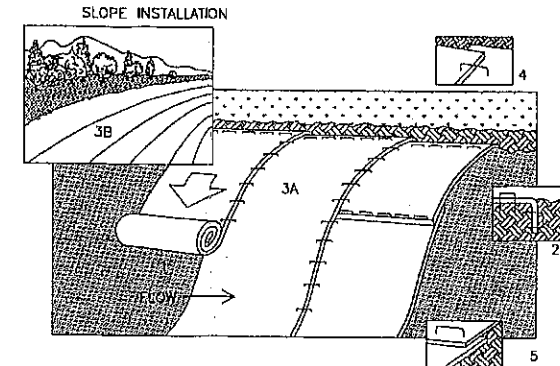
**TREE AND SHRUB SCHEDULE**

**18"-24" CONTAINER-GROWN (10 OF EACH):**

Scientific Name	Common Name
<i>Cornus racemosa</i>	Gray Dogwood
<i>Sambucus racemosa</i>	Red Elderberry
<i>Viburnum lentago</i>	Nannyberry
<i>Zanthoxylum americanum</i>	Prickly Ash

**1"-2" CALIPER CONTAINER-GROWN (2 OF EACH):**

Scientific Name	Common Name
<i>Quercus rubra</i>	Red Oak
<i>Quercus bicolor</i>	Bicolor Oak
<i>Acer rubrum</i>	Red Maple

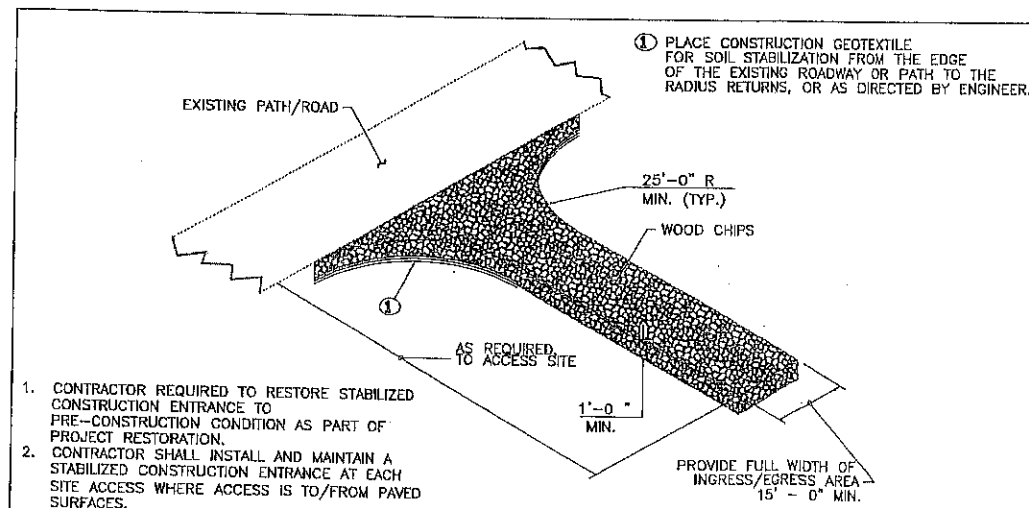


- NOTE: REFER TO GENERAL STAPLE PATTERN GUIDE FOR CORRECT STAPLE PATTERN RECOMMENDATIONS FOR SLOPE INSTALLATIONS.
1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
  2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
  3. ROLL THE BLANKETS (A) DOWN OR (B) HORIZONTALLY ACROSS THE SLOPE.
  4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 6" OVERLAP, WITH THE UPHILL BLANKET ON TOP.
  5. WHEN BLANKETS MUST BE SPLICED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH APPROXIMATELY 6" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART.

**1 DETAIL: EROSION CONTROL FABRIC INSTALLATION**  
NOT TO SCALE

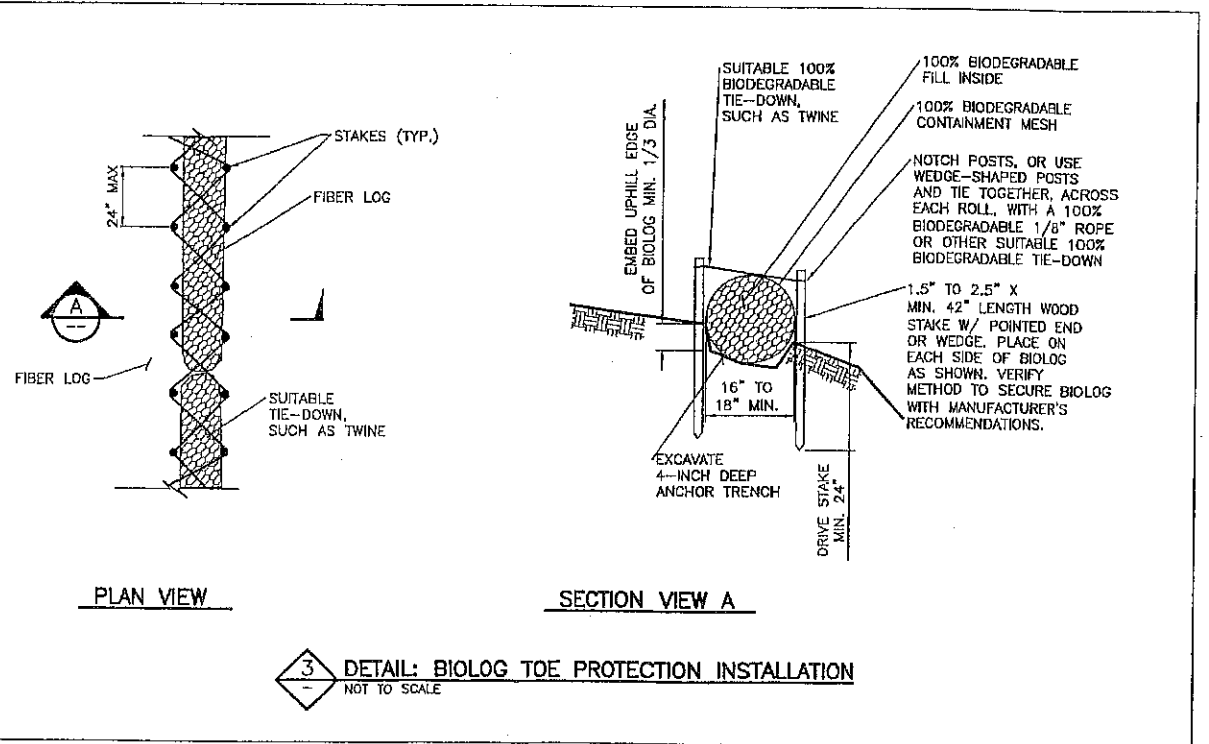


GOPHER STATE ONE CALL:  
CALL BEFORE YOU DIG.  
1-800-252-1166



1. CONTRACTOR REQUIRED TO RESTORE STABILIZED CONSTRUCTION ENTRANCE TO PRE-CONSTRUCTION CONDITION AS PART OF PROJECT RESTORATION.
2. CONTRACTOR SHALL INSTALL AND MAINTAIN A STABILIZED CONSTRUCTION ENTRANCE AT EACH SITE ACCESS WHERE ACCESS IS TO/FROM PAVED SURFACES.

**2 DETAIL: STABILIZED CONSTRUCTION ENTRANCE**  
NOT TO SCALE



**3 DETAIL: BIOLOG TOE PROTECTION INSTALLATION**  
NOT TO SCALE

CAD USER: Peter J. Hock FILE: M:\CADD\238243A\1622\_1.DWG PLOT SCALE: 1:2 PLOT DATE: 6/26/2009 3:39 PM  
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<table border="1"> <tr> <th>NO.</th> <th>BY</th> <th>CHK</th> <th>APP.</th> <th>DATE</th> <th>REVISION DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	BY	CHK	APP.	DATE	REVISION DESCRIPTION							I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNATURE: <i>Thomas E. Macdonald</i> PRINTED NAME: THOMAS E. MACDONALD DATE: JUN 26 2009 REG. NO.: 23505	<table border="1"> <tr> <th>CLIENT</th> <th>BID</th> <th>CONSTRUCTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	CLIENT	BID	CONSTRUCTION				Project Office: BARR ENGINEERING CO. 4700 WEST 77TH STREET MINNEAPOLIS, MN. 55435-4803 Ph: 1-800-632-2277 Fax: (952) 532-2801 www.barr.com	<table border="1"> <tr> <th>Scale</th> <th>AS SHOWN</th> </tr> <tr> <th>Date</th> <td>06262009</td> </tr> <tr> <th>Drawn</th> <td>PJH2</td> </tr> <tr> <th>Checked</th> <td>TEM</td> </tr> <tr> <th>Designed</th> <td>PJH2</td> </tr> <tr> <th>Approved</th> <td>TEM</td> </tr> </table>	Scale	AS SHOWN	Date	06262009	Drawn	PJH2	Checked	TEM	Designed	PJH2	Approved	TEM	VALLEY BRANCH WATERSHED DIST. LAKE ELMO, MINNESOTA	DEMONTREVILLE RAVINE STABILIZATION LAKE ELMO, MINNESOTA GENERAL NOTES	BARR PROJECT No. 23/82-434 CLIENT PROJECT No. DWG. No. G-02 REV. No. 0
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# STORM WATER POLLUTION PREVENTION PLAN (SWPPP) VALLEY BRANCH WATERSHED DISTRICT - DEMONTREVILLE RAVINE STABILIZATION

## FIELD REQUIREMENTS

The following storm water pollution prevention field requirements are required:

- CONTRACTOR must install all down gradient perimeter controls before any up gradient disturbance begins, and maintain them until final stabilization.
- All erosion control measures must be installed and maintained by CONTRACTOR according to the details included in the construction documents. All silt must be removed from silt fence by CONTRACTOR when it reaches a height equal to one-third of the height of the silt fence. The CONTRACTOR must perform any corrective measures within 24 hours of such notice. The CONTRACTOR shall also place any additional erosion control measures deemed necessary by MPCA within 24 hours of notice.
- Timing and installation of sediment control devices can be adjusted by CONTRACTOR to accommodate short-term activities such as clearing and grubbing.
- Rack construction entrances or equivalent system must be installed by CONTRACTOR to minimize tracking from site. Construction entrances will be checked daily by CONTRACTOR. If the entrance becomes inundated with sediment, the entrance will be cleaned or replaced as appropriate by CONTRACTOR.
- If present, all storm sewer inlets and outlets shall be protected by CONTRACTOR with appropriate BMP's during the work. These practices shall remain in place until the potential sources for discharging sediment to inlets have been stabilized by CONTRACTOR.
- Streets leading to and from the construction entrance shall be checked daily by CONTRACTOR for evidence of off-site sediment tracking onto paved surfaces. These areas will be swept clean of any tracked materials by CONTRACTOR as soon as possible and within 24 hours of discovery. CONTRACTOR shall extend sweeping to the extremity of any sediment tracking that occurs off site.
- CONTRACTOR's dewatering activities that have sediment-laden discharge must discharge into a temporary or permanent sedimentation basin when possible, otherwise it must be discharged through some form of best management practice (BMP) by CONTRACTOR to limit sediment from leaving the site.
- The CONTRACTOR must implement the SWPPP and install BMPs identified in the SWPPP in an appropriate and functional manner.
- The location of areas not to be disturbed must be delineated on the site before construction begins.
- All exposed areas with a continuous positive slope within 200 feet of a surface water must have temporary erosion protection or permanent cover installed by CONTRACTOR for the exposed soil area, year round. The following maximum times and area can remain open when the areas are not actively being worked:
  1. Slopes steeper than 1:3 (7 days).
  2. Slopes of 1:10 to 1:3 (7 days).
  3. Slopes of 1:10 or flatter (7 days).
- The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site or diverts water around a site must be stabilized by CONTRACTOR within 200 feet from the property edge, or from the point of discharge to any surface water within 24 hours of connecting to a surface water.
- CONTRACTOR shall be responsible for keeping existing paved surfaces clean of sediment. Any sediment tracked off-site is to be removed by CONTRACTOR within 24 hours.
- CONTRACTOR shall be responsible for implementing the following pollution management measures on the site:
  1. Solid waste: collected sediment, asphalt, concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
  2. Hazardous materials: oil, gasoline, paint and any hazardous substances must be stored in appropriate containers. Including secondary containment to prevent spills, leaks or other discharges. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must comply with MPCA regulations.
  3. A defined area of the site must be designated for use as a wash area for trucks and other equipment. No engine degreasing allowed on site.
- CONTRACTOR shall install silt fence protection around the limits of all temporary soil stockpile areas. All stockpiles that remain undisturbed for a period greater than one month shall be protected by CONTRACTOR with cover of mulch, erosion control mats, or plastic sheeting.
- Temporary and permanent sedimentation basins must be drained and sediment removed by CONTRACTOR once the sediment collected reaches one third the storage volume within 72 hours, as field conditions allow.
- All sediment deposits within surface waters must be removed and restabilized by CONTRACTOR within 7 days of discovery. This includes deltas and storm sewer sediment deposits.
- During excavation, sediment and erosion control devices must be utilized by CONTRACTOR to prevent sedimentation and the area must be staked off and marked so that heavy construction equipment will not compact the soil.
- All infiltration/filtration areas must be inspected to ensure that no sediment from ongoing construction is accumulating over the infiltration/filtration area. Sediment accumulated over infiltration/filtration must be removed by CONTRACTOR.

