

FILE

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

November 15, 2011

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ Emmons, ___ Park ___ Pearson ___ 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. ACCEPT MINUTES:
 - 1. Accept November 1, 2011 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. Kindred Court Drainage Corrections-Final Payment
 - 4. 2011 Crack Seal Project - Final Payment
 - 5. Special Event Permit Ordinance – Clarification & Revision Concerning Event Duration
 - 6. GASB Statement 54 Implementation
- J. REGULAR AGENDA:
 - 7. Interim Use Permit for Lake Elmo Sod Farm– Christmas Tree Sales Lot
 - 8. Interim Use Permit for Krueger Christmas Tree Farm – Allow the Supplemental Sales of Trees Grown On-Site
 - 9. Planning Services – Interim Proposal During Vacancy of City Planner Position

10. Designation of Interim City Clerk
11. Interim Finance Director
12. Mayor & City Council Salaries
13. Authorize Soil Borings for 2012 and 2013 Street Improvements
14. Well No. 4 Test Well – Preparation of Plans and Specifications
15. Library Matters

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor and City Council
- Administrator
- City Engineer
- City Attorney
- Planning Director

L. Adjourn

EXECUTIVE SESSION: 3M Litigation and Land Detachment Litigation

CLOSED MEETING: City Administrator Candidate Selection

****A social gathering may or may not be held at the Lake Elmo Inn following the meeting.****

DRAFT

City of Lake Elmo
City Council Minutes

November 1, 2011

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

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

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

APPROVAL OF AGENDA:

MOTION: Council Member Pearson moved to approve the November 1, 2011 City Council agenda, as amended by adding Item #17 Extension of Scope of Services by C&J Consulting Services. Council Member Smith seconded the motion. The motion passed 4-0.

ACCEPTED MINUTES:

The City Council accepted the October 18, 2011 City Council Meeting Minutes, as amended.

PUBLIC COMMENTS/INQUIRIES:

MOTION: Council Member Smith moved to promote Larry Cornell and Peter Ziemer from Probation to Firefighter on the Lake Elmo Fire Department. Council Member Emmons seconded the motion. The motion passed 4-0.

CONSENT AGENDA:

MOTION: Council Member Smith moved to approve Consent Agenda. Council Member Pearson seconded the motion. The motion passed 4-0.

- Approve payment of disbursements and payroll in the amount of \$250,084.15
- Adopt Ordinance No. 08-050, An Ordinance to Allow the City Council to extend "No-Wake" requirements under the Water Surface use Ordinance.
- Approve Partial Payment No. 2R1 in the amount of \$45,692 to be paid from the Project Fund for the 2011 Seal Coat Project
- Accept extension letter submitted Mr. Durand for Variance Application at 2860 Lake Elmo Avenue N.
- Adopt Resolution No. 2011-049 approving 2012 Utility Assessment Roll for Delinquent Storm Water
- Receive General Fund Report for 3rd Quarter, 2011

REGULAR AGENDA:

Consider an application for a variance to permit the construction of a screen porch at 2679 Legion Avenue N.

The City Council was asked to consider a variance application from Alan and Ralea Kupferschmidt, to allow the construction of an expanded screen porch to the south side of their home at 2769 Legion Avenue North. A variance has been requested because their lot abuts a dedicated, but unimproved publicly dedicated road right-of-way with significant City infrastructure. This lot is considered a corner lot and is subject to a 25 foot corner, side yard setback instead of the 10-foot setback if the property was adjacent to another residential property line. They are proposing to encroach no closer than 15-feet to this southern property line where the 25 foot setback is applied.

MOTION: Council Member Pearson moved to approve Resolution No. 2011-52 approving the 10-foot variance to the southern property line requested for 2769 Legion Avenue North. Council Member Smith seconded the motion. The motion passed 4-0.

Resolution No. 2011-051 drafted by City Attorney re:library associated status w/Washington County Library System

The City Council directed a resolution be prepared laying out the reasons for and requesting associate library status with the Washington County Library System. Council requested that this resolution be scheduled for consideration at its November 1st meeting. Assistant City Attorney Kevin Sandstrom drafted the proposed Resolution.

MOTION: Council Member Pearson moved to adopt Resolution No. 2011-051, as amended, requesting association between the City of Lake Elmo Library and the Washington County Library System. Mayor Johnston seconded the motion. The motion passed 4-0.

Reconsideration of Appointments to Library Board

Mayor Johnston requested reconsideration of the appointments made to the Library Board to ensure that a member of the City Council serves on the initial five-member Board. Staff reminded Council that its resolution establishing the Board allows for one Council member to serve on the Board, and thus may provide a direct link between the Council and the Board. None of the Board members or alternates have been sworn-in and officially performing his or her duties. Swearing-in will occur on the first meeting of the Board, which is scheduled for November 9, 2011.

Based on the Library Board By-Laws, the Lake Elmo Library Board will be a governing board rather than an advisory board. This was a surprise to some Council Members; therefore; Council discussed increasing its involvement on the Board and looking into ways the Board could function more as an advisory board.

MOTION: Mayor Johnston moved to appoint Mike Pearson to a two-year term on the Library Board and remove the nomination of Larry Green. Council Member Pearson seconded the motion. The Motion passed 4-0.

Lake Elmo Library – Cost Estimate for 2012 by Location

According to statutes regarding Library Boards, the Board has responsibility if it chooses to rent space or request to use existing public facilities. The Council directed preparation of estimated to operate the library in either the Art Center or the existing Rosalie A. Wahl library building.

Craig Dawson, Interim City Administrator reported the major difference in the cost estimates between the facilities is on-going rent for the Rosalie A. Wahl Library facility. While the estimates show the Art Center to be more expensive in the first year, its annual cost would be reduced by the \$31,800 in structural improvements needed there for 2012.

MOTION: Council Member Emmons moved to consider:

- *Joint meeting with the Library Board at its scheduled meeting at 7:00 p.m. November 9th*
- *Explore ways for the Library Board to function more as an advisory board rather than an autonomous governing board*
- *Expedite a meeting between Washington County and the Council's Library Subcommittee (Mayor Johnston and Council Member Pearson) to gain an associate/affiliate status with Washington County Library*
- *The Art Center is the preferred location for the library, provided that sufficient construction cost reductions can be achieved, with the current library location as the fall-back site for the library*
- *Look at reductions in three costs areas that may achieve \$60,000 less in expenditures in 2012*
- *Prefer that the Library's budget include a designation of 10 percent of funds for future site acquisition, and 5 percent for contingency*

Council Member Pearson seconded the motion. The motion passed 3-1 (Council Member Smith voting against.)

Special Event Permit Ordinance

The City Council considered adopting a new ordinance to regulate special events within the City. The Council reviewed a revised ordinance at its September 13, 2011 workshop and at that time, direct staff to prepare the ordinance for consideration at a future meeting. The requested revisions have been made and the ordinance was presented for formal Council action.

Based on the discussion at the workshop meeting, Planning Director Klatt made two significant changes to the ordinance as follows:

- A minimum threshold of 100 people per day has been established in order for an event to qualify as a "Special Event" under the ordinance.
- The process for an administrative review and approval has been removed so that all permits are now subject to review and approval by the City Council.

Kyle Klatt explained a Special Event Permit is intended to provide some regulation of temporary events on a case-by-case basis and is intended to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provisions of parking, traffic, sanitary facilities, utilities, public safety services and peace and tranquility of residential neighborhoods.

Using Country Sun Farms as an example, Klatt clarified as the way this ordinance is written, the concept for allowing special activities for Agricultural Sales applies only to Ag Sales and would not apply to Ag Entertainment that takes place on premises.

Country Sun Farm has an Interim Use Permit for Ag sales and Ag Entertainment. They would have to apply for a Special Use Permit for Non-Ag Sales and meet the criteria for approval.

MOTION: Council Member Pearson moved to adopt Ordinance No. 08-054 adding Temporary Special Event Permits. Council Member Emmons seconded the motion. The motion passed 4-0.

MOTION: Council Member Pearson moved to adopt Resolution No. 2011-054 for publication. Council Member Emmons seconded the motion. The motion passed 4-0.

2012 Capital Improvement Plan CIP – Discussion on Major Projects

Jack Griffin, City Engineer, presented an overview of major Capital Improvement Projects scheduled for 2012 construction.

Major infrastructure projects planned for 2012 include (per the 2011-2015 CIP):

- 2012 Street & Water Quality Improvements
- 2012 MSA Street Improvements (Keats Avenue N.)
- Keats Avenue N. Trunk Watermain

2011 CIP projects NOT completed in 2011 include:

- Well and Pumphouse No. 4
- I94 to 30th Street Trunk Sewer Project

A final version of the 2012-2016 CIP will be brought forward for Council approval at a future meeting.

Health Insurance Funding

The City Council decided that the City's cost for employee health insurance would not increase from 2011-2012. It identified \$16,000 to be used for specific one-time salary adjustments with the overriding concern that it enhances the ability of the City to retain and recruit employees for those positions. The City has received quotes for insurance plans, and City employees have indicated their preference for one that would increase the City's costs \$3,114 over 2011. The Council was asked to approve participation in the Blue Cross Blue Shield Aware Gold plan through the Southwest West Central Service Cooperative.

MOTION: Council Member Pearson moved to authorize renewal of employee health insurance for 2012 through the Southwest/West Central Service Cooperative and to select the Blue Cross Blue Shield Aware Gold Plan. Council Member Emmons seconded the motion. The motion passed 4-0.

Cancel November 8th Council Workshop due to School Election

MOTION: Council Member Emmons moved to cancel the November 8th Council Workshop due to the scheduled School Elections on that date. Council Member Pearson seconded the motion. The motion passed 4-0.

Extension of Scope of Services by C&J Consulting Services, LLP

The Finance Department (Interim Finance Director and C&J Consulting Services, the support services contractor) have reviewed the scope of services performed. Some shifting of clerical work among the C&J staff and the addition of analytical/project management functions would provide the most cost-effective arrangement to handle the work necessary in the Finance Department. The additional services will be assigned by the Interim Finance Director as needed.

MOTION: Council Member Emmons moved to approve the modification of the contract between the City and C&J Consulting Services, LLP per its proposal dated October 31, 2011. Council Member Pearson seconded the motion. The motion passed 4-0.

REPORTS:

Council Member Pearson suggested the Planning Commission review signage in the downtown area. Planner Klatt responded signage will be reviewed when the Old Village standards are developed

Planning Director Kyle Klatt will provide information at the next meeting on planning services to assist the planning department due to the departure of Planner Matzek.

The Council adjourned the meeting at 10:10 p.m.




MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/2011
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$ 185,992.48

SUBMITTED BY: Joe Rigdon, Interim Finance Director

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Joan Ziertman, Finance Consultant 

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$185,992.48 No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operation. Below is a summary of current claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 10,549.35	Payroll Taxes to IRS 11/3/2011
ACH	\$ 2,267.81	Payroll Taxes to MN Dept. of Revenue 11/3/2011
ACH	\$ 4,177.55	Payroll Retirement to PERA 11/3/2011
DD3630 – DD3669	\$ 22,102.98	Payroll Dated 11/3/2011 (Direct Deposit)
37675 - 37690	\$ 16,859.24	Payroll Dated 11/3/2011 (Payroll A/P)
37691 – 37765	\$ 130,035.55	Accounts Payable Dated 11/15/2011
TOTAL	\$ 185,992.48	

STAFF REPORT: City staff has complied and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$185,992.48

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve the November 15, 2011, Disbursements as Presented [*and modified*] herein.”

ATTACHMENTS:

1. Accounts Payable Dated 11/15/2011

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

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

Accounts Payable To Be Paid Proof List

User: joan z
 Printed: 11/10/2011 - 2:08 PM
 Batch: 005-11-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
10000	10,000 Lakes Chapter									
11/08/2011	11/08/2011	210.00	0.00	11/18/2011	Training Conference		-	No		0000
101-420-2400-44370	Conferences & Training									
	11/08/2011 Total:	210.00								
	10000 Total:	210.00								
ADKINS Adkins Marion										
11/10/2011	11/10/2011	25.01	0.00	11/15/2011	Refund Overpayment of SW		-	No		0000
603-000-0000-37100	Surface Water Utility Sales									
	11/10/2011 Total:	25.01								
	ADKINS Total:	25.01								
AIRGAS Airgas North Central										
105886849	10/31/2011	24.75	0.00	11/18/2011	Tank Lease		-	No		0000
101-430-3100-43150	Contract Services									
	105886849 Total:	24.75								
	AIRGAS Total:	24.75								
ALLIED Allied Electrical Cont., Inc.										
2195	10/25/2011	543.00	0.00	11/18/2011	Repair Lights at Station #1		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	2195 Total:	543.00								
	ALLIED Total:	543.00								
ALLSEASO All Seasons Roofing & Construc										
10/24/2011	10/24/2011	5,270.00	0.00	11/18/2011	Park Shelter roof		-	No		0000
404-480-8000-45300	Improvements Other Than Bldgs									
	10/24/2011 Total:	5,270.00								
	ALLSEASO Total:	5,270.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ANCOM ANCOM COMMUNICATIONS, INC.										
21372	03/24/2011	9.50	0.00	11/18/2011	Missed Paying Shipping on invoice		-	No		0000
101-420-2220-43230	Radio									
	21372 Total:	9.50								
	ANCOM Total:	9.50								
ANDERNIC Nicholas Anderson										
11/07/2011	11/07/2011	55.00	0.00	11/18/2011	Cabled PZ Meeting 11/7/11		-	No		0000
101-410-1450-43620	Cable Operations									
	11/07/2011 Total:	55.00								
	ANDERNIC Total:	55.00								
ARAM Aramark, Inc.										
629-7335461	10/27/2011	21.71	0.00	11/18/2011	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	629-7335461 Total:	21.71								
629-7357248	11/08/2011	93.78	0.00	11/18/2011	Monthly Rug Service, Station #2		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7357248 Total:	93.78								
629-7357249	11/08/2011	92.92	0.00	11/18/2011	Monthly Rug Service, Station #1		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7357249 Total:	92.92								
629-7360375	11/03/2011	21.71	0.00	11/18/2011	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	629-7360375 Total:	21.71								
629-7362215	11/08/2011	128.53	0.00	11/18/2011	Linen City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7362215 Total:	128.53								
629-7362216	11/08/2011	64.66	0.00	11/18/2011	Linen Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7362216 Total:	64.66								
	ARAM Total:	423.31								
BROCK BROCK WHITE CONSTRUCTION										
12155854	10/27/2011	375.00	0.00	11/18/2011	Erosion Logs		-	No		0000
603-496-9500-42270	Utility System Maint Supplies									
	12155854 Total:	375.00								
	BROCK Total:	375.00								
BRYAN Bryan Rock Products, Inc.										
61372	10/31/2011	621.60	0.00	11/18/2011	Red ball Field Aggregate VFW		-	No		0000
101-450-5200-42250	Landscaping Materials									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	61372 Total:	621.60								
	BRYAN Total:	621.60								
C&J CONS C & J Consulting Services, LLP										
Oct 2011	11/01/2011	4,625.00	0.00	11/18/2011	Monthly Accounting Services - Oct 2011		-	No		0000
101-410-1520-43150 Contract Services										
	Oct 2011 Total:	4,625.00								
	C&J CONS Total:	4,625.00								
CENCOLLE Century College										
436559	10/17/2011	238.00	0.00	11/18/2011	B. Sachs, Safety Officer/Code Violations		-	No		0000
101-420-2220-44370 Conferences & Training										
	436559 Total:	238.00								
436564	10/17/2011	118.00	0.00	11/18/2011	Malmquist, Turkowski, Pub Safety Inst		-	No		0000
101-420-2220-44370 Conferences & Training										
	436564 Total:	118.00								
437213	10/17/2011	300.00	0.00	11/18/2011	Klein, Public Safety Instructor		-	No		0000
101-420-2220-44370. Conferences & Training										
	437213 Total:	300.00								
437457	10/17/2011	300.00	0.00	11/18/2011	Olson, Public Safety Instructor		-	No		0000
101-420-2220-44370 Conferences & Training										
437457	10/17/2011	359.00	0.00	11/18/2011	Cornell, Public Safety Inst/Code Viol		-	No		0000
101-420-2220-44370 Conferences & Training										
	437457 Total:	659.00								
	CENCOLLE Total:	1,315.00								
COMCAST COMCAST										
10/27/2011	10/27/2011	7.90	0.00	11/18/2011	Monthly Service		-	No		0000
101-420-2220-44300 Miscellaneous										
	10/27/2011 Total:	7.90								
	COMCAST Total:	7.90								
COMPENSA Compensation Consultants, Ltd										
Aug 11	08/01/2011	40.00	0.00	11/18/2011	Monthly FSA Admin Fee August 2011		-	No		0000
101-410-1320-44300 Miscellaneous										
	Aug 11 Total:	40.00								
	COMPENSA Total:	40.00								
CORNE Comerstone Land Surveying, In										
7676	10/15/2011	490.00	0.00	11/18/2011	Land Survey Lake Elmo Annex		-	No		0000
101-410-1910-43150 Contract Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
7676 Total:		490.00								
CORNE Total:		490.00								
COVERALL Coverall of The Twin Cities										
7070171793	11/01/2011	321.38	0.00	11/18/2011	Cleaning City Hall & Annex		-	No		0000
101-410-1940-44010 Repairs/Maint Contractual Bldg		321.38								
7070171793 Total:		321.38								
COVERALL Total:		321.38								
CTYBLOOM City of Bloomington										
October 2011	10/31/2011	110.00	0.00	11/18/2011	Lab Bacteria Tests		-	No		0000
601-494-9400-42270 Utility System Maintenance		110.00								
October 2011 Total:		110.00								
CTYBLOOM Total:		110.00								
CTYROSEV City of Roseville										
215301	11/02/2011	1,551.58	0.00	11/18/2011	Monthly IT Services - November 2011		-	No		0000
101-410-1450-43180 Information Technology/Web		1,551.58								
215301 Total:		1,551.58								
CTYROSEV Total:		1,551.58								
DUERSSCHE Duerschel Jon										
Sept 2011	09/30/2011	400.00	0.00	11/15/2011	40' of 6" Curb		-	No		0000
101-430-3120-43150 Contract Services		400.00								
Sept 2011 Total:		400.00								
DUERSSCHE Total:		400.00								
ECKBERG Eckberg Lamers Briggs Wolff										
10-2011	10/31/2011	3,896.60	0.00	11/18/2011	Legal Services - Prosecution		-	No		0000
101-420-2150-43045 Attorney Criminal		3,896.60								
10-2011 Total:		3,896.60								
115510	10/31/2011	9,595.91	0.00	11/18/2011	Legal Services - Civil		-	No		0000
101-410-1320-43040 Legal Services		9,595.91								
115510 Total:		9,595.91								
ECKBERG Total:		13,492.51								
EJ-BBJOR Bjorkman Barb										
Precinct 1	11/08/2011	80.00	0.00	11/18/2011	Precinct 1 Election Judge		-	No		0000
101-410-1410-43150 Contract Services		80.00								
Precinct 1 Total:		80.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EJ-BBJOR Total:		80.00								
EJ-BSCHU Schumacher Bob	11/08/2011	80.00	0.00	11/18/2011	Precinct 1 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 1 Total:		80.00								
EJ-BSCHU Total:		80.00								
EJ-BWACK Wacker Bill		80.00	0.00	11/18/2011	Precinct 1 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 1 Total:		80.00								
EJ-BWACK Total:		80.00								
EJ-BWEEK Weeks Bruce		70.00	0.00	11/18/2011	Precinct 1 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 1 Total:		70.00								
EJ-BWEEK Total:		70.00								
EJ-DALLE Allen Diane		70.00	0.00	11/18/2011	Precinct 1 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 1 Total:		70.00								
EJ-DALLE Total:		70.00								
EJ-DMEYE Meyer Don		70.00	0.00	11/18/2011	Precinct 1 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 1 Total:		70.00								
EJ-DMEYE Total:		70.00								
EJ-JALLE Allen Jim		178.50	0.00	11/18/2011	Precinct 2 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 2 Total:		178.50								
EJ-JALLE Total:		178.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EJ-JKIEG Kiefner Jan	11/08/2011	80.00	0.00	11/18/2011	Precinct 2 Election Judge		-	No		0000
Precinct 2	11/08/2011	80.00								
101-410-1410-43150	Contract Services	80.00								
	Precinct 2 Total:	80.00								
	EJ-JKIEG Total:	80.00								
EJ-JMCGR McGrath Joe	11/08/2011	80.00	0.00	11/18/2011	Precinct 2 Election Judge		-	No		0000
Precinct 2	11/08/2011	80.00								
101-410-1410-43150	Contract Services	80.00								
	Precinct 2 Total:	80.00								
	EJ-JMCGR Total:	80.00								
EJ-JMEHS Mehsikomer Joyce	11/08/2011	165.00	0.00	11/18/2011	Precinct 1 Election Judge		-	No		0000
Precinct 1	11/08/2011	165.00								
101-410-1410-43150	Contract Services	165.00								
	Precinct 1 Total:	165.00								
	EJ-JMEHS Total:	165.00								
EJ-JROTH Roth Jim	11/08/2011	70.00	0.00	11/18/2011	Precinct 1 Election Judge		-	No		0000
Precinct 1	11/08/2011	70.00								
101-410-1410-43150	Contract Services	70.00								
	Precinct 1 Total:	70.00								
	EJ-JROTH Total:	70.00								
EJ-LWAGN Wagner Linda	11/08/2011	80.00	0.00	11/18/2011	Precinct 1 Election Judge		-	No		0000
Precinct 1	11/08/2011	80.00								
101-410-1410-43150	Contract Services	80.00								
	Precinct 1 Total:	80.00								
	EJ-LWAGN Total:	80.00								
EJ-MGRUN Grundenen Mary	11/09/2011	80.00	0.00	11/18/2011	Precinct 2 Election Judge		-	No		0000
Precinct 2	11/09/2011	80.00								
101-410-1410-43150	Contract Services	80.00								
	Precinct 2 Total:	80.00								
	EJ-MGRUN Total:	80.00								
EJ-NHANS Hansen Nancy	11/08/2011	176.00	0.00	11/18/2011	Precinct 2 Election Judge		-	No		0000
Precinct 2	11/08/2011	176.00								
101-410-1410-43150	Contract Services	176.00								
	Precinct 2 Total:	176.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EJ-NHANS Total:		176.00								
EJ-PMCGR McGrath Paula	11/08/2011	80.00	0.00	11/18/2011	Precinct 2 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 2 Total:		80.00								
EJ-PMCGR Total:		80.00								
EJ-PODON O'Donnell Pat		80.00	0.00	11/18/2011	Precinct 2 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 2 Total:		80.00								
EJ-PODON Total:		80.00								
EJ-PPAUL Paulson Phyllis		80.00	0.00	11/18/2011	Precinct 2 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 2 Total:		80.00								
EJ-PPAUL Total:		80.00								
EJ-PRYBE Ryberg Paul		70.00	0.00	11/18/2011	Precinct 1 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 1 Total:		70.00								
EJ-PRYBE Total:		70.00								
EJ-SDURA Durand Shirley		80.00	0.00	11/18/2011	Precinct 1 election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 1 Total:		80.00								
EJ-SDURA Total:		80.00								
EJ-SHAUG Haugen Suzanne		80.00	0.00	11/18/2011	Precinct 2 Election Judge		-		No	0000
101-410-1410-43150 Contract Services										
Precinct 2 Total:		80.00								
EJ-SHAUG Total:		80.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
EJ-VWAGO Wagoner Violet		157.50	0.00	11/18/2011	Precinct 1 Election Judge		-	No		0000
Precinct 1	11/09/2011	157.50								
101-410-1410-43150 Contract Services		157.50								
	Precinct 1 Total:	157.50								
	EJ-VWAGO Total:	157.50								
EJ-WHIRS Hirsch Wil		80.00	0.00	11/18/2011	Precinct 2 Election Judges		-	No		0000
Precinct 2	11/08/2011	80.00								
101-410-1410-43150 Contract Services		80.00								
	Precinct 2 Total:	80.00								
	EJ-WHIRS Total:	80.00								
EJ-WLOOS Loos Wendy		80.00	0.00	11/18/2011	Precinct 2 Election Judge		-	No		0000
Precinct 2	11/08/2011	80.00								
101-410-1410-43150 Contract Services		80.00								
	Precinct 2 Total:	80.00								
	EJ-WLOOS Total:	80.00								
EMERGAPP Emergency Apparatus Maint. INC		218.64	0.00	11/18/2011	L1, Siren Repair		-	No		0000
57101	10/25/2011	218.64								
101-420-2220-44040 Repairs/Maint Eqpt		218.64								
	57101 Total:	218.64								
	EMERGAPP Total:	218.64								
ENVENTIS ENVENTIS		566.30	0.00	11/15/2011	Telephone/Data Services - CH Nov		-	No		0000
11/01/2011	11/01/2011	566.30			2011					
101-410-1940-43210 Telephone		455.98			Telephone/Data Services - PW Nov		-	No		0000
11/01/2011	11/01/2011	455.98			2011					
101-430-3100-43210 Telephone		1,022.28								
	11/01/2011 Total:	1,022.28								
	ENVENTIS Total:	1,022.28								
FOCUS Focus Engineering, Inc.		9,225.06	0.00	11/18/2011	General Engineering		-	No		0000
45 & 46	11/08/2011	9,225.06								
101-410-1930-43030 Engineering Services		1,035.00								
	45 & 46 Total:	1,035.00								
47	11/08/2011	5,225.92								
101-420-2400-43030 Engineering		5,225.92								
47	11/08/2011	5,225.92								
101-410-1910-43030 Engineering Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
47	11/08/2011	2,696.28	0.00	11/18/2011	General Engineering - VRA		-		No	0000
409-480-8000-43030	Engineering Services									
47	11/08/2011	267.00	0.00	11/18/2011	General Engineering - VRA		-		No	0000
404-480-8000-43030	Engineering Services									
47	11/08/2011	2,993.16	0.00	11/18/2011	General Engineering - VRA		-		No	0000
101-430-3100-43030	Engineering Services									
47	11/08/2011	1,659.50	0.00	11/18/2011	General Engineering - VRA		-		No	0000
601-494-9400-43030	Engineering Services									
47	11/08/2011	97.00	0.00	11/18/2011	General Engineering - VRA		-		No	0000
602-495-9450-43030	Engineering Services									
47	11/08/2011	675.00	0.00	11/18/2011	General Engineering - VRA		-		No	0000
603-496-9500-43030	Engineering Services									
47 Total:		14,648.86								
48	11/08/2011	2,120.55	0.00	11/18/2011	Development - Whistling Valley		-		No	0000
203-490-9070-43030	Engineering Services									
48 Total:		2,120.55								
49	11/08/2011	180.00	0.00	11/18/2011	Development - Sanctuary		-		No	0000
203-490-9070-43030	Engineering Services									
49 Total:		180.00								
50	11/08/2011	946.10	0.00	11/18/2011	Lake Elmo 2010 Street & Water Quality		-		No	0000
417-480-8000-43030	Engineering Services									
50 Total:		946.10								
51	11/08/2011	396.50	0.00	11/18/2011	2011 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services									
51 Total:		396.50								
52	11/08/2011	787.32	0.00	11/18/2011	2011 Street Improvement/Water Quality		-		No	0000
418-480-8000-43030	Engineering Services									
52 Total:		787.32								
53	11/08/2011	2,539.24	0.00	11/18/2011	Lake Elmo Crt Drainage Correction		-		No	0000
409-480-8000-43030	Engineering Services									
53 Total:		2,539.24								
54	11/08/2011	3,631.23	0.00	11/18/2011	Lake Elmo District Sidewalk Maint.		-		No	0000
409-480-8000-43030	Engineering Services									
54 Total:		3,631.23								
55	11/08/2011	170.00	0.00	11/18/2011	1-94 to 30th Street - Village Sanitary		-		No	0000
413-480-8000-43030	Engineering Services									
55 Total:		170.00								
56	11/08/2011	149.00	0.00	11/18/2011	10th Street Infrastructure Planning		-		No	0000
602-495-9450-43030	Engineering Services									
56 Total:		149.00								
57	11/08/2011	177.00	0.00	11/18/2011	Supply Well & Pump		-		No	0000
601-494-9400-43030	Engineering Services									
57 Total:		177.00								
58	11/08/2011	118.00	0.00	11/18/2011	3M Litigation		-		No	0000
601-494-9400-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	58 Total:	118.00								
	FOCUS Total:	35,088.86								
<hr/>										
GOPHER	Gopher State One-Call	181.35	0.00	11/18/2011	Line Locates - October 2011			No		0000
20405	11/01/2011									
101-430-3100-43150	Contract Services	181.35								
	20405 Total:	181.35								
	GOPHER Total:	181.35								
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Gophsael	GOPHER STATE SEALCOAT INC.	14,000.00	0.00	11/15/2011	2011 Crack Seal Project			No		0000
13086	10/27/2011									
418-480-8000-45300	Improvements Other Than Bldgs	14,000.00								
	13086 Total:	14,000.00								
	Gophsael Total:	14,000.00								
<hr/>										
HAGBERGS	Hagbergs Country Market	17.48	0.00	11/18/2011	Office Meeting Supplies			No		0000
10/31/11	10/31/2011									
101-410-1320-42000	Office Supplies	17.48								
	10/31/11 Total:	17.48								
LE Fire Dept	11/01/2011	1.33	0.00	11/18/2011	Fire Prevention			No		0000
101-420-2220-42090	Fire Prevention	1.33								
	LE Fire Dept Total:	1.33								
	HAGBERGS Total:	18.81								
<hr/>										
HARDDRIV	Harddrives, Inc.	35,784.35	0.00	11/15/2011	Kindred Court Drainage Corrections			No		0000
Final Pmt	11/15/2011									
409-480-8000-45300	Improvements Other Than Bldgs	35,784.35								
	Final Pmt Total:	35,784.35								
	HARDDRIV Total:	35,784.35								
<hr/>										
KDV Kern DeWenter	Viere Ltd	4,792.50	0.00	11/18/2011	Financial Services - October 2011			No		0000
135913	10/31/2011									
101-410-1520-43150	Contract Services	4,792.50								
	135913 Total:	4,792.50								
	KDV Total:	4,792.50								
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LEOIL Lake	Elmo Oil, Inc.	154.35	0.00	11/18/2011	Fuel			No		0000
10/31/2011	10/31/2011									
101-420-2220-42120	Fuel, Oil and Fluids	154.35								
	10/31/2011 Total:	154.35								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
Multi	10/31/2011	3,668.97	0.00	11/18/2011	Fuel		-			No 0000
	101-430-3120-42120 Fuel, Oil and Fluids									
	Multi Total:	3,668.97								
	LEOIL Total:	3,823.32								
Lillie Newspapers Inc. Lillie Suburban										
	10/31/2011	50.63	0.00	11/18/2011	Legal Notices Planning Dept		-			No 0000
	101-410-1320-43510 Legal Publishing									
	10/31/2011 Total:	50.63								
	Lillie Total:	50.63								
LOFF Loffler Companies, Inc.										
	1320590 11/07/2011	226.34	0.00	11/18/2011	Copy Machines Overage & Base Oct 2011		-			No 0000
	101-410-1940-44040 Repairs/Maint Contractual Eqpt									
	1320590 Total:	226.34								
	1320738 11/07/2011	21.51	0.00	11/15/2011	Toner Cartridges for Copier - City Hall		-			No 0000
	101-410-1320-42000 Office Supplies									
	1320738 Total:	21.51								
	LOFF Total:	247.85								
MARONEYS Maroney's Sanitation, Inc										
	410885 11/01/2011	108.32	0.00	11/18/2011	Waste Removal - City Hall		-			No 0000
	101-410-1940-43840 Refuse									
	410885 11/01/2011	47.68	0.00	11/18/2011	Waste Removal - Fire		-			No 0000
	101-420-2220-43840 Refuse									
	410885 11/01/2011	207.81	0.00	11/18/2011	Waste Removal - Public Works		-			No 0000
	101-430-3100-43840 Refuse									
	410885 11/01/2011	285.06	0.00	11/18/2011	Waste Removal - Parks		-			No 0000
	101-450-5200-43840 Refuse									
	410885 Total:	648.87								
	MARONEYS Total:	648.87								
MES Municipal Emergency Services										
	00273500-SNV 11/02/2011	92.93	0.00	11/18/2011	Replacement Flashlight		-			No 0000
	101-420-2220-42400 Small Tools & Equipment									
	00273500-SNV Total:	92.93								
	MES Total:	92.93								
METCOU Metropolitan Council										
	0000974089 11/02/2011	1,282.98	0.00	11/18/2011	Monthly Wastewater Service - Dec 2011		-			No 0000
	602-495-9450-43820 Sewer Utility - Met Council									

