

FILE

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

October 19, 2010

6:45 p.m. Interview Applicant for Park Commission

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:
 - 1a. Approval of the Minutes from the October 5, 2010 City Council Special Meeting
 - 1b. Approval of the October 5, 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. Approval of Payment of Disbursements and Payroll
 - 3. Easement Encroachment Agreement for 4861 Lilac Place N.
 - 4. Consideration of Appointment of Pam Hartley to Parks Commission
 - 5. 42nd Street Mill and Overlay Final Payment
 - 6. Fire Department Shared Service Assessment - Resolution No 2010-059
- J. REGULAR AGENDA:
 - 7. Zoning Text Amendment – Interim Use Permit General Requirements,

Ordinance No. 08-032 Resolution No. 2010-053

- 8 Zoning Text Amendment - Holding Districts, Resolution No. 2010-054, Ordinance No. 08-033
- 9 Interim Use Permit – Cranky Ape, Resolution No. 2010-055
- 10 Blue Star Project – Resolution No. 2010-056 – Authorization Project Submittal
- 11 FY 2010 Third Quarter Financial Report
- 12 2010 Street Improvement Bond Financing; Resolution No. 2010-057
- 13 Recommendation for 2004 Bond Refinancing; Resolution No. 2010-058

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 5, 2010

Mayor Johnston called the meeting to order at 7:12 p.m.

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

Also Present: Administrator Messelt, City Engineer Griffin, Attorney Snyder, Attorney Baker, Planning Director Klatt, Project Asst. Kriegler, Finance Director Bouthilet and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member Smith moved to approve the October 5, 2010 City Council agenda as amended by adding 2a. Approval of supplemental claims. Council Member Park seconded the motion. The motion passed 5-0.

APPROVED MINUTES:

The September 21, 2010 City Council minutes are approved by consensus.

PUBLIC COMMENTS/INQUIRIES: None

CONSENT AGENDA:

MOTION: Council Member DeLapp moved to approve the Consent Agenda. Council Member Smith seconded the motion. The motion passed 5-0.

- Approve payment of disbursements and payroll in the amount of \$281,307.62
- Approve payment of disbursements and payroll in the amount of \$1,538.07
- Authorize Partial Payment No. 2 to T.A. Schifsky in the amount of \$178,076.80 to be paid from the Project Fund for the 2010 Street & Water Quality Improvements Project
- Award a contract for the 2010 Crack Seal Project to Gopher State Sealcoat, Inc. in the amount of \$12,420
- Authorize American Engineering Testing, Inc. to perform Geotechnical Services for the 2011 Street and Water Quality Improvements in the amount of \$5,600
- Authorize American Engineering Testing, Inc. to perform Geotechnical Services for the 2011 Municipal State Aid Improvements in the amount of \$4,500
- Approve the proposed CIP Program Adjustment for vehicle replacement, as recommended by the Maintenance Advisory Committee (reprogram the replacement of the Fire Duty car to 2010 and simultaneously reprogram the replacement of the Public Works pick-up truck to 2011. Approve updating city's vehicle inventory and utilization data, etc. and prepare a report for MAC consideration and Council review and affirmation

- Request for Street Assessment Deferred, Jim Fish, 2267 Legion Lane

REGULAR AGENDA:

Sunfish Lake Park Area Improvements/Eagle Scout project presentation

The City Council was asked to authorize expenditures related to Sunfish Lake Park parking area improvements. Two Eagle Scout candidates, Kyle Yarusso and Chris Amundson, are proposing construction of information kiosks. The Park Commission unanimously supported the proposed improvements and associated expenditures.

MOTION: Council Member Smith moved to authorize expenditures related to Sunfish Lake Park parking area improvements and construction of two information kiosks at DeMontreville Wildlife Area at a cost not to exceed \$22,440.00. Council Member Emmons seconded the motion. The motion passed 5-0.

Lake Elmo Inn Zoning Text Amendment, front and side setbacks, General Business in Old Village Area; Resolution No. 2010-049, Ordinance No. 08-030

The City Council was asked to consider zoning text amendments to the General Business District regulations in the Zoning Ordinance. This request originated as a variance application from the Lake Elmo Inn to allow the construction of a new enclosed patio seating structure in place of the existing fabric tent that currently exists in front of the restaurant, but has been revised instead to amend the zoning regulations for all properties in the Old Village area zoned GB. The proposed structure would not meet existing setback requirements in the General Business District, nor would additional parking be provided for the additional seating area.

The proposed zoning text amendments would specifically amend the General Business District as follows:

- Creating a second front and side yard setback requirements of 0 feet (no special setback required) for properties located south of Minnesota State Highway 5 in the Old Village
- Allowing the Zoning Administrator to waive the parking requirements for properties located in the Old Village area south of CSAH 5.
- Referencing the distraction of the "Old Village District" used in the Sign Ordinance.

MOTION: Council Member DeLapp moved to adopt Ordinance No. 08-030 amending the GB-General Business District regulations for parking and setbacks in the Old Village District. Mayor Johnston seconded the motion. The motion passed 5-0.

MOTION: Council Member DeLapp moved to adopt Resolution No. 2010-049 authorizing summary publication of Ordinance 08-030. Mayor Johnston seconded the motion. The motion passed 5-0.

Agricultural Sales Business – Consideration of Ordinance Amendment Alternatives,
Resolution No. 2010-050, Ordinance No. 08-031

The City Council was asked to consider a recommendation from the Planning Commission to amend certain sections of the City Code pertaining to Agricultural Sales and Agricultural Entertainment Businesses. The Commission is recommending that these types of activities be regulated as an interim use via and interim use permit in the zoning districts in which they are allowed, and that the Council consider several other revisions to the agricultural use standards in the code as outlined in the ordinance.

The Planning Director presented the three alternative ordinances as a potential response to the issues associated with the City's current agricultural sales and agricultural entertainment regulations.

Mayor Johnston notes that, while a formal public hearing was held at the Planning Commission, the City Council normally provides time for comments.

Neil, John and Deb Krueger, 4452 Lake Elmo Avenue and owners of Kruegers' Christmas Tree Farm, thanked the Council for the open discussion, review of options and recommended Council approval of Option 1. Council consideration was asked for Item #14, pg 3, regarding Christmas tree inspections and inclusion of some sort of Green Acres requirement.

Questions were raised from the following residents regarding Option 1: Renewal of permits, definition of auxiliary sale items, and how does the adoption of Option 1 affect Country Sun Farms.

Keith Bergmann, 5833 Lake Elmo Avenue N., Co-owner of Country Sun Farm & Greenhouse

Anthony Sanders, Institute for Justice Attorney

Cari Myhra, 456 Manning Avenue

Kaye Hilpisch, 10732 Stillwater Blvd.,

Attorney Snyder explained there is an application process for an Interim Use Permit; staff would discuss particulars of each specific case, based upon the criteria allowed by the ordinance, if the proposed changes were approved. Mayor Johnston emphasized that, while not a public hearing, public comment was to provide for additional comment and input, not to answer case-specific questions. Rather, these should be addressed to City staff and, ultimately, to the City Council via an Interim Use Permit application.

MOTION: Council Member DeLapp moved to adopt Ordinance 08-031A by the City Council at tonight's meeting - including the specific Findings of Fact and changing Item No. H from 20 acres to 40 acres - thereby amending the City's agricultural use definitions and regulations. Included in this Motion is adoption of Resolution No. 2010-050 for Summary Publication. Council Member Smith seconded the motion.

Administrator Messelt recommended not including Findings of Fact No. 14 and former Item No. S relating to Christmas Tree certification. Staff will continue to review issues regarding such certification processes and related health and safety standards for all agricultural products. Staff could also continue to research Green Acres provision options.

MOTION: Council Member Emmons moved to amend the motion as follows: 1) Item No. L - Strike words "25% of the site ot" [sic] and "whichever is less"; 2) Delete Item No. S of the draft version published on October 1st, relating to Christmas Tree certification and inspection; and 3) Delete Findings of Fact #14, page 3 relating to Christmas Tree certification and inspection. Council Member DeLapp seconded the motion. The motion to amend passed 5-0.

MOTION: The motion to adopt Ordinance No. 08-031A and Resolution No. 2010-050, as amended, then passed 5-0.

The Administrator noted that the Interim Use Permit fee structure, which will include a one-year phase in fee, will come to the Council for approval beginning of 2011.

Old Village Water Quality Plantings at 3570 Laverne Avenue N.

The City Council was asked to consider authorizing payment in the amount of \$515 to provide water quality plantings at 3570 Laverne Avenue N. The water quality plantings are recommended by Valley Branch Watershed District and Washington Conservation District in an effort to partially mitigate a re-occurring drainage issue on this Old Village Area property

MOTION: Council Member DeLapp moved to authorize payment by the City of Lake Elmo in the amount of \$1,030 in water quality plantings for the property at 3570 Laverne Avenue N. with a 50% (\$515) reimbursement by the VBWD at project completion. Council Member Park seconded the motion. The motion passed 5-0.

Revisions to I-94 Corridor Joint Powers Agreement

MOTION: Council Member Emmons moved to adopt Resolution No. 2010-051 authorizing revisions to the I-94 Corridor Joint Powers Agreement. Council Member Smith seconded the motion.

MOTION: Council Member DeLapp moved to amend Resolution No. 2010-051 by eliminating certain WHEREAS clauses and replacing them with new language. The motion to amend failed for lack of a second. The original Motion passed 4-1 (Council Member DeLapp voting no).

The Council adjourned the meeting at 8:30 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

DRAFT

City of Lake Elmo
City Council Minutes

October 5, 2010 – Special Meeting

Mayor Johnston called the Special Meeting of the Lake Elmo City Council to order at 6:30 p.m.

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

Also Present: Administrator Messelt, City Attorney Snyder, Attorney Baker and Planning Director Klatt

City Attorney Snyder explained the Agenda and purpose of the Special Meeting was to meet in Executive Session pursuant to Minnesota State Statutes to discuss litigation strategies relating to Bergmann et al versus the City of Lake Elmo et al.

APPROVAL OF AGENDA:

MOTION: Council Member DeLapp moved to approve the agenda of the October 5, 2010 City Council Special Meeting and to enter into Executive Session. Council Member Smith seconded the motion. The motion passed 5-0.

DISCUSSION: Discussion ensued in Executive Session regarding current litigation proceedings and litigation strategies relating to Bergmann et al versus the City of Lake Elmo et al.

MOTION: Council Member Emmons moved to close the Executive Session. Council Member Smith seconded the motion. The motion passed 5-0.

The Special Meeting and Executive Session of the Lake Elmo City Council ended at 7:03 PM.

SUMMARY OF EXECUTIVE SESSION: Legal Counsel John Baker summarized the proceedings of the Executive Session held at 6:30 PM regarding legal strategies relating to Bergmann et al versus City of Lake Elmo et al. The City Council received an update on the current status of legal proceedings and discussed legal strategies. No specific action or direction was provided to Legal Counsel during or following the Executive Session.

The Council adjourned the meeting at 8:30 p.m.

Respectfully submitted by Bruce Messelt, City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 219,288.99

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

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 \$ 219,288.99. 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
36209	\$ 175.00	MN State Fire Chief Assoc. Special Run Check
36210 - 36254	\$ 219,113.99	Accounts Payable Dated 10/19/2010
TOTAL	\$ 219,288.99	

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 \$ 219,288.99.

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 October 19th, 2010 Disbursement and Payroll, as Presented [*and modified*] herein.”

ATTACHMENTS:

1. Accounts Payable Dated 10/19/2010

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: 10/14/2010 - 1:02 PM
 Batch: 004-10-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AIRGAS Airgas North Central										
105285974	09/30/2010	13.02	0.00	10/19/2010	Oxygen Tank Lease		-	No		0000
101-430-3100-43150 Contract Services										
105285974 Total: 13.02										
AIRGAS Total: 13.02										
ARAM Aramark, Inc.										
629-7086789	09/30/2010	22.97	0.00	10/19/2010	Uniforms		-	No		0000
101-430-3100-44170 Uniforms										
629-7086789 Total: 22.97										
629-7088598	10/04/2010	63.11	0.00	10/19/2010	Monthly Rug Service - Station #1		-	No		0000
101-420-2220-44010 Repairs/Maint Bldg										
629-7088598	10/04/2010	65.71	0.00	10/19/2010	Monthly Rug Service - Station #2		-	No		0000
101-420-2220-44010 Repairs/Maint Bldg										
629-7088598 Total: 128.82										
629-7088599	10/04/2010	98.92	0.00	10/19/2010	Linen City Hall		-	No		0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
629-7088599 Total: 98.92										
629-7094984	10/11/2010	46.68	0.00	10/19/2010	Linen City Hall		-	No		0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
629-7094984 Total: 46.68										
ARAM Total: 297.39										
ASPENMI Aspen Mills, Inc.										
100953	09/29/2010	54.03	0.00	10/19/2010	Uniform Nametags		-	No		0000
101-420-2220-44170 Uniforms										
100953 Total: 54.03										
ASPENMI Total: 54.03										
BERKLEY INSURANCE TRUST LEAGUE OF MN CITIE										
18802	09/15/2010	77.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-410-1320-41510 Workers Compensation										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
18802	09/15/2010	27.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-410-1450-41510	Workers Compensation							No		0000
18802	09/15/2010	6.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-410-1520-41510	Workers Compensation							No		0000
18802	09/15/2010	20.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-410-1910-41510	Workers Compensation							No		0000
18802	09/15/2010	430.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-420-2220-41510	Workers Compensation							No		0000
18802	09/15/2010	214.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-420-2400-41510	Workers Compensation							No		0000
18802	09/15/2010	439.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-430-3100-41510	Workers Compensation							No		0000
18802	09/15/2010	298.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
101-450-5200-41510	Workers Compensation							No		0000
18802	09/15/2010	162.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
601-494-9400-41510	Workers Compensation							No		0000
18802	09/15/2010	43.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
602-495-9450-41510	Workers Compensation							No		0000
18802	09/15/2010	53.00	0.00	10/19/2010	Workers Comp Premium Adjustment		-	No		0000
603-496-9500-41510	Workers' Compensation							No		0000
	18802 Total:	1,769.00								
	BERKLEY Total:	1,769.00								
<hr/>										
BURBBLAC	Barberl Black Dirt, Inc.									
13210	10/06/2010	25.65	0.00	10/19/2010	Black Dirt		-	No		0000
101-450-5200-42250	Landscaping Materials							No		0000
	13210 Total:	25.65								
	BURBBLAC Total:	25.65								
<hr/>										
CENCOLLE	Century College									
391729	10/07/2010	3,871.04	0.00	10/19/2010	FFI & Haz Ma ops for 3		-	No		0000
101-420-2220-44370	Conferences & Training							No		0000
	391729 Total:	3,871.04								
	CENCOLLE Total:	3,871.04								
<hr/>										
CLAREYS	Clarey's Safety Equipment Inc.									
135261	10/05/2010	333.45	0.00	10/19/2010	Replacement sensors for gas monitors		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt							No		0000
	135261 Total:	333.45								
	CLAREYS Total:	333.45								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
COMCAST COMCAST										
09/27/2010	09/27/2010	7.89	0.00	10/19/2010	Monthly Service		-	No		0000
101-420-2220-44300	Miscellaneous									
	09/27/2010 Total:	7.89								
	COMCAST Total:	7.89								
CTYBLOOM City of Bloomington										
September 2010	09/30/2010	40.00	0.00	10/19/2010	Lab Bacteria Tests		-	No		0000
601-494-9400-42270	Utility System Maintenance									
	September 2010 Total:	40.00								
	CTYBLOOM Total:	40.00								
CTYOAKDA City of Oakdale										
10000460-01	10/29/2010	13,257.45	0.00	10/19/2010	Water Service I-94		-	No		0000
601-494-9400-43820	Water Utility									
	10000460-01 Total:	13,257.45								
	CTYOAKDA Total:	13,257.45								
CTYROSEV City of Roseville										
0210151	11/01/2010	1,551.58	0.00	10/19/2010	Monthly IT Services - October 2010		-	No		0000
101-410-1450-43180	Information Technology/Web									
	0210151 Total:	1,551.58								
	CTYROSEV Total:	1,551.58								
ECKBERG Eckberg Lamers Briges Wolff										
09-2010	09/30/2010	3,756.26	0.00	10/19/2010	Legal Services - Criminal		-	No		0000
101-420-2150-43045	Attorney Criminal									
	09-2010 Total:	3,756.26								
107290	09/30/2010	4,820.00	0.00	10/19/2010	Legal Services - Civil		-	No		0000
101-410-1320-43040	Legal Services									
	107290 Total:	4,820.00								
	ECKBERG Total:	8,576.26								
EMMONS A Emmons Alex										
10/05/2010	10/05/2010	55.00	0.00	10/19/2010	Cabled CC Meeting - 10/5/2010		-	No		0000
101-410-1450-43620	Cable Operations									
	10/05/2010 Total:	55.00								
	EMMONS A Total:	55.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ENVENTIS ENVENTIS										
737500	10/13/2010	452.41	0.00	10/19/2010	Telephone/Data Service-PW Oct '10		-	No		0000
101-430-3100-43210	Telephone									
	737500 Total:	452.41								
738507	10/13/2010	564.00	0.00	10/19/2010	Telephone/Data Service-CH Oct '10		-	No		0000
101-410-1940-43210	Telephone									
	738507 Total:	564.00								
	ENVENTIS Total:	1,016.41								
EXCELLO EXCELLO										
11076004597	10/01/2010	24.99	0.00	10/19/2010	Phone Case		-	No		0000
101-430-3100-43210	Telephone									
	11076004597 Total:	24.99								
	EXCELLO Total:	24.99								
FERGUSON Ferguson Waterworks										
S01271059.001	10/06/2010	5,271.49	0.00	10/19/2010	Water Meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
	S01271059.001 Total:	5,271.49								
S01272747.001	09/03/2010	2,549.48	0.00	10/19/2010	Water Meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
	S01272747.001 Total:	2,549.48								
S01275417.001	09/27/2010	115.64	0.00	10/19/2010	Water Meters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
	S01275417.001 Total:	115.64								
	FERGUSON Total:	7,936.61								
HARDDRIV Harddrives, Inc.										
09/20/2010	09/20/2010	49,534.55	0.00	10/19/2010	Mill & Overlay 42nd Street		-	No		0000
409-480-8000-45300	Improvements Other Than Bldgs									
	09/20/2010 Total:	49,534.55								
	HARDDRIV Total:	49,534.55								
HERITAGE Heritage Printing										
20069	10/07/2010	73.74	0.00	10/19/2010	Restock Carbonless paper		-	No		0000
101-420-2220-42000	Office Supplies									
	20069 Total:	73.74								
	HERITAGE Total:	73.74								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
KDV Kern DeWetter Viewe Ltd 116486 101-410-1520-43150 Contract Services	09/30/2010	3,388.50	0.00	10/19/2010	Financial Services - September 2010		-	No		0000
116486 Total:		3,388.50								
KDV Total:		3,388.50								
LERELIEF Lake Elmo Fire Relief Assn. 10/12/2010 101-420-2250-44920 Fire State Aid	10/12/2010	36,153.00	0.00	10/19/2010	State Aid Fire Relief Contribution		-	No		0000
10/12/2010 101-420-2250-44925 City Contribution	10/12/2010	17,928.00	0.00	10/19/2010	City's portion of Cont'r Fire Relief Pens		-	No		0000
10/12/2010 Total:		54,081.00								
LERELIEF Total:		54,081.00								
LINNER Linner Electric Company, Inc. 21233 411-480-8000-45700 Office Equipment & Furnishings	10/01/2010	4,428.95	0.00	10/19/2010	Electric Work Council Chambers		-	No		0000
21233 Total:		4,428.95								
LINNER Total:		4,428.95								
LOFF Loffler Companies, Inc. 1170631 101-410-1940-44040 Repairs/Maint Contractual Eqpt	10/04/2010	257.44	0.00	10/19/2010	Copy Machines Overage & Base - Oct '10		-	No		0000
1170631 Total:		257.44								
LOFF Total:		257.44								
MARVS Marv's Professional Tools 230024 101-430-3100-42400 Small Tools & Minor Equipment	10/07/2010	52.19	0.00	10/19/2010	Cut off wheel, pry bar		-	No		0000
230024 Total:		52.19								
MARVS Total:		52.19								
MENARDSO Menards - Oakdale 6795 101-450-5200-44030 Repairs/Maint Imp Not Bldgs	09/30/2010	22.61	0.00	10/19/2010	Bang Board Paint		-	No		0000
6795 Total:		22.61								
9397 101-450-5200-42150 Shop Materials	10/08/2010	8.42	0.00	10/19/2010	JB Weld Tire Repair		-	No		0000
9397 Total:		8.42								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MENARDSO Total:		31.03								
MENARDST Menards - Stillwater 31465	10/05/2010	37.30	0.00	10/19/2010	Restock Flor-Dri			No		0000
101-420-2220-42400 Small Tools & Equipment		37.30								
31465 Total:		37.30								
MENARDST Total:		37.30								
MESSELT Messelt Bruce		46.78								
10/05/2010	10/05/2010	46.78	0.00	10/19/2010	Assessment Sub Committee Meeting			No		0000
101-410-1320-44300 Miscellaneous		46.78								
10/05/2010 Total:		46.78								
MESSELT Total:		46.78								
METCOU Metropolitan Council		1,374.96								
0000942778	11/01/2010	1,374.96	0.00	10/19/2010	Monthly Wastewater Service-Nov 2010			No		0000
602-495-9450-43820 Sewer Utility - Met Council		1,374.96								
0000942778 Total:		1,374.96								
METCOU Total:		1,374.96								
METROFIR Metro Fire		42.85								
39145	09/29/2010	42.85	0.00	10/19/2010	Helmet Shield			No		0000
101-420-2220-42400 Small Tools & Equipment		42.85								
39145 Total:		42.85								
METROFIR Total:		42.85								
MILLEREX Miller Excavating, Inc.		370.80								
15085	09/30/2010	370.80	0.00	10/19/2010	Grading Gravel Roads			No		0000
101-430-3120-43150 Contract Services		370.80								
15085 Total:		370.80								
MILLEREX Total:		370.80								
MNFIAM MnFIAM		269.33								
1030	10/06/2010	269.33	0.00	10/19/2010	6 Books for Fire Ground control			No		0000
101-420-2220-44350 Books		269.33								
1030 Total:		269.33								
MNFIAM Total:		269.33								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ONECALL Gopher State One Call 0090637	09/30/2010	210.25	0.00	10/19/2010	Line Locates - September 2010		-	No		0000
101-430-3100-43150 Contract Services		210.25								
0090637 Total:		210.25								
ONECALL Total:		210.25								
OVERHEAD Overhead Door Company 66283	09/17/2010	526.30	0.00	10/19/2010	Garage Door Repair (Insurance Claim)		-	No		0000
101-430-3100-44010 Repairs/Maint Bldg		526.30								
66283 Total:		526.30								
OVERHEAD Total:		526.30								
PLANTH PLANT HEALTH ASSOCIATES, INC 1023-10	10/11/2010	2,400.00	0.00	10/19/2010	Forester Services - September 2010		-	No		0000
101-430-3250-43150 Contract Services		72.00								
1023-10	10/11/2010	72.00	0.00	10/19/2010	Forester Services - Development		-	No		0000
203-490-9070-43150 Contract Services		2,472.00								
1023-10 Total:		2,472.00								
PLANTH Total:		2,472.00								
PRESSA Anastasia Press 10/12/2010	10/12/2010	41.25	0.00	10/19/2010	Cabled CC workshop meeting 10/12/10		-	No		0000
101-410-1450-43620 Cable Operations		41.25								
10/12/2010 Total:		41.25								
PRESSA Total:		41.25								
RIVRCOOP River Country Cooperative 09/30/2010	09/30/2010	319.25	0.00	10/19/2010	Fuel		-	No		0000
101-420-2220-42120 Fuel, Oil and Fluids		319.25								
09/30/2010 Total:		319.25								
RIVRCOOP Total:		319.25								
RUD Prince-Rud Diane 10/13/2010	10/13/2010	320.00	0.00	10/19/2010	Cleaning City Hall & Annex		-	No		0000
101-410-1940-44010 Repairs/Maint Contractual Bldg		240.00								
10/13/2010	10/13/2010	240.00	0.00	10/19/2010	Cleaning Fire Hall		-	No		0000
101-420-2220-44010 Repairs/Maint Bldg		560.00								
10/13/2010 Total:		560.00								
RUD Total:		560.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SAMSLUB Sam's Club										
09/16/2010	09/16/2010	930.04	0.00	10/19/2010	Fall Festival Supplies & Auction Items		-	No		0000
204-450-5200-44300	Miscellaneous									
09/16/2010	09/16/2010	-15.47	0.00	10/19/2010	Returned Merchandise		-	No		0000
204-450-5200-44300	Miscellaneous									
	09/16/2010 Total:	914.57								
2247	10/08/2010	23.88	0.00	10/19/2010	Restock Bottled Water		-	No		0000
101-420-2220-44300	Miscellaneous									
	2247 Total:	23.88								
	SAMSLUB Total:	938.45								
TASCH T.A. Schifsky & Sons Inc										
50083	09/30/2010	133.00	0.00	10/19/2010	Asphalt		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
	50083 Total:	133.00								
	TASCH Total:	133.00								
TENNISRO Tennis Roll Off, LLC										
439560	10/08/2010	1,730.10	0.00	10/19/2010	Dumpsters - Code Violation Clean-Up		-	No		0000
101-420-2400-44300	Miscellaneous									
	439560 Total:	1,730.10								
	TENNISRO Total:	1,730.10								
TKDA TKDA, Inc.										
000201002824	10/14/2010	653.22	0.00	10/19/2010	Development - Whistling Valley III		-	No		0000
203-490-9070-43030	Engineering Services									
	000201002824 Total:	653.22								
000201002825	10/14/2010	256.53	0.00	10/19/2010	Tapestry at Charlottes Grove		-	No		0000
203-490-9070-43030	Engineering Services									
	000201002825 Total:	256.53								
000201002826	10/14/2010	47.68	0.00	10/19/2010	Lake Elmo Farms		-	No		0000
203-490-9070-43030	Engineering Services									
	000201002826 Total:	47.68								
000201002827	10/14/2010	232.93	0.00	10/19/2010	Sanctuary		-	No		0000
203-490-9070-43030	Engineering Services									
	000201002827 Total:	232.93								
000201002828	10/14/2010	7,628.07	0.00	10/19/2010	I-94 to 30th Street - Village Sanitary		-	No		0000
413-480-8000-43030	Engineering Services									
	000201002828 Total:	7,628.07								
000201002829	10/14/2010	572.05	0.00	10/19/2010	2009 Street Improvement - Final Design		-	No		0000
415-480-8000-43030	Engineering Services									
	000201002829 Total:	572.05								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
000201002830	10/14/2010	18,846.38	0.00	10/19/2010	Lake Elmo 2010 Street & Water Quality		-	No		0000
417-480-8000-43030	Engineering Services									
	000201002830 Total:	18,846.38						No		0000
000201002831	10/14/2010	405.21	0.00	10/19/2010	General Engineering		-	No		0000
101-430-3100-43030	Engineering Services									
000201002831	10/14/2010	3,304.31	0.00	10/19/2010	General Engineering		-	No		0000
101-410-1930-43030	Engineering Services									
000201002831	10/14/2010	286.03	0.00	10/19/2010	General Engineering		-	No		0000
101-410-1910-43030	Engineering Services									
	000201002831 Total:	3,995.55						No		0000
000201002832	10/14/2010	1,508.70	0.00	10/19/2010	General Engineering - VRA		-	No		0000
101-420-2400-43030	Engineering									
000201002832	10/14/2010	720.25	0.00	10/19/2010	General Engineering - VRA		-	No		0000
101-410-1910-43030	Engineering Services									
000201002832	10/14/2010	7,447.91	0.00	10/19/2010	General Engineering - VRA		-	No		0000
409-480-8000-43030	Engineering Services									
000201002832	10/14/2010	762.75	0.00	10/19/2010	General Engineering - VRA		-	No		0000
404-480-8000-43030	Engineering Services									
000201002832	10/14/2010	466.11	0.00	10/19/2010	General Engineering - VRA		-	No		0000
603-496-9500-43030	Engineering Services									
000201002832	10/14/2010	297.80	0.00	10/19/2010	General Engineering - VRA		-	No		0000
601-494-9400-43030	Engineering Services									
000201002832	10/14/2010	884.64	0.00	10/19/2010	General Engineering - VRA		-	No		0000
602-495-9450-43030	Engineering Services									
	000201002832 Total:	12,088.16						No		0000
000201002833	10/14/2010	1,741.88	0.00	10/19/2010	TH 5 & Jamaca Ave Roundabout		-	No		0000
417-480-8000-43030	Engineering Services									
	000201002833 Total:	1,741.88						No		0000
000201002834	10/14/2010	238.35	0.00	10/19/2010	Lake Elmo 2010 Sealcoat		-	No		0000
409-480-8000-43030	Engineering Services									
	000201002834 Total:	238.35						No		0000
000201002835	10/14/2010	3,678.46	0.00	10/19/2010	Lake Elmo Water Systems Strategies		-	No		0000
601-494-9400-43030	Engineering Services									
	000201002835 Total:	3,678.46						No		0000
	TKDA Total:	49,979.26								
VEOLIA Veolia Environmental Services										
G50001395988	09/25/2010	103.27	0.00	10/19/2010	Clean up Days		-	No		0000
101-430-3100-44380	Clean-up Days									
	G50001395988 Total:	103.27						No		0000
	VEOLIA Total:	103.27								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
VISA-SL VISA										
10/26/2010	10/26/2010	1,021.40	0.00	10/19/2010	Airfare - Mayor Johnston		-	No		0000
101-410-1910-44370	Conferences & Training									
10/26/2010	10/26/2010	500.00	0.00	10/19/2010	MNAPA - Planners		-	No		0000
101-410-1910-44370	Conferences & Training									
10/26/2010	10/26/2010	76.00	0.00	10/19/2010	Sensible Land Use Coal. - Planners		-	No		0000
101-410-1910-44370	Conferences & Training									
	10/26/2010 Total:	1,597.40								
	VISA-SL Total:	1,597.40								
VISALE40 VISA										
8040	09/30/2010	353.20	0.00	10/19/2010	Lodging for Two - Planners		-	No		0000
101-410-1910-44370	Conferences & Training				Conference					
8040	09/30/2010	555.00	0.00	10/19/2010	Lodging & Meals Fire Conference		-	No		0000
101-420-2220-44370	Conferences & Training									
	8040 Total:	908.20								
	VISALE40 Total:	908.20								
WAS-TRAN Washington County										
67292	09/28/2010	755.00	0.00	10/19/2010	Street Striping		-	No		0000
101-430-3120-43150	Contract Services									
	67292 Total:	755.00								
	WAS-TRAN Total:	755.00								
XCEL Xcel Energy										
51-4504807-7	10/14/2010	45.50	0.00	10/19/2010	Lights at Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
51-4504807-7	10/14/2010	84.32	0.00	10/19/2010	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
51-4504807-7	10/14/2010	31.95	0.00	10/19/2010	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-4504807-7 Total:	161.77								
51-4576456-3	10/14/2010	264.16	0.00	10/19/2010	Fire Station 2		-	No		0000
101-420-2220-43810	Electric Utility									
	51-4576456-3 Total:	264.16								
51-4580376-5	10/14/2010	470.22	0.00	10/19/2010	City Hall		-	No		0000
101-410-1940-43810	Electric Utility									
51-4580376-5	10/14/2010	27.48	0.00	10/19/2010	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-4580376-5 Total:	497.70								
51-4733556-8	10/14/2010	14.82	0.00	10/19/2010	Tennis Courts		-	No		0000
101-450-5200-43810	Electric Utility									
	51-4733556-8 Total:	14.82								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
51-5044219-0	10/14/2010	42.94	0.00	10/19/2010	Parks Building		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5044219-0 Total:	42.94								
51-5275289-3	10/14/2010	15.02	0.00	10/19/2010	Pebble Park		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5275289-3 Total:	15.02								
51-5356323-8	10/14/2010	2,147.98	0.00	10/19/2010	Wells 1 & 2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-5356323-8 Total:	2,147.98								
51-5522332-2	10/14/2010	40.55	0.00	10/19/2010	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-5522332-2 Total:	40.55								
51-5747685-4	10/14/2010	111.11	0.00	10/19/2010	Arts Center		-	No		0000
101-450-5200-43810	Electric Utility									
	51-5747685-4 Total:	111.11								
51-5916043-7	10/14/2010	17.71	0.00	10/19/2010	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
	51-5916043-7 Total:	17.71								
51-6433976-2	10/14/2010	293.40	0.00	10/19/2010	Fire Station #1		-	No		0000
101-420-2220-43810	Electric Utility									
	51-6433976-2 Total:	293.40								
51-6625457-1	10/14/2010	31.07	0.00	10/19/2010	Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6625457-1 Total:	31.07								
51-6736544-2	10/14/2010	1,763.86	0.00	10/19/2010	Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6736544-2 Total:	1,763.86								
51-6928283-3	10/14/2010	28.62	0.00	10/19/2010	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6928283-3 Total:	28.62								
51-6956201-4	10/14/2010	46.18	0.00	10/19/2010	VFW Ballfield lights		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6956201-4 Total:	46.18								
51-7538112-1	10/14/2010	514.97	0.00	10/19/2010	Public Works		-	No		0000
101-430-3100-43810	Electric Utility									
	51-7538112-1 Total:	514.97								
51-8126093-5	10/14/2010	18.91	0.00	10/19/2010	Water Tower 2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-8126093-5 Total:	18.91								
51-8711719-3	10/14/2010	10.30	0.00	10/19/2010	Speed Sign Hwy 5		-	No		0000
101-430-3160-43810	Street Lighting									
	51-8711719-3 Total:	10.30								
	XCEL Total:	6,021.07								

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

Report Total: 219,113.99



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010

CONSENT

ITEM #: 3

APPROVAL

AGENDA ITEM: Easement Encroachment Agreement – 4861 Lilac Place North

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAUM*

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize as part of tonight's Consent Agenda the execution of an easement encroachment agreement. The city has received a fence permit application in which the property owners are seeking to put a fence in the backyard at 4861 Lilac Place North. Approval of the requested agreement would allow the property owners to construct the requested improvements within the City's drainage and utility easements located on their private property.

BACKGROUND INFORMATION: The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the city. When a resident is interested in putting a structure within an easement, the city has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function.

After that information is received, the City Engineer reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If the engineer determines that the improvement will not negatively impact the functionality of the easement, an approved building or fence permit (if applicable) and an Easement Encroachment Agreement is needed before the work may commence.

Of Note: The City Council has reviewed and approved easement encroachment agreements at the April 20, 2010 regular meeting. At that time, the City Council agreed to place future applications on the consent agenda; unless unique circumstances occur in which case the agreement will be placed on the regular agenda.

STAFF REPORT: The Easement Encroachment Agreement that has been submitted for Council consideration is for a fence and has been reviewed by planning and engineering staff. The proposed fence meets all city code requirements and Staff would have otherwise issued the fence permit, if it did not encroach into a drainage and utility easement.

LEGAL CONSIDERATIONS: The Easement Encroachment Agreement is a legal document which has been signed by all property owners seeking to install an improvement within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

The City Attorney has drafted this legal document and suggested the City Council should authorize the Mayor to sign the agreements prior to issuing a building or fence permit for the proposed improvements.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve the Easement Encroachment Agreement as part of tonight's Consent Agenda.

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

“Move to approve the proposed Easement Encroachment Agreement for 4861 Lilac Place North, as presented [and modified/amended] at tonight's meeting.”

ATTACHMENTS:

1. Proposed Easement Encroachment Agreement for 4861 Lilac Place North

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

Return to:
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.
1809 Northwestern Ave.
Stillwater, MN 55082

ENCROACHMENT AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 2010, by and between the CITY OF LAKE ELMO, a Minnesota municipality (hereinafter "City"), and Terry Wojtowicz, a single person, (hereinafter "Owner"), and his successors in title.

WHEREAS, the City has an easement for drainage and utility purposes over that part of the property legally described on the attached Exhibit A, located in Washington County, Minnesota;

WHEREAS, Owner is desirous of constructing a fence ("The Improvements") within the Easement; and,

WHEREAS, the permission granted herein is limited to The Improvement proposed within the easement.

NOW, THEREFORE, in consideration of the premises and for good and valuable consideration, the receipt of which is acknowledged, the City will permit the encroachment on its easement area as set forth herein and subject to the conditions set forth below:

1. Owner and successors in title may install and maintain The Improvements in the configuration directed by the City and in accordance herewith.

2. Owner must notify the City at least forty-eight (48) hours before construction, repair and/or maintenance work commences within the easement. No such work shall take place without the City staff being given the opportunity to be present at the site. Further, if the City determines in its reasonable estimation that any proposed work may potentially cause an unsafe condition or damage or impair the City's easement area, the City shall have the authority to prevent such work from being done by giving notice to Owner; notwithstanding the foregoing, in the event of an emergency situation and/or the existence of an unsafe condition of Owner's land, the prescribed forty-eight (48) hour notice requirement shall be waived by the City. However, in the event of such situation, said waiver shall not relieve Owner from their obligation to notify the City in a timely and practical manner. The City shall have no obligation to notify Owner of their intent to do work.

3. To the fullest extent permitted by law, Owner, their successors and assigns agree to release, defend, protect, indemnify, save and hold harmless the City, its agents, directors, employees and contractors against any and all claims, costs and liabilities, including the costs of defense for damages, injury or death arising from or in any way connected to the installation, maintenance, repair, removal and/or presence of The Improvements permitted hereunder, regardless of whether such harm is to Owner, the City, the employees or officers of either or any other person or entity, except shall not be liable under this paragraph for loss or damage to the extent resulting from the negligence or intentional acts of the indemnified parties.

4. The permission granted herein is limited exclusively to the proposed improvement within the City's easement. Owner shall not alter the grade, perform any other site disturbing

activities, or permit such alteration anywhere upon the land upon which the City has reserved its easement without proper express written consent of the City. Owner shall construct and maintain The Improvements in compliance with all applicable laws and in good repair.

Owner shall, at all times, use best efforts to conduct all of activities on said easement area in such a manner as to not interfere with or impede the operation of the City's easement and related activities in any manner whatsoever and shall remove The Improvements at no cost to the City when directed by the City. The work shall be done and The Improvements maintained in conformance with the direction of the City.

[SIGNATURES ON FOLLOWING PAGES]

CITY OF LAKE ELMO

By _____
Dean Johnston, Mayor

By _____
Bruce Messelt, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

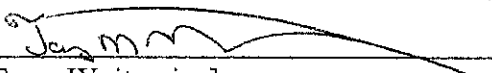
On this ____ day of _____, 2010, before me, a Notary Public, personally appeared Dean Johnston, Mayor of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City of Lake Elmo, and acknowledged said instrument to be the free act and deed of said City of Lake Elmo.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

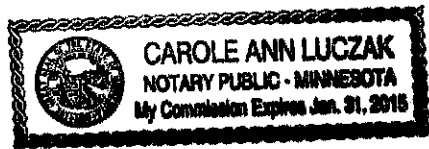
On this ____ day of _____, 2010, before me, a Notary Public, personally appeared Bruce Messelt, City Administrator of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City of Lake Elmo, and acknowledged said instrument to be the free act and deed of said City of Lake Elmo.

