

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

Wednesday, November 3, 2010

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ DeLapp ___ Emmons, ___ Park ___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES:
 - 1. Approval of the October 19, 2010 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. 2009-2010 Rain Garden Project - Request for Payment #1
 - 4. I-94 to 30th Street Infrastructure Project: Consider Authorizing Appraisal Services for Lift Station Site No. 3 Utility Easement
 - 5. MnDOT Landscape Grant – Resolution No. 2010-059
- J. REGULAR AGENDA:
 - 6. Preliminary Canvas 2010 Election Results
 - 7. Assessment Policy – Review and Report on Draft Policy

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
- Planning Director

L. Adjourn

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

City of Lake Elmo
City Council Minutes

October 19, 2010

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

PRESENT: Mayor Johnston and Council Members DeLapp, Park and Smith

Absent: Council Member Emmons

Also Present: Administrator Messelt, City Engineer Griffin, Attorney Kevin Sandstrom, Planning Director Klatt, Finance Director Bouthilet, Paul Donna, Northland Securities and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member Smith moved to approve the October 19, 2010 City Council agenda, as amended – Remove Item #9 Cranky Ape IUP. Council Member Park seconded the motion. The motion passed 4-0.

ACCEPTED MINUTES:

The October 5, 2010 City Council minutes are approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Pam Hartley, 10010 Tapestry Road, introduced herself and explained why she is interested in serving on the Lake Elmo Park Commission.

Ryan Bendel, Lake Elmo resident and student at Cretin Derham Hall, attended the Council meeting as a requirement of his Government class.

CONSENT AGENDA:

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

- Approve payment of disbursements and payroll in the amount of \$219,288.99
- Approve the proposed Easement Encroachment Agreement for 4861 Lilac Place North as presented.
- Authorize Payment No. 1 (final) to Hardrives Inc., in the amount of \$49,34.55 to be paid from the Street Maintenance Fund for the 42nd Street Mill and Overlay Project
- Approve Resolution No. 2010-059 regarding City of Lake Elmo participation in a joint grant application to assess possibilities for shared public safety and emergency services

- *MOTION: Council Member DeLapp moved to appoint Pam Hartley, as Second Alternate, to the Lake Elmo Parks Commission. Council Member Smith seconded the motion. The motion passed 4-0.*

REGULAR AGENDA:

Consider Zoning Text Amendments to Revise the General Requirements of the Interim Use Permit Ordinance Section 154.019, Ordinance No. 08-032

The City Council was asked to consider revisions to the Interim Use Permit (IUP) ordinance Section 154.019. The primary revisions proposed eliminate duplication of requirements, allows the City Council to set the termination of the use to a certain date or event, and allows an administrative extension of 30 days to eliminate a potential time gap in renewal application. The proposed changes allow the city additional flexibility in utilizing IUPs in specifically-designated zoning districts.

MOTION: Council Member DeLapp moved to approve Ordinance No. 08-032 revising the Interim Use Permit ordinance Section 154.019, and Resolution No. 2010-053 Authorizing Summary publication. Council Member Park seconded the motion. The motion passed 4-0.

Consider Zoning Text Amendments to Revise the Holding District Zoning Requirements to Replace Conditional Uses with Interim Uses, Ordinance No. 08-033

The City Council was asked to consider revisions to nineteen zoning districts established in 2007 for areas guided for future sewer development. The primary amendment proposed for these holding districts would revise current language allowing the property owners(s) to apply for future conditional use permits until the land is developed with City sewer and is in conformance with the City's comprehensive plan.

The proposed code amendments would allow those uses previously identified as conditional uses to, alternatively, be permitted as an interim use.

MOTION: Council Member Park moved to adopt Ordinance No. 08-033, amended as recommended by the Planner and by the City Council at tonight's meeting, revising the Holding Districts and Resolution No. 2010-054 Authorizing Summary Publication. Mayor Johnston seconded the motion. The motion passed 4-0.

Interim Use Permit: Consideration of an application from Midwest Recreational Clearinghouse, LLC to allow an Open Sales Lot for the Outdoor Display of Merchandise at 9200 Hudson Boulevard; Resolution No. 2010-055

This item was removed off the agenda by request of the applicant.

A Resolution Authorizing the City to Participate in the Minnesota Blue Star Award Program, Resolution No. 2010-056

The City Council was asked to consider authorizing city staff to complete the online assessment for becoming a Blue Star Award City. The Blue Star Award Program is designed to promote and reward cities and townships who take a leadership role in protection water quality through storm water management.

MOTION: Council Member Smith moved to approve Resolution No 2010-056 authorizing the City of Lake Elmo to participate in the Minnesota Blue Star Award Program. Mayor Johnston seconded the motion. The motion passed 4-0.

Review of 3rd Quarter of 2010 General Fund Budget (Unaudited)

Pursuant to City Council direction, the City Council is asked to receive an update on the now closed 3rd Quarter 2010 General Fund (unaudited) and discuss any findings or trends identified therein. Staff briefed the Council on the major identified findings and trends. No specific action or motion is needed.

2010 Street Improvement Bond Financing Resolution No. 2010-057

The City Council was asked to consider Resolution 2010-057 authorizing issuance, awarding sale, prescribing the forms and details, and providing for the payment of \$710,000 General Obligation Improvement Bonds Series 2010A.

Paul Donna, Northland Securities, reported Moody's assigned the City an "Aa2" credit rating due to healthy liquidity, prudent management, conservative budgeting and modest debt burden.

MOTION: Council Member Smith moved to approve Resolution No. 2010-057 authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the \$710,000 General Obligation Improvement Bonds Series 2010A to finance the City's 2010 street improvements. Council Member DeLapp seconded the motion. The motion passed 4-0.

Recommendation for 2004 Bond Refinancing Resolution No. 2010-058

The City Council was asked to consider Resolution 2010-058 authorizing issuance, awarding sale, prescribing the forms and details, and providing for the payment of \$1,975,000 General Obligation Improvement Bonds Series 2010B.

MOTION: Council Member DeLapp moved to approve Resolution No. 2010-058 authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the \$1,975,000 General Obligation Capital Improvement Plan Refunding Bonds Series 2010B. Council Member Smith seconded the motion. The motion passed 4-0.

City Council Reports

City Administrator Report:

Administrator Messelt requested Council direction on improvements to 50th Street and Kimbro Avenue. If the City uses MSA funds the existing road width must be widened to 32' and in addition right-of-way acquisition would be required from five property owners. The alternative improvement would be to shape and pave the street as part of 2011 street improvements project. The road would fit to the existing gravel width at an estimated cost of \$300,000 and since this width does not meet MSA standards, MSA funds cannot be used on the project. The Council decided to proceed on the 50th Street and Kimbro Avenue Feasibility Report as a shape and pave project.

The Council adjourned the meeting at 8:25 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

DRAFT



MAYOR & COUNCIL COMMUNICATION

DATE: 11/03/2010
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 367,681.32

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BMM*

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements and payroll in the amount of \$ 367,681.32. 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 payroll to be paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 7,436.06	Payroll Taxes to IRS 10/21/2010
ACH	\$ 1,133.41	Payroll Taxes to MN Dept. of Revenue 10/21/2010
ACH	\$ 3,665.08	Payroll Retirement to PERA 10/21/2010
DD 3015 -DD 3048	\$ 24,308.39	Payroll Dated 10/21/2010 (Direct Deposit)
36255 - 36266	\$ 4,071.39	Payroll Dated 10/21/2010 (Payroll)
36267 - 36297	\$ 327,066.79	Accounts Payable Dated 11/03/2010
TOTAL	\$ 367,681.32	

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 \$ 367,681.32.

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 3rd, 2010 Disbursement and Payroll, as presented [and modified] herein.”

ATTACHMENTS:

1. Accounts Payable Dated 11/03/2010

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: 10/28/2010 - 12:52 PM

Batch: 008-10-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALLWEATH All Weather Services										
10/28/2010	10/28/2010	25,114.75	0.00	11/03/2010	2009-2010 Rain Garden Project		-	No		0000
603-496-9500-45300	Improvements Other Than Bids									
	10/28/2010 Total:	25,114.75								
	ALLWEATH Total:	25,114.75								
ALPHAVID Alpha Video & Audio Inc.										
INV83206	10/20/2010	192.38	0.00	11/03/2010	Tools Rackshelf		-	No		0000
411-480-8000-45700	Office Equipment & Furnishings									
	INV83206 Total:	192.38								
	ALPHAVID Total:	192.38								
AMDAHL Amdahl Chris										
7645	10/03/2010	2,509.05	0.00	11/03/2010	City Facilities Door Locks rekeyed		-	No		0000
413-480-8000-43150	Contract Services									
	7645 Total:	2,509.05								
	AMDAHL Total:	2,509.05								
ARAM Aramark, Inc.										
629-7091548	10/07/2010	22.97	0.00	11/03/2010	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	629-7091548 Total:	22.97								
629-7096652	10/14/2010	22.97	0.00	11/03/2010	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	629-7096652 Total:	22.97								
629-7098486	10/18/2010	98.92	0.00	11/03/2010	Linen City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7098486 Total:	98.92								
629-7101435	10/21/2010	22.97	0.00	11/03/2010	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	629-7101435 Total:	22.97								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ARAM Total:		167.83								
CARQUEST Car Quest Auto Parts										
2055-203786	10/12/2010	76.14	0.00	11/03/2010	Oil Filters		-	No		0000
101-430-3120-42210	Equipment Parts									
2055-203786 Total:		76.14								
CARQUEST Total:		76.14								
CTYOAKDA City of Oakdale										
201010222511	10/22/2010	309.30	0.00	11/03/2010	#2511, C1-oil change, tire rotation		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
201010222511 Total:		309.30								
201010222512	10/22/2010	2,732.62	0.00	11/03/2010	#2512, E1 exhaust, rear tires		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									
201010222512 Total:		2,732.62								
CTYOAKDA Total:		3,041.92								
DRAGONFL Dragonfly Gardens										
10/27/2010	10/18/2010	999.19	0.00	11/03/2010	Water Quality Plantings at 3570 Laveme		-	No		0000
603-496-9500-44030	Repairs/Maint Not Bldg									
10/27/2010 Total:		999.19								
DRAGONFL Total:		999.19								
ECN Networks, Inc. Emergency Communica										
9100	08/05/2010	312.50	0.00	11/03/2010	Code Red Services		-	No		0000
101-420-2220-44300	Miscellaneous									
9100 Total:		312.50								
ECN Total:		312.50								
FERGUSON Ferguson Waterworks										
SO1280379.001	10/14/2010	3,575.00	0.00	11/03/2010	Water Meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
SO1280379.001 Total:		3,575.00								
FERGUSON Total:		3,575.00								
FRONTIER Frontier Precision, Inc										
87924	10/14/2010	19.24	0.00	11/03/2010	Safety Vest		-	No		0000
101-430-3100-44170	Uniforms									
87924 Total:		19.24								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
87925	10/14/2010	8,357.63	0.00	11/03/2010	Timble GPS and Software		-	No		0000
410-480-8000-45800	Other Equipment									
	87925 Total:	8,357.63								
	FRONTIER Total:	8,376.87								
FURYDODG Fury Dodge Chrysler Lake Elmo										
10/28/2010	10/28/2010	25,800.00	0.00	11/03/2010	Replacement Duty Fire Vehicle		-	No		0000
410-480-8000-45500	Vehicles									
	10/28/2010 Total:	25,800.00								
	FURYDODG Total:	25,800.00								
FXL FXL, Inc.										
November 2010	11/01/2010	2,000.00	0.00	11/03/2010	Assessing Services - November 2010		-	No		0000
101-410-1320-43100	Assessing Services									
	November 2010 Total:	2,000.00								
	FXL Total:	2,000.00								
HDSUPPLY HD Supply Waterworks, Ltd.										
2095772	10/13/2010	134.52	0.00	11/03/2010	Replacement Batteries for Water Meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
	2095772 Total:	134.52								
	HDSUPPLY Total:	134.52								
Lillie Newspapers Inc. Lillie Suburban										
09/16/2010	09/16/2010	17.43	0.00	11/03/2010	Public Hearing - Zoning Text Amendments		-	No		0000
101-410-1450-43510	Public Notices									
	09/16/2010 Total:	17.43								
	Lillie Total:	17.43								
LINNER Linner Electric Company, Inc.										
21271	10/26/2010	668.80	0.00	11/03/2010	Electric Work - Council Room		-	No		0000
410-480-8000-45800	Other Equipment									
	21271 Total:	668.80								
	LINNER Total:	668.80								
MALMQ Malinquist Greg										
10/25/2010	10/25/2010	110.50	0.00	11/03/2010	Mileage reimbursement & Meals		-	No		0000
101-420-2220-44370	Conferences & Training									
	10/25/2010 Total:	110.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MALMQ Total:		110.50								
MARONEYS Maroney's Sanitation, Inc										
254707	10/12/2010	103.66	0.00	11/03/2010	Waste Removal - City Hall		-	No		0000
101-410-1940-43840	Refuse									
254707	10/12/2010	45.62	0.00	11/03/2010	Waste Removal - Fire		-	No		0000
101-420-2220-43840	Refuse									
254707	10/12/2010	198.87	0.00	11/03/2010	Waste Removal - Public Works		-	No		0000
101-430-3100-43840	Refuse									
254707	10/12/2010	198.87	0.00	11/03/2010	Waste Removal - Parks		-	No		0000
101-450-5200-43840	Refuse									
254707 Total:		547.02								
MARONEYS Total:		547.02								
MENARDSO Menards - Oakdale										
11383	10/14/2010	46.47	0.00	11/03/2010	3 Mops		-	No		0000
101-450-5200-42150	Shop Materials									
11383	10/14/2010	46.46	0.00	11/03/2010	Insurance Claim		-	No		0000
601-494-9400-43610	Insurance									
11383 Total:		92.93								
MENARDSO Total:		92.93								
METROFIR Metro Fire										
39223	10/12/2010	59.80	0.00	11/03/2010	Replacement helmet reflective & goggle		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
39223 Total:		59.80								
39250	10/14/2010	23.05	0.00	11/03/2010	Replacement nozzle for Forestry Hose		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
39250 Total:		23.05								
METROFIR Total:		82.85								
MFRA McCombs Frank Roos Assoc Inc.										
10/01/2010	10/01/2010	311.79	0.00	11/03/2010	General Planning Assistance - Lawsuit		-	No		0000
101-410-1910-43150	Contract Services									
10/01/2010 Total:		311.79								
MFRA Total:		311.79								
NEXTTEL Nextel Communications										
761950227-091	09/18/2010	85.25	0.00	11/03/2010	Cell phone service - Administration		-	No		0000
101-410-1940-43210	Telephone									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
761950227-091	09/18/2010	221.85	0.00	11/03/2010	Cell phone service - Fire Dept		-	No		0000
101-420-2220-43210	Telephone									
761950227-091	09/18/2010	18.98	0.00	11/03/2010	Cell phone service - Building Dept		-	No		0000
101-420-2400-43210	Telephone									
761950227-091	09/18/2010	74.80	0.00	11/03/2010	Cell phone service - Public Works Dept		-	No		0000
101-430-3100-43210	Telephone									
761950227-091	09/18/2010	79.87	0.00	11/03/2010	Cell phone service - Parks Dept		-	No		0000
101-450-5200-43210	Telephone									
761950227-091	09/18/2010	-27.98	0.00	11/03/2010	Credit Adjustment		-	No		0000
101-410-1940-43210	Telephone									
761950227-091 Total:		452.77								
NEXTTEL Total:		452.77								
NORTHL Northland Trust Services, Inc.										
LKEL05A	10/11/2010	87,512.50	0.00	11/03/2010	Interest		-	No		0000
601-494-9400-46110	Bond Interest									
LKEL05A Total:		87,512.50								
LKEL09A	04/08/2010	100,000.00	0.00	11/03/2010	Principal GO Bond Series 2009A		-	No		0000
315-470-7000-46010	Bond Principal									
LKEL09A	04/08/2010	15,452.50	0.00	11/03/2010	Interest GO Bond Series 2009A		-	No		0000
315-470-7000-46110	Bond Interest									
LKEL09A Total:		115,452.50								
NORTHL Total:		202,965.00								
PRESSA Anastasia Press										
10/18/2010	10/18/2010	55.00	0.00	11/03/2010	Cabled PZ meeting 10/18/2010		-	No		0000
101-410-1450-43620	Cable Operations									
10/18/2010 Total:		55.00								
PRESSA Total:		55.00								
RIGHTMAN Richtman Karen										
RIGHTMAN	09/17/2010	58.92	0.00	11/03/2010	Recycle Banners for Fall Festival		-	No		0000
101-430-3200-44300	Miscellaneous									
RIGHTMAN Total:		58.92								
RIGHTMAN Total:		58.92								
RUD Prince-Rud Diane										
10/27/2010	10/27/2010	320.00	0.00	11/03/2010	Cleaning City Hall & Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
10/27/2010	10/27/2010	240.00	0.00	11/03/2010	Cleaning Fire Hall		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
10/27/2010 Total:		560.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	RUD Total:	560.00								
SACHSBER Sachs Bernard										
10/18/2010	10/18/2010	48.00	0.00	11/03/2010	Mileage Reimb for officer class		-		No	0000
101-420-2220-43310	Mileage	48.00								
	10/18/2010 Total:	48.00								
	SACHSBER Total:	48.00								
SAFEASSU Safe Assure Consultants Inc.										
304	10/01/2010	2,900.00	0.00	11/03/2010	2011 Safety Training		-		No	0000
101-430-3100-43150	Contract Services	2,900.00								
	304 Total:	2,900.00								
	SAFEASSU Total:	2,900.00								
STDELANO State Bank of Delano										
11/1/2010	11/01/2010	43,000.00	0.00	11/03/2010	Principal - GO Certificate 2006A		-		No	0000
314-480-8000-46010	Bond Principal	1,587.75								
11/1/2010	11/01/2010	1,587.75	0.00	11/03/2010	Interest - GO Certificate 2006A		-		No	0000
314-480-8000-46110	Bond Interest	44,587.75								
	11/1/2010 Total:	44,587.75								
	STDELANO Total:	44,587.75								
STILLMED Stillwater Medical Group										
10/12/2010	10/12/2010	469.00	0.00	11/03/2010	Preplacement/Annual Physicals, Hep B		-		No	0000
101-420-2220-43050	Physicals	469.00								
	10/12/2010 Total:	469.00								
	STILLMED Total:	469.00								
WASHCONS Washington Conservation Dist.										
1964	09/30/2010	517.50	0.00	11/03/2010	2nd Qtr - Shared Educator Program		-		No	0000
603-496-9500-44370	Conferences & Training	517.50								
	1964 Total:	517.50								
	WASHCONS Total:	517.50								
YOCUM Yocum Oil Company, Inc.										
192997	09/21/2010	160.69	0.00	11/03/2010	Bulk Oil Tanks		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg	160.69								
	192997 Total:	160.69								
194306	10/22/2010	160.69	0.00	11/03/2010	Bulk Oil Tanks		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									

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

194306 Total: 160.69
YOCUM Total: 321.38

Report Total: 327,066.79



MAYOR & COUNCIL COMMUNICATION

DATE: 11/03/2010

CONSENT

ITEM #: 3

MOTION as part of the Consent Agenda

AGENDA ITEM: 2009 and 2010 Street Improvement Rain Garden Project – Change Order No. 1 and Partial Payment No. 1

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce A. Messelt, City Administrator

REVIEWED BY: Tom Bouthilet, Finance Director
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to approve Change Order No. 1 and Partial Payment No. 1 to All Weather Services, the Contractor for the 2009 and 2010 Street Improvement Rain Garden Project. The Contractor submitted an invoice in the amount of \$25,114.75. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION AND STAFF REPORT: Change Order No. 1 for this project was necessary to have additional site preparation work completed prior to the rain garden construction. The contractor was asked to remove and dispose of the large brush pile located in the Tablyn Park rain garden location, for a lump sum amount of \$400. Pay Request No. 1 has been reviewed by staff and payment is recommended in the amount requested. This payment includes the additional work as identified in Change Order No. 1. A 50% cost reimbursement will be submitted to Valley Branch Watershed District through the Community Grant approved for this project.