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

0000974089 Total: 1,282.98
 METCOU Total: 1,282.98

MILLEREX Miller Excavating, Inc.
 15856 10/26/2011 1,772.61 0.00 11/18/2011 Water Main Excavation & Materials - No 0000
 601-494-9400-44030 Repairs/Maint Imp Not Bldgs
 15856 10/26/2011 509.85 0.00 11/18/2011 Gravel Road Grading - No 0000
 101-430-3120-44040 Repairs/Maint Eqpt
 15856 Total: 2,282.46
 MILLEREX Total: 2,282.46

MILLSCOL Mills Cole
 11/9/11 11/09/2011 55.00 0.00 11/15/2011 Cabled Live Mtg - Council Mtg - No 0000
 101-410-1450-43620 Cable Operations
 11/9/11 Total: 55.00
 MILLSCOL Total: 55.00

MN NATIV Minnesota Native Landscapes
 6977 & 7084 10/20/2011 1,075.00 0.00 11/18/2011 Weed Control & Site Visit - Sunfish Park - No 0000
 404-480-8000-45300 Improvements Other Than Bldgs
 6977 & 7084 Total: 1,075.00
 MN NATIV Total: 1,075.00

MNPLAYGR Minnesota Playground Inc.
 2011393 11/04/2011 222.30 0.00 11/18/2011 Dogipot Bags - No 0000
 101-450-5200-44300 Miscellaneous
 2011393 Total: 222.30
 MNPLAYGR Total: 222.30

OAKDRC Oakdale Rental Center
 10079829 11/01/2011 73.73 0.00 11/18/2011 Propane Patching Trailer - No 0000
 101-430-3120-42240 Street Maintenance Materials
 10079829 Total: 73.73
 OAKDRC Total: 73.73

PLANTH PLANT HEALTH ASSOCIATES, INC
 1064-11 11/07/2011 1,150.00 0.00 11/18/2011 Forester Services - Sept & Oct 2011 - No 0000
 101-430-3250-43150 Contract Services
 1064-11 Total: 1,150.00

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PLANTH Total:		1,150.00								
PRESSA Anastasia Press										
11/01/2011	11/01/2011	55.00	0.00	11/18/2011	Cabled Live - CC Meeting	11/1/11	-	No		0000
101-410-1450-43620	Cable Operations									
11/01/2011 Total:		55.00								
PRESSA Total:		55.00								
RIVRCOOP River Country Cooperative										
10/31/2011	11/08/2011	708.03	0.00	11/18/2011	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
10/31/2011 Total:		708.03								
RIVRCOOP Total:		708.03								
S&T S&T Office Products, Inc.										
010V8840	10/25/2011	258.10	0.00	11/18/2011	Office Supplies - Toner Cartridge		-	No		0000
101-420-2220-42000	Office Supplies									
010V8840	10/25/2011	-119.45	0.00	11/18/2011	Credit Memo - 01ov9927		-	No		0000
101-410-1520-44300	Miscellaneous									
010V8840 Total:		138.65								
010W1801	11/01/2011	11.81	0.00	11/15/2011	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
010W1801 Total:		11.81								
010W3368	11/03/2011	119.20	0.00	11/15/2011	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
010W3368 Total:		119.20								
S&T Total:		269.66								
SAMSCLUB Sam's Club										
11/02/2011	11/02/2011	57.30	0.00	11/18/2011	Rehab Supplies, station supplies		-	No		0000
101-420-2220-44300	Miscellaneous									
11/02/2011	11/02/2011	30.56	0.00	11/18/2011	Station Supplies		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
11/02/2011	11/02/2011	9.88	0.00	11/18/2011	Vehicle Supplies		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
11/02/2011	11/02/2011	123.92	0.00	11/18/2011	City Hall Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
11/02/2011 Total:		221.66								
SAMSCLUB Total:		221.66								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SCHWAAB Schwaab, Inc.										
B57634	10/14/2011	168.68	0.00	11/18/2011	4 stamps - Bldg Dept					No 0000
101-420-2400-42000	Office Supplies	168.68								
	B57634 Total:	168.68								
	SCHWAAB Total:	168.68								
STDELANO State Bank of Delano										
12/01/2011	12/01/2011	44,000.00	0.00	11/18/2011	GO Equipment of Certificate 2006 A					No 0000
314-480-8000-46010	Bond Principal				Prin					
12/01/2011	12/01/2011	803.00	0.00	11/18/2011	GO Equipment of Certificate 2006 A					No 0000
314-480-8000-46110	Bond Interest				Int					
	12/01/2011 Total:	44,803.00								
	STDELANO Total:	44,803.00								
TKDA TKDA, Inc.										
0201210903139	11/09/2011	32.78	0.00	11/18/2011	General Engineering					No 0000
101-430-3100-43030	Engineering Services									
	0201210903139 Total:	32.78								
0201210903140	11/09/2011	118.45	0.00	11/18/2011	General Engineering - VRA					No 0000
101-410-1910-43030	Engineering Services									
0201210903140	11/09/2011	115.38	0.00	11/18/2011	General Engineering - VRA					No 0000
409-480-8000-43030	Engineering Services									
	0201210903140 Total:	233.83								
0201210903141	11/09/2011	178.92	0.00	11/18/2011	2011 Seal Coat Project					No 0000
409-480-8000-43030	Engineering Services									
	0201210903141 Total:	178.92								
0201210903142	11/09/2011	474.06	0.00	11/18/2011	Lake Elmo Crt Drainage Correction					No 0000
409-480-8000-43030	Engineering Services									
	0201210903142 Total:	474.06								
0201210903143	11/09/2011	128.25	0.00	11/18/2011	Lake Elmo District Sidewalk Maint					No 0000
409-480-8000-43030	Engineering Services									
	0201210903143 Total:	128.25								
	TKDA Total:	1,047.84								
TRI-P TRI STATE PUMP & CONTROL INC.										
32011	10/26/2011	377.53	0.00	11/18/2011	Lift Station Pump Re-build					No 0000
602-495-9450-44030	Repairs\Maint Imp Not Bldgs									
	32011 Total:	377.53								
	TRI-P Total:	377.53								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
VISALE40 VISA										
10/31/2011	10/31/2011	184.30	0.00	11/18/2011	Planning Conference		-		No	0000
101-410-1910-44370	Conferences & Training									
10/31/2011	10/31/2011	75.00	0.00	11/18/2011	MN Fall Expo - 3 attendees @ \$25		-		No	0000
101-410-1320-43040	Legal Services									
	10/31/2011 Total:	259.30								
	VISALE40 Total:	259.30								
WAS-TRAN Washington County										
70554 & 70555	10/19/2011	1,449.90	0.00	11/18/2011	Catch basin Repairs		-		No	0000
101-430-3120-43150	Contract Services									
	70554 & 70555 Total:	1,449.90								
	WAS-TRAN Total:	1,449.90								
WATERCON Water Conservation Services In										
2812	10/26/2011	222.95	0.00	11/18/2011	Leak Detection Service		-		No	0000
601-494-9400-44300	Miscellaneous									
	2812 Total:	222.95								
	WATERCON Total:	222.95								
XCEL Xcel Energy										
51-0117417-0	11/08/2011	34.18	0.00	11/18/2011	Welcome Sign		-		No	0000
101-430-3160-43810	Street Lighting									
	51-0117417-0 Total:	34.18								
51-4504807-7	11/09/2011	28.92	0.00	11/18/2011	Lights at Legion Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-4504807-7	11/09/2011	79.87	0.00	11/18/2011	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-4504807-7	11/09/2011	30.41	0.00	11/18/2011	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
	51-4504807-7 Total:	139.20								
51-4576456-3	11/08/2011	256.28	0.00	11/18/2011	Fire Station #2		-		No	0000
101-420-2220-43810	Electric Utility									
	51-4576456-3 Total:	256.28								
51-4580376-5	11/08/2011	262.58	0.00	11/18/2011	City Hall		-		No	0000
101-410-1940-43810	Electric Utility									
51-4580376-5	11/08/2011	28.98	0.00	11/18/2011	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4580376-5	11/08/2011	241.74	0.00	11/18/2011	City Hall		-		No	0000
101-410-1940-43810	Electric Utility									
	51-4580376-5 Total:	533.30								
51-4733556-8	11/08/2011	16.93	0.00	11/18/2011	Tennis Courts		-		No	0000
101-450-5200-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	51-4733556-8 Total:	16.93								
51-5044219-0	11/08/2011	50.75	0.00	11/18/2011	Parks Bldg		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5044219-0 Total:	50.75								
51-5275289-3	11/08/2011	9.95	0.00	11/18/2011	Pebble Park		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5275289-3 Total:	9.95								
51-5356323-8	11/09/2011	1,947.74	0.00	11/18/2011	Wells 1 & 2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-5356323-8 Total:	1,947.74								
51-5522332-2	11/08/2011	37.80	0.00	11/18/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-5522332-2 Total:	37.80								
51-5747685-4	11/08/2011	79.34	0.00	11/18/2011	Arts Center		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5747685-4 Total:	79.34								
51-5916043-7	11/08/2011	17.68	0.00	11/18/2011	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
	51-5916043-7 Total:	17.68								
51-6429583-8	11/08/2011	16.13	0.00	11/18/2011	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
	51-6429583-8 Total:	16.13								
51-6433976-2	11/08/2011	225.42	0.00	11/18/2011	Fire Station #1		-	No		0000
101-420-2220-43810	Electric Utility									
	51-6433976-2 Total:	225.42								
51-6625457-1	11/08/2011	69.44	0.00	11/18/2011	Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6625457-1 Total:	69.44								
51-6736544-2	11/09/2011	1,920.56	0.00	11/18/2011	Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6736544-2 Total:	1,920.56								
51-6928283-3	11/08/2011	26.71	0.00	11/18/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6928283-3 Total:	26.71								
51-6956201-4	11/08/2011	44.02	0.00	11/18/2011	VFW Ballfields		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6956201-4 Total:	44.02								
51-7538112-1	11/08/2011	707.73	0.00	11/18/2011	Public Works		-	No		0000
101-430-3100-43810	Electric Utility									
	51-7538112-1 Total:	707.73								
51-8126093-5	11/08/2011	19.59	0.00	11/18/2011	Water Tower #2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-8126093-5 Total:	19.59								
51-8711719-3	11/08/2011	11.15	0.00	11/18/2011	Speed Sign Hwy 5		-	No		0000
101-430-3160-43810	Street Lighting									

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

51-8711719-3 Total: 11.15
XCEL Total: 6,163.90

Report Total: 189,916.85



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/2011
CONSENT
ITEM #: 3
MOTION *as part of Consent Agenda*

AGENDA ITEM: Kindred Court Drainage Corrections – Final Payment

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works
Joe Rigdon, Interim Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to accept the work as recommended by the Assistant City Engineer and approve final payment to Hardrives, Inc., the Contractor for the Kindred Court Drainage Corrections in the amount of \$35,784.35. The warranty period will begin on November 15, 2011, and extends to November 15, 2012. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT AND BACKGROUND INFORMATION: The Kindred Court Drainage Corrections have been fully completed, including restoration and punch list items. The project Certificate of Completion has been prepared by the Project Engineer, and the one-year warranty period has been established. Final Payment in the amount of \$35,784.35 has been requested by the Contractor, Hardrives, Inc., based upon actual quantities installed. The original construction contract was in the amount of \$33,686.00. The increase in construction cost was due to the addition of draintile that was placed below the street base at the direction of the City Engineer. Standing water was observed when the street was dug up. It was determined that the saturated subbase must be drained to obtain a proper street base to support the overlying bituminous.

The total project cost including surveying, design, and construction services was \$43,530. The total authorized project budget was \$44,200.

RECOMMENDATION: Based upon the above staff report and background information, it is recommended that the City Council accept the work as recommended by the Assistant City Engineer approve as part of tonight's *Consent Agenda* Final Payment in the amount of \$35,784.35 to Hardrives, Inc.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

“Move to accept the work as recommended by the Assistant City Engineer and approve Final Payment to Hardrives, Inc. for the Kindred Court Drainage Corrections in the amount of \$35,784.35; to be paid from the General Obligation Improvement Bonds, Series 2011A. [and amended and/or modified at tonight’s meeting].”

ATTACHMENTS: (2)

1. Certificate of Completion
2. Final Quantities

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

- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: November 15, 2011

OWNER: CITY OF LAKE ELMO, MN
CONTRACTOR: HARDRIVES, INC.
PROJECT NAME: KINDRED COURT DRAINAGE CORRECTIONS
PROJECT NO.: 2011.124

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

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated October 6, 2011, and related Contract Documents as prepared by FOCUS Engineering, inc. dated September 29, 2011. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: November 15, 2011

Ryan W. Stempski Reg. No. 45395

FOCUS Engineering, inc.

THE WARRANTY PERIOD BEGINS Nov. 15, 2011 AND ENDS Nov. 15, 2012

CITY OF LAKE ELMO

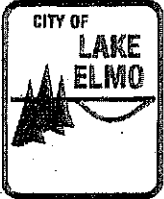
November 4, 2011

KINDRED COURT DRAINAGE CORRECTIONS

PROJECT NO. 2011.109

AS-BUILT QUANTITIES FOR HARDRIVES, INC.

ITEM NO.	ITEM	UNIT	CONTRACT QUANTITY	AS-BUILT QUANTITY	UNIT PRICE	AMOUNT TO DATE
1	MOBILIZATION	LS	1	1	\$10,000.00	\$10,000.00
2	SILT FENCE	LF	25	17	\$10.00	\$170.00
3	SAWCUT PAVEMENT (ALL TYPES)	LF	251	290	\$5.00	\$1,450.00
4	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	SY	262	330	\$20.00	\$6,600.00
5	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	EA	1	1	\$500.00	\$500.00
6	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	SY	60	47	\$10.00	\$470.00
7	COMMON EXCAVATION (CV)	CY	109	30	\$10.00	\$300.00
8	SUBGRADE CORRECTION	SY	83	0	\$10.00	\$0.00
9	SUBGRADE PREPARATION	RS	2	2	\$1,000.00	\$2,000.00
10	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	36	46	\$85.00	\$3,927.85
11	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	22	33	\$95.00	\$3,121.70
12	BITUMINOUS MATERIAL FOR TACK COAT	GAL	13	15	\$2.00	\$30.00
13	6" CONCRETE DRIVE	SY	60	47	\$50.00	\$2,350.00
14	CLASS 5 AGGREGATE	TN	91	34	\$10.00	\$339.80
15	CLASS 3 RIP RAP W/GEOTEXTILE FABRIC	CY	4	4	\$175.00	\$700.00
16	DITCH GRADING	LF	25	25	\$1.00	\$25.00
17	TOPSOIL BORROW	CY	30	9	\$30.00	\$270.00
18	SODDING	SY	121	53	\$10.00	\$530.00
	ADDITIONAL WORK - 4" DRAINTILE INSTALLATION	LF		200	\$15.00	\$3,000.00
TOTAL PROJECT AMOUNT						\$35,764.36



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/2011
CONSENT
ITEM #: 4
MOTION *as part of Consent Agenda*

AGENDA ITEM: 2011 Crack Seal Project – Final Payment

SUBMITTED BY: Ryan Stempiski, Assistant City Engineer

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works
Joe Rigdon, Interim Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to accept the work as recommended by the Assistant City Engineer and approve final payment to Gopher State Sealcoat, Inc., the Contractor for the 2011 Crack Seal Project in the amount of \$14,000. The warranty period will begin on November 15, 2011, and extends to November 15, 2013. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT AND BACKGROUND INFORMATION: The 2011 Crack Seal Project has been fully completed. The project Certificate of Completion has been prepared by the Project Engineer, and the term of the two-year warranty period has been established. Final Payment in the amount of \$14,000 has been requested by the Contractor, Gopher State Sealcoat, Inc., based upon the work completed. The original construction contract was in the amount of \$14,000 with a total project budget of \$19,000. The final total project costs came under budget at \$16,018.

RECOMMENDATION: Based upon the above staff report and background information, it is recommended that the City Council accept the work as recommended by the Assistant City Engineer and approve as part of tonight's *Consent Agenda* Final Payment in the amount of \$14,000 to Gopher State Sealcoat, Inc.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

“Move to accept the work as recommended by the Assistant City Engineer and approve Final Payment to Gopher State Sealcoat, Inc. for the 2011 Crack Seal Project in the amount of \$14,000; to be paid from the Infrastructure Reserve Fund. [and amended and/or modified at tonight’s meeting].”

ATTACHMENTS: (2)

1. Certificate of Completion
2. Contractor Invoice Dated 10/27/2011

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

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: November 15, 2011

OWNER:	<u>CITY OF LAKE ELMO, MN</u>
CONTRACTOR:	<u>GOPHER STATE SEALCOAT, INC.</u>
PROJECT NAME:	<u>2011 CRACK SEAL PROJECT</u>
PROJECT NO.:	<u>2011.109</u>

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

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated October 21, 2011, and related Contract Documents as prepared by FOCUS Engineering, inc. dated October 13, 2011. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: November 15, 2011

Ryan W. Stempski Reg. No. 45395

FOCUS Engineering, inc.