## SEQUENCE OF CONSTRUCTION

- The following sequence describes, in general, the work on each individual site:
1. CONTRACTOR shall verify that all permits have been obtained and/or obtain the necessary permits.
  2. CONTRACTOR shall install all perimeter sediment control devices, filter dikes, temporary erosion and sedimentation control BMP's, construction entrances prior to excavation, stockpiling or disturbing existing vegetative cover.
  3. CONTRACTOR shall rough grade site.
  4. CONTRACTOR shall install temporary and permanent erosion control BMPs as shown on plans & in conformance w/NPDES permit, continuously doing the work.
  5. CONTRACTOR shall stabilize and revegetate the site.
  6. CONTRACTOR shall remove sediment control devices prior to submitting Notice Of Termination (NOT).
  7. Submit notice of termination to MPCA within 30 days of final stabilization.

## INSPECTION AND RECORD RETENTION

- The SWPPP, all changes to it, and inspections and maintenance records must be kept at the site during construction by the permittee who has operational control of the portion of the site. CONTRACTOR and OWNER must keep the SWPPP on file for three years after the submittal of the notice of termination, including the following records of all inspection and maintenance conducted during construction.
- The CONTRACTOR must routinely inspect the site once every 7 days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
- All inspections and maintenance conducted during construction must be recorded in writing and retained with the SWPPP.
- Maintenance must be completed in conformance with NPDES permit. Records must include:
  1. Date and time of inspections.
  2. Name of person conducting inspection.
  3. Finding of inspection including corrective action. Details of corrective action (date, time, party completing maintenance).
  4. Date and amount of rainfall greater than 0.5 inches in 24 hours.
  5. Documentation of changes to SWPPP.
- In areas of project where final stabilization is complete inspections can be reduced to once a month.
- Inspections can be suspended due to frozen ground conditions until first runoff occurs or construction activities resume.

## NOTICE OF TERMINATION

- Permittee must submit a notice of termination within 30 days if one or more of the following conditions have been met:
  1. Final stabilization has been achieved on all portions of the site for which permittee is responsible including the removal of all temporary measures such as silt fence.
  2. Another owner has assumed control over all portions of the site that have not achieved final stabilization.
- Permittee must ensure final stabilization of the site and submit the Notice of Termination within 30 days of final stabilization.
- Final stabilization can be achieved in the following way:
  1. All soil disturbing activities are complete and a uniform perennial vegetative cover with a density of 70% over the entire pervious surface has been achieved, including stabilization of ditches and swales.
  2. Removal of all temporary synthetic and structural BMPs.
  3. Removal of sediments from storm water conveyances and permanent water quality basins.

## CHANGES TO SWPPP

- The Permittee must amend the SWPPP as necessary to include additional requirements, such as additional or modified BMPs, Designed to correct problems identified or address situations whenever:
  1. There is a change in design, construction, operation or maintenance.
  2. Weather or seasonal conditions that have significant effect on discharge. Inspection is required within 24 hours of a rainfall event greater than one-half inch.
  3. Inspection or investigation by site operators, local, state or federal officials indicate the SWPPP is not effective.
  4. The SWPPP is not achieving the general objectives of controlling pollutants or the SWPPP is not consistent with the terms and conditions of this permit.
  5. The MPCA determines that discharge may cause or contribute to non-attainment of any applicable water quality standards or the SWPPP does not incorporate the requirements related to an approved total maximum daily load (TMDL).

## RESPONSIBLE PERSONS:

- Below is a list of people responsible for this project who are knowledgeable and experienced in the application of erosion prevention and sediment control BMPs. They shall oversee the implementation of the SWPPP, inspection, and maintenance of erosion prevention, and sediment control BMPs before and during construction.

Responsible persons:

## RESPONSIBLE PERSONS IS PENDING CONTRACTOR SELECTION

CONTRACTOR (Insert CONTRACTOR)	OWNER'S REPRESENTATIVE Lincoln Fletcher President Valley Branch Watershed District P.O. Box 838 Lake Elmo, MN 55042
x	
x	
x	
Phone:	
Fax:	

(Insert CONTRACTOR)  
On-Site Representative  
x  
x  
x  
Phone:  
Fax:

Contractor:

Vice President Superintendent

General Foreman Site Foreman

CAD USER: Peter J. Rinek FILE: M:\CAD\238243A\31653\_1.DWG PLOT SCALE: 1/2" = 1' PLOT DATE: 8/26/2009 3:35 PM

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NO.		BY	CHK	APP	DATE	REVISION DESCRIPTION	SIGNATURE: Thomas E. Macdonald		RELEASED TO/FOR	A	B	C	0	1	2	3
							PRINTED NAME: THOMAS E. MACDONALD									
							DATE: JUN 26 2009 REC. NO. 22505									



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BARR ENGINEERING CO.  
4700 WEST 77TH STREET  
MINNEAPOLIS, MN.  
55435-4803  
Ph: 1-800-632-2277  
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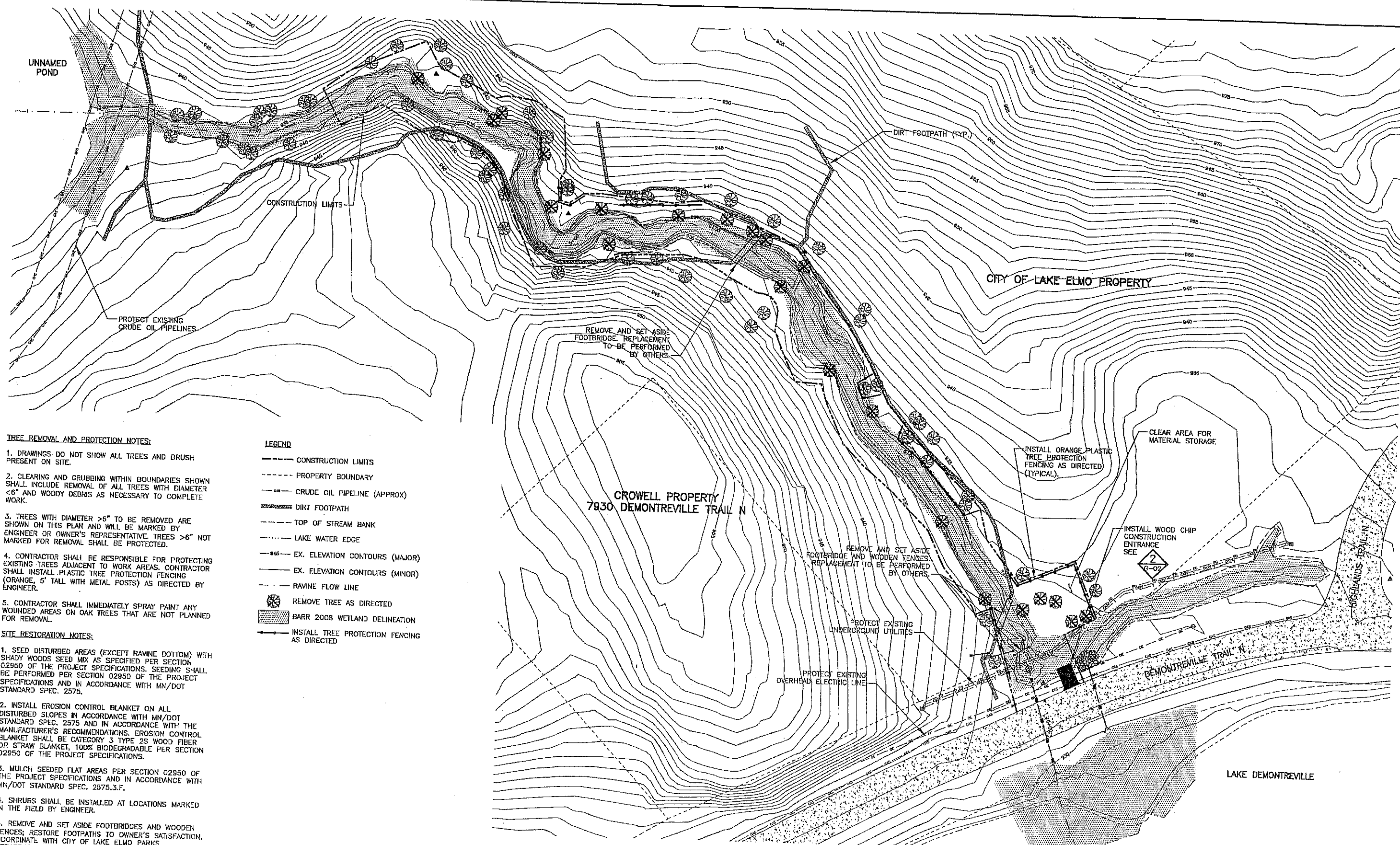
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Approved	TEM

VALLEY BRANCH WATERSHED DIST.  
LAKE ELMO, MINNESOTA

DEMONTREVILLE RAVINE STABILIZATION  
LAKE ELMO, MINNESOTA

STORM WATER POLLUTION PREVENTION PLAN  
(SWPPP)

BARR PROJECT No.  
23/82-434  
CLIENT PROJECT No.  
DWG. No.  
REV. No.



**TREE REMOVAL AND PROTECTION NOTES:**

1. DRAWINGS DO NOT SHOW ALL TREES AND BRUSH PRESENT ON SITE.
2. CLEARING AND GRUBBING WITHIN BOUNDARIES SHOWN SHALL INCLUDE REMOVAL OF ALL TREES WITH DIAMETER <6" AND WOODY DEBRIS AS NECESSARY TO COMPLETE WORK.
3. TREES WITH DIAMETER >6" TO BE REMOVED ARE SHOWN ON THIS PLAN AND WILL BE MARKED BY ENGINEER OR OWNER'S REPRESENTATIVE. TREES >6" NOT MARKED FOR REMOVAL SHALL BE PROTECTED.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXISTING TREES ADJACENT TO WORK AREAS. CONTRACTOR SHALL INSTALL PLASTIC TREE PROTECTION FENCING (ORANGE, 5' TALL WITH METAL POSTS) AS DIRECTED BY ENGINEER.
5. CONTRACTOR SHALL IMMEDIATELY SPRAY PAINT ANY WOUNDED AREAS ON OAK TREES THAT ARE NOT PLANNED FOR REMOVAL.

**LEGEND**

- CONSTRUCTION LIMITS
- PROPERTY BOUNDARY
- o- CRUDE OIL PIPELINE (APPROX)
- DIRT FOOTPATH
- TOP OF STREAM BANK
- LAKE WATER EDGE
- o- EX. ELEVATION CONTOURS (MAJOR)
- o- EX. ELEVATION CONTOURS (MINOR)
- RAVINE FLOW LINE
- ⊗ REMOVE TREE AS DIRECTED
- ▨ BARR 2008 WETLAND DELINEATION
- INSTALL TREE PROTECTION FENCING AS DIRECTED

**SITE RESTORATION NOTES:**

1. SEED DISTURBED AREAS (EXCEPT RAVINE BOTTOM) WITH SHADY WOODS SEED MIX AS SPECIFIED PER SECTION 02950 OF THE PROJECT SPECIFICATIONS. SEEDING SHALL BE PERFORMED PER SECTION 02950 OF THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH MN/DOT STANDARD SPEC. 2575.
2. INSTALL EROSION CONTROL BLANKET ON ALL DISTURBED SLOPES IN ACCORDANCE WITH MN/DOT STANDARD SPEC. 2575 AND IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. EROSION CONTROL BLANKET SHALL BE CATEGORY 3 TYPE 25 WOOD FIBER OR STRAW BLANKET, 100% BIODEGRADABLE PER SECTION 02950 OF THE PROJECT SPECIFICATIONS.
3. MULCH SEEDED FLAT AREAS PER SECTION 02950 OF THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH MN/DOT STANDARD SPEC. 2575.3.F.
4. SHRUBS SHALL BE INSTALLED AT LOCATIONS MARKED IN THE FIELD BY ENGINEER.
5. REMOVE AND SET ASIDE FOOTBRIDGES AND WOODEN FENCES; RESTORE FOOTPATHS TO OWNER'S SATISFACTION. COORDINATE WITH CITY OF LAKE ELMO PARKS DEPARTMENT.