The work, to date, on this project is substantially completed for the 7 rain gardens associated with the 2009 Street Improvement Project. This includes the grading, planting and restoration. The contractor is currently finishing up the plantings for the 5 rain gardens on the 2010 Street and Water Quality Improvements. Overall, the project is nearing completion and is generally within budget.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* Change Order No. 1 in the amount of \$400.00 and Partial Payment No. 1 in the amount of \$25,114.75.

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 authorize Change Order No. 1 in the amount of \$400.00 and Partial Payment No. 1 in the amount of \$25,114.75 to be paid from the Storm Water Utility Fund for the 2009 and 2010 Rain Garden Project *[as amended and/or modified at tonight’s meeting].*”

ATTACHMENTS: (2)

1. Change Order No. 1
2. Partial Payment No. 1

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

CHANGE ORDER

TKDA
Engineering-Architecture-Planning

Saint Paul, MN October 27 20 10 Proj. No. 14504.001 Change Order No. 1

To All Weather Services

for 2009 & 2010 Street Improvement Raingarden Project

for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated September 22, 20 10. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (~~not change~~) the contract sum by Four Hundred Dollars and 00/100(\$400.00).

This change order includes the cost to remove the large pile of brush located at the Tablyn Park rain garden.

NET CHANGE = \$ 400.00

Amount of Original Contract	\$ 27,688.75
Additions approved to date (Change Order Nos.)	\$ -
Deductions approved to date (Nos.)	\$ -
Contract amount to date	\$ 27,688.75
Amount of this Change Order (Add) (Deduct) (No-Change)	\$ 400.00
Revised Contract Amount	\$ 28,088.75

Approved _____
City of Lake Elmo

Washington Conservation District

By _____

By _____
Rusty Schmidt

Approved _____
All Weather Services

By _____

TKDA

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

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

Proj. No. 14504.001 Cert. No. 1 St. Paul, MN, October 27, 2010

To City of Lake Elmo, Minnesota Owner

This Certifies that All Weather Services, Contractor

For 2009 & 2010 Street Improvement Raingarden Project

Is entitled to Twenty-Five Thousand One Hundred Fourteen Dollars and 75/100 (\$25,114.75)

being 1st estimate for partial payment on contract with you dated September 22, 2010

Received payment in full of above Certificate.

Washington Conservation District

All Weather Services

Rusty Schmidt

, 2010

TKDA

Ryan W. Stempski, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 27,688.75		
All previous payments		\$ -	
All previous credits			
Extra No.			
Change Order No. 1	\$ 400.00		
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 25,114.75	
Totals	\$ 28,088.75	\$ 25,114.75	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 2,974.00	
	\$ 28,088.75	\$ 28,088.75	\$ -

ESTIMATE NO. 1			PERIOD ENDING:		October 27, 2010	
2009 & 2010 STREET IMPROVEMENT RAINGARDEN PROJECT						
CITY OF LAKE ELMO, MINNESOTA						
TKDA PROJECT NO. 14353.001 & 14504.001						
ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
1	MOBILIZATION	LS	1	1.0	\$ 300.00	\$ 300.00
2	COMMON EXCAVATION	CY	133	209.0	\$ 11.00	\$ 2,299.00
3	CONCRETE CURB CUT AND BITUMINOUS REMOVAL	EA	5	3.0	\$ 450.00	\$ 1,350.00
4	4" PERFORATED DRAINTILE	LF	38	38.0	\$ 5.00	\$ 190.00
5	CORE DRILL DRAINTILE TO CATCHBASIN AND INSTALL BALL VALVE	LS	1	1.0	\$ 350.00	\$ 350.00
6	BULLET EDGER	LF	600	282.0	\$ 8.00	\$ 2,256.00
7	BLACK PLASTIC EDGER	LF	360	360.0	\$ 3.00	\$ 1,080.00
8	RETAINING WALL - GLACIAL FIELD STONE	TON	4.5	5.0	\$ 150.00	\$ 750.00
9	RIP-RAP - CL. 1 WITH GEOTEXTILE	CY	15	15.0	\$ 90.00	\$ 1,350.00
10	COMPOST - MNDOT GRADE 2 LEAF COMPOST	CY	31	43.0	\$ 30.00	\$ 1,290.00
11	MULCH - DOUBLE SHREDDED HARDWOOD	CY	31	29.0	\$ 30.00	\$ 870.00
12	MNDOT 350 SEED MIX WITH STRAW BLANKET	SY	24	24.0	\$ 4.00	\$ 96.00
13	T.R.M. - 6.5' X 60'	ROLL	1	1.0	\$ 200.00	\$ 200.00
14	10" SPIKES	EA	175	175.0	\$ 0.25	\$ 43.75
15	SHORT GRASS WOODS EDGE SAVANNA W/ENHANCEMENT AND WOOD FIBER BLANKET	SY	432	432.0	\$ 1.00	\$ 432.00
16	PLANTS - PLUGS	EA	658	632.0	\$ 4.00	\$ 2,128.00
17	PLANTS - #1 GAL.	EA	423	415.0	\$ 12.00	\$ 4,980.00
18	PLANTS - #2 GAL.	EA	94	91.0	\$ 22.00	\$ 2,002.00
19	SODDING	SY	916	916.0	\$ 3.00	\$ 2,748.00
SUBTOTAL 2009 & 2010 STREET IMPROVEMENT RAINGARDEN PROJECT						\$ 24,714.75
CHANGE ORDER NO. 1						
1	BRUSH PILE REMOVAL	LS	1	1.0	\$ 400.00	\$ 400.00
SUBTOTAL CHANGE ORDER NO. 1						\$ 400.00
TOTAL ESTIMATE NO. 1						\$ 25,114.75



MAYOR & COUNCIL COMMUNICATION

DATE: 11/03/2010

CONSENT

ITEM #: 4

MOTION as part of the Consent Agenda

AGENDA ITEM: I94 to 30th Trunk Sewer Improvements – Consider Authorizing Appraisal Services for Lift Station Site No. 3 Utility Easements

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Bruce A. Messelt, City Administrator *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director
Ryan W. Stempki, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize McKinzie Metro Appraisal, LLC to complete Appraisal Services in the amount of \$1,955. The Appraisal Services are necessary as part of the negotiation and acquisition process for the purposes of acquiring the Lift Station Site No. 3 temporary and permanent utility easements for the I94 to 30th Street Infrastructure Project. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION AND STAFF REPORT: At the September 21st, 2010 City Council meeting, the City Council authorized its staff to negotiate and acquire approximately 8,000 square feet of permanent utility easement and 8,000 square feet of temporary construction easement to facilitate the construction of the Lift Station for the I94 to 30th St. Trunk Sewer project to be located on Site No. 3. Acquisition of the temporary and permanent easement is necessary for Site No. 3 and to finalize the Plans and Specifications and receive contractor bids.

Quotes were received from McKinzie Metro Appraisal, LLC, and Meeks Appraisal and Consulting. For your information the two quote proposals and responses are attached. The appraisal services will fulfill all the requirements for a public acquisition.

McKinzie Metro Appraisal submitted the lowest quote in the amount of \$1,955. The work can be completed in 30 days. At this time staff has no prior experience working with McKinzie Metro Appraisal, however the firm is on a list of approved Appraisal firms to be used by MnDOT and Washington County. Through the solicitation process, the firm has communicated to city staff, with confidence, that they are both qualified and experienced to perform the requested services.

Meeks Appraisal and Consulting has submitted a proposal in the amount of \$2,600. The work can be completed in two weeks. The City Engineer has previous working experience with Meeks Appraisal and Consulting, is familiar with their services and has confidence in their work product.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council authorize, as part of tonight's *Consent Agenda*, McKinzie Metro Appraisal, LLC to complete Appraisal Services in the amount of \$1,955, per the attached quote and scope of services.

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 and deliberation prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

“Move to authorize McKinzie Metro Appraisal, LLC to complete Appraisal Services in the amount of \$1,955, for the purposes of negotiating and acquiring the Lift Station Site No. 3 temporary and permanent utility easements for the I94 to 30th Street Infrastructure Project. [as discussed, amended and/or modified at tonight's meeting].”