Notary Public

By 
[Terry Wojtowicz]

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

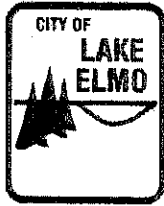
On this 6th day of October, 2010, before me, a Notary Public, personally appeared Terry Wojtowicz, property owner, who signed the foregoing instrument and acknowledged said instrument to be his free act and deed.





Notary Public

THIS INSTRUMENT DRAFTED BY:
David K. Snyder
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.
1809 Northwestern Avenue
Stillwater, MN 55082



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010
CONSENT
ITEM #: 4
ACTION

AGENDA ITEM: Appointment of Ms. Pam Hartley to the Parks Commission

SUBMITTED BY: Sharon Lumby, City Clerk

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

REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: A vacancy exists on the Parks Commission and the City has advertised for residents interested in serving on the Parks Commission. Following a 6:45 PM interview and assuming Council consent, the City Council is respectfully requested to appoint Ms. Pam Hartley to the Parks Commission as part of approval of tonight's consent Agenda.

BACKGROUND INFORMATION A vacancy exists on the Parks Commission. The City has advertised this vacancy and has solicited an application from an interested, qualified candidate.

STAFF REPORT: The application is attached for Council consideration. A Council interview of the Applicant is scheduled for 6:45 PM in the Council Chambers. City staff offers no opinion or recommendation on appointments to Commissions made by the City Council.

RECOMMENDATION: Based upon the above background information, it is recommended that the City Council hold the scheduled interview for the position of Parks Commissioner. Assuming Council Consensus, the appointment can then be undertaken as part of tonight's *Consent Agenda*.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and table, further discuss, and/or direct City staff to seek additional applicants through additional advertising and solicitation. The City Council may also, if appropriate, amend the recommended motion prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to appoint Ms. Pam Hartley to the Parks Commission, as presented *[and modified/amended]* at tonight’s meeting.”

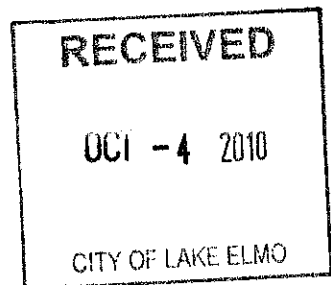
ATTACHMENTS:

1. Application for Parks Commission Appointment – Ms. Pam Hartley

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

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

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042
651.777.5510 FAX: 777.9615



APPLICATION FOR PARK COMMISSION APPOINTMENTS
CITY OF LAKE ELMO

Date: 10 / 04 / 10

Name: Pam Hartley **Address** 10010 Tapestry Road

Phone Number W) 651-269-6215 **H)** 651-490-5885

E-mail address: hartleypm@goldengate.net **How long have you lived in Lake Elmo:** 1 year

1. Why are you interested in serving on the Lake Elmo Park Commission? What personal interests and expertise will you bring? I am interested in preservation and restoration of existing parks, new areas that could be used as parks or trails, and the protection of the trees, shrubs and herbaceous plants in those areas. My expertise is in the horticulture area. I am a landscape designer, a Master Gardener and a Treecare Advisor for the Univeristy of Minnesota Extension. I am also a First Detector for the Minnesota Department of Agriculture in the detection of Emerald Ash Borer. We moved into a new home in Lake Elmo last year, and on our property I am utilizing many native grasses and forbes, and are restoring the prairie with one of our neighbors. While living at our last home in Lino Lakes, I served on the Environmental Board.
2. How will those skills and interests be of service to the development and management of the City's parks, trails and natural areas? I think all of my interests and skills can be put to good use in volunteering on the parks board, and on behalf of the city of Lake Elmo.
3. What do you see as the role and function of the Park Commission? How does this relate to the roles and responsibility of the City Council in park matters? I believe that the Parks Commission provides needed advice and council to the Council members in regards to the parks and trails. If the Council has questions, the Park Commission members can provide research to assist the Council in making decisions that will benefit the parks in Lake Elmo.
4. What value do parks and trails have to our citizens? What role or function do they provide? The parks provide great areas for residents to enjoy and interact with nature and the outdoors, and provide a destination for group events such as picnics and biking. Residents can learn from the parks, where they can see what a prairie restoration looks like, or a raingarden project, and maybe pursue that for their own property.

5. How much time do you have or are you willing to devote to Park Commission activities? I am self-employed and what I call semi-retired. Most of my time is spent volunteering and working on my own prairie, so I have ample time available to volunteer for the city in this capacity.

Please complete and return to the City office. Thank you for your interest in the Lake Elmo Park Commission.



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010

CONSENT

ITEM #: 5

MOTION *as part of the Consent Agenda*

AGENDA ITEM: 42nd Street Mill and Overlay Project – Payment No. 1 (final)

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

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

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to approve Payment No. 1(final) to Hardrives, Inc., the Contractor for the 42nd Street Mill and Overlay Project. The Contractor submitted an invoice in the amount of \$49,534.55. No specific motion is needed, as this is recommended to be part of the approval of the *Consent Agenda*.

STAFF REPORT: This request has been reviewed by your City Staff and payment is recommended in the amount requested.

FINANCIAL/LEGAL CONSIDERATIONS: The work completed will carry a one-year warranty against defective work and the one-year warranty period will begin on October 19, 2010 and end on October 18, 2011. A warranty inspection will be completed in September 2011.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* Payment No. 1(final) in the amount of \$49,534.55.

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 done so, the appropriate action of the Council following such discussion would be:

“Move to authorize Payment No. 1 (final) in the amount of \$49,534.55 to be paid from the Street Maintenance Fund for the 42nd Street Mill and Overlay Project *[as amended and/or modified at tonight’s meeting].”*

ATTACHMENTS:

1. Engineers Acceptance Memo Dated October 6, 2010
2. Invoice - Payment No. 1 (final)

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

TKDA

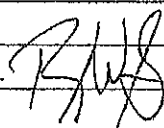
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Saint Paul, MN 55101

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

MEMORANDUM

To:	<u>Tom Bouthilet, Finance Director</u>	Reference:	<u>42nd Street Mill and Overlay Project</u>
Copies To:	<u>Bruce Messelt, City Administrator</u>		
	<u>Mike Bouthilet, Public Works</u>		
From:	<u>Ryan W. Stempski, P.E.</u> 	Proj. No.:	<u>14575.001</u>
Date:	<u>October 6, 2010</u>	Routing:	

TKDA solicited quotes to complete the 42nd Street Mill and Overlay project. Two quotes were received by contractors and Hardrives Inc, submitted the low quote of \$49,959.55 to complete the work.

The work has been completed the contractor has fulfilled the contract and all punch list items. Hardrives Inc, has submitted an invoice for \$49,534.55 equating to a savings of \$425, please find the attached invoice for reference. I hereby declare the project to be complete and payment is recommended in the amount of \$49,534.55.

The work will carry a one-year warranty period against any defective work. The contractor shall repair any areas that do not meet the warranty. The one-year warranty period will begin on October 19, 2010 and end on October 18, 2011.



HARDRIVES, INC.

Invoice

Beg Date of Period: 9/1/10

Ending Date of Period: 9/20/10

	Progress Units	UM	Unit Price	Progress Revenue
30050- Lake Elmo-42nd St N				
10 Mill Bit Surface 1.5" SY	8,107.00	SY	\$0.65	\$5,269.55
20 Tack GAL	400.00	GAL	\$2.00	\$800.00
30 LV4 2360 Bit Wear TON	783.00	TON	\$55.00	\$43,065.00
40 Adj Cstg EA	2.00	EA	\$200.00	\$400.00
8000 Extra EA	0.00	EA	\$1.00	\$0.00

Totals For Contract: 30050- Lake Elmo-42nd St N			
		<u>Est Revenue</u>	
		49,930.55	
		<u>Progress Revenue</u>	<u>Job Billing Revenue</u>
Total This Period:		49,534.55	
Total Job-to-date:		49,534.55	0.00 (49,534.55)

Manager Signature

Date



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010

CONSENT

ITEM #: 6

MOTION

AGENDA ITEM: Approve Resolution 2010-059 for Shared Fire Services Study Grant Application

SUBMITTED BY: Greg Malmquist, Fire Chief

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

REVIEWED BY: City Attorney Dave Snyder
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to approve Resolution No. 2010-059 as part of tonight's *Consent Agenda*, authorizing City of Lake Elmo participation in a joint grant application to assess possibilities for shared public safety and emergency services.

BACKGROUND INFORMATION: On December 4, 2009, Governor Pawlenty created a "Fire and Rescue Shared Services Task Force" through Executive Order #09-13. The Task Force was assigned to investigate issues and the comparative benefits attendant to different models for shared fire and rescue service delivery.

The Task Force has developed "A Blueprint for Shared Services" document, which contains several Minnesota fire service models of shared services, and has obtained grant funding through the Fire Service Advisory Committee/Department of Public Safety for outside consulting services to explore shared services models for multiple fire services. The grants will be administered by the Department of Public Safety through the State Fire Marshal Division.

Shared Services refers to any number of methods where fire and rescue service organizations are working together to become more effective or more efficient. The shared service concept does not necessarily mean a savings in terms of money, but may rather increase efficiency or effectiveness or enhance public safety and services.

STAFF REPORT: On October 13, 2010, Chief Malmquist met with Stillwater Chief Stu Glaser, Mahtomedi Chief Terry Fisher and Bayport Chief Mike Bell to discuss the possibility of a joint application for a shared services grant regarding ways to work jointly and to improve

services. The respective Chiefs agreed that this was a good project and support moving ahead with a proactive approach to this opportunity. Also discussed was that the main focus would be on how to deliver better, more efficient services with limited resources.

FINANCIAL/LEGAL CONSIDERATIONS: It is anticipated that multiple fire service agencies will jointly apply for grant funding to study ways of increasing efficiency, effectiveness, and/or cost savings through voluntary and cooperative shared services. Available funding will pay for 5 to 8 grants of between \$25,000 and \$40,000.

A local match of at least 10% of the grant award is required. Local match may include administrative costs to manage the consultant contract. The expected outcome of the study will include a report delivered to the State Fire Marshal which outlines possible alternatives for the parties to share fire and rescue services.

For the local application, it is anticipated that Stillwater Fire would serve as the overall coordinating department. The local match for Lake Elmo is estimated to be less than \$1500 and would come from existing budgeted resources. Any specific budgetary adjustment would be forwarded for Council approval once the grant application has been submitted and accepted.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* a joint Shared Service grant application.

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 done so, the appropriate action of the Council following such discussion would be:

“Move to Approve Resolution 2010-059 regarding City of Lake Elmo participation in a joint grant application to assess possibilities for Shared Public Safety and Emergency Services [as amended and/or modified at tonight's meeting].”

ATTACHMENTS: Resolution No. 2010-059

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 SUPPORTING PARTICIPATION IN THE "FIRE AND
RESCUE SHARED SERVICES FEASIBILITY STUDY GRANT PROGRAM"

WHEREAS: The Lake Elmo City Council, by resolution, supports the application for and participation in the "Fire and Rescue Shared Services Feasibility Study Grant Program" as administered by the Minnesota State Fire Marshal, and

WHEREAS: The City of Lake Elmo recognizes the City of Stillwater as the lead jurisdiction in the grant application, and

WHEREAS: The City of Lake Elmo also recognizes the City of Stillwater as the lead jurisdiction to enter into the grant agreement on behalf of all participating agencies, and

NOW, THEREFORE BE IT RESOLVED, that the City of Lake Elmo authorizes the Lake Elmo Fire Department to act on the City's behalf and participate in the shared services study process.

ADOPTED: This day, October 19th, 2010.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010
REGULAR
ITEM #: 7
MOTION Ordinance No. 08-032
Resolution No. 2010-053

AGENDA ITEM: Consider Zoning Text Amendments to Revise the General Requirements of the Interim Use Permit Ordinance Section 154.019

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Dave Snyder, City Attorney
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested 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 a renewal application. The proposed changes allow the city additional flexibility in utilizing IUP's in specifically-designated zoning districts. The recommended motion to act on this is as follows:

“Move to approve Ordinance No. 08 – 032 revising the Interim Use Permit ordinance Section 154.019, and Resolution No. 2010-053 Authorizing Summary Publication”

BACKGROUND INFORMATION: An Interim Use Permit (IUP) is an important zoning tool because, unlike conditional use permits (CUPs), an IUP can be eliminated once a specific trigger occurs. Typically IUP's will terminate on a specific date, at the occurrence of a specific event, or when changes in zoning regulations no longer permit such a use. In contrast, a CUP cannot be terminated, provided the conditions of approval continue to be met.

STAFF REPORT: The city adopted the general requirements allowing Interim Use Permits in the City in December of 2007. Since then, two IUP's have been permitted. The proposed changes would update this section of the Code and allow greater use of and flexibility in using IUP's. These proposed changes will be presented at a Public Hearing and reviewed by the

Planning Commission at its Monday meeting, with their report and recommendation presented to the City Council at tonight's meeting.

Of Note: The compressed timeline between the Planning Commission's meeting and Public Hearing and tonight's action is recommended to facilitate timely consideration of an Interim Use Permit application for a new business seeking to relocate to Lake Elmo and establish itself as soon as practicable. Approval of an Interim Use Permit for this business is scheduled at Item #9 on tonight's Agenda.

Also of Note: After consultation with the City Attorney and, based upon previous Council discussion, your City staff will be recommending that certain interim and other pre-defined uses identified as being one-time, of limited annual duration (e.g. parades, festivals, etc), or lasting one year or less, be considered a Special Event and administratively processed through a Special Event Permit. With Council consent tonight, City staff is currently drafting a Special Event Permit and associated ordinance and will present for Planning Commission and Council consideration at a later date.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that the City Council approve the zoning text amendments by undertaking the following action

“Move to approve Ordinance No. 08 – 032 revising the Interim Use Permit ordinance Section 154.019, and Resolution No. 2010-053 Authorizing Summary Publication”

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

“Move to approve Ordinance No. 08 – 032 revising the Interim Use Permit ordinance Section 154.019, and Resolution No. 2010-053 Authorizing Summary Publication” [as amended/modified at tonight's meeting]”

ATTACHMENTS:

1. Proposed Ordinance 08 – 032 to revise regulations governing the issuance of interim use permits.
2. MN Statute 462.3597 which authorizes interim uses
3. Resolution 2010 – 053 for summary publication

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-032

AN ORDINANCE AMENDING THE INTERIM USE PERMIT
REQUIREMENTS OF SECTION 154.019 AND ADDING A DEFINITION
OF AN INTERIM USE

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definition:

Interim Use – a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the amending the following language:

§ 154.019 INTERIM USE PERMITS.

(A) *Purpose and intent.* The purpose and intent of allowing interim uses are:

~~(1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction;~~

(1) To allow a use for a limited period of time that reasonably utilizes the property where such use is not consistent with the Future Land Use Map in the Comprehensive Plan; and

(2) To allow a use that is presently acceptable, but that with anticipated development or redevelopment or other significant change, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district; and

~~(3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.~~

(B) *General standards.* An interim use permit may be granted only if the City Council finds as follows:

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

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

(3) The use will not adversely impact implementation of the Comprehensive Plan.

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

~~(5) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the interim use permit as well as agreeing that The interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.~~

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

~~(7)~~ (6) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

~~(8)~~ (7) The term date or event terminating of the interim use does not exceed 2 years shall be set by the City Council at the time of approval.

(C) *Recordkeeping.* The Zoning Administrator shall maintain a record of all applications and all interim use permits issued, including information on the use, location, conditions imposed by the community, time limits, review dates, and such other information as may be appropriate.

(D) *Application.* Applications for an interim use permit shall be made by the fee owner or authorized representative of the fee owner of the property upon which the interim use is proposed. All applications shall include the following:

(1) A completed application form signed by the fee owner of the property or by the fee owner's authorized representative;

(2) Application fee;

(3) Proof of ownership consisting of an abstract of title or registered property certificate or authorized representation for the property on which the interim use is requested;

(4) ~~Development~~ Plans for the proposed use showing all information deemed necessary by the Administrator to ensure the community can determine whether the proposed development

use and/or improvements will meet all applicable development standards. Such information may include but shall not be limited to the following:

- (a) Site plan drawn to scale showing parcel and existing topography;
- (b) Location of all buildings and their size, including square footage;
- (c) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks;
- (d) Landscaping and screening plans, including species and size of trees and shrubs proposed;
- (e) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated;
- (f) Type of business or activity and proposed number of employees;
- (g) Proposed floor plan and elevations of any building with use indicated;
- (h) Sanitary sewer and water plan with estimated flow rates;
- (i) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome the limitation shall be made part of the application; and
- ~~(j) A location map showing the general location of the proposed use within the community;~~
- ~~(k) A map showing all principal land use within 500 feet of the parcel for which the application is being made;~~
- ~~(l) The applicant shall supply proof of ownership of the property for which the conditional interim use permit is requested, consisting of an abstract of title or registered property certificate, certified by a licensed abstractor, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership; and~~
- ~~(m) (5) The application form shall be accompanied by an accurate list showing the names and the mailing address of the record owners of all property within a minimum of 350 feet of the property for which the conditional use permit is sought; verified as to accuracy by the applicant. A certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor;~~
- (5)(8) A letter from the applicant explaining the proposal and stating the date or event that will terminate the use;

~~(6)-(9)~~ A signed consent agreement, subject to review and approval by the City Council provided by the city, agreeing documenting:

(a) That the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the interim use permit;

(b) That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and

(c) That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.

~~(7)~~ A location map showing the general location of the proposed use within the community;

~~(8)~~ A map showing all principal land uses within 500 feet of the parcel on which the interim use is proposed;

~~(9)~~ A certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor; and

~~(10)~~(10) and any other information that may be reasonably required by the city to evaluate the application.

(E) *Planning Commission review and public hearing.* The Zoning Administrator shall refer completed applications to the Planning Commission for consideration and a public hearing at the next available regular meeting as determined by staff. Prior to the meeting, the Zoning Administrator shall complete the following.

(1) Distribute the application to appropriate city departments and commenting agencies to receive feedback;

(2) Publish notice of the purpose, time and place of the public hearing in the official newspaper of the community, and mail notices to all property owners located within a minimum of 350 feet of the property described in the application, at least 10 days prior to the date of the hearing. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bone fide attempt to comply with the provisions of this section has been made.

(3) Prepare a staff report analyzing the request under city code requirements for consideration by the Planning Commission.

(4) After considering the application, the staff report, testimony from the applicant and the public and any other relevant information; the Planning Commission shall recommend

approval, approval with conditions, or denial. The recommendation of the Planning Commission shall be forwarded to the City Council as soon as practical, and in a manner which allows the City Council time to make a final determination on the request within the state mandated timelines for reviewing land use applications.

(F) *City Council action.* After considering the application, recommendation of the Planning Commission, any staff reports, testimony from the public hearing and any other relevant information; the City Council shall take action on the application through approval, approval with conditions, or denial. Should the City Council approve the application, the City Council shall make findings on conformance to the IUP general standards, specify the term of the interim use permit, the event(s), circumstances or conditions that shall cause termination, and any conditions of approval.

(G) *Termination.* An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- (1) The date or event stated in the permit;
- (2) Upon violation of conditions under which the permit was issued;
- (3) Upon change in the city's zoning regulations which renders the use nonconforming;

or

(4) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

(H) *Suspension and revocation.* The City Council may suspend or revoke an interim use permit upon finding that the activities allowed under the permit adversely affect the public health, safety, or welfare in ways not anticipated during approval of the permit. A suspension or revocation of an interim use permit shall be preceded by written notice to the permittee and a hearing. The notice shall provide at least 10 days notice of the time and place of the hearing and shall state the nature of the violations. The notice shall be mailed to the permittee at the most recent address listed on the application. The hearing of a contested case may, at the City Council's option, be before the City Council or in accordance with M.S. §§ 14.57 to 14.60, but informal disposition of a contested case by stipulation, pursuant to M.S. § 14.59, may provide an adequate basis for imposition of sanctions.

(I) *Amendments.* All requested amendments to an existing interim use permit shall be processed in the same manner as a new application.

(J) *Renewal.* The following process may be used to renew an active interim use permit that is set to expire. Terminated or suspended interim use permits cannot be renewed unless the City Administrator has received and approved a one-time 30 day extension to continue processing the renewal application.

(1) *Application.* Application requirements for renewal of an existing interim use permit be the same as for a new application.

(2) *Review.* Upon receiving a completed application for an interim use permit renewal, the Zoning Administrator shall send notice of the requested renewal to all property owners within 350 feet of the parcel(s) containing the interim use. If any objections are raised within 10 days of the mailed notice, the application shall be processed in the manner of a new application. If no objections are raised, the Zoning Administrator shall prepare a resolution of approval outlining the conditions and stipulations of the renewal for consideration by the City Council. Council—at its discretion—may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing interim use permit.

SECTION 3. Effective Date

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

SECTION 4. Adoption Date

This Ordinance No. 08-032 was adopted on this 19th day of October 2010, by a vote of ___ Ayes and ___ Nays.

Mayor Dean A. Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-032 was published on the ___ day of _____, 2010.

2009 Minnesota Statutes

Resources

Topics

Land Use Planning

Zoning

462.3597 INTERIM USES.

Subdivision 1. Definition.

An "**interim use**" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. Authority.

Zoning regulations may permit the governing body to allow **interim** uses. The regulations may set conditions on **interim** uses. The governing body may grant permission for an **interim use** of property if:

- (1) the use conforms to the zoning regulations;
- (2) the date or event that will terminate the use can be identified with certainty;
- (3) permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any **interim use** may be terminated by a change in zoning regulations.

Subd. 3. Public hearings.

Public hearings on the granting of **interim use** permits shall be held in the manner provided in section 462.357, subdivision 3.

History:

1989 c 200 s 2

CITY OF LAKE ELMO

RESOLUTION NO. 2010-053

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-032 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-032,
an ordinance to regulate signage within the City of Lake Elmo; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo,
that the City Administrator shall cause the following summary of Ordinance No. 08-032 to be
published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-032. The ordinance eliminates duplication of requirements, allows the City Council the ability to set the termination of the use to a date or event, and allows an administrative extension of 30 days to eliminate a potential time gap in a renewal application. The full text of Ordinance No.08-032 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean A. Johnston

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: _____, 2010.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010
REGULAR
ITEM #: 8
MOTION Ordinance No. 08-033
Resolution No. 2010-054

AGENDA ITEM: Consider Zoning Text Amendments to Revise the Holding District Zoning Requirements to Replace Conditional Uses with Interim Uses

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Dave Snyder, City Attorney
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested 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 owner(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.

Instead, the proposed code amendments would allow those uses previously identified as conditional uses to, alternatively, be permitted as an interim use. The recommended motion to act on this is as follows:

"Move to approve Ordinance No. 08 – 033 Revising the Holding Districts and Resolution No. 2010-054 Authorizing Summary Publication"

BACKGROUND INFORMATION: This item is part of the City's overall review of certain land use regulations. Of particular focus tonight are the zoning districts created by the City in 2007 to guide future sewer development. These districts utilize predominantly permitted and conditional uses to regulate land use activities, until such time as municipal sanitary sewer is made available and rezoning is undertaken.

For discussion tonight is the enhanced use of interim use permits (IUP) in these districts. An IUP is an important zoning tool because, unlike conditional use permits (CUPs), an IUP can be eliminated, once a specific trigger occurs. Typically, IUP's will terminate on a pre-determined

date, at the occurrence of a specific event, or when zoning regulations would no longer permit such a use. In contrast, a CUP cannot be terminated and remains with the property regardless of future zoning, provided the conditions of approval continue to be met.

Of Note: The city adopted the general requirements allowing Interim Use Permits in the city in December of 2007. Since then, two IUP's have been permitted.

STAFF REPORT: The proposed changes to these holding districts would allow greater use of and flexibility in using IUP's. These proposed changes will be presented at a Public Hearing and reviewed by the Planning Commission at its Monday meeting, with their report and recommendation presented to the City Council at tonight's meeting. A brief analysis of the recommended changes to the operative provisions of the holding districts follows:

- Permitted Uses - Those uses identified as permitted (requiring a site plan review or no review by the city) are proposed to continue to be allowed as permitted uses on the property, until such time the use is developed in conformance with the Lake Elmo Comprehensive Plan.
- Conditional Uses -- Existing conditional use permits will continue to be valid with the property until such time the use is discontinued for a year or the conditions of approval are not met.
- Interim Uses -- Allowable interim uses will be expanded to include all former conditional uses for these holding districts.

Of Note: The compressed timeline between the Planning Commission's meeting and Public Hearing and tonight's action is recommended to facilitate timely consideration of an Interim Use Permit application for a new business seeking to relocate to Lake Elmo and establish itself as soon as practicable. Approval of an Interim Use Permit for this business is scheduled at Item #9 on tonight's Agenda.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that the City Council approve the zoning text amendments to revise the holding district zoning requirements to replace conditional uses with interim uses by undertaking the following action:

“Move to approve Ordinance No. 08 – 033 Revising the Holding Districts and Resolution No. 2010-054 Authorizing Summary Publication”

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

***“Move to approve Ordinance No. 08 – 033 Revising the Holding Districts and
Resolution No. 2010-054 Authorizing Summary Publication [as
amended/modified at tonight’s meeting]”***

ATTACHMENTS:

1. Proposed Ordinance 08 – 033 to revise the holding district requirements
2. Resolution 2010 – 054 for summary publication

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-033

AN ORDINANCE AMENDING THE HOLDING DISTRICTS TO PERMIT
THOSE USES PREVIOUSLY IDENTIFIED AS CONDITIONAL USES TO
BE PERMITTED AS INTERIM USES

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by amending the following language:

§ 154.034 HD-A-BP - AGRICULTURAL BUSINESS PARK HOLDING DISTRICT.

(A) *Purpose.* The Agricultural Business Park Holding District (HD-A-BP) is intended to regulate land use within agricultural areas planned and staged for business park development with access to regional sewer service. Areas zoned HD-A-BP will be rezoned ~~at such time the use becomes upon the availability of sewer service and when~~ consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Business Park use.

(B) *General regulation.* All regulations governing the Agricultural (A) zoning district shall also apply to properties zoned Agricultural Business Park Holding District (HD-A-BP) except as outlined in this section.

(C) *Permitted uses.* The permitted uses in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that non-farm dwellings shall be prohibited.

~~(D) *Uses permitted by conditional use permit.* The uses permitted by conditional use permit in the HD-A-BP zoning district shall be the same as in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.~~

~~(E)~~ (D) *Use permitted by interim use permit.* The following uses may apply for be permitted as an interim use permit in the HD-A-BP zoning district:

- (1) Non-agricultural low impact uses under the same regulations as in the Agricultural (A) district with the following requirements:
 - a. ~~with the exception that~~ The Non-Ag Area shall not exceed 5% of the property owner's contiguous agricultural zone gross lot area.
 - b. A non-agricultural low impact use ~~as permitted under this section~~ may include bus/truck terminal provided the use is located on a parcel within 1,000 feet of Interstate Highway 94.

- (2) Those uses identified as permitted by Conditional Use Permit in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.

~~(F)~~ (E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD- A-BP zoning district shall be the same as in the Agricultural (A) zoning district.

~~(G)~~ (F) *Minimum district requirements.* The minimum district requirements in the Agricultural Business Park Holding District (HD-A-BP) shall be the same as in the Agricultural (A) zoning district.

~~(H)~~ (G) *Cluster development.* Cluster development in the HD-A-BP zoning district is prohibited.

~~(I)~~ (H) *Non-agricultural low impact use standards.* Regulations governing non-agricultural low impact use standards in the HD-A-BP zoning district shall be the same as the Agricultural (A) zoning district.

§ 154.035 HD-A-SRD - AGRICULTURAL SEWERED RESIDENTIAL HOLDING DISTRICT.

(A) *Purpose.* The Agricultural Sewered Residential Holding District (HD-A-SRD) is intended to regulate land use within agricultural areas planned and staged for residential development with access to regional sewer service. Areas zoned HD-A-SRD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Sewered Residential use.

(B) *General regulation.* All regulations governing the Agricultural (A) zoning district shall also apply to properties zoned Agricultural Sewered Residential Holding District (HD-A-SRD) except as outlined in this section.

(C) *Permitted uses.* The permitted uses in the HD-A-SRD zoning district shall be the same as in the Agricultural (A) zoning district except that non-farm dwellings shall be prohibited.

~~(D) *Uses permitted by conditional use permit.* The uses permitted by conditional use permit in the HD A SRD zoning district shall be the same as in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.~~

(D) *Use permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-A-BP zoning district:

- (1) Those uses identified as permitted by Conditional Use Permit in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.

(E) *Accessory uses.* The accessory uses in the HD-A-SRD zoning district shall be the same as in the Agricultural (A) zoning district.

(F) *Minimum district requirements.* The minimum district requirements in the Agricultural Sewered Residential Holding District (HD-A-SRD) shall be the same as in the Agricultural (A) zoning district.

~~(G) *Cluster development.* Cluster development in the HD-A-SRD zoning district is prohibited.~~

(H) *Non-agricultural low impact use standards.* Regulations governing non-agricultural low impact use standards shall be the same as the Agricultural (A) zoning district.

§ 154.037 HD-RR-BP - RURAL RESIDENTIAL BUSINESS PARK HOLDING DISTRICT.

(A) *Purpose.* The Rural Residential Business Park Holding District (HD-RR-BP) is intended to regulate land use within rural residential areas planned and staged for business park development. ~~Areas zoned HD-RR-BP will be rezoned at such time the use becomes upon the availability of sewer service and when~~ consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Business Park use.

(B) *General regulation.* All regulations governing the Rural Residential (RR) Zoning District shall also apply to properties zoned Rural Residential Business Park Holding District (HD-RR-BP) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-RR-BP zoning district shall be the same as in the Rural Residential (RR) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-RR-BP Zoning District shall be the same as in the Rural Residential (RR) Zoning District except that open space development projects shall be prohibited.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-RR-BP zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Rural Residential (RR) zoning district except that open space development projects shall be prohibited.

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-RR-BP Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Rural Residential Business Park Holding District (HD-RR-BP) shall be the same as in the Rural Residential (RR) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Rural Residential (RR) Zoning District shall be viewed as conforming to minimum lot size.

(G) *Special requirements.* All building permits in the Rural Residential Business Park Holding District (HD-RR-BP) shall, prior to the issuance of such a building permit, provide a sketch subdivision plan which illustrates roadway and setback locations should the property be re-subdivided in the future.

~~(H) *Cluster development.* Cluster development in the 1-ID-RR-BP Zoning District is prohibited.~~

§ 154.038 HD-RR-LB — RURAL RESIDENTIAL LIMITED BUSINESS HOLDING DISTRICT.

(A) *Purpose.* The Rural Residential Limited Business Holding District (HD-RR-LB) is intended to regulate land use within rural residential areas planned and staged for limited business development. Areas zoned HD-RR-LB will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Limited Business use.

(B) *General regulation.* All regulations governing the Rural Residential (RR) Zoning District shall also apply to properties zoned Rural Residential Limited Business Holding District (HD-RR-LB) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-RR-LB Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-RR-LB Zoning District shall be the same as in the Rural Residential (RR) Zoning District except that open space development projects shall be prohibited.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-RR-LB zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Rural Residential (RR) zoning district except that Open Space Development Projects shall be prohibited.

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-RR-LB Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

(F) *Minimum district requirements.* ~~The minimum district requirements in the Rural Residential Limited Business Holding District (HD-RR-LB) shall be the same as in the Rural Residential (RR) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Rural Residential (RR) Zoning District shall be viewed as conforming to minimum lot size.~~

(G) *Special requirements.* All building permits in the Rural Residential Limited Business Holding District (HD-RR-LB) shall, prior to the issuance of such a building permit, provide a sketch subdivision plan which illustrates roadway and setback locations should the property be re-subdivided in the future.

(H) *Cluster development.* Cluster development in the HD-RR-LB Zoning District is prohibited.

§ 154.039 HD-RR-RAD – RURAL RESIDENTIAL AG DENSITY HOLDING DISTRICT.

(A) *Purpose.* ~~The Rural Residential Ag Density Holding District (HD-RR-RAD) is intended to regulate land use within rural residential areas planned and staged for Rural Agricultural Density development. Areas zoned HD-RR-RAD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Rural Agricultural use.~~

(B) *General regulation.* All regulations governing the Rural Residential (RR) Zoning District shall also apply to properties zoned Rural Residential Ag Density Holding District (HD-RR-RAD) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-RR-RAD Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-RR-RAD Zoning District shall be the same as in the Rural Residential (RR) Zoning District except that open space development projects shall be prohibited.~~

(D) Uses permitted by interim use permit. The following uses may be permitted as an interim use permit in the HD-RR-RAD zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Rural Residential (RR) zoning district except that open space development projects shall be prohibited.

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-RR-RAD Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Rural Residential Ag Density Holding District (HD-RR-RAD) shall be the same as in the Rural Residential (RR) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Rural Residential (RR) Zoning District shall be viewed as conforming to minimum lot size.

(G) *Special requirements.* All building permits in the Rural Residential Ag Density Holding District (HD-RR-RAD) shall, prior to the issuance of such a building permit, provide a sketch subdivision plan which illustrates roadway and setback locations should the property be re-subdivided in the future.

(H) *Cluster development.* Cluster development in the HD-RR-RAD Zoning District is prohibited.

§ 154.040 HD-RR-SRD - RURAL RESIDENTIAL SEWERED RESIDENTIAL HOLDING DISTRICT.

(A) *Purpose.* The Rural Residential Sewered Residential Holding District (HD-RR-SRD) is intended to regulate land use within rural residential areas planned and staged for sewer residential development. Areas zoned HD-RR-SRD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Sewered Residential use.

(B) *General regulation.* All regulations governing the Rural Residential (RR) Zoning District shall also apply to properties zoned Rural Residential Sewered Residential Holding District (HD-RR-SRD) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-RR-SRD Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

~~(D) Uses permitted by conditional use permit. Conditionally permitted uses and the general requirements of such in the HD-RR-SRD Zoning District shall be the same as in the Rural Residential (RR) Zoning District except that open space development projects shall be prohibited.~~

(D) Uses permitted by interim use permit. The following uses may be permitted as an interim use permit in the HD-RR-SRD zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Rural Residential (RR) zoning district except that open space development projects shall be prohibited.

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-RR-SRD Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Rural Residential Sewered Residential Holding District (HD-RR-SRD) shall be the same as in the Rural Residential (RR) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Rural Residential (RR) Zoning District shall be viewed as conforming to minimum lot size.

(G) *Special requirements.* All building permits in the Rural Residential Sewered Residential Holding District (HD-RR-SRD) shall, prior to the issuance of such a building permit, provide a sketch subdivision plan which illustrates roadway and setback locations should the property be re-subdivided in the future.

(H) *Cluster development.* Cluster development in the HD-RR-SRD Zoning District is prohibited.

§ 154.042 HD-R1-RAD - ONE FAMILY AG DENSITY HOLDING DISTRICT.

(A) *Purpose.* The One Family Ag Density Holding District (HD-R1-RAD) is intended to regulate land use within single family residential areas planned and staged for sewer residential development. Areas zoned HD-R1-RAD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Rural Agricultural use.

(B) *General regulation.* All regulations governing the One Family Residential (R-1) zoning district shall also apply to properties zoned One Family Ag Density Holding District (HD-R1-RAD) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-R1-RAD zoning district shall be the same as in the One Family Residential (R-1) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-R1-RAD zoning district shall be the same as in the One Family Residential (R-1) Zoning District.~~

~~(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-R1-RAD zoning district:~~

~~(1) Those uses identified as permitted by Conditional Use Permit in the One Family Residential (R-1) zoning district.~~

~~(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-R1-RAD Zoning District shall be the same as in the One Family Residential (R-1) Zoning District.~~

~~(F) *Minimum district requirements.* The minimum district requirements in the One Family Ag Density Holding District (HD-R1-RAD) shall be the same as in the One Family Residential (R-1) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Rural Residential (RR) Zoning District shall be viewed as conforming to minimum lot size.~~

§ 154.043 HD-R1-SRD - ONE-FAMILY SEWERED RESIDENTIAL HOLDING DISTRICT:

(A) *Purpose.* The One-Family Sewered Residential Holding District (HD-R1-SRD) is intended to regulate land use within single family residential areas planned and staged for sewer residential development. Areas zoned HD-R1-SRD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Sewered Residential use.

(B) *General regulation.* All regulations governing the One-Family Residential (R-1) Zoning District shall also apply to properties zoned One-Family Sewered Residential Holding District (HD-R1-SRD) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-R1-SRD Zoning District shall be the same as in the One-Family Residential (R-1) Zoning District.

~~—(D) Uses permitted by conditional use permit. Conditionally permitted uses and the general requirements of such in the HD-R1-SRD Zoning District shall be the same as in the One-Family Residential (R-1) Zoning District.~~

(D) Uses permitted by interim use permit. The following uses may be permitted as an interim use permit in the HD-R1-SRD zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the One-Family Residential (R-1) zoning district.

~~(E) Accessory uses and structures. Regulations governing accessory uses and structures in the HD-R1-SRD Zoning District shall be the same as in the One-Family Residential (R-1) Zoning District.~~

~~(F) Minimum district requirements. The minimum district requirements in the One-Family Sewered Residential Holding District (HD-R1-SRD) shall be the same as in the One-Family Residential (R-1) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the One-Family Residential (R-1) Zoning District shall be viewed as conforming to minimum lot size.~~

§ 154.046 MANUFACTURED HOME PARK URBAN RESIDENTIAL HOLDING DISTRICT.

~~(A) Purpose. The Manufactured Home Park Urban Residential Holding District (HD-R3-URD) is intended to regulate land use within manufactured home park areas planned and staged for sewer urban residential development. Areas zoned HD-R3-URD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Urban Residential use.~~

~~(B) General regulation. All regulations governing the Manufactured Home Park (R-3) Zoning District shall also apply to properties zoned Manufactured Home Park Urban Residential Holding District (HD-R3-URD) except as outlined in this section.~~

~~(C) Permitted uses. Permitted uses and the general requirements of such in the HD-R3-URD Zoning District shall be the same as in the Manufactured Home Park (R-3) Zoning District. Connection to the municipal sanitary sewer system and municipal water supply shall be required.~~

~~—(D) Uses permitted by conditional use permit. Conditionally permitted uses and the general requirements of such in the HD-R3-URD Zoning District shall be the same as in the Manufactured Home Park (R-3) Zoning District.~~

(D) Uses permitted by interim use permit. The following uses may be permitted as an interim use permit in the HD-R3-URD zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Manufactured Home Park (R-3) Zoning District.

~~(E) Accessory uses and structures. Regulations governing accessory uses and structures in the HD-R3-URD Zoning District shall be the same as in the Manufactured Home Park (R-3) Zoning District.~~

~~(F) Minimum district requirements. The minimum district requirements in the Manufactured Home Park Urban Residential Holding District (HD-R3-URD) shall be the same as in the Manufactured Home Park (R-3) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Manufactured Home Park (R-3) Zoning District shall be viewed as conforming to minimum lot size.~~

§ 154.049 HD-RE-LB - RESIDENTIAL ESTATES LIMITED BUSINESS HOLDING DISTRICT.