THE WARRANTY PERIOD BEGINS Nov. 15, 2011 AND ENDS Nov. 15, 2013



12519 Rhode Island Avenue
Savage, MN 55378

RECEIVED
OCT 31 2011
CITY OF LAKE ELMO

Invoice

Date	Invoice #
10/27/2011	13086

Bill To
City of Lake Elmo 3800 Laverne Ave North Lake Elmo MN 55042

Job Location
Various Streets Lake Elmo

P.O. No.	Terms	Due Date	Rep
2011.109	Net 10	11/6/2011	CAO

Description	Amount
Crackfilling	14,000.00

We appreciate your business! Questions? Call (952) 931-9188.

Total	\$14,000.00
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Phone #	952-931-9188	Fax #	952-931-0956
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MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/11

CONSENT

ITEM #: 15

ORDINANCE

AGENDA ITEM: Special Event Permit Ordinance – Clarification and Revision Concerning Event Duration

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Planning Commission (Original Ordinance)

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a minor revision to the recently adopted Special Event Permit Ordinance (Ordinance 08-054) to clarify the maximum duration allowed for a special event. This amendment has been requested by two members of the Council, and is intended to better reflect the actual intent of the Council when it decided to adopt a Special Event Ordinance.

The recommended motions to act on this are as follows:

“Move to adopt an Ordinance revising the Special Event Permit Ordinance to specify the maximum duration permitted for a special event”

BACKGROUND INFORMATION: At one point during the Council’s review of the Special Event Permit Ordinance, the Council raised the question of the applicability of the ordinance to existing uses in the community. The Staff response focused on one aspect of the question, but did not directly address any issues associated with the duration of events. At some point during the Council’s discussion, at least one Council member indicated that they did think that a special event should be allowed to occur over multiple days or weeks.

Staff is recommending that the Council adopt the attached revisions to the Special Event Permit Ordinance in order to address the concerns that have been expressed by a portion of the Council regarding the ordinance as originally approved. In drafting the proposed amendment, Staff is recommending that the ordinance be written to limit events to no more than three consecutive days in each calendar year (which would cover a weekend long event).

RECOMMENDATION: Based upon the above background information and Staff comments, Staff recommends that the City Council adopt the proposed amendments to the Special Event Permit Ordinance by undertaking the following action:

“Move to adopt an Ordinance revising the Special Event Permit Ordinance to specify the maximum duration permitted for a special event”

Alternatively, as this is a City-initiated action, the City Council may make changes to the document as drafted or may table taking action of the request to solicit additional feedback from Staff. The Council may also choose to not adopt the proposed ordinance if a majority of the Council finds that the original ordinance met the expectations of the Council.

ATTACHMENTS

1. Ordinance 2008-xxx – Amending the Special Event Permit Ordinance

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Administrator
- Report/Presentation Planning Director
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion.....Mayor & City Council
- DiscussionMayor & City Council
- Action on MotionMayor Facilitates

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

ORDINANCE NO. 08-XXX

**AN ORDINANCE TO AMEND THE SPECIAL EVENT PERMIT ORDINANCE TO
SPECIFY THE MAXIMUM DURATION FOR A SPECIAL EVENT**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XI: **Business Regulations; Chapter 110 – General Licensing Provisions, Section 110.070 (Special Event Permits), Subd. E (1)** is hereby amended as follows:

(g) Duration of Special Event. The permittee shall operate the special event only on those days and during the hours specified on the permit. The maximum duration of a special event shall be three (3) consecutive days in each calendar year. Events that occur for a longer duration or more than once each year shall only be allowed if permitted under the zoning requirements for the site.

SECTION 2. Effective Date

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

SECTION 3. Adoption Date

This Ordinance No. 08-xxx was adopted on this 15th day of November, 2011 by a vote of ___ Ayes and ___ Nays.

Mayor Dean A. Johnston

ATTEST:

Craig Dawson
Interim City Administrator

This Ordinance No 08-xxx was published on the ___ day of _____, 2011.



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/2011
CONSENT:
ITEM #: 6
MOTION *as part of Consent Agenda*

AGENDA ITEM: GASB Statement 54 Implementation
SUBMITTED BY: Joe Rigdon, Interim Finance Director, KDV
THROUGH: Craig Dawson, Interim City Administrator
REVIEWED BY: N/A

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to adopt a fund balance policy and approve Resolution 2011-xx committing specific revenue sources and confirming restrictions for specified purposes in special revenue funds. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION & STAFF REPORT: Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, was enacted to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions.

GASB 54 separates fund balance into five new categories. Under the old standards, there were three categories: Reserved, Designated, and Undesignated. The new categories are more descriptive, and focus on how the City plans to use its resources. A brief description of each of the new categories is listed below:

Nonspendable – Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. The “not in spendable form” criterion includes items that are not expected to be converted to cash, for example, inventories and prepaid amounts. It also includes the long-term amount of loans and notes receivable, as well as property acquired for resale.

Restricted – Constraints (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional provisions or enabling legislation.

Committed – Amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority (City Council). Those committed amounts cannot be used for any other purpose unless the government removes or changes the specified use by taking the same action (resolution) it employed to previously commit those amounts.

Assigned – Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed. Intent should be expressed by (a) the governing body itself or (b) a body (a budget or finance committee, for example) or official to which the governing body has delegated the authority to assign amounts to be used for specific purposes.

Unassigned – The residual classification for the General Fund. The General Fund should be the only fund that reports a positive unassigned fund balance amount. In other governmental funds, if expenditures incurred for specific purposes exceeded the amounts restricted, committed, or assigned to those purposes, it may be necessary to report a negative unassigned fund balance.

A government should determine the composition of its ending fund balance by applying its accounting policies regarding whether it considers restricted or unrestricted amounts to have been spent when an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available. Similarly, within unrestricted fund balance, the classification should be based on the government's accounting policies regarding whether it considers committed, assigned, or unassigned amounts to have been spent when an expenditure is incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used.

Governments are allowed to have stabilization amounts which are formally set aside for use in emergency situations or when revenue shortages or budgetary imbalances arise. These funds must be restricted or committed for a specific purpose and cannot occur routinely.

Governments are required to have a fund balance policy which addresses a reasonable minimum level of unrestricted fund balance to be maintained, how the unrestricted fund balance can be used or spent down and how that fund balance will be replenished if it falls below the minimum level. It is suggested that the City formalize its fund balance policy and strive to maintain an unrestricted fund balance in the General Fund of an amount not less than 50% of the next year's budgeted expenditures of the General Fund.

GASB 54 is also designed to enhance the usefulness of fund balance information by clarifying the definitions of governmental fund types. For example, special revenue funds are created only to report a revenue source that is restricted or committed to a specified purpose and that revenue source should constitute a substantial portion of the inflows reported in the fund. In addition, the definition of the capital project fund type has been clarified to focus on the broader, more consistent understanding of capital outlays and capital activities in today's environment.

This Statement is effective for the year ending December 31, 2011. Fund balance reclassifications made to conform to the provisions of this Statement should be applied retroactively by restating fund balance for all prior periods presented.

RECOMMENDATION: It is recommended that the City Council adopt the attached fund balance policy and approve the attached resolution committing specific revenue sources and confirming restrictions for specified purposes in special revenue funds.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. If done so, the appropriate actions of the Council following such discussion would be:

**“Move to adopt a Fund Balance Policy
as presented [and modified] herein.”**

**“Move to approve Resolution 2011-XX Committing Specific Revenue Sources and
Confirming Restrictions for Specified Purposes in Special Revenue Funds
as presented [and modified] herein.”**

ATTACHMENTS:

1. Fund Balance Policy dated November 15, 2011
2. GASB 54 Fund Analysis dated November 5, 2011
3. Resolution 2011-XX Committing Specific Revenue Sources and Confirming Restrictions for Specified Purposes in Special Revenue Funds

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

- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

CITY OF LAKE ELMO, MN

FUND BALANCE POLICY

Adopted November 15, 2011

I. PURPOSE

The purpose of this policy is to establish specific guidelines the City of Lake Elmo will use to maintain an adequate level of fund balance to provide for cash flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the City's fiscal year.

The purpose of this policy is to also establish specific guidelines the City of Lake Elmo will use to classify fund balances into categories based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in those funds can be spent.

II. CLASSIFICATION OF FUND BALANCE/PROCEDURES

1. **Nonspendable**

- This category includes fund balance that cannot be spent because it is either (a) not in spendable form or (b) is legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts. It also includes the long-term amount of loans and notes receivable, as well as property acquired for resale.

2. **Restricted**

- Fund balance should be reported as restricted when constraints placed on those resources are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional provisions or enabling legislation.

3. **Committed**

- Fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority. The committed amounts cannot be used for any other purpose unless the government removes or changes the specified use by taking the same type of action it employed to commit those amounts.
- The City's highest level of decision making authority (City Council) will annually or as deemed necessary commit specific revenue sources for specified purposes by resolution. This formal action must occur prior to the end of the reporting period, however, the amount to be subject to the constraint, may be determined in the subsequent period.
- To remove the constraint on specified use of committed resources the City Council shall pass a resolution.

4. Assigned

- Amounts that are constrained by the government's intent to use for specified purposes, but are neither restricted nor committed. Assigned fund balance in the General Fund includes amounts that are intended to be used for specific purposes.
- The City Council has delegated the authority to assign and remove assignments of fund balance amounts for specified purposes to the City Administrator or his/her designee.

5. Unassigned

- Unassigned fund balance represents the residual classification for the General Fund. Includes amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes within the General Fund. The General Fund should be the only fund that reports a positive unassigned fund balance amount.

III. DESIRED LEVEL OF GENERAL FUND BALANCE

- The City will maintain an unrestricted fund balance in the General Fund of an amount not less than 50% of the next year's budgeted expenditures of the General Fund. This will assist in maintaining an adequate level of fund balance to provide for cash flow requirements and contingency needs because major revenues, including property taxes and other government aids, are received in the second half of the City's fiscal year.
- Unrestricted fund balance can be "spent down" if there is an anticipated budget shortfall (expenditures in excess of revenues).
- If spending unrestricted fund balance in designated circumstances has reduced unrestricted fund balance to a point below the minimum targeted level, as noted above, the replenishment will be funded by property taxes or other sources within one year.

IV. STABILIZATION ARRANGEMENTS

Stabilization arrangements are defined as formally setting aside amounts for use in emergency situations or when revenue shortages or budgetary imbalances arise.

The City will set aside amounts by resolution as deemed necessary that can only be expended when certain specific circumstances exist. The resolution will identify and describe the specific circumstances under which a need for stabilization arises. The need for stabilization will only be utilized for situations that are not expected to occur routinely.

V. MONITORING AND REPORTING

The City Finance Director shall annually prepare the status of fund balances in relation to this policy and present to the City Council in conjunction with the development of the annual budget.

When both restricted and unrestricted resources are available for use, it is the City's policy to first use restricted resources, and then use unrestricted resources as they are needed.

When committed, assigned or unassigned resources are available for use, it is the City's policy to use resources in the following order; 1) committed 2) assigned and 3) unassigned.

A negative residual amount may not be reported for restricted, committed, or assigned fund balances in the General Fund.

Fund Number	Fund Name	Pre-GASB 54 Fund Type	Post-GASB 54 Fund Type	Major Revenue Sources	Proposed Fund Balance Classification	Restricting Authority
100	General Fund	General	General	property taxes, various other	*	
203	Development Fund	To be closed 2011		none	N/A	
204	Fall Festival	Special Revenue	Special Revenue	donations, transfers in	Committed	
206	Library	Special Revenue	Special Revenue	property taxes	Committed	
312	2002 G.O. Improvement Bonds	Debt Service	Debt Service	special assessments	Restricted	bond covenant
313	2004 G.O. CIP Bonds	Debt Service	Debt Service	property taxes	Restricted	bond covenant
314	2006A G.O. Equipment Certificates	Debt Service	Debt Service	property taxes	Restricted	bond covenant
315	2009A G.O. Refunding Bonds (2001)	Debt Service	Debt Service	municipal state aid (MSA)	Restricted	bond covenant
316	2009B G.O. Improvement Bonds	Debt Service	Debt Service	property taxes, special assessments	Restricted	bond covenant
317	2010A G.O. Improvement Bonds	Debt Service	Debt Service	property taxes, special assessments	Restricted	bond covenant
318	2010B G.O. Capital Improvement Plan Crossover Refunding Bonds (2004)	Debt Service	Debt Service	property taxes	Restricted	bond covenant
319	2011A G.O. Improvement Bonds	Debt Service	Debt Service	property taxes, special assessments	Restricted	bond covenant
404	Park Dedication	Capital Projects	Capital Projects	park dedication fees	Restricted	MIN Statutes
409	Infrastructure Reserve	Capital Projects	Capital Projects	special assessments, transfers in	Assigned	
410	Vehicle Replacement	Capital Projects	Capital Projects	bonding, transfers in	Assigned	
411	City Facilities	Capital Projects	Capital Projects	bonding	Restricted	bond covenant
413	Village	Capital Projects	Capital Projects	to be determined	Assigned	
414	Manning Ave./Highway 36	Capital Projects	Capital Projects	to be determined	Assigned	
417	2010 Street Improvements	Capital Projects	Capital Projects	bonding	Restricted	bond covenant
418	2011 Street Improvements	Capital Projects	Capital Projects	bonding	Restricted	bond covenant
419	2012 Street Improvements	Capital Projects	Capital Projects	bonding	Restricted	bond covenant

* General fund balance may be nonspendable, restricted, committed, assigned, or unassigned

CITY OF LAKE ELMO RESOLUTION

FOR THE COMMITTING OF REVENUES RELATED TO GASB 54

RESOLUTION - _____ COMMITTING SPECIFIC REVENUE SOURCES AND CONFIRMING RESTRICTIONS FOR SPECIFIED PURPOSES IN SPECIAL REVENUE FUNDS

WHEREAS, the City Council of the City of Lake Elmo, Minnesota, does hereby find as follows:

WHEREAS, the Governmental Accounting Standards Board's Statement number 54 defines special revenue funds as funds that are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects;

WHEREAS, the term *proceeds of specific revenue sources* establishes that one or more specific restricted or committed revenues should be the foundation for a special revenue fund;

WHEREAS, the restricted or committed proceeds of specific revenue sources should be expected to continue to comprise a substantial portion of the inflows reported in the fund;

WHEREAS, other resources, including investment earnings and transfers from other funds may also be reported in the fund if those resources are restricted, committed, or assigned to the specified purpose of the fund;

WHEREAS, investment earnings and transfers from other funds alone do not meet the definition of a specific revenue source;

WHEREAS, Council action is required before year end to formalize the commitment of proceeds of specific revenue sources to specified purposes.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the City Council of the City of Lake Elmo, Minnesota, that the specific revenue sources of each special revenue fund and the specific purpose for which they are restricted or committed are as follows:

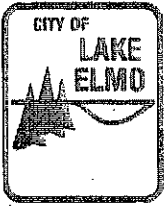
Committed

<u>Fund</u>	<u>Specific Revenue Sources</u>	<u>Purpose</u>
Fall Festival	Donations, Transfers In, Interest Earnings	Community event
Library	Property Tax Levy, Donations, Transfers In, Interest Earnings	Local City library

The foregoing resolution was passed by the City Council of the City of Lake Elmo this 15th day of November, 2011.

ATTEST:

Signed: _____ Date: _____



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/11
REGULAR
ITEM #: J7
MOTION/RESOLUTION

AGENDA ITEM: Interim Use Permit: Lake Elmo Sod Farm Christmas Tree Sales Lot

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Planning Commission

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request for an Interim Use Permit from the Lake Elmo Sod Farm, 456 Manning Avenue, to continue operation of a seasonal sales lot from which to sell Christmas Trees that are grown off-site. The proposed sales lot is part of a larger sod farm that has been in operation for many years, and that has historically also sold Christmas Trees for approximately one month during the holiday season. None of the trees sold on the site are grown on the premises; therefore, an Interim Use Permit is needed to establish an Agricultural Sales operation, which allows the sale of produce grown off-site.

The recommended motion to act on this is as follows:

“Move to adopt a Resolution approving an Interim Use Permit for the Lake Elmo Sod Farm to establish a seasonal Christmas tree sales lot at 456 Manning Avenue”

BACKGROUND INFORMATION: The attached Planning Commission report includes a detailed review of the application along with the original Staff recommendation to the Commission.

PLANNING COMMISSION REPORT: The Planning Commission reviewed the Interim use Permit request at its November 7, 2011 meeting and conducted a public hearing on the application at this time. No public comments concerning the request were received by the Planning Commission.

The applicant’s representative, Anthony Myhra, was asked several questions by the Commission regarding the sales lot, and noted the following at the meeting:

- 25 cars parked on the site are the most that have ever been observed at one time since the Christmas tree sales lot has been in business; otherwise, there is a fairly minimal demand for parking throughout the sales season.
- Mr. Myhra stated that all of the Christmas trees are delivered to the site in one truck and then set up for the entire sales season.
- The applicant indicated that the 5-year interval seemed reasonable and did not object to the terms as recommended by Staff.

The Commission reviewed the findings drafted by Staff and found that the Interim Use Permit would meet the requirements of the Zoning Ordinance, but requested the following changes to the Staff recommendation:

- That one of the conditions of approval reference the City's sign regulations for agricultural sales businesses.
- That the proposed language concerning the term of the interim use be amended to better reflect the intent of the City.
- That a statement be added to the Interim Use that specifically notes that the permit applies only to the sale of Christmas Trees and not to the sod farm.
- That the terms of the interim use reflect a recommended end date of January 2017 rather than the five years that was referenced in the Staff report.

The Planning Commission unanimously recommended approval of the Interim Use Permit request with the changes noted above and with several conditions of approval. The revised conditions and interim use language has been included in the attached Resolution and Interim Use Permit agreement.

PLANNING COMMISSION RECOMMENDATION: Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the request for an Interim Use Permit from the Lake Elmo Sod Farm, 456 Manning Avenue, to continue operation of a seasonal sales lot from which to sell Christmas Trees that are grow off-site by undertaking the following action:

“Move to adopt a Resolution approving an Interim Use Permit for the Lake Elmo Sod Farm to establish a seasonal Christmas tree sales lot at 456 Manning Avenue”

Alternatively, the City Council may table taking action on the application and direct either staff or the applicant to provide additional information concerning the request.

The Council may also consider denying the Interim Use Permit and should develop findings of fact to support a motion for denial based on the evidence presented during the course of the City review.

ATTACHMENTS:

1. Resolution No. 2011-xxx
2. Interim Use Permit Agreement – Lake Elmo Sod Farm
3. Staff Report (Planning Commission)
4. Application Form
5. Site Plan
6. Aerial Photograph

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2011-xxx

**A RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN AGRICULTURAL
SALES BUSINESS AT 456 MANNING AVENUE FOR A
CHRISTMAS TREE SALES LOT**

WHEREAS, the Lake Elmo Sod Farm, 456 Manning Avenue, has submitted an application for an Interim Use Permit to continue the operation of a seasonal sales lot from which to sell Christmas Trees that are grown off-site; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.019; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on November 7, 2011 and reviewed and recommended approval of the Interim Use Permit for a seasonal Christmas tree sales lot; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated November 15, 2011; and

WHEREAS, Section 154.019, Subd. (B, 5) of the City Code requires the applicant to enter into a consent agreement with the City that specifies the terms and conditions of the interim use; and

WHEREAS, the Lake Elmo City Council reviewed the interim use permit request and consent agreement at its November 15, 2011 meeting.

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

- 1) That the procedures for obtaining said Interim Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.019.
- 2) That all the submission requirements of said Section 154.019 have been met by the Applicant.
- 3) That the proposed Interim Use Permit is to continue the operation of a seasonal sales lot from which to sell Christmas trees that are grown off-site in an A – Agricultural Zoning District.
- 4) That the Christmas tree sales occur the day following Thanksgiving through December 31st of each year.
- 5) That the interim use includes a display area for Christmas trees, off-street parking area adjacent to the sales lot, and the use of an existing office within the southernmost pole barn on the premises. The terms and conditions associated

with the interim use will not apply to any portion of the site that is already used for permitted activities, including the current sod farm

- 6) That the proposed use will be located on property legally described as: The Northwest quarter of the Southeast quarter except commencing at the southwest corner of the southeast quarter, then north along the western line a distance of 152 feet to point then southeasterly in a straight line to point in Section 36, Township 29 North, Range 21 West in Washington County in the State of Minnesota. More commonly known as 456 Manning Avenue.
- 7) That the use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. *The A – Agriculture district allows the sale of produce grown off-site as an interim use.*
- 8) That the use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. *The sale of Christmas Trees will be conducted on property that is otherwise used a sod farm during the growing season. The sales lot is located in the midst of several agricultural buildings, and is set back a considerable distance from Manning Avenue. All of the surrounding uses are agricultural in nature, and the proposed traffic levels will not be significant enough to negatively impact any adjacent properties.*
- 9) That the use will not adversely impact implementation of the Comprehensive Plan. *The applicants are asking to sell agricultural product from their site. As identified in the Findings of Ordinance 08-031A, the Comprehensive Plan expresses a desire to preserve the rural character of Lake Elmo and open space and green corridors while regulating commercial uses of an agricultural nature. The Findings provided in Ordinance 08-031A identified that an Agricultural Sales Business would not adversely impact implementation of the Comprehensive Plan when regulated through an Interim Use Permit.*
- 10) That the date or event that will terminate the use is identified with certainty. *The consent agreement establishes a termination date for the permit that is set at January 1, 2017 or upon the sale or transfer of ownership in the property, whichever occurs first.*
- 11) That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future. *The applicant is not requesting to add any additional structures at this time*
- 12) That there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves the Interim Use Permit at 456 Manning Avenue for an Agricultural Sales Business to allow the seasonal sales of Christmas trees that are grown off-site and authorizes the execution of the consent agreement for this interim use subject to the following conditions:

- 1) That the applicant signs the approved consent agreement with the City in accordance with Section 154.019, Subd. (B, 5) of the City Code.
- 2) The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- 3) All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- 4) All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- 5) Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.
- 6) Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.
- 7) Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- 8) Trash containers must be located inside or screened in an acceptable manner.
- 9) The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items wishing to be sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- 10) The Interim Use Permit shall expire on January 1, 2017; upon the sale of the property or a transfer of the business ownership to an outside party (non-family member); or at such time that the total property utilized for the Lake Elmo Sod Farm is less than 40 acres; whichever occurs first. At such time as this IUP expires, an applicant may request an extension.

This resolution was adopted by the City Council of the City of Lake Elmo on the 15th day of November 2011, by a vote of ___ Ayes and ___ Nays.

Dean A. Johnston, Mayor

ATTEST:

Craig Dawson, Interim City Administrator

(SEAL)

**CONSENT AGREEMENT
INTERIM USE PERMIT**

- 1.0 Parties. This Consent Agreement/Interim Use Permit ("Agreement") is entered into by and between the City of Lake Elmo, a Minnesota statutory city ("City"); the Lake Elmo Sod Farm, ("Applicant") and Yik Chi ("Owner").
- 2.0 Recitals.
- A. Applicant leases land from the Owner of the following described property situated in Lake Elmo, MN ("Property"): The Northwest quarter of the Southeast quarter except commencing at the southwest corner of the southeast quarter, then north along the western line a distance of 152 feet to point then southeasterly in a straight line to point in Section 36, Township 29 North, Range 21 West in Washington County in the State of Minnesota
- More commonly known as 456 Manning Avenue North.
- B. The Property is zoned Agricultural.
- C. Interim uses are allowed in the Agricultural zoning district subject to the regulations contained in Lake Elmo City Code Section 154.019.
- D. The applicant has requested that the City allow a portion of the property to be used for a Christmas tree lot that sells trees grown from off-site. The interim use includes a display area for Christmas trees, off-street parking area adjacent to the sales lot, and the use of an existing office within the southernmost pole barn on the premises. The terms and conditions associated with the interim use will not apply to any portion of the site that is already used for permitted activities, including the current sod farm
- E. On the 17th day of October, 2011, the Applicant submitted a completed application for an Interim Use Permit.
- F. On the 7th day of November, 2011, the Lake Elmo Planning Commission, at a public hearing, reviewed the Interim Use Permit application, city staff comments and reports, Applicant's comments and reports, public comments, and recommended approval of the interim agricultural sales use subject to certain conditions.
- G. On the 15th day of November, 2011, the Lake Elmo City Council reviewed the Interim Use Permit application, city staff comments and reports, Applicant's comments and reports, public comments, and the recommendations of the Lake Elmo Planning Commission, and agreed to authorize the interim use subject to the terms and conditions as specified

in Section 154.019 of the Zoning Ordinance and Resolution 2011-xxx approving the interim use permit.