ATTACHMENTS: (2)

1. McKinzie Metro Appraisal – Quote and Response 10-27-2010
2. Meeks Appraisal and Consulting – Quote and Response 10-27-10

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

John W. Griffin

From: Rhonda Mabry [rhonda.m@mckinziemetroappraisal.com]
Sent: Wednesday, October 27, 2010 11:54 AM
To: John W. Griffin
Subject: RE: Lake Elmo Utility Easement Appraisal Quote

To: Jack Griffin, City Engineer
City of Lake Elmo

From: Gerald A. McKinzie, A.S.A.
McKinzie Metro Appraisal

RE: Appraisal Proposal
Project 13587.00
I-94 to 30th Street Trunk Forcemain
Sewer Improvements
LS Site 3 Utility Easements

Dear Mr. Griffin,

Thank you for giving McKinzie Metro Appraisal the opportunity to provide this proposal.

This is a very challenging appraisal because it involves the common ground of a townhome development, owned by the townhome association.

Such land areas, (the common grounds of a townhome development), are not bought and sold in the marketplace.

I have recently completed a very similar appraisal for a partial acquisition for Anoka County.

That appraisal involved common ground lands of a townhome development in Ramsey, MN.

We have conducted some research on the property from public records.

We will complete our appraisal in full accordance with all the requirements of public acquisition appraisals.

We propose to provide 3 copies to you for a fee of \$1,955.00.

We would be prepared to testify in support of our appraisal if that should become necessary.

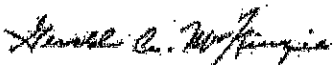
Our testimony rate is \$125.00 per hour, ½ day minimum.

We look forward to working with TKDA and the City of Lake Elmo, if our proposal is found acceptable.

If we are selected to perform this appraisal, we will need the beginning and end dates for the temporary easement, and will likely have some additional questions.

Thank you again for the opportunity of this proposal.

Sincerely,



Gerald A. McKinzie

John W. Griffin

From: Rhonda Mabry [rhonda.m@mckinziemetroappraisal.com]
Sent: Wednesday, October 27, 2010 1:18 PM
To: John W. Griffin
Subject: RE: Lake Elmo Utility Easement Appraisal Quote

Jack,

Will 30 days work for you and the City of Lake Elmo?

Jerry McKinzie
McKinzie Metro Appraisal, LLC
1284 East County Road E
Vadnais Heights, MN 55110
rhonda.m@mckinziemetroappraisal.com
651-426-7144
651-426-9458 (fax)

From: John W. Griffin [mailto:jack.griffin@tkda.com]
Sent: Wednesday, October 27, 2010 12:32 PM
To: Rhonda Mabry
Subject: RE: Lake Elmo Utility Easement Appraisal Quote

Thank you for your proposal. If accepted by the City, when could you have the work completed by. I apologize that I forgot to request this originally.

Thanks ~ *Jack Griffin*

John (Jack) W. Griffin, PE | Vice President, Municipal Services
TKDA | 444 Cedar Street, Suite 1500, Saint Paul, MN 55101
(651) 292-4552 dir | (651) 292-0083 fax | (651) 323-8069 mobile
jack.griffin@tkda.com | www.tkda.com



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From: Rhonda Mabry [mailto:rhonda.m@mckinziemetroappraisal.com]
Sent: Wednesday, October 27, 2010 11:54 AM
To: John W. Griffin
Subject: RE: Lake Elmo Utility Easement Appraisal Quote

To: Jack Griffin, City Engineer
City of Lake Elmo

From: Gerald A. McKinzie, A.S.A.
McKinzie Metro Appraisal

RE: Appraisal Proposal
Project 13587.00

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Saint Paul, MN 55101

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

MEMORANDUM

To:	<u>Jerry McKinzie</u>	Reference:	<u>City of Lake Elmo</u>
	<u>McKinzie Metro Appraisal</u>		<u>I-94 to 30th St. Trunk Forcemain</u>
Copies To:	<u></u>		<u>Sewer Improvements</u>
	<u></u>		<u>LS Site 3 Utility Easements</u>
From:	<u>Jack Griffin, City Engineer</u>	Proj. No.:	<u>13587.000</u>
Date:	<u>October 25, 2010</u>	Routing:	<u></u>

The City of Lake Elmo is requesting a quote to complete an Appraisal for the purposes of acquiring both a temporary and permanent utility easement as described below. Should you have any questions, please feel free to contact me at 651.292.4552. Please provide your quote directly to my attention.

The City of Lake Elmo is preparing the final plans and specifications for the I-94 to 30th St. Trunk Forcemain Sewer Improvements project, extending sanitary sewer service from the MCES interceptor sewer at I-94 and Lake Elmo Avenue to the south edge of the Village Area along 30th Street. As part of the proposed project, a lift station will be constructed on city owned property, PID 1302921430006. In order to connect the lift station site to the trunk sewer facilities, both a temporary construction easement (approximately 8,000 s.f.) and a permanent utility easement (also approximately 8,000 s.f.) will need to be acquired from the Elmo View Townhome Association. The utility easement will need to accommodate public utility infrastructure, including a gravity sanitary sewer pipeline, a forcemain sewer pipeline and a watermain pipeline. The property parcel ID for the easement acquisition is 1302921430005. Please see the attached easement acquisition map for additional information.

The Elmo View Townhouse Association includes the following properties in Lake Elmo, Minnesota: 3010 Lisbon Ave N, 3020 Lisbon Ave N, 3030 Lisbon Ave N, 3040 Lisbon Ave N, 3050 Lisbon Ave N, and 3060 Lisbon Ave N. A detailed legal description and exhibit will be provided by the city.

Attachments:

1. Property Parcel ID information from Washington County.
2. Proposed Easement Acquisition Map with proposed improvements.

1302921430004

3075 Lisbon Ave

1302921430003

11520 30th St

1302921430002

LISBON AVE N

CITY OF LAKE ELMO
1302921430006

3060 Lisbon Ave 1302921430012
3050 Lisbon Ave 1302921430011
3040 Lisbon Ave 1302921430010
3030 Lisbon Ave 1302921430009
3020 Lisbon Ave 1302921430008
3010 Lisbon Ave 1302921430007

ELMO VIEW TOWNHOUSE ASSOCIATION
1302921430005

30TH STREET N

CITY OF LAKE ELMO
(RIED PARK)

1302921340001



2402921120006 2402921120005 2402921120002

John W. Griffin

From: Kevin Meeks [meeks@pro-ns.net]
Sent: Tuesday, October 26, 2010 3:54 PM
To: John W. Griffin
Subject: RE: Lake Elmo Utility Easement Appraisal Quote

Dear Jack,

I recommend that we just appraise the outlot where the proposed easements are being located. I had a similar case recently where I was hired by the association and we went that route. I think it would be up to the individual property owner to argue that their property is being damaged by the taking, and if that were the case, we could address the issue at that time.

My fee to prepare a before and after Summary Appraisal Report pertaining to the proposed easements is \$2,600, and I can have it completed within two weeks from the time of engagement. Please let me know if these terms are acceptable, or if you have any questions, and if so I will send you an appraisal engagement letter,

Sincerely,

Kevin T. Meeks
Meeks Appraisal & Consulting, Inc.
3144 Hennepin Avenue, Suite 202
Minneapolis, MN 55408
T: 612-822-7999
F: 612-822-7077

From: John W. Griffin [mailto:jack.griffin@tkda.com]
Sent: Tuesday, October 26, 2010 3:26 PM
To: Kevin Meeks
Subject: RE: Lake Elmo Utility Easement Appraisal Quote

Kevin,

The Outlot does not have any potential to further subdivide. We have had the City Planner review this. I am not real sure how to answer your other questions, but my feeling is that we only need to appraise the Outlot individually. Our interest is in identifying a fair market value to offer for consideration of the requested easement.

Thanks ~ *Jack Griffin*

John (Jack) W. Griffin, PE | Vice President, Municipal Services
TKDA | 444 Cedar Street, Suite 1500, Saint Paul, MN 55101
(651) 292-4552 dir | (651) 292-0083 fax | (651) 323-8069 mobile
jack.griffin@tkda.com | www.tkda.com

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From: Kevin Meeks [mailto:meeks@pro-ns.net]
Sent: Tuesday, October 26, 2010 2:27 PM

To: John W. Griffin
Subject: RE: Lake Elmo Utility Easement Appraisal Quote

Dear Jack,

I've reviewed the information you provided regarding the City of Lake Elmo's plans and specs for the I-94 to 30th St. Trunk Forcemain Sewer Improvements project and have the following question:

1. Although the proposed easements are limited to being located only on the Elmo View Townhouse Association's outlot, do you need before and after valuations of the six townhomes that are located just to the east of the easement areas, as they have an ownership in the Association's common areas?

If I appraise just the Outlot, one of the first questions I'll research is whether or not the outlot has potential to be developed with additional units before and after the proposed taking. I suspect that the outlot does not have development potential in either instance, but will have to research it.

If my appraisal is to consider the effect of the taking on the six townhomes located adjacent to the easement areas, then I'll need to appraise the outlot individually, as well as prepare a separate report for each of the townhomes.

Please advise as to whether you want just the outlot appraised, or if you also want the townhomes appraised.

Sincerely,

Kevin T. Meeks
Meeks Appraisal & Consulting, Inc.
3144 Hennepin Avenue, Suite 202
Minneapolis, MN 55408
T: 612-822-7999
F: 612-822-7077

From: John W. Griffin [mailto:jack.griffin@tkda.com]
Sent: Monday, October 25, 2010 4:08 PM
To: meeks@pro-ns.net
Subject: Lake Elmo Utility Easement Appraisal Quote

Kevin,

Please see the attached and contact me should you need any additional information.