~~(A) Purpose. The Residential Estates Limited Business Holding District (HD-RE-LB) is intended to regulate land use within residential estate areas planned and staged for sewer limited business development. Areas zoned HD-RE-LB will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for sewer limited business use.~~

~~(B) General regulation. All regulations governing the Residential Estates (RE) Zoning District shall also apply to properties zoned Residential Estates Limited Business Holding District (HD-RE-LB) except as outlined in this section.~~

~~(C) Permitted uses. Permitted uses and the general requirements of such in the HD-RE-LB Zoning District shall be the same as in the Residential Estates (RE) Zoning District.~~

~~(D) Uses permitted by conditional use permit. Conditionally permitted uses and the general requirements of such in the HD-RE-LB Zoning District shall be the same as in the Residential Estates (RE) Zoning District except that open space development projects shall be prohibited.~~

(D) Uses permitted by interim use permit. The following uses may be permitted as an interim use permit in the HD-RE-LB zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Residential Estates (RE) zoning district except that Open Space Development Projects shall be prohibited.

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-RE-LB Zoning District shall be the same as in the Residential Estates (RE) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Residential Estates Limited Business Holding District (HD-RE-LB) shall be the same as in the Residential Estates (RE) Zoning District except for the following:

(1) Minimum lot size shall be a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Residential Estates (RE) Zoning District shall be viewed as conforming to minimum lot size.

(2) Subdivision density shall be based on a 20-acre average, and no outlots are to remain in the subdivision.

§ 154.050 HD-RE-SRD - RESIDENTIAL ESTATES SEWERED RESIDENTIAL HOLDING DISTRICT.

(A) *Purpose.* The Residential Estates Sewered Residential Holding District (HD-RE-SRD) is intended to regulate land use within residential estate areas planned and staged for sewer residential development. Areas zoned HD-RE-SRD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for sewer residential use.

(B) *General regulation.* All regulations governing the Residential Estates (RE) Zoning District shall also apply to properties zoned Residential Estates Sewered Residential Holding District (HD-RE-SRD) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-RE-SRD Zoning District shall be the same as in the Residential Estates (RE) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-RE-SRD Zoning District shall be the same as in the Residential Estates (RE) Zoning District except that open space development projects shall be prohibited.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-RE-SRD zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Residential Estates (RE) zoning district except that open space development projects shall be prohibited.

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the HD-RE-SRD Zoning District shall be the same as in the Residential Estates (RE) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Residential Estates Sewered Residential Holding District (HD-RE-SRD) shall be the same as in the Residential Estates (RE) Zoning District except for the following;

(1) Minimum lot size shall be a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Residential Estates (RE) Zoning District shall be viewed as conforming to minimum lot size.

(2) Subdivision density shall be based on a 20 acres average, and no outlots are to remain in the subdivision.

§ 154.052 HD-GB-BP - GENERAL BUSINESS - BUSINESS PARK HOLDING DISTRICT.

(A) *Purpose.* The General Business - Business Park Holding District (HD-GB-BP) is intended to regulate land use within general business areas planned and staged for sewer business park development. Areas zoned HD-GB-BP will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Business Park use.

(B) *General regulation.* All regulations governing the General Business (GB) Zoning District shall also apply to properties zoned General Business - Business Park Holding District (HD-GB-BP) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-GB-BP Zoning District shall be the same as in the General Business (GB) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-GB-BE Zoning District shall be the same as in the General Business (GB) Zoning District.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-GB-BP zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the General Business (GB) Zoning District.

(E) *Accessory uses.* Accessory uses and the general requirements of such in the HD-GB-BP Zoning District shall be the same as in the General Business (GB) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the General Business – Business Park Holding District (HD-GB-BP) shall be the same as in the General Business (GB) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the General Business (GB) Zoning District shall be viewed as conforming to minimum lot size.

(G) *Performance standards.* Performance standards governing construction and development in the General Business – Business Park Holding District (HD-GB-BP) shall be the same as in the General Business (GB) Zoning District. Further development shall conform with all standards necessary to facilitate a future hook up to the regional sewer system.

§ 154.053 HD-GB-C - GENERAL BUSINESS COMMERCIAL HOLDING DISTRICT.

(A) *Purpose.* The General Business Commercial Holding District (HD-GB-C) is intended to regulate land use within general business areas planned and staged for sewer commercial development. Areas zoned HD-GB-C will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for Commercial use.

(B) *General regulation.* All regulations governing the General Business (GB) Zoning District shall also apply to properties zoned General Business Commercial Holding District (HD-GB-C) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-GB-C Zoning District shall be the same as in the General Business (GB) Zoning District,

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-GB-C Zoning District shall be the same as the General Business (GB) Zoning District.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use in the HD-GB-C zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the General Business (GB) zoning district.

(E) *Accessory uses.* Accessory uses and the general requirements of such in the HD-GB-C Zoning District shall be the same as in the General Business (GB) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the General Business Commercial Holding District (HD-GB-C) shall be the same as in the General Business (GB) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the General Business (GB) Zoning District shall be viewed as conforming to minimum lot size.

(G) *Performance standards.* Performance standards governing construction and development in the General Business Commercial Holding District (HD-GB-C) shall be the same as in the General Business (GB) Zoning District. Further development shall conform with all standards necessary to facilitate a future hook up to the regional sewer system.

§ 154.054 HD-GB-SRD - GENERAL BUSINESS SEWERED RESIDENTIAL HOLDING DISTRICT.

(A) *Purpose.* The General Business Sewered Residential Holding District (HD-GB-SRD) is intended to regulate land use within general business areas planned and staged for sewer residential development. Areas zoned HD-GB-SRD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Lake Elmo Comprehensive Plan. The future zoning district regulations will be consistent with the comprehensive plan guidance of the property for sewer residential use.

(B) *General regulation.* All regulations governing the General Business (GB) Zoning District shall also apply to properties zoned General Business Sewered Residential Holding District (HD-GB-SRD) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-GB-SRD Zoning District shall be the same as in the General Business (GB) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-GB-SRD Zoning District shall be the same as in the General Business (GB) Zoning District.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-GB-SRD zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the General Business (GB) zoning district.

(E) *Accessory uses.* Accessory uses and the general requirements of such in the HD-GB-SRD Zoning District shall be the same as in the General Business (GB) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the General Business Sewered Residential Holding District (HD-GB-SRD) shall be the same as in the General Business (GB) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the General Business (GB) Zoning District shall be viewed as conforming to minimum lot size.

(G) *Performance standards.* Performance standards governing construction and development in the General Business Sewered Residential Holding District (HD-GB-SRD) shall be the same as in the General Business (GB) Zoning District. Further development shall conform with all standards necessary to facilitate a future hook up to the regional sewer system.

§ 154.059 VR-A - VILLAGE RESIDENTIAL AGRICULTURE HOLDING DISTRICT.

(A) *Purpose.* The Village Residential Agriculture District (VR-A) is intended to regulate land use within agricultural areas planned and staged for development in accordance with the Village Plan. Areas zoned VR-A will be rezoned in accordance with the guided land use outlined in the Village Plan at such time as regional sewer service is available to the subject property.

(B) *General regulation.* All regulations governing the Agricultural (A) Zoning District shall also apply to properties zoned Village Residential Agriculture District (VR-A) except as outlined in this section.

(C) *Permitted uses.* The permitted uses in the VR-A Zoning District shall be the same as in the Agricultural (A) Zoning District except that non-farm dwellings shall be prohibited.

~~(D) *Uses permitted by conditional use permit.* The uses permitted by conditional use permit in the VR-A Zoning District shall be the same as in the Agricultural (A) Zoning District except that Open Space Development Projects shall be prohibited.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the VR-A zoning district:

(1) *Those uses identified as permitted by Conditional Use Permit in the Agricultural (A) zoning district except that Open Space Development Projects shall be prohibited.*

(E) *Accessory uses.* The accessory uses in the VR-A Zoning District shall be the same as in the Agricultural (A) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Village Residential Agriculture District (VR-A) shall be the same as in the Agricultural (A) Zoning District.

(G) *Cluster development.* Cluster development in the VR-A Zoning District is prohibited.

(H) *Non-agricultural low impact use standards.* Regulations governing non-agricultural low impact use standards in the VR-A Zoning District shall be the same as the Agricultural (A) Zoning District.

§ 154.060 VR-GB - VILLAGE RESIDENTIAL GENERAL BUSINESS HOLDING DISTRICT.

(A) *Purpose.* The Village Residential General Business District (VR-GB) is intended to regulate land use within general business areas planned and staged for development in accordance with the Village Plan. Areas zoned VR-GB will be rezoned in accordance with the guided land use outlined in the Village Plan at such time as regional sewer service is available to the subject property.

(B) *General regulation.* All regulations governing the General Business (GB) Zoning District shall also apply to properties zoned Village Residential General Business District (VR-GB) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the VR-GB Zoning District shall be the same as in the General Business (GB) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the VR-GB Zoning District shall be the same as in the General Business (GB) Zoning District.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the VR-GB zoning district:

(1) *Those uses identified as permitted by Conditional Use Permit in the General Business (GB) zoning district.*

(E) *Accessory uses.* Accessory uses and the general requirements of such in the VR-GB Zoning District shall be the same as in the General Business (GB) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Village Residential General Business District (VR-GB) shall be the same as in the General Business (GB) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the General Business (GB) Zoning District shall be viewed as conforming to minimum lot size.

(G) *Performance standards.* Performance standards governing construction and development in the Village Residential General Business District (VR-GB) shall be the same as in the General Business (GB) Zoning District. Further development shall conform with all standards necessary to facilitate a future hook up to the regional sewer system.

§ 154.061 VR-R1 - VILLAGE RESIDENTIAL ONE-FAMILY HOLDING DISTRICT.

(A) *Purpose.* The Village Residential One-Family District (VR-R1) is intended to regulate land use within single-family residential areas planned and staged for development in accordance with the Village Plan. Areas zoned VR-R1 will be rezoned in accordance with the guided land use outlined in the Village Plan ~~at such time as regional sewer service is available to the subject property.~~

(B) *General regulation.* All regulations governing the One-Family Residential (R-1) Zoning District shall also apply to properties zoned Village Residential One-Family District (VR-R1) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the VR-R1 Zoning District shall be the same as in the One-Family Residential (R-1) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the VR-R1 Zoning District shall be the same as in the One-Family Residential (R-1) Zoning District.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the f VR-R1 zoning district:

(1) *Those uses identified as permitted by Conditional Use Permit in the One-Family Residential (R-1) zoning district.*

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the VR-R1 Zoning District shall be the same as in the One-Family Residential (R-1) Zoning District.

(F) *Minimum district requirements.* The minimum district requirements in the Village Residential One Family District (VR-R1) shall be the same as in the One-Family Residential (R-1) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the One-Family Residential (R-1) Zoning District shall be viewed as conforming to minimum lot size.

§ 154.062 VR-RR - VILLAGE RURAL RESIDENTIAL HOLDING DISTRICT.

(A) *Purpose.* The Village Rural Residential District (VR-RR) is intended to regulate land use within rural residential areas planned and staged for development in accordance with the Village Plan. Areas zoned VR-RR will be rezoned in accordance with the guided land use outlined in the Village Plan ~~at such time as regional sewer service is available to the subject property.~~

(B) *General regulation.* All regulations governing the Rural Residential (RR) Zoning District shall also apply to properties zoned Village Rural Residential District (VR-RR) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the VR-RR Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the VR-RR Zoning District shall be the same as in the Rural Residential (RR) Zoning District except that open space development projects shall be prohibited.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the VR-RR zoning district:

(1) *Those uses identified as permitted by Conditional Use Permit in the Rural Residential (RR) zoning district except that open space development projects shall be prohibited.*

(E) *Accessory uses and structures.* Regulations governing accessory uses and structures in the VR-RR Zoning District shall be the same as in the Rural Residential (RR) Zoning District.

~~(F) *Minimum district requirements.* The minimum district requirements in the Village Rural Residential District (VR-RR) shall be the same as in the Rural Residential (RR) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to 7-1-07 which are conforming to the minimum lot size standard of the Rural Residential (RR) Zoning District shall be viewed as conforming to minimum lot size.~~

(G) *Special requirements.* All building permits in the Village Rural Residential District (VR-RR) shall, prior to the issuance of such a building permit, provide a sketch subdivision plan which illustrates roadway and setback locations should the property be re-subdivided in the future.

(H) *Cluster development.* Cluster development in the VR-RR Zoning District is prohibited.

§ 154.066 HD-LB-SRD LIMITED BUSINESS SEWERED RESIDENTIAL HOLDING DISTRICT.

(A) *Purpose.* The Limited Business Sewered Residential Holding District (HD-LBSRD) is intended to regulate land use within limited business areas planned and staged for sewered residential development. Areas zoned HD-LB-SRD will be rezoned at such time the use becomes upon the availability of sewer service and when consistent with the "Development Staging Plan" "Future Land Use Plan" contained in the Comprehensive Plan. The future zoning district regulations will be consistent with the Comprehensive Plan guidance of the property for sewered residential use.

(B) *General regulation.* All regulations governing the Limited Business (LB) Zoning District shall also apply to properties zoned Limited Business Sewered Residential Holding District (HD-LB-SRD) except as outlined in this section.

(C) *Permitted uses.* Permitted uses and the general requirements of such in the HD-LB-SRD Zoning District shall be the same as in the Limited Business (LB) Zoning District.

~~(D) *Uses permitted by conditional use permit.* Conditionally permitted uses and the general requirements of such in the HD-LB-SRD Zoning District shall be the same as in the Limited Business (LB) Zoning District.~~

(D) *Uses permitted by interim use permit.* The following uses may be permitted as an interim use permit in the HD-LB-SRD zoning district:

(1) Those uses identified as permitted by Conditional Use Permit in the Limited Business (LB) zoning district.

(E) *Accessory uses.* Accessory uses and the general requirements of such in the HD-LB-SRD Zoning District shall be the same as in the Limited Business (LB) Zoning District.

(F) ~~*Minimum district requirements.* The minimum district requirements in the Limited Business Sewered Residential Holding District (HD-LB-SRD) shall be the same as in the Limited Business (LB) Zoning District except for minimum lot size which shall be a minimum of a nominal 20 acres (a 20-acre parcel not reduced by more than 10% and/or a 20-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road right-of-way and survey variations). Lots that were in existence prior to July 1, 2007 which are conforming to the minimum lot size standard of the Limited Business (LB) Zoning District shall be viewed as conforming to minimum lot size.~~

(G) *Performance standards.* Performance standards governing construction and development in the Limited Business Sewered Residential Holding District (HD-LB-SRD) shall be the same as in the Limited Business (GB) Zoning District. Further development shall conform with all standards necessary to facilitate a future hook up to the regional sewer system.

SECTION 2. Effective Date

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

SECTION 3. Adoption Date

This Ordinance No. 08-032 was adopted on this 19th day of October 2010, by a vote of ___ Ayes and ___ Nays.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-032 was published on the _____ day of _____, 2010.

CITY OF LAKE ELMO

RESOLUTION NO. 2010-054

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-032 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-032,
an ordinance to regulate signage within the City of Lake Elmo; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo,
that the City Administrator shall cause the following summary of Ordinance No. 08-032 to be
published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-032. The ordinance revises nineteen holding zoning district requirements to eliminate the property owners' ability to apply for future conditional use permits until the land is developed with city sewer in conformance with the City's Comprehensive Plan. Instead, the code amendments allow those uses previously identified as a conditional use to alternatively be permitted as an interim use. The full text of Ordinance No.08-032 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean Johnston

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: _____, 2010.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010
REGULAR
ITEM: 9
MOTION Resolution No. 2010-055

AGENDA ITEM: 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.

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Planning Commission
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider an interim use application from Midwest Recreation Clearinghouse, LLC (Cranky Ape Powersport Auctions) to allow the outdoor display of merchandise for public viewing at 9200 Hudson Boulevard North. The Planning Commission has previously reviewed and recommended approval of a Conditional Use Permit for the exact same use on this property, but will review and consider an Interim Use Permit on Monday, October 18th, 2010. The recommended motion to act on this is as follows:

“Move to approve Resolution No. 2010-055 granting an Interim Use Permit for Midwest Recreational Clearinghouse, LLC (Cranky Ape Powersport Auctions) to establish an open sales lot for the outdoor display of merchandise at 9200 Hudson Boulevard and approving a consent agreement for the interim use”

BACKGROUND INFORMATION: The applicants run an online auction for recreation vehicles and this site would be one in which potential buyers could view before they bid as well as pick it up when it is bought. The products are reclaimed items such as motor homes, boats, ATV's and RVs that are acquired from entities such as banks or insurance companies and then prepared for sale. The specific details concerning the use proposed at 9200 Hudson Boulevard North have not changed from the Conditional Use Permit reviewed by the Planning Commission last month and submitted to the Council, and therefore, Staff has not included all of the materials previously submitted for review.

However, based upon Council action and direction, effort has been made to revise the City's zoning text for this and other properties located within identified holding districts in order to utilize Interim Use Permits (IUP), in lieu of Conditional Use Permits (CUP). This action was undertaken for the following reasons:

- The City Council tabled the Conditional Use Permit application at its September 21, 2010 meeting.
- The City Council has directed Staff to prepare amendments to the City's holding districts to change conditional uses to interim uses and to amend the general standards for interim uses.
- The Planning Commission has drafted and recommended adoption of several interim use ordinance amendments at its October 18th meeting.
- Upon further discussions with Staff regarding the status of the Conditional Use Permit, the applicant has agreed to submit an application for an Interim Use Permit for the proposed open sales lot activity at 9200 Hudson Boulevard North.
- If the conditions and restrictions of the Interim Use Permit are found to be acceptable to the applicant, the Conditional Use Permit request will be withdrawn.

The new request is consistent with the proposed amendments to the City's holding districts, which are intended to provide the City with more discretion over the future uses that will be located in areas subject to new development or land use changes.

The City Council is also requested to consider and authorize execution of a consent agreement associated with the proposed interim use. This agreement specifies the terms and conditions, including the termination date/event, for the interim use.

LEGAL CONSIDERATIONS: Because the application has been submitted now as an interim use, the City's Interim Use standards need to be used to evaluate the request, rather than the Conditional Use requirements. The primary difference between these two permits is the underlying rights that are granted by the permit. In the case of a Conditional Use Permit, the permit runs with the land and can only be terminated once the use is vacated for a period of at least one year or the operator violates one of the conditions of approval.

An interim use must specify a certain event or date that will end the use, and there are no inherent rights that run with the land. Given these limitations, the proposed zoning amendments that have been drafted by Staff would provide additional flexibility for extending an interim use permit over a longer period of time.

The 9.95 acre parcel under consideration is located along Hudson Boulevard and is guided for future sewered development in the Lake Elmo Comprehensive Plan. This property is unique in that it is one of just a few properties utilized for commercial purposes, but is in a holding district

expected to be developed for sewerred residential uses. The zoning district HD-GB-SRD (Holding District-General Business-Sewered Residential Development) specifically allows properties to continue the uses allowed in the General Business zoning district, both permitted and interim uses (as proposed; currently all conditional uses are also allowed), including an open sales lot. With the proposed zoning changes to this district, the open sales lot would only be allowed as an interim use. The applicant is not proposing to make any external changes to the site.

Because the City Council has not already considered the Conditional Use Permit, the applicant will need to withdraw the CUP request in order to proceed with an Interim Use Permit. Staff is anticipating that the CUP request may be withdrawn before the Council meeting. If it is not, the Council may need to bring the CUP back for formal action in the near future. The deadline for action (if needed) on the CUP is November 19, 2010.

STAFF REPORT: Although similar to the required findings for a Conditional Use Permit (which were considered as part of the analysis during the previous review of the applicant's site), an Interim Use Permit must meet the general standards listed below in order to be granted. Please note that these standards have been pulled from the draft ordinance and may be subject to change by the City Council. Staff's comments regarding each of these standards are included as follows:

- 1) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. *The proposed HD-GB-SRD holding district amendments would allow an open sales lot as an interim use.*
- 2) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. *This finding has been previously made by the Planning Commission as part of its Conditional Use Permit review. The proposed use will operate in a manner very similar to the historic use of this site as a boat and marine dealership. The exterior storage of vehicles and equipment will have a very minimal affect on surrounding properties, and any unsightliness will be mitigated by appropriate landscaping, screening, and buffering.*
- 3) The use will not adversely impact implementation of the Comprehensive Plan. *There are no new buildings proposed as part of the interim use, and no other site changes other than the use of previous storage areas for outdoor display. The consignment sales business will not alter the site or surrounding area in any permanent manner beyond the current situation.*
- 4) The date or event that will terminate the use is identified with certainty. *Staff is suggesting that the termination date for the permit be set at five years from the date of approval or upon the sale or transfer of ownership in the property, whichever occurs first.*
- 5) The interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future. *As noted above, the Interim*

Use will not result in any permanent alterations (other than interior remodeling work) beyond the improvements that are currently located on the site. The goods being displayed for sale can be moved off the site once the interim use permit terminates. Interior building improvements can be performed without any special approval from the City through administrative approvals or standard building permits.

- 6) The user agrees to all conditions that the City Council deems appropriate for permission of the use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit. *The proposed conditions of approval are included in the attached draft resolution of approval and are restated in the draft agreement. Staff is not recommending any financial guarantee because there are no permanent site alterations being proposed as part of the applicant's request.*
- 7) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel. *None have been found on this property.*
- 8) The term of the interim use shall be set by the City Council at the time of approval. *A draft consent agreement is attached for review by the Planning Commission and could be executed by the Council at the time it decides on the Interim Use Permit. This agreement specifies a five year term for the permit, which could be renewed prior to the expiration date.*

Based on the above findings, Staff recommends approval of the Interim Use Permit. Although it is unusual to be reviewing two applications for the same property at the same time, the City is currently in the midst of a transition concerning zoning in the various holding districts. The applicant certainly has the right to pursue their Conditional Use Permit and request a decision from the City Council on this application.

However, the Council may not ultimately support approval of a Conditional Use Permit, given the land use and zoning district changes that have been proposed. The proposed amendments should provide some additional flexibility for the City to consider interim uses over a longer period of time, while still providing the current applicant, and future applicants, with additional assurances regarding the amount of time and conditions under which they may operate.

PLANNING COMMISSION REPORT: Staff will present a verbal update to the City Council regarding the Planning Commission recommendation and public hearing from its October 18th meeting.

RECOMMENDATION: Based upon the above background information, staff report, and Planning Commission recommendation (pending), it is recommended that the City Council approve the Interim Use Permit request from Midwest Recreational Clearinghouse, LLC (Cranky Ape Powersport Auctions) to allow an open sales lot for the outdoor display of merchandise at 9200 Hudson Boulevard, with the conditions listed in draft Resolution No. 2010-055. It is also

recommended that the City Council authorize the execution of a consent agreement for the interim use. Both actions can be undertaken by the following action:

“Move to approve Resolution No. 2010-055 granting an Interim Use Permit for Midwest Recreational Clearinghouse, LLC (Cranky Ape Powersport Auctions) to establish an open sales lot for the outdoor display of merchandise at 9200 Hudson Boulevard, and approving a consent agreement for the interim use”

Alternatively, the City Council does have the authority to table, deny, or further discuss, deliberate and, if appropriate, amend the recommended motions prior to taking action. If the latter is undertaken, the appropriate action for the Council following such discussion would be:

“Move to approve Resolution No. 2010-055 granting an Interim Use Permit for Midwest Recreational Clearinghouse, LLC (Cranky Ape Powersport Auctions) to establish an open sales lot for the outdoor display of merchandise at 9200 Hudson Boulevard [as amended,] and approving a consent agreement for the interim use [as amended]”

ATTACHMENTS:

1. Resolution No. 2010-055
2. Interim Use Consent Agreement
3. Applicant’s Narrative on Business Operation
4. Proposed Site Plan

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2010-055

**A RESOLUTION GRANTING AN INTERIM USE PERMIT TO ALLOW AN OPEN
SALES LOT AT 9200 HUDSON BOULEVARD NORTH AND APPROVING A
CONSENT AGREEMENT FOR THE INTERIM USE**

WHEREAS, Midwest Recreational Clearinghouse, LLC, 6352 320th Street Way, Cannon Falls, MN, has requested an Interim Use Permit to establish an open sales lot use at 9200 Hudson Boulevard North, which will allow the sale of consignment recreation vehicle and motor sports equipment and display of such merchandise in a HD-GB-SRD zoning district.

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

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on October 18, 2010, and reviewed and recommended approval of the Interim Use Permit for an open sales lot; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated October 19, 2010; and

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

WHEREAS, the Lake Elmo City Council reviewed the interim use permit request and consent agreement at its October 19, 2010 meeting.

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

- 1) That the procedures for obtaining said Interim Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.019.
- 2) That all the submission requirements of said Section 154.019 have been met by the Applicant.
- 3) That the proposed Interim Use Permit is to establish an open sales lot, which will allow the sale of consignment recreation vehicle and motor sports equipment and display of such merchandise in a HD-GB-SRD zoning district.
- 4) That the proposed use will be located on property legally described as: Part of the West Half of the East Half (W1/2 of E1/2) of the Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4) of Section Thirty-Four (34), Township Twenty-Nine (29) North, Range Twenty-One (21) West, Washington County,

Minnesota, containing 9.95 acres, more or less, subject to the right-of-way of U.S. Highway No. 12. More commonly known as 9200 Hudson Boulevard North.

- 5) That the use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. *The HD-GB-SRD holding district allows an open sales lot as an interim use.*
- 6) That the use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. *The proposed use will operate in a manner very similar to the historic use of this site as a boat and marine dealership. The exterior storage of vehicles and equipment will have a very minimal affect on surrounding properties, and any unsightliness will be mitigated by appropriate landscaping, screening and buffering.*
- 7) That the use will not adversely impact implementation of the Comprehensive Plan. *There are no new buildings proposed as part of the interim use, and no other site changes other than the use of previous storage areas for outdoor display. The consignment sales business will not alter the site or surrounding area in any permanent manner beyond the current situation.*
- 8) That the date or event that will terminate the use is identified with certainty. *The consent agreement establishes a termination date for the permit be set at five years from the date of approval or upon the sale or transfer of ownership in the property, whichever occurs first.*
- 9) That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future. *The Interim Use will not result in any permanent alterations (other than interior remodeling work) beyond the improvements that are currently located on the site. The goods being displayed for sale can be moved off the site once the interim use permit terminates. Interior building improvements can be performed without any special approval from the City through administrative approvals or standard building permits.*
- 10) That there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Lake Elmo City Council hereby approves an Interim Use Permit at 9200 Hudson Boulevard North to establish a open sales lot use and authorizes the execution of the consent agreement for this interim use subject to the following conditions:

- 1) That the applicant signs the approved consent agreement with the City in accordance with Section 154.019, Subd. (B, 5) of the City Code.
- 2) Additional landscaping must be added by the applicant to comply with the original landscaping plan approved for the property. A revised landscape plan shall be submitted for review and approval by the Planning Director. No parking or storage of vehicles shall be permitted within the rear portion of the property (north of any buildings on the site) until the landscaping has been installed per

the approved plan and be in compliance with the review provided by the City Forester.

- 3) All exposed soils and eroded areas on the site must be corrected and restored properly.
- 4) All silt fencing shall be removed from the site.
- 5) Merchandise being displayed on the exterior portions of the site shall be arranged in a neat and orderly manner.
- 6) Applicant shall not accumulate or store junk vehicles or equipment outside of any buildings on the property.

This resolution was adopted by the City Council of the City of Lake Elmo on the 19th day of October 2010, by a vote of ___ Ayes and ___ Nays.

Dean A. Johnston, Mayor

ATTEST:

Bruce Messlet, City Administrator

(SEAL)

**CONSENT AGREEMENT
INTERIM USE PERMIT**

1.0 Parties. This Consent Agreement/Interim Use Permit ("Agreement") is entered into by and between the City of Lake Elmo, a Minnesota statutory ("City"); and Midwest Recreational Clearinghouse, LLC, a Minnesota limited liability corporation ("Applicant").

2.0 Recitals.

A. Applicant is the record fee owner of the following described property situated in Lake Elmo, MN ("Property"):

Part of the West Half of the East Half (W1/2 of E1/2) of the Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4) of Section Thirty-Four (34), Township Twenty-Nine (29) North, Range Twenty-One (21) West, Washington County, Minnesota, containing 9.95 acres, more or less, subject to the right-of-way of U.S. Highway No. 12.

More commonly known as 9200 Hudson Boulevard North.

B. The Property is zoned HD-GB-SRD.

C. Interim uses are allowed in the HD-GB-SRD zoning district subject to the regulations contained in Lake Elmo City Code Section 154.019.

D. Applicant has requested that the City allow the Property to be used as an open sales lot as illustrated on the Site Plan attached as Exhibit A (Site Plan):

E. On the 14th day of October 2010, Applicant submitted a completed application for an Interim Use Permit.

F. On the 18th day of October, 2010, the Lake Elmo Planning Commission, at a public hearing, reviewed the Interim Use Permit application, city staff comments and reports, Applicant's comments and reports, public comments, and recommended approval of the interim open sales lot use subject to certain conditions.

G. On the 19th day of October, 2010, the Lake Elmo City Council reviewed the Interim Use Permit application, city staff comments and reports, Applicant's comments and reports, public comments, and the recommendations of the Lake Elmo Planning Commission, and agreed to authorize the interim use subject to the terms and conditions as specified in Section 154.019 of the Zoning Ordinance and Resolution 2010-055 approving the interim use permit.

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

- A. The Applicant, and its successors and assigns, shall have no entitlement to future re-approval of the Interim Use Permit.
- B. Applicant and its successors and assigns, agree that in the event of a full or partial taking of the Property by a governmental unit that the value of the Property taken will be based on its highest and best use as it existed prior to the approval of the Interim Use Permit.
- C. The interim use shall allow an open sales lot, which allows the display of goods for sale, rent, lease, or trade, where the goods are not enclosed within a building in accordance with the Site Plan.
- D. Additional landscaping must be added by the applicant to comply with the original landscaping plan approved for the property. A revised landscape plan shall be submitted for review and approval by the Planning Director. No parking or storage of vehicles shall be permitted within the rear portion of the property (north of any buildings on the site) until the landscaping has been installed per the approved plan and be in compliance with the review provided by the City Forester.
- E. All exposed soils and eroded areas on the site must be corrected and restored properly.
- F. All silt fencing shall be removed from the site.
- G. Merchandise being displayed on the exterior portions of the site shall be arranged in a neat and orderly manner.
- H. Applicant shall not accumulate or store junk vehicles or equipment outside of any buildings on the property.
- I. The Interim Use Permit is valid until any one of the events listed below occurs:
 - 1. For ten (10) years from the date of the approval of the Interim Use Permit (October 19, 2010);
 - 2. Upon the sale of the property or a transfer of ownership (the City will review said Permit with prospective and/or new owner(s) for potential renewal without new application).
 - 3. Until a violation of the conditions of this Consent Agreement;

4. Until a change in the City's zoning regulations, which renders the interim use non-conforming; or
5. Until the redevelopment of the Property for a permitted or conditional use as allowed by the City's zoning regulations.

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

5.0 Rescission of the Conditional Use. Any Conditional Use Permit that was previously issued for the Property is hereby rescinded and replaced by this Consent Agreement/Interim Use Permit.

6.0 Acknowledgement and Consent. Applicant acknowledges that this is a legally binding agreement and that Applicant has had an opportunity to review the Agreement with legal counsel. Applicant consents to the terms of this Agreement and its restrictions on the use of the Property and the Interim Use Area.

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

Date: 10/13/10

CITY OF LAKE ELMO

By: _____
Dean Johnston
Mayor

**Midwest Recreational
Clearinghouse, LLC**

By: _____
Brian Livingston

Its: _____



Midwest Recreational Clearinghouse

Business Activity Narration

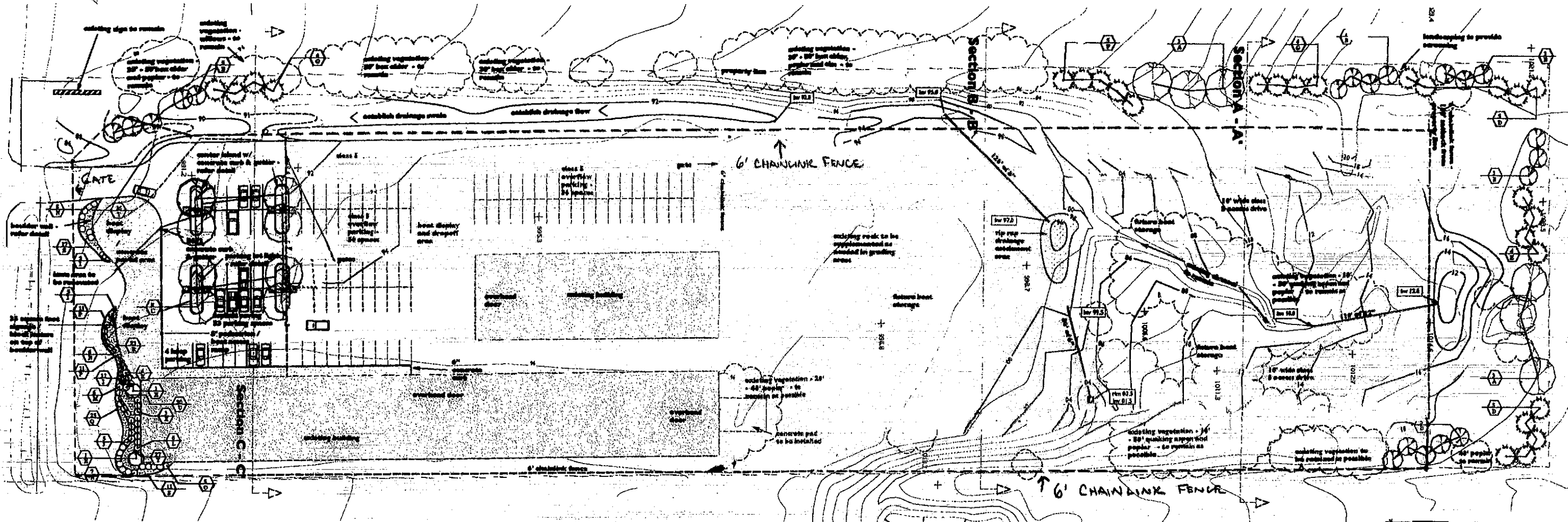


Midwest Recreational Clearinghouse (MRC) has been in business since 2001. The company has warehouses in Arizona, California, Indiana, Georgia, Florida, Minnesota, Nevada, Texas, and Wisconsin. MRC is a re-marketer of insurance repairable and bank-repossessed powersport/recreational equipment. The Crankyape.com website provides these items for purchase by the general public via an online electronic bidding system. Common inventory items found on the auction site include Motor Homes, automobiles, ATVs, snowmobiles, watercraft, and trailers.

The basic business process for MRC involves taking physical possession of an assigned unit and selling it on the CrankyApe.com auction site. The consigning company (typically a bank, insurance company, or registered dealer) will submit an assignment to MRC via telephone or over the internet on our vendor site. MRC will schedule to pick the unit up wherever it is located, and transport it back to our nearest warehouse. The unit is then prepped and displayed for auction/sale.

The auction unit will remain on the CrankyApe.com website for 5-10 days, with a specified date and time that the electronic auction closes. At the time of closing, the unit is deemed sold to the current high bidder. The high bidder then has 3 days to remit payment to MRC's Minnesota location and retrieve the auction unit from the MRC location it is being displayed at.

The available units are displayed at the physical locations and are available for viewing leading up to and during the actual auction.



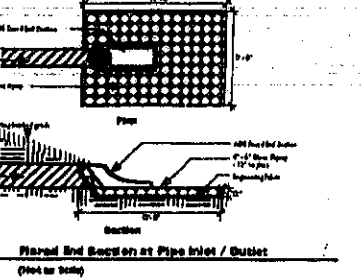
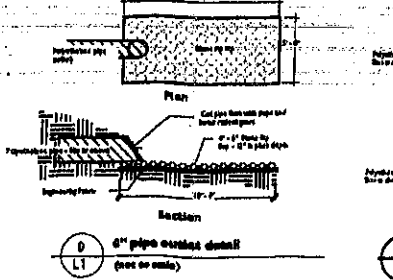
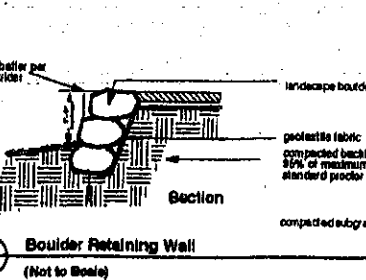
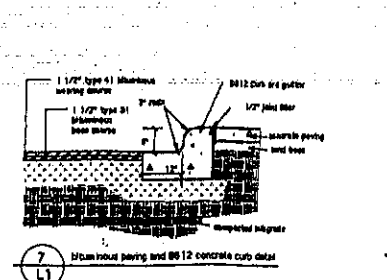
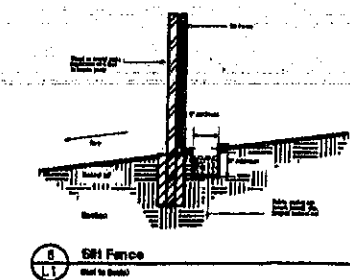
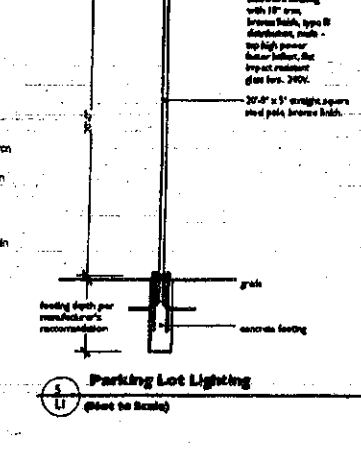
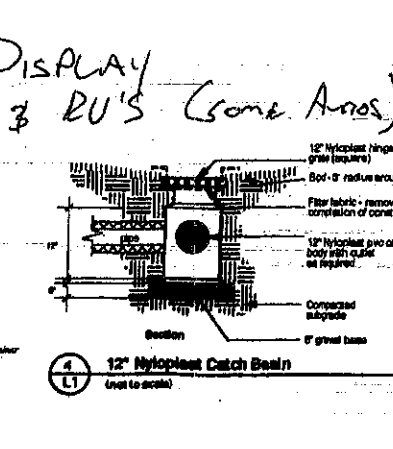
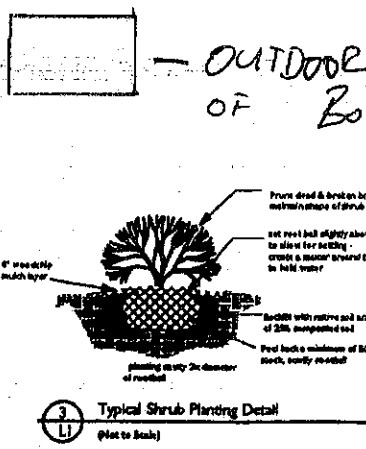
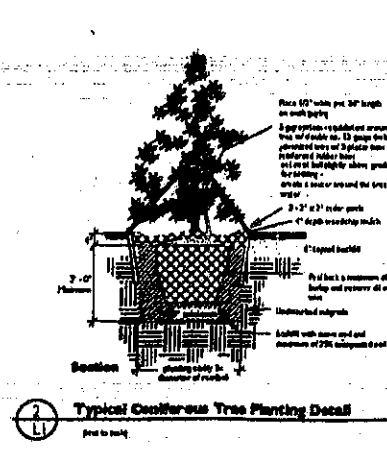
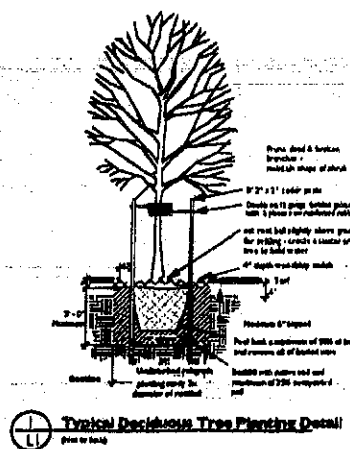
Plant Schedule

Key	Common Name	Latin Name	Size	Spacing	Plant	Qty
A	Red Maple	<i>Acer rubrum</i>	1.5"	varies	3 & 3	6
B	Quaking Aspen	<i>Populus tremuloides</i>	1.5"	varies	3 & 3	20
C	Horseshoe Sycamore	<i>Fraxinus americana 'Horseshoe'</i>	2.5"	varies	3 & 3	8
D	Red Pine	<i>Pinus resinosa</i>	4'-6"	varies	3 & 3	10
E	White Pine	<i>Pinus strobus</i>	4'-6"	varies	3 & 3	4
F	Scotch Pine	<i>Pinus resinosa</i>	4'-6"	varies	3 & 3	3
G	Black Hills Spruce	<i>Picea glauca densata</i>	4'-4"	varies	3 & 3	8
H	Purple Driftwood	<i>Cornus alternifolia</i>	#2	3 o.c.	cont.	2
I	Anthony Winter Spruce	<i>Spirea x humilis</i>	#2	3 o.c.	cont.	18
J	Dwarf Bush-honey-suckle	<i>Lonicera tatarica</i>	#2	3 o.c.	cont.	5
K	Glossy Black Chokeberry	<i>Aronia melanocarpa</i>	#2	3 o.c.	cont.	7
L	Compact American Cranberrybush	<i>Viburnum trilobum 'Baby'</i>	#2	3 o.c.	cont.	6
M	Starburst Juniper	<i>Juniperus sibirica 'Arctic'</i>	#5	3 o.c.	cont.	6
N	Arctic Juniper	<i>Juniperus sibirica 'Arctic'</i>	#5	3 o.c.	cont.	21
O	Satin Juniper	<i>Juniperus sibirica 'Arctic'</i>	#5	3 o.c.	cont.	5
P	Creeching Emerald Pines	<i>Pinus strobus</i>	4"	1 o.c.	just	11
Q	Black Eye Susan	<i>Rudbeckia hirta</i>	#1	2 o.c.	cont.	25
R	Lavender Coneheads	<i>Coreopsis lanceolata</i>	#1	1 o.c.	cont.	23
S	Stella De Oro Daylily	<i>Helianthus 'Stella de Oro'</i>	#1	2 o.c.	cont.	28
T	Augusta Joy Stone Crop Sedum	<i>Sedum 'Augusta Joy'</i>	#1	2 o.c.	cont.	43
U	Summer Petals Yarrow	<i>Achillea 'Summer Petals'</i>	#1	2 o.c.	cont.	20

General Notes:

- This is a preliminary site and landscape plan for review purposes.
- Erosion control measures will be established prior to construction.
- The contractor shall be responsible to review the site. The contractor shall establish the removals and vegetation clearing and grubbing that is required to construct the plan.
- Soil conditions on site may vary - the contractor is responsible to establish that proper subgrade compaction has been achieved prior to installation of class 5, bituminous paving, concrete curb and gutter and concrete paving.
- The chain link fence and gate materials and installation details shall be established by the owner.
- All non-paved areas will be seeded with an approved MnDot bluegrass / ryegrass / fescue mix.