3.0 Terms and Conditions. The Lake Elmo City Council and Applicant, for itself, and its successors and assigns, agree that the interim agricultural sales use shall be subject to the following conditions:

- A. The Applicant, and its successors and assigns, shall have no entitlement to future re-approval of the Interim Use Permit.
- B. The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- C. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- D. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- E. Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.
- F. Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.
- G. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- H. Trash containers must be located inside or screened in an acceptable manner.
- I. The interim use shall comply with the Lake Elmo Sign Ordinance, and specifically, those provisions concerning signs allowed for an Agricultural Sales Business.

- J. The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items wishing to be sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- K. The addition of any new structures or buildings or expansion of existing structures or buildings, regardless of size, shall require notification to the City prior to construction.
- L. Applicant and its successors and assigns, agree that in the event of a full or partial taking of the Property by a governmental unit that the value of the Property taken will be based on its highest and best use as it existed prior to the approval of the Interim Use Permit.
- M. The Interim Use Permit is valid until any one of the events listed below occurs, whichever occurs first:
 1. Until January 1, 2017;
 2. Upon the sale of the property or a transfer of the business ownership to an outside party (non-family member) - the City will review said Permit with prospective and/or new owner(s) for potential renewal without new application.
 3. At such time that the total property utilized for the Lake Elmo Sod Farm is less than 40 acres;
 4. Until a violation of the conditions of this Consent Agreement;
 5. Until a change in the City's zoning regulations, which renders the interim use non-conforming; or
 6. Until the redevelopment of the Property for a permitted or conditional use as allowed by the City's zoning regulations.

4.0 Renewal of Interim Use Permit. The interim use permit may be renewed by the Council upon the occurrence of either events listed in Section (U, 1) or (U, 2) above. With the exception of (U, 2), a renewal application shall be requested in accordance with Section 154.019 (J) of the City Code.

5.0 Acknowledgement of the Permitted Uses. Any Permitted Use that was previously conducted on the Property is allowed to continue in conjunction with the Interim Use Permit.

6.0 Acknowledgement and Consent. Applicant acknowledges that this is a legally binding agreement and that Applicant has had an opportunity to review the

Agreement with legal counsel. Applicant consents to the terms of this Agreement and its restrictions on the use of the Property and the Interim Use Area.

7.0 Effective Date. This Consent Agreement/Interim Use Permit shall be effective upon execution by all parties.

Date: 11/15/11

CITY OF LAKE ELMO

By: _____
Dean Johnston
Mayor

Lake Elmo Sod Farm

By: _____
Anthony Myhra

Its: _____

OWNER

By: _____
Yik Chi

Its: _____

City of Lake Elmo Planning Department
Interim Use Permit Request

To: Lake Elmo Planning Commission

From: Kyle Klatt, Planning Director

Meeting Date: 11/7/11

Applicant: Lake Elmo Sod Farm

Representatives: Anthony and John Myhra

Location: 456 Manning Avenue

Zoning: Agricultural (A)

Introductory Information

***Application
Summary:***

The applicant is seeking an interim use permit (IUP) to establish a seasonal lot from which to sell Christmas Trees that are produced off site. The proposed sales lot is part of a larger sod farm that has been in operation for many years, and that has historically also sold Christmas Trees for approximately one month during the holiday season. None of the trees sold on this site are grown on their Lake Elmo property; therefore an Interim Use Permit is needed to establish an Agricultural Sales Operation (which allows for sales of produce grown off-site) on the premises.

Staff is recommending that the term of the interim use be established at 5 years given the relatively minor impacts that are expected from the Christmas Tree Sales Lot.

***Applicable
Codes:***

Section 11.01 Definitions

AGRICULTURAL SALES BUSINESS. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. produced on the premises. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities include pick-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the AGRICULTURAL SALES BUSINESS.

Section 154.019 Interim Use Permits

Outlines the general requirements for all interim permitted uses in Lake Elmo.

Section 154.033 Agricultural Zoning District

(C) 1. Uses permitted by Interim Use Permit. *Agricultural Sales Businesses subject to performance standards outlined in Section 154.110.*

Section 154.110 Agricultural Sales Businesses

Lists the standards that must be observed in order to operate an agricultural sales business.

Findings & General Site Overview

Site Data: Lot Size: 39.4 Acres
Existing Use: Lake Elmo Sod Farm (Agriculture)
Existing Zoning: Agricultural (A)
Property Identification Number (PID): 36.029.21.41.0001

Application Review:

History: Other than a few miscellaneous permits for accessory buildings and a farm dwelling structure, there is not a lot of information in the City's files concerning the applicant's property. The sod farm has been in operation for over 20 years, and Staff is not aware of any significant issues or problems that have arisen regarding this operation.

The Sod Farm has sold Christmas trees for the past several years during the holiday season as a way to supplement its income during the winter months. No improvements are proposed or needed to support the sale of Christmas trees on the applicant's site, and all sales are conducted from the same office that is used to manage the sod farm's business activities. The display area for Christmas Trees and the customer parking area is located in the middle of a cluster of buildings, which is approximately 13,000 square feet in area. This area is not paved, but is made up of a crushed rock/milled surface that has in previous years proved adequate to accommodate the parking needed for the sales lot.

Based on discussions with the applicant, the anticipated traffic to the site will be approximately 10 vehicles per day on a typical weekday, with 100 vehicle trips the absolute maximum for the busiest weekends (with the peak typically on one of the Saturdays before Christmas). Given the size of the proposed parking area and distance between the parking/sales lot area and Manning Avenue, the anticipated traffic impacts should be fairly minor.

All sales will be conducted from the existing office used by the sod farm, and no

bathrooms are available for customer use.

Prior to 2008, Lake Elmo regulations allowed agricultural uses such as greenhouses and the sale of produce grown on site. In 2008, the City added Agricultural Sales Business (ASB) and Agricultural Entertainment Business (AEB) as conditional uses in certain zoning districts. The definitions for ASB and AEB stated the use was restricted to allow the sale of produce produced on the premises. When the City was first setting the performance standards in 2008 when those categories of conditional uses were created, such language served to limit the scale of commercial activity.

In 2010, the City then amended codes to allow the sale of produce grown off site in Agricultural, Rural Residential and OP Zoning Districts. In addition, changes were made to require an interim use permit subject to performance standards instead of allowing the use outright. Because all of the Christmas Trees sold by the sod farm are brought in from off-site, the applicant must now secure an interim use permit in order to continue selling trees that are not grown on the premises. The City Council created a special fee for existing agricultural operations that were impacted by the ordinance amendments, and the sod farm is one of the businesses that has been impacted by this change.

***IUP Review
Criteria:***

Interim uses must be reviewed under both the general criteria for such as well as the specific criteria outlined for the requested use. Keep in mind that for these types of applications, the burden is on the City to show why the use should or should not be permitted. For the sale of produce grown off site, the following performance standards apply:

1. Activities shall be limited to those listed within the definition for Agricultural Sales Business.

- Staff finds that this criteria is met.

2. The agricultural sales business shall be located on land owned or leased by the producer or the operator of the business and not within or on any public right-of-way or easements.

- Staff finds that this criteria is met.

3. The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.

- Added as a condition of approval.

4. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.

- Added as a condition of approval.

(cont.)

5. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.

- Added as a condition of approval.

6. The maximum gross floor area that can be devoted to sales activities is limited to 20,000 square feet.

- The Christmas Tree sales office is located within an existing building approximately 3,200 square feet in size. Since all sales are conducted in an outside lot, the applicant will fall well below the maximum allowed building size for the sales activity.

7. Parking shall be provided in accordance with the parking requirements for other commercial uses, as per City Code 154.051 (C). All parking must occur on-site, be on a primary surface such as class five gravel or pavement; and must be set back at least 30 feet from all property lines.

- Staff finds this criteria is met. Although parking stalls are not delimited on the site plan or marked on the property, there is room for a least 20 cars in front of the office, and room for many more on the driveway and around other outbuildings surrounding the lot.

8. The minimum lot size shall be 40 acres for any agricultural sales business.

- Because minimum lot size requirements in Agricultural zones can include right-of-way areas, this standard is met by the applicant.

9. On-site wastewater handling system shall be planned and designed by a licensed professional and approved by the City or its designated responsible authority. Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate site shall be protected in the site plan design, and will only need to be used upon failure of a primary site.

- The proposed Christmas Tree sales lot will not impact the existing well or septic systems on the site since no bathrooms are available for public use.

10. Any structures constructed for the agricultural sales business shall be consistent on design and appearance with other agricultural buildings in the area.

- The applicant is not proposing any additional buildings at this time. Staff finds this criteria is met.

11. Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.

- The Christmas Tree sales lot will fall well under the maximum trip generation required under the code.

12. The maximum impervious coverage for the buildings, parking areas and

other uses devoted to the agricultural sales business shall not exceed 40,000 square feet and the remainder shall be suitably landscaped.

- The maximum area devoted to Christmas Tree sales is under 20,000 square feet, and will therefore comply with this provision.

13. Any activities that are defined as an Agricultural Entertainment Business shall require a separate Interim Use Permit.

- This criteria does not apply to the applicant.

14. Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.

(cont.)

- Added as a condition of approval.

15. There shall be a minimum buffer of 100 feet between any sales areas or sales buildings and any adjacent residential property lines.

- There are no residential properties within 100 feet of the applicant's sales lot.

16. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).

- Added as a condition of approval.

17. Trash containers must be located inside or screened in an acceptable manner.

- Added as a condition of approval.

18. The operator shall adhere to the general review criteria applicable to all Interim Use Permit applications.

- This is identified in the review criteria below.

19. No activities or structures beyond those specified in the Interim Use Permit shall be added before review by the city to determine compliance with this ordinance.

- The applicant is not requesting any additional structures at this time.

As mentioned, there are additional general review criteria required for all interim use permits.

1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.

- The Agricultural zoning district was amended in 2010 to include Agricultural Sales Business as an Interim Use.

2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the

health, safety, and welfare of the community.

- The sale of Christmas Trees will be conducted on property that is otherwise used a sod farm during the growing season. The sales lot is located in the midst of several agricultural buildings, and is set back a considerable distance from Manning Avenue. All of the surrounding uses are agricultural in nature, and the proposed traffic levels will not be significant enough to negatively impact any adjacent properties.

3. Use will not adversely impact implementation of the comprehensive plan.

(cont.)

- The applicants are asking to sell agricultural product from their site. As identified in the Findings of Ordinance 08-031A, the Comprehensive Plan expresses a desire to preserve the rural character of Lake Elmo and open space and green corridors while regulating commercial uses of an agricultural nature. The Findings provided in Ordinance 08-031A identified that an Agricultural Sales Business would not adversely impact implementation of the Comprehensive Plan when regulated through an Interim Use Permit.

4. The date or event that will terminate the use is identified with certainty.

- Staff is suggesting that the Interim Use Permit terminate 5 years from the date on which the permit is granted or if the property is sold to an outside party, whichever is greater.

5. The user agrees to all conditions that the City Council deems appropriate for permission of the use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.

- Because the applicant is not requesting to add any additional structures at this time, staff is not recommending any financial surety be requested.

6. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

- City staff is not aware of any fees due.

Resident Concerns: Staff is not aware of any resident concerns surrounding the requested interim use permit.

Other Agency Reviews: The VBWD and the DNR did not have any comment for or against the application.

Conclusion:

The applicant is seeking approval of an IUP for an Agricultural Sales Business to continuing operating a Christmas Tree sales lot at 456 Manning Avenue.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the Interim Use Permit request;
- B) Recommend denial of the Interim Use Permit request;

The 60-day review period for this application expires on December 17, 2011, but can be extended an additional 60 days if more time is needed.

Staff Rec:

Staff is recommending approval of an Interim Use Permit to allow an Agricultural Sales Business to allow the continued operation of a Christmas Tree sales lot at 456 Manning Avenue for a period of 5 years that will involve the sale of Christmas Trees grown off of the premises. This approval is recommended based on the findings as documented by Staff in the preceding paragraphs with the following conditions:

- The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.
- Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.
- Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- Trash containers must be located inside or screened in an acceptable manner.

- The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items wishing to be sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- The Interim Use Permit shall expire on January 1, 2017 or at such time as the property on which this Interim Use Permit applies is sold to an outside party or at such time as the total property utilized for the Lake Elmo Sod Farm is less than 40 acres. At such time as this IUP expires, an applicant may request an extension.

**Approval Motion
Template:**

To recommend approval of the request, you may use the following motion as a guide:

I move to recommend approval of the requested IUP based on the findings cited by staff in the report with conditions *(and others as you deem appropriate).*

**Denial Motion
Template:**

To recommend denial of the request, you may use the following motion as a guide:

Move to recommend denial of the requested IUP based on the findings of fact...*(please site reasons for the recommendation)*

cc: Anthony Myhra, Lake Elmo Sod Farm

RECEIVED

OCT 17 2011

Fee \$ 250.00

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.) *Interim*
- Variance * (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: Lake Elmo Sod Farm (Name) P.O. Box 216 Lake Elmo MN (Mailing Address) 55042 (Zip)

TELEPHONES: 651-436-3760 (Home) 651-337-2038 (Fax)

FEE OWNER: Yik Chi Lo (Name) 6422 Cracklebury Tr Woodbury MN (Mailing Address) 55129 (Zip)

TELEPHONES: _____ (Home) _____ (Work) _____ (Mobile) _____ (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):
456 Manning Ave N Lake Elmo

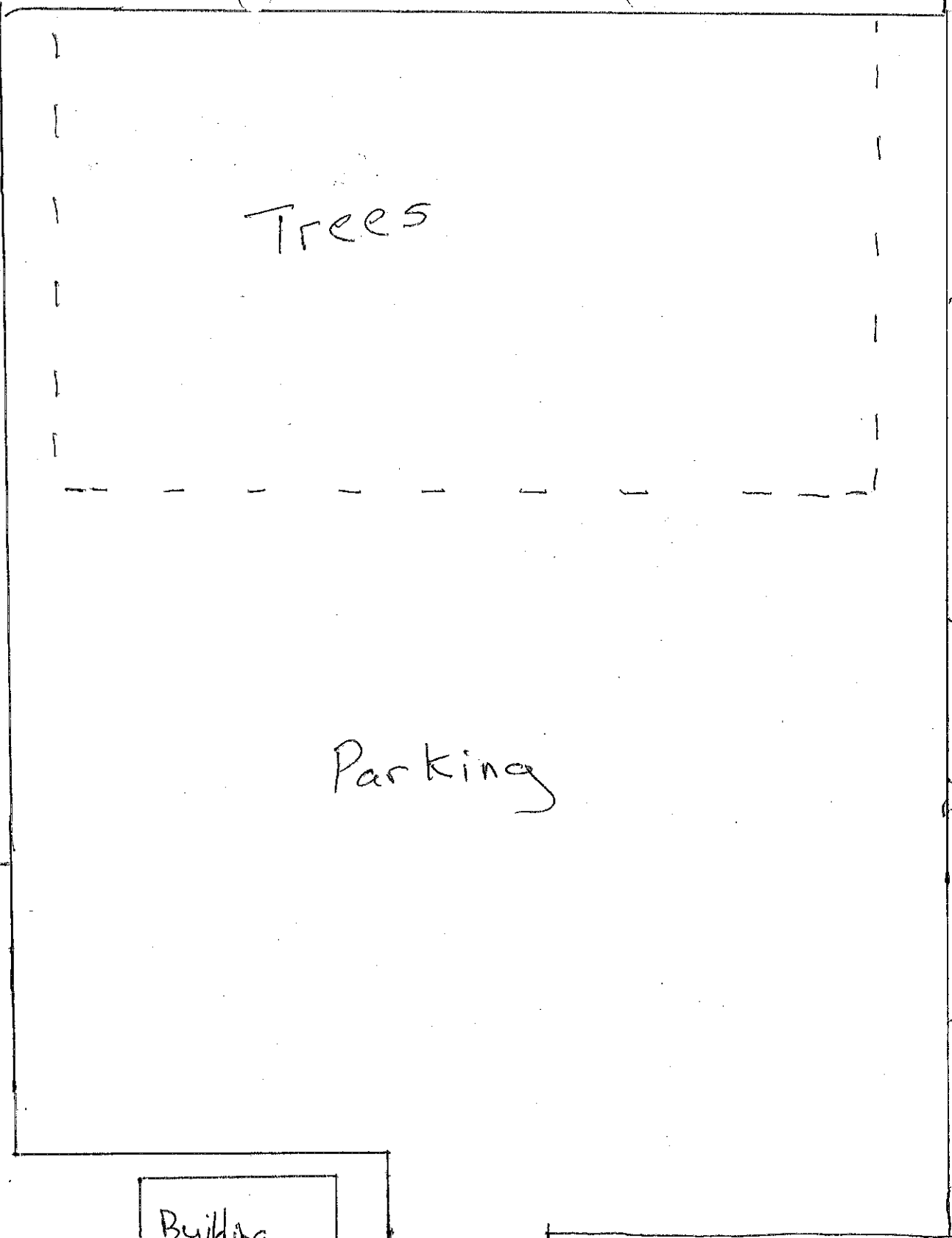
DETAILED REASON FOR REQUEST: Christmas Tree Sales
From the week of Thanksgiving thru January 1

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

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

Anthony Zyhus Signature of Applicant 10-17-11 Date
John Myhra Signature of Applicant 10-17-11 Date

Building



Trees

Parking

Building

Drive way

Lake Elmo
Sod Farm

Buildings

Buildings

Christmas Tree Sales Lot

MANNING AVE



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/11
REGULAR
ITEM #: J8
MOTION/RESOLUTION

AGENDA ITEM: Interim Use Permit: Krueger Christmas Tree Farm to Allow the Supplemental Sales of Trees Grown Off-site

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Planning Commission

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request for an Interim Use Permit from Krueger's Christmas Tree Farm, 4452 Lake Elmo Avenue North, to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm. The applicants' farm has been in operation for nearly 30 years, but due to recent changes in the Zoning Ordinance concerning Agricultural Sales Businesses, will need to secure an Interim Use Permit in order to sell trees to supplement the ones that are grown on their property.

The recommended motion to act on this is as follows:

“Move to adopt a Resolution approving an Interim Use Permit for Krueger’s Christmas Tree Farm to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm at 4452 Lake Elmo Avenue North”

BACKGROUND INFORMATION: The attached Planning Commission report includes a detailed review of the application along with the original Staff recommendation to the Commission.

PLANNING COMMISSION REPORT: The Planning Commission reviewed the Interim use Permit request at its November 7, 2011 meeting and conducted a public hearing on the application at this time. No public comments concerning the request were received by the Planning Commission.

Neil and Deb Krueger spoke at the Planning Commission meeting, and distributed information concerning their operation (which has been reproduced and attached for consideration by the

City Council). In addition to the handouts provided at the meeting, the Krueger's made the following comments:

- The Kruegers have been growing Christmas trees for 30 years, and they are looking to keep the farm within the family.
- The tree farm is a good fit for Lake Elmo and will help the City achieve its objection of preserving rural character. The City should be making it easier to conduct this type of business.
- The applicants expressed concern regarding the term limit of the Interim Use Permit, and noted that it takes at least 10 to 12 years to grow a tree that can then be sold. They stated that they would like assurance that the permit would be in effect during the life of a tree, and requested a minimum of a 20-year term.
- The applicants noted their dissatisfaction with the process to amend the code, and encouraged the City to keep those impacted by ordinance changes involved in the process.

The Commission reviewed the findings drafted by Staff and found that the Interim Use Permit would meet the requirements of the Zoning Ordinance, but requested the following changes to the Staff recommendation:

- That the term of the interim use be established at 20 years in order to account for the long period of time it takes to grow a Christmas tree. The Commission indicated that this longer term was appropriate because the City's future land use plan identifies the applicants' land is guided as "green-belt/open space" which is consistent with an Agricultural Sales Business. The City's other Interim Uses that have been approved for shorter terms are located in areas that are planned for future sewer development or for rural residential development. Staff initially recommended a 10-year term.
- That the proposed language concerning the term of the interim use be amended to better reflect the intent of the City.
- That the language concerning the termination of the interim use be revised to allow a family member of the applicant to continue the use.
- That a statement be added to the Interim Use that specifically notes that the permit applies only to the sale of Christmas Trees grown off-site and not to other activities that are otherwise permitted for an agricultural use.
- That the interim use permit specifically state that the applicant will be allowed to supplement the sale of Christmas trees grown on-site with trees grown off-site throughout the duration of the interim use permit, regardless of whether or not applicant sells such produce in any given year.

The Planning Commission unanimously recommended approval of the Interim Use Permit request with the changes noted above and with several conditions of approval. The revised conditions and interim use language has been included in the attached Resolution and Interim Use Permit agreement.

PLANNING COMMISSION RECOMMENDATION: Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the request for an Interim Use Permit from Krueger's Christmas Tree Farm, 4452 Lake Elmo Avenue North, to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm by undertaking the following action:

“Move to adopt a Resolution approving an Interim Use Permit for Krueger’s Christmas Tree Farm to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm at 4452 Lake Elmo Avenue North”

Alternatively, the City Council may table taking action on the application and direct either staff or the applicant to provide additional information concerning the request.

The Council may want to also consider a shorter term for the interim use since no other interim uses that have been approved so far by City have been granted for longer than five years. The Staff recommendation to the Planning Commission was for a 10 year term.

The Council may also consider denying the Interim Use Permit and should develop findings of fact to support a motion for denial based on the evidence presented during the course of the City review.

ATTACHMENTS:

1. Resolution No. 2011-xxx
2. Interim Use Permit Agreement – Krueger’s Christmas Tree Farm
3. Staff Report (Planning Commission)
4. Application Form
5. Application Letter from Neil and Deb Krueger
6. Site Plan/Aerial Photograph of Site
7. Tree Farm Informational Materials (Handed Out at Planning Commission Meeting)

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Planning Director

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

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

RESOLUTION NO. 2011-xxx

**A RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN AGRICULTURAL
SALES BUSINESS AT 4452 LAKE ELMO AVENUE NORTH TO ALLOW THE
SUPPLEMENTAL SALES OF CHRISTMAS TREES GROWN OFF-SITE**

WHEREAS, Krueger's Christmas Tree Farm, 4452 Lake Elmo Avenue North (Applicant), has submitted an application to the City of Lake Elmo (City) for an Interim Use Permit to allow the sale of Christmas trees that are grown off-site to supplement the sale of trees that are grown on the Applicant's farm; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.019; and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on November 7, 2011 and reviewed and recommended approval of the Interim Use Permit for the sale of Christmas trees that are grown off-site; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated November 15, 2011; and

WHEREAS, Section 154.019, Subd. (B, 5) of the City Code requires the applicant to enter into a consent agreement with the City that specifies the terms and conditions of the interim use; and

WHEREAS, the Lake Elmo City Council reviewed the interim use permit request and consent agreement at its November 15, 2011 meeting.

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

- 1) That the procedures for obtaining said Interim Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.019.
- 2) That all the submission requirements of said Section 154.019 have been met by the Applicant.
- 3) That the proposed Interim Use Permit is to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on the applicant's farm in an A – Agriculture and RR – Rural Residential Zoning District.
- 4) That the Christmas tree sales occur during the month of November and through December 31st of each year.

- 5) That the proposed Interim Use will make use of the existing facilities that are used to support the Christmas tree farm, including a sales building, warming house, and off-street parking area, and that the terms and conditions associated with the interim use will not apply to any portion of the site that is already used for permitted activities, including the current tree farm.
- 6) That the applicant will be allowed to supplement the sale of Christmas trees grown on-site with trees grown off-site throughout the duration of the interim use permit, regardless of whether or not applicant sells produce grown off-site in any given year.
- 7) That the proposed use will be located on property legally described as: Part of the east half (1/2) of the southeast quarter (1/4) lying northerly of the current existing east-west right-of-way known as 43rd Street North, in Section 11, Township 029 West, Range 21 North in Washington County and State of Minnesota. Commonly known as 4452 Lake Elmo Avenue North.
- 8) That the use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. *The Agricultural and Rural Residential zoning districts were amended in 2010 to include Agricultural Sales Business as an Interim Use in each district.*
- 9) That the use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. *The Krueger's Christmas Tree Farm has been in operation for approximately 30 years. Staff is not aware of any issues or nuisance conditions that have been identified in this period of time, and the proposed Interim Use Permit will not alter the current operations in any significant manner.*
- 10) That the use will not adversely impact implementation of the Comprehensive Plan. *The applicants are asking to sell agricultural product from their site. As identified in the Findings of Ordinance 08-031A, the Comprehensive Plan expresses a desire to preserve the rural character of Lake Elmo and open space and green corridors while regulating commercial uses of an agricultural nature. The Findings provided in Ordinance 08-031A identified that an Agricultural Sales Business would not adversely impact implementation of the Comprehensive Plan when regulated through an Interim Use Permit.*
- 11) That the date or event that will terminate the use is identified with certainty. *The interim use agreement establishes a termination date for the permit that is set at January 1, 2032 or upon the sale or transfer of ownership in the property, whichever occurs first.*
- 12) That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future. *The applicant is not requesting to add any additional structures at this time*
- 13) That there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves the Interim Use Permit at 456 Manning Avenue for an Agricultural Sales Business to allow the seasonal sales of Christmas trees that are grown off-site and authorizes the execution of the consent agreement for this interim use subject to the following conditions:

- 1) That the applicant signs the approved consent agreement with the City in accordance with Section 154.019, Subd. (B, 5) of the City Code.
- 2) The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- 3) All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- 4) All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- 5) Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.
- 6) Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.
- 7) Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- 8) Trash containers must be located inside or screened in an acceptable manner.
- 9) The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- 10) The Interim Use Permit shall expire on January 1, 2032; upon the sale of the property or a transfer of the business ownership to an outside party (non-family member); or at such time that the total property utilized for the Krueger Christmas tree farm is less than 40 acres; whichever occurs first. At such time as this IUP expires, an applicant may request an extension.