Thanks ~ *Jack Griffin*

John (Jack) W. Griffin, PE | Vice President, Municipal Services
TKDA | 444 Cedar Street, Suite 1500, Saint Paul, MN 55101
(651) 292-4552 dir | (651) 292-0083 fax | (651) 323-8069 mobile
jack.griffin@tkda.com | www.tkda.com

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MEMORANDUM

To:	<u>Kevin Meeks</u> <u>Meeks Appraisal & Consulting</u>	Reference:	<u>City of Lake Elmo</u> <u>I-94 to 30th St. Trunk Forcemain</u> <u>Sewer Improvements</u> <u>LS Site 3 Utility Easements</u>
Copies To:	<u></u>	Proj. No.:	<u>13587.000</u>
From:	<u>Jack Griffin, City Engineer</u>	Routing:	<u></u>
Date:	<u>October 25, 2010</u>		

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The Elmo View Townhouse Association includes the following properties in Lake Elmo, Minnesota: 3010 Lisbon Ave N, 3020 Lisbon Ave N, 3030 Lisbon Ave N, 3040 Lisbon Ave N, 3050 Lisbon Ave N, and 3060 Lisbon Ave N. A detailed legal description and exhibit will be provided by the city.

Attachments:

1. Property Parcel ID information from Washington County.
2. Proposed Easement Acquisition Map with proposed improvements.

1302921430004

3075 Lisbon Ave

1302921430003

11520 30th St

1302921430002

LISBON AVE N

CITY OF LAKE ELMO
1302921430006

3060 Lisbon Ave 1302921430012
3050 Lisbon Ave 1302921430011
3040 Lisbon Ave 1302921430010
3030 Lisbon Ave 1302921430009
3020 Lisbon Ave 1302921430008
3010 Lisbon Ave 1302921430007

ELMO VIEW TOWNHOUSE ASSOCIATION
1302921430005

30TH STREET N

CITY OF LAKE ELMO
(RIED PARK)

1302921560001



2402921120502

130292140006

240292140006



MAYOR & COUNCIL COMMUNICATION

DATE: 11/03/2010
REGULAR
ITEM #: 5
MOTION *As part of Consent Agenda*
RESOLUTION 2010 - 059

AGENDA ITEM: Consider Authorization to Apply for the MnDOT Community Roadside Landscaping Partnership Program and Authorizing the Primary Contact

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider *as part of tonight's Consent Agenda* Resolution 2010 - 059 authorizing the submittal of an application to participate in the MnDOT Community Roadside Landscaping Partnership Program and to authorize Kelli Matzek from the Planning Department to serve as the Primary Contact Person for the application. This resolution is required by MnDOT as part of an official application which is due December 31st for a spring 2011 planting.

BACKGROUND INFORMATION: The MnDOT Community Landscaping Partnership Program provides a venue through which cities, residents, and the State work together on landscaping projects to beautify Highway rights-of-way. The State's funds reimburse for landscaping materials while the City staff and community residents provide the manual labor.

Since 2007, the City has benefited from landscaping materials worth \$22,891.45 being planted within the city limits through this grant. In 2007 alone, 60 trees were purchased through this program. The landscaping materials are completely reimbursed by MnDOT and are planted primarily by resident volunteers. The City Council has historically directed planning and public works staff to utilize time and equipment in managing the grant application and execution.

The proposed project is located in two separate parts of the city, along State Highway 5. Although the planting would occur on two separate days and be done by two separate resident groups, MnDOT would prefer to process this as one project, as they are both proposed for the spring of 2011 and fall under the same application deadline.

Area One is located on two sides of Highway 5 near the intersection of Highway 5 and Manning Avenue. The north side is an extension of the 2009 planting along Highway 5 adjacent to the Fields of St. Croix Second Addition development. The south side is across the street from the Fields of St. Croix Second Addition development and the 2009 planting. This is contiguous to a farmed property located within the defined Village Area and is bordering an area guided as open space/buffer area. The proposed planting would be complimentary to this future use and would be an asset to all neighboring properties.

Area Two is located along the Wildflower Shores development, north of Highway 5, near the Public Works building. The residents are interested in planting trees for year-round visual and sound barriers to the traffic created by Highway 5.

STAFF REPORT: Both City staff and the Community Improvement Commission are recommending the City apply for this grant to continue beautifying Highway 5 in 2011. Members of The Fields of St. Croix Second Addition and Wildflower Shores neighborhoods have attended preliminary meetings, reviewed the proposed landscape plans and are supportive of the proposed project. In addition, the farmers of the property at the Manning Avenue and Highway 5 intersection have been informed of the project and have verbalized support, but as of this writing, have not viewed the proposed landscaping plan.

The Northern Natural Gas Line Company has been consulted as the planting is proposed to occur near the work that was performed in 2009 along their pipeline. Their request of no trees within 100 feet of the pipeline is being factored into the landscape plan and a small alteration will occur to the plan set.

The proposed planting dates have not been set, but will occur in the spring of 2011. In addition, should the City Council wish to provide feedback or ideas regarding a signature tree or landscape design ideas for the Highway 5 route within the Village Area, the Council may recommend Village Area Landscaping be added to a future workshop agenda.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve *as part of tonight's Consent Agenda* Resolution # 2010-059, authorizing the City to apply for the MNDOT Roadside Landscape Grant and designating Ms. Kelli Matzek as the Primary Contact.

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 modify or amend the proposed activity prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

“Move to approve Resolution 2010 – 059, authorizing the City to apply for the MnDOT Roadside Landscape Grant and authorizing staff member Kelli Matzek as the primary contact [as amended and/or modified at tonight's meeting].”

ATTACHMENTS:

1. Resolution 2010 – 059
2. Location Map

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
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2010-059

**A RESOLUTION AUTHORIZING THE APPLICATION FOR THE MNDOT
COMMUNITY ROADSIDE LANDSCAPING PARTNERSHIP PROGRAM AND
AUTHORIZATION OF A PRIMARY CONTACT PERSON**

WHEREAS, the City of Lake Elmo will act as the sponsoring unit for Phase II of the Fields of St. Croix Second Addition project and Phase I of the Wildflower Shores project on the State Trunk Highway 5 to be conducted during the period April through July of 2011.

WHEREAS, Kelli Matzek is hereby authorized to apply to the Minnesota Department of Transportation for funding of this project on behalf of the City of Lake Elmo.

ADOPTED BY the Lake Elmo City Council on the 3rd day of November, 2010.

Dean A. Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

I certify that the above resolution was adopted or approved by the City Council of the City of Lake Elmo on November 3rd, 2010.

Signed:

(signature)

(title)

(date)





Iris Avenue North

State Highway 5



MAYOR & COUNCIL COMMUNICATION

DATE: 11/03/2010
REGULAR
ITEM #: 6
PRESENTATION

AGENDA ITEM: Unofficial Election Results – November 2010 General Election

SUBMITTED BY: Sharon Lumby, City Clerk

THROUGH: Bruce A. Messelt, City Administrator *BAM*

REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council receive a brief presentation by City Clerk Sharon Lumby on regarding the unofficial (preliminary) election results from the November 2nd, 2010 general election.

BACKGROUND INFORMATION & STAFF REPORT: City Clerk Lumby will give brief presentation on the preliminary results from the Tuesday, November 2nd, 2010 general election.

Under Minnesota’s new election laws, Minn. Statute § 205.185 subd. (3), the City Council is required to canvass and certify the official results between 3 and 10 days following a regular election. As a result, a Special Meeting of the City Council will be scheduled for Tuesday, November 9th, beginning at 6:30 PM; to be followed by the scheduled Council Workshop.

RECOMMENDATION: It is respectfully recommended that the City Council receive a brief presentation by City Clerk Sharon Lumby on regarding the unofficial (preliminary) election results from the November 2nd, 2010 general election.

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... City Clerk
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates



MAYOR & COUNCIL COMMUNICATION

DATE: 11/03/2010
REGULAR
ITEM #: 7
DISCUSSION

AGENDA ITEM: Assessment Policy – Review and Report on Draft Policy

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Bruce A. Messelt, City Administrator *BAM*

REVIEWED BY: Tom Bouthilet, Finance Director
Dave Synder, City Attorney
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to receive a staff report on the draft Assessment Policy that has been prepared for and reviewed by the Assessment Policy Review Subcommittee, together with the City Administrator, City Engineer, Finance Director and City Attorney. The City Engineer will present the findings of the Assessment Policy Review Subcommittee and the details of the proposed policies. No formal action is required, though the City Council is asked to provide comments and direction to staff and the Subcommittee for finalizing the updated Assessment Policy.

STAFF REPORT: On November 10, 2009, the City Council appointed an Assessment Policy Review Subcommittee and directed the Subcommittee to work with the City Administrator, City Engineer and City Attorney to review and develop an updated Assessment Policy for Public Improvements. Over the course of the past few months, the Subcommittee has met, reviewed and updated the policy.

In the development of the proposed policy, the Subcommittee established the following goals/objectives:

- A. To establish a policy that will have the properties that benefit from the public improvement pay as much of the cost of the improvement as reasonable, reducing the city's reliance on general property taxes.
- B. To remain fair and equitable for the benefit received.
- C. To be defensible, able to hold up against appeal.
- D. To balance the assessable costs to the benefitting properties with the city costs for the better good of the community.

- E. To promote public support for the city to install improvements deemed desirable for the betterment of the community.
- F. To be comprehensive and flexible, able to be fairly applied to differing circumstances.
- G. To deter the undesirable subdivision of land for the purpose of paying assessments.