NOT FOR CONSTRUCTION



<p>Preliminary Site & Landscape Plan</p>	<p>WICHSER & HERREID ARCHITECTS, INC.</p>	<p>3476 LAKE ELMO AVENUE NORTH P.O. BOX 187 LAKE ELMO MN, 55042 Phone: 651-777-7054 Fax: 651-777-5681 e-mail: design@wichserherreid.com</p>	<p>I hereby certify that these plans were prepared by me, or under my direct supervision, and that I am a duly registered Landscape Architect in the State of Minnesota.</p> <p>Paul W. Miller, Landscape Architect State of Minnesota Reg. No. 30920</p>	<p>SHEET</p> <p>LI</p>
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MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010
REGULAR
ITEM #: 13
MOTION Resolution: 2010-058

AGENDA ITEM: Bond Refinancing Resolution No. 2010-058

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested 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 Capital Improvement Plan Refunding Bonds Series 2010B.

“Move to approve Resolution 2010-058 authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the General Obligation Capital Improvement Refunding Bonds Series 2010B.”

BACKGROUND INFORMATION: The City issued a General Improvement Bonds Series 2004A for a new Public Works Facility and City Hall. Due to the economy, the funds originally intended for a New City Hall are currently being used for improvements to existing public facilities, including upgrades for OSHA compliance and to buy down remaining debt on the original issuance and projects.

STAFF REPORT: Staff has explored several options to refinance the debt on the G.O. Capital Improvement Bonds issued in November, 2004 and has concluded that issuance of the refunding bond would save the City approximately \$197,500 in the long term. Mr. Paul Donna from Northland Securities will present the details and answer any questions.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve Resolution 2010-058 by undertaking the following action;

“Move to approve Resolution 2010-058 authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the General Obligation Capital Improvement Refunding Bonds Series 2010B.

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

“Move to approve Resolution 2010-058 [as amended at tonight’s meeting] authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the General Obligation Capital Improvement Refunding Bonds Series 2010B.

ATTACHMENTS:

1. Resolution No. 2010-058
2. Finance Plan Summary

SUGGESTED ORDER OF BUSINESS:

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

CERTIFICATION OF MINUTES RELATING TO
GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN REFUNDING BONDS,
SERIES 2010B

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held October 19, 2010, at
7:00 p.m. at City Hall, Lake Elmo, Minnesota.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (including):

RESOLUTION NO. 2010-058

RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE,
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR
THE PAYMENT OF \$1,975,000 GENERAL OBLIGATION CAPITAL
IMPROVEMENT PLAN REFUNDING BONDS, SERIES 2010B

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer on October ____, 2010.

City Administrator

Councilmember _____ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember _____:

RESOLUTION NO. 2010-058

RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE,
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR
THE PAYMENT OF \$1,975,000 GENERAL OBLIGATION CAPITAL
IMPROVEMENT PLAN REFUNDING BONDS, SERIES 2010B

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

SECTION 1. AUTHORIZATION AND SALE.

1.01. Authorization. By a resolution, duly adopted on September 7, 2010, this Council called for the sale on the date hereof of approximately \$3,150,000 aggregate principal amount of General Obligation Capital Improvement Plan Refunding Bonds, Series 2010B, pursuant to Minnesota Statutes, Chapter 475, the proceeds of which will be used along with available funds of the City to refund on February 1, 2013 (the "Crossover Date") the 2014 through 2025 maturities, aggregating \$2,845,000 in principal amount, of the City's \$4,090,000 General Obligation Capital Improvement Plan Bonds, Series 2004A, dated November 1, 2004 (the "Refunded Bonds"). The Crossover Date is the earliest date on which the Refunded Bonds may be redeemed without payment of premium. It is hereby determined that as of the Crossover Date, (i) the present value of the debt service on the Bonds, computed to their stated maturity dates, after deducting any premium, using the yield of the Bonds as the discount rate, plus (ii) any expenses of the refunding payable from a source other than the proceeds of the Bonds or investment earnings thereon, is lower by _____% (not less than 3%) than the present value of the debt service on the Refunded Bonds, exclusive of any premium, computed to their stated maturity dates, using the yield of the Bonds as the discount rate. The maximum debt service payments to become due in any year on all outstanding capital improvement plan bonds of the City, including the Bonds (\$ _____) is less than .16% of the taxable market value of the property within the City (\$ _____). This Council hereby finds that the general obligation capital improvement plan bonds may be issued without an election pursuant to Minnesota Statutes, Section 475.521, subdivision 2.

1.02. Sale. Pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (5), the requirements as to public sale do not apply to the issuance of the Bonds. A proposal has been received from Northland Securities, Inc., Minneapolis, Minnesota (the "Purchaser"). In accordance with the terms of offering for the Bonds, it is hereby determined to issue the Bonds in the principal amount of \$1,975,000 at a price of \$ _____ plus accrued interest of \$ _____, and upon the further terms and conditions set forth herein. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Administrator are hereby authorized and directed to execute a contract on behalf of the City for the sale of the Bonds in accordance with the terms of the proposal.

1.03. Issuance of Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, now existing, having happened and having been performed, it is now necessary for the Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY.

2.01. Maturities; Interest Rates; Denominations and Payment. The Bonds shall be originally dated as of November 15, 2010, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on February 1 in the years and amounts stated below, and shall bear interest from date of original issue until paid or duly called for redemption at the annual rates set forth opposite such years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$135,000	%	2020	\$165,000	%
2015	150,000		2021	170,000	
2016	150,000		2022	175,000	
2017	155,000		2023	180,000	
2018	160,000		2024	185,000	
2019	160,000		2025	190,000	

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof shall be payable by check or draft issued by the Registrar described herein, provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.07 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.02. Dates and Interest Payment Dates. Upon initial delivery of the Bonds pursuant to Section 2.06 and upon any subsequent transfer or exchange pursuant to Section 2.05, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on February 1 and August 1, commencing August 1, 2011, each such date being referred to herein as an Interest Payment Date, to the person in whose name the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar's close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.03. Redemption. Bonds maturing in 2020 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2019, and on any date thereafter, at a price equal to the

principal amount thereof and accrued interest to the date of redemption. The City Administrator shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty and not more than 60 days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bonds to be redeemed at their addresses as they appear on the bond register described in Section 2.06 hereof, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS -
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing on February 1, 20__ and 20__ (the Term Bonds) shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on February 1 in each of the following years the following stated principal amounts of such Bonds:

Term Bonds Maturing February 1, 20__

<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------

The remaining \$_____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20__.

Term Bonds Maturing February 1, 20__

<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------

The remaining \$_____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20__.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.04. Appointment of Initial Registrar. The City hereby appoints Northland Trust Services, Inc., Minneapolis, Minnesota, as the initial bond registrar, transfer agent and paying agent (the "Registrar"). The Mayor and City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company organized under the laws of the United States or one of the states of the United States and authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar, effective upon not less than thirty days' written notice and upon the appointment and acceptance of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the Bond Register to the successor Registrar.

2.05. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal corporate trust office a bond register in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity, as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of, the principal of and interest on the Bond and for all other purposes; and all payments made to any registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability upon Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms, it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

2.06. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Administrator and shall be executed on behalf of the City by the signatures of the Mayor and City Administrator, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been

duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Administrator shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.07. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

"Beneficial Owner" shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person's subrogee.

"Cede & Co." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

"DTC" shall mean The Depository Trust Company of New York, New York.

"Participant" shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

"Representation Letter" shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC's Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever, and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid

and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor or City Administrator, if not previously filed, is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

2.08. Form of Bonds. The Bonds shall be prepared in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA

COUNTY OF WASHINGTON

GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN REFUNDING BONDS,
SERIES 2010B

No. R-___ \$ _____

Rate Maturity Date Date of Original Issue CUSIP No.

February 1, 20___ November 15, 2010

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

THE CITY OF LAKE ELMO, MINNESOTA (the "City"), acknowledges itself to be indebted and hereby promises to pay to the registered owner named above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual rate specified above, payable on February 1 and August 1 of each year, commencing August 1, 2011 (each such date, an "Interest Payment Date"), all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof at the principal office of the Registrar described below, the principal hereof are payable in lawful money of the United States of America by check or draft drawn on Northland Trust Services, Inc., Minneapolis, Minnesota, as bond registrar, transfer agent and paying agent, or its successor designated under the Resolution described herein (the "Registrar"). For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue in the aggregate principal amount of \$1,975,000 issued pursuant to a resolution adopted by the City Council on October 19, 2010 (the "Resolution"), to provide funds, together with other available funds of the City, to refund the 2014 through 2025 maturities, aggregating \$2,845,000 in principal amount, of the City's \$4,090,000 General Obligation Capital Improvement Plan Bonds, Series 2004A, dated November 1, 2004. This Bond is issued by authority of and in strict accordance with the provisions of the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Section 475.521 and Chapter 475. The Bonds are issuable only in fully registered form, in denominations of \$5,000 or any multiple thereof, of single maturities.

Bonds maturing in 2020 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2019, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty and not more than 60 days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail (or, if applicable, provided in accordance with the operational arrangements of the bond depository), to the registered holders of any Bonds, at the holders' addresses as they appear on the bond register maintained by the Registrar, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not

affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS-
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing in the years 20____ and 20____ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on February 1 in each of the years shown below, in an amount equal to the following principal amounts:

<u>Term Bonds Maturing in 20--</u>		<u>Term Bonds Maturing in 20--</u>	
<u>Sinking Fund</u>	<u>Aggregate</u>	<u>Sinking Fund</u>	<u>Aggregate</u>
<u>Payment Date</u>	<u>Principal Amount</u>	<u>Payment Date</u>	<u>Principal Amount</u>
	\$		\$

Notice of redemption shall be given as provided in the preceding paragraph.]

The Bonds have been designated as "qualified tax-exempt obligations" pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required; that, prior to the issuance hereof, the City has levied ad valorem taxes on all taxable property in the City, which taxes will be collectible for the years and in amounts sufficient to produce sums not less than five

percent in excess of the principal of and interest on the Bonds when due, and has appropriated the taxes to its General Obligation Capital Improvement Plan Refunding Bonds, Series 2010B Bond Fund for the payment of principal and interest; that if necessary for payment of principal and interest, additional ad valorem taxes are required to be levied upon all taxable property in the City, without limitation as to rate or amount; and that the issuance of this Bond, together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Lake Elmo, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile signatures of the Mayor and City Administrator.

CITY OF LAKE ELMO, MINNESOTA

(Facsimile Signature-City Administrator)

(Facsimile Signature-Mayor)

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within

Dated _____

NORTHLAND TRUST SERVICES, INC.,
as Registrar

By _____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

TEN COM -- as tenants in common

UTMA as Custodian for
(Cust) (Minor)

TEN ENT -- as tenants by the entireties

under Uniform Transfers to Minors Act

(State)

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

Additional abbreviations may also be used.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

[end of form of bond]

SECTION 3. USE OF PROCEEDS. Upon payment for the Bonds by the Purchaser, the Registrar shall deposit the proceeds of the Bonds and certain amounts with respect to the Refunded Bonds in accordance with the Escrow Agreement dated as of November 1, 2010 (the "Escrow Agreement"), between the City and Northland Trust Services, Inc., as escrow agent (the "Escrow Agent"). The funds so deposited with respect to the refunding of the Refunded Bonds shall be invested in securities authorized for such purpose by Minnesota Statutes, Section 475.67, subdivision 8, maturing on such dates and bearing interest at such rates as are required to provide funds sufficient, with cash retained in the escrow account, to pay all interest to become due on the Bonds to and including the Crossover Date and to pay and redeem the outstanding principal of the Refunded Bonds on the Crossover Date (and the amounts in such account are irrevocably appropriated to such purposes). The Mayor and City Administrator are hereby authorized to enter into the Escrow Agreement with the Escrow Agent establishing the terms and conditions for the escrow account in accordance with Minnesota Statutes, Section 475.67.

SECTION 4. GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN REFUNDING BONDS, SERIES 2010B BOND FUND. The Bonds shall be payable from a separate General Obligation Capital Improvement Plan Refunding Bonds, Series 2010B Bond Fund (the "Bond Fund") of the City, which Bond Fund the City agrees to maintain until the Bonds have been paid in full. If the money in the Bond Fund should at any time be insufficient to pay principal and interest due on the Bonds, such amounts shall be paid from other moneys on hand in other funds of the City, which other funds shall be reimbursed therefor when sufficient money becomes available in the Bond Fund. The moneys on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds. Into the Bond Fund shall be paid: (a) the amounts appropriated thereto pursuant to the Escrow Agreement; (b) all receipts of principal and interest on the investments held in the escrow account established pursuant to Section 3 to and including the Crossover Date (other than the sum of \$2,845,000 received from maturing investments on the Crossover Date to be used to retire the Refunded Bonds); (c) all taxes collected pursuant to Section 5; and (d) any other funds appropriated by the Council for the payment of the Bonds.

SECTION 5. PLEDGE OF TAXING POWERS. For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively become due, the full faith, credit and unlimited taxing powers of the City shall be and are hereby irrevocably pledged. In order to produce aggregate amounts not less than 5% in excess of the amounts needed to meet when due the principal and interest payments on the Bonds, ad valorem taxes are hereby levied on all taxable property in the City, the taxes to be levied and collected in the following years and amounts:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
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See attached Schedule I

The taxes shall be irrevocable as long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the tax levies from other legally available funds, in accordance with the provisions of Minnesota Statutes, Section 475.61.

SECTION 6. BOND FUND BALANCE RESTRICTION. In order to ensure compliance with the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations thereunder (the "Regulations"), upon allocation of any funds to the Bond Fund, the balance then on hand in the Fund shall be ascertained. If it exceeds the amount of principal and interest on the Bonds to become due and payable through February 1 next following, plus a reasonable carryover equal to 1/12th of the debt service due in the following bond year, the excess shall (unless an opinion is otherwise received from bond counsel) be used to prepay the Bonds, or invested at a yield which does not exceed the yield on the Bonds calculated in accordance with Section 148 of the Code.

~~**SECTION 7. DEFEASANCE.**~~ When all of the Bonds have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the registered owners of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank or trust company qualified by law as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited, bearing interest payable at such time and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity, provided, however, that if such deposit is made more than ninety days before the maturity date of the Bonds to be discharged, the City shall have received a written opinion of Bond Counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates.

SECTION 8. TAX COVENANTS; ARBITRAGE MATTERS AND CONTINUING DISCLOSURE.

8.01. Covenant. The City covenants and agrees with the owners from time to time of the Bonds, that it will not take, or permit to be taken by any of its officers, employees or agents, any action which would cause the interest on the Bonds to become includable in gross income of the recipient under the Code and applicable Regulations, and covenants to take any and all affirmative actions within its powers to ensure that the interest on the Bonds will not become includable in gross income of the recipient under the Code and applicable Regulations. The City represents and covenants that all improvements financed from the proceeds of the Refunded Bonds are and will be owned and operated by the City and available for use by members of the general public on a substantially equal basis. The City has not and will not enter into any lease, management contract, operating agreement, use agreement or other contract relating to the use, operation or maintenance of the Project or any part thereof which would cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

8.02. Arbitrage Certification. The Mayor and City Administrator being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code and applicable Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and the applicable Regulations.

8.03. Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and the City hereby finds that the reasonably anticipated amount of tax-exempt governmental obligations which will be issued by the City and all subordinate entities during calendar year 2010 does not exceed \$30,000,000.

8.04. Arbitrage Rebate Exemption. For purposes of complying with the requirements of Section 148(f)(4)(D) of the Code relating to the exemption of certain small governmental units from the rebate requirements of the Code, the City represents that:

- (i) the City is a governmental unit with general taxing powers;
- (ii) the Refunded Bonds qualified for the exception from arbitrage rebate provided by Section 148(f)(4)(D)(i) of the Code;
- (iii) the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City in the calendar year in which the Bonds are to be issued is not reasonably expected to exceed \$5,000,000;
- (iv) the average maturity of the Bonds (_____ years) does not exceed the remaining average maturity of the Refunded Bonds (_____ years); and
- (v) no Bond has a maturity date which is later than 30 years after the date the Refunded Bonds were issued.

Therefore, pursuant to the provisions of Section 148(f)(4)(D) of the Code, the City shall not be required to comply with the arbitrage rebate requirements of paragraphs (2) and (3) of Section 148(f) of the Code.

If notwithstanding the provisions of the immediately preceding paragraph, the arbitrage rebate provisions of Section 148(f) of the Code apply to the Bonds, the City hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f) and applicable Regulations.

8.05. Redemption of Refunded Bonds. The City Administrator is hereby directed to advise Northland Trust Services, Inc., as paying agent for the Refunded Bonds, to call the Refunded Bonds for redemption and prepayment on the Crossover Date and to give notice of redemption in accordance with the resolution authorizing the issuance of the Refunded Bonds.

8.06. Continuing Disclosure.

(a) To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the Rule), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. The City has complied in all material respects with any undertaking previously entered into by it under the Rule. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

(1) on or before 365 days after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2010, the following financial information and operating data in respect of the City (the "Disclosure Information"):

(A) the audited financial statements of the City for such fiscal year, containing balance sheets as of the end of such fiscal year and a statement of operations, changes in fund balances and cash flows for the fiscal year then ended, showing in comparative form such figures for the preceding fiscal year of the City, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such

financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and

- (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under headings: Economic and Financial Information, Summary of Debt and Debt Statistics, General Information — “Major Employers” and “Building Permits.”

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been submitted to each of the repositories hereinafter referred to under subsection (c) or the SEC. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board (the “MSRB”). The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect, provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner, notice of the occurrence of any of the following events which is a Material Fact (as hereinafter defined):

- (A) Principal and interest payment delinquencies;
- (B) Non-payment related defaults;
- (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (E) Substitution of credit or liquidity providers, or their failure to perform;
- (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (G) Modifications to rights of security holders;
- (H) Bond calls;

- (I) Defeasances;
- (J) Release, substitution, or sale of property securing repayment of the securities;
and
- (K) Rating changes.

As used herein, a Material Fact is a fact as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, a Material Fact is also an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

(3) In a timely manner, notice of the occurrence of any of the following events or conditions:

- (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
- (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
- (C) the termination of the obligations of the City under this section pursuant to subsection (d);
- (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared;
and
- (E) any change in the fiscal year of the City.

(c) Manner of Disclosure. The City agrees to make available the information described in subsection (b) to the following entities by telecopy, overnight delivery, mail or other means, as appropriate:

- (1) the information described in paragraphs (1), (2) and (3) of subsection (b), to the MSRB through EMMA;
- (2) the information described in subsection (b), to any rating agency then maintaining a rating of the Bonds at the request of the City and, at the expense of such Bondowner, to any Bondowner who requests in writing such information, at the time of transmission under paragraph (1) of this subsection, or, if such information is transmitted with a subsequent time of release, at the time such information is to be released;
- (3) all documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.
- (2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

- (3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

SECTION 9. CERTIFICATION OF PROCEEDINGS.

9.01. Registration and Levy of Taxes. The City Administrator is hereby authorized and directed to file a certified copy of this resolution with the County Auditor of Washington County and obtain a certificate that the Bonds and the taxes levied pursuant hereto have been duly entered upon the Auditor's bond register.

9.02. Authentication of Transcript. The officers of the City and the County Auditor are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits and certificates, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

9.03. Official Statement. The Preliminary Official Statement relating to the Bonds, dated October 13, 2010, prepared and distributed by Northland Securities, Inc., is hereby approved. Northland Securities, Inc. is hereby authorized on behalf of the City to prepare and deliver within seven business days from the date hereof a final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

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

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

SCHEDULE I

LEVY CALCULATION

Levy Year	Collect Year	Levy

CERTIFICATE OF COUNTY AUDITOR
AS TO REGISTRATION AND TAX LEVY

The undersigned, being the duly qualified and acting Washington County Auditor, hereby certifies that there has been filed in my office a certified copy of a resolution duly adopted on October 19, 2010, by the City Council of the City of Lake Elmo, Minnesota, setting forth the form and details of an issue of \$1,975,000 General Obligation Capital Improvement Plan Refunding Bonds, Series 2010B, dated as of November 15, 2010, and levying taxes for the payment thereof.

I further certify that the issue has been entered on my bond register and the tax required by law for their payment has been levied and filed as required by Minnesota Statutes, Sections 475.61 to 475.63.

WITNESS my hand and official seal this _____ day of _____, 2010.

County Auditor

(SEAL)

FINANCE PLAN SUMMARY

City of Lake Elmo, Minnesota

\$1,975,000

General Obligation Capital Improvement Plan Refunding
Bonds, Series 2010B

Prepared by:

NORTHLAND  SECURITIES

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

October 13, 2010

City of Lake Elmo, Minnesota

\$1,975,000

General Obligation Capital Improvement Plan Refunding Bonds,
Series 2010B

Financing Overview:

Proceeds from this bond issue, together with approximately \$1,000,000 of debt service funds on hand, will be used to crossover refund on February 1, 2013 the February 1, 2014 through 2025 maturities of the City's GO Capital Improvement Plan Bonds, Series 2004A to achieve interest cost savings for the City. A detailed illustration of the sources and uses of funds is as follows:

Refunding Summary

Dated 11/15/2010 | Delivered 11/30/2010

Sources Of Funds

Par Amount of Bonds	\$1,975,000.00
Transfers from Prior Issue Debt Service Funds	1,000,000.00
Accrued Interest from 11/15/2010 to 11/30/2010	1,908.75
Total Sources	\$2,976,908.75

Uses Of Funds

Deposit to Crossover Escrow Fund	2,925,006.02
Total Underwriter's Discount (1.850%)	36,537.50
Costs of Issuance	14,195.00
Rounding Amount	1,170.23
Total Uses	\$2,976,908.75

The debt service comparison of the 2004A debt service to the new 2010B debt service is illustrated as Exhibit A. This is a "crossover" refunding so the City will continue to make the principal and interest payments on the Series 2004A Bonds thru February 1, 2013 at which time the City will crossover and start making payments on the Series 2010B Bonds. The escrow account set up to will the 2010B bond proceeds will make all the interest payments on the 2010B Bonds through February 1, 2013. The City will began making principal and interest payments on the 2010B Bond on August 1, 2013 and thereafter. The interest estimate on the Series 2010B Bonds is based on an assumed average rate of 2.35%. The principal payment structure is based on level savings over the life of the issue. The City expects to fund debt service from property tax collections.

Contribution of Funds - as mentioned above, the City will contribute approximately \$1,000,000 of an available \$1,750,000 of debt service funds and excess bond proceeds to reduce

the amount of the new refunding bonds. The \$1,000,000 contribution was determined after diligent discussions with City staff and the City's bond lawyer. Of the remaining balance of \$750,000 of available funds, \$285,000 will be programmed for capital projects related to City hall and public works facilities, \$200,000 will be use to reduce future debt service levies on the 2004 Bonds and \$265,000 will be used for debt service cash flow.

Related Considerations:

- Bank Qualified - We understand the City (in combination with any subordinate taxing jurisdictions or debt issued in the City's name by 501c3 corporations) does not anticipate issuing more than a total of \$30,000,000 in tax-exempt debt during this calendar year. Therefore the bonds will be designated as "bank qualified" obligations pursuant to Federal Tax Law if the Bonds are sold as Tax Exempt securities.
- Arbitrage and Rebate - We understand the City anticipates issuing \$5,000,000 or less in tax-exempt bonds in calendar year 2010 and therefore any arbitrage earnings in the construction fund will be exempt from rebate.

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

- The Bonds will be *global book entry with a bank designated as the paying agent*. As "paperless" bonds, you will avoid the costs of bond printing and annual registrar charges. The Paying Agent will invoice you for the interest semiannually and on an annual basis for the principal coming due. You will be charged only for paying agent/transfer agent services provided by the bank. This cost of services has been capitalized into the bond issue.
- Because the City's outstanding debt is more than \$10.0M it is subject to full disclosure requirements of the Securities and Exchange Commission. Northland can assist the City in complying with these requirements.

Summary of Recommended Terms:

1. Type of Bond Sale Negotiated with Northland Securities
2. Bond Pricing Wednesday, October 13, 2010
3. Council Consideration Tuesday, October 18, 2010 at 7:00 p.m.
4. Statutory Authority The Bonds are being issued pursuant to Minnesota Statutes 429 and 475.
4. Repayment Term The Bonds will mature annually each February 1, 2014 - 2025. The escrow account set up with the 2010B bond proceeds will make all the interest payments on the 2010B Bonds through February 1, 2013. The City will began making principal and interest payments on the 2010B Bond on August 1, 2013 and thereafter.
5. Security General obligation pledge of the City. The City expects to fund debt service from property tax collections.
6. Prepayment Feature The Bonds maturing February 1, 2020 - 2025 will be subject to prepayment on February 1, 2019 at a price of par plus accrued interest.
7. Tax Status Dorsey & Whitney, LLP
8. Credit Rating The City's general obligation debt is currently rated AA by Standard & Poor's and Aa2 by Moody's Investors Service. We recommend pursuing a single credit rating by Moody's Investors Service because it will be the most cost effective option.

EXHIBIT A

Debt Service Comparison

Date	Total P+I	PCF	Existing D/S	Net New D/S	Old Net D/S	Savings
02/01/2011	-	-	237,268.75	236,098.54	(762,731.25)	(998,829.79)
02/01/2012	55,481.00	(55,481.00)	304,267.50	304,267.50	304,267.50	-
02/01/2013	45,810.00	(2,890,810.00)	3,153,492.50	308,492.50	308,492.50	-
02/01/2014	180,810.00	-	-	180,810.00	307,110.00	126,300.00
02/01/2015	194,392.50	-	-	194,392.50	305,365.00	110,972.50
02/01/2016	192,442.50	-	-	192,442.50	308,150.00	115,707.50
02/01/2017	195,042.50	-	-	195,042.50	305,360.00	110,317.50
02/01/2018	197,175.00	-	-	197,175.00	307,170.00	109,995.00
02/01/2019	193,895.00	-	-	193,895.00	308,370.00	114,475.00
02/01/2020	195,295.00	-	-	195,295.00	308,940.00	113,645.00
02/01/2021	196,252.50	-	-	196,252.50	308,860.00	112,607.50
02/01/2022	196,747.50	-	-	196,747.50	308,360.00	111,612.50
02/01/2023	196,847.50	-	-	196,847.50	307,180.00	110,332.50
02/01/2024	196,627.50	-	-	196,627.50	305,300.00	108,872.50
02/01/2025	195,985.00	-	-	195,985.00	307,980.00	111,995.00
Total	\$2,432,803.50	(2,946,291.00)	\$3,695,028.75	\$3,180,371.04	\$3,538,173.75	\$357,802.71

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings.....	1,196,362.53
Net PV Cashflow Savings @ 1.500%(User Defined)...	1,196,362.53
Transfers from Prior Issue Debt Service Fund.....	(1,000,000.00)
Contingency or Rounding Amount.....	1,170.21
Net Present Value Benefit	\$197,532.74
 Net PV Benefit / \$2,977,322.78 PV Refunded Debt Service	 6.635%

EXHIBIT B

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/15/2010	-	-	-	-	-
08/01/2011	-	-	44,848.00	44,848.00	-
02/01/2012	-	-	31,533.75	31,533.75	76,381.75
08/01/2012	-	-	31,533.75	31,533.75	-
02/01/2013	-	-	31,533.75	31,533.75	63,067.50
08/01/2013	-	-	31,533.75	31,533.75	-
02/01/2014	230,000.00	0.750%	31,533.75	261,533.75	293,067.50
08/01/2014	-	-	30,671.25	30,671.25	-
02/01/2015	230,000.00	1.050%	30,671.25	260,671.25	291,342.50
08/01/2015	-	-	29,463.75	29,463.75	-
02/01/2016	235,000.00	1.400%	29,463.75	264,463.75	293,927.50
08/01/2016	-	-	27,818.75	27,818.75	-
02/01/2017	235,000.00	1.650%	27,818.75	262,818.75	290,637.50
08/01/2017	-	-	25,880.00	25,880.00	-
02/01/2018	240,000.00	1.850%	25,880.00	265,880.00	291,760.00
08/01/2018	-	-	23,660.00	23,660.00	-
02/01/2019	245,000.00	2.050%	23,660.00	268,660.00	292,320.00
08/01/2019	-	-	21,148.75	21,148.75	-
02/01/2020	250,000.00	2.250%	21,148.75	271,148.75	292,297.50
08/01/2020	-	-	18,336.25	18,336.25	-
02/01/2021	255,000.00	2.450%	18,336.25	273,336.25	291,672.50
08/01/2021	-	-	15,212.50	15,212.50	-
02/01/2022	265,000.00	2.600%	15,212.50	280,212.50	295,425.00
08/01/2022	-	-	11,767.50	11,767.50	-
02/01/2023	270,000.00	2.700%	11,767.50	281,767.50	293,535.00
08/01/2023	-	-	8,122.50	8,122.50	-
02/01/2024	275,000.00	2.850%	8,122.50	283,122.50	291,245.00
08/01/2024	-	-	4,203.75	4,203.75	-
02/01/2025	285,000.00	2.950%	4,203.75	289,203.75	293,407.50
Total	\$3,015,000.00	-	\$635,086.75	\$3,650,086.75	-

Dated	11/15/2010
Delivery Date	11/15/2010
First Coupon Date	8/01/2011
First available call date	02/01/2019
Call Price	100.00%
Average Coupon	2.3529139%
Net Interest Cost (NIC)	2.5344294%
True Interest Cost (TIC)	2.5377646%



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/10
REGULAR
ITEM: 10
MOTION Resolution 2010-056

AGENDA ITEM: A Resolution Authorizing the City to Participate in the Minnesota Blue Star Award Program

SUBMITTED BY: Ryan Stempki, Assistant City Engineer

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

REVIEWED BY: Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested 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 protecting water quality through stormwater management. The recommended motion to act on this is as follows:

“Move to Approve Resolution No. 2010-056 authorizing the City of Lake Elmo to Participate in the Minnesota Blue Star Award Program.”

BACKGROUND INFORMATION: The Minnesota Blue Star Award Program is awarded to cities and townships that excel in protecting water quality by effective stormwater management practices and policies. Becoming a Blue Star City will give positive public recognition for each City that receives the honor. The program is available to all communities who volunteer to take the online self-assessment which will evaluate the City's current stormwater management policies and performance.

STAFF REPORT: As a MS4 community, Lake Elmo would have to earn at least 60% of the possible points to become a Blue Star City. Once a City becomes Blue Star they will retain that status for a period of three years then will have an opportunity to retake the assessment to maintain their status.

As a Blue Star community, Lake Elmo would be granted access to numerous resources for community outreach, and receive publicity in local newsletters, articles and press releases. There are no annual fees or costs associated in taking the assessment or in receiving the award.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council authorize City Staff to participate in the Minnesota Blue Star Award Program. The recommended motion is to:

“Move to Approve Resolution No. 2010-056 authorizing the City of Lake Elmo to Participate in the Minnesota Blue Star Award Program.”

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

“Move to Approve Resolution No. 2010-056 authorizing the City of Lake Elmo to Participate in the Minnesota Blue Star Award Program [as amended at tonight’s meeting].”

ATTACHMENTS:

1. Resolution No. 2010-056

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2010-056

**A RESOLUTION AUTHORIZING THE CITY OF LAKE ELMO TO
PARTICIPATE IN THE MINNESOTA BLUE STAR AWARD PROGRAM**

WHEREAS, Lake Elmo wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, the Community of Lake Elmo has already made significant efforts to improve water quality and address stormwater runoff pollution by implementation of stormwater best management practices throughout the City, such as the City's rain water garden program and stormwater management ordinance; and

WHEREAS, the degradation of water quality has the potential to negatively impact local, regional and state economies; habitat; ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo does hereby authorize the City of Lake Elmo (the "Community") to participate in the Minnesota Blue Star Award program. Be it further resolved that the Community:

- 1. Appoints TKDA to serve as the Community's Blue Star Award coordinator to facilitate program implementation; and*
- 2. Will facilitate the involvement of community members and other units of government as appropriate in implementation of the Blue Star Assessment; and*
- 3. Plans to take actions to register the Community through the Blue Star Award Program website and conduct the Blue Star Award Program voluntary self assessment and*
- 4. Will, in the event that the community's score is sufficient to earn the Blue Star Award, claim credit for earning the Minnesota Blue Star Award for excellence in community stormwater management. A notice of the Community's status as a Minnesota Blue Star Award winning Community will be posted on the Blue Star Award Program web site.*

Date: October 19, 2010

CITY OF LAKE ELMO

By: _____

Dean A. Johnston

Mayor

ATTEST:

Bruce A. Messelt
City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 7/20/2010
REGULAR
ITEM #: 11
DISCUSSION

AGENDA ITEM: Review of 3rd Quarter of 2010 General Fund Budget (Unaudited)
SUBMITTED BY: Joe Rigdon, Financial Consultant
THROUGH: Bruce Messelt, City Administrator *BAM*
REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: 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, as appropriate, any findings or trends identified therein.

No specific action or motion is recommended at tonight's meeting. However, should the Council feel so moved to undertake specific action, the Council motion and should be to:

Move to revise the 2010 Budget and to begin preparation of the final 2011 Budget [as agreed to at tonight's meeting].

BACKGROUND INFORMATION: The City of Lake Elmo has both the legal and fiduciary responsibility under Minnesota State Statute to actively manage its annual Budget and Capital Improvement Program (CIP). Tonight's presentation is part of Lake Elmo's quarterly review of major budget issues and activities.

STAFF REPORT: City staff has completed the "closing of the books" for the 3rd Quarter of 2010 and, in particular, the General Fund (attached). While unaudited at this time, staff has a high degree of confidence in the material provided and would like to brief the City Council on the major identified findings and trends. A summary of Staff's findings is attached, along with the detailed report.

RECOMMENDATION: It is recommended that the City Council receive an update on the now-closed 3rd Quarter of the 2010 General Fund (unaudited) and discuss, as appropriate, any potential implications for the 2010 Budget and final preparation of the 2011 Budget.

No specific action or motion is recommended at tonight's meeting. However, should the Council feel so moved to undertake specific action, the Council motion and should be to:

Move to revise the 2010 Budget and to continue preparation of the final 2011 Budget [as agreed to at tonight's meeting].

Alternatively, the City Council does have the authority to discuss and adjust the 2010 Budget, either tonight or during subsequent action, and to direct the City staff accordingly with respect to execution of the 2010 budget and preparation of the 2011 draft budget.

ATTACHMENTS:

1. Staff Report on 3rd Quarter 2010 General Fund (Unaudited)
2. Detailed Report on 3rd quarter 2010 General Fund (Unaudited)

SUGGESTED ORDER OF BUSINESS:

- Introduction..... Bruce Messelt, City Administrator
- Staff Report/Presentation..... Joe Rigdon, Financial Consultant
Tom Bouthilet, Finance Director
- Questions from Council to Staff..... Mayor Facilitates
- Discussion..... Mayor & City Council
- Action or Motion, if Appropriate..... Mayor Facilitates

Memorandum

To: City of Lake Elmo City Council

From: Joe Rigdon, KDV

Date: October 12, 2010

Re: General Fund Revenues/Expenditures through 3rd Quarter 2010 (Unaudited)

The attached report details year-to-date City of Lake Elmo General Fund revenues and expenditures through September 30, 2010 (unaudited). Highlights are as follows:

Revenues:

- Taxes and franchise fees at 50.3% of budget, as projected (2nd half taxes will be received in 12/10)
- Building permits through September 30, 2010 amounted to \$116,934 (116.9% of budget), as compared to \$95,222 through September 30, 2009.
- Plan check fees through September 30, 2010 amounted to \$43,610 (136.3% of budget), as compared to \$22,129 through September 30, 2009.
- Miscellaneous revenues totaled \$7,722 through September 30, 2010, as compared to \$33,297 through September 30, 2009. The decrease is due to one-time reimbursements received from Northern Natural Gas for use of City property in 2009.
- Total revenues were \$1,596,138 (56.0% of budget) through September 30, 2010, increasing 4.7% from \$1,524,975 through September 30, 2009.