NOTE: ELEVATION CONTOUR AND PARCEL DATA BASED ON FIELD SURVEYS PERFORMED BY BARR ENGINEERING IN 2008 AND ON INFORMATION PROVIDED BY WASHINGTON COUNTY DEPARTMENT OF TRANSPORTATION AND PHYSICAL DEVELOPMENT, LAND MANAGEMENT/SURVEY DIVISION.

1 PLAN: SITE OVERVIEW  
SCALE AS SHOWN

0 30 60  
SCALE IN FEET



**DRAFT - NOT FOR CONSTRUCTION**

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SIGNATURE: *Thomas E. MacDonald*  
 PRINTED NAME: THOMAS E. MACDONALD  
 DATE: JUN 25 2009 REG. NO. 23505

CLIENT	BID	CONSTRUCTION	RELEASED TO/FOR	A	B	C	D	1	2	3



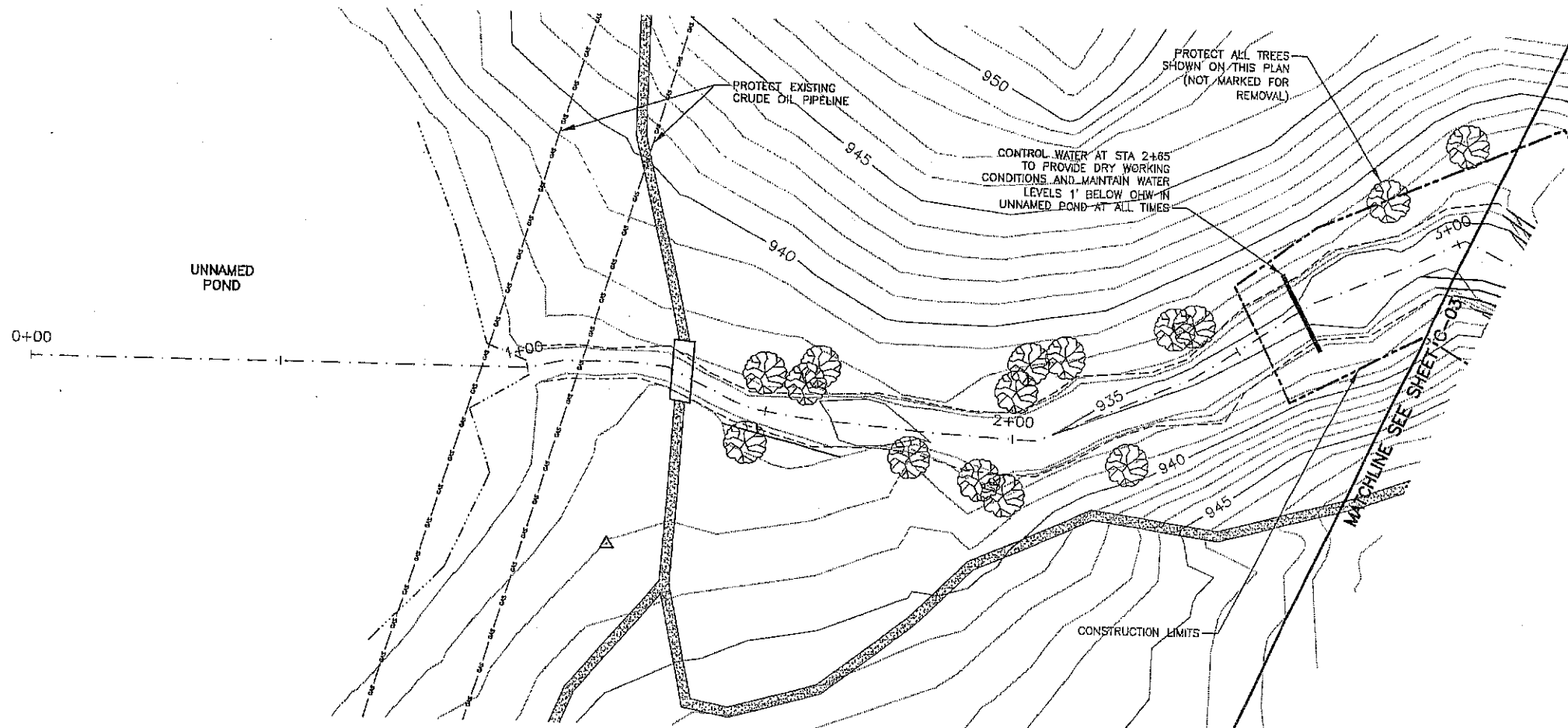
Project Office:  
 BARR ENGINEERING CO.  
 4700 WEST 77TH STREET  
 MINNEAPOLIS, MN.  
 55435-4803  
 Ph: 1-800-632-2277  
 Fax: (952) 832-2601  
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Approved	TEM

VALLEY BRANCH WATERSHED DIST.  
 LAKE ELMO, MINNESOTA

DEMONTREVILLE RAVINE STABILIZATION  
 LAKE ELMO, MINNESOTA  
 EXISTING CONDITIONS & REMOVALS

BARR PROJECT No. 23/82-434  
 CLIENT PROJECT No.  
 DWG. No. IRV No.



**TREE REMOVAL AND PROTECTION NOTES:**

1. DRAWINGS DO NOT SHOW ALL TREES AND BRUSH PRESENT ON SITE.
2. CLEARING AND GRUBBING WITHIN BOUNDARIES SHOWN SHALL INCLUDE REMOVAL OF ALL TREES WITH DIAMETER <6" AND WOODY DEBRIS AS NECESSARY TO COMPLETE WORK.
3. TREES WITH DIAMETER >6" TO BE REMOVED ARE SHOWN ON THIS PLAN AND WILL BE MARKED BY ENGINEER OR OWNER'S REPRESENTATIVE. TREES >6" NOT MARKED FOR REMOVAL SHALL BE PROTECTED.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXISTING TREES ADJACENT TO WORK AREAS. CONTRACTOR SHALL INSTALL PLASTIC TREE PROTECTION FENCING (ORANGE, 5' TALL WITH METAL POSTS) AS DIRECTED BY ENGINEER.
5. CONTRACTOR SHALL IMMEDIATELY SPRAY PAINT ANY WOUNDED AREAS ON OAK TREES THAT ARE NOT PLANNED FOR REMOVAL.

**SITE RESTORATION NOTES:**

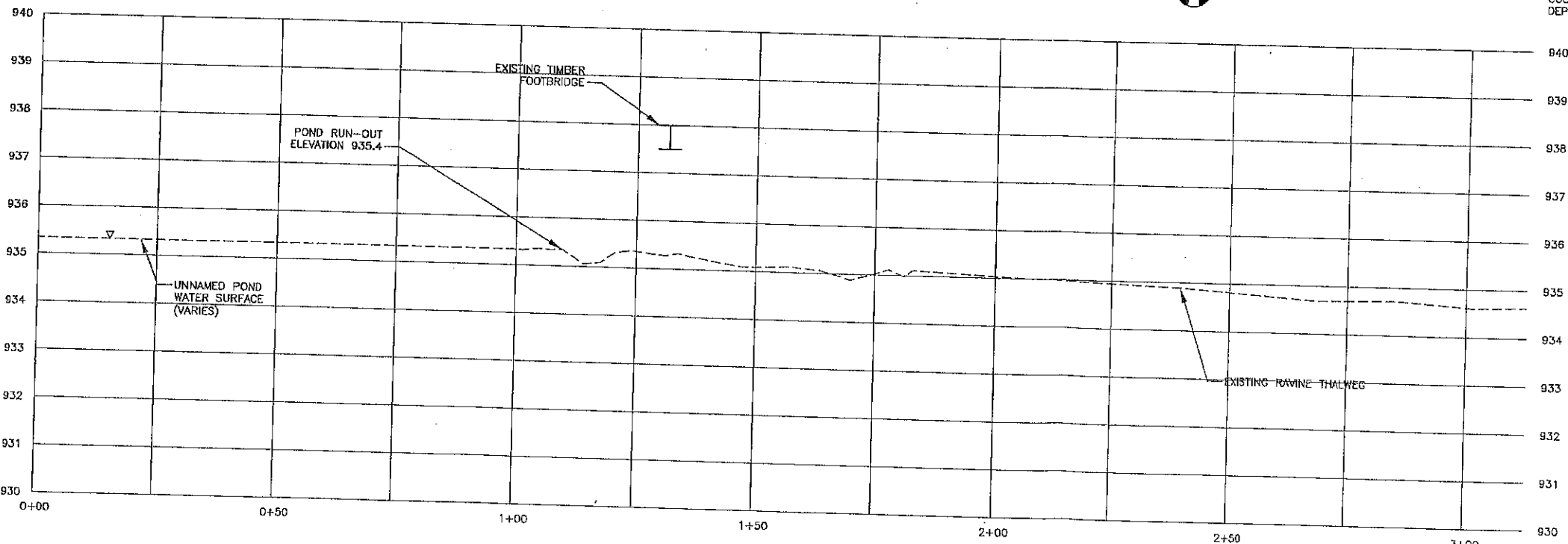
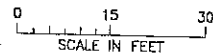
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**LEGEND**

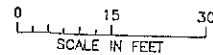
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- PROPERTY BOUNDARY
- CRUDE OIL PIPELINE (APPROX)
- DIRT FOOTPATH
- TOP OF STREAM BANK
- LAKE WATER EDGE
- 945- EX. ELEVATION CONTOURS (MAJOR)
- 940- EX. ELEVATION CONTOURS (MINOR)
- STREAM FLOW LINE
- ▲ SURVEY CONTROL POINT
- 935- PROPOSED ELEVATION CONTOURS

NOTE: ELEVATION CONTOUR AND PARCEL DATA BASED ON FIELD SURVEYS PERFORMED BY BARR ENGINEERING IN 2008 AND ON INFORMATION PROVIDED BY WASHINGTON COUNTY DEPARTMENT OF TRANSPORTATION AND PHYSICAL DEVELOPMENT, LAND MANAGEMENT/SURVEY DIVISION.