In addition, the Subcommittee identified that while Special Assessments remain an important financing tool for public infrastructure, they remain highly regulated and are becoming more and more litigated. Therefore policy recommendations were made to create a policy that is in greater conformity with current laws and practices. At a minimum, the following Statutory Rules were kept in mind:

- A. The assessments must be uniform in relation to the other properties (fair and equitable).
- B. On the high end – The amount of the assessment is limited – it cannot exceed the increase in fair market value of the property (special benefit). And the assessment amount cannot exceed the cost of providing the improvement.
- C. On the low end – The total amount of the project to be assessed must exceed 20% of the total project costs, in order to purchase bonds to fund the improvements.

The City Engineer will present the draft policy in detail and will outline and highlight significant discussion points and concerns in regards to the City wide policies and procedures.

RECOMMENDATION: It is respectfully recommended that the City Council receive the presentation by the City Engineer and provide comments and direction for potential revisions to the draft Assessment Policy. No other formal action is required or requested at this time.

ATTACHMENTS: DRAFT – City of Lake Elmo Special Assessment Policies and Procedures for Public Improvements

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... City Engineer
- Questions from Council to Staff Mayor Facilitates
- Discussion/Comments..... Mayor & City Council
- Public Input, if Appropriate Mayor Facilitates
- Direction from Council to Staff Mayor Facilitates

CITY OF LAKE ELMO
SPECIAL ASSESSMENT POLICIES
AND PROCEDURES
FOR
PUBLIC IMPROVEMENTS

Adopted by Resolution No. _____ on:

November XX, 2010

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**SECTION I.
GENERAL POLICY STATEMENT**

A special assessment is a levy on a property to defray the cost of public improvements. Chapter 429 of the Minnesota Statutes grants cities the authority to use special assessments as a mechanism to finance a broad range of public improvements. The primary purpose of special assessments is to have the properties that benefit from the public improvements pay as much of the cost of the improvements as reasonable, thereby reducing a city's reliance on general property taxes. However, Chapter 429 of the Minnesota Statutes limits the amount that may be assessed to the increase in the market value of the property being assessed as a result of the public improvement.

The purpose of this Special Assessment Policy is to establish a fair and equitable manner of recovering and distributing the cost of public improvements. The procedures used by the City of Lake Elmo ("City") for levying special assessments are those specified by Minnesota Statutes § Chapter 429, which provides that "all or a part of the cost of improvements may be assessed against benefiting properties." This assessment policy is intended to serve as a general guide for a systematic assessment process in the City of Lake Elmo.

Special Assessments must meet the following criteria:

- A. The land must have received special benefit from the improvement.
- B. The amount of the assessment must not exceed the special benefit.
- C. The assessment must be uniform in relation to the same class of property within the assessment area.

It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the determining factor in determining the amount to be assessed. However, in most cases the method for determining the value of the benefit received by the improvement, and therefore the amount to be assessed, shall be the cost of providing the improvement, as long as the cost does not exceed the increase in the market value of the property being assessed. The entire project shall be considered as a whole for the purpose of calculating and computing an assessment rate. In the event City staff has doubt as to whether or not the costs of the project

may exceed the special benefits to the property, the City Council may obtain such appraisals as may be necessary to support the proposed assessment.

The City must recover the expense of installing public improvements undertaken, while ensuring that each parcel pays its fair share of the project cost in accordance with these assessment guidelines. While there is no perfect assessment policy, it is important that assessments be implemented in a reasonable, consistent and fair manner. There may be exceptions to the policy or unique circumstances or situations that may require special consideration and discretion by City staff and the City Council.

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**SECTION II.
DEFINITION OF IMPROVEMENTS ELIGIBLE
FOR SPECIAL ASSESSMENT**

This policy shall be applicable to those types of public improvements that are allowable under Minnesota Statutes §429.021. Generally the improvements include:

- A. **Street and sidewalk improvements:** Acquisition, construction, reconstruction, extension and major maintenance of any street and sidewalk and improvement of streets and sidewalks including base and subbase, pavement, gutters, curbs, and vehicle parking strips, paver cross walks, pedestrian crossings, medians, beautification amenities, and street and sidewalk drainage systems.
- B. **Street lighting systems.** Installation, replacement, extension, and maintenance of street lights, street lighting systems, and special lighting systems.
- C. **Parks, trails, open space areas, playgrounds, and recreational facilities.** Acquisition and improvement of land, and purchase of equipment and facilities, and the construction, reconstruction, and extension of trails.
- D. **Street trees.** Planting, trimming, care, and removal.
- E. **Potable waterworks systems.** Construction, reconstruction, extension, and maintenance of water supply wells and pump houses, water treatment facilities, storage tanks, and all components of the watermain distribution system network and related appurtenances.
- F. **Sanitary sewer systems.** Acquisition, development, construction, reconstruction, extension, and maintenance of sanitary sewer conveyance and treatment systems. This may include sanitary sewers, interceptor mains, lift stations, treatment facilities and treatment systems, service connections, and other appurtenances of a sanitary sewer system.
- G. **Storm sewer and drainage systems.** Acquisition, development, construction, reconstruction, extension, and maintenance of storm water management facilities and storm sewer systems. This may include outlets, culverts, pipe systems, catch basins,

holding areas and ponds, infiltration basins, rain gardens, treatment plants, pumps, lift stations, service connections, and other appurtenances of a storm sewer system.

- H. **Nuisance abatement.** Includes, but is not limited to, draining and filling swamps, marshes, and ponds on public or private property.
- I. **Dikes and other flood control works.** Construction, reconstruction, extension, and maintenance.
- J. **Retaining and area walls, including highway noise barriers.** Acquisition, construction, reconstruction, improvement alteration, extension, and maintenance.
- K. **Malls, plazas, or courtyards.** Acquisition, construction, improvement, alteration, extension, operation, maintenance, and promotion of public malls, plazas, and courtyards.
- L. **Parking lots.** Acquisition or construction of parking facilities.

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**SECTION III.
INITIATION OF PUBLIC IMPROVEMENT PROJECTS**

Public improvement projects may be initiated in the following ways:

- A. A public improvement project may be initiated by petition of at least 35% of the affected property owners.
- B. Public improvements may be initiated by the City Council when, in its judgment, such action is required. A resolution ordering any Council initiated improvements requires a 4/5th vote, rather than a simple majority.

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**SECTION IV.
PUBLIC IMPROVEMENT PROCEDURES**

The following is the general procedure that will be followed by the City Council for all public improvement projects from initiation of such a project through certification of the assessment role to the County Auditor. The City Council reserves the right to alter the procedure on a case-by-case basis and within the context of Minnesota Statutes § Chapter 429.

Improvements of different kinds anywhere in the City may be included in a proceeding and conducted as one or more improvements. Thus a single proceeding may encompass sidewalk, curb and gutter, and water and sewer mains installed anywhere in the City.

- A. Staff reviews petition for local improvements from property owners and submits the petition to the City Council, or the City Council passes a resolution ordering a Feasibility Report on the improvement.
- B. Council accepts or rejects the petition. If accepted, the Council orders the preparation of a Feasibility Report on the improvement. The Council may condition further action on the recovery of costs associated with the project and/or Feasibility Report.
- C. Staff prepares a Feasibility Report on the proposed improvements, or reviews the report submitted by another agency/representatives.
- D. Council accepts or rejects the Feasibility Report. If accepted, the Council orders a public hearing on the improvements.
- E. Staff publishes a hearing notice and mails notices to the affected property owners.
- F. Council conducts improvement hearing and adopts or rejects a resolution ordering the improvement and the preparation of plans and specifications. Bonds to finance project costs may be issued at any time after the improvements are ordered.
- G. Staff prepares final plans for Council approval. Council approves the plans and authorizes the advertisement of the improvements and the opening of Bids.

- H. Staff receives bids, prepares a bid tabulation, and makes a recommendation to the City Council for Award. Council rejects the bids or awards a contract based on the bids received.
- I. Performance of the work under contract is completed. Staff supervises construction, prepares payments, and completes the improvement project.
- J. Staff prepares an assessment roll and presents it to the Council.
- K. Council reviews the assessment schedule and orders an assessment hearing.
- L. Staff publishes a hearing notice, mails the notice of hearing date and the proposed assessments to the affected property owners.
- M. Council conducts assessment hearing, adopts, revises, or rejects the resolution adopting the assessment roll. If adopted, Council authorizes certification of the assessment to the County Auditor.
- N. Staff certifies the assessments to the County Auditor.

* Note: At Council's discretion, Item G may be carried out in advance of the improvement hearing.

* Note: At Council's discretion, Items J-N may be carried out in advance to Council award and constructing the improvements.

**SECTION V.
GENERAL ASSESSMENT POLICIES**

The cost of any improvement shall be assessed upon property benefited by the improvements, based upon the benefits received. The following general principles shall be used as a basis of the City's assessment policy:

- A. It is the general policy of the City of Lake Elmo to require future development in accordance with the City Comprehensive Plan and for new areas of development in an orderly manner, typically contiguous to existing development areas. It is also the general policy of the City of Lake Elmo to require all new development areas to provide for adequate public infrastructure at the Developer's sole expense, and in accordance with the City Comprehensive Plans and Design Standards.
- B. The use of special assessments will typically be employed by the City to finance needed public improvements (e.g. parks and trails, sidewalks, water, sewer, and street improvements) in certain areas that have previously been developed without all needed infrastructure, or to repair and/or replace aging infrastructure.
- C. The "project cost" of an improvement includes the costs of all necessary construction work required to accomplish the improvement, plus engineering, legal, administrative, financing, and other contingent costs, including acquisition of right-of-way, easements and other property. The financing charges include all costs of financing the project. These costs include, but are not limited to, financial consultant's fees, bond attorney's fees, and capitalized interest. When the project is started and funds are expended prior to receiving the proceeds from a bond sale, the project may be charged interest on the funds expended from the date of expenditure to the date the bond proceeds are received. The interest rate charged will be the average interest rate earned by the City's investments during the six months preceding the receipt of the bond proceeds. The interest charged to the project shall be included as financing charges.
- D. The "assessable cost" of an improvement is equal to the "project cost" minus the "City cost".
- E. The City of Lake Elmo will charge interest on Special Assessments at a rate specified in the resolution. If bonds were sold to finance the improvement project, the interest rate

shall be two percent (2%) more than the average coupon interest rate of the bonds, rounded to the nearest quarter of a percent. If no bonds were sold, the interest rate shall be set at the rate allowed by State law.