This resolution was adopted by the City Council of the City of Lake Elmo on the 15th day of November 2011, by a vote of ___ Ayes and ___ Nays.

Dean A. Johnston, Mayor

ATTEST:

Craig Dawson, Interim City Administrator

(SEAL)

**CONSENT AGREEMENT
INTERIM USE PERMIT**

- 1.0 Parties. This Consent Agreement/Interim Use Permit ("Agreement") is entered into by and between the City of Lake Elmo, a Minnesota statutory city ("City"); Neil and Deb Krueger representing Krueger's Christmas Tree Farm, ("Applicant").
- 2.0 Recitals.
- A. Applicant is the record fee Owner of the following described property situated in Lake Elmo, MN ("Property"): Part of the east half (1/2) of the southeast quarter (1/4) lying northerly of the current existing east-west right-of-way known as 43rd Street North, in Section 11, Township 029 West, Range 21 North in Washington County and State of Minnesota. Commonly known as 4452 Lake Elmo Avenue North.
 - B. The Property is zoned Agricultural and Rural Residential
 - C. Interim uses are allowed in the Agricultural and Rural Residential zoning districts subject to the regulations contained in Lake Elmo City Code Section 154.019.
 - D. The applicant has requested that the City allow its Christmas tree farm to supplement the sale of Christmas trees grown on the farm with trees that are grown off-site. The interim use will make use of the existing facilities that are used to support the Christmas tree farm, including a sales building, warming house, and off-street parking area. The terms and conditions associated with the interim use will not apply to any portion of the site that is already used for permitted activities, and specifically the Christmas tree farm.
 - E. On the 20th day of October, 2011, the Applicant submitted a completed application for an Interim Use Permit.
 - F. On the 7th day of November, 2011, the Lake Elmo Planning Commission, at a public hearing, reviewed the Interim Use Permit application, city staff comments and reports, Applicant's comments and reports, and public comments, and recommended approval of the interim agricultural sales use subject to certain conditions.
 - G. On the 15th day of November, 2011, the Lake Elmo City Council reviewed the Interim Use Permit application, city staff comments and reports, Applicant's comments and reports, public comments, and the recommendations of the Lake Elmo Planning Commission, and agreed to authorize the interim use subject to the terms and conditions as specified

in Section 154.019 of the Zoning Ordinance and Resolution 2011-xxx approving the interim use permit.

3.0 Terms and Conditions. The Lake Elmo City Council and Applicant, for itself, and its successors and assigns, agree that the interim agricultural sales use shall be subject to the following conditions:

- A. The Applicant, and its successors and assigns, shall have no entitlement to future re-approval of the Interim Use Permit.
- B. The applicant will be allowed to supplement the sale of Christmas trees grown on-site with trees grown off-site throughout the duration of the interim use permit, regardless of whether or not applicant sells produce grown off-site in any given year.
- C. The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- D. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- E. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- F. Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.
- G. Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.
- H. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- I. Trash containers must be located inside or screened in an acceptable manner.

- J. The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- K. The addition of any new structures or buildings or expansion of existing structures or buildings, regardless of size, shall require notification to the City prior to construction.
- L. Applicant and its successors and assigns, agree that in the event of a full or partial taking of the Property by a governmental unit that the value of the Property taken will be based on its highest and best use as it existed prior to the approval of the Interim Use Permit.
- M. The Interim Use Permit is valid until any one of the events listed below occurs, whichever occurs first:
 - 1. Until January 1, 2032;
 - 2. Upon the sale of the property or a transfer of the business ownership to an outside party (non-family member) - the City will review said Permit with prospective and/or new owner(s) for potential renewal without new application.
 - 3. At such time that the total property utilized for the Lake Elmo Sod Farm is less than 40 acres;
 - 4. Until a violation of the conditions of this Consent Agreement;
 - 5. Until a change in the City's zoning regulations, which renders the interim use non-conforming; or
 - 6. Until the redevelopment of the Property for a permitted or conditional use as allowed by the City's zoning regulations.

4.0 Renewal of Interim Use Permit. The interim use permit may be renewed by the Council upon the occurrence of either events listed in Section (U, 1) or (U, 2) above. With the exception of (U, 2), a renewal application shall be requested in accordance with Section 154.019 (J) of the City Code.

5.0 Acknowledgement of the Permitted Uses. Any Permitted Use that was previously conducted on the Property is allowed to continue in conjunction with the Interim Use Permit.

6.0 Acknowledgement and Consent. Applicant acknowledges that this is a legally binding agreement and that Applicant has had an opportunity to review the

Agreement with legal counsel. Applicant consents to the terms of this Agreement and its restrictions on the use of the Property and the Interim Use Area.

7.0 Effective Date. This Consent Agreement/Interim Use Permit shall be effective upon execution by all parties.

Date: 11/15/11

CITY OF LAKE ELMO

By: _____
Dean Johnston
Mayor

Krueger's Christmas Tree Farm

By: _____
Neil Krueger

Its: _____

By: _____
Deb Krueger

Its: _____

City of Lake Elmo Planning Department
Interim Use Permit Request

To: Lake Elmo Planning Commission

From: Kyle Klatt, Planning Director

Meeting Date: 11/7/11

Applicant: Krueger's Christmas Tree Farm

Representatives: Neil and Deb Krueger

Location: 4452 Lake Elmo Avenue North

Zoning: Rural Residential/Agricultural (A)

Introductory Information

***Application
Summary:***

The Krueger Christmas Tree Farm has requested an interim use permit (IUP) to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm. Depending on the circumstances in any given year, the applicant supplements a portion of their sales activity with trees that are not grown on the farm; however, because the need (or opportunities) to do such supplementing will vary considerably from year to year, there is not a specific level or amount of supplemental materials that will accompany this request. Since this particular application will not alter any of the current farm or sales operation, Staff is recommending that the permit be approved on a general basis to sell some Christmas Trees that are grown off-site.

The applicant has requested an extended interim use period, citing their continued operation as a working Christmas Tree Farm. Staff is suggesting that the initial review period be established at 10 years.

***Applicable
Codes:***

Section 11.01 Definitions

AGRICULTURAL SALES BUSINESS. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. produced on the premises. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities include pick-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall

be allowed as part of the AGRICULTURAL SALES BUSINESS.

Section 154.019 Interim Use Permits

Outlines the general requirements for all interim permitted uses in Lake Elmo.

Section 154.033 Agricultural Zoning District

(C) 1. Uses permitted by Interim Use Permit. Agricultural Sales Businesses subject to performance standards outlined in Section 154.110.

Section 154.110 Agricultural Sales Businesses

Lists the standards that must be observed in order to operate an agricultural sales business.

Findings & General Site Overview

Site Data: Lot Size: 46 Acres (Farm Site and Adjacent Woods)
Existing Use: Krueger Christmas Tree Farm (Agriculture)
Existing Zoning: Agricultural (A) and Rural Residential (RR)
Property Identification Numbers (PID): 11.029.21.41.0002; 11.029.21.42.0004;
11.029.21.14.0003

Application Review:

History: The Krueger's initial purchase of their farm and first Christmas Tree crop dates back to the mid 1980's, and the farm has continually been used to grow and sell Christmas Trees since this time. There is no record of other uses on the property in the City's file, and it has always been used for some form of agricultural use, including the family homestead. Over time, the Krueger's have acquired property adjacent to the initial farm, and currently own slightly less than 50 acres of land, including an adjacent wooded area.

Unlike the other agricultural Interim Use Permits that have recently been considered by the City, the Krueger's grow the products that they sell on the site, and intent to only use the supplemental sales on as-needed basis or to help support their operation of a working farm. The proposed interim use would not alter any portion of the site, nor would generate any additional customer traffic beyond what is already accommodated within the existing sales building and parking area. Since there is nothing specific in the application that would cause the site to function any differently than it has in the past, Staff has found that the applicant will be able to meet the required standards for an Agricultural Sales business as defined in the Zoning Ordinance.

Prior to 2008, Lake Elmo regulations allowed agricultural uses such as

greenhouses and the sale of produce grown on site. In 2008, the City added Agricultural Sales Business (ASB) and Agricultural Entertainment Business (AEB) as conditional uses in certain zoning districts. The definitions for ASB and AEB stated the use was restricted to allow the sale of produce produced on the premises. When the City was first setting the performance standards in 2008 when those categories of conditional uses were created, such language served to limit the scale of commercial activity.

In 2010, the City then amended codes to allow the sale of produce grown off site in Agricultural, Rural Residential and OP Zoning Districts. In addition, changes were made to require an interim use permit subject to performance standards instead of allowing the use outright. Because the City Code does not specify a minimum amount of off-site sales that would generate the need for a permit, the applicant will need to secure an Interim Use Permit in order to do any supplementing of the trees that are grown on-site. The City Council created a special fee for existing agricultural operations that were impacted by the ordinance amendments, and the applicant's farm is one of the operations that have been impacted by this change.

***IUP Review
Criteria:***

Interim uses must be reviewed under both the general criteria for such as well as the specific criteria outlined for the requested use. Keep in mind that for these types of applications, the burden is on the City to show why the use should or should not be permitted. For the sale of produce grown off site, the following performance standards apply:

1. Activities shall be limited to those listed within the definition for Agricultural Sales Business.

- Staff finds that this criteria is met.

2. The agricultural sales business shall be located on land owned or leased by the producer or the operator of the business and not within or on any public right-of-way or easements.

- Staff finds that this criteria is met.

3. The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.

- Added as a condition of approval. The existing parking lot is adequate to accommodate the existing sales building, and the space available for sales would not be impacted by the proposed supplemental sales.

4. All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.

- Added as a condition of approval.

5. All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.

- Added as a condition of approval.

6. The maximum gross floor area that can be devoted to sales activities is limited to 20,000 square feet.

- The Christmas Tree sales activity is located within an existing building and warming house that together are approximately 1,200 square feet combined. The applicant will fall well below the maximum allowed building size for the sales activity.

(cont.)

7. Parking shall be provided in accordance with the parking requirements for other commercial uses, as per City Code 154.051 (C). All parking must occur on-site, be on a primary surface such as class five gravel or pavement; and must be set back at least 30 feet from all property lines.

- Staff finds this criteria is met. The existing parking lot has been sized to accommodate the needs of the existing sales business; the proposed interim use permit will not significantly alter the need for parking that already exists on the site.

8. The minimum lot size shall be 40 acres for any agricultural sales business.

- This standard is met by the applicant.

9. On-site wastewater handling system shall be planned and designed by a licensed professional and approved by the City or its designated responsible authority. Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate site shall be protected in the site plan design, and will only need to be used upon failure of a primary site.

- The Christmas Tree sales business will use the water and septic system for the farmstead. The interim use will not require the expansion of the septic system on the property.

10. Any structures constructed for the agricultural sales business shall be consistent on design and appearance with other agricultural buildings in the area.

- The applicant is not proposing any additional buildings at this time. Staff finds this criteria is met.

11. Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.

- The tree farm will fall well under the maximum trip generation required under

the code.

12. The maximum impervious coverage for the buildings, parking areas and other uses devoted to the agricultural sales business shall not exceed 40,000 square feet and the remainder shall be suitably landscaped.

- The maximum area devoted to Christmas Tree sales is under 20,000 square feet, and will therefore comply with this provision.

13. Any activities that are defined as an Agricultural Entertainment Business shall require a separate Interim Use Permit.

(cont.) - This criteria does not apply to the applicant.

14. Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.

- Added as a condition of approval.

15. There shall be a minimum buffer of 100 feet between any sales areas or sales buildings and any adjacent residential property lines.

- The sales buildings are located at least 250 feet from the nearest residential property line.

16. Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).

- Added as a condition of approval.

17. Trash containers must be located inside or screened in an acceptable manner.

- Added as a condition of approval.

18. The operator shall adhere to the general review criteria applicable to all Interim Use Permit applications.

- This is identified in the review criteria below.

19. No activities or structures beyond those specified in the Interim Use Permit shall be added before review by the city to determine compliance with this ordinance.

- The applicant is not requesting any additional structures at this time.

As mentioned, there are additional general review criteria required for all interim use permits.

1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.

- The Agricultural zoning district was amended in 2010 to include Agricultural

Sales Business as an Interim Use.

2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.

- The Krueger's Christmas Tree Farm has been in operation for approximately 30 years. Staff is not aware of any issues or nuisance conditions that have been identified in this period of time, and the proposed Interim Use Permit will not alter the current operations in any significant manner.

(cont.) **3. Use will not adversely impact implementation of the comprehensive plan.**

- The applicants are asking to sell agricultural product from their site. As identified in the Findings of Ordinance 08-031A, the Comprehensive Plan expresses a desire to preserve the rural character of Lake Elmo and open space and green corridors while regulating commercial uses of an agricultural nature. The Findings provided in Ordinance 08-031A identified that an Agricultural Sales Business would not adversely impact implementation of the Comprehensive Plan when regulated through an Interim Use Permit.

4. The date or event that will terminate the use is identified with certainty.

- Staff is suggesting that the Interim Use Permit terminate 10 years from the date on which the permit is granted or if the property is sold to an outside party, whichever is greater.

5. The user agrees to all conditions that the City Council deems appropriate for permission of the use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.

- Because the applicant is not requesting to add any additional structures at this time, staff is not recommending any financial surety be requested.

6. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

- City staff is not aware of any fees due.

Resident Concerns: Staff is not aware of any resident concerns surrounding the requested interim use permit.

Other Agency Reviews: ■ The VBWD and the DNR did not have any comment for or against the application.

Conclusion:

The applicant is seeking approval of an IUP for an Agricultural Sales Business to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm.

**Commission
Options:**

The Planning Commission has the following options:

- A) Recommend approval of the Interim Use Permit request;
- B) Recommend denial of the Interim Use Permit request;

The 60-day review period for this application expires on December 20, 2011, but can be extended an additional 60 days if more time is needed.

Staff Rec:

Staff is recommending approval of an Interim Use Permit for an Agricultural Sales Business at 4452 Lake Elmo Avenue to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on-site for a period of 10 years. This approval is recommended based on the findings as documented by Staff in the preceding paragraphs with the following conditions:

- The operator must be able to demonstrate at all times to the city that there is sufficient access, parking, and maneuvering space, that the location and adequacy of approaches are sufficient, that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the agricultural sales business.
- All waste materials shall be enclosed in containers provided on the site, and shall not generate any nuisance impacts on adjacent properties.
- All sidewalks, roadways, and parking areas shall be treated as necessary to eliminate dust nuisance impacts on adjacent properties.
- Trip generation shall be limited to the yearly average daily trips calculated for the underlying zoning, with no daily trip generation to exceed twice the daily calculation rate for the underlying zoning. The base daily trip generation is established at 180 vehicle trips per day for every 40 acres.
- Any exterior storage of equipment and materials other than the display of products being sold or agricultural equipment currently in use on the property shall be prohibited, unless otherwise exempted in accordance with Section 150.001 through 150.003 of the City Code.
- Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s).
- Trash containers must be located inside or screened in an acceptable

manner.

- The Interim Use Permit is to allow the sale of agricultural products that are grown off site, and specifically Christmas trees. Any other items wishing to be sold that are not otherwise grown on site or considered an ancillary item shall require an amendment to the Interim Use Permit.
- The Interim Use Permit shall expire on January 1, 2022 or at such time as the property on which this Interim Use Permit applies is sold to an outside party or at such time as the total property utilized for the Lake Elmo Sod Farm is less than 40 acres. At such time as this IUP expires, an applicant may request an extension.

***Approval Motion
Template:***

To recommend approval of the request, you may use the following motion as a guide:

I move to recommend approval of the requested IUP based on the findings cited by staff in the report with conditions (and others as you deem appropriate).

***Denial Motion
Template:***

To recommend denial of the request, you may use the following motion as a guide:

Move to recommend denial of the requested IUP based on the findings of fact...(please site reasons for the recommendation)

cc: Neil and Deb Krueger, Krueger's Christmas Tree Farm

RECEIVED

OCT 20 2011

Fee \$250

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Variance * (See below)
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Zoning District Amendment
- Minor Subdivision
- Excavating & Grading Permit
- Text Amendment
- Lot Line Adjustment
- Appeal
- Flood Plain C.U.P. Conditional Use Permit
- Residential Subdivision Sketch/Concept Plan
- PUD
- Conditional Use Permit (C.U.P.)
- Site & Building Plan Review

APPLICANT: NEIL & DEB KRUEGER 4452 L.E. AVEN. N.E. 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-439-9186 651-331-8563
(Home) (Work) (Mobile) (Fax)

FEE OWNER: _____
(Name) (Mailing Address) (Zip)

TELEPHONES: _____
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):
PT E/2-SE/4 LYING NLY OF C/L OF CURRENT EXIST E-W R/W
KNOWN AS 43RD ST NO SECTION 11 TOWNSHIP 029 RANGE 021

DETAILED REASON FOR REQUEST:
WE PURCHASED CHRISTMAS TREES TO SUPPLEMENT TREES GROWN ON OUR FARM.
WE ALSO SELL TREE STANDS, WREATHS AND OTHER TREE RELATED PRODUCTS.

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:
INTERUM USE

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

Neil A. Krueger 10/20/11
Signature of Applicant Date

Debbie Krueger 10-20-11
Signature of Applicant Date

Krueger's Christmas Tree Farm of Lake Elmo

10-20-11

Our family has been growing Christmas trees in Lake Elmo for 30 years on our family farm on Lake Elmo Ave. N. We offer a cut-your-own experience for those who want to walk our fields and select a tree. We also supplement our growing trees with pre-cut trees we purchase from other growers around the state.

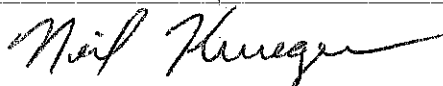
The purchase of trees from other growers has always been a part of our operation. As farmers we are at the mercy of the weather, insects and diseases that can affect the number of trees we can provide from our own farm. We are a sustainable farm that limits the number of trees we harvest from our own fields each year. We then contact our fellow growers and purchase the types and sizes of trees we can't supply from our own fields.

A Christmas tree takes 10-15 years to grow to an average 8' height. During those growing years we plant, water, mow and shape the trees for our customers. This requires long hours and physical labor. We could not accomplish this without the help of our family, friends and neighbors.

We are applying for a permit to continue doing what we have done for the past 30 years. We understand that the ordinances have changed and we must do this. We want to caution the governing groups in Lake Elmo that responsible farming provides for the long term use of open space. We must be careful that we don't force farms out of our town with over regulation, but rather encourage farms and sustainable farming practices.

We welcome you to visit our farm anytime of the year.

Neil and Deb Krueger and family

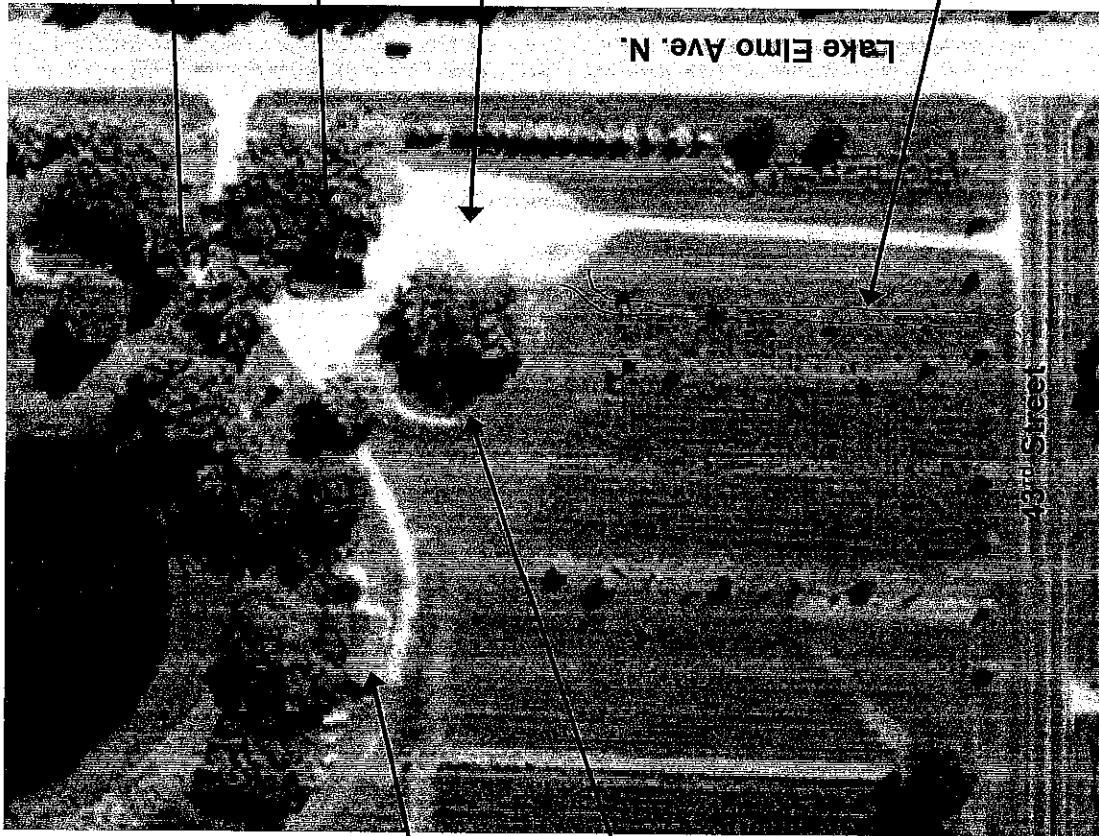
A handwritten signature in cursive script, appearing to read "Neil Krueger". The signature is written in dark ink and is positioned below the typed name.

KRUEGER'S CHRISTMAS TREE FARM

4452 Lake Elmo Avenue North



NORTH



House

Sales
Barn

Parking

New
Driveway
(2011)

Machine
Shed

Outdoor
Sales Area

SCALE:

1" = 100 feet



NORTH

KRUEGER'S CHRISTMAS TREE FARM

4452 Lake Elmo Avenue North



The Krueger family has been growing Christmas trees in the St. Croix Valley since the early 1950's. This year, 2005, marks the 50th year of selling Christmas trees as the second generation of Krueger's, Neil and Deb carry on the tradition started by Al and Elaine Krueger so many years ago. It was 1950 that Al and Elaine Krueger planted their first trees. They were planted on marginal farm land to help with erosion and for reforestation. As the trees began to mature they needed to be thinned so in 1955 Al and Elaine sold their first trees to some of the neighbors.

From those early beginnings thousands on seedlings were planted each spring. As the business grew, the 50 plus acres of crop land were planted in trees for Christmas. For the next 40 years Al, Elaine, their 5 children, friends, and other relatives, all worked together to build the family tree business. The Krueger Tree Farm flourished on highway 36 in Stillwater until it was sold in 1994. Many memories and traditions were made in those first 40 years.

Then in 1995 Deb and Neil Krueger carried on the tradition on Krueger trees in the valley when they started selling Christmas trees on their farm in Lake Elmo. After working with Neil's parents for 40 years they were ready to continue the family tradition of raising trees along with most of the same friends and family that had been so important to the success of first farm.

In addition to precut trees Neil and Deb added cut your own trees to accommodate the many families that wanted the old fashioned experience of cutting your own tree. Our customers can select a tree from our fields in October when the weather is warm and then come back to cut it at Christmas. They can also choose a tree during the Christmas season to cut down for their home.

Krueger's Sprucegate Farm was formed in 1983 when Neil and Deb bought Neil's Grandparents farm in Lake Elmo. This land was farmed by Fredrick Krueger with horses into the mid 1950's. We have been members of the National and Minnesota Christmas Tree Associations.

Our farm in Lake Elmo carries on the same traditions that keep our customers coming back each year. We pride ourselves in the service we provide. All our trees are shaken to remove the old needles. We wrap the trees for easier handling and better protection of the tree. Then we'll load and tie the tree on your car. After Christmas we will take the trees back and recycle them by chipping them for mulch. Then during Earth Week in April we give out seedlings to complete the cycle of growing trees.