**1 PLAN: SITE PLAN**  
SCALE AS SHOWN



**2 PROFILE: RAVINE THALWEG**  
SCALE AS SHOWN



DRAFT - NOT FOR CONSTRUCTION

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SIGNATURE: *Thomas E. Macdonald*

PRINTED NAME: THOMAS E. MACDONALD

DATE: JUN 26 2009, REG. NO.: 23505

CLIENT	DATE
CONSTRUCTION	06/26

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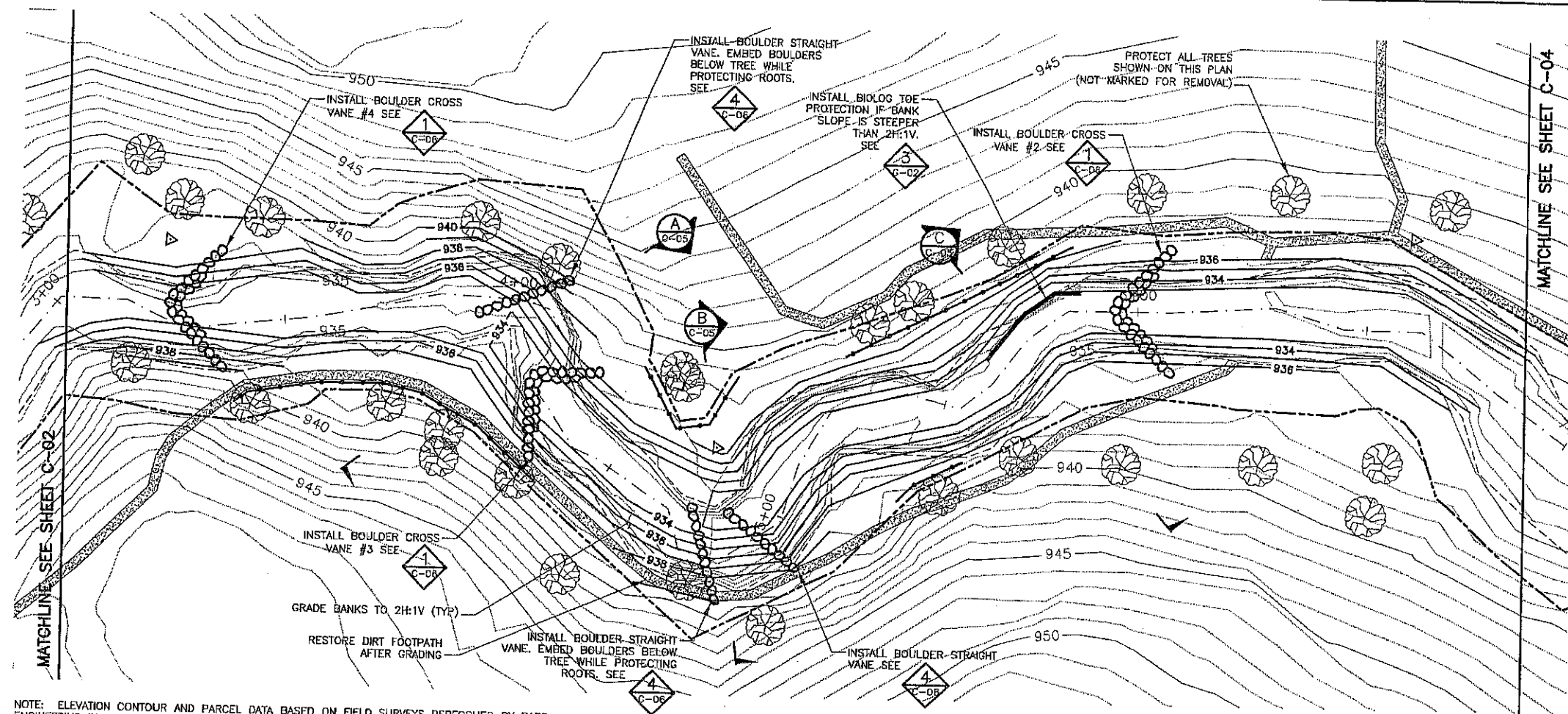
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Approved: TEM

VALLEY BRANCH WATERSHED DIST.  
LAKE ELMO, MINNESOTA

DEMONTREVILLE RAVINE STABILIZATION  
LAKE ELMO, MINNESOTA  
PLAN AND PROFILE

BARR PROJECT No.  
**23/82-434**  
CLIENT PROJECT No.  
DWG. No. IRFV No.



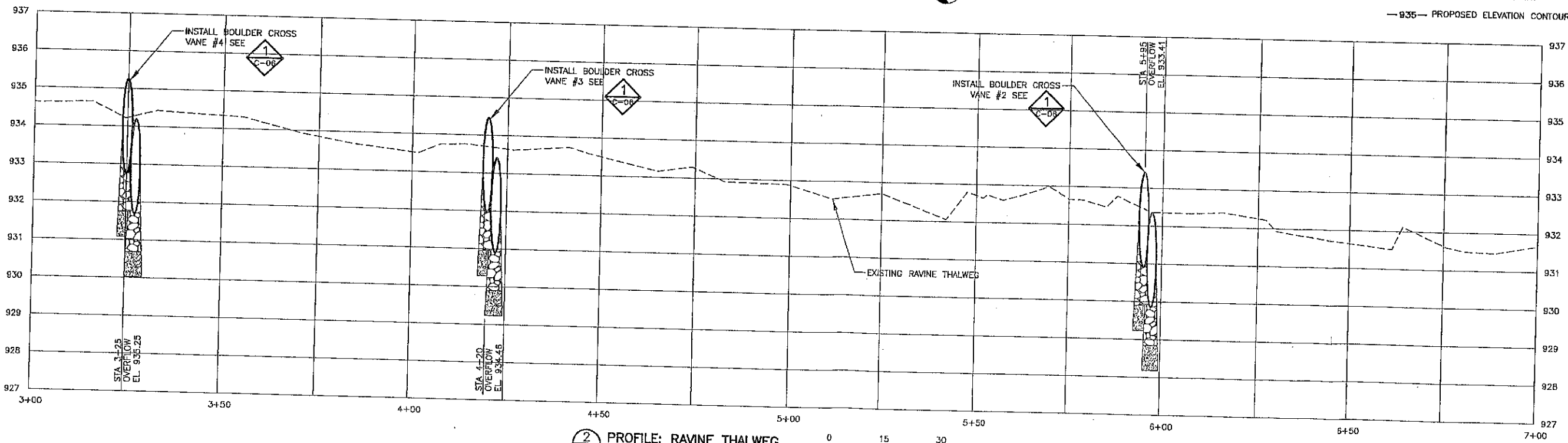


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- SITE RESTORATION NOTES:**
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  - INSTALL EROSION CONTROL BLANKET ON ALL DISTURBED SLOPES IN ACCORDANCE WITH MN/DOT STANDARD SPEC. 2575 AND IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. EROSION CONTROL BLANKET SHALL BE CATEGORY 3 TYPE 2S WOOD FIBER OR STRAW BLANKET, 100% BIODEGRADABLE PER SECTION 02950 OF THE PROJECT SPECIFICATIONS.
  - MULCH SEEDING FLAT AREAS PER SECTION 02950 OF THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH MN/DOT STANDARD SPEC. 2575.3.F.
  - SHRUBS SHALL BE INSTALLED AT LOCATIONS MARKED IN THE FIELD BY ENGINEER.
  - REMOVE AND SET ASIDE FOOTBRIDGES AND WOODEN FENCES; RESTORE FOOTPATHS TO OWNER'S SATISFACTION. COORDINATE WITH CITY OF LAKE ELMO PARKS DEPARTMENT.

- LEGEND**
- CONSTRUCTION LIMITS
  - PROPERTY BOUNDARY
  - CRUDE OIL PIPELINE (APPROX)
  - DIRT FOOTPATH
  - TOP OF STREAM BANK
  - LAKE WATER EDGE
  - 945- EX. ELEVATION CONTOURS (MAJOR)
  - EX. ELEVATION CONTOURS (MINOR)
  - STREAM FLOW LINE
  - ▲ SURVEY CONTROL POINT
  - 935- PROPOSED ELEVATION CONTOURS

1 PLAN: SITE PLAN  
SCALE AS SHOWN

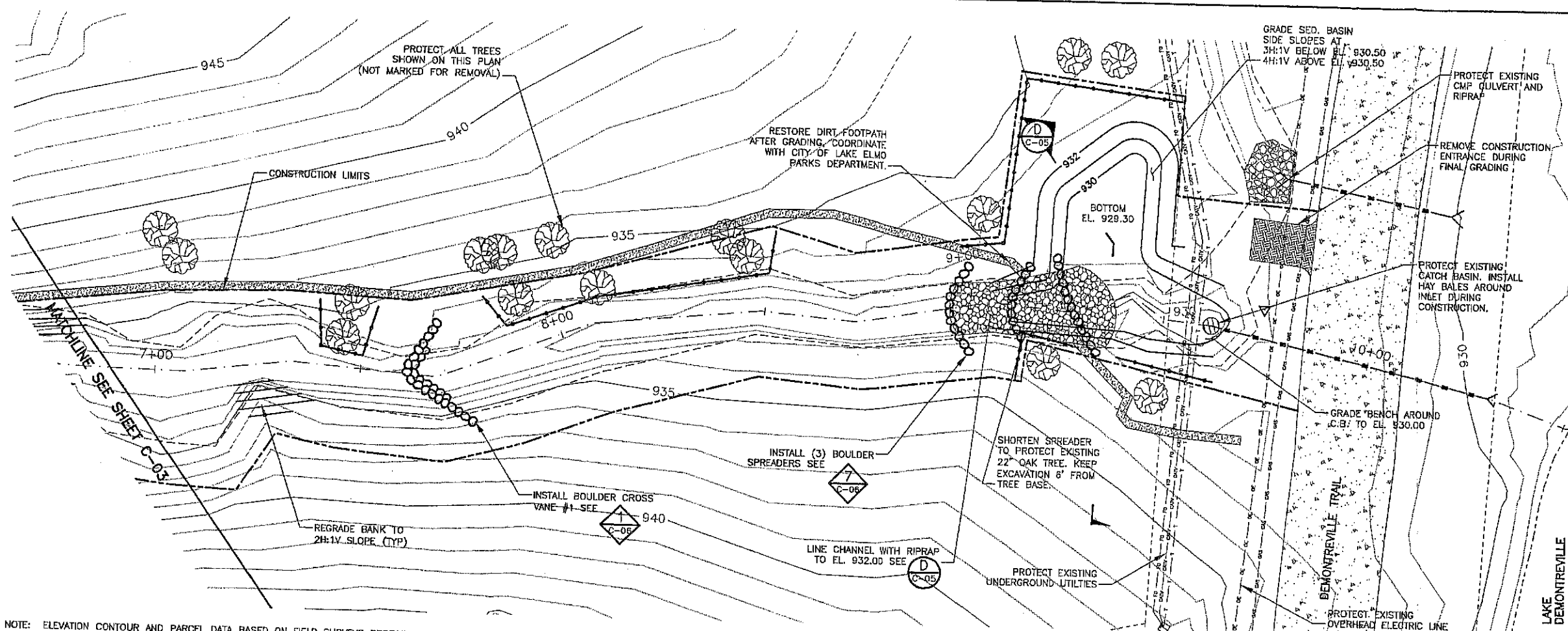


2 PROFILE: RAVINE THALWEG  
SCALE AS SHOWN

DRAFT - NOT FOR CONSTRUCTION

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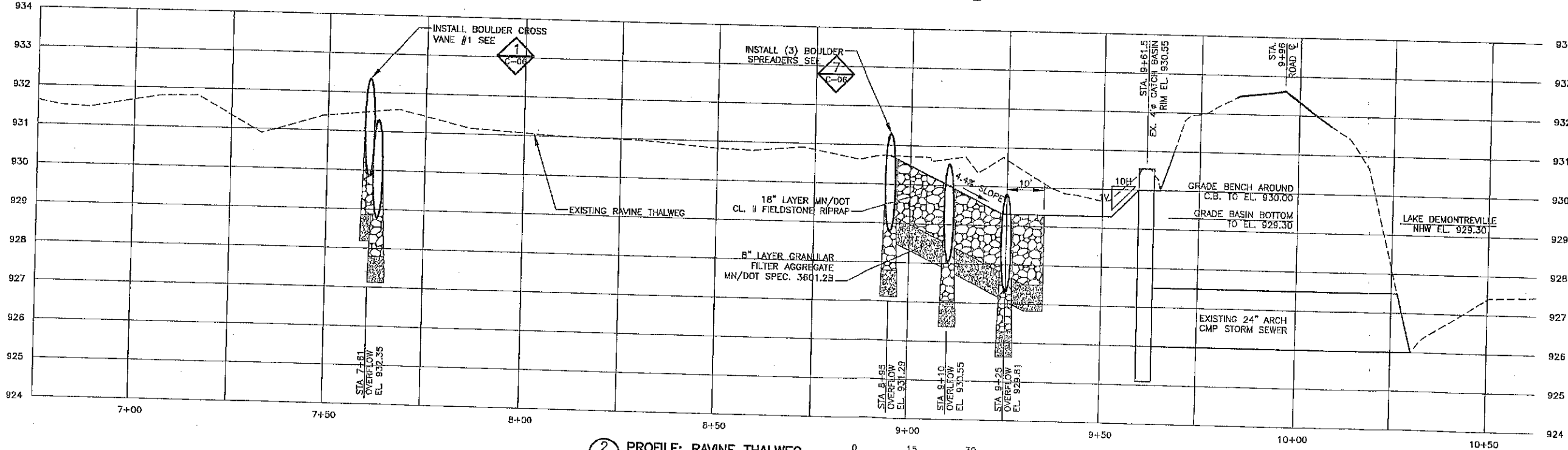
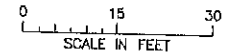
0 PJH2 TEM TEM 06/26/2009 ISSUED FOR PERMITTING		I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.		CLIENT CONSTRUCTION		06/26		Project Office: BARR ENGINEERING CO. 4700 WEST 77TH STREET MINNEAPOLIS, MN. 55435-4803		Scale: AS SHOWN Date: 06/26/09 Drawn: PJH2 Checked: TEM Designed: PJH2 Approved: TEM		VALLEY BRANCH WATERSHED DIST. LAKE ELMO, MINNESOTA		DEMONTREVILLE RAVINE STABILIZATION LAKE ELMO, MINNESOTA		BARR PROJECT No. 23/82-434 CLIENT PROJECT No.		DWG. No.   REV. No.	
NO. BY CHK APP DATE REVISION DESCRIPTION		PRINTED NAME THOMAS E. MACDONALD DATE JUN 26 2009 REG. NO. 23505		RELEASED TO/FDR		DATE RELEASED		Corporate Headquarters: Minneapolis, Minnesota PH: 1-800-632-2277		Scale: AS SHOWN Date: 06/26/09 Drawn: PJH2 Checked: TEM Designed: PJH2 Approved: TEM		VALLEY BRANCH WATERSHED DIST. LAKE ELMO, MINNESOTA		DEMONTREVILLE RAVINE STABILIZATION LAKE ELMO, MINNESOTA		BARR PROJECT No. 23/82-434 CLIENT PROJECT No.		DWG. No.   REV. No.	