- F. *Pre-payment.* The City will certify each year's collection (principal and interest) to the County Auditor by November 30th. The owner of any property that is assessed may pay their assessment in full, interest free for a period of 30 days after the adoption of the assessment. After such period interest shall be computed from the date specified in the assessment resolution. The owner of any property that is assessed may also, at any time prior to certification of the assessment or the first installment thereof to the county auditor, pay the whole of the assessment on such property to the City, with interest accrued to the date of payment. In any subsequent year, the owner may at any time prior to November 15, prepay to the City, the whole assessment remaining due with interest accrued to December 31 of the year in which said prepayment is being made.
- G. Where an improvement is designed for service of an area beyond that of direct benefit, increased project costs due to such provisions for future service extensions may be paid for by the City. The City will levy assessments to cover this cost when a new improvement is installed as an extension of the existing improvement. As an alternative, the City may assess these costs to the area of future benefit immediately.
- H. Where the project cost of an improvement is not entirely attributable to the need for service to the area served by said improvement, or where unusual conditions beyond the control of the owners of the property in the area served by the improvement would result in an inequitable distribution of special assessments, the City, through the use of other funds, may pay such "City cost" which, in the opinion of the City Council, represents the excess cost not directly attributable to the area served.
- I. If financial assistance is received by the City from the Federal Government, from the State of Minnesota, the County, or from any other source to defray a portion of the costs of a given improvement, such aid will be used first to reduce the "City cost" of the improvement. If the financial assistance received is greater than the normal "City cost", the remainder of the aid will be applied according to the terms of the assistance program or at the Council's discretion.

- J. City-owned properties, including municipal building sites, parks and playgrounds, but not including public streets and alleys, shall be regarded as being assessable on the same basis as if such property was privately-owned.
- K. Improvements specifically designed for or shown to be of direct benefit to one or more properties may be constructed by the City. The costs for these improvements will be assessed directly to such properties, and not included in the assessments for the remainder of the project. An example of this would be utility service lines running from the main lines to the property.
- L. Benefit Appraisals: In the event that City staff has doubt as to whether or not the proposed assessments exceed the special benefits to the property in question (increased property value as defined by State law), the City Council may order benefit appraisals as deemed necessary to support the proposed assessments.
- M. A property owner may elect to offset Special Assessments against condemnation awards by executing a Net Assessment Agreement with the City Council.
- N. Assessment Deferral Procedure for Green Acres Parcels: In cases where improvement projects are determined to benefit properties that have been certified to qualify for Green Acres exemption, the City will determine that portion of the project cost that benefits those properties, and finance that portion of the project cost as a system cost. During the period of deferral, interest shall be applied annually to the unpaid principal balance of the deferred amount at the rate established on the original special assessment, or as adopted by resolution of the City Council at the time the original assessment is adopted. Once the benefiting properties no longer qualify for Green Acres status, the City may recover the unpaid principal balance plus interest either through assessments or connection charges.
- O. Assessment Deferral for Hardships: The City Council will consider deferment for the payment of special assessments on any homestead property, owned by a person 65 years of age or older, or retired by virtue of permanent and total disability. A hardship may be deemed to exist when the annual principal installment of all assessments levied against the property exceeds two percent (2%) of the adjusted gross income of the applicant as evidenced by the applicant's most recent federal income tax return, and

total assets (excluding the homestead property) do not exceed six times the adjusted gross income.

The City Council may also determine, on a case by case basis, the existence of a hardship on the basis of exceptional and unusual circumstances not covered by these standards and guidelines, if done in a non-discriminatory manner and without giving the applicant an unreasonable preference or advantage over other property owners.

During the period of deferral, interest shall be applied annually to the unpaid principal balance at the rate established on the original special assessment, or as adopted by resolution of the City Council at the time the original assessment is adopted.

The deferment shall terminate and all principle and interest becomes due and payable upon the occurrence of any of the following events: 1. The death of the owner when there is no spouse whom is eligible for deferment, 2. The sale, transfer or subdivision of the property or any part thereof, 3. The property should lose its homestead status, 4. The City Council should determine that the hardship no longer exists. A review of the hardship will be conducted every three to five years.

SECTION VI. METHODS OF ASSESSMENT

A. GENERAL POLICY STATEMENT

The City of Lake Elmo has adopted the following three methods for assessment of public improvements: fixed cost unit, adjusted front footage, and by area method. For any particular project one of these methods will more adequately reflect the true benefits received in the assessment area than the other methods. The City Engineer, in his Feasibility Study to the Council, will recommend one or a combination of these methods for each project, based upon past practices and the method that would best reflect the benefit received for the area to be assessed. The City Council will select the preferred method of calculating the assessments at the time the project is ordered.

The general rule is to assess platted residential lots using the "unit" assessment basis, however, where platted residential lots do not reflect a general similar size and shape, consideration will be given to an adjusted front footage basis. Commercial, institutional and industrial lots will be assessed on an adjusted front footage basis; however, consideration will be given to a "unit" assessment if the special benefit to the property in the district is essentially the same. The methods of assessment outlined within this policy are not intended to be an exhaustive list of acceptable approaches. The Council may adopt alternative approaches as they deem necessary to fairly and equitably allocate assessments for unique situations.

B. ASSESSMENT METHODS

The following methods of assessment, as described and defined below, are hereby established as the official methods of assessment in the City of Lake Elmo:

1. Fixed Cost "Unit" Method of Assessment

When it has been determined to assess by the "unit" method, all lots within the benefited area shall be assessed equally for the improvements.

The "fixed cost per unit" shall be defined as a quotient of the "assessable cost" divided by the total assessable lots or parcels benefiting from the improvement.

For the purpose of determining the "units" or "parcels", all parcels, including governmental agencies, shall be included in such calculations.

When large lots can be subdivided into more than one lot, the number of assessable lots attributed to that parcel will be determined from the number of potential future lots that could be obtained using current subdivision regulations.

For multi-family, commercial, industrial and institutional properties, the number of fixed units assigned to the property may be determined by an equivalent "residential" factor representing the properties use compared to a single family residential home (e.g. SAC units, WAG units, or standard traffic generation units).

2. *"Adjusted Front Footage" Method of Assessment*

When it has been determined to assess by the "Adjusted Front Footage" method, the "cost per adjusted front foot", or assessment rate, shall be defined as the quotient of the "assessable cost" divided by the total assessable frontage benefiting from the improvement. The assessment for each parcel is then obtained by multiplying the assessment rate times the adjusted front footage for each property. For the purpose of determining the "assessable frontage", all properties, including governmental agencies, shall have their frontages included in such calculation.

The actual physical dimensions of a parcel abutting an improvement (i.e., street, sewer, water, etc.) shall NOT be construed as the frontage utilized to calculate the assessment for a particular parcel. Rather, an "adjusted front footage" will be determined. In the Adjustment Front Footage method, odd shaped lots are adjusted to an average footage that would be the equivalent to the frontage of a rectangular shaped lot of the same area and depth. The purpose of this method is to equalize assessment calculations for lots of similar size.

3. *"Area" Method of Assessment*

When it has been determined to assess by the "area" method, the area shall be defined as the number of square feet or acres within the boundaries of the appropriate property lines of the areas benefiting from the project. The assessment rate (i.e. cost per square foot) shall be calculated by dividing the

total assessable cost by the total assessable area. The assessment for each parcel is then obtained by multiplying the assessment rate times the benefitting area of the parcel. On large lots, the City Engineer may determine that only a portion of the lot receives the benefit and may select a lot depth for the calculations equal to the benefit received.

For the purposes of defining assessable areas, all properties included in the benefited area, including other governmental areas, churches, etc. shall be included in the assessable areas. The following items may not be included in area calculations: public right-of-ways, natural waterways, swamps and lakes or other wetlands designated by the Mn/DNR. The City Engineer will make the recommendation on the benefited area in the Feasibility Report.

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**SECTION VII.
POLICIES OF REASSESSMENT**

The City of Lake Elmo, in constructing or reconstructing any public improvement, shall design such improvement to last for a defined period. The life expectancy or service life shall be as stated in the policy statement of this section, or if different, shall be as stated in the Resolution ordering the improvement and preparation of plans. When such project needs renewing or replacement prematurely, the amount to be assessed against the property owner shall be limited to an amount determined by dividing the actual life of the original improvement by the expected service life of the original improvement.

A. POLICY STATEMENT

The following are hereby established as the "life expectancies" or "service lives" of public improvements unless otherwise stated in the Resolution ordering improvement and preparation of plans, in which case, the life set forth in the Resolution shall govern.