Neil and Deb Krueger

Christmas 2005

Krueger's Sprucegate Farm of Lake Elmo

651-439-9186

KRUEGERS CHRISTMAS TREE FARM
4452 LAKE ELMO AVE N

N ↑





REAL CHRISTMAS TREE FACTS

It is important for the Earth and all living things, to grow trees. Trees are the largest and oldest plant on Earth. Christmas trees are a very special part of the Cycle of Life, and are important to our environment for many reasons!

Real trees are renewable, recyclable, and bio-degradable

Real trees cleanse the air of noxious toxins and poisons. They take in carbon dioxide and give off clean, fresh oxygen

One acre (1000) trees produce enough oxygen for 18 people to breathe!

Growing trees promotes more rainfall

Real trees provide habitat for birds and animals

Real trees prevent soil erosion and hold the ground in place

Real trees absorb noises and cool our cities

Recycled trees can be used as protection for fish in ponds and streams and provide mulch for gardens, playgrounds and walkways

Artificial trees contain non-biodegradable, or bio-degradable plastics, metals, and lead. They are not renewable, recyclable, or bio-degradable and can take up to 100 years to decompose in a landfill!

Real trees are All-American! They're grown in every state, including Alaska and Hawaii.

We must take care of the Earth and everything in it.
It is a part of the air we breathe, the water we drink, and the food we eat.
We are all a part of the *Cycle of Life!*

GROWING EXOTICS...

In September 2005 the University of Minnesota and the Minnesota Christmas Tree Association hosted the 7th Biannual Exotic Conifer Conference and Field Day in Grand Rapids, Minnesota. The goal of this conference is to share the most current information on growing and marketing exotic conifers. Exotic conifers are new varieties of evergreen trees that are being grown in the Midwest for the first time. I attended to find out which one of these new varieties would be good for Christmas Trees.

The 3 day conference drew in tree growers from across the U.S. and from Canada and Europe. The Minnesota Christmas Tree Association and the University of Minnesota in 2001, planted four experimental plots of exotic conifers in different parts of Minnesota. The purpose was to see which of the 20 different varieties do well in Minnesota. The six varieties showing promise for Minnesota are: Siberian Fir, Canaan Fir, Korean Fir, Bracted Fir, Meyer Spruce, and Swift Silver/ Concolor.

Several years ago we began experimenting with some of these exotic varieties on our farm in Lake Elmo. Canaan Fir is doing the best on our soils. We have been selling a limited amount of them for Christmas trees with good results. They are a cross between the Balsam and Fraser Fir with good needle holding characteristics, rich green color and a healthy look.

Meyer Spruce were planted four years ago and are looking good with upright branching and stiff branches for holding heavy ornaments. This variety seems extremely hardy because every seedling we planted has grown.

Our Korean Fir were planted four years ago but have a hard time growing tall. They seem to grow more horizontal than vertical. The color of these trees is unique because the under side of the branches are a showy white color that flashes in the wind. Once these trees get taller they will be a popular Christmas tree.

We have a small amount of Siberian Fir that we planted this year. Although too early to predict how they will do they have an unusual citrus smell to the needles.

Our involvement with the Minnesota Christmas Tree Association and the University of Minnesota has been extremely important for us to be on the leading edge of providing the finest and most unique Christmas Trees for our customers.

Neil and Deb Krueger
Christmas 2005
Krueger's Sprucegate Farm of Lake Elmo
651-439-9186

IDEAS FOR 2011

① Add warming house history to website

② Put up sign in warming house describing its history

- put up pic of visiting Norwegians

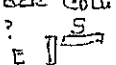
③ Put up sign in warming house describing farm history / timeline : website

④ Create sign for south end of barn.

"More trees displayed inside" ENTRANCE SIGNS

"Please pay inside"

- Add more "string bulbs" lights over large tree area and east side of barn and shop to NW corner of barn
- Add a new line on south side of house for reserved trees.
 - Maple to light pole to NW corner of warming house?


• Move counters to SE corner of barn put counters on wheels to push along east wall when season over. consider counters at right angles east + south? 

make new, smaller counters on wheels!
• Need to rewire phone/power lines

• Add a switch to red shaker.

• Add more string buckets in parking lot (put on posts?)

• Update the cut-your-own hiosk (more formal) move so both sides can be read, maybe in middle of driveway?

• Create new way to display garland!!  - also for different sizes of plain wreaths
Put up GARLAND ON TREE ~~Barren~~

• Rearrange : Layout new parking area

• Extend baking wagon?

• Add new line for tall trees that parallels east side of garage (along entry way)

• Add sign to temporary fence at entrance - All Enter on 43RD

"Enter here. Please exit through South entrance"

⑤ Buy cider in concentrate?

⑥ Buy a commercial-type cider machine?

• Create new wreath display racks ~~A B C~~

- I would like to create separate areas for each type, size, & kind of wreath: dresses, candy canes, lg. wreaths, swags, etc.

• Use posts instead of A-frames on lines (8 total?)

• Further refine tie-on designated area. ~~A B C~~ Put in posts?

• Improve tree stand displays \approx \approx \approx TREE : Pictures describing other stands

• Re-do east side of tree barn to utilize wreath accessibilities + snow removal
consider a ramp?

- smoke detector in left / fire extinguisher, too

11-1-11



* Buy new flashlights & charge flashlight batteries

✓ WARMING HOUSE ROOF LIGHTS

- STORAGE PILE BRACES

- SWITCH FOR SHAKER

* Mitchell stands @ tips

* Usher

- SIGNS - ENTER EXIT NEW SIGNS ; PLACEMENT

-- BRACES ; CABLES TREE LOT

- LIGHTS TREE LOT ; NEW AREAS

- CABLES FOR RESORUS ; E. SIDE GARAGE ; COME ALONGS

- DRILL MACH. NEW SPOT

- BAILING WAGON NEW SPOT

- CHECK ELECTRIC POWER NEEDS

- RACK FOR BAILED ; DRILLED TREES

- DISPLAY FOR DOGWOOD - SPRUCE TOPS - GARLAND - WIRGATHS

- PICTURE AREA ; CUT OUTS

-- TAKE WOOD OUT OF BOUGH HOUSE

- MADDISON : JAM TREES

- Put UP ADDITIONAL FIELD SIGNS

- BRACKETS FOR WEATH STRO

✓ TAG CANAAN FIR IN FRASER FIELD

- DRIVEWAY TREES
+ LIGHTS

✓ MOVE ; REWIRE COUNTERS

- DRIVEWAY SIGN LIGHTS

✓ ACTIVATE PHONE LINE - 439-1758 ACTIVATE BY 11-2-11

- ALARM FOR 43RD ST. DRIVEWAYS (MATHIAS HYDRAULICS) (NEED 2)

- PARKING LOT DIVIDERS

- STAMP FOR TREE TAGS
- HOT STAMPS (TAX INCREASE)

- END BRACKETS FOR FIRE BUD WAGON

- NEW BUNGALOW CORDS PEOPLE WAGON

- CUT DOGWOOD

* Call Gene Bosted to receive jacket.

- CUT CEDAR

- CALL HOARTLAND

- KREW LIST

- REPAIR JACKETS

The gift of a tree

Debbie Krueger
Krueger Tree Farm

I have been given the gift of growing trees. Christmas trees. And what a wonderful gift it is to be able to see the past, present and future all at the same time.

The Krueger family has been growing Christmas trees in the St. Croix Valley for over 50 years. We have had our farm in Lake Elmo for 20 years.

The cycle of seasons has given us another opportunity to plant our seedlings. Baby evergreens begin as seeds collected from cones. They can take a year to germinate. Then they sit in a transplant bed for another two to three years. It takes six to 10 years to grow an average size Christmas tree, and fir trees can take twice that long.

For every tree harvested at Christmas, two to three seedlings are planted in its place. There are about one million acres of Christmas trees growing in the U.S. Did you know that a field of growing trees is like a "fresh-air factory?" When they blow in the wind, they cleanse the air of gases, toxins, ash and pollutants. They also remove carbon dioxide from the air and give us oxygen to breathe.

Each acre of 1,000 trees gives off enough oxygen for 18 people.

Through the years, I have made the acquaintance of many trees. It is a wise person who seeks the counsel of a tree. An oak can teach us about strength and timelessness. A cottonwood can teach endurance; a willow, grace. Fruit trees teach us abundance. An elm tree will teach us all we need to know about patience. They show us how to be strong, even in the weakest of times.

“. . .What a gift it is, to be given the gift of growing the Earth.”

—Thoreau

Something in each of them touches my heart and links me to the ancient rhythms and source of peace. Some say it is the closest we can get to God.

Trees provide habitat for many birds and animals, as well as food for the hungry and rest for the weary. They provide lumber for our homes, and improve the rainfall. Their roots hold the soil in place and prevent erosion. Recycled chips are used in parks and woods for walkways and paths. They shade us and keep us cool in summer, and give us their wood in winter for warmth. They are renewable and recyclable.

Our understanding of their place in this world is very clear. Trees are so much like us. They have their feet on the ground, their heads in the sky. They respond to the changing seasons, to drought and plenty. They know peace, and I believe they also know sadness. Their lives are understood in years. We can watch them grow, we touch them and know their wildness. We can sit beneath them and know peace.

As Kent Nerburn says in his book "Encounters" "Graces"

We are all connected to trees, as we are to Earth. We live not only in nature, but it lives in us. It is the air we breathe, the water we drink, the food we eat. If there were no rocks, our bodies would have no minerals. If there was no water, our cells would dry up and we would die. The sun makes the earth grow and flourish. The moon turns the season. We are all a part of the cycle of life. Everything lives. Everything dies. If only I can remember this, it is enough.

Each of us has a renewable contract with the Earth. As long as we inhabit it, our seeds of thought and action will matter. Is it any wonder that the Buddha became enlightened under the Bodhi tree, or that Jesus taught us "a good tree bears good fruit?" The Iroquois called their wise people "tall pines." Consider the future. Our children's children will be left with whatever legacy we leave behind. Surely, they will challenge us if we don't make an effort to protect this planet. The things we have created and planted are our touch upon the Earth: a seedling encouraged, a tree planted, a garden well-tended.

We are all equal here, born out of the same Earth. When I am out in our fields, I envision the different cultures and generations that have reached across our farm. We are stewards of this land now, and we are blessed.

So let us speak out for the Earth and for all of us who live here. Plant a tree. Look for peace. Sometimes I feel very humble to be a small part of such a plan. . . . very proud to be included in such a grand design. Let us, then, walking gently upon this Earth leave behind a simple legacy: that we loved the Earth, and we tried to love each other.



Kruger's Christmas Tree Farm

4452 Lake Elmo Ave. N., Lake Elmo, MN 55042 651-439-9186

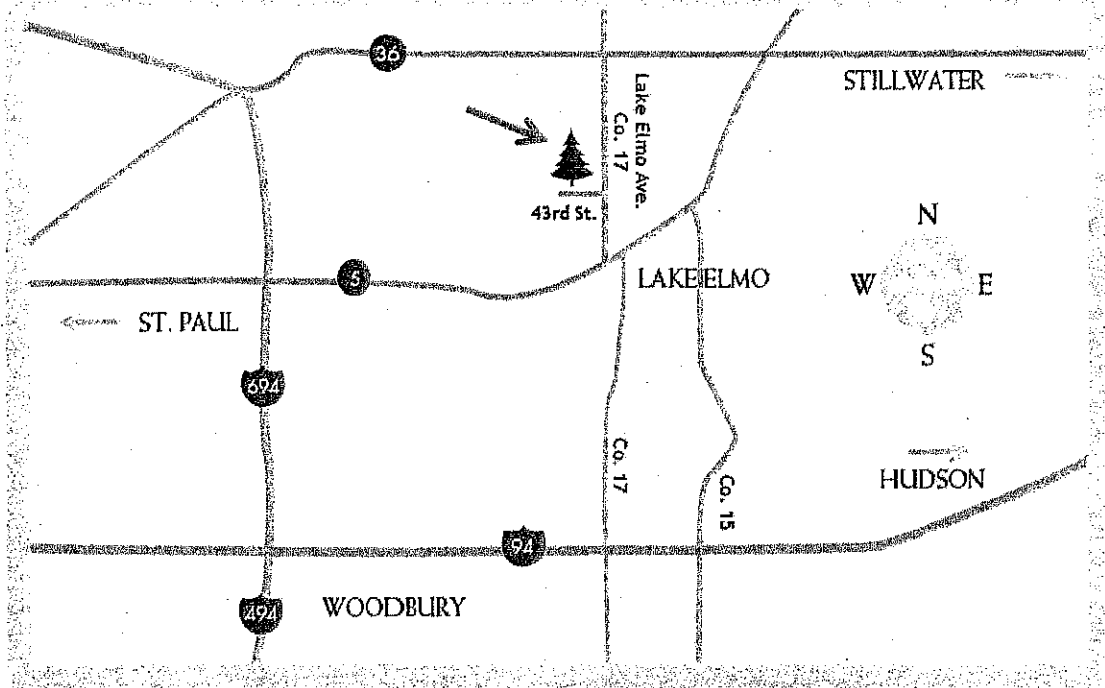
Hours: Monday - Thursday...12pm - 9pm
Friday - Sunday...9am - 9pm



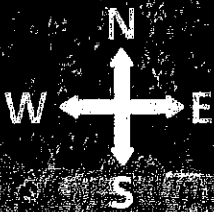
Can We Bring Our Dog To The Farm?
Yes! We welcome dogs at the farm, but please keep them on a leash and pick up after them.



Can We Shop After Dark?
Yes! We have a large lighted display area of over 300 pre-cut trees. We also have ~40 trees in our heated tree barn.



CUT-YOUR-OWN FIELD MAP & NATURE WALK



Nature Walk Through Woods (please stay on trail)

TREE BARN & WARMING HOUSE

PARKING

New for 2011!
Value Trees:
White Pine
Norway Pine
Scotch Pine

Canaan Fir 6'-9'

Fraser Fir
Canaan Fir 5'-10'

Spruce 5'-7'

White Pine 6'-9'

Value Trees

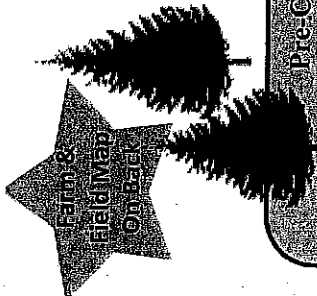
New for 2011!

Spruce
Fraser Fir
Canaan Fir
White Pine 5'-9'

Natural Spruce

Welcome to Krueger's Christmas Tree Farm!

...A family tradition for over 55 years...



Tree Species

BALSAM FIR
Good needle retention, great scent, strong branches

FRASER FIR
Great needle retention, strong branches, silvery underside of needles

SCOTCH PINE
Medium-length needles, full shape, great needle retention

WHITE PINE
Long needles, excellent needle retention, full shape

SPRUCE
Great retention, prickly needles, stiff branches

CANAAN FIR
Similar to Balsam & Fraser, strong scent, good needle retention, strong branches

Pre-Cut Trees

We have great selection of pre-cut trees available. There are over 300 trees displayed in the field area. There are also up to 40 trees in the heated tree barn. We have trees up to 17' tall. We sell several different species including Balsam Fir, Fraser Fir, Canaan Fir, Scotch Pine and White Pine in addition to a limited amount of new exotic species.

Choose and Cut Trees

We also offer the option to cut your own tree. The fields (on backside) indicate the locations and types of trees available. There will also be wagon rides that circle the fields. You may walk to your tree and drag it back using one of our sleds or you may ride on the wagon also has a saw and stumps available for you to use. Please note that for safety reasons we don't allow customers to use chainsaws on the farm.

PLEASE CUT AND GIRD TREES ONLY!

? If you have any questions or need help with a tree, please ask one of our crew in the red coats. We'll be glad to help!

Other Items For Sale

- Garland/Roping
- Tree Bags
- Red-Twigged Dogwood
- Hand-Decorated Wreaths
- Tree Watering Tools
- Swags
- Tree Stands
- Spruce Tops

Complimentary Activities & Services (included with your tree!)

- Wagon Rides
- Tree Skating
- Visit From Santa
- Tree Baling/Wrap
- Warming House
- Campfire
- Hot Cider
- Coloring Books
- Nature Walk
- Tree Stand Drilling
- Toobies Rolls
- Boughs/Branches
- Fresh cuts
- Teepee
- Tree Recycling
- Tree Tying on Your Car
- Use of Sleds
- Use of Hand Saws
- And lots of fun!

Environmental Stewardship

We strongly believe in the need to enjoy and protect our natural environment. We choose to operate our farm as sustainably and impact-free as possible. For example, we use mulch around each tree to limit the use of chemicals and irrigation. We also give financial contributions to numerous environmental causes.

What Does it Take to Grow a Tree?

Each spring, we plant new seedlings to replace the previous year's harvest. We will then mow, hill, mulch, weed, and shape each tree every summer for the next several years. After about 10 years, the trees are then ready to be harvested!

Renewable, Sustainable, Recyclable

After Christmas please bring your tree back to the farm. We will then recycle it into wood chips. The chips will be used to mulch the new seedlings next spring.

Cut-Your-Own Trees

Why do you get a limited number of trees? We have a limited number each year. This process is what allows us to have a steady supply for future years. Factors such as heat, drought, frost, and hail can alter the number of trees available to harvest each year. We plant more and more trees each year to help offset some of these factors.

Also invite you to visit the teepee on the hill.

The teepee is in honor of the local Native Americans who once had a village and ceremonial mounds on our farm. There will also be a re-enactor in the teepee during Thanksgiving weekend and the first weekend in December.

About the Farm

Our farm is a 4th generation Christmas tree farm. Our family has been farming this land for over 55 years. In 1955, we will become a Century Farm in 2015. We have been supplying quality Christmas trees & great customer service to the Christmas tree families since 1955. We are proud to have such a long history and future with this land. We have developed a deep connection and respect for the land, the environment, & the community. Thank you for being a part of the farm. **The Krueger Family**

Santa will be visiting from 12-3pm on Saturdays and Sundays from November 27th - December 4th

HOURS
Monday - Thursday 12pm-9pm
Friday - Sunday 9am-9pm



More info at www.kruegerschristmastrees.com

More info at www.kruegerschristmastrees.com

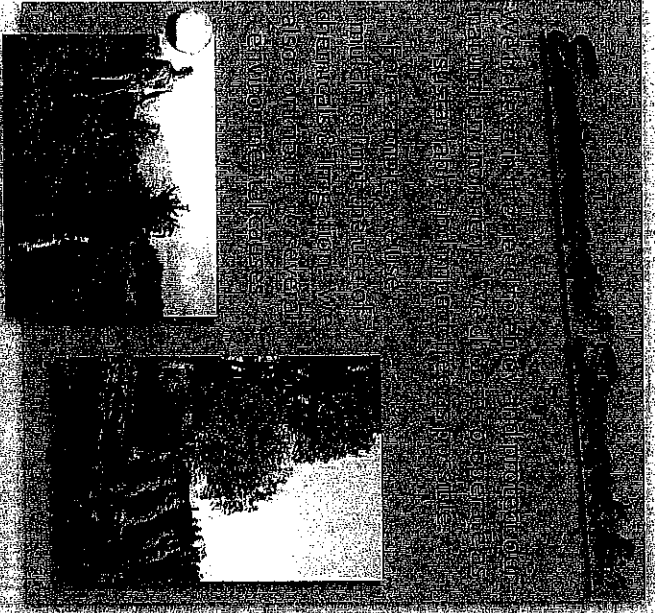




Krueger's
Christmas Tree Farm
 "GROWING SINCE 1955"
 LAKE ELMO, MN



Krueger's
Christmas Tree Farm
 "GROWING SINCE 1955"
 LAKE ELMO, MN



Please contact us if you have any questions, suggestions, or comments about the farm. Visit our website for up-to-date news & info, farm history, photos, and contact information.

Krueger's Christmas Tree Farm
 4452 Lake Elmo Avenue North
 Lake Elmo, MN 55042
 651-439-9186
info@kruegerschristmastrees.com



Visit our website at www.kruegerschristmastrees.com

Visit our website at www.kruegerschristmastrees.com

Our farm is a 4th generation Christmas tree farm. In 2013 we will become a Century Farm. We have been supplying quality trees & great customer service to Twin Cities area families since 1955. We are proud to have such a long history and future with this land. We have developed a deep connection and respect for the land, environment, & community.

Located in Lake Elmo between the cities of Woodbury & Stillwater, we are within 30 minutes of the Twin Cities metro area & western Wisconsin. We sell numerous species and sizes of trees, along with wreaths, garland, tree tops, stands, and other items. You may choose from our large selection of fresh pre-cut trees or cut your own from our fields.



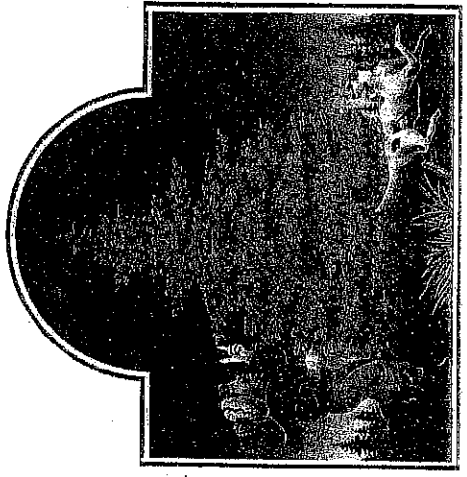
We invite you to start or continue your Christmas tree buying tradition with us!
The Krueger's

Renewable — Sustainable — Recyclable

Krueger's Christmas Tree Farm
 4452 Lake Elmo Avenue North
 Lake Elmo, MN 55042
 651-439-9186
info@kruegerschristmastrees.com

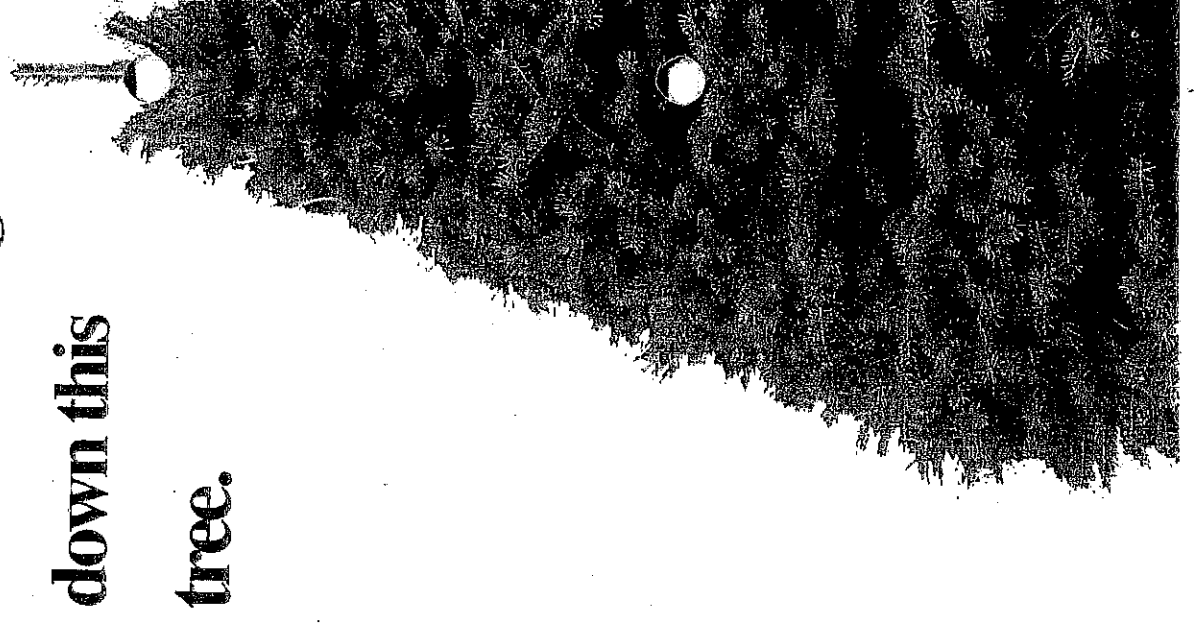
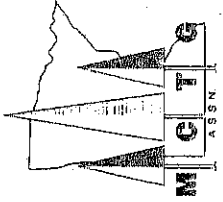
Visit our website at www.kruegerschristmastrees.com

**To preserve our
environment,
we're cutting
down this
tree.**



**Choose a
RealTree
this Christmas,
and contribute
to a healthy
environment.**

*This brochure was
produced by the
Minnesota
Christmas Tree
Growers'
Association.*



For almost eight years, this Christmas tree has been helping to clean our environment. It has removed carbon dioxide from the air. It has reduced pollution by absorbing noxious gases and converting them to clean, breathable oxygen. It has increased soil stability. It has filtered particles of sand,

dust, ash, pollen and smoke. And it has provided a natural habitat to a wide variety of wildlife.

Now we're cutting it down.

Unlike a typical farm crop, Christmas trees are a renewable, recyclable product that continually benefit our environment.

