

FILE

Mayor:
Dean Johnston
Council members:
Rita Conlin
Steve DeLapp
Liz Johnson
Anne Smith

Lake Elmo City Council

Tuesday, February 21, 2006

3800 Laverne Avenue No.
Lake Elmo, MN 55042
777-5510 777-9615 (fax)

Please read:

Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

If you are aware of information that has not been discussed, please fill out a "Request to Appear Before the City Council" form; or, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated. Items may be continued to a future meeting if additional time is needed before a decision can be made.

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes:

February 7, 2006

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INFORMATIONAL:

Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.

4. CONSENT AGENDA

A. Resolution No. 2006-018: Approving Claims

B. Revisions to Fee Schedule: Ordinance No. 97-165

Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

5. FINANCE:

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Building Dept. Activities: Jim McNamara

8. CITY ENGINEER'S REPORT:

A. Tablyn Park Overlay Project; Resolution No. 2006-019: Authorize Engineer to Prepare Feasibility Report

Tom Prew

<p>B. Resolution No. 2006-020: Establishing State Aid Route Manning from TH36 to 50th Street</p> <p>C. Resolution No. 2006-021: Authorize Feasibility Report Manning Avenue Improvements at TH36</p>		
<p>9. <u>PLANNING, LAND USE & ZONING:</u></p> <p>A. Amended Development Agreement - "The Sanctuary of Lake Elmo"; Resolution No. 2006-022</p> <p>B. Letter of Credit Escrow Reduction-The Sanctuary of Lake Elmo</p>	<p>C. Dillerud</p>	
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p>		
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u></p> <p>A.</p>		
<p>12. <u>CITY COUNCIL REPORTS:</u></p> <p>A. Mayor Johnston</p> <p>B. Council Member Conlin</p> <p>C. Council Member DeLapp</p> <p>D. Council Member Johnson</p> <p>E. Council Member Smith</p>		
<p>CLOSED SESSION: Lake Elmo vs. Sessing Mediation Update</p>		

**City of Lake Elmo
City Council Meeting
Minutes of February 7, 2006**

Mayor Johnston called to order the meeting of the Lake Elmo City Council at 7:00 p.m.

COUNCILMEMBERS PRESENT: Conlin, Smith, Johnson, and DeLapp. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Finance Director Tom Bouthilet, Building Official McNamara, Superintendent M. Bouthilet, Fire Chief Malmquist, and Recording Secretary Schaffel. ALSO PRESENT: City Engineer Prew and City Attorney Filla.

1. AGENDA

Councilmember DeLapp said he has a question about the Credit Union and Prairie Ridge Office Park. 9C. City Administrator 11C. Mayor Johnston asked for 9D Recommendation for County Planning Commission and 9E - Second Alternate position on Lake Elmo Planning Commission. 9A, 11A, and 11B move up to 6a, b and c under New Business because the public might be interested. Councilmember Johnson asked to clarify the policy for contacting the City Attorney by councilmembers. The City Attorney said that 10A and 10B should be under 13 in the Closed Session. Councilmember Smith asked about the garage addition to Sessing Property under 10D. That item will also be under Closed Session as well.

M/S/P, Johnson/DeLapp to approve the Agenda as amended. 5:0 PASSED.

2. MINUTES

M/S/P, DeLapp/Smith to delay consideration of the minutes until later in the meeting to Item 12A.
VOTE: 5:0 PASSED.

3. PUBLIC INQUIRIES/INFORMATIONAL

A. PUBLIC INQUIRIES

1. Susan Dunn said she has concerns related to the Community Playfield because of the Target Store, the ravine, the water, and surface water quality. She also has legislative change questions to Chris Georgacas.
2. Larry Moody asked about the potential joint park. Why not increase the tax base by building houses on that land? Why not improve Tablyn Park? He asked about light pollution, noise, and traffic concerns.

B. PUBLIC INFORMATIONAL

3. Introduction of Chris Georgacas, Metropolitan Council Member

Mr. Georgacas extended regards of Chairman Bell. He said he hopes for a more conciliatory relationship between the City and the Metropolitan Council in the future. He expressed his regrets for past disputes and the past relationship. He is glad to say Metropolitan Council has reviewed our submission for completeness and it is complete. The Comprehensive Plan will be reviewed over the next sixty days.

Councilmember DeLapp said he had hopes for a discussion tonight. Some cities have been exempted from the Systems Statement. He would like to know how ten property owners can outvote 8,000

residents.

Mr. Georgacas said he has heard from residents and councilmembers and he thinks it would be constructive to hold a workshop between City Council and City and Metropolitan Council staff to clarify and correct old facts and misconceptions as well as to discuss ongoing concerns.

Mayor Johnston said first we should get through the Comprehensive Plan approval, and then he thinks that an excellent idea.

Councilmember Conlin asked how Mr. Georgacas sees his role. Mr. Georgacas said he sees his role as a communications link between the County and the Metropolitan Council. He sees his role as an advocate for District 12 but also has a broad vision of the region. He pledged to work hard to insure concerns of the City are addressed and offered his commitment to the best effort possible in that regard.

Councilmember Smith said Mass Transit was mentioned at a talk given by Mr. Georgacas at Boutwell's Landing. As a representative of our district she said she would like to see him represent the wishes of his constituents.

Mr. Georgacas said he is a supporter of transit services and a skeptic of commuter rail and light rail. He believes it is more cost-effective to think about bus rapid transit and regionally identified centers. He said that Park and Ride community issues should be closely heeded. The City has a history of opposition to it. He said he thinks that can be accommodated by the Met Council.

M/S/P, DeLapp/Smith to enter discussions in a full workshop forum with Metropolitan Council staff, sooner than later.

Councilmember Conlin would favor it as long as City Council and staff have clear objectives and the meeting is conducted in an organized manner. Councilmember DeLapp agreed.

VOTE: 5:0 PASSED.

Administrator Rafferty suggested that he and Mr. Georgacas could work on objectives and bring back dates to facilitate the new relationship.

Planner Dillerud asked why Metropolitan Council would not agree to stipulate on the System Statement. Our System Statement has features inconsistent with the MOU. The City had suggested a stipulation to close the issue. Mr. Georgacas said he was ignorant of that fact and will find an answer tomorrow.

4. Reschedule March 7th City Council Meeting

M/S/P, to reschedule the March 7, 2006 City Council Meeting to Monday, March 6, 2006 due to precinct caucuses.

Councilmember Smith said she cannot attend that meeting. Councilmember DeLapp cannot make either of the dates. VOTE: 4:1 Nay-Smith.

5. Volunteer/Employee Recognition Dinner

M/S/P, Johnson/Conlin, to announce the Employee and Volunteer Recognition Dinner at Tartan Park Clubhouse on Friday March 10, 2006.

Councilmember Conlin said it is only possible through the generosity of the Lake Elmo Jaycees. VOTE: 5:0.

4. CONSENT AGENDA

Resolution No. 2006-010: Approving Claims

M/S/P, Johnson/Conlin to adopt Resolution No. 2006-010 approving claims. VOTE: 5:0 PASSED.

Resolution No. 2006-011: Partial Payment #4 for Water System Interconnect-Phase 1- \$10,427.20

M/S/P, Johnson/Conlin to adopt Resolution No. 2006-011 approving claims. VOTE: 5:0 PASSED.

(1) Resolution No. 2006-012: Partial Payment #2 for Water System Interconnect-Phase III-\$82,522.66

M/S/P, Johnson/Conlin to adopt Resolution No. 2006-012 approving Partial Payment #2 for Water System Interconnect Phase III in the amount of \$82,522.66. VOTE: 5:0 PASSED.

(2) Resolution No. 2006-013: Partial Payment #3 for Water System Interconnect-Phase III-\$10,709.71

M/S/P, Johnson/Conlin to adopt Resolution No. 2006-013 approving Partial Payment #3 for Water System Interconnect Phase III in the amount of \$10,709.71. VOTE: 5:0 PASSED.

Resolution No. 2006-014: Partial Payment #1 for the Water Tower - \$46,312.50

M/S/P, Johnson/Conlin to Adopt Resolution No. 2006-014 approving Partial Payment #1 for the Water Tower in the amount of \$46,312.50. VOTE: 5:0 PASSED.

Parks Commission Appointments

M/S/P, Johnson/Conlin to reappoint Jenifer Watters for a second term on the Parks Commission and to appoint Rolf Larson as Full Voting Member of the Parks Commission with terms expiring on February 6, 2009, and to appoint Judith Blackford 1st Alternate Member of the Parks Commission.

VOTE: 5:0 PASSED. Councilmember Smith thanked Commissioner Watters for reapplying.

5. FINANCE

M/S/P, DeLapp/Conlin to adopt Resolution No. 2006-015 authorizing issuance and awarding the sale and providing the payment of \$442,000 for G. O. Equipment Certificate of Indebtedness for the purchase of the pumper tanker fire truck.

Mr. Donna said this is a ten year bond with a fixed rate of 3.88%.

6. NEW BUSINESS

Moved: 9A. Shoreland Overlay Variance - 4473 Olson Lake Trail (Flanagan) Resolution No. 2006-017

The Planner introduced the substantial renovation of an existing home. The Planning Commission reviewed it and recommended the applicant revise their plans. The applicant returned with the revised plan converting a sunroom into an open air porch and removing two decks. The Commission recognized that there is no additionally further encroachment in the lake.

Mayor Johnston said we have a need for an overlay district in the Tri-Lakes and in the Old Village to reduce variances.

Councilmember DeLapp said he agrees but one of the issues on lakes is for protection. Everyone will be well aware of this building because it will sit so high. Part of the approval is the applicant should meet the new building and site requirements of the VBWD for buffers and tree plantings in order to reduce its impact on the lake.