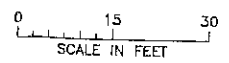
- TREE REMOVAL AND PROTECTION NOTES:**
- DRAWINGS DO NOT SHOW ALL TREES AND BRUSH PRESENT ON SITE.
  - CLEARING AND GRUBBING WITHIN BOUNDARIES SHOWN SHALL INCLUDE REMOVAL OF ALL TREES WITH DIAMETER <6" AND WOODY DEBRIS AS NECESSARY TO COMPLETE WORK.
  - TREES WITH DIAMETER >6" TO BE REMOVED ARE SHOWN ON THIS PLAN AND WILL BE MARKED BY ENGINEER OR OWNER'S REPRESENTATIVE. TREES >6" NOT MARKED FOR REMOVAL SHALL BE PROTECTED.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXISTING TREES ADJACENT TO WORK AREAS. CONTRACTOR SHALL INSTALL PLASTIC TREE PROTECTION FENCING (ORANGE, 5' TALL WITH METAL POSTS) AS DIRECTED BY ENGINEER.
  - CONTRACTOR SHALL IMMEDIATELY SPRAY PAINT ANY WOUNDED AREAS ON OAK TREES THAT ARE NOT PLANNED FOR REMOVAL.
- SITE RESTORATION NOTES:**
- SEED DISTURBED AREAS (EXCEPT RAVINE BOTTOM) WITH SHADY WOODS SEED MIX AS SPECIFIED PER SECTION 02950 OF THE PROJECT SPECIFICATIONS. SEEDING SHALL BE PERFORMED PER SECTION 02950 OF THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH MN/DOT STANDARD SPEC. 2575.
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  - REMOVE AND SET ASIDE FOOTBRIDGES AND WOODEN FENCES; RESTORE FOOTPATHS TO OWNER'S SATISFACTION. COORDINATE WITH CITY OF LAKE ELMO PARKS DEPARTMENT.

NOTE: ELEVATION CONTOUR AND PARCEL DATA BASED ON FIELD SURVEYS PERFORMED BY BARR ENGINEERING IN 2008 AND ON INFORMATION PROVIDED BY WASHINGTON COUNTY DEPARTMENT OF TRANSPORTATION AND PHYSICAL DEVELOPMENT, LAND MANAGEMENT/SURVEY DIVISION.

**1 PLAN: SITE PLAN**  
SCALE AS SHOWN



**2 PROFILE: RAVINE THALWEG**  
SCALE AS SHOWN



- LEGEND**
- CONSTRUCTION LIMITS
  - PROPERTY BOUNDARY
  - - - CRUDE OIL PIPELINE (APPROX)
  - DIRT FOOTPATH
  - TOP OF STREAM BANK
  - LAKE WATER EDGE
  - 945 - EX. ELEVATION CONTOURS (MAJOR)
  - 945 - EX. ELEVATION CONTOURS (MINOR)
  - - - STREAM FLOW LINE
  - ▲ SURVEY CONTROL POINT
  - 935 - PROPOSED ELEVATION CONTOURS

**DRAFT - NOT FOR CONSTRUCTION**

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NO.	BY	CHK.	APP.	DATE	REVISION DESCRIPTION
0	PJH2	TEM	TEM	06/26/09	ISSUED FOR PERMITTING

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: *Thomas E. Macdonald*

PRINTED NAME: THOMAS E. MACDONALD

DATE: JUN 26 2009, REG. NO. 23505

CLIENT	BID	CONSTRUCTION	RELEASED TO/FOR	A	B	C	0	1	2	3
VALLEY BRANCH WATERSHED DIST.										



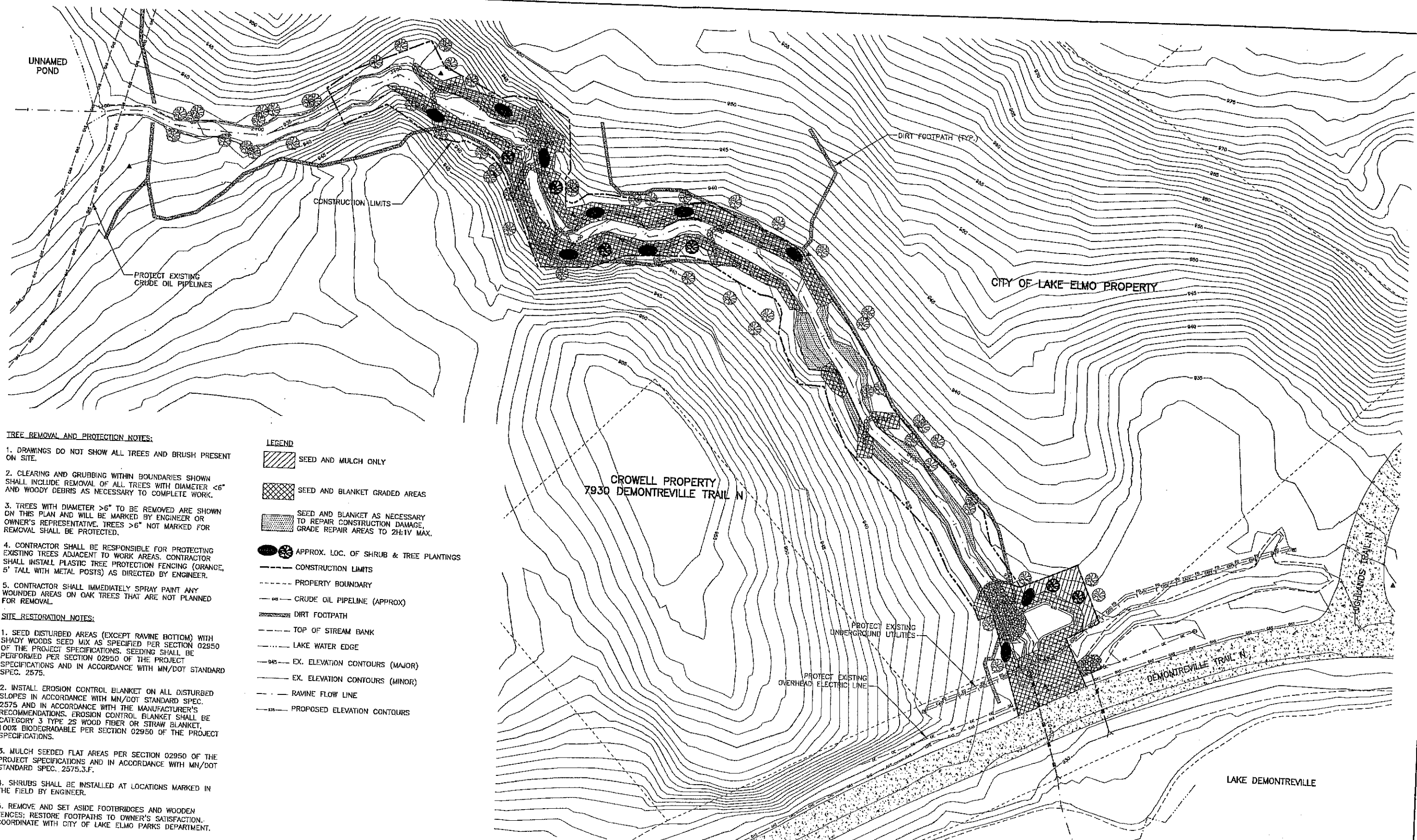
Project Office:  
**BARR ENGINEERING CO.**  
 4700 WEST 77TH STREET  
 MINNEAPOLIS, MN.  
 55435-4803  
 Ph: 1-800-632-2277  
 Fax: (952) 832-2601  
 www.barr.com

Scale	AS SHOWN
Date	06/26/09
Drawn	PJH2
Checked	TEM
Designed	PJH2
Approved	TEM

**VALLEY BRANCH WATERSHED DIST.**  
**LAKE ELMO, MINNESOTA**

**DEMONTREVILLE RAVINE STABILIZATION**  
**LAKE ELMO, MINNESOTA**  
**PLAN AND PROFILE**

BARR PROJECT No.	23/82-434
CLIENT PROJECT No.	
DWG. No.	C-04
REV. No.	



**TREE REMOVAL AND PROTECTION NOTES:**

1. DRAWINGS DO NOT SHOW ALL TREES AND BRUSH PRESENT ON SITE.
2. CLEARING AND GRUBBING WITHIN BOUNDARIES SHOWN SHALL INCLUDE REMOVAL OF ALL TREES WITH DIAMETER <6" AND WOODY DEBRIS AS NECESSARY TO COMPLETE WORK.
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5. REMOVE AND SET ASIDE FOOTBRIDGES AND WOODEN FENCES; RESTORE FOOTPATHS TO OWNER'S SATISFACTION. COORDINATE WITH CITY OF LAKE ELMO PARKS DEPARTMENT.

**LEGEND**

- SEED AND MULCH ONLY
- SEED AND BLANKET GRADED AREAS
- SEED AND BLANKET AS NECESSARY TO REPAIR CONSTRUCTION DAMAGE, GRADE REPAIR AREAS TO 2H:1V MAX.
- APPROX. LOC. OF SHRUB & TREE PLANTINGS
- CONSTRUCTION LIMITS
- PROPERTY BOUNDARY
- CRUDE OIL PIPELINE (APPROX)
- DIRT FOOTPATH
- TOP OF STREAM BANK
- LAKE WATER EDGE
- EX. ELEVATION CONTOURS (MAJOR)
- EX. ELEVATION CONTOURS (MINOR)
- RAVINE FLOW LINE
- PROPOSED ELEVATION CONTOURS

NOTE: ELEVATION CONTOUR AND PARCEL DATA BASED ON FIELD SURVEYS PERFORMED BY BARR ENGINEERING IN 2008 AND ON INFORMATION PROVIDED BY WASHINGTON COUNTY DEPARTMENT OF TRANSPORTATION AND PHYSICAL DEVELOPMENT, LAND MANAGEMENT/SURVEY DIVISION.