Each spring, Christmas tree growers plant an average of three trees for every tree that was harvested during the Christmas season. These trees

"Each spring, Christmas tree growers plant an average of three trees for every tree that was harvested during the Christmas season."

are then nurtured and shaped for five to fifteen years to enhance the natural growing process. Some varieties of Christmas trees are also tinted to preserve their natural evergreen color during the dormant winter season. Finally, your RealTree is cut down so that it may become a part of your family's Christmas tradition.

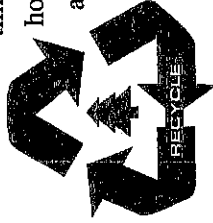
Once Christmas is over, your RealTree can be converted to mulch in a seasonal recycling program. This mulch is then used in a variety of ways—to cover hiking trails in area parks, to serve as a protective covering in your garden, or to help retain moisture around a newly planted tree. Most importantly, a recycled RealTree will benefit our environment, unlike a discarded artificial tree that will take hundreds of years to decompose in an area landfill.

Participating in a local recycling program is easy. If your community is sponsoring a curbside collection program, simply remove

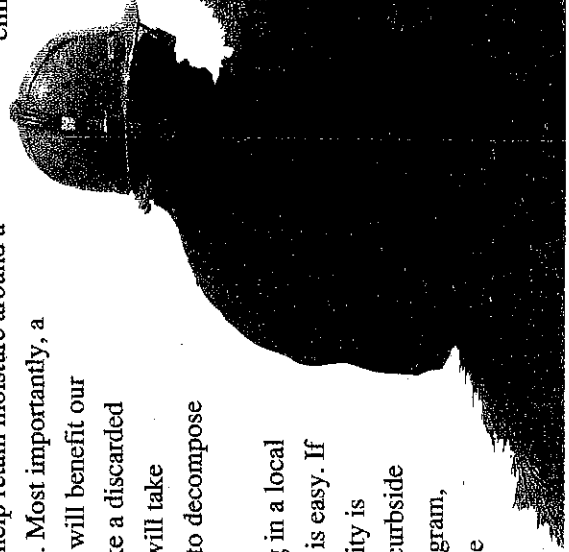
"...a recycled RealTree will benefit our environment, unlike a discarded artificial tree that will take hundreds of years to decompose in an area landfill."

all the decorations from your tree (including the tree bag) and leave it by your curb for pick-up. Or, if your community is sponsoring a drop-off recycling program, bring your tree to the closest drop-off site during the specified time. Your tree will be converted to mulch using a tree chipper, and often times you're invited to take the wood chips home for use in your yard or garden. For added convenience or fundraising opportunities, community service groups may provide curbside collection services for a small fee.

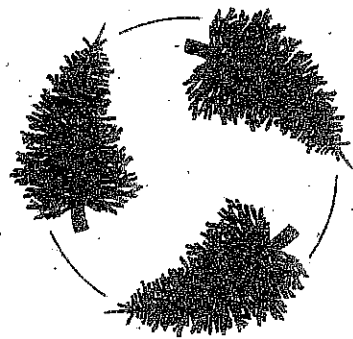
Once you've discovered all the advantages of a RealTree, you'll realize its continued importance to the preservation of our environment. And you'll come to realize that by choosing a RealTree, you're promoting environmental awareness for the next generation. Our children.



"Your tree will be converted to mulch using a tree chipper, and often times you're invited to take the wood chips home for use in your yard or garden."



your Real Tree



The Environmental Choice

Congratulations on making the best environmental choice for this holiday season.

Real Christmas trees are an all-American, **recyclable** and **renewable** resource that can be converted into a useful mulch after the holidays. This is unlike a discarded artificial tree that may not decompose for hundreds of years. Tree farms stabilize soil, protect water supplies and provide **refuge for wildlife**. Many communities now offer Christmas tree recycling programs but you can also recycle your tree at home. You can use the tree branches for mulch in gardens or as a bird feeder, adding color and excitement to the winter garden.

Breathe easy with a real Christmas tree. Real

Christmas trees absorb carbon dioxide and other gases to create fresh oxygen. One acre of Christmas trees produces the daily oxygen requirements for 18 people. The 1 million acres of Christmas trees in the United States translate into oxygen for 18 million people every day. For every real Christmas tree harvested, an average of three seedlings are planted in its place.

Tradition - Each year, 35 million American families bring real Christmas trees into their homes, creating a warm and glowing part of their holiday **celebration**.

In 1842, Charles Minnegerode introduced the custom in Williamsburg, Virginia. His tree was described as "splendidly decorated" with strings of popcorn, gilded nuts and lighted candles. The 14th president of the United States, Franklin Pierce, was the first president to set up a Christmas tree in the White House

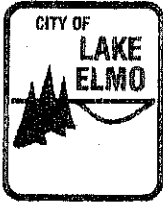
Real Christmas Tree Care - Caring for your real Christmas tree is easy...the most important thing to remember is that real trees need water - just like a fresh bouquet of flowers. When you bring the tree home, cut one-quarter inch or more off the base of the trunk. If you are not ready to decorate it, keep the tree outdoors, protected from the wind and sun until you are ready to bring the tree into your home.

Before bringing the tree into your home and placing it in a stand, make another fresh cut, a minimum of one-quarter inch or more off the base of the trunk. This opens the tree stem so it can take up water. Immediately place your tree in the stand and fill it with fresh water. Keep in mind, if you allow water level to drop below the fresh cut, a new seal will form over the stem.

Trees are very thirsty. They will drink between two pints and a gallon of water a day. Use a water-bearing stand with a water capacity of at least one gallon or more. Check the stand daily and supply fresh water as needed.

Holiday Safety - Check all electric lights and connections before decorating your tree and home. Do not use lights with worn or frayed cords and NEVER use lighted candles on your tree. Do not overload electrical circuits. Place your tree away from fireplaces and other heat sources. These elements can prematurely dry your tree. And, be sure to turn off all decorations before retiring at night and at any time you leave home.

*All the Best this Holiday Season
from Your Real Tree Retailer,
Grower & the National
Christmas Tree
Association.*



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/11

REGULAR

ITEM #: J9

MOTION

AGENDA ITEM: Planning Services – Interim Proposal During the Vacancy of the City Planner Position

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: None

SUMMARY AND ACTION REQUESTED: The City Council is being asked to authorize Staff to proceed with actions to help accommodate the work load within the Planning Department while the City Planner position is vacant. Specifically, Staff would like to hire an outside consultant to assist the I-94/South 10th Street Work Group continue its work, and to also hire a planner on a limited basis to cover some of the day-to-day activities within the department.

BACKGROUND INFORMATION: Attached is a document that describes the more critical assistance that Staff is seeking over the next 2-4 months in the wake of the resignation of the City Planner. This request includes a list of general planning tasks that have typically been covered by the City Planner, separated by my expectations concerning who would best be able to provide assistance to the City during his time period. Most importantly, I do not believe that we can bring in another planner on a temporary basis who has not worked in Lake Elmo previously and expect them to take over the I-94/South 10th Street Planning process. In this case, I would strongly recommend that we utilize the City's current planning consultant with MFRA rather than seek an alternative arrangement for this significant project.

I have also created a list of activities that could be performed by an outside planner, either through a contractual arrangement with a neighboring city, on a consulting basis, by rehiring a former intern, or some other arrangement. While experience working in Lake Elmo would be a positive for these tasks, they could realistically be performed by a competent planner who is familiar with land use planning and zoning issues.

There are also a few areas of general support listed on the attached that could be covered internally or that could be covered by a general planning support person.

In terms of budgetary impacts, Staff has put together a very rough analysis of the projected budget through the end of the year if the City were to contract for the services requested above.

In the most conservative scenario (using the maximum time estimated and a higher number for reimbursement), the budget for the last seven weeks of the year would look as follows:

- Planning Consultant (8 hrs. per week @ \$95 per hour): \$5,320
- Planning Support (10 hrs. per week @ \$40 per hour): \$2,800
- Other Expenses (travel, materials, etc.): \$1,000

Using the current year's salary plus benefits for the City Planner, the City would have paid out \$7,840 in salaries over this same period of time (but not including any additional time that was typically paid out to the City Planner). This budget proposal would look slightly different in 2012 as MFRA has notified the City that their existing contract with Lake Elmo will need to be updated for them to work beyond the end of the year on the current contract. Their rates are proposed to increase to \$110 per hour after the first of the year.

Should any of the staffing expenses exceed the budgeted salary amount for the department, there are funds available in the consulting line item to help cover these costs.

STAFF RECOMMENDATION: Based upon the above background information, it is recommended that the City Council authorize Staff to implement the temporary staffing strategies listed above until such time that a replacement for the City Planner can be hired by the City.

ATTACHMENTS:

1. Interim Planning Assistance Requested

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....City Administrator
- Report/Presentation Planning Director
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion.....Mayor & City Council
- DiscussionMayor & City Council
- Action on MotionMayor Facilitates

**City of Lake Elmo Planning Department
Interim Planning Assistance Requested
November 2011 – February 2012**

Planning Consultant (4-8 hours per week):

- ***I-94 Corridor Planning Process*** - staff work group meetings, develop revised land use plan for the I-94/10th Street Corridor

Staff Support (6-10 hours per week):

- ***Building Permit Reviews*** – review building permits for compliance with zoning requirements, coordinate reviews with City Engineer, work with applicants to secure missing/incomplete information
- ***Planning and Land Use Applications*** – prepare public hearing notices, research historical site information, prepare staff reports for Planning Commission and City Council meetings, draft follow-up letters once action is taken by the City, prepare ordinances and resolutions for City Council meetings
- ***Filing*** – file planning and land use applications
- ***Land Use Inquiries***. Respond to land use requests, review address files in response to public inquiries
- ***Communications*** – provide research and support for newsletter articles, assist Planning Director with correspondence on planning and zoning-related matters, update website with meeting agendas and other planning information
- ***Village Planning Work Group*** – provide assistance to the Planning Director in preparing for Village Planning Work Group activities, prepare notes from work group meetings, conduct research under direction of the Planning Director for work group discussions, prepare maps, draft planning documents, and help prepare meeting materials
- ***GIS/Mapping Updates*** – generate maps for staff reports and public meetings, work with City staff to update GIS maps, provide assistance for Comprehensive Planning analysis

Other/Internal Support (2 hours per week)

- ***Planning Commission Minutes*** – attend Planning Commission meetings and take minutes, provide staff support as needed
- ***Meeting Agendas*** – provide assistance with the preparation, copying, and mailing of meeting agendas and packets



MAYOR & COUNCIL COMMUNICATION

DATE: November 15, 2011

REGULAR

ITEM #: 10

Motion

AGENDA ITEM: Designation of Interim City Clerk

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

REVIEWED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: Sharon Lumby has announced her retirement at the end of this year. She is planning to leave sometime during December and use some of the balance in her personal time off (PTO) for the rest of the month. I am recommending that Carole Luczak, Program Support Assistant, be designated the Interim City Clerk until someone starts working with the regular appointment to the City Clerk position, and that her wage be increased \$6.00 per hour (approximately \$1,000 per month) during this service as Interim City Clerk.

STAFF REPORT: As noted above, the chair at the City Clerk's desk will be empty upon Sharon Lumby's departure; currently, Carole Luczak is a logical and capable choice to assume the City Clerk's duties as soon as Ms. Lumby has left. Ms. Luczak has been with the City for nine years and worked alongside the City Clerk all that time. She has become knowledgeable about the Office of the City Clerk and its functions and responsibilities; indeed, her role would appear to have evolved into one of a deputy city clerk, and she has readily assumed the duties of the city clerk when Ms. Lumby has been absent. Ms. Luczak has achieved accreditation as a Minnesota Certified Municipal Clerk (MCMC) (a three-year process), and is working toward certification by the International Institute of Municipal Clerks (IIMC). During both of my stints with Lake Elmo, I have found Ms. Luczak to be extremely competent and capable with matters in the purview of the city clerk, and very courteous and helpful with the public and staff.

It is also a common practice to adjust the compensation of individuals when they are performing a job that is at a higher level than the one they hold. I am proposing that Ms. Luczak's pay be increased by \$6.00 per hour, to \$23.96, until such time as someone begins service with a regular appointment as City Clerk.

Recommendation: In terms of filling the City Clerk position, I recommend that the City develop an updated position description and place the position announcement with the League of Minnesota Cities and appropriate municipal/professional publications within the region as soon as practical. I further recommend that interviews for the position take place after the new city administrator begins his/her service, so that he/she may be able to recommend who should be appointed as the next City Clerk.

Alternative: As an alternative, the Council could consider making the appointment of the City Clerk more quickly. Within the City's personnel policies, it prefers the promotion of employees "when there are appropriate opportunities ..." "It is the policy of the City to fill vacancies in the municipal service by promotion of regular employees who are qualified and eligible, insofar as practicable, by posting notice to fill such vacancies for five (5) days prior to filling." The City's investment in Ms. Luczak's MCMC certification was in part in consideration for succession planning in the City Clerk's Office. She would be able to perform the responsibilities of the position. While I am recommending the process outlined in the previous paragraph, I wanted to make the Council aware that this course of action may be appropriate.

We will be working on arrangements for temporary part-time staffing to perform some of Ms. Luczak's current duties, primarily in terms of front counter and telephone receptionist, handling questions from the public, and agenda packet preparation.

ATTACHMENT:

- Draft of position description for City Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor & Council Members
- Motion(s)..... Mayor Facilitates

DRAFT

CITY OF LAKE ELMO
JOB DESCRIPTION

POSITION: City Clerk
DEPARTMENT: Administration
REPORTS TO: City Administrator

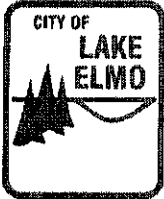
SUMMARY

Performs moderate to complex technical and varied duties in providing administrative support to the City Administrator.

ESSENTIAL FUNCTIONS OF THE POSITION:

- Provides assistance to the City Administrator including the execution and preparation of legal documents, notices, and publications as necessary.
- Serves as a member of the City's management team.
- Answers a variety of public inquiries regarding municipal practices, policies, licensing and applications through telephone and/or walk-in customers.
- Provides explanation of policies and procedures to the general public.
- Prepares notices and legal publications for publication in the newspaper.
- Process City licenses including gambling, liquor and peddler and advises applicants on application procedures; and collects licensing fees.
- Collects, arranges, draft materials for Council meetings.
Prepares City Council meeting agenda packets.
Attends, records and transcribes City Council meeting minutes.
- Prepares resolutions ordinances and other items.
- Prepares correspondence and materials for City Administrator.

- Conducts City elections, including maintaining voter registration, purchasing election supplies, coordinating election judges' schedules, keeping current on Federal, State and County laws and procedures. Develops and monitors City election budget.
- Assists with improvement projects. Drafts and mails assessment letters and appropriate resolutions. Assists with bid openings.
- Assists in updating City's website.
- Responsible for maintenance of City records and is responsible authority for Data Practices.
- Enter receipts of water bills payments, etc. and makes bank deposits for payments.
- Distributes and keeps track of keys to City facilities.
- Performs other duties as apparent or assigned.



MAYOR & COUNCIL COMMUNICATION

DATE: November 15, 2011

REGULAR

ITEM #: 11

Discussion; Motion?

AGENDA ITEM: Interim Finance Director

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: At its October 18 meeting, the City Council discussed the designation of the Interim Finance Director (Joe Rigdon) and decided to await further discussion on this matter until the Council had an opportunity to review the assessment by Springsted Incorporated regarding the City's finance and accounting services. Springsted has provided several recommendations, one of which is the current arrangement for interim and contractual services in the Finance Department remain in place until the new city administrator is on board and can recommend an appointment for the Finance Director. The Council may wish to affirm or reconsider this arrangement.

BACKGROUND INFORMATION: Former Finance Director Tom Bouthilet retired, and his last day in the office was October 14. The outgoing city administrator had designated Joe Rigdon, the City's consultant in Finance, to be the interim finance director, and Messrs. Bouthilet and Rigdon work together for Tom's last week to make as smooth a transition as possible into the interim period.

Joe Rigdon is an employee of Kern DeWenter Viere, Ltd., (KDV), and worked with Lake Elmo and its Finance Department since 2008. He is a Certified Public Accountant, has been employed as a finance director with the cities of Rogers and Falcon Heights, and currently serves as a part-time finance director for the City of Medina, MN, on a contract basis. With KDV, he has provided service to 29 cities. As interim finance director, he is working at the City two days per week (except when prior obligations conflict,) and is available throughout the week. His compensation is \$135/hour and \$67.50/hour for travel time.

At the October 18 meeting, Council considered a motion to appoint C & J Consulting as the interim finance director. The firm has been performing primarily clerical accounting functions for the City's finance department since 2009. Cathy Bendel relates that she has nearly 30 years of accounting experience, including holding multiple corporate controller/finance director positions over the years. The client reference list provided with the 2009 proposal for clerical accounting services did not list any governmental clients. The firm is currently charging \$50/hour and \$25/hour, depending on the type of work it performs for the City.

Among the major recommendations by Springsted Inc.:

“[T]he City should hire a fully qualified, experienced Finance Director which would result in the elimination of the City’s dependency on an outside consultant to develop and review the City’s annual budget and also bring the preparation of audit materials in-house. The City should also hire a full-time finance support position ... [and] eliminate the need for the City to contract out the utility billing and other services currently provided ...”

“During the transitional process it is recommended that the City utilize the services of KDV consulting and C & J consulting to ensure the continuity of service provision. The level and amount of support [during the transition] may be dependent on the qualifications of the City’s newly-hired City Administrator, Finance Director, and finance support positions.”

SUGGESTED ORDER OF BUSINESS:

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor & Council Members
- Motion(s)..... Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: November 15, 2011
REGULAR
ITEM #: 12.
Discussion; Motion?

AGENDA ITEM: Mayor and City Council Salaries

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: A few weeks ago, Councilmember Smith asked that the City Council discuss the salaries for the Mayor and members of the City Council. I have assembled a survey of salaries of city councils in the metropolitan area serving 5,000 to 25,000 residents. By statute and City Code, the Council must set salaries by ordinance prior to a regular city election, and they may not take effect until the January 1 of the year following the next city election. If the Council wishes to change the compensation of its members, it should direct the preparation of an ordinance which states the salaries to be in effect beginning January 1, 2013. An appropriate motion would be:

“Move to direct preparation of an ordinance to set the salaries of the Mayor and Council Members at \$ ____ and \$ ____, respectively, to take effect January 1, 2013 [and as may be amended or modified at the meeting].

BACKGROUND INFORMATION: The Council last adopted an ordinance for its salaries in 2005, which set salaries taking effect in 2007 and 2008. Since the adjustments which took effect in 2008, the Mayor’s annual salary has been \$3,915 and the Council Members’ have been \$3,130. The tabulation of mayor and council members’ salaries available from the League of Minnesota Cities shows that, for the cities which participated in the survey with populations between 5,000 and 25,000, mayoral salaries range between \$1,800 and \$13,800, and council members’ salaries range between \$1,200 and \$8,696.

ATTACHMENTS: *Ordinance No. 97-160, setting Mayor and Council Member Salaries
*Tabulation of Data in League of Minnesota Cities Salary Survey

SUGGESTED ORDER OF BUSINESS:

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

43

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 97-160

AN ORDINANCE RELATING TO MAYOR AND COUNCIL SALARIES

The Lake Elmo City Council hereby ordains that Section 200.01, Subd. 8 and its subdivisions are amended/added to read as follows:

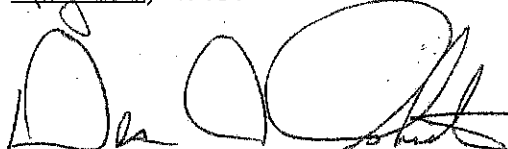
8. Salaries of Mayor and City Council Members
- a. As of January 1, 2007, the annual salary of the Mayor shall be \$3,783; and the annual salary of each council member shall be \$3,025.
 - b. As of January 1, 2008, the annual salary of the Mayor shall be \$3,915; and the annual salary of each council member shall be \$3,130.

Adoption Date. Passed by the City Council of the City of Lake Elmo on the 2nd day of August, 2005.

Effective Date. This Ordinance shall become effective January 1, 2007.

Publication Date. Published on the 12th of August, 2005.

SEAL



Dean Johnston, Mayor

Comparative Mayor and Council Salaries
 from 2011 League of Minnesota Cities Salary Survey
 all Metro area participants in survey with 5,000 - 25,000 population
 Salaries in Descending Order

<u>City</u>	<u>Population</u>	<u>Mayor</u>	<u>Council</u>	<u>Other Compensation</u>
Columbia Heights	18,361	\$ 13,800	\$ 7,800	
Golden Valley	20,132	\$ 11,619	\$ 8,696	\$50/addl mtg, max 3 mtgs/mo
New Hope	20,718	\$ 10,672	\$ 7,553	\$25 per EDA meeting
Robbinsdale	13,775	\$ 10,151	\$ 8,097	
Crystal	22,014	\$ 10,307	\$ 7,929	
South St. Paul	20,180	\$ 10,200	\$ 6,600	
Champlin	23,934	\$ 9,950	\$ 6,610	
Prior Lake	23,335	\$ 9,420	\$ 7,440	
Stillwater	18,235	\$ 9,000	\$ 7,200	
New Brighton	22,321	\$ 8,600	\$ 7,553	
Rosemount	21,521	\$ 8,528	\$ 6,396	\$35/Port Authority meeting
Hastings	22,491	\$ 8,400	\$ 6,000	
Chaska	24,177	\$ 8,208	\$ 6,948	
West Saint Paul	18,947	\$ 8,100	\$ 6,500	
Farmington	18,959	\$ 8,040	\$ 7,020	
Ramsey	23,272	\$ 8,000	\$ 6,000	
St. Anthony Village	8,437	\$ 7,500	\$ 6,000	Mayor pro-tem: \$6,756 salary
Vadnais Heights	13,071	\$ 7,500	\$ 6,000	
Spring Lake Park	6,768	\$ 7,234	\$ 6,000	
Forest Lake	17,496	\$ 6,500	\$ 5,500	
North Saint Paul	11,569	\$ 6,400	\$ 5,200	
East Bethel	12,090	\$ 6,300	\$ 5,700	
Mounds View	12,733	\$ 6,300	\$ 5,700	
Lino Lakes	20,305	\$ 6,272	\$ 5,018	\$40/addl meeting
Ham Lake	15,324	\$ 6,000	\$ 4,900	
Chanhassen	23,629	\$ 6,000	\$ 4,800	\$50/addl meeting
Dayton	5,072	\$ 6,000	\$ 4,800	
Hopkins	17,290	\$ 6,000	\$ 4,800	
Little Canada	10,036	\$ 5,700	\$ 4,630	
Mendota Heights	11,766	\$ 5,700	\$ 4,200	
Falcon Heights	5,762	\$ 5,400	\$ 3,400	
Waconia	10,183	\$ 4,800	\$ 4,000	
Mahtomedi	8,143	\$ 4,800	\$ 3,600	
Minnetrista	6,296	\$ 4,800	\$ 3,600	\$50/addl meeting
Oak Grove	8,579	\$ 4,772	\$ 4,100	EDA: Mayor, \$107/mo; Council \$95/mo.
Circle Pines	5,297	\$ 4,500	\$ 3,900	
Saint Francis	7,455	\$ 4,500	\$ 3,900	\$35/half-day
Mound	9,787	\$ 4,500	\$ 3,000	
New Prague	7,081	\$ 4,440	\$ 3,144	
Saint Paul Park	5,221	\$ 4,350	\$ 3,800	
Medina	5,026	\$ 4,250	\$ 3,000	
Rogers	7,497	\$ 4,200	\$ 3,600	
Orono	7,980	\$ 4,200	\$ 3,500	
Lake Elmo	8,326	\$ 3,915	\$ 3,130	
Arden Hills	10,137	\$ 3,600	\$ 3,200	
Shorewood	7,618	\$ 3,600	\$ 3,000	
Victoria	6,727	\$ 2,700	\$ 2,400	
Corcoran	5,842	\$ 1,800	\$ 1,200	

Item #12

Comparative Mayor and Council Salaries

from 2011 League of Minnesota Cities Salary Survey
all Metro area participants in survey with 5,000 - 15,000 population
Salaries in Descending Order