The Planner said we are mandated to have a Shoreland Ordinance by state statute and there may be little that can be done in the Tri-Lakes area due to those rules.

M/S/P, Johnston/Conlin to adopt Resolution 2006-017 approving a variance to Shoreland OHW Setback at 4473 Olson Lake Trail per plans staff dated February 3, 2006, and per the recommendation and findings of the Planning Commission.

Councilmember DeLapp asked for an Amendment to the Motion that the applicant develop their land between building and waters edge in concurrence with state rules and VBWD recommendations particularly with regard to buffers. MOTION TO AMEND WITHDRAWN.

Councilmember Johnson asked if we can require these conditions of approval. The City Attorney said the city can attach reasonable conditions to approval of a variance request.

Mr. Flanagan, the applicant, said there are huge trees and small trees between the house and the lake. His house is one of the few on the lake that is screened so well.

VOTE: 5:0 PASSED.

The Planner said if the City had landscaping standards, they would be easy to enforce. Add Landscaping Standards to Council Workshop.

MOVED 11. CITY ADMINISTRATOR'S REPORT

A. Proposed Joint Park with Oakdale for Youth Playfields

The Administrator explained the history of the proposed joint park with Oakdale for youth playfields on a 26 acre site being donated by 3M Company. The proposal currently sits at the point where the cities' representatives would meet for discussions.

Mayor Johnston said the idea must be developed and issues worked out before bringing it before the public. Parking, safety, lights, dispute resolution, and other issues must first be addressed.

Councilmember Conlin said she is opposed to the park. If we authorize the Letter of Understanding to explore a Joint Powers Agreement that is a step into a process and an investment of time and money that is hard to abandon after six months or so of study. The document before the Council is complex. There will be a groundswell of opposition by the public. We should do the conceptual work on whether this is the right location for this sort of park.

Councilmember DeLapp said we should be allowed to reduce our RECs and population and asked where the water is going to come from due to the pollution. Surface water runoff will go right into Raleigh Creek from heavily fertilized playfields where it will ultimately end up in the St. Croix River. Is the whole park going to be fully developed? Lighting is a concern, especially for youth. Will there be shelter there? Restrooms? What kind of buildings, maintenance equipment, speakers, what will the limits be?

Councilmember Johnson said the concerns are valid. The Parks and Planning Commissions unanimously supported moving forward with the process. The concerns cannot be brought forth without some sort of a task force. We need to gather the data before we can bring it back to the public.

Councilmember Smith said we need to look into it knowing we might say no.

Councilmember Conlin said she does not disagree but thinks it should be internal to Lake Elmo.

Councilmember Johnson said there is already too much information in the Letter of Understanding. Take out the implementation portions and explore a joint facility. Recommendation would be to edit and revise this Agreement because we are asking already for 50/50 split.

M/S/P, Johnson/Johnston to move this item to Council Workshop and direct staff to create a new Task Force Agreement to make it more of a work plan and develop more of what the role of the task force will be and less of an Agreement.

The Administrator said he would rather not put in any more details. This is not the first draft. He does not want to invest more time to change the document without the additional work being done and direction from the Workshop.

Councilmember DeLapp said we should hold several workshops here first. Councilmember Conlin said she would like to see some discussion up front about whether placing a park in this area makes sense. We have spent months planning in this City. She asked if we are really thinking it through and whether it meets our vision for the City. Councilmember Smith would like detailed discussions on the overall costs in the long run and what we must sacrifice in order to build it.

Larry Moody said his property directly abuts this proposed park. Light, noise, runoff into the creek, water contamination. He asked if this is going to benefit Lake Elmo or Oakdale or 3M.

VOTE: 5:0 PASSED to be discussed next Tuesday at 6:00 p.m.

B. Comment Letter on Lake Elmo Park Reserve Amendment

Councilmember Johnson thanked the Technical Advisory Committee for their assistance.

Councilmember DeLapp asked for specific amendments to a letter to the County. He will submit them to the Planner for inclusion of the letter.

M/S/A, Johnston/Conlin to approve the letter as written and authorize the administrator to sign it.

Councilmember Smith would like to know how they measure the percentage. Councilmember Conlin would like to have the formula for the calculations.

M/S/A, Conlin/DeLapp to Amend the Motion to strengthen the letter with regard to measuring percentages with regard to the definition of a Park Reserve and authorize the administrator to sign it.
VOTE: 5:0 PASSED.

M/S/P, Johnson/Conlin to Amend the Motion to add the changes from Councilmember DeLapp with the exception of the first recommendation in the fourth paragraph, first sentence. VOTE: 5:0 PASSED.

Susan Dunn said a 50 foot swath was used for calculations.

VOTE: 5:0 PASSED.

NEW C. Meeting Minutes

Workshop Minutes were discussed.

M/S/P, Smith/DeLapp to postpone consideration of all the minutes until the first full meeting in March 2006. VOTE: 3:2 Nay-Conlin and Johnson, Conlin-There are at least two sets of Minutes that could have been dispensed with tonight. Councilmember Johnson said we asked staff to get minutes turned around quickly so Council should take care of them expeditiously also.

7. MAINTENANCE/PARK/FIRE/BUILDING

A. Maintenance Dept. - MAC Recommendation on Gen Set (generator)

Superintendent Bouthilet explained that the retrofit has a firm bid of now only \$2,900.00 for the retrofiting.

M/S/P, Smith/Johnson to authorize the purchase of a Gen Set Generator from the City of North St. Paul at a cost of \$12,900 plus tax based on the recommendation of the Maintenance Advisory Commission and because there is a line item in the CIP for it. VOTE: 5:0 PASSED

B. Fire Dept.-Update on Activities

Chief Malmquist recognized firefighter anniversaries, thanked for support of recognition dinner, fire academy in Pittsburgh, purchase of something, specs for vehicles, 340 call responses, 222 rescues, 18 calls hazardous, good intent 21, false 28, fire loss was \$71,900 for last year.

Councilmember DeLapp asked if our vehicles are appropriate for most of our medical calls. The Chief said it is not a vehicle issue but a supply issue. We don't need an ambulance.

At 9:05 p.m., the Mayor recessed the meeting for five minutes and reconvened at 9:11 p.m.

8. CITY ENGINEER'S REPORT

M/S/P, Smith/Conlin to adopt Resolution No. 2006-016 to approve plans for the Phase IV Water System Interconnect and authorize bids. VOTE: 5:0 PASSED.

9. PLANNING, LAND USE & ZONING:

B. Verbal Report on Comprehensive Plan

The Planner said a letter from Metropolitan Council staff was received and he distributed it to Council at the meeting.

C. Credit Union and Prairie Ridge Office Park

Councilmember DeLapp said the Eagle Point building is a bright spot, fully lit. The material on the building is different from what was approved, with concrete block up to four feet, and the roofing material. Council allowed them asphalt shingles, they were required to use brick, and they were to be a private office building- now it is a bank.

Councilmember Smith said the shingles should be checked and verified. The Planner said the direction was for shingles of commercial grade to match the grade used at Prairie Ridge. The Planner said the City always knew it was supposed to be a bank. He will look into the other matters. Mayor Johnston said if we go through the format of approving and reviewing we should follow through with enforcement. The Planner will be sure the Building Department is checking the aesthetics as well as the building code requirements. The Mayor asked Councilmember DeLapp to provide the Building Department with as specific a list as possible. The shingles and the block must meet what was approved by the City.

MOVED 9.D. County Planning Commission Vacancy

Mayor Johnston said he spoke with Bill Pulkrabek with regard to a vacancy on the Planning Commission at Washington County and the Mayor recommended Kathy Sedro

M/S/P, Johnston/Johnson to direct staff to draft a Resolution recommending Kathy Sedro for vacancy on the Washington County Planning Commission. VOTE: 5:0.

MOVED 9. Second Alternate Planning Commissioner

M/S/P, Johnston/Smith to appoint Nicole Park to the Second Alternate position Planning Commission to fill the seat held by Laurie McGinnis during her Leave of Absence. VOTE: 4:1 Nay-DeLapp thinks she is being used.

NEW 9.E. Councilmembers Contacting City Attorney

Councilmember Johnson said it is her understanding that councilmembers can contact contract staff individually as long as they notify the City Administrator that they are doing so. The Administrator suggested the Councilmember report it at the Council Meeting.

Councilmember Smith said she called the City Attorney twice.

The Mayor said unless our policy is abused it should not be changed. Councilmember DeLapp suggested a line item on the bill. The City Attorney said he does not bill the City for those short conversations on the telephone. The meeting in question was conducted over lunch, there was no billing for that either, and the Councilmember bought lunch.

12. CITY COUNCIL REPORTS

A. Mayor Johnston said he attended 3M Public Relations meeting where Bush. Fire Appreciation, and quarterly fireman's relief.

B. Council Member Conlin attended the Fire Appreciation Dinner and it was very nice and well orchestrated affair.

C. Council Member DeLapp said we needed an orchestrated publicity campaign for Mr. Georgacas' appearance today and he said the audience size indicated this was not done. Mayor Johnston said he contacted the newspapers. Councilmember Johnson said it was in the newsletter.

D. Council Member Johnson did not attend the dinner. She again thanked Teddi Carlson, Bob Schumacher, and Sue Dunn who served on the LEPR Technical Advisory Committee.

E. Council Member Smith said Lakewood Evangelical Free Church will be changing their name to Rockpoint Church.

The Mayor announced calendar events: Board of Review May 3, Employee and Volunteer Recognition Dinner on March 10, and Clean-up Day will be held June 3.