1 PLAN: SITE OVERVIEW  
SCALE AS SHOWN

0 30 60  
SCALE IN FEET



DRAFT - NOT FOR CONSTRUCTION

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NO.	BY	CHK	APP	DATE	REVISION DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: *Thomas E. Macdonald*

PRINTED NAME: THOMAS E. MACDONALD  
DATE: JUN 26 2009 REG. NO.: 23505

CLIENT	BID	DATE	06/26
CONSTRUCTION			
RELEASED TO/FOR	A B C 0 1 2 3	DATE RELEASED	

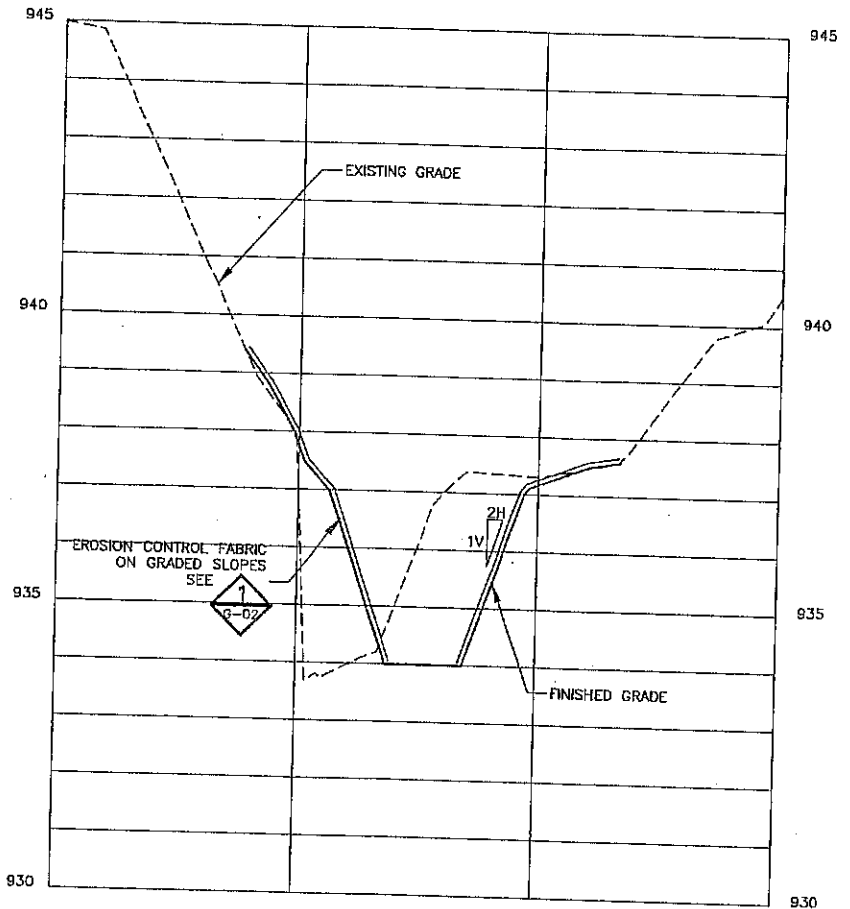
**BARR** Engineering Co.  
4700 WEST 77TH STREET  
MINNEAPOLIS, MN, 55435-4803  
Ph: 1-800-632-2277  
Fax: (612) 832-2601  
www.barr.com

Scale	AS SHOWN
Date	06/26/09
Drawn	PJH2
Checked	TEM
Designed	PJH2
Approved	TEM

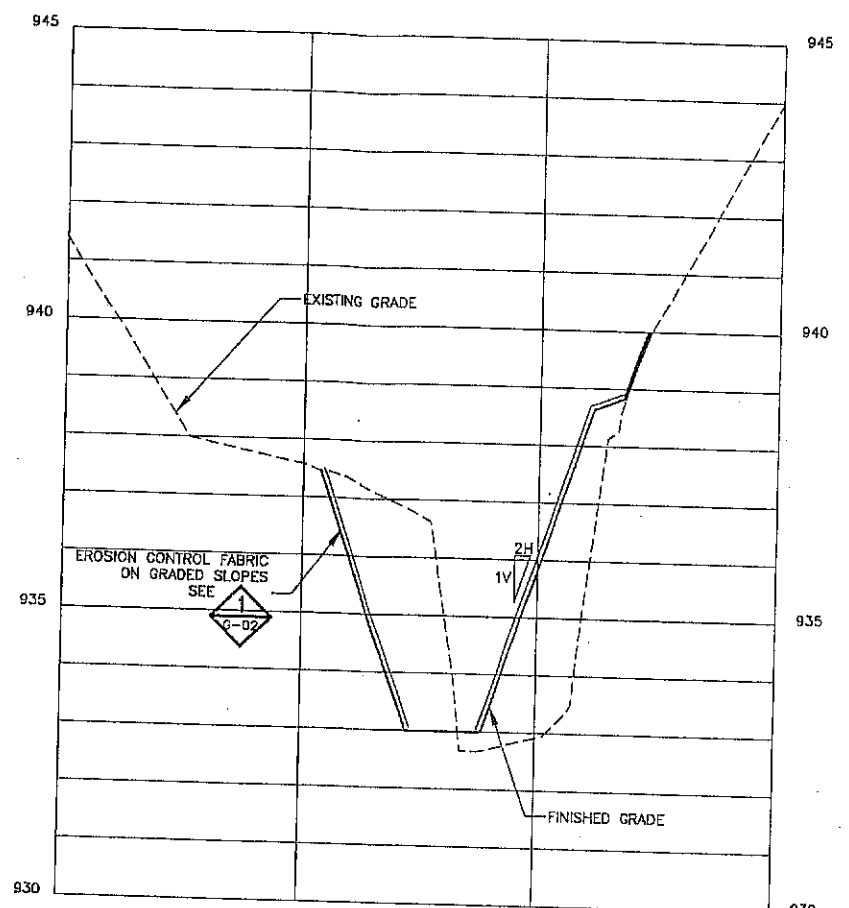
VALLEY BRANCH WATERSHED DIST.  
LAKE ELMO, MINNESOTA

DEMONTREVILLE RAVINE STABILIZATION  
LAKE ELMO, MINNESOTA  
REVEGETATION PLAN

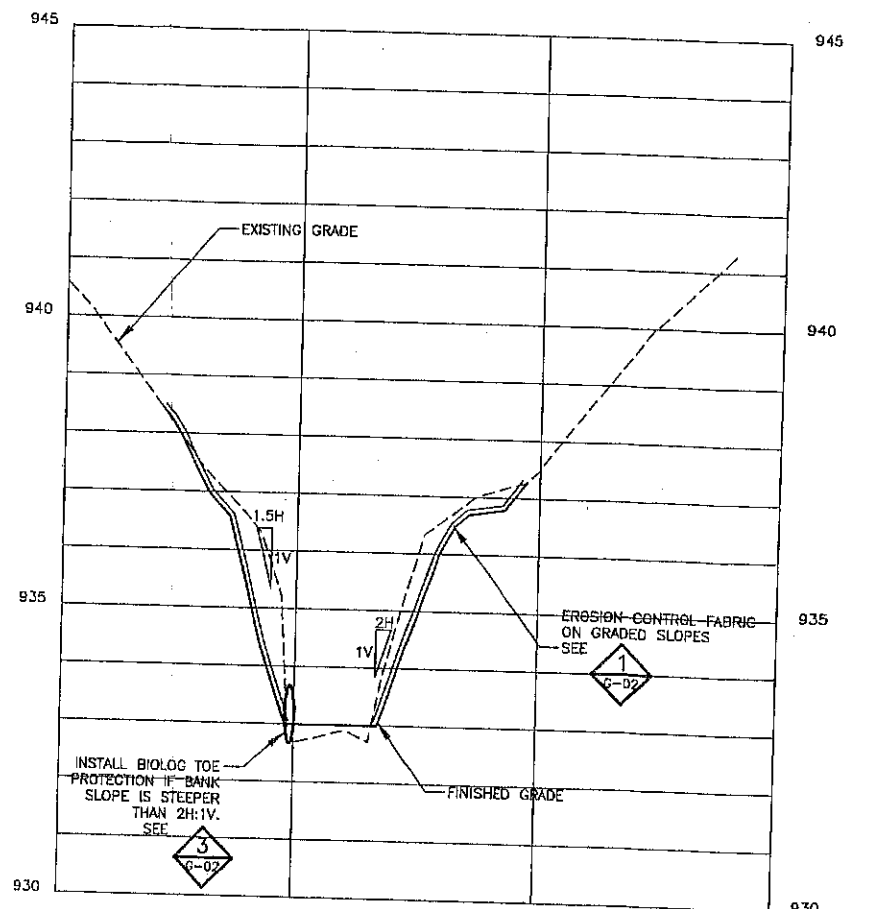
BARR PROJECT No. 23/82-434  
CLIENT PROJECT No.



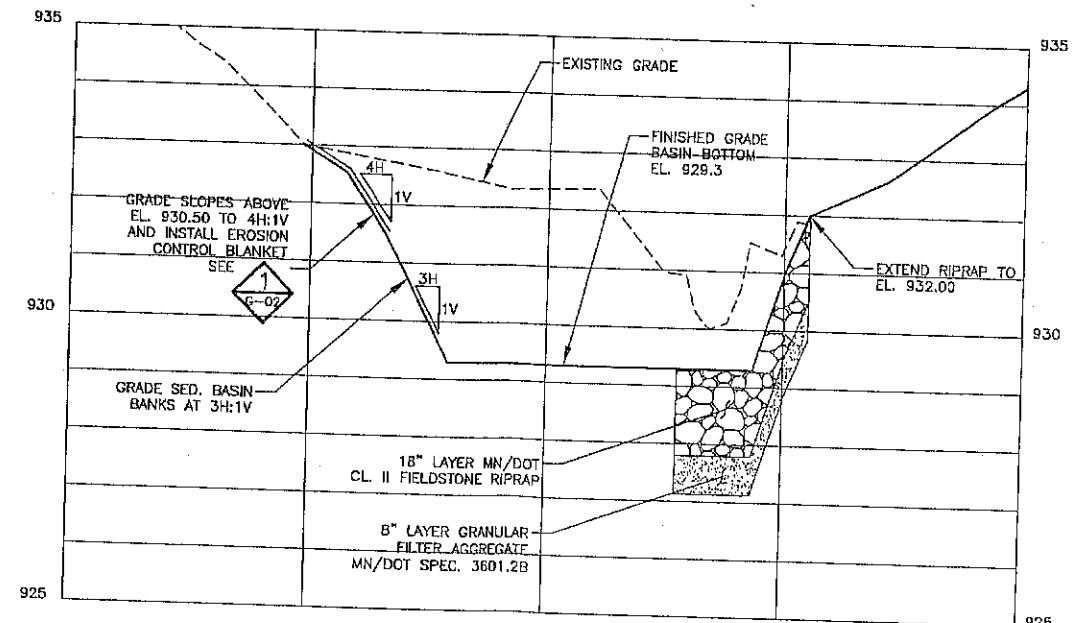
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 C-03 SCALE AS SHOWN 0 10 20 SCALE IN FEET



**B SECTION: CROSS SECTION B**  
 C-03 SCALE AS SHOWN 0 10 20 SCALE IN FEET



**C SECTION: CROSS SECTION C**  
 C-03 SCALE AS SHOWN 0 10 20 SCALE IN FEET



**D SECTION: CROSS SECTION D**  
 C-04 SCALE AS SHOWN 0 10 20 SCALE IN FEET

DRAFT - NOT FOR CONSTRUCTION

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NO.	BY	CHK	APP	DATE	REVISION DESCRIPTION

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 SIGNATURE: *Thomas E. Macdonald*  
 PRINTED NAME: THOMAS E. MACDONALD  
 DATE: JUN 26 2009 REG. NO. 23505

CLIENT	BID	CONSTRUCTION	RELEASED TO/FOR	DATE RELEASED

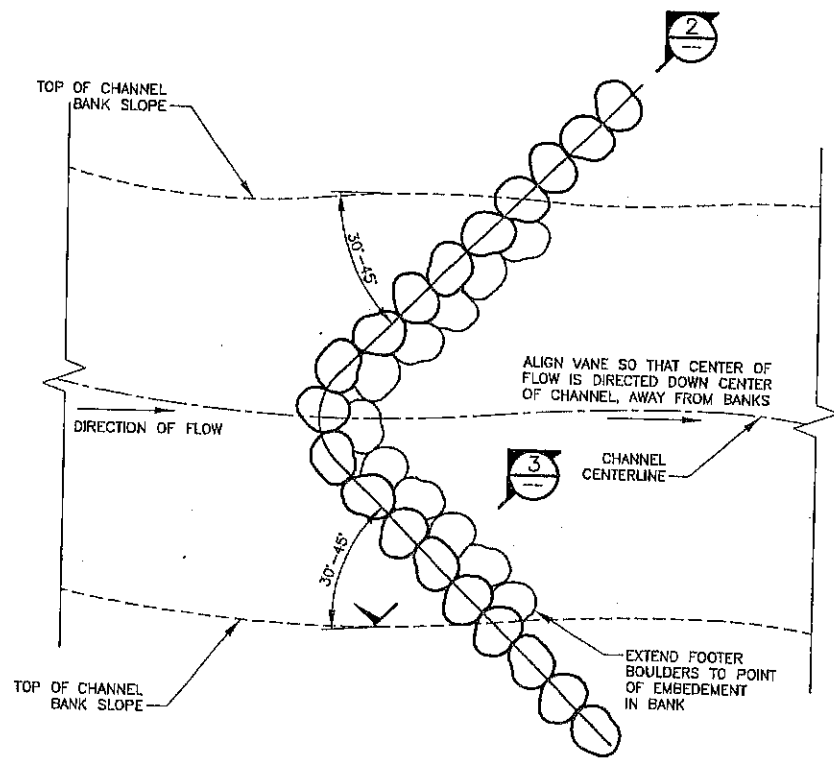
**BARR**  
 Project Office:  
 BARR ENGINEERING CO.  
 4700 WEST 77TH STREET  
 MINNEAPOLIS, MN.  
 55435-4803  
 Ph: 1-800-632-2277  
 Fax: (952) 832-2801  
 www.barr.com