Expenditures:

- General government expenditures totaled \$670,302 (69.1% of budget) through September 30, 2010, decreasing 0.6% from \$674,223 through September 30, 2009.
- Public safety expenditures totaled \$597,561 (55.9% of budget) through September 30, 2010, increasing 87.7% from \$318,421 through September 30, 2009. Total public safety expenditures through third quarter 2009 were substantially lower due to no 2009 police contract invoices received or paid until fourth quarter 2009.
- Public works expenditures totaled \$309,864 (62.1% of budget) through September 30, 2010, increasing 2.8% from \$301,293 through September 30, 2009.
- Parks and recreation expenditures totaled \$123,180 (64.5% of budget) through September 30, 2010, decreasing 6.8% from \$132,177 through September 30, 2009.

- Total expenditures and transfers out were \$1,827,757 (64.2% of budget) through September 30, 2010, increasing 27.5% from \$1,433,613 through September 30, 2009. This increase of \$394,144 is largely attributable to timing of payment of the City's police contract and budgeted transfers out to other funds.

Quarterly Report

Quarterly Report
10/12/2010
4:02 PM
Periods 01 to 09
Fiscal Year 2010 to 2010

Account Number	Description	2010 Budget	2010 Year-to-Date (09/30/10)	2010 Percentage of Budget	2009 Year-to-Date (09/30/09)
101	General Fund				
	Revenue				
000	General				
0000	General				
101-000-0000-31010	Current Ad Valorem Taxes	-\$2,381,871.00	-\$1,072,260.21	45.0%	-\$1,012,176.94
101-000-0000-31020	Delinquent Ad Valorem Taxes	\$0.00	-\$35,192.29	0.0%	-\$26,175.52
101-000-0000-31030	Mobile Home Tax	-\$8,000.00	-\$1,589.69	19.9%	-\$3,648.62
101-000-0000-31040	Fiscal Disparties	\$0.00	-\$90,492.96	0.0%	-\$88,327.09
101-000-0000-31910	Penalty & Interest on Taxes	\$0.00	-\$2,855.85	0.0%	-\$97.99
101-000-0000-32110	Liquor License	-\$7,200.00	-\$1,725.00	24.0%	\$0.00
101-000-0000-32180	Wastehauler License	-\$1,000.00	-\$230.00	23.0%	-\$1,365.00
101-000-0000-32181	General Contractor License	-\$1,800.00	-\$3,530.00	196.1%	-\$2,605.00
101-000-0000-32183	Heating Contractor License	-\$200.00	\$0.00	0.0%	-\$60.00
101-000-0000-32184	Blacktopping Contractor Licens	-\$60.00	\$0.00	0.0%	\$0.00
101-000-0000-32210	Building Permits	-\$100,000.00	-\$116,934.34	116.9%	-\$95,222.31
101-000-0000-32220	Heating Permits	-\$3,000.00	-\$7,084.50	236.2%	-\$7,861.60
101-000-0000-32230	Plumbing Permits	-\$3,000.00	-\$5,481.00	182.7%	-\$4,050.00
101-000-0000-32231	Sewer Permits	-\$500.00	-\$561.00	112.2%	-\$370.50
101-000-0000-32240	Animal License	-\$2,000.00	-\$2,865.00	143.3%	-\$1,881.00
101-000-0000-32250	Utility Permits	-\$6,000.00	-\$5,052.34	84.2%	-\$14,309.50
101-000-0000-32260	Burning Permit	-\$1,000.00	-\$1,310.00	131.0%	-\$755.00
101-000-0000-33418	MSA - Maintenance	-\$68,500.00	-\$77,347.00	112.9%	-\$88,797.24
101-000-0000-33420	State Fire Aid	-\$40,000.00	\$0.00	0.0%	-\$1,690.00
101-000-0000-33422	PERA Aid	-\$2,750.00	-\$1,374.50	50.0%	-\$1,374.50
101-000-0000-33426	Miscellaneous State Grants	\$0.00	\$0.00	0.0%	-\$15,953.53
101-000-0000-33620	Gravel Tax	-\$3,100.00	-\$439.24	14.2%	-\$2,266.85
101-000-0000-33621	Recycling Grant	-\$15,000.00	-\$15,588.00	103.9%	-\$15,476.00
101-000-0000-33622	Cable Franchise Revenue	-\$35,000.00	-\$35,366.96	101.0%	-\$34,916.22
101-000-0000-34103	Zoning & Subdivision Fees	-\$1,000.00	-\$7,180.00	718.0%	-\$3,625.00
101-000-0000-34104	Plan Check Fees	-\$32,000.00	-\$43,610.21	136.3%	-\$22,128.59
101-000-0000-34105	Sale of Copies, Books, Maps	-\$300.00	-\$80.80	26.9%	-\$130.42
101-000-0000-34107	Assessment Searches	-\$200.00	-\$450.00	225.0%	-\$270.00
101-000-0000-34109	Clean Up Days	-\$4,000.00	-\$3,425.00	85.6%	-\$4,367.00
101-000-0000-34111	Cable Operation Reimbursement	-\$2,400.00	-\$1,683.12	70.1%	-\$1,433.36
101-000-0000-35100	Fines	-\$52,000.00	-\$46,685.44	89.8%	-\$33,297.13
101-000-0000-36200	Miscellaneous Revenue	-\$17,130.00	-\$7,721.51	45.1%	-\$31,843.09
101-000-0000-36210	Interest Earnings	-\$60,000.00	\$0.00	0.0%	\$0.00
101-000-0000-36230	Donations	\$0.00	-\$8,022.46	0.0%	-\$8,500.00
0000	General	-\$2,849,011.00	-\$1,596,138.42	56.0%	-\$1,524,975.00
000	General	-\$2,849,011.00	-\$1,596,138.42	56.0%	-\$1,524,975.00
	Revenue	-\$2,849,011.00	-\$1,596,138.42	56.0%	-\$1,524,975.00
	Expense				
410	General Government				
1110	Mayor & Council				
101-410-1110-41030	Part-time Salaries	\$16,435.00	\$8,217.50	50.0%	\$8,217.50
101-410-1110-41220	FICA Contributions	\$1,019.00	\$509.49	50.0%	\$509.49
101-410-1110-41230	Medicare Contributions	\$238.00	\$119.14	50.1%	\$119.14
101-410-1110-43310	Mileage	\$1,000.00	\$0.00	0.0%	\$0.00

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Account Number	Description	2010 Budget	2010 Year-to-Date (09/30/10)	2010 Percentage of Budget	2009 Year-to-Date (09/30/09)
101-410-1110-44300	Miscellaneous	\$2,000.00	\$3,091.59	154.6%	\$3,039.12
101-410-1110-44330	Dues & Subscriptions	\$9,800.00	\$3,987.00	40.7%	\$9,939.00
101-410-1110-44370	Conferences & Training	\$3,500.00	\$1,575.56	45.0%	\$1,397.00
1110	Mayor & Council	\$33,992.00	\$17,500.28	51.5%	\$23,221.25
1320	Administration				
101-410-1320-41010	Full-time Salaries	\$220,753.00	\$150,730.97	68.3%	\$147,328.33
101-410-1320-41210	PERA Contributions	\$15,453.00	\$5,555.93	36.0%	\$9,944.73
101-410-1320-41215	ICMA Employer Contribution	\$0.00	\$4,837.56	0.0%	\$0.00
101-410-1320-41220	FICA Contributions	\$13,687.00	\$9,211.08	67.3%	\$9,087.46
101-410-1320-41230	Medicare Contributions	\$3,201.00	\$2,154.22	67.3%	\$2,125.38
101-410-1320-41300	Health/Dental Insurance	\$36,680.00	\$28,488.76	77.7%	\$15,810.88
101-410-1320-41510	Workers Compensation	\$1,741.00	\$1,921.00	110.3%	\$1,843.21
101-410-1320-42000	Office Supplies	\$8,000.00	\$2,866.26	35.8%	\$3,469.09
101-410-1320-42030	Printed Forms	\$0.00	\$457.56	0.0%	\$347.93
101-410-1320-43040	Legal Services	\$60,000.00	\$36,818.79	61.4%	\$32,183.39
101-410-1320-43100	Assessing Services	\$45,500.00	\$22,326.00	49.1%	\$22,896.16
101-410-1320-43220	Postage	\$7,000.00	\$2,500.00	35.7%	\$2,000.00
101-410-1320-43310	Mileage	\$3,500.00	\$1,390.50	39.7%	\$259.80
101-410-1320-43510	Legal Publishing	\$0.00	\$0.00	0.0%	\$103.06
101-410-1320-43610	Insurance	\$39,500.00	\$38,563.04	97.6%	\$38,800.50
101-410-1320-44300	Miscellaneous	\$6,000.00	\$889.08	14.8%	\$3,600.00
101-410-1320-44330	Dues & Subscriptions	\$4,000.00	\$2,270.00	56.8%	\$1,042.19
101-410-1320-44370	Conferences & Training	\$3,500.00	\$2,573.05	73.5%	\$345.93
101-410-1320-44380	Staff Development	\$1,000.00	\$125.00	12.5%	\$0.00
1320	Administration	\$469,515.00	\$313,678.80	66.8%	\$291,188.04
1410	Elections				
101-410-1410-41030	Part-time Salaries	\$10,000.00	\$0.00	0.0%	\$0.00
101-410-1410-42000	Office Supplies	\$250.00	\$55.68	22.3%	\$0.00
101-410-1410-42030	Printed Forms	\$350.00	\$0.00	0.0%	\$0.00
101-410-1410-44300	Miscellaneous	\$1,350.00	\$1,457.98	108.0%	\$940.00
1410	Elections	\$11,950.00	\$1,513.66	12.7%	\$940.00
1450	Communications				
101-410-1450-41010	Full-time Salaries	\$10,920.00	\$4,648.02	42.6%	\$6,043.01
101-410-1450-41210	PERA Contributions	\$764.00	\$325.08	42.5%	\$407.88
101-410-1450-41220	FICA Contributions	\$677.00	\$288.17	42.6%	\$374.64
101-410-1450-41230	Medicare Contributions	\$158.00	\$67.37	42.6%	\$87.60
101-410-1450-41510	Workers Compensation	\$398.00	\$430.00	108.0%	\$649.12
101-410-1450-43090	Newsletter	\$5,400.00	\$3,739.38	69.2%	\$5,013.06
101-410-1450-43180	Information Technology/Web	\$29,000.00	\$21,942.23	75.7%	\$20,638.31
101-410-1450-43510	Public Notices	\$4,000.00	\$866.18	21.7%	\$475.84
101-410-1450-43620	Cable Operations	\$4,000.00	\$2,537.04	63.4%	\$2,182.88
101-410-1450-44040	Repairs/Maint Eqpt	\$0.00	\$2,932.33	0.0%	\$0.00
1450	Communications	\$55,317.00	\$37,775.80	68.3%	\$35,872.34
1520	Finance				
101-410-1520-41010	Full-time Salaries	\$34,060.00	\$24,366.00	71.5%	\$24,497.00
101-410-1520-41210	PERA Contributions	\$2,384.00	\$1,703.65	71.5%	\$1,653.54
101-410-1520-41220	FICA Contributions	\$2,112.00	\$1,500.93	71.1%	\$1,509.42
101-410-1520-41230	Medicare Contributions	\$494.00	\$351.05	71.1%	\$352.93
101-410-1520-41300	Health/Dental Insurance	\$3,915.00	\$3,161.22	80.7%	\$3,389.05

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101-410-1520-41510	Workers Compensation	\$161.00	\$176.00	109.3%	\$151.66
101-410-1520-42000	Office Supplies	\$500.00	\$0.00	0.0%	\$0.00
101-410-1520-43010	Audit Services	\$29,500.00	\$28,935.00	98.1%	\$27,920.00
101-410-1520-43150	Contract Services	\$30,000.00	\$56,313.75	187.7%	\$47,098.51
101-410-1520-43310	Mileage	\$250.00	\$0.00	0.0%	\$0.00
101-410-1520-44300	Miscellaneous	\$2,000.00	\$2,676.47	133.8%	\$2,942.06
101-410-1520-44330	Dues & Subscriptions	\$100.00	\$0.00	0.0%	\$0.00
101-410-1520-44350	Books	\$100.00	\$0.00	0.0%	\$0.00
101-410-1520-44370	Conferences & Training	\$300.00	\$0.00	0.0%	\$0.00
1520	Finance	\$105,876.00	\$119,184.07	112.6%	\$109,514.17
1910	Planning & Zoning				
101-410-1910-41010	Full-time Salaries	\$102,265.00	\$70,512.36	69.0%	\$73,987.48
101-410-1910-41210	PERA Contributions	\$7,159.00	\$4,746.75	66.3%	\$4,977.26
101-410-1910-41220	FICA Contributions	\$6,340.00	\$4,191.00	66.1%	\$4,394.97
101-410-1910-41230	Medicare Contributions	\$1,483.00	\$980.06	66.1%	\$1,027.81
101-410-1910-41300	Health/Dental Insurance	\$25,138.00	\$16,479.35	65.6%	\$17,715.38
101-410-1910-41510	Workers Compensation	\$485.00	\$526.00	108.5%	\$484.97
101-410-1910-42000	Office Supplies	\$2,000.00	\$87.53	4.4%	\$84.13
101-410-1910-42030	Printed Forms	\$0.00	\$239.26	0.0%	\$0.00
101-410-1910-43020	Comprehensive Planning	\$15,000.00	\$526.52	3.5%	\$2,185.60
101-410-1910-43030	Engineering Services	\$10,000.00	\$17,498.13	175.0%	\$22,006.18
101-410-1910-43040	Legal Services	\$0.00	\$0.00	0.0%	\$1,177.13
101-410-1910-43150	Contract Services	\$10,000.00	\$2,595.10	26.0%	\$21,268.40
101-410-1910-43310	Mileage	\$500.00	\$0.00	0.0%	\$0.00
101-410-1910-44300	Miscellaneous	\$500.00	\$65.26	13.1%	\$76.70
101-410-1910-44330	Dues & Subscriptions	\$500.00	\$495.00	99.0%	\$305.00
101-410-1910-44350	Books	\$250.00	\$0.00	0.0%	\$211.96
101-410-1910-44370	Conferences & Training	\$1,000.00	\$801.00	80.1%	\$1,270.00
1910	Planning & Zoning	\$182,620.00	\$119,743.32	65.6%	\$151,172.97
1930	Engineering Services				
101-410-1930-43030	Engineering Services	\$70,000.00	\$35,616.53	50.9%	\$36,428.53
1930	Engineering Services	\$70,000.00	\$35,616.53	50.9%	\$36,428.53
1940	City Hall				
101-410-1940-42110	Cleaning Supplies	\$550.00	\$507.74	92.3%	\$390.47
101-410-1940-42230	Building Repair Supplies	\$1,000.00	\$159.98	16.0%	\$0.00
101-410-1940-43210	Telephone	\$8,400.00	\$5,569.40	66.3%	\$5,527.08
101-410-1940-43810	Electric Utility	\$12,500.00	\$5,464.40	43.7%	\$7,474.86
101-410-1940-43840	Refuse	\$1,300.00	\$829.28	63.8%	\$829.28
101-410-1940-44010	Repairs/Maint Contractual Bldg	\$11,000.00	\$10,650.77	96.8%	\$9,592.28
101-410-1940-44040	Repairs/Maint Contractual Eqpt	\$5,000.00	\$1,437.99	28.8%	\$1,917.45
101-410-1940-44300	Miscellaneous	\$1,000.00	\$669.64	67.0%	\$154.21
1940	City Hall	\$40,750.00	\$25,289.20	62.1%	\$25,885.63
410	General Government	\$970,020.00	\$670,301.66	69.1%	\$674,222.93
420	Public Safety				
2100	Police				
101-420-2100-43150	Law Enforcement Contract	\$474,935.00	\$239,391.53	50.4%	\$0.00
2100	Police	\$474,935.00	\$239,391.53	50.4%	\$0.00

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2150	Prosecution				
101-420-2150-43045	Attorney Criminal	\$51,000.00	\$33,370.72	65.4%	\$30,718.80
2150	Prosecution	\$51,000.00	\$33,370.72	65.4%	\$30,718.80
2220	Fire				
101-420-2220-41010	Full-time Salaries	\$63,803.00	\$45,264.48	70.9%	\$45,764.18
101-420-2220-41030	Part-time Salaries	\$110,000.00	\$40,040.56	36.4%	\$43,185.31
101-420-2220-41210	PERA Contributions	\$8,669.00	\$6,186.55	71.4%	\$6,476.16
101-420-2220-41220	FICA Contributions	\$7,106.00	\$2,656.79	37.4%	\$2,859.46
101-420-2220-41230	Medicare Contributions	\$2,520.00	\$1,212.66	48.1%	\$1,264.05
101-420-2220-41300	Health/Dental Insurance	\$15,855.00	\$12,279.18	77.4%	\$12,086.03
101-420-2220-41420	Unemployment Benefits	\$0.00	\$0.00	0.0%	\$552.24
101-420-2220-41510	Workers Compensation	\$10,575.00	\$12,472.00	117.9%	\$10,306.81
101-420-2220-42000	Office Supplies	\$1,500.00	\$373.15	24.9%	\$419.78
101-420-2220-42080	EMS Supplies	\$1,200.00	\$0.00	0.0%	\$1,054.56
101-420-2220-42090	Fire Prevention	\$3,000.00	\$2,274.47	75.8%	\$96.80
101-420-2220-42120	Fuel, Oil and Fluids	\$11,500.00	\$6,889.23	59.9%	\$7,492.74
101-420-2220-42210	Equipment Parts	\$0.00	\$0.00	0.0%	\$390.00
101-420-2220-42400	Small Tools & Equipment	\$10,000.00	\$5,525.73	55.3%	\$3,728.76
101-420-2220-43050	Physicals	\$7,550.00	\$5,063.69	67.1%	\$3,443.00
101-420-2220-43210	Telephone	\$5,100.00	\$3,079.50	60.4%	\$3,017.62
101-420-2220-43230	Radio	\$19,920.00	\$8,035.18	40.3%	\$8,406.85
101-420-2220-43310	Mileage	\$600.00	\$670.07	111.7%	\$0.00
101-420-2220-43630	Vehicle Insurance	\$15,475.00	\$13,980.20	90.3%	\$14,472.00
101-420-2220-43810	Electric Utility	\$13,900.00	\$7,028.48	50.6%	\$6,652.09
101-420-2220-43840	Refuse	\$1,000.00	\$364.96	36.5%	\$364.96
101-420-2220-44010	Repairs/Maint Bldg	\$10,000.00	\$23,061.30	230.6%	\$6,590.51
101-420-2220-44040	Repairs/Maint Eqpt	\$26,907.00	\$18,751.85	69.7%	\$13,263.43
101-420-2220-44170	Uniforms	\$5,600.00	\$1,223.28	21.8%	\$1,450.02
101-420-2220-44300	Miscellaneous	\$2,800.00	\$2,473.91	88.4%	\$10,158.91
101-420-2220-44330	Dues & Subscriptions	\$2,200.00	\$1,619.00	73.6%	\$2,698.56
101-420-2220-44350	Books	\$850.00	\$758.66	89.3%	\$1,256.24
101-420-2220-44370	Conferences & Training	\$20,225.00	\$12,046.46	59.6%	\$11,514.13
2220	Fire	\$377,855.00	\$233,331.34	61.8%	\$218,965.20
2250	Fire Relief				
101-420-2250-44920	Fire State Aid	\$40,000.00	\$0.00	0.0%	\$1,690.00
101-420-2250-44925	City Contribution	\$17,864.00	\$1,000.00	5.6%	\$0.00
2250	Fire Relief	\$57,864.00	\$1,000.00	1.7%	\$1,690.00
2400	Building Inspection				
101-420-2400-41010	Full-time Salaries	\$59,740.00	\$41,315.84	69.2%	\$41,741.06
101-420-2400-41210	PERA Contributions	\$4,182.00	\$2,888.69	69.1%	\$2,814.18
101-420-2400-41220	FICA Contributions	\$3,704.00	\$2,517.98	68.0%	\$2,545.75
101-420-2400-41230	Medicare Contributions	\$866.00	\$588.90	68.0%	\$595.32
101-420-2400-41300	Health/Dental Insurance	\$9,015.00	\$6,684.35	74.1%	\$6,385.69
101-420-2400-41510	Workers Compensation	\$2,143.00	\$2,319.00	108.2%	\$5,133.82
101-420-2400-42000	Office Supplies	\$300.00	\$0.00	0.0%	\$0.00
101-420-2400-42030	Printed Forms	\$300.00	\$0.00	0.0%	\$0.00
101-420-2400-42120	Fuel, Oil and Fluids	\$3,750.00	\$0.00	0.0%	\$0.00
101-420-2400-43030	Engineering	\$5,000.00	\$5,866.84	117.3%	\$300.28
101-420-2400-43050	Plan Review Charges	\$1,000.00	\$0.00	0.0%	\$0.00

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101-420-2400-43060	Surcharge Payments	\$0.00	-\$4,835.68	0.0%	-\$2,943.36
101-420-2400-43150	Inspector Contract Services	\$1,000.00	\$631.50	63.2%	\$1,835.10
101-420-2400-43210	Telephone	\$500.00	\$232.39	46.5%	\$233.55
101-420-2400-43310	Mileage	\$250.00	\$0.00	0.0%	\$11.00
101-420-2400-43630	Insurance	\$1,000.00	\$903.41	90.3%	\$1,025.00
101-420-2400-44040	Repairs/Maint Eqpt	\$750.00	\$364.90	48.7%	\$911.63
101-420-2400-44170	Uniforms	\$300.00	\$0.00	0.0%	\$0.00
101-420-2400-44300	Miscellaneous	\$500.00	\$17,958.08	3591.6%	\$232.99
101-420-2400-44330	Dues & Subscriptions	\$200.00	\$100.00	50.0%	\$100.00
101-420-2400-44350	Books	\$200.00	\$0.00	0.0%	\$0.00
101-420-2400-44370	Conferences & Training	\$500.00	\$155.00	31.0%	\$50.00
2400	Building Inspection	\$95,200.00	\$77,691.20	81.6%	\$60,972.01
2500	Emergency Communications				
101-420-2500-43150	Contract Services	\$0.00	\$5,250.00	0.0%	\$0.00
101-420-2500-47200	Transfer Out	\$0.00	\$0.00	0.0%	\$0.00
2500	Emergency Communications	\$0.00	\$5,250.00	0.0%	\$0.00
2700	Animal Control				
101-420-2700-42030	Printed Forms	\$150.00	\$0.00	0.0%	\$0.00
101-420-2700-43150	Contract Services	\$12,600.00	\$7,526.51	59.7%	\$6,074.87
101-420-2700-44300	Miscellaneous	\$100.00	\$0.00	0.0%	\$0.00
2700	Animal Control	\$12,850.00	\$7,526.51	58.6%	\$6,074.87
420	Public Safety	\$1,069,704.00	\$597,561.30	55.9%	\$318,420.88
430	Public Works				
3100	Public Works				
101-430-3100-41010	Full-time Salaries	\$128,387.00	\$85,344.88	66.5%	\$88,499.17
101-430-3100-41030	Part-time Salaries	\$12,573.00	\$0.00	0.0%	\$0.00
101-430-3100-41210	PERA Contributions	\$9,867.00	\$5,967.17	60.5%	\$5,965.00
101-430-3100-41220	FICA Contributions	\$8,740.00	\$5,043.87	57.7%	\$5,234.90
101-430-3100-41230	Medicare Contributions	\$2,044.00	\$1,179.65	57.7%	\$1,224.36
101-430-3100-41300	Health/Dental Insurance	\$36,027.00	\$27,575.97	76.5%	\$25,229.71
101-430-3100-41510	Workers Compensation	\$11,500.00	\$13,541.00	117.7%	\$10,526.80
101-430-3100-42000	Office Supplies	\$500.00	\$181.09	36.2%	\$159.49
101-430-3100-42150	Shop Materials	\$4,000.00	\$646.70	16.2%	\$1,213.94
101-430-3100-42230	Building Repair Supplies	\$1,000.00	\$4.76	0.5%	\$0.00
101-430-3100-42400	Small Tools & Minor Equipment	\$3,000.00	\$976.68	32.6%	\$1,157.83
101-430-3100-43030	Engineering Services	\$0.00	\$769.25	0.0%	\$1,456.89
101-430-3100-43090	Sealcoating & Crack Sealing	\$0.00	\$0.00	0.0%	\$0.00
101-430-3100-43150	Contract Services	\$13,400.00	\$1,385.90	10.3%	\$3,226.85
101-430-3100-43210	Telephone	\$7,500.00	\$6,060.68	80.8%	\$5,643.93
101-430-3100-43230	Radio	\$500.00	\$0.00	0.0%	\$0.00
101-430-3100-43310	Mileage	\$100.00	\$0.00	0.0%	\$0.00
101-430-3100-43630	Insurance	\$15,670.00	\$14,156.37	90.3%	\$14,243.00
101-430-3100-43810	Electric Utility	\$29,500.00	\$11,524.92	39.1%	\$14,497.83
101-430-3100-43840	Refuse	\$1,800.00	\$1,650.96	91.7%	\$961.45
101-430-3100-44010	Repairs/Maint Bldg	\$2,000.00	\$2,664.05	133.2%	\$2,515.84
101-430-3100-44030	Repairs/Maint Imp Not Bldgs	\$0.00	\$0.00	0.0%	\$12,671.37
101-430-3100-44040	Repairs/Maint Eqpt	\$6,000.00	\$779.77	13.0%	\$620.14
101-430-3100-44170	Uniforms	\$1,675.00	\$1,247.64	74.5%	\$1,153.95
101-430-3100-44300	Miscellaneous	\$2,000.00	\$379.92	19.0%	\$99.08

Quarterly Report

Quarterly Report
10/12/2010
4:02 PM
Periods 01 to 09
Fiscal Year 2010 to 2010

Account Number	Description	2010 Budget	2010 Year-to-Date (09/30/10)	2010 Percentage of Budget	2009 Year-to-Date (09/30/09)
101-430-3100-44330	Dues & Subscriptions	\$150.00	\$0.00	0.0%	\$0.00
101-430-3100-44370	Conferences & Training	\$900.00	\$875.09	97.2%	\$0.00
101-430-3100-44380	Clean-up Days	\$7,500.00	\$6,602.43	88.0%	\$7,163.55
3100	Public Works	\$306,333.00	\$188,558.75	61.6%	\$203,465.08
3120	Streets				
101-430-3120-42120	Fuel, Oil and Fluids	\$32,000.00	\$15,690.68	49.0%	\$9,239.90
101-430-3120-42210	Equipment Parts	\$8,500.00	\$1,582.75	18.6%	\$1,497.47
101-430-3120-42240	Street Maintenance Materials	\$18,000.00	\$4,287.85	23.8%	\$7,672.43
101-430-3120-42260	Sign Repair Materials	\$3,000.00	\$2,611.50	87.1%	\$3,508.56
101-430-3120-43150	Contract Services	\$14,000.00	\$6,945.83	49.6%	\$6,004.46
101-430-3120-44040	Repairs/Maint Eqpt	\$5,000.00	\$71.60	1.4%	\$0.00
3120	Streets	\$80,500.00	\$31,190.21	38.7%	\$27,922.82
3125	Ice and Snow Removal				
101-430-3125-42250	Landscaping Materials	\$1,000.00	\$301.82	30.2%	\$0.00
101-430-3125-42290	Sand/Salt	\$50,000.00	\$57,410.89	114.8%	\$37,362.94
101-430-3125-43150	Contract Services	\$10,000.00	\$0.00	0.0%	\$1,662.00
101-430-3125-44040	Repairs/Maint Eqpt	\$2,500.00	\$1,694.64	67.8%	\$61.36
3125	Ice and Snow Removal	\$63,500.00	\$59,407.35	93.6%	\$39,086.30
3160	Street Lighting				
101-430-3160-43810	Street Lighting	\$24,000.00	\$15,532.39	64.7%	\$14,218.30
3160	Street Lighting	\$24,000.00	\$15,532.39	64.7%	\$14,218.30
3200	Recycling				
101-430-3200-42100	Recycling Supplies	\$3,500.00	\$921.21	26.3%	\$0.00
101-430-3200-43090	Newsletter	\$4,000.00	\$931.96	23.3%	\$0.00
101-430-3200-44300	Miscellaneous	\$7,500.00	\$2,725.40	36.3%	\$1,185.86
3200	Recycling	\$15,000.00	\$4,578.57	30.5%	\$1,185.86
3250	Tree Program				
101-430-3250-43150	Contract Services	\$10,000.00	\$10,596.88	106.0%	\$15,414.16
3250	Tree Program	\$10,000.00	\$10,596.88	106.0%	\$15,414.16
430	Public Works	\$499,333.00	\$309,864.15	62.1%	\$301,292.52
450	Culture, Recreation				
5200	Parks & Recreation				
101-450-5200-41010	Full-time Salaries	\$77,561.00	\$47,550.36	61.3%	\$51,186.67
101-450-5200-41030	Part-time Salaries	\$30,551.00	\$17,157.05	56.2%	\$20,336.26
101-450-5200-41210	PERA Contributions	\$7,568.00	\$4,043.02	53.4%	\$4,180.48
101-450-5200-41220	FICA Contributions	\$6,703.00	\$3,915.05	58.4%	\$4,337.94
101-450-5200-41230	Medicare Contributions	\$1,568.00	\$915.61	58.4%	\$1,014.57
101-450-5200-41300	Health/Dental Insurance	\$14,044.00	\$10,559.72	75.2%	\$9,868.09
101-450-5200-41420	Unemployment Benefits	\$1,642.00	\$0.00	0.0%	\$3,363.97
101-450-5200-41510	Workers Compensation	\$6,703.00	\$7,253.00	108.2%	\$7,142.02
101-450-5200-42000	Office Supplies	\$300.00	\$0.00	0.0%	\$23.41
101-450-5200-42120	Fuel, Oil and Fluids	\$3,000.00	\$0.00	0.0%	\$0.00
101-450-5200-42150	Shop Materials	\$750.00	\$0.00	0.0%	\$481.45
101-450-5200-42160	Chemicals	\$1,000.00	\$224.44	22.4%	\$125.00
101-450-5200-42210	Equipment Parts	\$2,500.00	\$1,785.15	71.4%	\$700.54

Quarterly Report

Quarterly Report
 10/12/2010
 4:02 PM
 Periods 01 to 09
 Fiscal Year 2010 to 2010

Account Number	Description	2010 Budget	2010 Year-to-Date (09/30/10)	2010 Percentage of Budget	2009 Year-to-Date (09/30/09)
101-450-5200-42230	Building Repair Supplies	\$500.00	\$261.62	52.3%	\$0.00
101-450-5200-42250	Landscaping Materials	\$3,500.00	\$2,433.26	69.5%	\$850.29
101-450-5200-42400	Small Tools & Minor Equipment	\$1,000.00	\$465.97	46.6%	\$539.21
101-450-5200-43210	Telephone	\$650.00	\$190.52	29.3%	\$273.94
101-450-5200-43310	Mileage	\$200.00	\$0.00	0.0%	\$0.00
101-450-5200-43630	Insurance	\$5,500.00	\$4,968.73	90.3%	\$5,084.00
101-450-5200-43810	Electric Utility	\$10,164.00	\$7,098.24	69.8%	\$7,930.74
101-450-5200-43840	Refuse	\$2,500.00	\$1,590.96	63.6%	\$1,749.25
101-450-5200-44010	Repairs/Maint Bldg	\$700.00	\$0.00	0.0%	\$55.32
101-450-5200-44030	Repairs/Maint Imp Not Bldgs	\$4,000.00	\$8,706.89	217.7%	\$3,315.59
101-450-5200-44040	Repairs/Maint Eqpt	\$2,000.00	\$111.00	5.6%	\$669.56
101-450-5200-44170	Uniforms	\$0.00	\$0.00	0.0%	\$0.00
101-450-5200-44300	Miscellaneous	\$1,500.00	\$154.00	10.3%	\$4,924.59
5200	Parks & Recreation	\$191,104.00	\$123,180.34	64.5%	\$132,177.15
450	Culture, Recreation	\$191,104.00	\$123,180.34	64.5%	\$132,177.15
493	Other Financing Uses				
9360	Transfers Out				
101-493-9360-47200	Transfers Out	\$118,850.00	\$126,850.00	106.7%	\$7,500.00
9360	Transfers Out	\$118,850.00	\$126,850.00	106.7%	\$7,500.00
493	Other Financing Uses	\$118,850.00	\$126,850.00	106.7%	\$7,500.00
	Expense	\$2,849,011.00	\$1,827,757.45	64.2%	\$1,433,613.48
101	General Fund	\$0.00	\$231,619.03	0.0%	-\$91,361.52



MAYOR & COUNCIL COMMUNICATION

DATE: 10/19/2010
REGULAR
ITEM #: 12
MOTION Resolution: 2010-057

AGENDA ITEM: 2010 Street Improvement Bond Financing Resolution No. 2010-057

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested 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.

“Move to approve Resolution 2010-057 authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the General Obligation Improvement Bonds Series 2010A.”

BACKGROUND INFORMATION: The City has undertaken its 2010 Street Improvement Projects. All necessary steps have been taken to prepare to finance these projects, utilizing low G.O. bond rates and applicable special assessment polices and authorities.

Tonight's action will authorize the issuance and sale of General Improvement Bonds for the 2010 Street Improvement Projects. Attached for Council information are; the proposed Resolution No. 2010-057, the Finance Summary Plan, and the Feasibility Report for the 2010 Street and Water Quality Improvements.

STAFF REPORT: Staff has explored several options to finance these projects, targeting in on G.O. Improvement Bonds, as their issuance is extremely competitive right now and it is anticipated that the City will receive a very good rate. Mr. Paul Donna from Northland Securities will present the details and answer any questions.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve Resolution 2010-057 by undertaking the following action;

“Move to approve Resolution 2010-057 authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the General Obligation Improvement Bonds Series 2010A.”

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

“Move to approve Resolution 2010-057 [as amended at tonight’s meeting] authorizing issuance, awarding sale prescribing the forms and details and for providing the payment of the General Obligation Improvement Bonds Series 2010A.”

ATTACHMENTS:

1. Resolution No. 2010-057
2. Finance Plan Summary
3. Feasibility Report for the 2010 Street and Water Quality Improvements.

SUGGESTED ORDER OF BUSINESS:

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

CERTIFICATION OF MINUTES RELATING TO
\$710,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2010A

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on October 19, 2010, at
7:00 p.m., at City Hall, Lake Elmo, Minnesota.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (including):

RESOLUTION NO. 2010-057

RESOLUTION AUTHORIZING ISSUANCE, AWARDED SALE,
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE
PAYMENT OF \$710,000 GENERAL OBLIGATION IMPROVEMENT
BONDS, SERIES 2010A

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this ____ day of October, 2010.

City Administrator

Councilmember _____ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember _____:

RESOLUTION NO. 2010-57

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE,
PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE
PAYMENT OF \$710,000 GENERAL OBLIGATION IMPROVEMENT
BONDS, SERIES 2010A

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

SECTION 1. AUTHORIZATION AND SALE.

1.01. Authorization. This Council, by resolution duly adopted on September 7, 2010, authorized the issuance and sale on the date hereof of its General Obligation Improvement Bonds, Series 2010A (the Bonds), pursuant to Minnesota Statutes, Chapters 429 and 475. Proceeds of the Bonds will be used to finance the 2010 Street and Water Quality Improvements in the City (the Project).

1.2. Sale. Pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (2), the requirements as to public sale do not apply to the issuance of the Bonds. A proposal has been received from Northland Securities, Inc., Minneapolis, Minnesota (the "Purchaser"). In accordance with the terms of offering for the Bonds, it is hereby determined to issue the Bonds in the principal amount of \$710,000 at a price of \$ _____ plus accrued interest of \$ _____, and upon the further terms and conditions set forth herein. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Administrator are hereby authorized and directed to execute a contract on behalf of the City for the sale of the Bonds in accordance with the terms of the proposal.

SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY.

2.01. Issuance of Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, now existing, having happened and having been performed, it is now necessary for the City Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment. The Bonds shall be originally dated as of November 15, 2010, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on February 1 in the years and amounts stated below, and shall bear interest from their date of issue until paid or duly called for redemption, at the annual rates set forth opposite such years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2012	\$65,000	%	2017	\$70,000	%
2013	70,000		2018	70,000	
2014	70,000		2019	75,000	
2015	70,000		2020	75,000	
2016	70,000		2021	75,000	

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein, provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Upon initial delivery of the Bonds pursuant to Section 2.07 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on February 1 and August 1 in each year, commencing August 1, 2011, each such date being referred to herein as an Interest Payment Date, to the persons in whose names the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar's close of business on the fifteenth day of the month immediately preceding the Interest Payment Date, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption. Bonds maturing in 2018 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2017, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City Administrator shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty and not more than 60 days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bonds to be redeemed at their addresses as they appear on the bond register described in Section 2.06 hereof, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS-

ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing on February 1, 20____ and 20____ (the Term Bonds) shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on February 1 in each of the following years the following stated principal amounts of such Bonds:

Term Bonds Maturing February 1, 20____

<u>Year</u>	<u>Principal Amount</u>
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The remaining \$_____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20_____.

Term Bonds Maturing February 1, 20____

<u>Year</u>	<u>Principal Amount</u>
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The remaining \$_____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20_____.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.05. Appointment of Initial Registrar. The City hereby appoints Northland Trust Services, Inc., Minneapolis, Minnesota, as the initial bond registrar, transfer agent and paying agent (the Registrar). The Mayor and City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company organized under the laws of the United States or one of the states of the United States and authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar, effective upon not less than thirty days' written notice and upon the appointment and acceptance of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the Bond Register to the successor Registrar.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal corporate trust office a register (the Bond Register) in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. The term Holder or Bondholder as used herein shall mean the person (whether a natural person, corporation, association, partnership, trust, governmental unit, or other legal entity) in whose name a Bond is registered in the Bond Register.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the Holder thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Holder thereof or by an attorney duly authorized by the Holder in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

(c) Exchange of Bonds. At the option of the Holder of any Bond in a denomination greater than \$5,000, such Bond may be exchanged for other Bonds of authorized denominations, of the same maturity and a like aggregate principal amount, upon surrender of the Bond to be exchanged at the office of the Registrar. Whenever any Bond is so surrendered for exchange the City shall execute and the Registrar shall authenticate and deliver the Bonds which the Bondholder making the exchange is entitled to receive.

(d) Cancellation. All Bonds surrendered for payment, transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the Bond Register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of the principal of and interest on the Bond and for all other purposes, and all payments made to or upon the order of such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith, and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

2.07. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Administrator and shall be executed on behalf of the City by the signatures of the Mayor and the City Administrator, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the date of delivery of such Bond. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond, substantially in the form provided in Section 2.09, has been executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on any Bond shall be conclusive evidence that it has been duly authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Administrator shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.08. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the City agrees to comply with DTC’s Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever, and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC’s Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC, if not previously filed with DTC, by the Mayor or City Administrator is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

2.09. Form of Bonds. The Bonds shall be prepared in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO

GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 2010A

No. R- _____ \$ _____

Interest Rate Maturity Date Date of Original Issue CUSIP No.