Following the meeting the Council will meet in CLOSED SESSION with regard to *J.P. Bush Homes v. City of Lake Elmo* and other legal issues. The City Attorney's Report, Item 13, will be on that Agenda instead of this one. The Meeting Adjourned at 9:44 p.m.

Respectfully submitted,

Kimberly Schaffel
Recording Secretary

DRAFT

4A

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

**RESOLUTION NO. 2006-018
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 310, 311, DD638 through DD651, 28670 through 28703, were used for Staff Payroll dated February 16th, 2006; claims 28704 through 28754, in the total amount of \$94,493.63 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 21st day of February, 2006.

Dean A. Johnston
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 02/16/2006 - 3:04 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 10000 Session A	10,000 Lakes Chapter Conference - Karl Horning Check Total:	175.00 175.00	02/21/2006	Check Sequence: 1 101-420-2400-44370	ACH Enabled: No
Vendor: ABDO 221310	Abdo Eick & Meyers Acctg Services, Payroll Check Total:	694.50 694.50	02/21/2006	Check Sequence: 2 101-410-1530-43010	ACH Enabled: No
Vendor: AMSTERD 9420511	Amsterdam Printing & Litho Peris - Appr. Party Check Total:	450.74 450.74	02/21/2006	Check Sequence: 3 101-410-1320-44300	ACH Enabled: No
Vendor: AN-SOREN Permit 3809	Anderson-Sorenson Refund for 9654 Whistling Vly Rd #3809 Check Total:	1,000.00 1,000.00	02/21/2006	Check Sequence: 4 803-000-0000-22900	ACH Enabled: No
Vendor: ANCOM 0000067529	ANCOM COMMUNICATIONS, INC. Radio Tune-Up Check Total:	108.17 108.17	02/21/2006	Check Sequence: 5 101-420-2220-43230	ACH Enabled: No
Vendor: ARAM 629-5912235	Aramark Linen, Mats - City Hall Check Total:	65.94 65.94	02/21/2006	Check Sequence: 6 101-410-1940-44010	ACH Enabled: No
Vendor: ASPENMI 65456 65457	Aspen Mills, Inc. Shirt, Pants - Fire Dept Caps - Fire Dept	61.98 108.07	02/21/2006 02/21/2006	Check Sequence: 7 101-420-2220-44170 101-420-2220-44170	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	170.05			
Vendor: ASPENQ 1160181	Aspen Equipment Co. Blade Sharpening Check Total:	37.00 37.00	02/21/2006	Check Sequence: 8 101-430-3100-44040	ACH Enabled: No
Vendor: BRAUN 258452	Braun Intertec Corporation Concrete Testing - New PW Check Total:	1,838.00 1,838.00	02/21/2006	Check Sequence: 9 410-480-8000-45200	ACH Enabled: No
Vendor: BUBERL 28458	Buberl Recycling & Compost Snowplowing on 01/17/06 Check Total:	585.00 585.00	02/21/2006	Check Sequence: 10 101-430-3100-43150	ACH Enabled: No
Vendor: CENCOLLE 00203225	Century College Fire Trng - Duffert and Myran Check Total:	1,819.54 1,819.54	02/21/2006	Check Sequence: 11 101-420-2220-44370	ACH Enabled: No
Vendor: COPYMAG 68995	Copy Images, Inc. Monthly Copier Maint. Check Total:	255.60 255.60	02/21/2006	Check Sequence: 12 101-410-1940-44040	ACH Enabled: No
Vendor: CPTELECO 651-207-1000	CP Telecom Telephone Service - City Hall Check Total:	516.54 516.54	02/21/2006	Check Sequence: 13 101-410-1940-43210	ACH Enabled: No
Vendor: EMAUTO ST012506-2	EmergencyAutomotive Technology Inc. Parts for Wood Chipper Check Total:	166.95 166.95	02/21/2006	Check Sequence: 14 101-430-3100-42210	ACH Enabled: No
Vendor: FARMERS 141352	River Country Cooperative Fuel - Fire Dept Check Total:	22.00 22.00	02/21/2006	Check Sequence: 15 101-420-2220-42120	ACH Enabled: No
Vendor: FERNO 546679	Ferno Calendar Refill - Fire Dept	28.06	02/21/2006	Check Sequence: 16 101-420-2220-42000	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	28.06			
Vendor:GENESIS IVC01006	Next Genesis Productions Monthly Software Support Check Total:	900.00 900.00	02/21/2006	Check Sequence: 17 101-410-1520-43180	ACH Enabled: No
Vendor:HAGBERGS Account 10	Hagbergs Country Market Supplies - City Hall Check Total:	28.15 28.15	02/21/2006	Check Sequence: 18 101-410-1320-44300	ACH Enabled: No
Vendor:HUMANE 10/01-12/31/05	Humane Society Companion Animl Impounding for 10/01-12/31/2005 Check Total:	4,023.50 4,023.50	02/21/2006	Check Sequence: 19 101-420-2700-43160	ACH Enabled: No
Vendor:LAFC 0022731	LAFC Membership Annual Dues - Int'l Assn. of Fire Chiefs Check Total:	195.00 195.00	02/21/2006	Check Sequence: 20 101-420-2220-44330	ACH Enabled: No
Vendor:INTERSTA md3770 md3770	Interstate All Battery Ctr Batteries - Fire Dept Batteries - Fire Dept Check Total:	11.87 46.88 58.75	02/21/2006 02/21/2006	Check Sequence: 21 101-420-2220-42400 101-420-2220-43230	ACH Enabled: No
Vendor:LEOIL B01203 S01203 S01208	Lake Elmo Oil, Inc. Bulk Fuel - Public Works Fuel - Fire Dept Fuel - Parks Check Total:	997.50 312.85 31.00 1,341.35	02/21/2006 02/21/2006 02/21/2006	Check Sequence: 22 101-430-3100-42120 101-420-2220-42120 101-450-5200-42120	ACH Enabled: No
Vendor:MARONEYS 131312 131312 131312	Maroney's Sanitation, Inc Refuse - City Hall Refuse - Public Works Refuse - Parks Check Total:	95.89 95.89 183.96 375.74	02/21/2006 02/21/2006 02/21/2006	Check Sequence: 23 101-410-1940-43840 101-430-3100-43840 101-450-5200-43840	ACH Enabled: No
Vendor:MATCO 171864 172735 172985	Matco Tools Tools = Parks Tools = Parks Tools = Parks	182.70 136.37 208.37	02/21/2006 02/21/2006 02/21/2006	Check Sequence: 24 101-450-5200-42400 101-450-5200-42400 101-450-5200-42400	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
173478	Tools = Parks	356.51	02/21/2006	101-450-5200-42400	
174366	Tools = Parks	369.02	02/21/2006	101-450-5200-42400	
	Check Total:	1,252.97			
Vendor:MCLEOD 4275808	McLeod USA Telephone Service - Well 2 Check Total:	43.92 43.92	02/21/2006	Check Sequence: 25 601-494-9400-43210	ACH Enabled: No
Vendor:MENARDSO 62021	Menards - Oakdale Windshield Washer - Public Works Check Total:	18.47 18.47	02/21/2006	Check Sequence: 26 101-430-3100-42150	ACH Enabled: No
Vendor:METCOU 0000817556	Metropolitan Council Wastewater Charge - Met Council Check Total:	942.77 942.77	02/21/2006	Check Sequence: 27 602-495-9450-43820	ACH Enabled: No
Vendor:MFAPC 2006 Dues	MFAPC 2006 Dues Check Total:	35.00 35.00	02/21/2006	Check Sequence: 28 101-420-2220-44330	ACH Enabled: No
Vendor:MNBOOK State Stat.	Minnesota's Bookstore MN State Statute Books Check Total:	213.00 213.00	02/21/2006	Check Sequence: 29 101-410-1320-44350	ACH Enabled: No
Vendor:MYRONS 00 Crown Vic	Myron's Service Center Oil, Test - Fire Dept Check Total:	35.38 35.38	02/21/2006	Check Sequence: 30 101-420-2220-44040	ACH Enabled: No
Vendor:NOSTPAUL 200602060443	City of North St Paul Salt/Sand Mix Check Total:	1,610.28 1,610.28	02/21/2006	Check Sequence: 31 101-430-3100-42290	ACH Enabled: No
Vendor:OAKD-HIS 2006	Historical SocietyOakdale Lake Elmo Donation Check Total:	1,000.00 1,000.00	02/21/2006	Check Sequence: 32 101-410-1110-44300	ACH Enabled: No
Vendor:OAKDALE 1000039700	City of Oakdale Oakdale Water - North Pit	1,360.00	02/21/2006	Check Sequence: 33 601-494-9400-43820	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
1000046000	Oakdale Water - South Pit Check Total:	1,789.11 3,149.11	02/21/2006	601-494-9400-43820	
Vendor:ONECALL 6010530	Gopher State One-CallOne Call Concepts, Inc Line Locates - Jan 2006 Check Total:	129.00 129.00	02/21/2006	Check Sequence: 34 101-430-3100-44300	ACH Enabled: No
Vendor:PETERSO 11135M 11140M 11150M 11155M 11161M	Peterson Fram & Bergman Administration Criminal Pros Com Dev - Dis Xing, LE Dev Co. Civil Litigation Auto Forfeiture Check Total:	2,381.27 3,516.24 363.00 1,821.52 135.00 8,217.03	02/21/2006	Check Sequence: 35 101-410-1610-43040 101-410-1610-43045 803-490-9070-43040 101-410-1610-43040 101-410-1610-43045	ACH Enabled: No
Vendor:PLANTH 803-05	PLANT HEALTH ASSOCIATES, INC Forestry Service - Jan 2006 Check Total:	686.25 686.25	02/21/2006	Check Sequence: 36 101-450-5200-44030	ACH Enabled: No
Vendor:PRAXAIR 641184 641184	PRAXAIR DISTRIBUTION INC. Welding Cart Grnd Wheels, Goggles, Oxygen Check Total:	202.35 178.00 380.35	02/21/2006	Check Sequence: 37 101-430-3100-45800 101-430-3100-42150	ACH Enabled: No
Vendor:PRESS 02/07/06 02/13/06	StevenPress Cablecast - Council Mtg Cablecast - Planning Mtg Check Total:	55.60 55.60 111.20	02/21/2006	Check Sequence: 38 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor:RENNESC 3M Water Phase IV	Scott Renne Appraisal of Contributory Value Appraisal of Contributory Value Check Total:	1,800.00 1,800.00 3,600.00	02/21/2006	Check Sequence: 39 601-494-9400-44300 601-494-9400-44300	ACH Enabled: No
Vendor:ROGERS 13380 13380	Rogers Printing Services Newsletter Printing Invitations, Envelopes Check Total:	976.60 118.75 1,095.35	02/21/2006	Check Sequence: 40 101-410-1320-43090 101-410-1320-42030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: RUD 2/6-2/15 2/6-2/15	Diane Prince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total:	300.00 300.00 600.00	02/21/2006 02/21/2006	Check Sequence: 41 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor: S&T 01KP4270 01KP6870	S&T Office Products, Inc. DVDs, Tapes, Folders Toner - Fire Dept Check Total:	156.45 44.73 201.18	02/21/2006 02/21/2006	Check Sequence: 42 101-410-1320-42000 101-420-2220-42000	ACH Enabled: No
Vendor: SATELLIT 24180631	Satellite Shelters, Inc. Bldg Trailer Rental Check Total:	319.50 319.50	02/21/2006	Check Sequence: 43 101-420-2400-44120	ACH Enabled: No
Vendor: STCRITREE 38193 38194	St. Croix Tree Service Tree Removal Tree Removal Check Total:	479.25 95.85 575.10	02/21/2006 02/21/2006	Check Sequence: 44 101-430-3100-43150 101-430-3100-43150	ACH Enabled: No
Vendor: STEPHENS 1868	Stephens Publishing Co. Fire Prevention Materials Check Total:	934.50 934.50	02/21/2006	Check Sequence: 45 101-420-2220-42090	ACH Enabled: No
Vendor: TASCH 38326	T.A. Schifsky & Sons Winter Asphalt Check Total:	39.34 39.34	02/21/2006	Check Sequence: 46 101-430-3100-42240	ACH Enabled: No
Vendor: VALCAST 156027	Valley Casting, Inc. City of LE Pins Check Total:	622.98 622.98	02/21/2006	Check Sequence: 47 101-410-1320-44300	ACH Enabled: No
Vendor: WASH-REC 48158	Washington County 2006 TNT Notice Check Total:	448.84 448.84	02/21/2006	Check Sequence: 48 101-410-1520-44300	ACH Enabled: No
Vendor: WASHLELEC 48089	Washington County Accuvote Equip Maint.	340.00	02/21/2006	Check Sequence: 49 101-410-1410-45800	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	340.00			
Vendor: WORKWELL 057919	Workwell Occupational Health Physical - Myran Check Total:	45.00 45.00	02/21/2006	101-420-2220-43050	ACH Enabled: No
Vendor: XCEL 51-4504807-7 51-4504807-7 51-4504807-7 51-5275289-3 51-6736544-2 515356323-8	Xcel Energy Softball Field Traffic at 194/Inwood Hudson Lift Station Pebble Park City Lights Wells at 3303 Langley/11975 55th St Check Total:	183.86 26.87 54.95 7.94 1,787.09 1,464.72 3,525.43	02/21/2006 02/21/2006 02/21/2006 02/21/2006 02/21/2006 02/21/2006 02/21/2006	101-450-5200-43810 101-430-3160-43810 602-495-9450-43810 101-450-5200-43810 101-430-3160-43810 601-494-9400-43810	ACH Enabled: No
	Total for Check Run:	45,027.53			
	Total Number of Checks:	51			