Scale	AS SHOWN
Date	06/26/09
Drawn	PJH2
Checked	TEM
Designed	PJH2
Approved	TEM

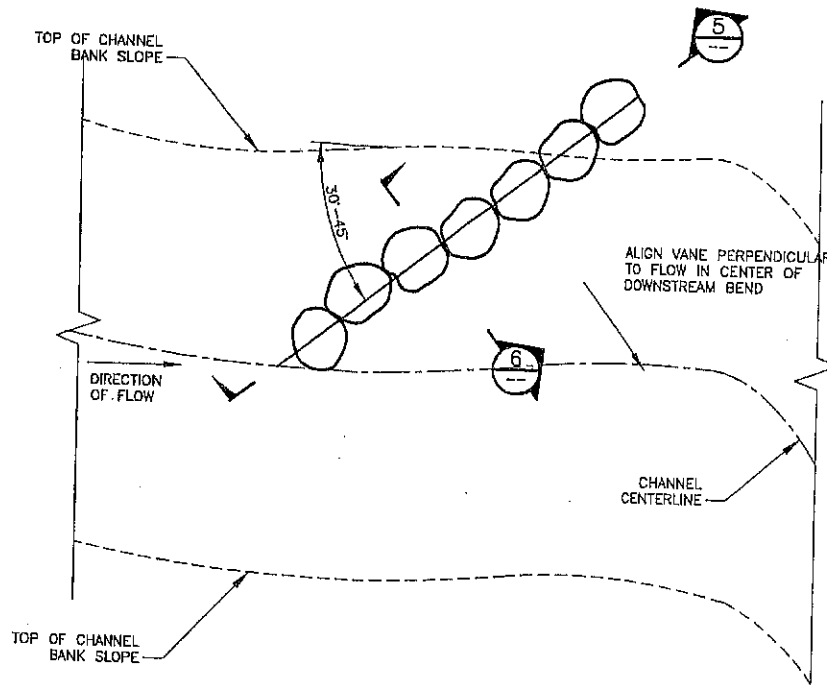
VALLEY BRANCH WATERSHED DIST.  
 LAKE ELMO, MINNESOTA

DEMONTREVILLE RAVINE STABILIZATION  
 LAKE ELMO, MINNESOTA  
 CROSS SECTIONS

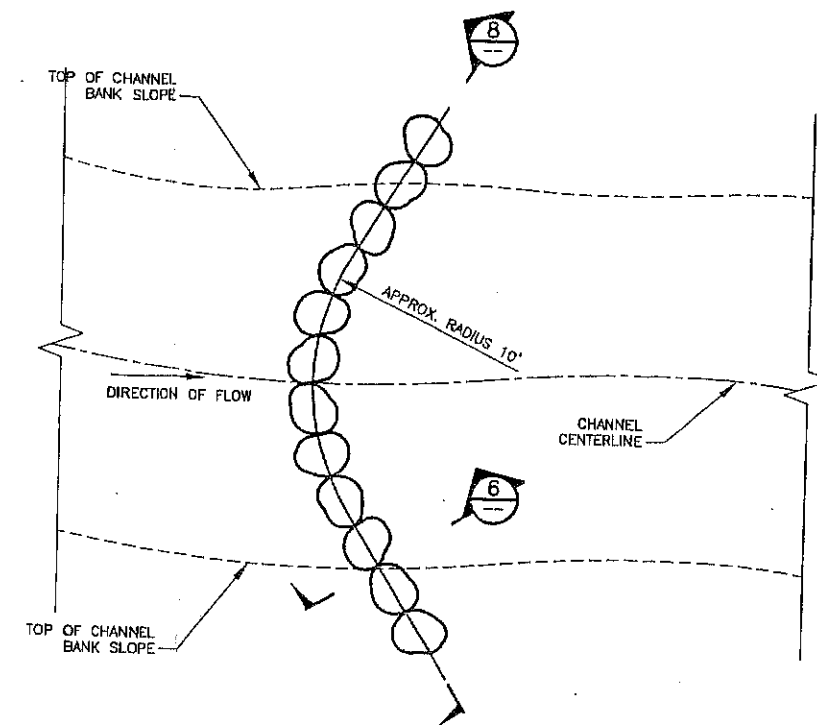
BARR PROJECT No.	23/B2-434
CLIENT PROJECT No.	
DWG. No.	
REV. No.	



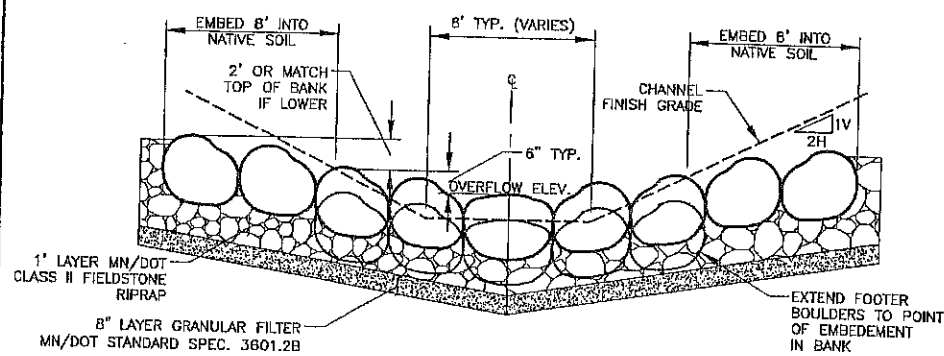
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NOT TO SCALE



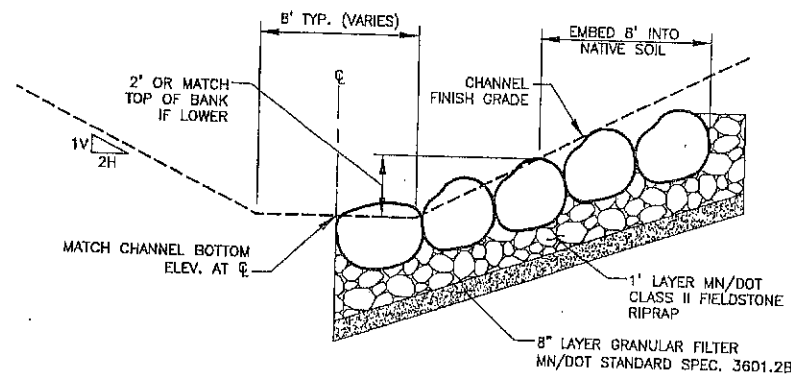
4 DETAIL: BOULDER STRAIGHT VANE PLAN  
NOT TO SCALE



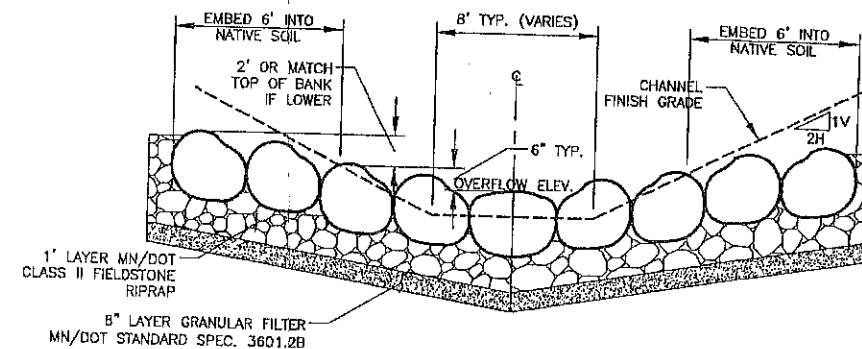
7 DETAIL: BOULDER SPREADER PLAN  
NOT TO SCALE



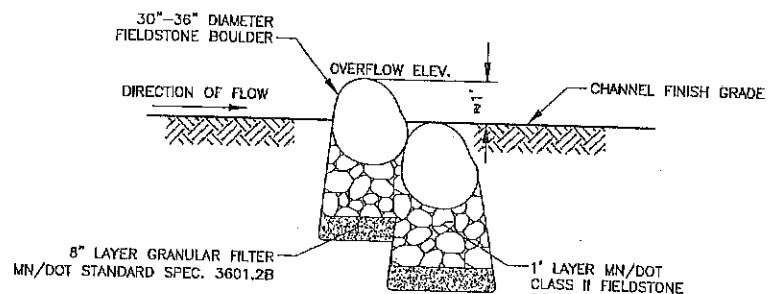
2 SECTION: BOULDER CROSS VANE  
NOT TO SCALE



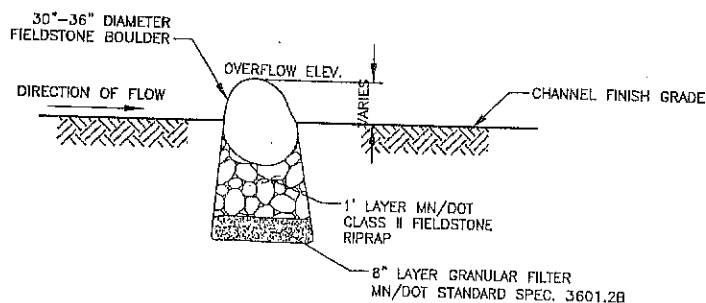
5 SECTION: BOULDER STRAIGHT VANE  
NOT TO SCALE



8 SECTION: BOULDER SPREADER  
NOT TO SCALE



3 SECTION: BOULDER CROSS VANE  
NOT TO SCALE



6 SECTION: BOULDER STRAIGHT VANE & SPREADER  
NOT TO SCALE

DRAFT - NOT FOR CONSTRUCTION

CADD USER: J. Hinek, FILE: M:\CAD\2382434\31613\_1.DWG, PLOT SCALE: 1:2, PLOT DATE: 6/25/2009 3:47 PM  
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 PLOT: M:\CAD\2382434\31613\_1.DWG, Plot at: 0, 06/25/2009 15:47:28

NO.	BY	CHK	APP.	DATE	REVISION DESCRIPTION

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 SIGNATURE: *Thomas E. Macdonald*  
 PRINTED NAME: THOMAS E. MACDONALD  
 DATE: JUN 25 2009, REG. NO.: 23505

CLIENT	BID	CONSTRUCTION	RELEASED TO/FOR	A	B	C	0	1	2	3
BARR										

**BARR**  
 Project Office:  
 BARR ENGINEERING CO.  
 4700 WEST 77TH STREET  
 MINNEAPOLIS, MN.  
 55435-4803  
 Ph: 1-800-632-2277  
 Fax: (952) 832-2601  
 www.barr.com

Scale	Date	Drawn	Checked	Designed	Approved
AS SHOWN	06/25/09	PJH2	TEM	PJH2	TEM

VALLEY BRANCH WATERSHED DIST.  
 LAKE ELMO, MINNESOTA

DEMONTREVILLE RAVINE STABILIZATION  
 LAKE ELMO, MINNESOTA  
 DETAILS

BARR PROJECT No.	23/B2-434
CLIENT PROJECT No.	
DWG. No.	
REV. No.	

**Subject:** Demontreville Ravine Stabilization Project

**From:** "K.D. Widin" <kdwidin@comcast.net>

**Date:** Fri, 07 Aug 2009 10:42:22 -0500

**To:** Kelli Matzek <kmatzek@lakeelmo.org>

Kelli -

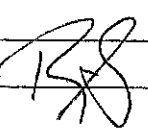
I have reviewed the revised plans for the Demontreville Ravine Stabilization project and have the following observations and comments:

1. Tree Removal: The trees to be removed are similar to the removals depicted on the original plans and the inventory which I received from Peter Hinck (Barr Engin.) after our site inspection 6/2/09.