1. *Sidewalks and Trails - 15 years*
2. *Street Improvements, including surfacing and curb and gutter - 20 years*
3. *Street Lighting - 20 years*
4. *Water Mains and Appurtenances - 40 years*
5. *Sanitary Sewers and Appurtenances - 40 years*
6. *Storm Sewers and Appurtenances - 40 years*
7. *Mechanical and Electrical Systems, Pumps and Controls - 15 years*

**SECTION VIII.
DETERMINATION OF ASSESSABLE COSTS**

A. STREET IMPROVEMENTS

Street Improvement assessments, including paving, curb & gutter, and related street drainage systems are normally levied over a 10-year period. Low Density residential properties will be assessed if the property has direct access to the improvement. High Density Residential, Commercial, and Industrial Properties will be assessed if the property abuts the improvement.

1. *New Street Improvement Construction and Paving*

All new street improvements will be assessed 100% to the benefited properties when the improvement includes a "New" street. For new storm drainage systems, adding curb and gutter, and paving gravel roadways, the "New" improvement will be assessed 100%, while the base, subbase and other in place elements will be assessed as defined under Street Reconstructions.

2. *Local Street Improvements*

Local street improvements and paving shall be assessed based on the minimum City design standard detail and pavement section and will normally be assessed by the unit method; however other methods may be considered. Oversizing costs which are incurred in excess of the above may be paid by: (1) State Aid Funds, (2) larger assessment rates to properties, (3) general obligation bonds, or (4) any other method or combination of methods authorized by the City Council

3. *Collector and Arterial Street Improvements*

Collector and arterial street improvements shall be assessed to a broader property benefitting area with the area to be determined by the City and approved by the City Council.

Residential properties located along collector and arterial streets will be assessed to the equivalent local City standard street cost. All street-oversizing costs associated with collector streets will not be assessed to residential properties.

4. *Street Reconstruction Improvements*

All residential street reconstructions shall be 30% assessed to the benefitting properties and will normally be assessed by the unit method. Street reconstruction improvements in Commercial, Business District, Institutional and Industrial areas shall be assessed 100% of the total project costs or determined on a project-by-project basis.

5. *Street Maintenance Overlays and Seal Coating*

Bituminous overlay projects, bituminous seal coats, patching, crack sealing, fog sealing, and filling potholes will not be assessed when completed as part of the street system's "life cycle" maintenance activities.

B. SIDEWALKS, TRAILS, AND BIKEWAYS

Assessments for sidewalk, trails and bikeway improvements are levied over a 10-year period. The City may install sidewalks, trails or bikeway improvements in accordance with the City Comprehensive Plan for the community, or for council directed purposes, in which case the City may not assess the improvements. At council discretion, sidewalk, trail and bikeway improvements may be fully or partially funded as part of a street construction/reconstruction assessment, through park dedication fees, using Municipal State Aid funding, Capital Infrastructure funding, or general tax levy funds.

1. *New Construction*

New sidewalks, trails, and bikeway improvements will be 100% assessed to the benefitting properties based upon the adjusted front footage.

2. *Reconstruction*

Replacement sidewalks, trails and bikeway improvements will be assessed 30% to the abutting residential properties and assessed 100% to the abutting commercial, industrial, and institutional properties.

C. LANDSCAPING / STREET BOULEVARD TREES

Landscaping and street boulevard tree improvements may be assessed as determined by the Council for each specific project.

D. STREET LIGHT IMPROVEMENTS

Street Light improvements may be assessed as determined by the Council for each specific project.

E. TRANSPORTATION IMPROVEMENTS

All costs associated with traffic and transportation related improvements, such as widening of a roadway for turn lanes, additional driving lanes, on-street parking, traffic calming, and traffic signalization may be assessed 100% to the benefiting properties.

F. STORM SEWER AND DRAINAGE FACILITY IMPROVEMENTS

Storm sewer and drainage facility improvements shall be considered and incorporated as part of street improvement projects and assessed as part of the project and levied over a 10-year period. Storm sewer and drainage facility improvements completed as independent projects will normally be assessed by the area method taking into account each parcels land use and rate of runoff as determined by the City Engineer.

1. New Storm Sewer and Drainage Facility Improvements

New storm sewer and drainage facility improvements installed in conjunction with new street construction where no storm sewer previously existed will be assessed 100% and be included in the street assessment to benefiting properties. If the facilities are oversized to accommodate drainage from areas outside the street improvement assessment area, the additional costs may be assessed to the properties in the contributing area. Their assessment will be determined by the area method based on the contributing area of the parcel(s) taking into account the land use and rate of runoff.

2. Replacement and Major Maintenance of Storm Sewer Improvements

Any replacement costs or reconstruction of existing storm sewers and drainage facilities in conjunction with street reconstruction projects will be assessed 30% and be included in the street assessment to benefiting properties. If the facilities are oversized to accommodate drainage from areas outside the street improvement assessment area, the additional costs may be assessed to the properties in the contributing area. Their assessment will be determined by the

area method based on the contributing area of the parcel(s) taking into account the land use and rate of runoff.

G. SANITARY SEWER IMPROVEMENTS

Assessments for sanitary sewer improvements shall be based upon the cost of construction of 8-inch sewer mains. Oversizing costs due to larger mains and larger appurtenances and/or extra depths required to service future development, and major trunk sewers or interceptors will not be assessed and will be "City system costs" funded out of the Sanitary Sewer Reserve Fund. Normally, sanitary sewers will be assessed using an adjusted per lot method; with the adjustment made using the Metropolitan Council calculation to establish a residential equivalent unit (REC). Normally, sanitary sewer system assessments are levied over a 20-year period.

Street improvements and major street maintenance that are completed as part of utility replacement projects and has effectively accelerated the replacement of the street before it's expected useful life, shall be funded through the Sanitary Sewer Reserve Fund in proportion to the remaining design life of the street.

1. Interceptor Sewer System

The Metropolitan Council Environmental Services (MCES) is responsible for the construction of the regional interceptor sewer system and for the wastewater treatment facility to treat the sewage generated in the City of Lake Elmo. The MCES has established a Sewer Availability Charge (SAC) that is collected from each unit connected to the sanitary sewer system. The current charge per residential equivalent unit (REC) is collected, in full, by the City at the time of connection or the issuance of the building permit as part of the City's Sewer Availability Charge. The City collects this charge and passes the required portion of this fee on to the MCES.

2. Trunk Sanitary Sewer System

The Trunk Sanitary Sewer System is constructed to serve the entire community or a larger service area and therefore is deemed to be of community-wide benefit. Trunk sanitary sewers, lift stations, and other trunk sewer system facilities shall be financed by a City Sewer Availability Charge (SAC) to be paid at

the time of connection to the City system with a City trunk system component and a pass through component to the MCES..

The City portion of the Sewer Availability Charge (SAC) on units existing at the time of construction may be paid in normally not more than 15 annual installments of principal plus interest on the unpaid principal balance at an interest rate set by the City Council. The Sewer Availability Charge (SAC) on units built after the sewer construction should be paid in full at the time the building permit is issued.

3. *Lateral Sanitary Sewer System*

The costs for lateral sanitary sewers shall be fully assessed (100%) to the benefiting properties. Commercial, institutional, industrial and multiple land uses and undeveloped lands are converted into equivalent residential units for assessment purposes. Any building unit which is served directly by an interceptor or trunk sewer and therefore requires no lateral sewer, is levied a lateral benefit assessment which is equal to the Sewer Lateral Benefit Charge as set in the latest adopted City Fee Schedule.

The replacement of existing sanitary sewer mains and service lines within the right-of-way will not be assessed, but rather financed from the Sanitary Sewer Reserve Fund or other funding sources identified by the City Council. Each property shall pay for the replacement of the service line on their private property, from the right-of-way to the building/home.

H. WATERMAIN IMPROVEMENTS

Assessments for new water main improvements shall be based upon the cost of construction of 8-inch water mains. Oversizing costs due to larger mains and larger appurtenances will not be assessed and will be "City system costs" funded out of the Water Reserve Fund. Normally, water mains will be assessed using an adjusted per lot method; with the adjustment made using the Metropolitan Council sewer calculation to establish a residential equivalent unit (REC). Normally, water system assessments are levied over a 20-year period.

Street improvements and major street maintenance that is completed as part of utility replacement projects and has effectively accelerated the replacement of the street before it's expected useful life, shall be funded through the Water Reserve Fund in proportion to the remaining design life of the street.

1. *Trunk Water Mains, Supply, Storage, and Treatment Facilities*

The Trunk Water System Facilities are constructed to serve the entire community or a larger service area and therefore deemed to be of community-wide benefit. Trunk water mains, pump stations, wells, storage tanks, and treatment facilities shall be financed by a Water Availability Charge (WAC) to be paid at the time of connection to the City system.

Water Availability Charge (WAC) on units existing at the time of construction may be paid in normally not more than 15 annual installments of principal plus interest on the unpaid principal balance at an interest rate set by the City Council. Water Availability Charge (WAC) on units built after the water main construction should be paid in full at the time the building permit is issued.

2. *Lateral Water Mains*

The costs for lateral water mains shall be fully assessed (100%) to the benefiting properties. Commercial, institutional, industrial and multiple land uses, and undeveloped lands are converted into equivalent residential units for assessment purposes. Any building unit which is served directly by a trunk water main and therefore requires no lateral water main, is levied a lateral benefit assessment

which is equal to the Watermain Lateral Benefit Charge as set in the latest adopted City Fee Schedule.

The replacement of existing water mains and service lines within the right-of-way will not be assessed, but rather financed from the Water Reserve Fund or other funding sources identified by the City Council. Each property shall pay for the replacement of the service line on their private property, from the right-of-way to the building/home.

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