CITY OF LAKE ELMO

2006 BILLING SUMMARY

MONTH	11135 Administration	11140 Criminal Pros	11145 Public Imp. Proj	11150 Community Dev	11155 Civil Litigation	11161 Auto Forfeiture	TOTAL
Jan	\$2,381.27	\$3,516.24		\$363.00	\$1,821.52	\$135.00	\$8,217.03
Feb							\$0.00
March							\$0.00
April							\$0.00
May							\$0.00
June							\$0.00
July							\$0.00
Aug							\$0.00
Sept							\$0.00
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
Totals	\$2,381.27	\$3,516.24	\$0.00	\$363.00	\$1,821.52	\$135.00	\$8,217.03

Suite 300
50 Fifth Street East
St. Paul, MN 55101-1197

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

Page: 1
01/31/2006
ACCOUNT NO. 11135M

	FEES	EXPENSES	ADVANCES	BALANCE
11135-000008 Comp. Plan Update 2000-2020	630.50	18.40	0.00	\$648.90
11135-040010 VACATION OF 55TH STREET	143.00	10.59	0.00	\$153.59
11135-920001 Administration	1,573.00	5.78	0.00	\$1,578.78
	<u>2,346.50</u>	<u>34.77</u>	<u>0.00</u>	<u>\$2,381.27</u>

**THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
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PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.**

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CITY OF LAKE ELMO
3800 Laverne Avenue North
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Page: 1
01/31/2006
ACCOUNT NO. 11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	3,242.50	8.24	0.00	\$3,250.74
11140-040271 Osborn, Ryan Matthew DAS, possess drug parapharnelia, no proof of insurance,	5.00	0.00	0.00	\$5.00
11140-050196 Harrington, Sarah A. C. DAS, fail to stop at stop sign	5.00	0.00	0.00	\$5.00
11140-050209 Salzman, Sandra Ann careless driving	10.00	0.00	39.00	\$49.00
11140-050210 Ramirez, Angel Torrejon DAS, no insurance	5.00	0.00	0.00	\$5.00
11140-050251 Ryder, Steven Roger 3rd degree DUI, 3rd degree .08	5.00	0.00	0.00	\$5.00
11140-050271 Gleason, Jean Louise pass on shoulder	22.50	0.00	0.00	\$22.50
11140-050274 McAninch, Andrea J. 2nd degree DUI	76.50	0.00	0.00	\$76.50

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CITY OF LAKE ELMO

Page: 2
01/31/2006
ACCOUNT NO. 11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-050285 Portz, Shawn Michael 3rd degree DUI	10.00	0.00	0.00	\$10.00
11140-050292 Talsness, Cheri Beth fail to yield	5.00	0.00	0.00	\$5.00
11140-060001 Matson, Suzanne Mary 3rd degree DUI, 3rd degree DUI .08 or more	10.00	0.00	0.00	\$10.00
11140-060003 Janero, Eric William inattentive driving	5.00	0.00	0.00	\$5.00
11140-060007 Lopez, Alonso G. P. no Minnesota DL	5.00	0.00	0.00	\$5.00
11140-060021 Wylie, Jason speed 71/55	10.00	0.00	0.00	\$10.00
11140-060025 Leech, Jason Oliver 3rd degree DUI, 3rd degree test refusal	52.50	0.00	0.00	\$52.50
	<u>3,469.00</u>	<u>8.24</u>	<u>39.00</u>	<u>\$3,516.24</u>

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PETERSON
FRAMBERGMAN
PROFESSIONAL SERVICES ORGANIZATION

(651) 291-8955
(651) 228-1753 facsimile
Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

Page: 1
01/31/2006
ACCOUNT NO. 11150M

	FEEES	EXPENSES	ADVANCES	BALANCE
11150-050006 DISCOVERY CROSSING OP DEVELOPMENT	99.00	0.00	0.00	\$99.00
11150-050007 LAKE ELMO DEVELOPMENT CORPORATION - OP	264.00	0.00	0.00	\$264.00
	<u>363.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$363.00</u>

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PETERSON
FRAMBERGMAN
ATTORNEYS AT LAW

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Federal Tax ID #41-0991098

CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

ACCOUNT NO.

Page: 1
01/31/2006
11155M

	FEEES	EXPENSES	ADVANCES	BALANCE
11155-040002 ZIERTMAN/SESSING PROPERTY	229.50	0.21	0.00	\$229.71
11155-060001 MFC PROPERTIES, ET AL V. CITY OF LAKE ELMO	918.00	83.78	0.00	\$1,001.78
11155-060002 J.P. BUSH HOMES V. CITY OF LAKE ELMO	586.50	3.53	0.00	\$590.03
	<u>1,734.00</u>	<u>87.52</u>	<u>0.00</u>	<u>\$1,821.52</u>

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ATTORNEYS AT LAW
500 LAVERNE AVENUE NORTH
LAKE ELMO, MN 55042

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CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

Page: 1
01/31/2006
ACCOUNT NO. 11161M

	FEEES	EXPENSES	ADVANCES	BALANCE
11161-050006 Remmen, Howard Lester vehicle forfeiture	54.00	0.00	0.00	\$54.00
11161-060001 McAninich, Andrea vehicle forfeiture	81.00	0.00	0.00	\$81.00
	<u>135.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$135.00</u>

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<p>Lake Elmo City Council 02-21-2006</p>	<p>Agenda Section: CONSENT</p>	<p><u>No.</u> 4B</p>
<p><u>Agenda Item: Municipal Fees for Calendar Year 2006</u></p>		
<p><u>Background Information for February 21, 2006:</u></p> <p>Attached, please find ordinance no. 97-165 adoption of the 2006 fee schedule. The Fee schedule represents a charge for services and is based on the City's time & expenditures for providing the services. The previous fee schedule was adopted by ordinance 97-145 on February 01, 2005 and amended in May 05. The revisions to the proposed fees for the most part are basically inflation type increases.</p>		
<p><u>Action Items:</u></p>	<p>1) Adopt Ordinance No. 97-165 setting the Municipal Fees for Calendar Year 2006</p>	<p><u>Person responsible:</u> Tom Bouthilet</p>
<p><u>Attachments:</u></p>	<ol style="list-style-type: none"> 1. Ordinance No. 97-165 2. 2005 Amended Fee Schedule 	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO.97-165

AN ORDINANCE SETTING MUNICIPAL FEES FOR CALENDAR YEAR 2006

The Lake Elmo City Council hereby adopts the following fee schedule for calendar year 2006 and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Appendix A - 2006 Fee Schedule

ADOPTION DATE: Passed by the Lake Elmo City Council on the 21st day of February, 2006.