_____ % February 1, 20__ November 15, 2010

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS

CITY OF LAKE ELMO, State of Minnesota (the City) acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the

most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual interest rate specified above, payable on February 1 and August 1 in each year, commencing August 1, 2011 (each such date, an Interest Payment Date), all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month immediately preceding the Interest Payment Date. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof at the principal office of the Registrar described below, the principal hereof are payable in lawful money of the United States of America by check or draft drawn on Northland Trust Services, Inc., Minneapolis, Minnesota, as bond registrar, transfer agent and paying agent, or its successor designated under the Resolution described herein (the Registrar). For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue (the Bonds) in the aggregate principal amount of \$710,000 issued pursuant to a resolution adopted by the City Council on October 19, 2010 (the Resolution), to finance various improvement projects in the City and is issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Chapters 429 and 475. The Bonds are issuable only in fully registered form, in the denomination of \$5,000 or any integral multiple thereof, of single maturities.

Bonds maturing in 2018 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2017, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty and not more than 60 days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bonds, at the holders' addresses as they appear on the bond register maintained by the Registrar, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS-
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing in the years 20____ and 20____ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to

the redemption date, without premium, on February 1 in each of the years shown below, in an amount equal to the following principal amounts:

<u>Term Bonds Maturing in 20--</u>		<u>Term Bonds Maturing in 20--</u>	
<u>Sinking Fund</u> <u>Payment Date</u>	<u>Aggregate</u> <u>Principal Amount</u>	<u>Sinking Fund</u> <u>Payment Date</u>	<u>Aggregate</u> <u>Principal Amount</u>
	\$		\$

Notice of redemption shall be given as provided in the preceding paragraph.]

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney, and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the designated transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date; subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to any such transfer or exchange.

The Bonds have been designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment as herein provided and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed prior to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required; that, prior to the issuance hereof, the City Council has by the Resolution covenanted and agreed to levy ad valorem taxes upon all taxable property in the City and special assessments upon property specially benefited by the local improvements financed by the Bonds, which taxes and special assessments will be

collectible for the years and in amounts sufficient to produce sums not less than five percent in excess of the principal of and interest on the Bonds when due, and has appropriated such special assessments and taxes to its General Obligation Improvement Bonds, Series 2010A Bond Fund for the payment of principal and interest; that if necessary for payment of principal and interest, additional ad valorem taxes are required to be levied upon all taxable property in the City, without limitation as to rate or amount and that the issuance of this Bond, together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and City Administrator.

CITY OF LAKE ELMO, MINNESOTA

(facsimile signature – Mayor)

(facsimile signature – City Administrator)

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Date of Authentication: _____

NORTHLAND TRUST SERVICES, INC.,
as Registrar

By _____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

TEN COM - as tenants in common

UTMA as Custodian for
(Cust) (Minor)

TEN ENT - as tenants by the entireties

under Uniform Transfers to Minors Act
(State)

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

Additional abbreviations may also be used.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed: _____

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

[end of bond form]

SECTION 3. GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2010A CONSTRUCTION FUND. There is hereby established on the official books and records of the City a separate fund designated the General Obligation Improvement Bonds, Series 2010A Construction Fund (the Construction Fund). To the Construction Fund there shall be credited from the proceeds of the Bonds, exclusive of unused discount, accrued and capitalized interest, if

any, an amount equal to the estimated cost of the Project. There shall also be credited to the Construction Fund all special assessments collected with respect to the Project until all costs of the Project have been fully paid. All proceeds of the Bonds deposited in the Construction Fund will be expended solely for the payment of the costs of the Project. To the extent required by Minnesota Statutes, Section 429.091, subdivision 4, the City shall maintain a separate account within the Construction Fund to record expenditures for each improvement. The City Administrator shall maintain the Construction Fund until all costs and expenses incurred by the City in connection with the construction of the improvements have been paid. All special assessments on hand in the Construction Fund when terminated or thereafter received, and any Bond proceeds not so transferred, shall be credited to the General Obligation Improvement Bonds, Series 2010A Bond Fund.

SECTION 4. GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2010A BOND FUND. There is hereby established on the official books and records of the City a separate fund designated the General Obligation Improvement Bonds, Series 2010A Bond Fund (the Bond Fund). Into the Bond Fund shall be paid (a) the amounts specified in Section 3 above, (b) capitalized interest, accrued interest and unused bond discount, if any, received from the Purchaser upon delivery of the Bonds, (c) any special assessments and taxes collected pursuant to Sections 5 or 6 hereof, except as otherwise provided in Section 3 hereof and (d) any other funds appropriated by the City Council for the payment of the Bonds. The money on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds. If the balance on hand in the Bond Fund is at any time insufficient to pay principal and interest then due on the Bonds, such amounts shall be paid from other money on hand in other funds of the City, which other funds shall be reimbursed therefor when sufficient money becomes available in the Bond Fund. The Bond Fund shall be maintained until the City has paid, or made provision for the payment of, all of the principal of and interest on the Bonds.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." There shall initially be deposited into the Debt Service Account upon the issuance of the Bonds the amount set forth in (b) above. Thereafter, during each Bond Year (i.e., each twelve month period commencing on February 1 and ending on the following January 31), as monies are received into the Bond Fund, the City Administrator shall first deposit such monies into the Debt Service Account until an amount has been appropriated thereto sufficient to pay all principal and interest due on the Bonds through the end of the Bond Year. All subsequent monies received in the Bond Fund during the Bond Year shall be appropriated to the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient for the payment of principal and interest then due, the City Administrator shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency. Investment earnings (and losses) on amounts from time to time held in the Debt Service Account and Surplus Account shall be credited or charged to said accounts.

If the aggregate balance in the Bond Fund is at any time insufficient to pay all interest and principal then due on all Bonds payable therefrom, the payment shall be made from any fund of the City which is available for that purpose, subject to reimbursement from the Surplus Account in the Bond Fund when the balance therein is sufficient, and the City Council covenants and agrees that it will each year levy a sufficient amount of ad valorem taxes to take care of any

accumulated or anticipated deficiency, which levy is not subject to any constitutional or statutory limitation.

In order to ensure compliance with the Code and applicable Regulations (all as defined in Section 8.01 hereof), the Finance Director, upon allocation of any funds to the Bond Fund, shall ascertain the balance then on hand in the Bond Fund. If it exceeds the amount of principal and interest on the Bonds to become due and payable through the next following February 1, plus a reasonable carryover equal to 1/12th of the debt service due in the following bond year, the excess shall (unless an opinion is received from bond counsel stating that another use shall not interfere with the tax exemption of the bonds) be used to prepay or purchase Bonds, or be invested at a yield which does not exceed the yield on the Bonds calculated in accordance with Section 148 of the Code.

SECTION 5. SPECIAL ASSESSMENTS. The City hereby covenants and agrees that, for the payment of the costs of the Project, the City has done or will do and perform all acts and things necessary for the final and valid levy of special assessments in an amount not less than 20% of the cost of the Project financed by the Bonds. The City estimates it has levied or will levy special assessments in the original aggregate principal amount of \$174,000. It is estimated that the principal and interest on such special assessments will be levied beginning in 2010 and collected in the years 2011-2020 in the amounts shown on Appendix I attached hereto. The principal of the special assessments shall be made payable in annual installments, with interest as established by this City Council in accordance with law on installments thereof from time to time remaining unpaid. In the event any special assessment shall at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or by this City Council or by any of the officers or employees of the City, either in the making of such special assessment or in the performance of any condition precedent thereto, the City hereby covenants and agrees that it will forthwith do all such further things and take all such further proceedings as shall be required by law to make such special assessment a valid and binding lien upon said property.

SECTION 6. PLEDGE OF TAXING POWERS. For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively come due, the full faith, credit and unlimited taxing powers of the City shall be and are hereby irrevocably pledged. In order to produce aggregate amounts which, together with the collections of special assessments as set forth in Section 5, will produce amounts not less than 5% in excess of the amounts needed to meet when due the principal and interest payments on the Bonds, ad valorem taxes are hereby levied on all taxable property in the City. The taxes will be levied and collected in years and amounts shown on the attached levy computation. Said taxes shall be irrepealable as long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce said levies in accordance with the provisions of Minnesota Statutes, Section 475.61.

SECTION 7. DEFEASANCE. When all of the Bonds have been discharged as provided in this Section, all pledges, covenants and other rights granted by this Resolution to the Holders of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with

interest accrued from the due date to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms by depositing with the Registrar on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due, provided that notice of such redemption has been duly given as provided herein. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with the Registrar or with a bank or trust company qualified by law to act as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited for such purpose, bearing interest payable at such times and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity or, if notice of redemption as herein required has been irrevocably provided for, to an earlier designated redemption date, provided, however, that if such deposit is made more than ninety days before the maturity date or specified redemption date of the Bonds to be discharged, the City shall have received a written opinion of Bond Counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates or earlier designated redemption date.

SECTION 8. TAX COVENANTS; ARBITRAGE MATTERS AND CONTINUING DISCLOSURE.

8.01. General Tax Covenant. The City agrees with the registered owners from time to time of the Bonds that it will not take, or permit to be taken by any of its officers, employees or agents, any action that would cause interest on the Bonds to become includable in gross income of the recipient under the Internal Revenue Code of 1986, as amended (the Code) and applicable Treasury Regulations (the Regulations), and agrees to take any and all actions within its powers to ensure that the interest on the Bonds will not become includable in gross income of the recipient under the Code and the Regulations. All proceeds of the Bonds deposited in the Construction Fund will be expended solely for the payment of the costs of the Project. The Project is and will be owned and maintained by the City and available for use by members of the general public on a substantially equal basis. The City shall not enter into any lease, management contract, use agreement, capacity agreement or other agreement with any non-governmental person relating to the use of the Project, or any portion thereof, or security for the payment of the Bonds which might cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

8.02. Arbitrage Certification. The Mayor and City Administrator being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with Section 148 of the Code, and applicable Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and Regulations.

8.03. Arbitrage Rebate. It is hereby found that the City has general taxing powers, that no Bond is a "private activity bond" within the meaning of Section 141 of the Code, that 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of the City, and that the aggregate face amount of all tax-exempt obligations (other than private activity bonds) issued by the City and all subordinate entities thereof during the year 2010 is not reasonably expected to exceed \$5,000,000. Therefore, pursuant to Section 148(f)(4)(D) of the Code, the City shall not be required to comply with the arbitrage rebate requirements of paragraphs (2) and (3) of Section 148(f) of the Code.

8.04. Reimbursement. The City certifies that the proceeds of the Bonds will not be used by the City to reimburse itself for any expenditure with respect to the Project which the City paid or will have paid more than 60 days prior to the issuance of the Bonds unless, with respect to such prior expenditures, the City shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations, provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Project meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the Project as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds.

8.05. Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and the City hereby finds that the reasonably anticipated amount of tax-exempt governmental obligations which will be issued by the City and all subordinate entities during calendar year 2010 does not exceed \$30,000,000.

8.06. Continuing Disclosure.

(a) To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the Rule), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. The City has complied in all material respects with any undertaking previously entered into by it under the Rule. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner

or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

(1) on or before 365 days after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2010, the following financial information and operating data in respect of the City (the "Disclosure Information"):

(A) the audited financial statements of the City for such fiscal year, containing balance sheets as of the end of such fiscal year and a statement of operations, changes in fund balances and cash flows for the fiscal year then ended, showing in comparative form such figures for the preceding fiscal year of the City, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and

(B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under headings: Economic and Financial Information, Summary of Debt and Debt Statistics, General Information - "Major Employers" and "Building Permits."

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been submitted to each of the repositories hereinafter referred to under subsection (c) or the SEC. If the document incorporated by reference is a final official statement, it must be available from the

Municipal Securities Rulemaking Board (the "MSRB"). The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect, provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner, notice of the occurrence of any of the following events which is a Material Fact (as hereinafter defined):
 - (A) Principal and interest payment delinquencies;
 - (B) Non-payment related defaults;
 - (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
 - (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
 - (E) Substitution of credit or liquidity providers, or their failure to perform;
 - (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
 - (G) Modifications to rights of security holders;
 - (H) Bond calls;
 - (I) Defeasances;
 - (J) Release, substitution, or sale of property securing repayment of the securities; and
 - (K) Rating changes.

As used herein, a Material Fact is a fact as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, a Material Fact is also an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

- (3) In a timely manner, notice of the occurrence of any of the following events or conditions:
 - (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;

- (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
- (C) the termination of the obligations of the City under this section pursuant to subsection (d);
- (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
- (E) any change in the fiscal year of the City.

(c) Manner of Disclosure. The City agrees to make available the information described in subsection (b) to the following entities by telecopy, overnight delivery, mail or other means, as appropriate:

- (1) the information described in paragraphs (1), (2) and (3) of subsection (b), to the MSRB through EMMA;
- (2) the information described in subsection (b), to any rating agency then maintaining a rating of the Bonds at the request of the City and, at the expense of such Bondowner, to any Bondowner who requests in writing such information, at the time of transmission under paragraph (1) of this subsection, or, if such information is transmitted with a subsequent time of release, at the time such information is to be released;
- (3) all documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.
- (2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the

effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

- (3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

SECTION 9. CERTIFICATION OF PROCEEDINGS.

9.01. Registration of Bonds. The City Administrator is hereby authorized and directed to file a certified copy of this resolution with the County Auditor of Washington County and obtain a certificate that the Bonds and the taxes levied pursuant hereto have been duly entered upon the Auditor's bond register.

9.02. Authentication of Transcript. The officers of the City and the County Auditor are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits and certificates, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

9.03. Official Statement. The Preliminary Official Statement relating to the Bonds, dated October 13, 2010, prepared and distributed by Northland Securities, Inc., is hereby approved. Northland Securities, Inc. is hereby authorized on behalf of the City to prepare and deliver within seven business days from the date hereof a final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

9.04. Payment of Issuance Costs. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to Northland Trust Services, Inc. on the closing date for further distribution as directed by Northland Securities, Inc.

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

and the following voted against the same:

whereupon the Resolution was declared duly passed and adopted.

APPENDIX I

City of Lake Elmo, Minnesota
General Obligation Improvement Bonds, Series 2010A
Payments on Special Assessments

Year of Collection	Principal	Interest	Total
2011			
2012			
2013			
2014			
2015			
2016			
2017			
2018			
2019			
2020			

PROJECTED TAX LEVIES

Date

Levy

Total

\$

WASHINGTON COUNTY AUDITOR'S CERTIFICATE
AS TO REGISTRATION AND TAX LEVY

The undersigned, being the duly qualified and acting County Auditor of Washington County, Minnesota, hereby certifies that there has been filed in my office a certified copy of a resolution duly adopted on October 19, 2010, by the City Council of the City of Lake Elmo, Minnesota, setting forth the form and details of an issue of \$710,000 General Obligation Improvement Bonds, Series 2010A, dated as of November 15, 2010 and levying taxes for their payment.

I further certify that the issue has been entered on my bond register and the tax required by law for their payment has been levied and filed as required by Minnesota Statutes, Sections 475.61 to 475.63.

WITNESS my hand officially this _____ day of _____, 2010.

Washington County Auditor

(SEAL)

FINANCE PLAN SUMMARY

City of Lake Elmo, Minnesota

\$710,000

General Obligation Improvement Bonds, Series 2010A

Prepared by:

NORTHLAND  SECURITIES

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

September 7, 2010

City of Lake Elmo, Minnesota
\$710,000
General Obligation Improvement Bonds, Series 2010A

Financing Overview

Proceeds from this bond issue will be used to fund the City's 2010 Street Improvement Projects. The estimated project cost total of \$680,000 plus financing costs result in a financing requirement of \$710,000. A detailed illustration of the sources and uses of funds is as follows:

Sources & Uses

Dated 11/01/2010 | Delivered 11/01/2010

Sources Of Funds

Par Amount of Bonds	\$710,000.00
---------------------	--------------

Total Sources	\$710,000.00
----------------------	---------------------

Uses Of Funds

Total Underwriter's Discount (1.960%)	13,916.00
---------------------------------------	-----------

Costs of Issuance	12,895.00
-------------------	-----------

Deposit to Project Construction Fund	680,000.00
--------------------------------------	------------

Rounding Amount	3,189.00
-----------------	----------

Total Uses	\$710,000.00
-------------------	---------------------

The estimated principal and interest is illustrated as Exhibit A. The debt is scheduled to be repaid through the years 2012 – 2021. The interest estimate is based on an assumed average rate of 1.79%. The principal payment structure is based on the City's expectations of special assessment revenues and property tax collections to be received over the term of the Bonds. The special assessment revenue stream assumes the City will file \$174,000 of assessments in 2010 for first collection in 2011 over a term of ten years at a rate of 5.00%. The estimated average annual tax levy for the project will be approximately \$58,564 at the 105% requirement. The summary cash flow analysis detailing the revenues and tax levy component is illustrated in Exhibit B.

Related Considerations

- Bank Qualified - We understand the City (in combination with any subordinate taxing jurisdictions or debt issued in the City's name by 501c3 corporations) does not anticipate issuing more than a total of \$30,000,000 in tax-exempt debt during this calendar year. Therefore the bonds will be designated as "bank qualified" obligations pursuant to Federal Tax Law if the Bonds are sold as Tax Exempt securities.
- Arbitrage and Rebate - We understand the City anticipates issuing \$5,000,000 or less in tax-exempt bonds in calendar year 2010 and therefore any arbitrage earnings in the construction fund will be exempt from rebate.

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

- The Bonds will be *global book entry with a bank designated as the paying agent*. As "paperless" bonds, you will avoid the costs of bond printing and annual registrar charges. The Paying Agent will invoice you for the interest semiannually and on an annual basis for the principal coming due. You will be charged only for paying agent/transfer agent services provided by the bank. This cost of services has been capitalized into the bond issue.
- Because the City's outstanding debt is more than \$10.0M it is subject to full disclosure requirements of the Securities and Exchange Commission. Northland can assist the City in complying with these requirements.

Summary of Recommended Terms

1. Type of Bond Sale Negotiated with Northland Securities
2. Bond Pricing Wednesday, October 13, 2010
3. Council Consideration Tuesday, October 18, 2010 at 7:00 p.m.
4. Statutory Authority The Bonds are being issued pursuant to Minnesota Statutes 429 and 475.
4. Repayment Term The Bonds will mature annually each February 1, 2012 - 2021. Interest on the Bonds will be payable on August 1, 2011 and semiannually thereafter on each February 1 and August 1.
5. Security General obligation pledge of the City. The City expects to fund debt service from a combination of special assessments and property tax collections as previously discussed.
6. Prepayment Feature The Bonds maturing February 1, 2018 - 2021 will be subject to prepayment on February 1, 2017 at a price of par plus accrued interest.
7. Tax Status Dorsey & Whitney, LLP
8. Credit Rating The City's general obligation debt is currently rated AA by Standard & Poor's and Aa2 by Moody's Investors Service. We recommend pursuing a single credit rating by Moody's Investors Service because it will be the most cost effective option.

EXHIBIT A

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/01/2010	-	-	-	-	-
08/01/2011	-	-	7,741.88	7,741.88	-
02/01/2012	65,000.00	0.500%	5,161.25	70,161.25	77,903.13
08/01/2012	-	-	4,998.75	4,998.75	-
02/01/2013	70,000.00	0.500%	4,998.75	74,998.75	79,997.50
08/01/2013	-	-	4,823.75	4,823.75	-
02/01/2014	70,000.00	0.700%	4,823.75	74,823.75	79,647.50
08/01/2014	-	-	4,578.75	4,578.75	-
02/01/2015	70,000.00	1.000%	4,578.75	74,578.75	79,157.50
08/01/2015	-	-	4,228.75	4,228.75	-
02/01/2016	70,000.00	1.350%	4,228.75	74,228.75	78,457.50
08/01/2016	-	-	3,756.25	3,756.25	-
02/01/2017	70,000.00	1.650%	3,756.25	73,756.25	77,512.50
08/01/2017	-	-	3,178.75	3,178.75	-
02/01/2018	70,000.00	1.850%	3,178.75	73,178.75	76,357.50
08/01/2018	-	-	2,531.25	2,531.25	-
02/01/2019	75,000.00	2.050%	2,531.25	77,531.25	80,062.50
08/01/2019	-	-	1,762.50	1,762.50	-
02/01/2020	75,000.00	2.250%	1,762.50	76,762.50	78,525.00
08/01/2020	-	-	918.75	918.75	-
02/01/2021	75,000.00	2.450%	918.75	75,918.75	76,837.50
Total	\$710,000.00		\$74,458.13	\$784,458.13	

Date And Term Structure

Dated	11/01/2010
Delivery Date	11/01/2010
First Coupon Date	8/01/2011
Average Life	5.856 Years
Average Coupon	1.7909351%
Net Interest Cost (NIC)	2.1256554%
True Interest Cost (TIC)	2.1381724%

EXHIBIT B

Revenue vs D/S

Date	Scheduled P+I	Less: Assessment Revenue	Equals:		Levy Collection Cycle	
			Debt Levy Required	Debt Levy @ 105%	Certified	Collected
02/01/2011	-	-	-	-	-	-
02/01/2012	77,903.13	22,670.67	55,232.46	57,994.08	2010	2011
02/01/2013	79,997.50	22,671.04	57,326.46	60,192.78	2011	2012
02/01/2014	79,647.50	22,671.34	56,976.16	59,824.97	2012	2013
02/01/2015	79,157.50	22,671.10	56,486.40	59,310.72	2013	2014
02/01/2016	78,457.50	22,670.50	55,787.00	58,576.35	2014	2015
02/01/2017	77,512.50	22,670.64	54,841.86	57,583.95	2015	2016
02/01/2018	76,357.50	22,671.50	53,686.00	56,370.30	2016	2017
02/01/2019	80,062.50	22,670.90	57,391.60	60,261.18	2017	2018
02/01/2020	78,525.00	22,670.70	55,854.30	58,647.02	2018	2019
02/01/2021	76,837.50	22,670.62	54,166.88	56,875.22	2019	2020
Total	\$784,458.13	\$226,709.01	\$557,749.12	\$585,636.58		

**Assumes assessments of \$174,000 for a term of 10 years at a rate of 5.00%.*

FEASIBILITY REPORT

2010 STREET AND WATER QUALITY IMPROVEMENTS

CITY OF LAKE ELMO, MINNESOTA

Date: December 2009
TKDA Project No. 14504.000

TKDA

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FEASIBILITY REPORT

2010 STREET AND WATER QUALITY IMPROVEMENTS

CITY OF LAKE ELMO, MINNESOTA

TKDA PROJECT NO. 14504.000

I hereby certify that this Report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



Ryan W. Stempinski, P.E.
License No. 45305

**2010 STREET AND WATER QUALITY IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 14504.000**

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**2010 STREET AND WATER QUALITY IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA**

EXECUTIVE SUMMARY

The City of Lake Elmo is considering street and water quality improvements for Jane Road North (west of Jamaca Avenue North), Isle Avenue North (from Jamaca Avenue North to the cul-de-sac), 53rd Street North (from Keats Avenue North to the western edge of Arabian Hills), and 57th Street North (from Julep Way to the western edge of Rolling Hills Estates) based on the 2009-2013 Street Capital Improvement Plan.

The proposed improvements for Isle Avenue North, 53rd Street North and 57th Street North include the reclamation of the existing streets; reclaiming the existing bituminous surface with a portion of the aggregate base underneath. The materials are blended together, shaped, and compacted as a new recycled aggregate base. Excess material is removed as necessary. A new 3-inch thick bituminous surface is paved over the reclaimed material in two lifts to complete the project. For Jane Road North, a reconstruction is required since the existing street section does not contain a sufficient thickness for the reclamation process. For this situation, the existing roadway section is subcut to a depth of 11-inches and removed. Excess recycled material will be used from the other street segments to provide an eight inch compacted aggregate base followed by the placement of a new bituminous pavement.

For each street segment, three curb replacement alternatives were considered including keeping the existing bituminous curb, replacing the curb with new bituminous curb, and replacing the curb with new concrete curb. The existing curb was inspected as part of this report and it was determined that the existing curb should not be salvaged due to the condition and minimal exposed height. Detailed cost estimates were completed to provide a comparative cost-benefit analysis between replacement with bituminous curb and concrete curb. Both alternatives are included within this report for City consideration, including total project costs and assessment impacts.

The estimated total project cost for the recommended improvements with new bituminous curb is \$608,000 of which 30% (\$182,400) is to be assessed to the 55 benefitting properties. The City cost participation is therefore estimated to be \$425,600. The estimated total project cost for the recommended improvements with new concrete curb is \$721,000 of which 30% (\$216,300)

is to be assessed to the 55 benefitting properties. The City cost participation is therefore estimated to be \$504,700. The detailed breakdown of the proposed assessment amounts for each alternative and for each street, is provided in the "Financing of Improvements" section of this report.

It is the recommendation of the engineering and public works staff that the City proceed with the recommended improvements using concrete curb. This recommendation is based on the superior durability and performance of concrete curb which will extend the useful life of both the curb and bituminous street surface, providing a lower overall life-cycle cost for the street infrastructure. However, community preference should be considered regarding aesthetics together with the higher upfront cost impacts for concrete curb. Bituminous curb will match what currently exists within these neighborhoods and is an acceptable product.

The report also investigated the opportunity to incorporate rain gardens within the public right-of-way to improve water quality as part of the overall project, including the identification of potential rain garden sites, the preparation of a preliminary estimate of cost for the rain gardens, and a tabulated list of the property owners and contact information for these sites, including parcel ID. Sites were reviewed and identified in locations that are functional and would require limited grading and drainage alterations. Our review identified twenty-one potential rain garden sites within the proposed project areas. Using cost information from the Washington County Conservation District, the estimated project cost for the water quality improvements is \$71,000.

Information and resources were sent out to property owners and interest in rain gardens has been promoted and solicited. All the residents were invited to Lake Elmo City Hall on December 2, 2009, for a presentation by the Washington Conservation District on the water quality benefits of rain gardens to the whole city together with the aesthetic benefits they can provide to the resident. To date, we have received interest from approximately 14 homes for the 2010 project area. Throughout the Public Hearing process we will continue to ask for resident support for a rain garden in front of their home. A Valley Branch Watershed District Community Grant will be applied for to obtain 50% cost participation. It is anticipated that the City's contribution will be funded by the Surface Water Utility.

The recommended Project Improvements are necessary, cost-effective, and feasible and will result in a benefit to the properties proposed to be assessed. It is recommended that the City Council accept this Report, hold the public hearing, and order the improvements.

I. PROJECT HISTORY AND SCOPE OF WORK

This Project was initiated as part of the City's 2009-2013 Street Capital Improvement Plan (CIP), adopted by the City Council on February 17, 2009. The streets identified in the 2009 CIP were completed on schedule. The preparation of the feasibility report for 2010 Street and Water Quality Improvements was authorized by the City Council on October 20, 2009.

This Report is a desktop study, based on street pavement rating observations, street inventory measurements, record drawings, aerial photography, aerial contours, Washington County plat records, and City utility maps. We have obtained geotechnical investigations and records of the existing street sections to support the recommendations in this Report. A visual observation and condition assessment was also completed for the existing curb in each neighborhood. Topographic surveys were not completed as part of this report. It has been assumed that the general drainage characteristics of each neighborhood can be preserved as the improvements are implemented, however this must be verified as part of the detailed design for the selected improvements.

II. PROJECT AREA CHARACTERISTICS

Jane Road North (from Jamaca Avenue North to the west end) runs along the north side of Lake Jane and includes Krause's Addition, Firefly, Springborn's Green Acres, and unplatted lots. It is 1,020 feet in length and is approximately 22 feet wide from back of curb to back of curb and does not have a turn-around at the dead end. Record drawings and historical maintenance were not found for this segment of roadway so we were unable to verify the date of original construction and last maintenance activity. Soil borings indicate that the existing street averages 2.67 inches of bituminous pavement on 3.5 inches of aggregate base. There are two existing catch basins with storm sewer piped to the north side of the road, discharging away from Lake Jane. There is a high point near the center of this road segment. Storm water runs from this high point to the east along the four inch bituminous curb and into the catch basins. From the high point to the west the storm water runs along the boulevards, then south down a property line, ultimately to Lake Jane. In this

area, there is no curb or defined ditches and significant erosion and road edge cracking is occurring on the south side of the street. The surface of the street is in very poor condition. There are large areas of severe cracking and potholing in the bituminous surface, indicative of a failed subgrade. There are twelve assessable properties in this improvement area.

Isle Avenue North is a segment off of Jamaica Avenue North and includes Springborn's Green Acres 2nd Addition and unplatted lots. The bituminous road segment is 1,485 feet in length, is 34 feet wide from back of curb to back of curb, and has a cul-de-sac with a radius of 50 feet. Right-of-way does extend to Jane Road North, but a street segment has not been continued to Jane Road North. Existing records indicate the street section to be two inches of bituminous pavement on six inches of aggregate base. Record drawings for the cul-de-sac indicate three inches of bituminous pavement on 12 inches of aggregate base. Soil borings indicate an average of 2.75 inches of bituminous pavement on 7.5 inches of aggregate base. Four inch bituminous curb exists along the street and cul-de-sac. Limited storm sewer is in place to drain the street to an existing low area, consisting of three catch basins with one flared end section. The catch basins remain functional. City records appear to indicate the street was constructed around 1987, with the cul-de-sac added in 1994. The street was last sealcoated in 1995. The surface of the street is in very poor condition. There are large areas of severe cracking and localized potholing in the bituminous surface. These pavement distresses indicate a failed subgrade. There are 16 properties with 18 assessable units in this improvement area.

53rd Street North extends westerly 3,135 feet from Keats Avenue and consists of the Arabian Hills development and one property of the Fox Fire Estates. It is 30 feet wide from back of curb to back of curb. Record drawings indicate the existing street has two inches of bituminous pavement on six inches of aggregate base, along with bituminous curb. Soil borings indicate an average of 2.39 inches of bituminous pavement on 5.6 inches of aggregate base. Storm sewer is in place to drain the street to existing water bodies, consisting of eight catch basins and three discharge outlets. Two catch basin castings tend to plug frequently and are not functioning properly. The remaining catch basin castings are in good condition and can be salvaged. City records reveal the street was constructed in 1991, and was last sealcoated in 1999. The surface of the street is in very poor condition. There are large areas of severe cracking and localized potholing in the bituminous surface,

indicative of a failed subgrade. There are twenty assessable properties in this improvement area.

57th Street North is within Rolling Hills Estates and extends from Julep Way to the western edge of Rolling Hills Estates. It is 1,115 feet in length and is 30 feet wide from back of curb to back of curb. Record drawings indicate the existing street has three inches of bituminous pavement on 12 inches of aggregate base, along with bituminous curb. Soil borings indicate an average of 3.81 inches of bituminous pavement on 11.17 inches of aggregate base. Storm sewer is in place to drain the street to an existing water body, consisting of two catch basins and one discharge outlet. The catch basin castings are in good condition and are functioning properly. City records reveal the street was constructed in 1993 and was last sealcoated in 1999. The surface of the street is in very poor condition. There is a large area that has been surface patched, but is supported by a failed subgrade. There are areas of severe cracking and potholing in the bituminous surface. There are five assessable properties in this improvement area.

III. PROPOSED IMPROVEMENTS

Bituminous pavement reclamation is proposed for Isle Avenue North, 53rd Street North, and 57th Street North, in order to provide a new bituminous surface supported by a renewed recycled aggregate base. Based on subsurface investigation, these streets appear to have adequate bituminous pavement and aggregate base material to reclaim 6 to 8 inches deep, cut 3 inches of the reclaim material, and pave the new bituminous surface to the same elevation as the existing street. There are several flat yards and driveways that require that the street be put back to its current elevation. This is critical as to not create any additional drainage issues in front yards. The project proposes to maintain the existing street centerline to limit or minimize the construction grading and drainage impacts to the adjacent properties. The street reclamation project will replace the existing street surfaces in place. No widening or narrowing of the roads are proposed for these improvements.

From our geotechnical investigation it was discovered that there is not enough bituminous and aggregate base existing along Jane Road North to successfully reclaim the street. Therefore, this street must be reconstructed by subcutting and removing the existing bituminous, aggregate base and subbase materials to a depth of 11-inches. The street

section would then be reconstructed using excess recycled base materials from the other neighborhoods to provide an 8-inch compacted recycled aggregate base. A 3-inch bituminous pavement would then be placed to complete the street reconstruction. The efficient use of the excess recycled material reduces the cost of purchasing new class 5 aggregate base for the construction on Jane Road North. The improvements to this street segment will be considered a reconstruction and therefore will likely require storm water infiltration in accordance with VBWD rules.

As part of this feasibility report, a visual inspection was completed for the existing curbs to assess the condition and functionality. For the 2009 Street Improvement project it was determined that the curb could be salvaged along some streets. However, the review for the 2010 street segments determined that full replacement of the curbs will be required. The placement of new curb will include curb cuts, or depressed curb, that will be added at rain garden locations. Also, curb may need to be added in locations where significant erosion is occurring along street edges to keep surface water on the road and stabilize the boulevards. Driveways and boulevard areas will be impacted with the existing curb removal and replacement. Disturbances will occur approximately three to five feet behind the curb into boulevard and driveway areas. This will require the property owners to relocate any underground sprinkler systems or invisible dog fences prior to construction. Cluster mailboxes will have to be removed and relocated to facilitate the curb installation.

To replace the curbs, two separate cost alternatives were completed for consideration by the City, new bituminous curb and new concrete curb. The following is a summary of these options with their corresponding benefits, weaknesses, and estimated project costs:

A. Replacement with new Bituminous Curb

This option would replace the existing curb with new bituminous curb along with the improvements recommended above. The benefits of a bituminous curb include: 1) lower construction costs 2) shorter construction duration and impact to property owners, and 3) more aesthetically appealing to some property owners. The weaknesses of bituminous curb include: 1) lower construction tolerances during placement, potentially causing new drainage issues, and 2) bituminous curb deteriorates much faster than concrete (less durable).

The total estimated project cost with new bituminous curb is **\$608,000**; which breaks down to be **\$98,000** for Jane Road, **\$160,000** for Isle Avenue, **\$262,000** for 53rd Street, and **\$88,000** for 57th Street.

B. Replacement with new Concrete Curb

This option would replace the existing curb with new concrete curb and edge control along with the improvements recommended above. The benefits of concrete curb include: 1) a more durable curb line with longer useful life, 2) a higher functional curb that can be constructed to finer tolerances for more precise drainage control both on the street and behind the curb, 3) provides stronger edge control which extends the life of the entire bituminous roadway, and 4) offers an improve curb cut design for rain garden locations. The weaknesses of concrete curb include: 1) higher cost, 2) longer construction timeframe (residents will not be able to use their driveways for a period of 5 to 7 days to allow time for the concrete to cure and achieve the proper strength), and 3) some residents find concrete curb to be aesthetically unappealing.

The total estimated project cost with new concrete curb is **\$721,000**, which breaks down to be **\$115,000** for Jane Road, **\$189,000** for Isle Avenue, **\$312,000** for 53rd Street, and **\$105,000** for 57th Street.

C. Water Quality Improvements

As part of the 2009 Street Improvement Program, the City initiated the implementation of a rain garden program, strongly promoting the implementation of rain gardens along with the capital street projects. The program is intended to improve the quality of the City's water bodies by capturing and filtering the pollutants found in storm water runoff, before the runoff is allowed to discharge directly to surrounding water bodies. The program implementation requires a collaboration between City staff, property owners, the Washington County Conservation District and the Valley Branch Watershed District (VBWD).

Rain gardens were evaluated as part of the streetscape for this project. Areas were identified that would maximize the benefit of a rain garden installation (flat areas that are localized low spots along the street boulevard). The curb would be cut out in these areas to allow storm water to drain from the road surface to the adjacent

boulevard and then to the rain garden site for infiltration. Twenty-one potential sites were identified as shown on the proposed improvement exhibits in this report. Using information provided by the Washington County Conservation District and VBWD, the estimated project cost for these twenty-one rain gardens is estimated to be \$71,000.

The actual number and location of any proposed rain gardens for this project will require further review and property owner agreement. The City policy is to participate in the upfront capital costs for the rain garden construction with the expectation that the property owners will provide the ongoing maintenance. Each property owner will be required to sign a perpetual maintenance agreement prior to rain garden installation.

Upon acceptance of this feasibility report, City staff will prepare and submit an application for grant assistance through the VBWD Community Grant Program. Up to 50% of the water quality improvement costs are grant eligible. The remaining \$35,500 would be funded through the City's storm water utility fund. City staff will also contact and notify residents of the City's desire to promote the installation of rain gardens as part of this street improvement project. A resident meeting was already conducted at City Hall on December 2nd to promote the program, provide educational assistance and to answer any questions. As part of the collaborative efforts, it is further anticipated that representatives from the Washington County Conservation District will contact property owners to promote the benefits of rain gardens and to further solicit property owner participation.

It is anticipated that the final number and location of rain gardens within these neighborhoods will be determined through these future efforts and the final plan and project costs will be presented for City Council consideration.

IV. UTILITY IMPROVEMENTS

As part of the design phase of the project, existing pipe culverts, storm sewers, flared end sections, and drainage flumes will be field evaluated to determine if repair or replacement is needed. At a minimum, existing catch basin inlet grates that are not functional will be replaced as part of the project.

V. IMPACTS OF PROPOSED IMPROVEMENTS

Choosing not to complete any improvements would result in the continued degradation of the City streets in these neighborhoods. The City would fall further behind in its Street CIP schedule. The identified streets are beyond their useful life and distresses will become more severe. Continued use of routine maintenance on these streets, such as patching, pothole repairs, and overlays is becoming more expensive and less effective as the repair needs are becoming more substantial and frequent.

The negative impacts of the proposed improvements are minor. Short-term traffic delays, dust, noise, and erosion will occur over the course of construction activity. Efforts to minimize these impacts include the restriction of work hours and implementation of dust and erosion control measures. Special efforts will be required by the Contractor to maintain access to properties and access for emergency vehicles. Any disruptions that occur to existing yards and driveways will be restored consistent with general construction practices, however it is not always possible to restore to pre-existing conditions.

The replacement of the existing curb may result in minor drainage imperfections that cannot be fully corrected. In particular, replacement with bituminous curb results in lower construction tolerance capabilities by the Contractor. The curb replacement operations therefore may result in minor drainage imperfections behind the curb line or small "bird baths" located on the streets, in particular along driveway interfaces and along areas with flatter grades. Replacement with concrete curb allows for more precision, which minimizes drainage imperfections during construction.

VI. RIGHT-OF-WAY AND EASEMENTS

All improvements are proposed within the existing right-of-way. It appears that no additional right-of-way and no easements will be required for the proposed improvements.

VII. PERMITS AND APPROVALS

The following permits will be required to implement the proposed improvements:

Valley Branch Watershed District (VBWD)	Rule 2: Storm Water Management Permit
	Rule 3: Erosion and Sediment Control Permit

The watershed's volume control requirements will need to be addressed for Jane Road due to the fact it is to be reconstructed and the project will be excavating into the existing subgrade.

Minnesota Pollution Control Agency (MPCA) NPDES Stormwater Permit

VIII. ESTIMATED PROJECT COSTS

Included in the Appendix are detailed estimates of probable Project costs including construction, engineering, geotechnical investigations, and contingencies. No allowance has been provided for easement and right-of-way.