<u>City</u>	<u>Population</u>	<u>Mayor</u>	<u>Council</u>	<u>Other Compensation</u>
Robbinsdale	13,775	\$ 10,151	\$ 8,097	
St. Anthony Village	8,437	\$ 7,500	\$ 6,000	Mayor pro-tem: \$6,756 salary
Vadnais Heights	13,071	\$ 7,500	\$ 6,000	
Spring Lake Park	6,768	\$ 7,234	\$ 6,000	
North Saint Paul	11,569	\$ 6,400	\$ 5,200	
East Bethel	12,090	\$ 6,300	\$ 5,700	
Mounds View	12,733	\$ 6,300	\$ 5,700	
Dayton	5,072	\$ 6,000	\$ 4,800	
Little Canada	10,036	\$ 5,700	\$ 4,630	
Mendota Heights	11,766	\$ 5,700	\$ 4,200	
Falcon Heights	5,762	\$ 5,400	\$ 3,400	
Waconia	10,183	\$ 4,800	\$ 4,000	
Mahtomedi	8,143	\$ 4,800	\$ 3,600	
Minnetrista	6,296	\$ 4,800	\$ 3,600	\$50/addl meeting
Jordan	5,402	\$ 4,800	\$ 3,600	
Oak Grove	8,579	\$ 4,772	\$ 4,100	EDA: Mayor, \$107/mo; Council \$95/mo.
Circle Pines	5,297	\$ 4,500	\$ 3,900	
Saint Francis	7,455	\$ 4,500	\$ 3,900	\$35/half-day
Mound	9,787	\$ 4,500	\$ 3,000	
New Prague	7,081	\$ 4,440	\$ 3,144	
Saint Paul Park	5,221	\$ 4,350	\$ 3,800	
Medina	5,026	\$ 4,250	\$ 3,000	
Rogers	7,497	\$ 4,200	\$ 3,600	
Orono	7,980	\$ 4,200	\$ 3,500	
Lake Elmo	8,326	\$ 3,915	\$ 3,130	
Arden Hills	10,137	\$ 3,600	\$ 3,200	
Shorewood	7,618	\$ 3,600	\$ 3,000	
Victoria	6,727	\$ 2,700	\$ 2,400	
Corcoran	5,842	\$ 1,800	\$ 1,200	
Average		\$ 5,128	\$ 4,117	
Median		\$ 4,800	\$ 3,800	

Comparative Mayor and Council Salaries

from 2011 League of Minnesota Cities Salary Survey
 all Metro area participants in survey with 5,000 - 25,000 population
 Salaries in Descending Order

<u>City</u>	<u>Population</u>	<u>Mayor</u>	<u>Council</u>	<u>Other Compensation</u>
Columbia Heights	18,361	\$ 13,800	\$ 7,800	
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Ramsey	23,272	\$ 8,000	\$ 6,000	
St. Anthony Village	8,437	\$ 7,500	\$ 6,000	Mayor pro-tem: \$6,756 salary
Vadnais Heights	13,071	\$ 7,500	\$ 6,000	
Spring Lake Park	6,768	\$ 7,234	\$ 6,000	
Forest Lake	17,496	\$ 6,500	\$ 5,500	
North Saint Paul	11,569	\$ 6,400	\$ 5,200	
East Bethel	12,090	\$ 6,300	\$ 5,700	
Mounds View	12,733	\$ 6,300	\$ 5,700	
Lino Lakes	20,305	\$ 6,272	\$ 5,018	\$40/addl meeting
Ham Lake	15,324	\$ 6,000	\$ 4,900	
Chanhassen	23,629	\$ 6,000	\$ 4,800	\$50/addl meeting
Dayton	5,072	\$ 6,000	\$ 4,800	
Hopkins	17,290	\$ 6,000	\$ 4,800	
Little Canada	10,036	\$ 5,700	\$ 4,630	
Mendota Heights	11,766	\$ 5,700	\$ 4,200	
Falcon Heights	5,762	\$ 5,400	\$ 3,400	
Waconia	10,183	\$ 4,800	\$ 4,000	
Mahtomedi	8,143	\$ 4,800	\$ 3,600	
Minnetrista	6,296	\$ 4,800	\$ 3,600	\$50/addl meeting
Jordan	5,402	\$ 4,800	\$ 3,600	
Oak Grove	8,579	\$ 4,772	\$ 4,100	EDA: Mayor, \$107/mo; Council \$95/mo.
Circle Pines	5,297	\$ 4,500	\$ 3,900	
Saint Francis	7,455	\$ 4,500	\$ 3,900	\$35/half-day
Mound	9,787	\$ 4,500	\$ 3,000	
New Prague	7,081	\$ 4,440	\$ 3,144	
Saint Paul Park	5,221	\$ 4,350	\$ 3,800	
Medina	5,026	\$ 4,250	\$ 3,000	
Rogers	7,497	\$ 4,200	\$ 3,600	
Orono	7,980	\$ 4,200	\$ 3,500	
Lake Elmo	8,326	\$ 3,915	\$ 3,130	
Arden Hills	10,137	\$ 3,600	\$ 3,200	
Shorewood	7,618	\$ 3,600	\$ 3,000	
Victoria	6,727	\$ 2,700	\$ 2,400	
Corcoran	5,842	\$ 1,800	\$ 1,200	
Average		\$ 6,578	\$ 5,116	
Median		\$ 6,000	\$ 4,800	

Handwritten notes: 6500, 4800, 3900



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/2011

REGULAR

ITEM #: 13

MOTION

AGENDA ITEM: 2012 Capital Improvement Plan – Authorize Soil Borings for the Proposed 2012 and 2013 Street Improvements

SUBMITTED BY: Ryan Stempki, Assistant City Engineer

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize American Engineering Testing (AET), Inc. to perform soil borings in the amount of \$13,300 for the proposed 2012 and 2013 Street Improvements.

BACKGROUND INFORMATION AND STAFF REPORT: Geotechnical information is needed to confirm the subsurface conditions of the streets in the City's Capital Improvement Program. A proposal for these services was obtained from AET, Inc. It is recommended that the soil boring data is only obtained for the streets scheduled for improvement in 2012 and 2013.

The streets where we have a high degree of confidence of the existing conditions due to record drawing information will have Ground Penetration Radar (GPR) and Falling Weight Deflectometer (FWD) testing performed. This testing is less expensive than traditional soil borings and will provide the City with more continuous data for these streets.

Those streets where we do not have historical data will have standard penetration test borings (traditional soil borings) to a depth of 6 feet. With the unknown existing conditions and absence of record information, a full analysis of the subgrade soils will be necessary in the design of these streets.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider authorizing AET, Inc. to perform soil borings for the proposed 2012 and 2013 Street Improvements. The suggested motion to approve this action is as follows:

“Move to Authorize AET, Inc. to Perform Soil Borings for the Proposed 2012 and 2013 Street Improvements in the Amount of \$13,300.”

Alternatively, the City Council does have the authority to further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to Authorize AET, Inc. to Perform Soil Borings for the Proposed 2012 and 2013 Street Improvements in the Amount of \$13,300 [as amended and/or modified at tonight’s meeting].”

ATTACHMENTS:

1. AET Proposal
2. 2012 Street CIP Location Map

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report..... City Engineer
- Questions from Council to staff..... Mayor Facilitates
- Public Input (if appropriate)..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor Facilitates
- Action on Motion..... Mayor & City Council



AMERICAN
ENGINEERING
TESTING, INC.

CONSULTANTS
• ENVIRONMENTAL
• GEOTECHNICAL
• MATERIALS
• FORENSICS

November 9, 2010

City of Lake Elmo
Department of Public Works
3800 Laverne Avenue North
Lake Elmo, MN 55042

Attn: Ryan W. Stempski, PE

RE: Proposal for Geotechnical Services
2012-2013 Street Improvements, Lake Elmo, Minnesota

Dear Mr. Stempski:

Per your recent e-mails and our discussions, we are submitting this updated proposal to conduct the following scope:

“Reconstruction” Area Scope (excludes Keats Ave):

Fieldwork

- Drill and sample 30 standard penetration test borings to depths of 6 feet on the existing streets.
- Clear underground public utilities through the Gopher State One Call system.
- Measure in-place bituminous and apparent aggregate base thicknesses.
- Measure and document the boring locations. No measuring of the surface elevations is planned.

Laboratory

- Classify the soils per the Unified Soil Classification System (USCS).
- Conduct water content tests on cohesive samples retrieved.
- Conduct unit price soil index testing (\$352 unit price budget, allowing for 4 sieve analysis tests).

Report

- Logs of the test borings, including pavement thicknesses and lab test results.
- Descriptions of the drilling, sampling, testing, and classification methods.
- Review of soil and ground-water conditions encountered.
- Geotechnical opinions/recommendations pertaining to the planned street improvements including estimate of subgrade R-value.

The scope of work defined in this proposal is intended for geotechnical purposes only, and not to explore for the presence or extent of environmental contamination at the site. However, we will note obvious contamination encountered.



“Reclaim” Area Scope:

Fieldwork

- Perform Falling Weight Deflectometer (FWD) testing. The FWD testing will be done using the standard Strategic Highway Research Program (SHRP) sensor spacing and will be done at 6,000 and 9,000 lbs. force. The testing will be performed at a 60 to 200 foot spacing in each of the driving lanes producing an effective 30 to 100 foot spacing along the roadway alignment. We expect this will total about 130 test locations.
- Perform Ground Penetration Radar (GPR) testing. The GPR testing will be done at a 1-foot spacing in each of the driving lanes. We expect this will total about 3½ lane miles.
- Conduct pavement cores and aggregate base thickness exploration at 12 locations to correlate GPR thickness data to actual measurements.

Report

- Analyze FWD data for load capacity of the roadway, stiffness, and required reclaim/overlay thickness.
- Prepare a report showing the spring load carrying capacity, effective granular equivalency, and effect subgrade R-value; and recommendations for the street improvements.

Fee:

Our services will be performed on a time-and-materials basis per the attached fee schedule. For the scope described, we will establish \$13,300 as a not-to-exceed fee (\$7,300 estimated for the “reconstruction” portion and \$6,000 estimated for the “reclaim” portion). In the event the scope of our work needs to be revised, we will review such scope adjustments and the associated fees with you, and receive your approval before proceeding.

Schedule:

Based on our current backlog, we anticipate the following schedule (following authorization to proceed):

- Soil borings- begin within two weeks, three days of drilling expected
- FWD/GPR/coring- within about one week
- Report- within about one month.

Terms/Conditions:

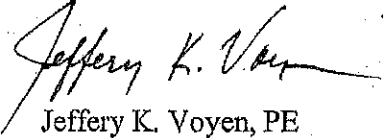
Our services will be performed per the *Contract Agreement Between the City of Lake Elmo and American Engineering Testing, Inc. for Professional Services*, dated July 20, 2010.

Acceptance:

Please indicate your acceptance of this proposal by endorsing the enclosed copy and returning it to us. The original proposal is intended for your records.

City of Lake Elmo
November 9, 2010
Page 3 of 3

Sincerely,



Jeffery K. Voyer, PE
Vice President/Principal Engineer
Phone #651-659-1305
Cell #612-961-9186
jvoyen@amengtest.com

PROPOSAL ACCEPTANCE BY:

Signature: _____

Printed Name: _____

Date: _____

Attachments:

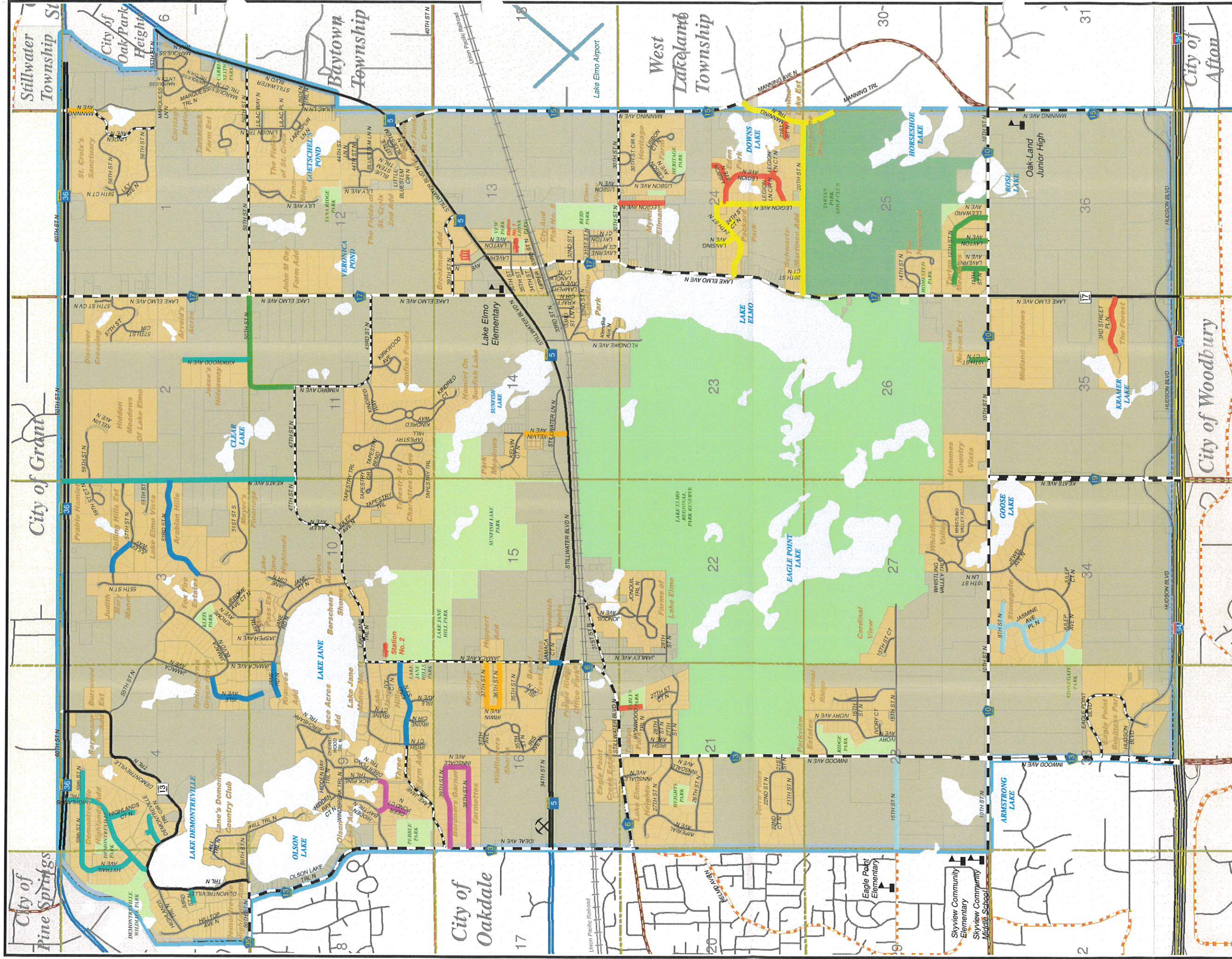
2011 Geotechnical Fee Schedule

2011 GEOTECHNICAL FEE SCHEDULE

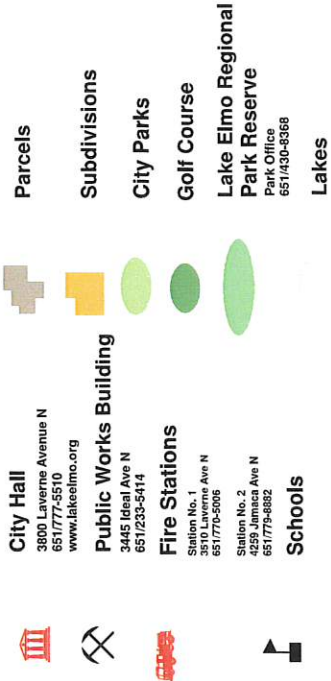
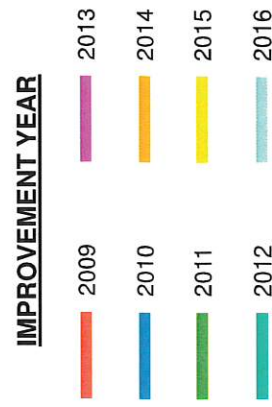
I. Personnel Hourly Rates		7. Stabilized Earth Slopes & Walls	15.00/hr
A.	Word Processing Specialist	8. Settlement (FoSSA)	15.00/hr
B.	Field Technician II (FWD/GPR)	9. SHAFT	15.00/hr
C.	Drill Technician/Lab Technician	F. Bit Wear- Rock Coring	
D.	Senior Engineering Technician	1. Diamond Bit - Sedimentary Rock	
E.	Engineering Assistant	a) B, NQ	10.00/foot
F.	Engineer I/Geologist I	b) HQ	12.00/foot
G.	Engineer II/Geologist II/Sr. Engr. Assistant	2. Diamond Bit - Metamorphic & Igneous	
H.	Senior Engineer/Geologist	B, NQ	17.00/foot
I.	Principal Engineer/Geologist	HQ	20.00/foot
II. Vehicle Mileage		IV. Laboratory Tests of Soil	
A.	Personal Automobile/Truck	A. Water Content	hourly
B.	Auxiliary Truck Vehicle	B. Dry Density (includes water content)	50.00/test
C.	Truck with Coring Equipment	C. Atterberg Limits (ASTM:D4318)	
D.	Truck with Warning Sign/Crash Trailer	1. Plasticity Index	100.00/test
E.	Truck with FWD or GPR Equipment	2. Liquid Limit or Plastic Limit Separately	75.00/test
F.	1-1/2 to 2-1/2-ton Truck with Drill Rig	D. Sieve Analysis (includes -#200)	88.00/test
G.	CPT Truck Rig (20-ton push capacity)	E. Hydrometer Analysis (sieve included)	180.00/test
H.	Tractor/Lowboy Trailer	F. Thermal Resistivity w/Proctor (ASTM:D5334)	
III. Equipment Rental		1. As Received and Oven Dried (2 pts)	910.00/test
A.	Drill Rig Rental	2. Dry Out Curve (4 pts)	1130.00/test
1.	Rotary Drill on 1-ton Truck	G. Electrical Resistivity (ASTM:G57-Soil Box)	87.00/test
2.	Rotary Drill on 1½ to 2½-ton Truck	H. Consolidation (up to 32 tsf)	
3.	Rotary Drill on All-Terrain Vehicle	1. With P-e curves only	440.00/test
4.	Portable, Non-rotary Rig	2. With P-e curves, time curves	550.00/test
B.	Auxiliary/Specialty Vehicle Rental	I. Unconfined Compression (incl. wc/density)	80.00/test
1.	Auxiliary Truck Vehicle	J. Hand Penetrometer	10.00/test
2.	Truck with Warning Sign/Crash Trailer	K. Organic Content of Soil	56.00/test
3.	Truck with Coring Equipment	L. Topsoil Borrow Test (Mn/DOT 3877)	300.00/test
C.	Cone (CPT) Rig/Equipment Rental	M. R-value (Hveem Stabilometer)	360.00/test
1.	CPT Rig (Truck or ATV)	N. California Bearing Ratio	
2.	Electronic Cone w/Computer	1. Granular	560.00/test
3.	Soil Sampler	2. Cohesive	630.00/test
4.	Water Sampler	O. Proctor Tests (Methods A or B)	
D.	Miscellaneous Equipment Rental	Standard	115.00/test
1.	Field Vane Shear	Modified	130.00/test
2.	Field Electrical Resistivity	V. Expenses	
3.	Field Seismic Refraction (ReMi)	A. Direct Project Expenses: includes out-of-	Cost + 15%
4.	Inclinometer Reading Equipment	town per diem; plowing & towing; special	
5.	Pneumatic Transducer Reading	materials & supplies; special travel,	
6.	Bore Hole Permeability	transportation & freight; subcontracted	
a.	Open End Casing Method	services, and miscellaneous costs	
b.	HQ Wireline Packer	B. Equipment Replacement (when abandonment	Cost
7.	Borehole Pressuremeter	is more feasible than recovery)	
8.	Iowa Borehole Shear Tester	C. Equipment Recovery (when required by	Cost + 15%
9.	Double Ring Infiltrometer	regulatory agencies or project specifications)	
10.	Photoionization Detector (PID)	VI. Expert Witness Service Rates	
11.	GPS Mapping System	Litigation Preparation	210.00/hr
12.	Pile Driving Analyzer (PDA)	Deposition or Court Time	265.00/hr
13.	Calibrated SPT Rod	(4-hour minimum)	
14.	Portable Concrete Coring Equipment		
15.	Pavement Testing (includes Truck)		
a.	Falling Weight Deflectometer (FWD)		
b.	Ground Penetrating Radar (GPR)		
E.	Geotechnical Software Rental		
1.	Geo Studio Finite Element		
2.	CAPWAP		
3.	AutoCAD or Microstation		
4.	Wave Equation (WEAP)		
5.	LPILE or GROUP		
6.	Slope Stability (ReSSA)		

The rates presented are portal-to-portal with vehicle mileage, expenses and equipment rentals being additional.

Overtime for personnel charged at above cost plus 25% for over 8 hours per day or Saturday; and at above cost plus 50% for Sundays or Holidays. Hazardous work charged at an additional 25%. Night time shift work will include a premium charge of \$30.00 per person per shift.



5-YEAR STREET CAPITAL IMPROVEMENT PLAN



Map Date: NOVEMBER 2011

Created By

TKDA

ENGINEERING • ARCHITECTURE • PLANNING



MAYOR & COUNCIL COMMUNICATION

DATE: 11/15/2011
REGULAR
ITEM #: 14
MOTION

AGENDA ITEM: Well No. 4 Test Well – Authorize Preparation of Plans and Specifications

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider authorizing Short Elliot Hendrickson (SEH) to provide engineering services for the Well No. 4 Test Well project in an amount not-to-exceed \$7,500.

STAFF REPORT AND BACKGROUND INFORMATION: At the September 6, 2011 council meeting, the City Council approved an Option Agreement for a 1 acre parcel of land to be investigated as the potential site of the future Water Supply Well No. 4. The parcel is located at 11240 50th Street North. The Option Agreement provides the city with a 180 day period in which to construct a Test Well to determine if the site is a viable location for a large municipal production well.

In addition, the City Council also authorized at this meeting the design, construction and testing of the Test Well on the site. The total project cost for the Test Well is estimated to be \$35,000 and \$50,000 including engineering, construction, sampling, testing and abandonment. The Test Well will allow the city to obtain both aquifer capacity tests and water quality tests. It is anticipated that an 8-inch Test Well will be needed at a depth in excess of 180 feet into the Jordan Aquifer.

The City Engineer has met with several engineering consulting firms to discuss this project and to identify a work scope and fee for this project. The firm of Short Elliot Hendrickson (SEH) has submitted a proposal for this work and has committed the experienced staff necessary to provide the requested services.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider authorizing Short Elliot Hendrickson (SEH) to provide engineering

services for the Well No. 4 Test Well project in an amount not-to-exceed \$7,500. The proposed motion to approve this action is as follows:

“Move to authorize Short Elliot Hendrickson (SEH) to provide engineering services for the Well No. 4 Test Well project in an amount not-to-exceed \$7,500.”

Alternatively, the City Council does have the authority to further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to authorize Short Elliot Hendrickson (SEH) to provide engineering services for the Well No. 4 Test Well project in an amount not-to-exceed \$7,500.”
[as amended and/or modified at tonight’s meeting].”

ATTACHMENTS:

1. Engineering Services Proposal

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report..... City Engineer
- Questions from Council to staff..... Mayor Facilitates
- Public Input (if appropriate)..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor Facilitates
- Action on Motion..... Mayor & City Council



November 9, 2011

RE: City of Lake Elmo, Minnesota
Test Well No. 4
SEH No. LAKMO 118503

Mr. Jack Griffin, PE
Focus Engineering, Inc.
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mr. Griffin:

Thank you for the opportunity to discuss our assistance in working with you to provide water engineering services to the City of Lake Elmo. As requested during our discussion, we have prepared this proposal for engineering services related to the Test Well No. 4 Project.

Based on the previous work that has been completed by TKDA and LGB, we understand that a location for the proposed test well has been selected at 11240 50th Street North. This location has been selected with respect to hydraulic connection to the existing system, yield and an expected isolation from existing groundwater contamination. Based on the outcome of a proposed test well, we understand that the City may consider purchasing property for the design and construction of a new City Municipal Well.

The specific test well project will consist of constructing a test well as recommended in the previously completed LGB study with the following tasks of work:

1. Developing technical specifications for the construction of the test well.
2. Assisting in obtaining quotes from qualified well drilling contractors.
3. Providing a tabulation of the quotations received.
4. Preparation of construction contracts.
5. Observing the test well drilling operation.
6. Reviewing the data obtained from the test well drilling, such as soil samples, pumping test results and water quality data.
7. Reviewing for the suitability for the construction of a new well based on the data collected from the test well.

We propose to complete the work on an hourly rate for a not-to-exceed cost of \$7,500. If this proposal satisfactorily sets forth your understanding of the proposed project, please sign in the space below and return one copy to our office.

Mr. Jack Griffin
November 9, 2011
Page 2

I have attached a copy of my professional resume for your review. If you have any questions or would like to discuss this proposal, please do not hesitate to contact me at your convenience.

Sincerely,



Douglas E. Klamerus, PE
Project Manager



Barry C. Peters, PE
Principal

dek
Attachments
c: Miles Jensen, SEH - Saint Paul Office

City of Lake Elmo, Minnesota

Approved this ____ day of _____, 2011

By: _____

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