CITY OF LAKE ELMO

By: _____
Dean Johnston
Its: Mayor

ATTEST

Martin Rafferty
Its: City Administrator

EFFECTIVE DATE: This Ordinance shall be effective the ____ day of January, 2006.

PUBLICATION DATE: Published on the ____ day of _____, 2006.

Appendix A

2006 Fee Schedule			02/21/06
Development, Service, Building, Etc.	Fee	Escrow or Additional Charge	
Amateur Radio Antenna	\$825.00		
Appeal (to Board of Adjustment and Appeals)	\$50.00		
Assessment Search	\$20.00		
Building Demolition			
First 1000 Square Feet	\$100.00		.50 surcharge
Each Additional 1000 sq feet or portion thereof	\$10.00		.50 surcharge
Burning Permits			
Residential	\$35.00		
Commercial	\$70.00		
Comprehensive Plan Amendment	\$1,250.00		
Conditional Use Permit (CUP) <new or amended>	\$975.00		
CONTRACTOR LICENSE FEES			
Blacktopping	\$60.00		
Excavator License	\$60.00		
Heating and A/C	\$60.00		
Sign Installer	\$50.00		
Solid Waste Hauler	\$110.00		
Tree Contract	\$60.00		
COPY SERVICES			
Copies	\$0.25		
City Map - colored	\$3.00		
Code Book	\$150.00		
Sections 1, 2, 4, 6-12, 14	\$10.00		
Section 3	\$50.00		
Section 5 and 13	\$25.00		
Comprehensive Plan	\$100.00		
OP Ordinance	\$10.00		
Parks Plan	\$75.00		
Culverts in Developments with Rural Section	\$100.00		
Dog License	\$15.00		
Unlicensed dog (first impound)	\$50.00		
Licensed dog (first impound)	\$25.00		
Cat Impound (first impound)	\$25.00		
Subsequent dog/cat impound	\$75.00		
Duplicate License or Tag	\$1.00		
Driveway			
Residential	\$50.00		.50 surcharge
Commercial	\$150.00		.50 surcharge
Excavating and Grading	\$100.00		Erosion Control Bond, Escrow, or Letter of Credit: 1500.00 per acre.
False Alarm			
1 to 3 False alarms	No Charge		
In excess of 3 up to and including 6 false alarms alarms within a twelve (12) month period			
Residential	\$100.00		
Commercial	\$300.00		
In excess of six false alarms within a twelve (12) month period			
Residential	\$175.00		
Commercial	\$500.00		
Flood Plain Management Permit	\$750.00		1500.00 escrow
Fuel Tank Removal (Underground)	\$50.00		.50 surcharge
Heating			
New Residential	\$125.00		.50 surcharge
Addition to Residential	\$50.00		.50 surcharge
Commercial (New or Addition)	Minimum 150.00 or one percent of total cost of heating project		.50 surcharge
Lawn Sprinklers	\$110.00		.50 surcharge

Appendix A

Development, Service, Building, Etc.	Fee	Escrow or Additional Charge
Liquor		
Club On-Sale Intoxicating	\$100.00 per year	
Off-Sale Intoxicating	\$200.00 per year	
Off-Sale Non-Intoxicating	\$150.00 per year	
On-Sale Intoxicating	\$1500.00 per year	
On-Sale Investigation	\$350.00	
On-Sale Non-Intoxicating	\$100.00 per year	
On-Sale Sunday Intoxicating	\$200.00 per year	
Temporary Non-Intoxicating	\$25.00 per event	
Wine	\$300.00 per year	
Lot Line Adjustment	\$260.00	
Manufactured Home Parks		
New	\$1,000.00	2500.00 Escrow
Move home out of City	\$50.00	.50 surcharge
Move into City	\$100.00	.50 surcharge
Minor Subdivision	\$950.00	
Moving House or Primary Structure into City	\$500.00	Plus bond with amount to be determined by City w/recommendation from Building Official
New Construction Plan Review	Per 1997 UBC (65% of building permit fee)	Per Statute
Park Dedication (up to 3 lots)	\$3500.00 for each newly created lot	Four or more lots per Section 400 Formula
Parking Lots		
New Commercial	\$150.00	.50 surcharge
Existing Commercial	\$75.00	.50 surcharge
Platting		
Concept (PUD or OP)	\$1,185.00	
Preliminary Plat (and Development Stage)	\$1,750.00	
Final Plat (and Final Plan)	\$1,185.00	Plus 2.5% Administrative Fee Development Agreement
Plumbing		
New Residential	\$125.00	.50 surcharge
Addition to Residential	\$50.00	.50 surcharge
Commercial (New or Addition)	Minimum \$150.00 or 1% of total job cost	.50 surcharge
Private Roads (permitted only in AG zone)	\$100.00	.50 surcharge
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$750.00	1500.00 escrow
Right-of-Way Permits		
Annual Registration (1415.05 Subd.1)	\$50.00	
Excavation (1415.11 Subd. 1)	\$200.00	
Each Additional Excavation	\$30.00	
Trench Fee (boring or open cut)	.50 per foot	
Overhead Installation Fee	.50 per foot	
New Subdivisions (Alternate to per foot fee)	50.00 per lot per utility	
Street Obstruction Fee (1415.11 (Sub 2.)	\$50.00	
Permit Extension	\$50.00	
Delay Penalty	10.00 per day	
Sewage Disposal		
On-Site Septic Systems		
New	\$100.00	.50 surcharge
Alterations or Repairs	\$100.00	.50 surcharge
Sewer Availability Charge (SAC)	\$4,500.00	1550.00 Met. Council; 2950.00 to City
Sewer	\$2.50 per 1,000 gallons	
Wetland Treatment		
Hookup to Existing System	\$75.00	.50 surcharge
Alteration/Repair	\$50.00	.50 surcharge
201 Off-Site Maintenance Fee	55.00 per unit per quarter	
Signs (not requiring CUP)	\$100.00	
Site Plan Review (Chapter 520)	\$950.00	

Appendix A

Development, Service, Building, Etc.	Fee	Escrow or Additional Charge
Street Cleaning Erosion Control		
Escrow		1,000.00 Escrow
Re-inspection	\$30.00 per hour	Portal to Portal from City Hall. Minimum: 1 hour
Processing Fee		10% of Contractor's Invoice to City
Surface Water		
Residential	\$25.00	
Non-Residential (commercial, ag., etc.)	Per Code	
Telecommunications Tower	\$825.00	2,000.00 Escrow
Tennis Courts	Per 1997 UBC	Plus surcharge
Vacations (Streets or Easements)		
Easements	\$500.00	\$500.00 Escrow
Streets	\$500.00	\$500.00 Escrow
Variance	\$725.00	
Video Reproduction	\$30.00	
Water		
Residential - Quarterly Rate	\$22.50 Base plus 1.75 per 1,000 gallons	
Commercial	\$22.50 Base plus 2.60 per 1000 gallons	
All Connection Permits	\$125.00	
Meters, MIU & Meter Installation Sets	\$275.00	
Fire Sprinkler System (Inspection Fee)	\$50.00	
Delinquent Accounts	6% per quarter	Plus 25.00 or 8%, whichever is greater, if certified to County for collection with taxes
Disconnect Service	\$75.00	
Reconnect Service	\$75.00	
Water Storage Violation	\$10.00 per day	
Bulk Water from Hydrant	\$50.00 for first 5,000 gallons	
	\$2.60 per 1,000 gallons over 5,000 gallons	
Swimming Pool Fill	\$40.00 + \$50.00 for first 5,000 gallons	
	\$2.60 per 1,000 gallons over 5,000 gallons	
Water Availability Charge (WAC)		
Existing Structures within Old Village	\$800.00	
New Development	\$3,500.00	
Zoning Amendment (Text or Map)	\$1,185.00	