These cost estimates are based on recent construction projects of similar character and assume that the proposed improvements would begin in 2010. The actual project costs will be determined through a competitive bidding process and will vary with market conditions at the time of the bid.

A summary of the total estimated project costs for the two alternatives are as follows:

Bituminous Reclamation and Reconstruction (new bituminous curb)	\$ 608,000
Bituminous Reclamation and Reconstruction (new concrete curb)	\$ 721,000

IX. FINANCING OF IMPROVEMENTS

This Project is to be partially financed by imposing special assessments against the benefiting properties. Special assessments are levied in accordance with Minnesota Statutes Chapter 429 and the City of Lake Elmo Special Assessment Policy. Benefiting properties are defined as properties abutting the improvement or gaining access to their property from the streets that will be improved.

It is recommended that the Unit Method of assessment be used for these projects because of the homogeneous nature of the neighborhoods. Each lot will receive improved access for the property owner and provide equal use by service vehicles that serve the lot. On March 3, 2009, the City Council received information on the financing options for the 2009-2013 Street CIP and provided direction to assess 30% of the total project costs for the 2009 Street Improvement projects. At the April 7, 2009, City Council Meeting, a motion

was passed to amend the assessment methodology to determine the unit property assessment independently for each neighborhood area. The Council met again on November 10, 2010, and directed staff to continue this assessment policy for the 2010 Street and Water Quality Improvements. Therefore, residents will be assessed 30% of the total project costs to improve their respective street.

The total estimated project costs and corresponding assessment amount for the four street projects are listed in the table below.

Bituminous Reclamation and Reconstruction (new bituminous curb)

Proposed Street	Total Estimated Project Cost	Estimated Per Unit Assessed Rate
Jane Road	\$ 98,000	\$ 2,450
Isle Avenue	\$ 160,000	\$ 2,700
53rd Street	\$ 262,000	\$ 3,950
57th Street	\$ 88,000	\$ 5,300

Bituminous Reclamation and Reconstruction (new concrete curb)

Proposed Street	Total Estimated Project Cost	Estimated Per Unit Assessed Rate
Jane Road	\$ 115,000	\$ 2,900
Isle Avenue	\$ 189,000	\$ 3,150
53rd Street	\$ 312,000	\$ 4,700
57th Street	\$ 105,000	\$ 6,300

The City may use fund reserves or bonds for the Project improvements to pay the up-front project costs and to cover City cost participation. Special assessments would be levied against the benefiting properties with payment terms structured so that the City receives funds to meet debt obligations. If bonds are sold to finance the improvements, the interest rate on the assessment would be charged at prime plus 1%. If no bonds are sold, the interest rate would be set at the rate allowed by State law.

It is recommended that the street and drainage improvements be levied over a 20-year period. Assuming an assessment is levied in the amount of \$3,200 at 6% interest, the

property owner, if they choose to finance the assessment, would be required to pay an estimated \$279 per year.

X. PROJECT SCHEDULE

The following schedule is proposed in order to construct these improvements in 2010.

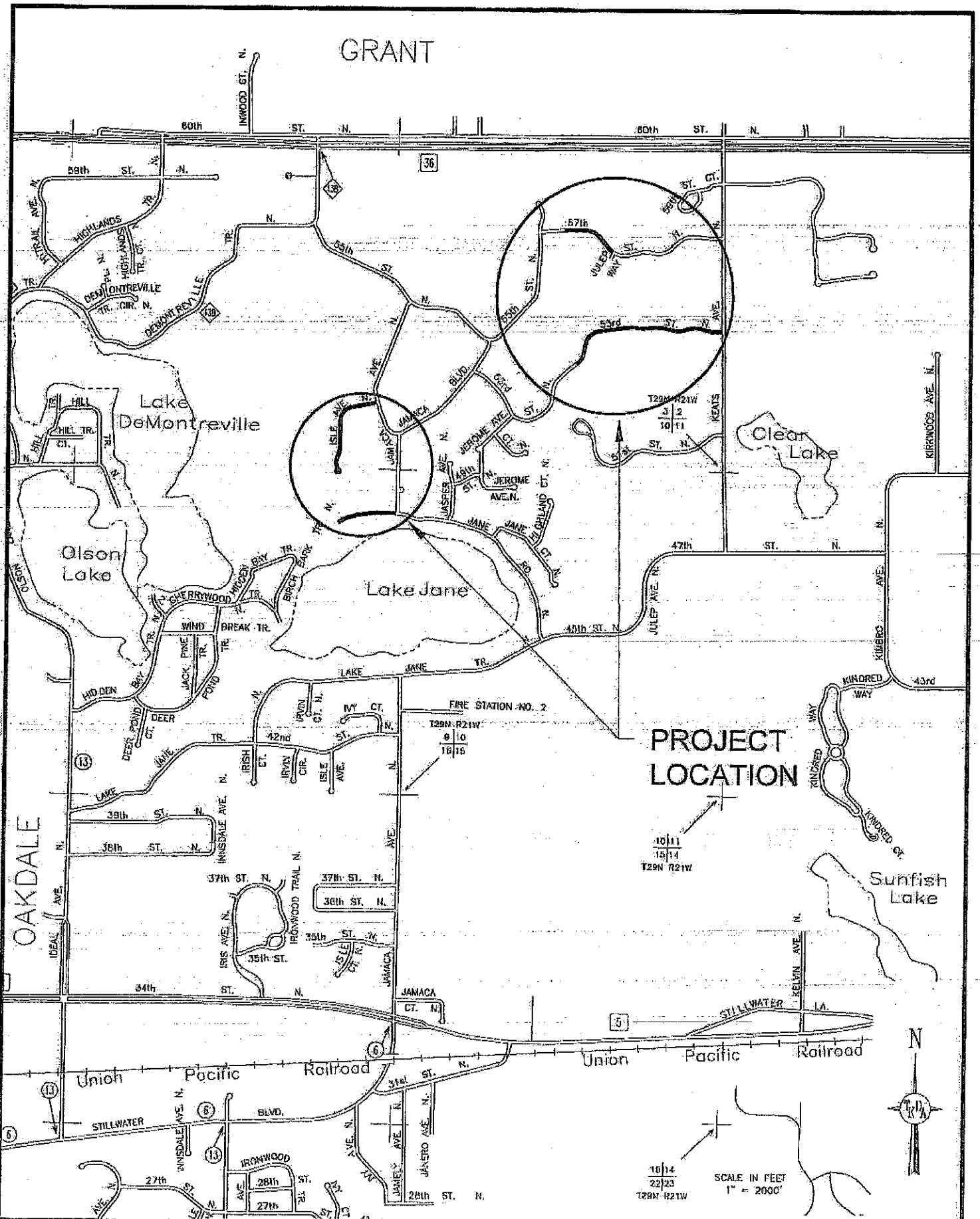
October 20, 2009	Council orders TKDA to prepare a Feasibility Report.
November 10, 2009	City Council Workshop on Assessment Policy
December 15, 2009	Presentation of Feasibility Reports for project area. Council passes resolution receiving Report and calling for Hearing on Improvements to be held January 19, 2010.
January, 2010	<i>Optional - Resident workshop meetings held to review preliminary Report findings.</i>
January 19, 2010	Public Improvement Hearings for project area. Council passes resolution ordering improvement and preparation of Plans.
April 20, 2010	Presentation of Plans and Specifications to the City Council for all project areas. Council approves Plans and Specifications and orders Advertisement for Bids.
April 23, 2010	Placement of Advertisement for Bids - Oakdale-Lake Elmo Review. Publication date of April 28 and May 5.
April 27, 2010	Placement of Advertisement for Bids - Construction Bulletin. Publication date of May 3 and May 10.
May 26, 2010	Receive Contractor bids/review and prepare preliminary assessment roll.
June 1, 2010	City Council accepts bids and awards Contract.
June 4, 2010	Process and send out Contract Documents.
June 18, 2010	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed.
June 23, 2010	Conduct Pre-construction Meeting
June 24, 2010	Contractor begins work
September 2010	Final Completion
October 2010	Final assessment hearing

XI. CONCLUSIONS AND RECOMMENDATIONS

The Project as proposed is technically and financially feasible, is necessary, cost-effective, and will result in a benefit to the properties proposed to be assessed. It is recommended that the City Council accept this Report, hold the public hearing, and order the Improvements.

APPENDIX

GRANT



**PROJECT
LOCATION**

T29N R21W
10/11
15/14

FIRE STATION NO. 2
T29N R21W
9/10
16/15

SCALE IN FEET
1" = 2000'

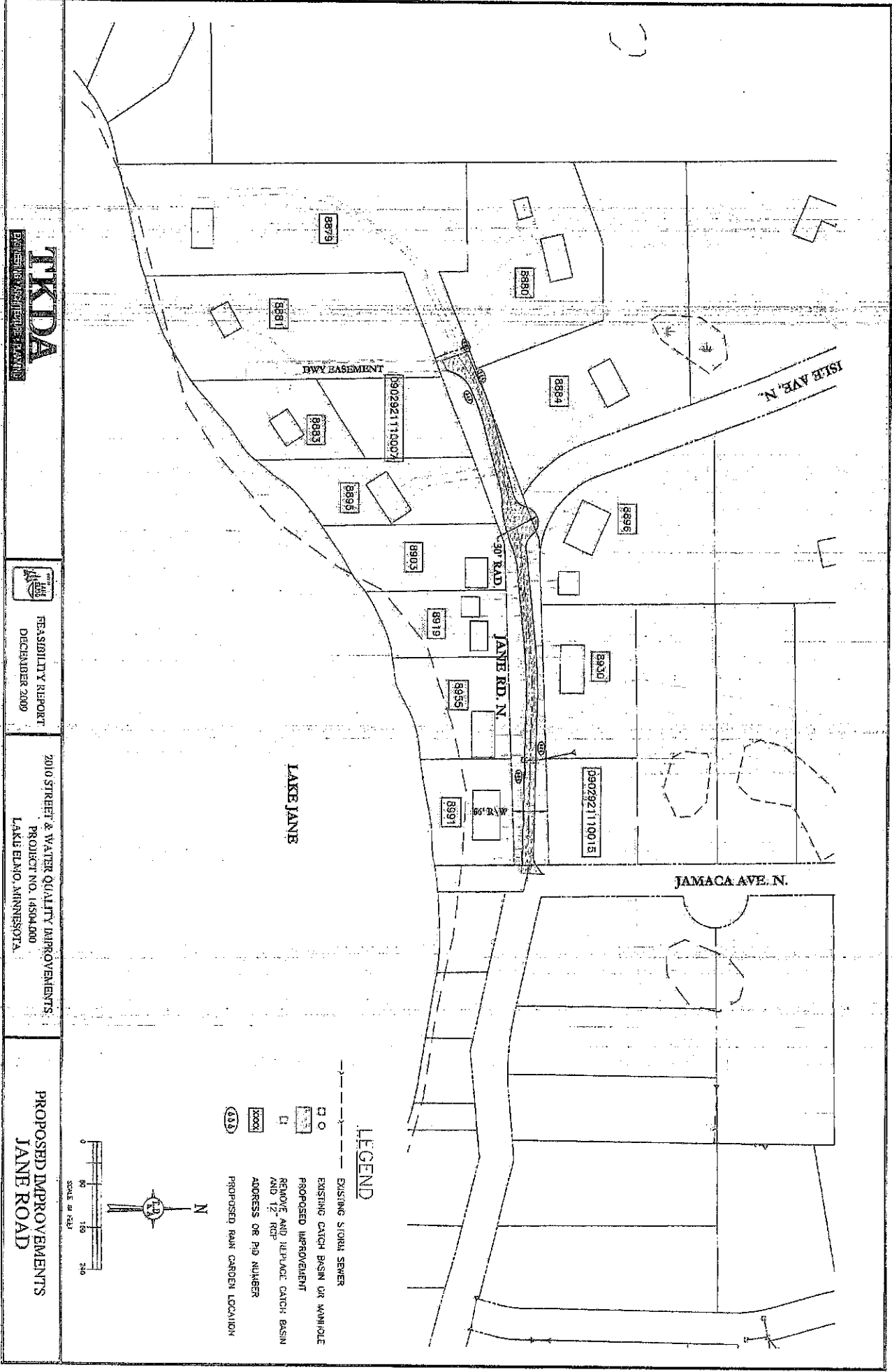
TKDA

ENGINEERING - ARCHITECTURE - PLANNING

PROJ. NO. 14504.000
LAKE ELMO, MINNESOTA
DECEMBER 2009

LOCATION MAP
2010 STREET & WATER QUALITY
IMPROVEMENTS

File: 14504.000.dwg
Drawing: 14504.000.dwg
User: tkda
Date: 12/15/09



TKDA
 TECHNICAL KANSAS CITY, MISSOURI

FEASIBILITY REPORT
 DECEMBER 2000

2010 STREET & WATER QUALITY IMPROVEMENTS
 PROJECT NO. 14504.000
 LAKE ELMO, MINNESOTA

PROPOSED IMPROVEMENTS
 JANE ROAD



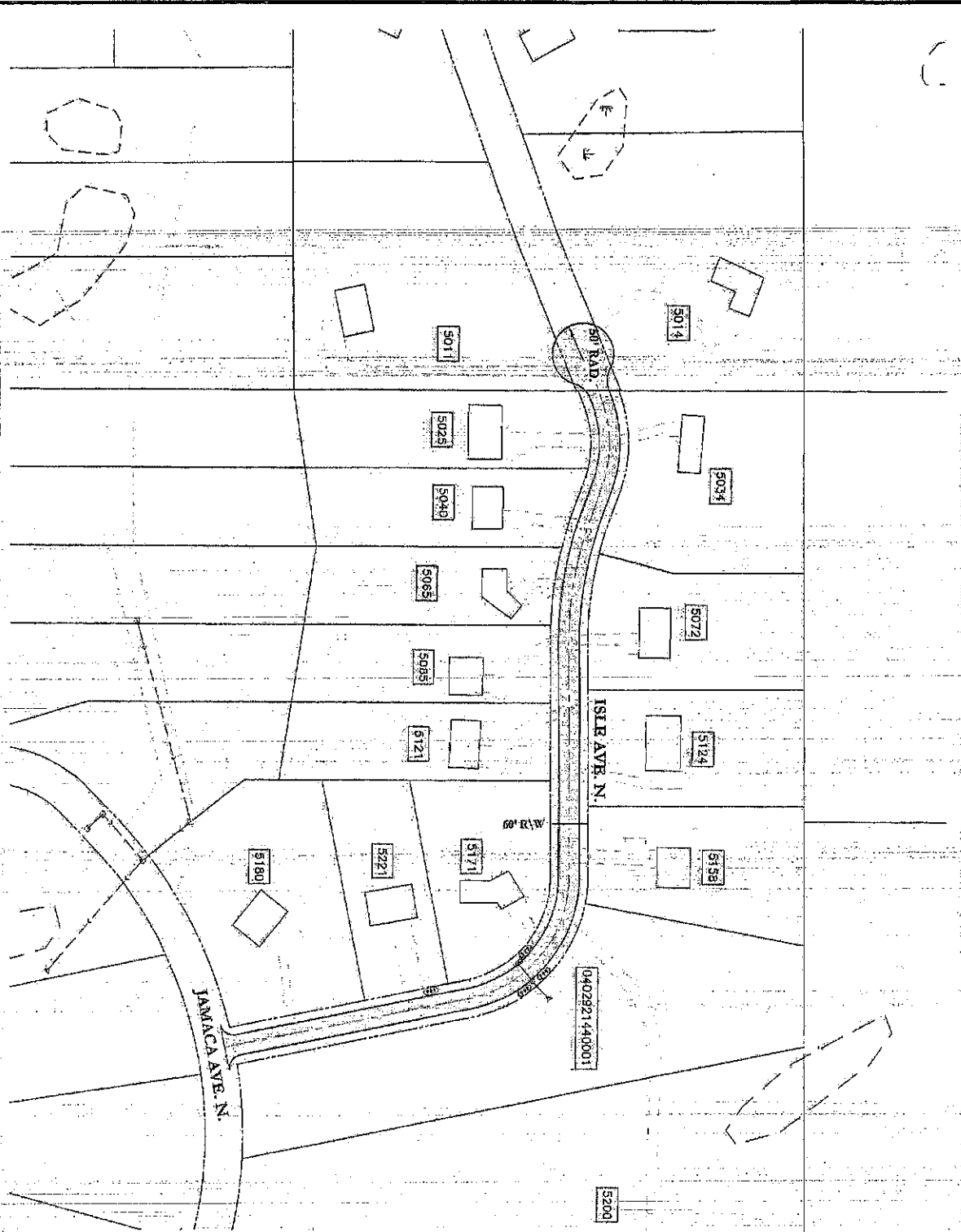
- LEGEND**
- EXISTING STORM SEWER
 - ○ EXISTING CATCH BASIN OR MANHOLE
 - PROPOSED IMPROVEMENT
 - REMOVE AND REPHASE CATCH BASIN AND 1/2 INCH
 - ADDRESS OR PID NUMBER
 - PROPOSED RAIN GARDEN LOCATION

TKDA
 TECHNICAL & DESIGN SERVICES

FEASIBILITY REPORT
 DECEMBER 2009

2010 STREET & WATER QUALITY IMPROVEMENTS
 PROJECT NO. 14894.000
 LAKE ELMO, MINNESOTA

PROPOSED IMPROVEMENTS
 ISLE AVENUE NORTH



LEGEND

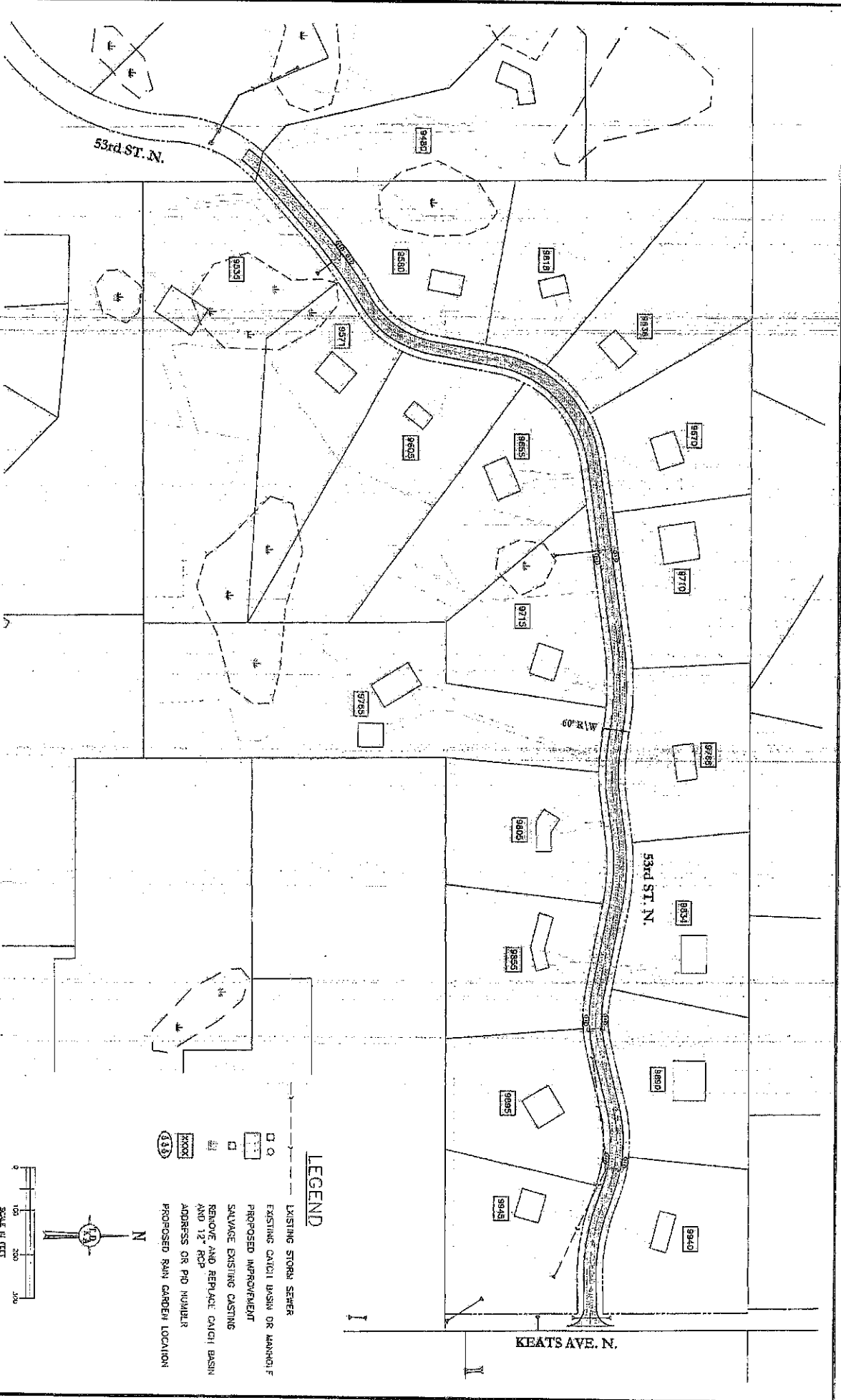
- EXISTING CATCH BASIN OR MANHOLE
- PROPOSED IMPROVEMENT
- ADDRESS OR PID NUMBER
- PROPOSED RAIN GARDEN LOCATION
- EXISTING STORM SEWER



TKDA
 ENGINEERING & ARCHITECTURE
 10000
 10000
 10000

2010 STREET & WATER QUALITY IMPROVEMENTS
 PROJECT NO. 14504.000
 LAKE ELMO, MINNESOTA

PROPOSED IMPROVEMENTS
 53rd STREET NORTH



LEGEND

- EXISTING STORM SEWER
- ○ PROPOSED CATCH BASIN OR MANHOLE
- PROPOSED IMPROVEMENT
- SALVAGE EXISTING CASTING
- REMOVE AND REPLACE CATCH BASIN AND 12" RCP
- ADDRESS OR PID NUMBER
- PROPOSED RAIN GARDEN LOCATION

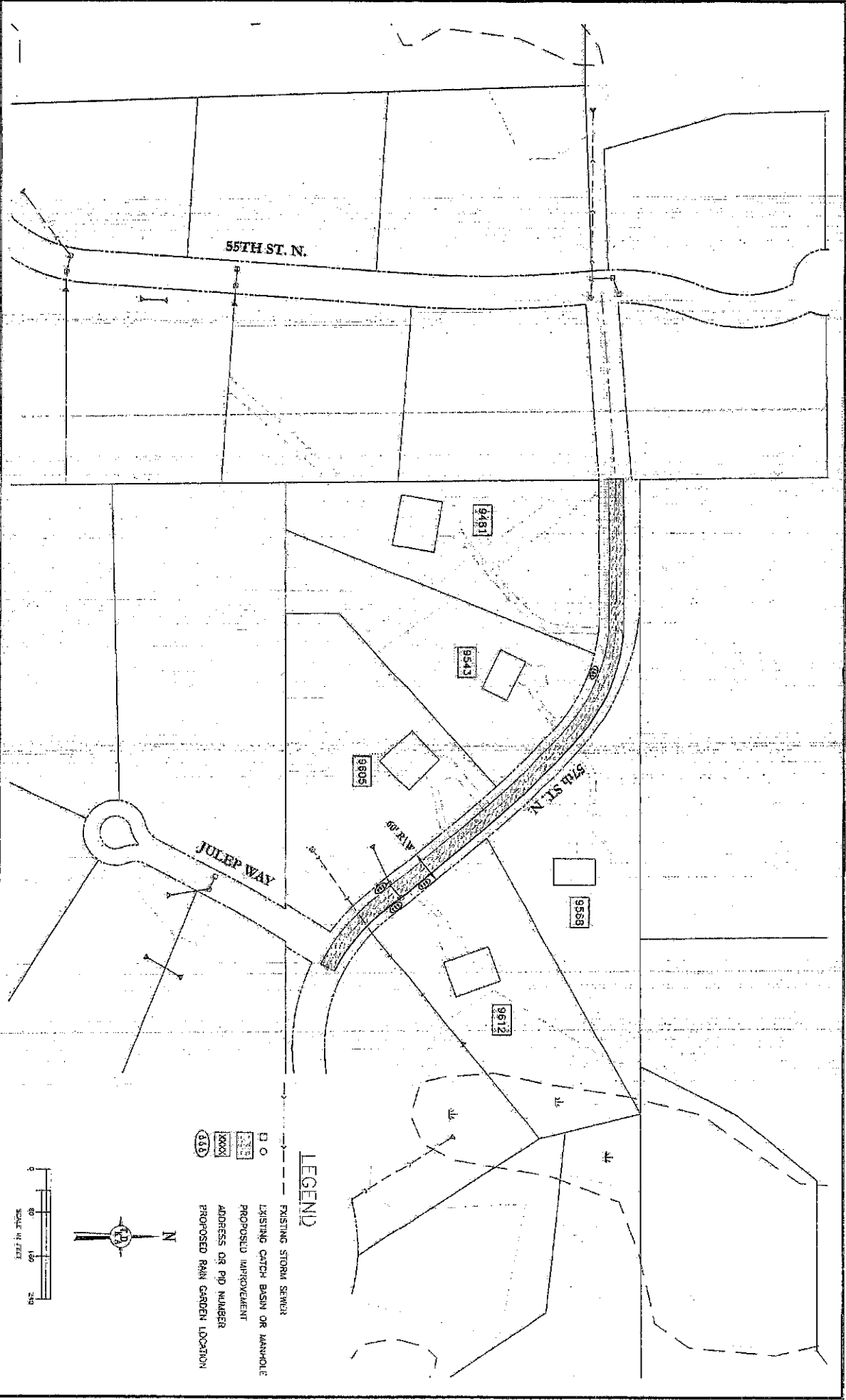


TKDA
 TRANSPORTATION & COMMUNITY DEVELOPMENT

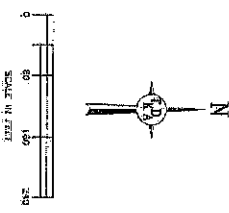
PEASIBILITY REPORT
 DECEMBER 2009

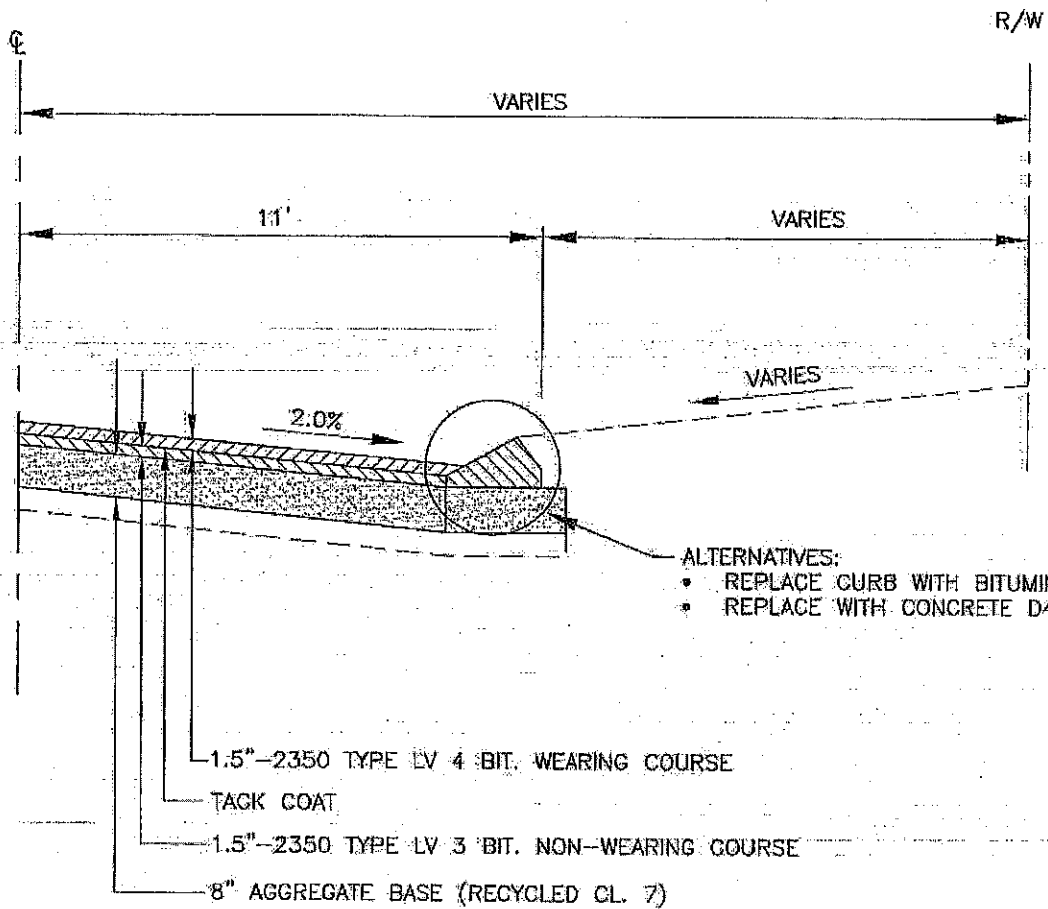
2010 STREET & WATER QUALITY IMPROVEMENTS
 PROJECT NO. 14304.000
 LAKE ELMO, MINNESOTA

PROPOSED IMPROVEMENTS
 57th STREET NORTH



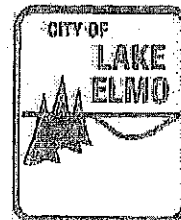
- LEGEND**
- EXISTING STORM SEWER
 - PROPOSED STORM SEWER
 - X EXISTING CATCH BASIN OR MANHOLE
 - X PROPOSED CATCH BASIN OR MANHOLE
 - XXXXX ADDRESS OR PID NUMBER
 - XXXXX PROPOSED RAIN GARDEN LOCATION





STREETS INCLUDED:
 JANE ROAD NORTH

STREET RECONSTRUCTION



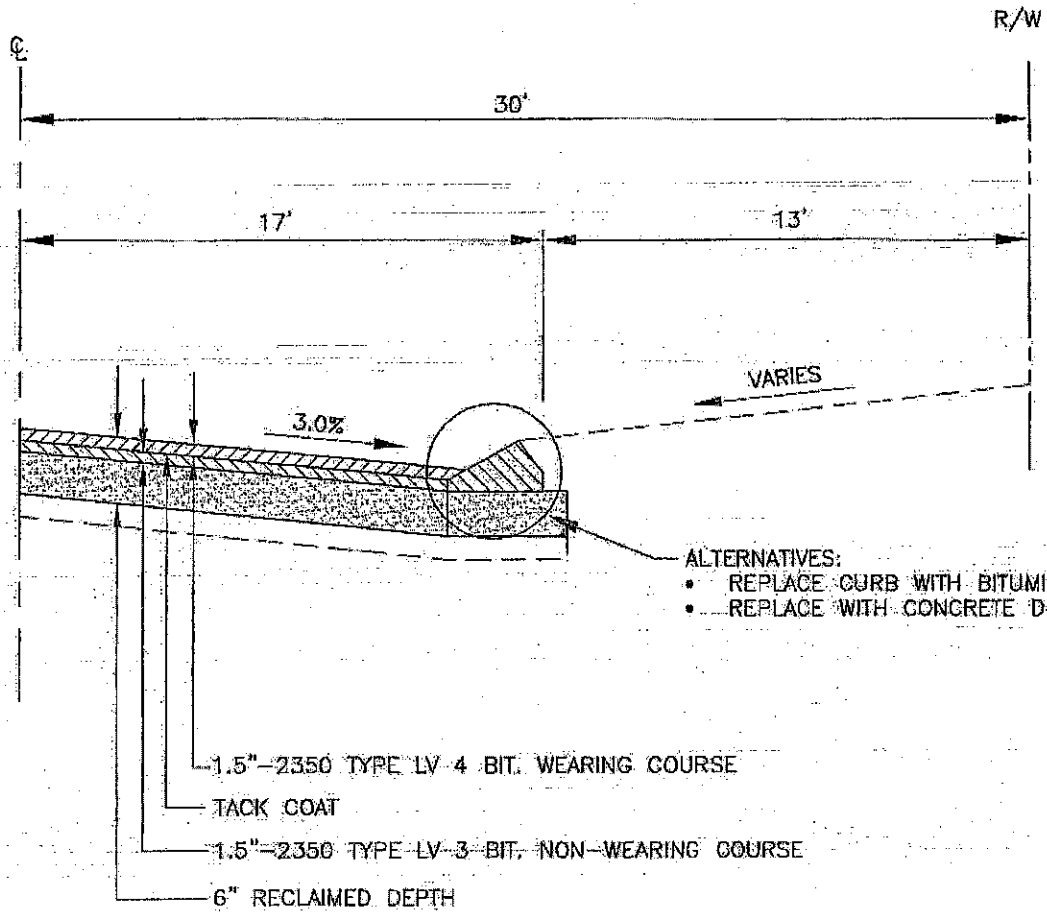
TKDA

ENGINEERING ARCHITECTURE PLANNING

PROJ. NO. 14504.000
 LAKE ELMO, MINNESOTA
 DECEMBER 2009

TYPICAL STREET SECTION
 2010 STREET & WATER QUALITY IMPROVEMENTS

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 XREF:



STREETS INCLUDED:
ISLE AVENUE NORTH



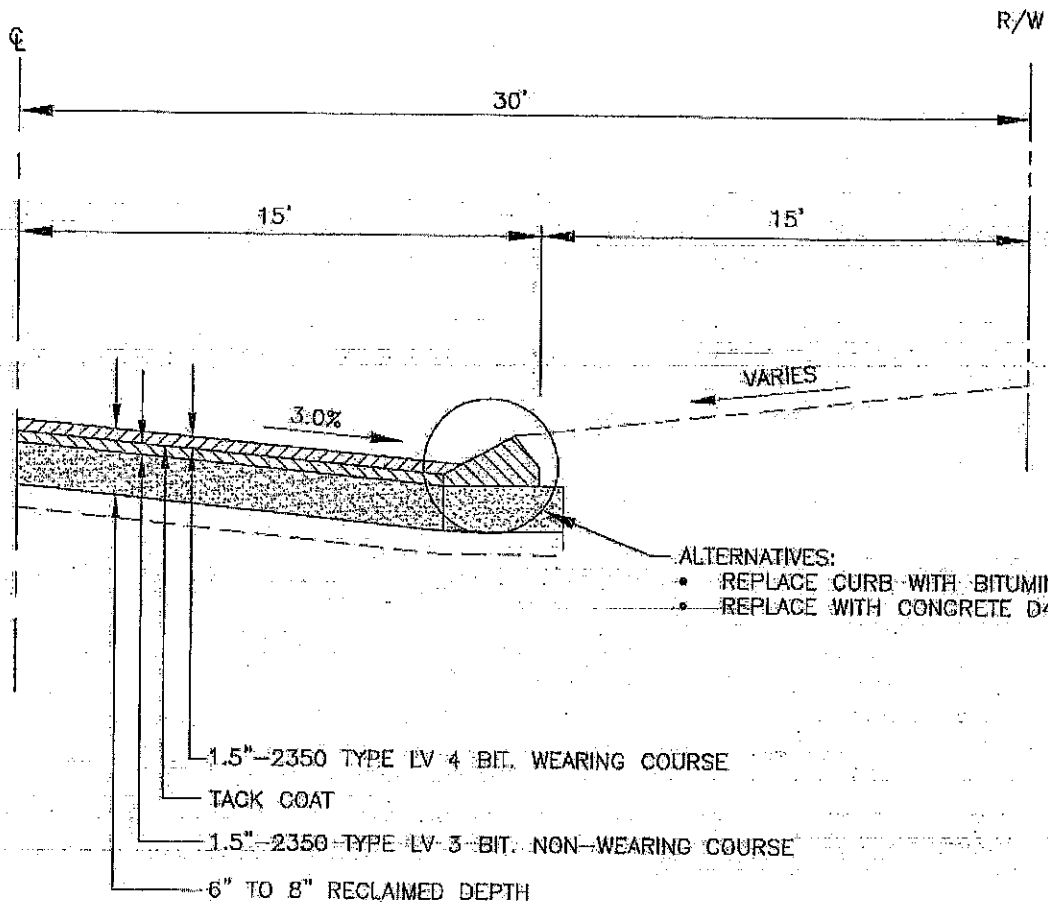
STREET RECLAIM

TKDA

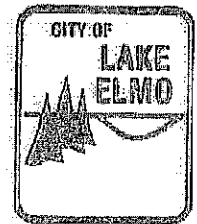
ENGINEERING - ARCHITECTURE - PLANNING

PROJ. NO. 14504.000
LAKE ELMO, MINNESOTA
DECEMBER 2009

TYPICAL STREET SECTION
2010 STREET & WATER QUALITY IMPROVEMENTS



STREETS INCLUDED:
 53rd STREET NORTH
 57th STREET NORTH

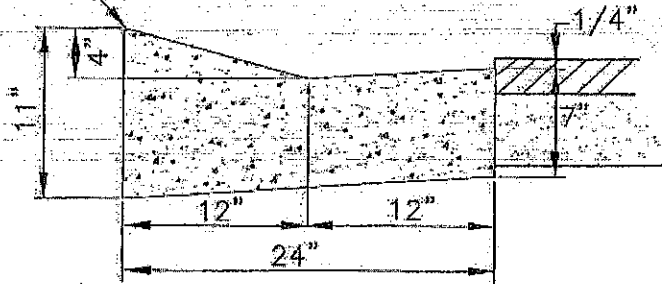


STREET RECLAIM

2009
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 2/18/09

<p>TKDA ENGINEERING • ARCHITECTURE • PLANNING</p>	<p>PROJ. NO. 14504.000 LAKE ELMO, MINNESOTA DECEMBER 2009</p>	<p>TYPICAL STREET SECTION 2010 STREET & WATER QUALITY IMPROVEMENTS</p>
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1/2" RADIUS

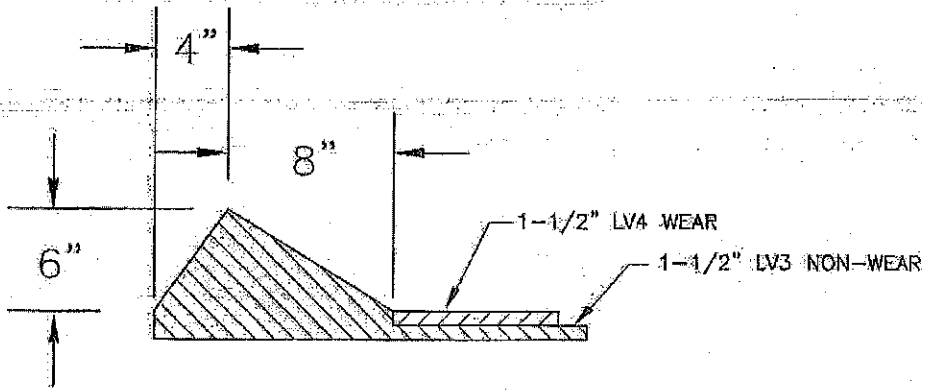


D412

CONCRETE CURB AND GUTTER

NOTE:
CONSTRUCT B618 CURB & GUTTER AT
INTERSECTION RADII.