2. Tree Protection: Tree protection fencing and other features are depicted on the revised plans in the locations Peter and I discussed at the site inspection 6/2/09. Most of the construction work is taking place within the ravine, so there should be limited construction damage to trees above the bank. If anything, this work should stabilize the side banks and prevent more damage to the root systems and resulting tree failure from undermined root systems along the ravine corridor.

3. Re-Vegetation Plan: Trees, shrubs and ground-layer plants to be used for re-vegetation in this project are hardy, native species which are appropriate for the project site and function. Six trees (red oak, bicolor oak and red maple) are being added to replace some of the trees being removed for this project. Twenty-two trees (8 greater than 10 in. in trunk diameter) are being removed due to location within the construction area. One or two of the removals are due to risk factors requiring their removal. The depicted locations for re-planting of trees, shrubs and ground-layer plants are appropriate for the project work and the discussion during the site inspection.

## MEMORANDUM

**To:** Kelli Matzek, Planner  
**Copies To:** \_\_\_\_\_  
\_\_\_\_\_  
**From:** Ryan Stempski, P.E.   
**Date:** July 30, 2009

**Reference:** VBWD Ravine Stabilization  
Demontreville Park  
City of Lake Elmo, Minnesota  
**Proj. No.:** 14290.000 Phase 9  
**Routing:** \_\_\_\_\_  
\_\_\_\_\_

As you requested, we have reviewed the grading permit for the proposed VBWD Ravine Stabilizations located in Demontreville Park, including Plan Set dated June 26, 2009.

The following comments must be addressed before an engineering approval of the site can be provided:

1. City Forester approval must be given for tree removal, tree protection, and restoration plan. Please note that it does not appear that any trees are planned to be replaced.
2. A construction start and finish date must be provided. Any changes in schedule must be provided to the City.
3. The City of Lake Elmo must be notified 48 hours prior to any construction activity. Please provide the Contractor performing the work and a single project contact for any questions during the project. Any changes from the proposed plan dated June 26, 2009 must be provided to the City.
4. City Staff must be notified prior to any tree removal, trail impacts, or removal of wooden footpaths.
5. The Project Agreement should include "Exhibit A". Approval of the Project Agreement must be obtained from the City Council.

If you have any questions, please contact me at (651) 292-4487.

**CITY of LAKE ELMO  
MAINTENANCE ADVISORY COMMITTEE**

Minutes of  
August 12, 2009

Present : Chuck Stanley, George Dege, Steve Ziertman, Dick Gustafson  
Bud Talcott, Mike Bouthilet, Rick Gustafson, GT Magnuson, and  
Brad Winkel

Absent: Steve Gurney

The meeting was called to order at 6:30pm at the Public Works Building by  
Bud Talcott.

The Fire Dept trip approval to view used Ladder Truck was added. The agenda  
was accepted with changes.

Brad made a presentation on the need of a 100ft ladder truck and reviewed the  
used 2000 (9yr old) unit that was found in Kansas, which is in very good  
condition. The cost of this truck is \$ 475,000.00 and Greg would like to go down  
and look it over. He would take three others with him at a total cost for the trip of  
\$ 2,475.

The council passed this along to us at their August 11<sup>th</sup> workshop and asked that  
we review it and make a recommendation. The comments made at the workshop  
were discussed regarding funding of this truck. It would have to be bonded and a  
dollar figure of around \$60,000 per year was stated. It would be the same  
amount per year for a new truck at twice the initial cost as it would be spread  
over a longer period of time.

The cost of a new unit built to our specs was discussed. Brad confirmed it would  
probably be in the area of twice the cost of this used unit, which is what Greg  
indicated in his cover letter. A new unit would have a life twice as long or more  
and would have a warranty, as well as the exact equipment we want on it.

George Dege stated it would be a bad business decision to invest in a used  
vehicle now and again in about 10 years when we can purchase a new unit now  
for the same overall investment cost. Used units would most likely require some  
sort of repairs where a new unit would have about a 2yr warranty period and over  
the 20 years would actually cost less.

Everyone agreed with some additional comments as to possible weak points in a  
used unit such as hydraulics, hidden rust, etc.

George asked Brad what time frame we would be looking at for a new truck. Brad  
said about 1yr. George commented with the slow economy now it might be good  
timing to get a new unit on order, both price and delivery could be better. We  
would then have it when things pick up and our population begins to grow.



**A MOTION** was made by Chuck Stanley and seconded by Steve Ziertman to recommend **NOT** traveling to Kansas to review the used 100ft ladder Truck, being it is only half the cost of a new unit and had no warranty. The motion passed.

**A MOTION** was made by Bud Talcott and seconded by Dick Gustafson to recommend the Fire Department get specifications and preliminary pricing for a new 100ft ladder truck with bucket for review. The motion passed.

**NOTE TO COUNCIL** Comments were made that some homes in the city have driveways that our trucks cannot access because of trees, other growth and obstacles. It was commented we should approach the homeowners and inform them they must remove these obstacles if they want to have full fire protection. If not, they should sign a release form or something stating they agree not to have full protection. This would release the city from any liability but hopefully would cause people to clear their driveways. Someone but who? should look into this.

The Hook-Lift truck is on the CIP for 2009. It is a vehicle that will be capable of being used for many duties, including but not limited to snow plowing, sanding, material hauling, wood chipper, transport of equipment to parks, etc. It is a vehicle that can be used year around simply by hooking up a different box to the back of it. It was decided a few years ago to replace vehicles with this unit when ever possible.

At our last meeting there were a few questions regarding the differences in the truck chassis and type of fuel required. If we should standardize on a truck color.

Mike review new updated information on the vehicles. The main concern of fuel will not be an issue. The color of this truck as with the other trucks will be white; the very large snow plows will be Green.

We again discussed the differences and the Dodge is the best choice for us with a better engine and a 6 speed transmission. We reviewed the list of equipment Mike will need for the truck.

**A MOTION** was made by George Dege and seconded by Dick Gustafson, to recommend the purchase of the Dodge model 5500 4X4 Cab and Chassis per the 2009 state contract, and body components of Hook Lift, Salt Spreader, and Plow at a total price not to exceed \$84,375.00 plus tax and license. The motion passed

Hearing no objections the meeting was adjourned at 8:20pm.

Respectfully submitted,  
Bud Talcott,  
Chairman/ Secretary

## safety concerns on Lake Elmo Ave.

From: **NEIL KRUEGER** (ndkrueger@msn.com)

Sent: Tue 8/18/09 10:23 AM

To: deanjohnston@comcast.net; cdawson@lakeelmo.org; stevedelapp@gmail.com;  
joe.gustafson@co.washington.mn.us; cory.slagle@co.washington.mn.us; ndkrueger@msn.com

Hello-- I am writing to you this morning about safety concerns along our stretch of Lake Elmo Ave. from Hwy. 36 to 5. All of us residents along this road are aware of the improvements that are being made along Hwy.5, and we are all happy for them and in agreement that this project is way overdue. We are all also aware that this project would feed alot of traffic to our Co. Rd. 17. The problem we all have now is that we never dreamed that when traffic is re-routed from one highway to another...there would be NO safety considerations made to accomodate these changes! Huh?!? It is an accident waiting to happen, especially bad during morning and afternoon rush hours! What will happen in a few weeks when school starts? Double-long buses, school buses, semis, dump trucks, and multitudes of cars (not to forget all the bicyclists and walkers) all use a narrow road with many blind hills and dips where you cannot see people on the side of the road or cars backing out of driveways. We see the police cars and ambulances whiz by several times a day to accident scenes. Here are our concerns and the safety measure we want put in place:

--REDUCE THE SPEED on Lake Elmo Ave.! There is NO excuse for those of us living on this narrow road to have to put up with 60+ mile an hour traffic!

--DOUBLE STRIPE THIS ROAD FROM HWY 36-HWY 5!

--EXTRA PERMANENT SIGNS for: STATE LAW; DO NOT PASS ON THE RIGHT SHOULDER. I got the County to put a temporary sign up just south of our driveway, but they could only leave it up for two weeks. They only have one sign? We want a PERMANENT sign (maybe several) erected so that ALL of us who are trying to make left-hand turns into our driveway are not rear-ended by those cars, buses, and semis roaring past on the right shoulder or barreling down from behind. Have you ever had to wait your turn to make a left-hand turn into your driveway...and see in your rearview mirror a double wide City bus or extra long semi streaming down the road behind you and wonder if they're going to stop? Do they even see something as small as a car in front of them?

--MANY, MANY TIMES I've seen a neighbor at their mailbox, unaware that a car just passed on the right-hand shoulder. This is a well-used bike route, and all it would take is one car passing on the right shoulder to wipe out a walker, biker...or a whole group of bicyclists.

--We invite you to plant a sheriff in our driveway to catch ALL the mistakes and abuses made on this road. It's bad enough normally, but now that we are bearing the burden of Hwy 5 traffic, safety is atrocious! It is unimaginable to us that the County could overload any road (this road) and NOT PUT any SAFETY MEASURES INTO PLACE! We all are holding our breath for when school starts and the road is overloaded with school buses and student drivers! This road is an accident waiting to happen! Why wasn't anything done to protect both the residents of this road and the people who drive it?

We need your help and the pressure of the City of Lake Elmo to put some safety measure into place along this road, and to assure your citizens that when there is ever a traffic re-arrangement anywhere in this City, that certain criteria is met or the project won't happen until all safety measures are taken. Please read this at the meeting tonight and let us know what steps are being taken by the City for our safety along Lake Elmo Ave.. Thank you.

Ndeil and Deb Krueger, and all the citizens along Lake Elmo Ave. (Co. Rd.17)

**RECEIVED**  
AUG 18 2009  
CITY OF LAKE ELMO



# City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

## MEMORANDUM

**TO:** City Council  
**FROM:** Craig W. Dawson, Interim City Administrator  
**DATE:** August 18, 2009  
**SUBJECT:** Residents' Request regarding Traffic Measures on Lake Elmo Avenue

We have received an email (printed on the back of this page) from Neil and Deb Krueger, 4452 Lake Elmo Avenue, in which they expressed concerns and requests for traffic safety measures to be taken while Lake Elmo Avenue is the detour route for construction happening on Highway 5. Staff has since followed up on these requests and can provide the following information. This has been shared with the Kruegers in telephone conversations this afternoon.

- 1) Reduce the Speed: I have contacted the Sheriff and requested that a higher priority on deputies' time be placed on traffic enforcement along Lake Elmo Avenue for the duration.

The County Public Works Department does not have a temporary driver feedback sign (i.e., speed indicator) of the proper size to put on Lake Elmo Avenue. It will ask the Sheriff's Department if the Sheriff's sign can be used. While the City has a speed indicator wagon, we have not yet checked to see if it is properly sized for a County roadway of this type.

If the residents' request entails a reduction on the 55-mph speed limit on Lake Elmo Avenue, the City could ask the County to conduct a speed study on the County's road. If the County were to agree, conduct the study, and send the results to the Commissioner of MnDOT, any change to the speed limit would not be accomplished while Lake Elmo Avenue is an official detour route.

- 2) Double-stripe the road from Highway 36 to Highway 5: The County double-stripes (i.e., mark no-passing zones) on roadways only where there are sight-line obstacles for on-coming traffic. The County will not double-stripe Lake Elmo Avenue for the entire distance requested.
- 3) Permanent Extra Signs for "Do Not Pass on Shoulder": The County has already placed its portable sign along Lake Elmo Avenue for its two-week limit on the temporary sign. It will place the sign in the cycle for rotating it around the County during the Highway 5 construction. As it is already a State law not to pass on the shoulder, the County will adhere to its County-wide policy not to place permanent signs for laws that drivers should already be following for the privilege of driving.

## Craig Dawson

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**From:** NEIL KRUEGER [ndkrueger@msn.com]  
**Sent:** Tuesday, August 18, 2009 10:24 AM  
**To:** deanjohnston@comcast.net; Craig Dawson; stevedelapp@gmail.com;  
joe.gustafson@co.washington.mn.us; cory.slagle@co.washington.mn.us;  
ndkrueger@msn.com  
**Subject:** safety concerns on Lake Elmo Ave.

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