Appendix A

2005

2005 Amended Fee Schedule			Revised May. 05
Development, Service, Building, Etc.	Fee	Escrow or Additional Charge	
Amateur Radio Antenna	\$825.00		
Appeal (to Board of Adjustment and Appeals)	\$50.00		
Assessment Search	\$20.00		
Building Demolition			
First 1000 Square Feet	\$100.00		.50 surcharge
Each Additional 1000 sq feet or portion thereof	\$10.00		.50 surcharge
Burning Permits			
Residential	\$35.00		
Commercial	\$70.00		
Comprehensive Plan Amendment	\$1,200.00		
Conditional Use Permit (CUP) <new or amended>	\$950.00		
CONTRACTOR LICENSE FEES			
Blacktopping	\$50.00		
Excavator License	\$50.00		
Heating and A/C	\$50.00		
Sign Installer	\$50.00		
Solid Waste Hauler	\$100.00		
Tree Contract	\$50.00		
COPY SERVICES			
Copies	\$1.00		
City Map - colored	\$3.00		
Code Book	\$150.00		
Sections 1, 2, 4, 6-12, 14	\$10.00		
Section 3	\$50.00		
Section 5 and 13	\$25.00		
Comprehensive Plan	\$100.00		
OP Ordinance	\$10.00		
Parks Plan	\$75.00		
Culverts in Developments with Rural Section	\$100.00		
Dog License	\$10.00		
Unlicensed dog (first impound)	\$50.00		
Licensed dog (first impound)	\$25.00		
Cat Impound (first impound)	\$25.00		
Subsequent dog/cat impound	\$25.00		
Duplicate License or Tag	\$1.00		
Driveway			
Residential	\$50.00		.50 surcharge
Commercial	\$150.00		.50 surcharge
Excavating and Grading	\$100.00		Erosion Control Bond, Escrow, or Letter of Credit: 1500.00 per acre.
False Alarm			
1 to 3 False alarms	No Charge		
In excess of 3 up to and including 6 false alarms alarms within a twelve (12) month period			
Residential	\$100.00		
Commercial	\$300.00		
In excess of six false alarms within a twelve (12) month period			
Residential	\$175.00		
Commercial	\$500.00		
Flood Plain Management Permit	\$750.00		1500.00 escrow
Fuel Tank Removal (Underground)	\$50.00		.50 surcharge
Heating			
New Residential	\$125.00		.50 surcharge
Addition to Residential	\$50.00		.50 surcharge
Commercial (New or Addition)	Minimum 150.00 or one percent of total cost of heating project		.50 surcharge
Lawn Sprinklers	\$110.00		.50 surcharge

Appendix A

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Liquor		
Club On-Sale Intoxicating	\$100.00 per year	
Off-Sale Intoxicating	\$200.00 per year	
Off-Sale Non-Intoxicating	\$150.00 per year	
On-Sale Intoxicating	\$1500.00 per year	
On-Sale Investigation	\$350.00	
On-Sale Non-Intoxicating	\$100.00 per year	
On-Sale Sunday Intoxicating	\$200.00 per year	
Temporary Non-Intoxicating	\$25.00 per event	
Wine	\$300.00 per year	
Lot Line Adjustment	\$250.00	
Manufactured Home Parks		
New	\$1,000.00	2500.00 Escrow
Move home out of City	\$50.00	.50 surcharge
Move into City	\$100.00	.50 surcharge
Minor Subdivision	\$925.00	
Moving House or Primary Structure into City	\$500.00	Plus bond with amount to be determined by City w/recommendation from Building Official
New Construction Plan Review	Per 1997 UBC (65% of building permit fee)	Per Statute
Park Dedication (up to 3 lots)	\$3000.00 for each newly created lot	
Parking Lots		
New Commercial	\$150.00	.50 surcharge
Existing Commercial	\$75.00	.50 surcharge
Platting		
Concept (PUD or OP)	\$1,150.00	
Preliminary Plat (and Development Stage)	\$1,700.00	
Final Plat (and Final Plan)	\$1,150.00	Plus 2% Administrative Fee Development Agreement
Plumbing		
New Residential	\$125.00	.50 surcharge
Addition to Residential	\$50.00	.50 surcharge
Commercial (New or Addition)	Minimum \$150.00 or 1% of total job cost	.50 surcharge
Private Roads (permitted only in AG zone)	\$100.00	.50 surcharge
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$750.00	1500.00 escrow
Right-of-Way Permits		
Annual Registration (1415.05 Subd.1)	\$50.00	
Excavation (1415.11 Subd. 1)	\$200.00	
Each Additional Excavation	\$30.00	
Trench Fee (boring or open cut)	.50 per foot	
Overhead Installation Fee	.50 per foot	
New Subdivisions (Alternate to per foot fee)	50.00 per lot per utility	
Street Obstruction Fee (1415.11 (Sub 2)	\$50.00	
Permit Extension	\$50.00	
Delay Penalty	10.00 per day	
Sewage Disposal		
On-Site Septic Systems		
New	\$100.00	.50 surcharge
Alterations or Repairs	\$100.00	.50 surcharge
Sewer Availability Charge (SAC) (Metro System)	\$4,500.00	1450.00 Met. Council; 3050.00 to City
Sewer	\$2.50 per 1,000 gallons	
Wetland Treatment		
Hookup to Existing System	\$75.00	.50 surcharge
Alteration/Repair	\$50.00	.50 surcharge
201 Off-Site Maintenance Fee	50.00 per unit per quarter	
Signs (not requiring CUP)	\$100.00	
Site Plan Review (Chapter 520)	\$925.00	

Appendix A

Development, Service, Building, Etc.	Fee	Escrow or Additional Charge
Street Cleaning Erosion Control		
Escrow		1,000.00 Escrow
Re-inspection	\$30.00 per hour	Portal to Portal from City Hall. Minimum: 1 hour
Processing Fee		10% of Contractor's Invoice to City
Surface Water		
Residential	\$25.00	
Non-Residential (commercial, ag., etc.)	Per Code	
Telecommunications Tower	\$825.00	2,000.00 Escrow
Tennis Courts	Per 1997 UBC	Plus surcharge
Vacations (Streets or Easements)		
Easements	\$100.00	\$500.00 Escrow
Streets	\$500.00	\$500.00 Escrow
Variance	\$700.00	
Video Reproduction	\$25.00	
Water		
Residential - Quarterly Rate	\$22.00 Base plus 1.75 per 1,000 gallons	
Commercial	\$22.00 Base plus 2.60 per 1000 gallons	
All Connection Permits	\$125.00	
Meters, MIU & Meter Installation Sets	\$275.00	
Fire Sprinkler System (Inspection Fee)	\$50.00	
Delinquent Accounts	6% per quarter	Plus 25.00 or 8%, whichever is greater, if certified to County for collection with taxes
Disconnect Service	\$75.00	
Reconnect Service	\$75.00	
Water Storage Violation	\$10.00 per day	
Bulk Water from Hydrant	\$50.00 for first 5,000 gallons	
	\$2.60 per 1,000 gallons over 5,000 gallons	
Swimming Pool Fill	\$40.00 + \$50.00 for first 5,000 gallons	
	\$2.60 per 1,000 gallons over 5,000 gallons	
Water Availability Charge (WAC)		
Existing Structures within Old Village	\$800.00	
New Development	\$3,500.00	
Zoning Amendment (Text or Map)	\$1,150.00	

Summary Building Report

January 2006

Year to Date

Permits
Issued

Valuation

Permits
Issued

Valuation

New Residential 1 \$589,759.00

New Residential 1 \$589,759.00

New Commercial 1 \$1,027,000.00

New Commercial 1 \$1,027,000.00

Other Residential 19 \$184,959.00

Other Residential 19 \$184,959.00

Other Commercial 4 \$136,404.00

Other Commercial 4 \$136,404.00

Total 25 \$1,938,122.00

Total 25 \$1,938,122.00

Total Building Fees Collected \$27,801.72

Total Building Fees Collected \$27,801.72

Summary Plumbing Report

Summary Plumbing Report

Plumbing 4 \$36,900.00

Plumbing 4 \$36,900.00

Total Plumbing Fees Collected \$377.00

Total Plumbing Fees Collected \$377.00

Summary HVAC Report

Summary HVAC Report

HVAC 8 \$67,775.00

HVAC 8 \$67,775.00

Total HVAC Fees Collected \$787.75

Total HVAC Fees Collected \$787.75

Summary Grand Total Fees \$28,966.47

Summary Grand Total Fees \$28,966.47

Surcharge Fee Paid to State \$957.06

Surcharge Fee Paid to State \$957.06

SAC Fees Paid to Met Council \$0.00

SAC Fees Paid to Met Council \$0.00

WAC Fees Paid to Oakdale \$0.00

WAC Fees Paid to Oakdale \$0.00

Misc. Expenses \$0.00

Misc. Expenses \$0.00

Total Fees Retained \$28,009.41

Total Fees Retained \$28,009.41

Credit Fees to Bldg \$20,609.41

Credit Fees to Bldg \$20,609.41

Credit Fees to Water \$7,400.00

Credit Fees to Water \$7,400.00

Credit Fees to Sewer \$0.00

Credit Fees to Sewer \$0.00

February 16, 2006

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Authorization to Prepare Feasibility Report
Tablyn Park Overlay
City of Lake Elmo, Minnesota
TKDA Project No. 13524.000

Dear Mayor and City Council;

The streets within the Tablyn Park neighborhood have been the top project in the Capitol Improvements Plan for at least two years. It is in our budget again for this year.

Obviously with the watermain project occurring there this summer, this is the opportune time to complete this project. We would anticipate performing this work in conjunction with the street project to minimize disruption to the neighborhood.

City Council Action Requested

Approve the Resolution authorizing the preparation of a Feasibility Report for Tablyn Park Overlay Project.

Sincerely;

Thomas D. Prew
City Engineer

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-019

A RESOLUTION ORDERING THE PREPARATION OF A FEASIBILITY
REPORT FOR THE TABLYN PARK NEIGHBORHOOD
OVERLAY PROJECT

WHEREAS, it is proposed to overlay the Tablyn Park neighborhood and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429.