CONCRETE CURB



INTEGRAL SHOE-FORMED
BITUMINOUS CURB

(CONSTRUCTED W/ BASE COURSE INSTALLATION)

BITUMINOUS CURB



TKDA

ENGINEERING - ARCHITECTURE - PLANNING

PROJ. NO. 14504.000
LAKE ELMO, MINNESOTA
DECEMBER 2009

TYPICAL STREET SECTION
2010 STREET & WATER QUALITY IMPROVEMENTS
EDGE CONTROL DETAILS

CITY OF LAKE ELMO, MINNESOTA
 2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
 JANE ROAD NORTH - RECONSTRUCTION
 TKDA PROJECT NO. 14504.000
 ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECONSTRUCTION W/BITUMINOUS CURB

1	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
255	LF	SILT FENCE	\$	638
2	EA	INLET PROTECTION	\$	400
310	LF	SAWCUT PAVEMENT (ALL TYPES)	\$	930
2,582	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	\$	5,164
156	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	778
24	LF	REMOVE & DISPOSE OF EXIST. STORM SEWER	\$	192
2	EA	REMOVE & DISPOSE OF EXIST. STORM MANHOLE	\$	700
679	CY	COMMON EXCAVATION (CV) (P)	\$	6,785
10	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	1,785
916	CY	PLACE & COMPACT RECLAIM MATERIAL (FROM OTHER SITES) (LV)	\$	6,412
299	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	16,766
230	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	13,363
129	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	322
156	SY	2"-2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	3,889
561	LF	SAW & SEAL STREET (40' INTERVALS)	\$	1,122
24	LF	12" RCP STORM SEWER PIPE	\$	720
1	EA	48" DIAMETER MANHOLE, TYPE 406S (0'-10' DEPTH)	\$	3,000
1	EA	CATCH BASIN, TYPE 404S	\$	2,000
148	CY	TOPSOIL BORROW	\$	1,779
889	SY	SODDING	\$	3,558
			\$	72,102
CONTINGENCIES			\$	7,210
EASEMENT AND RIGHT-OF-WAY ACQUISITION			\$	-
FEASIBILITY REPORT			\$	2,000
ENGINEERING DESIGN AND CONSTRUCTION SERVICES			\$	8,787
GEO/TECHNICAL ENGINEERING			\$	1,450
RESIDENT FULL-TIME CONSTRUCTION OBSERVATION			\$	4,833
LEGAL, FISCAL & ADMINISTRATION			\$	1,442
TOTAL ESTIMATED PROJECT COST			\$	98,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
ISLE AVENUE NORTH ~ RECLAIM
TICDA PROJECT NO. 14504.000
ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECLAIM STREET W/BITUMINOUS CURB

1	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
371	LF	SILT FENCE	\$	928
3	EA	INLET PROTECTION	\$	600
371	LF	SAWCUT PAVEMENT (ALL TYPES)	\$	1,113
100	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	500
44	SY	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	\$	222
1,794	SY	SUBGRADE CORRECTION	\$	17,944
6,483	SY	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	\$	7,131
174	CY	HAUL OUT EXCESS MILLINGS (LV)	\$	1,482
16	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	2,774
645	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	36,098
547	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	31,715
306	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	765
180	SY	2" 2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	2,500
1,188	LF	SAW & SEAL STREET (40' INTERVALS)	\$	2,376
44	SY	6" CONCRETE DRIVE	\$	2,667
3	CY	CLASS 3 RIP RAP W/GEOTEXTILE FABRIC	\$	270
20	LF	DITCH GRADING	\$	140
200	CY	TOPSOIL BORROW	\$	2,399
33	SY	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	\$	150
1,199	SY	SODDING	\$	4,798
			\$	118,372
CONTINGENCIES			\$	11,837
EASEMENT AND RIGHT-OF-WAY ACQUISITION			\$	-
FEASIBILITY REPORT			\$	3,303
ENGINEERING DESIGN AND CONSTRUCTION SERVICES			\$	14,472
GEOTECHNICAL ENGINEERING			\$	1,450
RESIDENT FULL-TIME CONSTRUCTION OBSERVATION			\$	7,960
LEGAL, FISCAL & ADMINISTRATION			\$	2,367
TOTAL ESTIMATED PROJECT COST			\$	160,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
 2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
 53RD STREET NORTH ~ RECLAIM
 TKDA PROJECT NO. 14504.000
 ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECLAIM STREET W/BITUMINOUS CURB

1	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
784	LF	SILT FENCE	\$	1,959
8	EA	INLET PROTECTION	\$	1,600
440	LF	SAWCUT PAVEMENT (ALL TYPES)	\$	1,320
189	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	944
22	SY	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	\$	111
30	LF	REMOVE & DISPOSE OF EXIST. STORM SEWER	\$	240
2	EA	REMOVE & DISPOSE OF EXIST. STORM MANHOLE	\$	700
1,933	SY	SUBGRADE CORRECTION	\$	19,333
10,450	SY	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	\$	11,495
601	CY	HAUL OUT EXCESS MILLINGS (LV)	\$	5,107
31	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	5,486
1,058	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	59,276
872	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	50,559
488	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	1,219
189	SY	2" 2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	4,722
2,195	LF	SAW & SEAL STREET (40' INTERVALS)	\$	4,389
22	SY	6" CONCRETE DRIVE	\$	1,333
6	EA	SALVAGE AND ADJUST CASTING	\$	2,400
30	LF	12" RCP STORM SEWER PIPE	\$	900
1	EA	48" DIAMETER MANHOLE, TYPE 406 (0'-10' DEPTH)	\$	2,500
1	EA	CATCH BASIN, TYPE 404	\$	1,800
348	CY	TOPSOIL BORROW	\$	4,180
2,090	SY	SODDING	\$	8,360
3,135	LF	STRIPING	\$	2,351
			\$	194,086
		CONTINGENCIES	\$	19,409
		EASEMENT AND RIGHT-OF-WAY ACQUISITION	\$	-
		FEASIBILITY REPORT	\$	6,045
		ENGINEERING DESIGN AND CONSTRUCTION SERVICES	\$	23,883
		GEOTECHNICAL ENGINEERING	\$	1,450
		RESIDENT FULL-TIME CONSTRUCTION OBSERVATION	\$	13,135
		LEGAL, FISCAL & ADMINISTRATION	\$	3,882
		TOTAL ESTIMATED PROJECT COST	\$	262,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
57TH STREET NORTH
TKDA PROJECT NO. 14504.000
ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECLAIM STREET W/BITUMINOUS CURB

1	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
279	LF	SILT FENCE	\$	697
2	EA	INLET PROTECTION	\$	400
180	LF	SAWCUT PAVEMENT (ALL TYPES)	\$	540
67	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	333
333	SY	SUBGRADE CORRECTION	\$	3,333
3,717	SY	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	\$	4,089
332	CY	HAUL OUT EXCESS MILLINGS (LV)	\$	2,820
11	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	1,951
376	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	21,082
310	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	17,982
173	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	434
67	SY	2" 2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	1,567
781	LF	SAW & SEAL STREET (40' INTERVALS)	\$	1,561
124	CY	TOPSOIL BORROW	\$	1,487
743	SY	SODDING	\$	2,973
4,415	LF	STRIPING	\$	836
			\$	63,985
		CONTINGENCIES	\$	6,399
		EASEMENT AND RIGHT-OF-WAY ACQUISITION	\$	-
		FEASIBILITY REPORT	\$	2,150
		ENGINEERING DESIGN AND CONSTRUCTION SERVICES	\$	7,990
		GEOTECHNICAL ENGINEERING	\$	1,450
		RESIDENT FULL-TIME CONSTRUCTION OBSERVATION	\$	4,394
		LEGAL, FISCAL & ADMINISTRATION	\$	1,280
		TOTAL ESTIMATED PROJECT COST	\$	88,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
JANE ROAD NORTH ~ RECONSTRUCTION

TKDA PROJECT NO. 14504-000

ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECONSTRUCTION W/CONCRETE CURB

4	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
255	LF	SILT FENCE	\$	638
2	EA	INLET PROTECTION	\$	400
310	LF	SAWCUT BITUMINOUS PAVEMENT	\$	930
2,582	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	\$	5,164
156	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	778
24	LF	REMOVE & DISPOSE OF EXIST. STORM SEWER	\$	192
2	EA	REMOVE & DISPOSE OF EXIST. STORM MANHOLE	\$	700
679	CY	COMMON EXCAVATION (CV) (P)	\$	6,785
10	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	1,785
916	CY	PLACE & COMPACT RECLAIM MATERIAL (FROM OTHER SITES) (LV)	\$	6,412
208	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	11,656
208	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	12,072
116	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	291
156	SY	2" 2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	3,889
459	LF	SAW & SEAL STREET (40' INTERVALS)	\$	918
2,240	LF	D412 CONCRETE CURB & GUTTER	\$	22,400
24	LF	12" RCP STORM SEWER PIPE	\$	720
1	EA	48" DIAMETER MANHOLE, TYPE 406S (0'-10" DEPTH)	\$	3,000
1	EA	CATCH BASIN, TYPE 404	\$	2,000
148	CY	TOPSOIL BORROW	\$	1,779
889	SY	SODDING	\$	3,558
			\$	87,867
CONTINGENCIES			\$	8,787
EASEMENT AND RIGHT-OF-WAY ACQUISITION			\$	-
FEASIBILITY REPORT			\$	2,002
ENGINEERING DESIGN AND CONSTRUCTION SERVICES			\$	8,787
GEO/TECHNICAL ENGINEERING			\$	1,450
RESIDENT FULL-TIME CONSTRUCTION OBSERVATION			\$	4,833
LEGAL, FISCAL & ADMINISTRATION			\$	1,757
TOTAL ESTIMATED PROJECT COST			\$	115,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
ISLE AVENUE NORTH - RECLAIM

TKDA PROJECT NO. 14504.000
ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECLAIM STREET W/CONCRETE CURB

1	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
371	LF	SILT FENCE	\$	928
3	EA	INLET PROTECTION	\$	600
371	LF	SAWCUT BITUMINOUS PAVEMENT	\$	1,113
100	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	500
89	SY	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	\$	444
1,794	SY	SUBGRADE CORRECTION	\$	17,944
6,483	SY	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	\$	7,131
174	CY	HAUL OUT EXCESS MILLINGS (LV)	\$	1,482
16	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	2,774
514	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	28,800
514	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	29,829
288	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	719
100	SY	2"-2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	2,500
1,114	LF	SAW & SEAL STREET (40' INTERVALS)	\$	2,228
89	SY	6" CONCRETE DRIVE	\$	5,333
3,284	LF	D412 CONCRETE CURB & GUTTER	\$	32,842
3	CY	CLASS 3 RIP RAP W/GEOTEXTILE FABRIC	\$	270
20	LF	DITCH GRADING	\$	140
200	CY	TOPSOIL BORROW	\$	2,399
33	SY	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	\$	150
1,199	SY	SODDING	\$	4,798
			\$	144,724
		CONTINGENCIES	\$	14,472
		EASEMENT AND RIGHT-OF-WAY ACQUISITION	\$	-
		FEASIBILITY REPORT	\$	3,303
		ENGINEERING DESIGN AND CONSTRUCTION SERVICES	\$	14,472
		GEOTECHNICAL ENGINEERING	\$	1,450
		RESIDENT FULL-TIME CONSTRUCTION OBSERVATION	\$	7,960
		LEGAL, FISCAL & ADMINISTRATION	\$	2,894
		TOTAL ESTIMATED PROJECT COST	\$	189,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
53RD STREET NORTH ~ RECLAIM

TKDA PROJECT NO. 14504-000

ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECLAIM STREET W/CONCRETE CURB

1	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
784	LF	SILT FENCE	\$	1,959
8	EA	INLET PROTECTION	\$	1,600
440	LF	SAWCUT BITUMINOUS PAVEMENT	\$	1,320
189	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	944
22	SY	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	\$	111
30	LF	REMOVE & DISPOSE OF EXIST. STORM SEWER	\$	240
2	EA	REMOVE & DISPOSE OF EXIST. STORM MANHOLE	\$	700
1,933	SY	SUBGRADE CORRECTION	\$	19,333
10,450	SY	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	\$	11,495
601	CY	HAUL OUT EXCESS MILLINGS (LV)	\$	5,107
31	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	5,486
809	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	45,329
809	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	46,947
453	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	1,132
189	SY	2"-2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	4,722
2,038	LF	SAW & SEAL STREET (40' INTERVALS)	\$	4,076
22	SY	6" CONCRETE DRIVE	\$	1,333
6,270	LF	D412 CONCRETE CURB & GUTTER	\$	62,700
6	EA	SALVAGE AND ADJUST CASTING	\$	2,400
30	LF	12" RCP STORM SEWER PIPE	\$	900
1	EA	48" DIAMETER MANHOLE, TYPE 406 (0'-10" DEPTH)	\$	2,500
1	EA	CATCH BASIN, TYPE 404	\$	1,800
348	CY	TOP SOIL BORROW	\$	4,180
2,090	SY	SODDING	\$	8,360
3,135	LF	STRIPING	\$	2,351
			\$	238,827
CONTINGENCIES			\$	23,883
EASEMENT AND RIGHT-OF-WAY ACQUISITION			\$	-
FEASIBILITY REPORT			\$	6,045
ENGINEERING DESIGN AND CONSTRUCTION SERVICES			\$	23,883
GEO TECHNICAL ENGINEERING			\$	1,450
RESIDENT FULL-TIME CONSTRUCTION OBSERVATION			\$	13,135
LEGAL, FISCAL & ADMINISTRATION			\$	4,777
TOTAL ESTIMATED PROJECT COST			\$	312,090

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
57TH STREET NORTH ~ RECLAIM
TKDA PROJECT NO. 14504.000
ENGINEER'S PRELIMINARY ESTIMATE OF COST

RECLAIM STREET W/CONCRETE CURB

1	LS	MOBILIZATION	\$	1,500
1	LS	TRAFFIC CONTROL	\$	300
279	LF	SILT FENCE	\$	697
2	EA	INLET PROTECTION	\$	400
180	LF	SAWCUT BITUMINOUS PAVEMENT	\$	540
67	SY	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	\$	333
333	SY	SUBGRADE CORRECTION	\$	3,333
3,717	SY	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	\$	4,089
332	CY	HAUL OUT EXCESS MILLINGS (LV)	\$	2,820
11	RS	SUBGRADE PREPARATION OF RECLAIMED SURFACE	\$	1,951
288	TN	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	\$	16,122
288	TN	2360 TYPE LV4 BITUMINOUS WEARING COURSE	\$	16,697
161	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$	403
67	SY	2"-2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	\$	1,667
725	LF	SAW & SEAL STREET (40' INTERVALS)	\$	1,450
2,230	LF	D412 CONCRETE CURB & GUTTER	\$	22,300
124	CY	TOPSOIL BORROW	\$	1,487
743	SY	SODDING	\$	2,973
1,115	LF	STRIPING	\$	836
			\$	79,898
		CONTINGENCIES	\$	7,990
		EASEMENT AND RIGHT-OF-WAY ACQUISITION	\$	-
		FEASIBILITY REPORT	\$	2,150
		ENGINEERING DESIGN AND CONSTRUCTION SERVICES	\$	7,990
		GEOTECHNICAL ENGINEERING	\$	1,450
		RESIDENT FULL-TIME CONSTRUCTION OBSERVATION	\$	4,394
		LEGAL, FISCAL & ADMINISTRATION	\$	1,598
		TOTAL ESTIMATED PROJECT COST	\$	105,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

CITY OF LAKE ELMO, MINNESOTA
 2010 STREET & WATER QUALITY IMPROVEMENTS: FEASIBILITY REPORT
 WATER QUALITY IMPROVEMENTS - RAIN GARDENS

TKDA PROJECT NO. 14504.000

ENGINEER'S PRELIMINARY ESTIMATE OF COST

RAIN GARDEN IMPLEMENTATION

1,440	SF	JANE ROAD - 5 RAIN GARDENS	\$	12,960
1,152	LS	ISLE AVENUE - 4 RAIN GARDENS	\$	10,368
2,304	LF	53RD STREET - 8 RAIN GARDENS	\$	20,736
1,152	EA	57TH STREET - 4 RAIN GARDENS	\$	10,368
			\$	54,432
CONTINGENCIES			\$	5,443
EASEMENT AND RIGHT-OF-WAY ACQUISITION			\$	-
ENGINEERING, DESIGN AND CONSTRUCTION SERVICES			\$	8,500
GEO TECHNICAL ENGINEERING			\$	1,450
LEGAL, FISCAL & ADMINISTRATION			\$	1,089
TOTAL ESTIMATED PROJECT COST			\$	71,000

*The estimated costs are according to average prices received on similar projects in other areas. The actual costs for this project will be determined through a bidding process and can vary with market conditions at the time of the bid.

JANE ROAD NORTH
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	UNITS
1	THOMAS C SKALBECK	JANE ROAD N	0902921110023	1
2	RICHARD A & CATHERINE WEIL	JANE ROAD N	0902921110020	1
3	JUSTIN W & DANA N BLOYER	JANE ROAD N	0902921110006	1
4	PATRICK M MCALLISTER & DERVAL F HAYES MCALLISTER	JANE ROAD N	0902921110008	1
5	MANFRED E & ANKE RIÉCHERT	JANE ROAD N	0902921110002	1
6	WILLIAM W & LOWELLA M STEVENSON	JANE ROAD N	0902921110009	1
7	STEVEN R & SHAUN M COLLIER	JANE ROAD N	0902921110022	1
8	MARK A & SHANNON GD HELS	JANE ROAD N	0902921110010	1
9	JOHN F & VIRGINIA SCHNEIDER	JANE ROAD N	0902921110011	1
10	WILLIAM F & VALERIE B BRASS	JANE ROAD N	0902921110016	1
11	JEFFREY P & JOAN M WIEDEN	JANE ROAD N	0902921110012	1
12	SUZANNE & ROBERT HÖRNING	JANE ROAD N	0902921110013	1
TOTAL				12

ISLE AVENUE NORTH
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	UNITS
1	DANNY M & GAIL L COLLYARD	ISLE AVENUE N 5011	0902921110004	1
2	MARY P & SAMUEL R DINER	ISLE AVENUE N 5014	0902921110001	1
3	RICHARD C GUSTAFSON III & JEANNE TREPANIER	ISLE AVENUE N 5025	0402921440015	1
4	PAUL & ANNE GELBMANN	ISLE AVENUE N 5034	0402921440011	1
5	JOHN & EUGENIA CHERNY	ISLE AVENUE N 5040	0402921440016	1
6	DANIEL R & SUZANNE A STARKS	ISLE AVENUE N 5065	0402921440017	1
7	KAREN M MAGILL	ISLE AVENUE N 5072	0402921440012	1
8	THOMAS W & LINDA L S BOCHE	ISLE AVENUE N 5085	0402921440018	1
9	JAMES E & LISA M CHON	ISLE AVENUE N 5121	0402921440019	1
10	CRAIG T & MAUREEN D FALZONE	ISLE AVENUE N 5124	0402921440013	1
11	LAURA A EASTMAN & DEBRA K NELSON	ISLE AVENUE N 5158	0402921440014	1
12	PHILIP & THERESA LYNN CRAMPTON	ISLE AVENUE N 5171	0402921440020	1
13	MICHAEL J & SALLY E MUELLER	ISLE AVENUE N 5200	0402921410001	1
13	MICHAEL J & SALLY E MUELLER (DEFERRED)	ISLE AVENUE N 5200	0402921410001	1
14	MICHAEL J & SALLY E MUELLER (DEFERRED)	ISLE AVENUE N 5221	0402921440001	2
15	THOMAS M & MARY JO JASICKI	ISLE AVENUE N 5180	0402921440021	1
16	JAMES A & EILEEN H BLASKO	JAMACA AVENUE N 5180	0402921440008	1
TOTAL				18

53RD STREET NORTH
PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	UNITS
1	JEROD F & SUSUAN C DREIS	53rd STREET N LAKE ELMO	0302921310003	1
2	MARY LOU KERAN	53rd STREET N LAKE ELMO	0302921420014	1
3	DOUGLAS RICHARD & KAREN PEPIN	53rd STREET N LAKE ELMO	0302921420013	1
4	STEVEN J & HEIDI MOELLER	53rd STREET N LAKE ELMO	0302921420008	1
5	WILLIAM D & RAE ANN MICHEL	53rd STREET N LAKE ELMO	0302921420012	1
6	ROBERT E & REBECCA L KOHLER	53rd STREET N LAKE ELMO	0302921420007	1
7	GREGG A & JULIE A NIELSEN	53RD STREET N LAKE ELMO	0302921420006	1
8	TIMOTHY & CONSTANCE KERAN	53RD STREET N LAKE ELMO	0302921420011	1
9	KIRBY R & JULIE R SPIKE	53RD STREET N LAKE ELMO	0302921420005	1
10	ROGER C & JERI L STODDARD	53RD STREET N LAKE ELMO	0302921420004	1
11	DARRELL J & CONNIE M OMAN	53RD STREET N LAKE ELMO	0302921420010	1
12	EDWARD J & VIRGINA HILDEBRANT	53RD STREET N LAKE ELMO	0302921420009	1
13	ROBERT A & JOANNE F LEMONDS	53RD STREET N LAKE ELMO	0302921420003	1
14	WILLIAM J & CHONG H WEINBERGER	53RD STREET N LAKE ELMO	0302921410010	1
15	GERARD T & DEBORAH M COONS	53RD STREET N LAKE ELMO	0302921410006	1
16	REXFORD K & LYNN B CATTANACH	53RD STREET N LAKE ELMO	0302921410009	1
17	DANIEL J & JULIE L HOPKINS	53RD STREET N LAKE ELMO	0302921410005	1
18	JOHN P MEUWISSEN	53RD STREET N LAKE ELMO	0302921410008	1
19	BRUCE R & LEANN M KAUFENBERG	53RD STREET N LAKE ELMO	0302921410004	1
20	CHANG HA & KIMBERLY M CHO	53RD STREET N LAKE ELMO	0302921410007	1
TOTAL				20

57TH STREET NORTH
PRELIMINARY ASSESSMENT ROLL

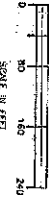
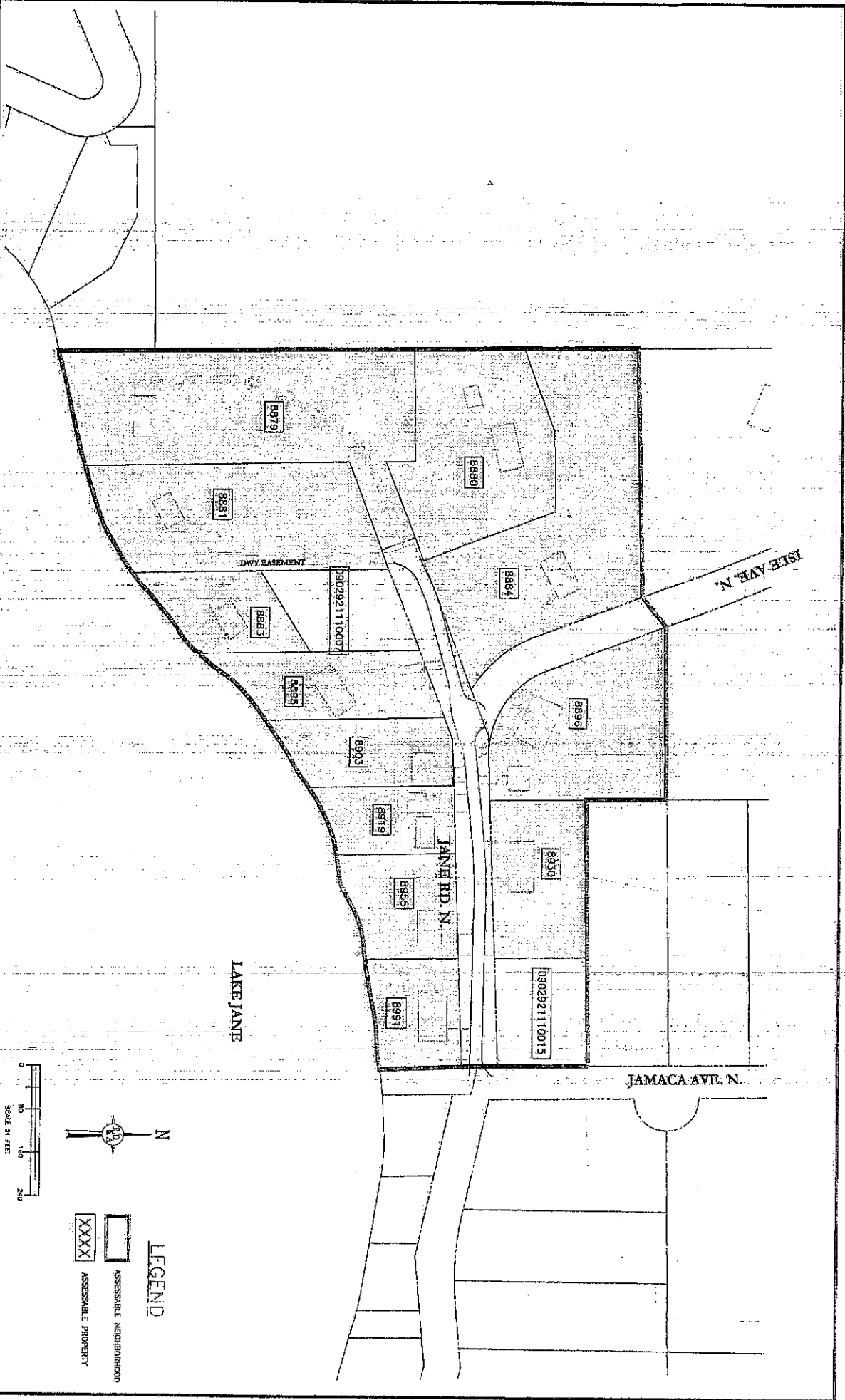
NO.	NAME	ADDRESS	PID	UNITS
1	BRADLEY L & MARCIA A BERGIE	9481 57TH STREET N LAKE ELMO	55042 0302921130006	1
2	GREGORY J STEELE	9543 57TH STREET N LAKE ELMO	55042 0302921130007	1
3	ERIK E & DENISE JOSTES	9568 57TH STREET N LAKE ELMO	55042 0302921130005	1
4	JOHN E & PATRICIA J JESKA	9605 57TH STREET N LAKE ELMO	55042 0302921130008	1
5	JOHN H & LISA L BURBAN	9612 57TH STREET N LAKE ELMO	55042 0302921130004	1
TOTAL				5

TKIDA
TWIN CITIES KANSAS CITY DISTRICT ASSOCIATION

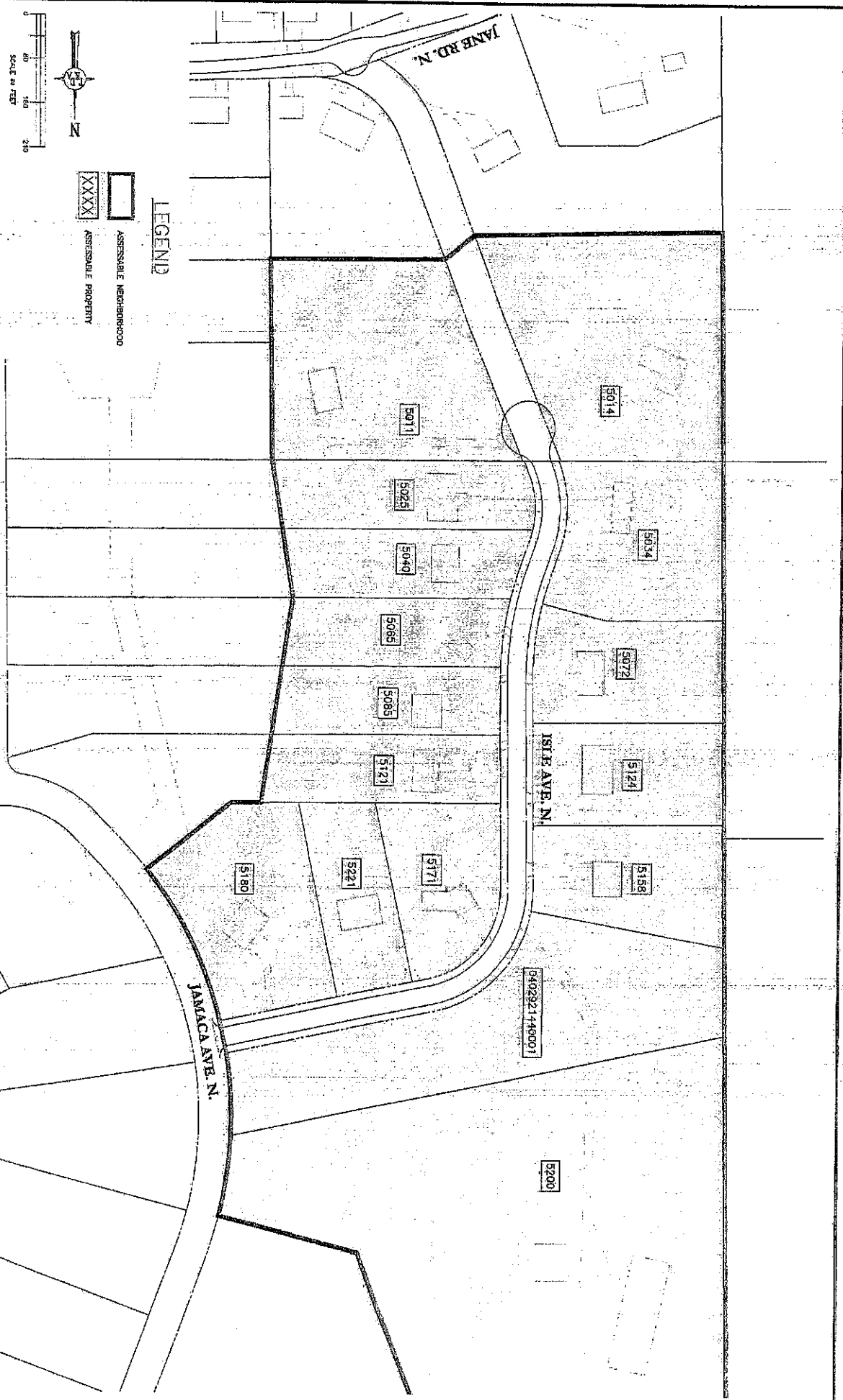
FEASIBILITY REPORT
DECEMBER 2009



2010 STREET & WATER QUALITY IMPROVEMENTS
PROJECT NO. 1480400
LAKE BLVD., MINNESOTA

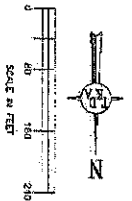
ASSESSABLE PROPERTY
JANE ROAD NORTH



LEGEND
[Solid Box] ASSESSABLE NEIGHBORHOOD
[Box with XXXX] ASSESSABLE PROPERTY



LEGEND
 ASSESSABLE NEIGHBORHOOD
 ASSESSABLE PROPERTY



TKDA
 ENGINEERING ARCHITECTURE PLANNING

FRASIBILITY REPORT
 DECEMBER 2005

2010 STREET & WATER QUALITY IMPROVEMENTS
 PROJECT NO. 14904.000
 LAKE ELM, MN, MINNESOTA

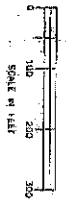
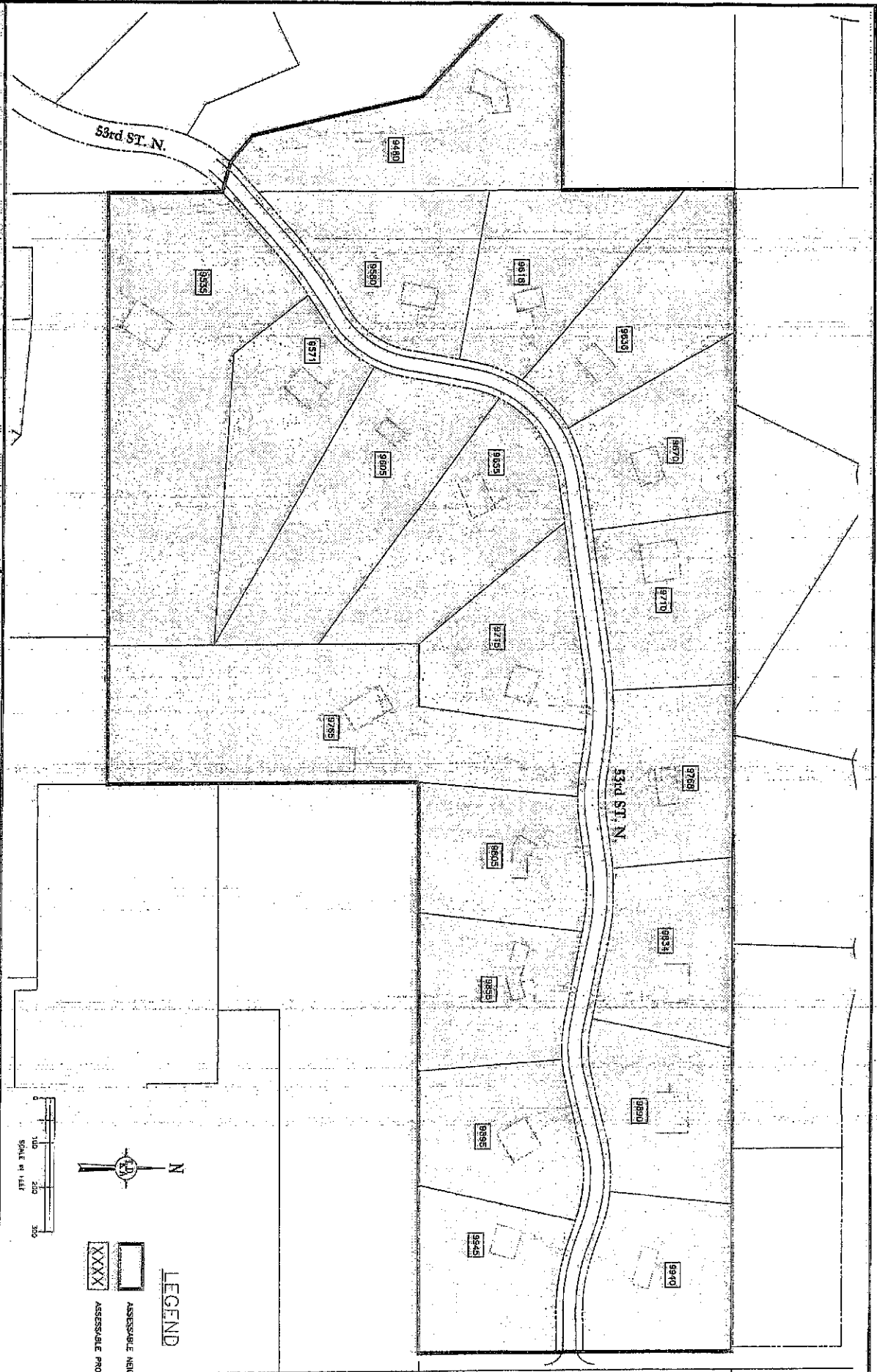
ASSESSABLE PROPERTY
 ISLE AVENUE NORTH



FEASIBILITY REPORT
DECEMBER 2009

2010 STREET & WATER QUALITY IMPROVEMENTS
PROJECT NO. 14504.000
LAKE ELM, MINNESOTA


ASSESSABLE PROPERTY
53rd STREET NORTH



LEGEND
ASSESSABLE NEIGHBORHOOD
ASSESSABLE PROPERTY

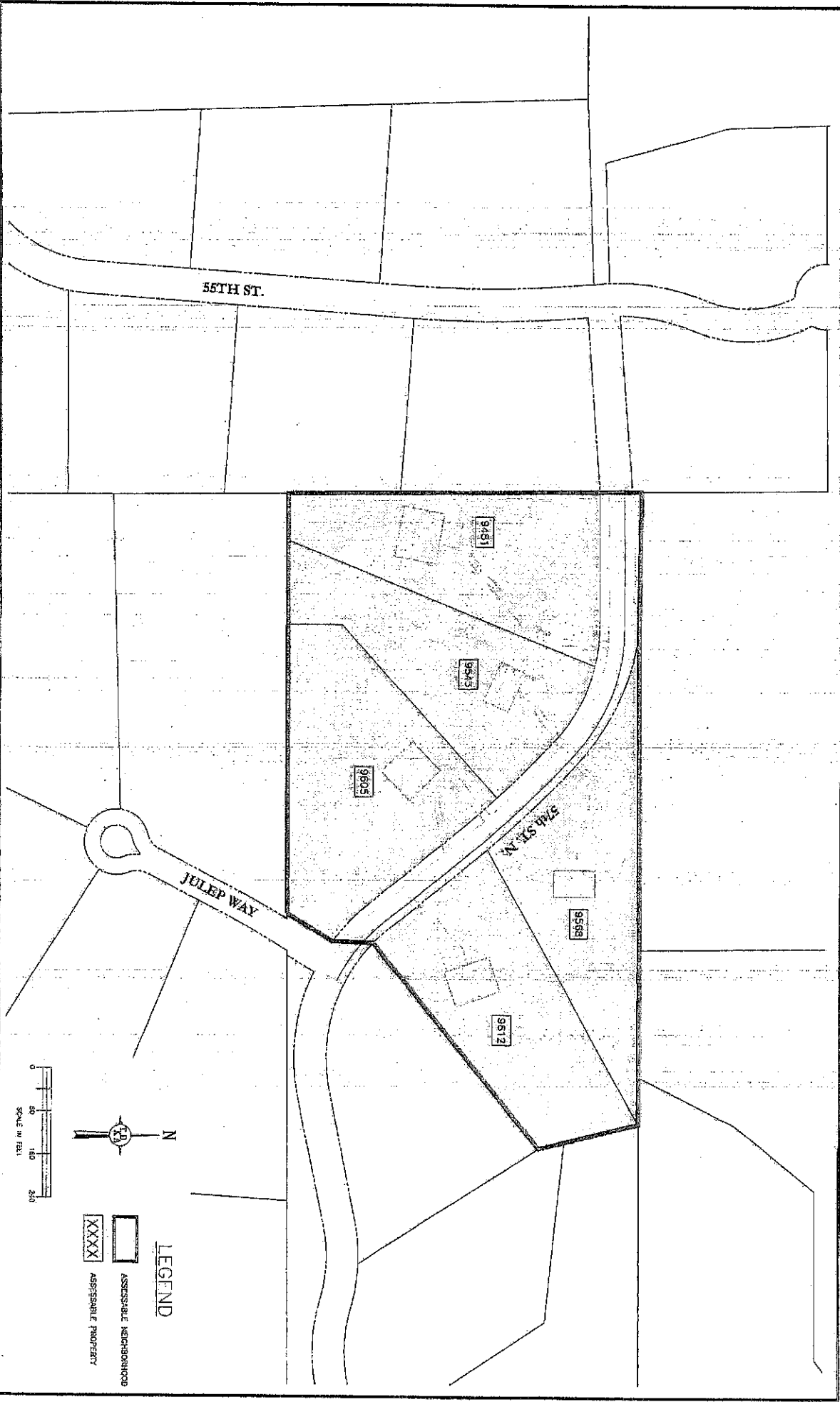
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

TKDA
TWIN CITIES
KINDEN
DISTRICT AUTHORITY


FEASIBILITY REPORT
DECEMBER 2009

2010 STREET & WATER QUALITY IMPROVEMENTS
PROJECT NO. 1450.000
LAKE BLAUG, MINNESOTA

ASSESSABLE PROPERTY
57th STREET NORTH



LEGEND
 ASSESSABLE NEIGHBORHOOD
 ASSESSABLE PROPERTY