NOW THEREFORE, BE IT RESOLVED BY THE LAKE
ELMO CITY COUNCIL, WASHINGTON COUNTY, MINNESOTA:

That the proposed improvement identified as Tablyn Park Overlay Project as described in the City Engineer's memo dated February 16, 2006, be referred to the City Engineer for study and that he is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

ADOPTED by the Lake Elmo City Council this 21st day of
February, 2006.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty,
City Administrator

CITY OF LAKE ELMO, MINNESOTA

SUPPLEMENTAL AUTHORIZATION NO. 1

TO: Toltz, King, Duvall, Anderson
and Associates, Incorporated
444 Cedar Street, Suite 1500
St. Paul, Minnesota 55101-2140

Pursuant to our Agreement dated February 2, 1988, and supplemental to the Authorization for the Project submitted September 27, 2005, TKDA is hereby authorized to proceed with the following additional professional services.

TABLYN PARK/LAKE ELMO HEIGHTS
WATERMAIN EXTENSION PROJECT

I. Add the following to SECTION I of the Authorization:

The Project scope shall be expanded to include the overlay of streets within the Tablyn Park neighborhood.

II. Under SECTION II of the Authorization, add the following new Article C:

C. STREET OVERLAY

1. Prepare a Feasibility Report for the overlaying of the streets within the Tablyn Park neighborhood.
2. Incorporate overlay plans with the plans for the Watermain Project.
3. Perform soil borings for the design.
4. Construction administration and inspection of these improvements.

III. Add the following to SECTION V of the Authorization:

The Feasibility Report for the Street Overlay will be completed by March 2006. The schedule for the plan preparation and construction phases shall be included in the Feasibility Report. Plans for the Street Overlay will be included with the Watermain Project plans. Construction activity for the Street Overlay will be included with the Watermain Project.

IV: Delete the first paragraph of SECTION VI of the Authorization and replace with the following:

Compensation to TKDA for services provided under SECTION II of this Authorization shall be on an Hourly Rate basis as defined in the General Agreement, in an amount estimated to be \$365,600. This reflects compensation of \$30,000 for this Supplemental Authorization No. 1 added to the original authorized amount of \$335,600.

Approved By _____, _____, 2006.
City Administrator

Consultant Acceptance by _____, _____, 2006.
Authorized TKDA Representative

8B.

TKDA
ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

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

February 16, 2006

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: New State Aid Route
TH 36 to 50th Street North
City of Lake Elmo, Minnesota
TKDA Project No. 13593.000

Dear Mayor and City Council;

According to State Aid rules, each City may designate up to 20% of its local streets mileage as collector route that are eligible for State Aid funds. In order for the City to maximize its share of State Aid construction funds, we need to designate as many route as possible. Currently we have 2.3 miles available to designate.

The staff recommends that a route be established from the intersection of TH 36 and Manning Avenue, through the Sanctuary subdivision, south to 50th Street. This route will be about 1.2 miles in length. About half of this route is through undeveloped property and will be defined once the property is developed.

When completed, this route will allow for increased fire and police protection to the Sanctuary subdivision, and other properties in that area.

City Council Action Requested

Approve the Resolution establishing a State Aid Route.

Sincerely

Thomas D. Prew
City Engineer

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

RESOLUTION NO. 2006 – 20

RESOLUTION ESTABLISHING MUNICIPAL STATE AID HIGHWAYS

WHEREAS, it appears to the City Council of the City of Lake Elmo that the street hereinafter described should be designated Municipal State Aid Street under the provision of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo that the road described as follows, to-wit:

Manning Avenue from TH 36 to 50th Street North

be, and hereby is established, located, and designated a Municipal State Aid Street of said City, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

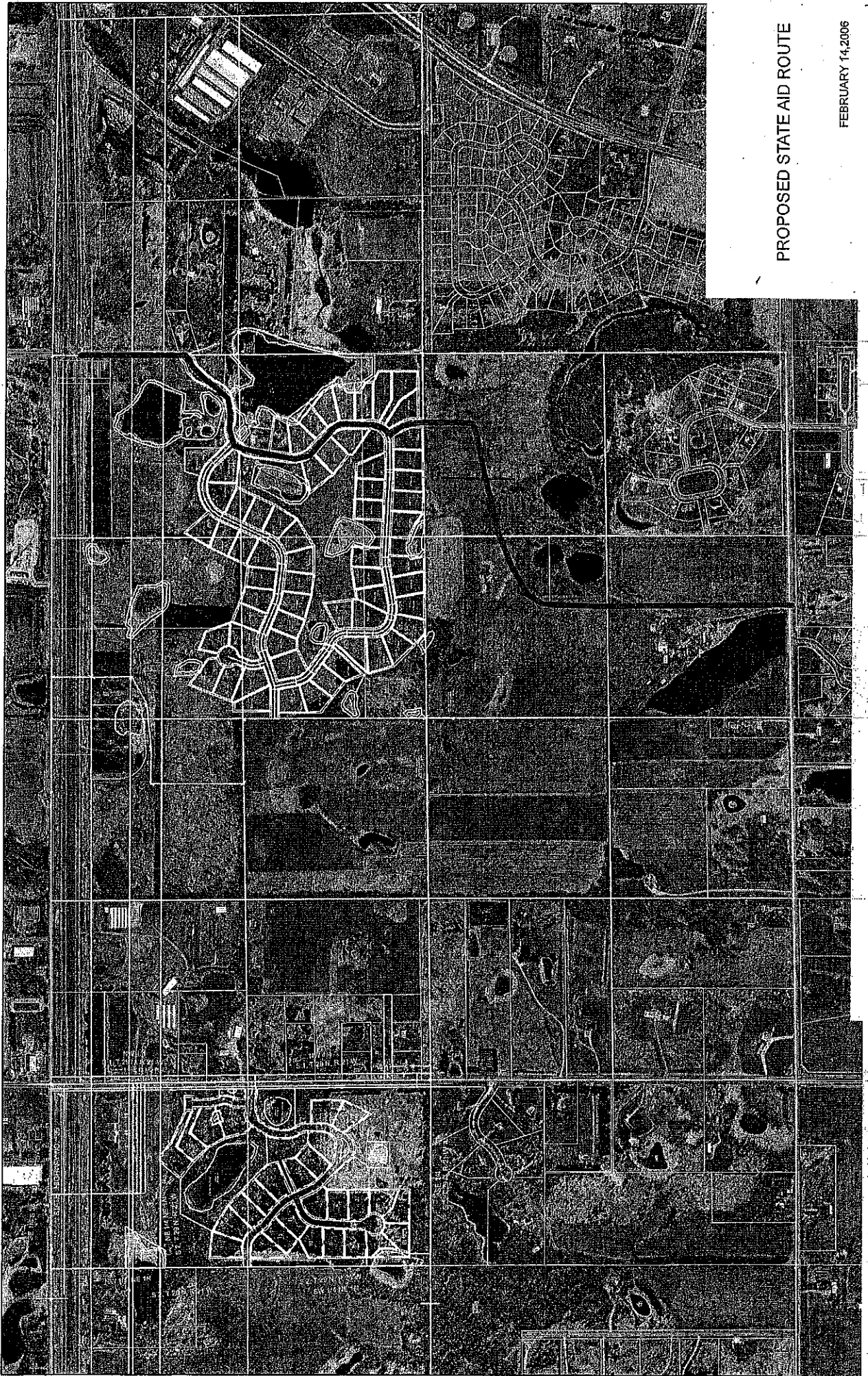
BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for his consideration, and that upon his approval of the designation of said road or portion thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Lake Elmo.

ADOPTED, by the Lake Elmo City Council on the 21st day of February, 2006.

Dean A. Johnston, Mayor

ATTEST:

Martin J. Rafferty, City Administrator



PROPOSED STATE AID ROUTE

FEBRUARY 14, 2006

80

TKDA
ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140

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

February 16, 2006

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Authorization to Prepare Feasibility Report
Manning Avenue at TH 36
City of Lake Elmo, Minnesota
TKDA Project No. 13593.000

Dear Mayor and City Council;

With the approval of the Sanctuary subdivision last fall, the intersection of TH 36 and Manning Avenue will need upgrading. Although it is possible to simply pave the gravel section of Manning Avenue between Sanctuary and TH 36, the staff does not feel this is in the best long term interests of the City.

Given that Washington County will be upgrading and widening the north leg of that intersection in 2007, we feel that aligning our leg of the intersection with those future improvements will allow our residents to use this intersection safely and efficiently.

The Feasibility Report will discuss lane geometry options, costs, financing, and schedule.

City Council Action Requested

Approve the Resolution authorizing the preparation of a Feasibility Report for Manning Avenue from TH 36 to the Sanctuary subdivision.

Sincerely

Thomas D. Prew
City Engineer

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-021

A RESOLUTION ORDERING THE PREPARATION OF A
FEASIBILITY REPORT FOR MANNING AVENUE FROM TH36
TO THE SANCTUARY SUBDIVISION

WHEREAS, it is proposed to reconstruct Manning Avenue from TH36 to The Sanctuary Subdivision and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429.

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE ELMO CITY COUNCIL, WASHINGTON COUNTY, MINNESOTA:

That the proposed improvement identified as Manning Avenue from TH36 to The Sanctuary Subdivision Project, as described in the City Engineer's memo dated February 16, 2006, be referred to the City Engineer for study and that he is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

ADOPTED by the Lake Elmo City Council this 21st day of February, 2006.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty,
City Administrator

Lake Elmo City Council February 21, 2006	Agenda Section: Planning, Land Use and Zoning	<u>No.</u> 9A
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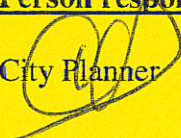
Agenda Item: Amended Development Agreement – Sanctuary of Lake Elmo

Background Information for February 21 , 2006:

The Final Plat and Development Agreement for the Sanctuary project was originally approved by the City Council on December 6, 2005. Since that action, an issue regarding the design of the Manning/Highway 36 intersection has been raised by both MnDOT and Washington County that could result in a much more elaborate and costly improvement than first assumed. The City Engineer has estimated the cost of those improvements to be \$150,000. The Council will be requested to approve preparation by the City Engineer of a Feasibility Study regarding the improvements in coming weeks. That work will address the scale of work, the cost of work, staging, and financial options. A decision by the City as to whether to construct those improvements – or the standard City street section – will be based on that Feasibility Study.

The City Attorney has prepared a new Paragraph 4.12 for the Sanctuary Development Agreement that establishes an escrow requirement for the developer for what we now assume to be 50% of the enhanced street section costs should the City decide to proceed with that enhanced street section in 2006 as a City project. The northerly 700 feet (approximately) of Manning as it approaches Highway 36 will continue with the simple one lift asphalt mat that the developer has already installed until that decision is rendered by the City Council.

Since this enhanced Manning improvement would be a City project if it proceeds, the City Attorney has advised that the new Paragraph 4.12 must be approved in an amendment Contract by the City Council. We have also updated all of the improvement costs, security requirements, and Administrative Fee to reflect the developers actual improvement costs for that work already completed. A slightly higher Administrative Fee to the City, but a slightly lower Engineering Inspection Fee (based on actual TKDA invoices to the City) results. There have been no other modifications of consequence to the Agreement from the version approved on December 6.

<p><u>Action items:</u> 022</p> <p>Motion to adopt Resolution #2006 – approving an amended Development Agreement for the Sanctuary of Lake Elmo.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>
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<p><u>Attachments:</u> 022</p> <ol style="list-style-type: none"> 1. Draft Resolution #2006 – Approving Amended Development Agreement 2. Amended Development Agreement 	<p><u>Time Allocated:</u></p>
---	--------------------------------------

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

RESOLUTION NO. 2006-022

**A RESOLUTION APPROVING THE
AMENDED DEVELOPMENT AGREEMENT
OF SANCTUARY OF LAKE ELMO**

WHEREAS, on the 30th day of November, 2005, the Lake Elmo Development Company, ("Applicant") submitted a completed application requesting that the City of Lake Elmo approve an Open Space Preservation Development Final Plat and Development Agreement to be known as SANCTUARY OF LAKE ELMO.

WHEREAS, on the 6th day of December, 2005, the Lake Elmo City Council approved the Open Space Preservation Development Final Plat and Development Agreement under Resolution No. 2005-138.

WHEREAS, an amended design to the intersection of Highway 36 and Manning Avenue may result in a more elaborate improvement than originally planned and the Development Agreement should be amended to reflect the estimated costs of those improvements.

WHEREAS, the City Attorney has prepared a new paragraph numbered 4.12, reflecting amended costs for road improvements thereby amending the Development Agreement for SANCTUARY OF LAKE ELMO.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby:

Approves the Amended Development Agreement for SANCTUARY OF LAKE ELMO as illustrated within the Staff Report dated February 21, 2006, with the following conditions:

1. Compliance with recommendations of City Engineer.
2. Compliance with recommendations of Valley Branch Watershed District that the City Engineer finds to be practical and reasonable.

ADOPTED, by the Lake Elmo City Council on the 21st day of February, 2006.

Dean Johnston, Mayor

ATTEST:

Martin Rafferty, City Administrator

(Draft - Feb 17, 2006)

DEVELOPMENT AGREEMENT
CITY OF LAKE ELMO

Sanctuary of Lake Elmo

- 1.00 Parties. This Agreement is dated the ___ day of _____, 2006, and is entered into by and between City of Lake Elmo, a Minnesota municipal corporation (herein "City"); and The Sanctuary, LLC, a Minnesota limited liability company (herein "Developer").
- 2.00 Property Description. The Developer represents that it is the record fee owner of property described on *Exhibit A*, attached and incorporated herein, which will be platted as Sanctuary of Lake Elmo.
- 3.00 Final Plat Approval. On the 6th day of December, 2005, the City Council approved the final plat of Sanctuary of Lake Elmo, which is attached and incorporated as *Exhibit B*. The City's approval was conditioned upon the Developer entering into this Development Contract.
- 4.00 Terms and Conditions. NOW, THEREFORE, in reliance upon the representations contained herein; in compliance with the City's Zoning and Subdivision Regulations; and in consideration of the mutual undertakings herein expressed, the parties agree as follows:
 - 4.01 Developer Improvements. The Developer shall construct the following improvements in compliance with approved plans and specifications which are attached and incorporated herein as *Exhibit C* and such improvements shall be completed by the date specified unless the City Planner gives written approval for an extension:
 - A. Site Grading and Turf Restoration. Site grading improvements shall include common excavation, subgrade correction, embankment and pond excavation. Turf restoration shall include seeding, mulching and erosion control.
 1. Site Grading Improvements shall be completed on or before the 30th day of June, 2006.
 2. Turf restoration improvements shall be completed on or before the 30th day of September, 2006.

- B. Landscaping. Developer shall complete all landscaping improvements on or before the 30th day of September, 2007.
- C. Storm Sewer. Storm sewer improvements include all necessary storm sewers, catch basins, culverts, and other apparatus. Storm sewer improvements shall be completed by the 31st day of July, 2006.
- D. Street Improvements. Street improvements include subgrade preparation, gravel base, bituminous surfacing, bituminous curb and concrete curbs, where required.
1. Unusable material within the roadway shall be removed by the Developer.
 2. All subgrade excavation and filling shall be completed by the Developer in accordance with MNDOT's specifications. The City reserves the right to test as necessary, at the Developer's expense, all grading work. A test roll of the street subgrade shall be passed prior to acceptance of the subgrade by the City.
 3. Subgrade and the initial course of street improvements shall be completed by the day of August 31, 2006. The final wear course of the street shall be completed by the 30th day of September, 2007.
- E. Waste Water Treatment System/Drain Field. The waste water treatment system/drain field shall be comprised of a series of pipes, septic tanks, treatment ponds, drain fields and appurtenances, and shall be completed prior to the issuance of any certificates of occupancy.
- F. Street Signs. The City will order and install street signs. The Developer shall pay for all costs incurred by the City.
- G. Water Main. Water main improvements include pipes, hydrants and appurtenances and shall be completed on or before the 31st day of July, 2006. Developer is over-sizing water mains and installing additional mains not required for the project and the City shall reimburse Developer in the amount of \$264,197 for such over-sizing and additional mains.
- H. Historic Barn Preservation/Maintenance. The Developer shall restore the historic barn structure located on Outlot A, Sanctuary of Lake Elmo. The historic barn improvements shall include the

inspection and reinforcement of the existing stone base and footings; the addition to one copula; the addition of weather vanes/lightening rods; and other architectural details as illustrated on the Architectural Plans/Drawings, dated the 14th day of September, 2005 and approved by the City Engineer so as to reflect the architectural heritage of the area and to enhance the historic appearance of the barn structure. Said restoration and improvements shall be in an amount of not less than \$25,000.00 as determined by the City building official.

The Developer shall convey Outlot A, Sanctuary of Lake Elmo and the improved historic barn structure to the Sanctuary of Lake Elmo Homeowners Association or to the owner of Lot 1, Block 1, Sanctuary of Lake Elmo, subject to the following restrictions, which shall be recorded as a declaration of covenants and the restrictions:

1. The grantee shall be responsible for the maintenance of the historic barn structure.
2. The grantee may not convert the historic barn structure for use as a residential dwelling and shall not use the historic barn structure for a commercial use.
3. If Outlot A is conveyed to the owner of Lot 1, Block 1, Sanctuary of Lake Elmo, shall thereafter only be conveyed as part of a conveyance involving the sale of Lot 1, Block 1, Sanctuary of Lake Elmo and both parcels shall be combined for tax purposes.
4. Historic barn improvements shall be completed on or before the 31st day of October, 2006.

4.02 Estimated Cost of Developer Secured Improvements. The estimated costs of Developer constructed improvements are as follows:

<u>Improvement</u>	<u>Estimated Cost</u>
Site Grading/Turf Restoration	Browns Creek Watershed
Historic Barn Structure	\$ 25,000
Landscaping	\$ 110,000
Storm Sewer	\$ 285,209
Street Improvements	\$ 488,950
Waste Water Treatment System/Drain Fields	\$ 775,000
Sanitary Sewer Laterals	\$ 132,468
Street Signs	\$ 1,000

Water Mains	\$ 510,339
Subtotal	\$2,327,966

Total Security Required (125% of Improvements): \$2,909,957

- 4.03 Improvement Security. Prior to the City's endorsement of approval on the final plat, the Developer shall deposit security with the City Administrator in an amount equal to 125% of the City Engineer's estimate of the cost of constructing the Developer secured improvements which have not been completed and accepted by the City prior to final plat approval. The security may be in the form of a cash escrow fund, a performance bond, or a letter of credit. The form of security shall be approved by the City Attorney.
- 4.04 Reduction of Security. Upon completion of required improvements for the Property and acceptance by the City, the City Council shall reduce the amount of security for the completed improvements provided that in no case shall the total remaining security be equal to less than 125% of the estimated costs of the incomplete improvements.
- 4.05 Administrative Fees. Developer agrees to pay an administrative fee to the City in an amount equal to 2.5% of the Developer's secured improvements. The administrative fee for this project equals \$58,199.
- 4.06 Utility Company Improvements. The utility improvements include underground gas, electric, and telephone service as installed by the appropriate utility company at the direction of the Developer. The Developer shall arrange for the installation of underground gas, electric, telephone and cable television before the final lift is started. Utility improvements shall be completed by the 30th day of September, 2006.
- 4.07 Recording Requirements. Prior to the conveyance of any of the lots in Sanctuary, and except as hereinafter provided, prior to the issuance of any development permits, the Developer shall provide the City with evidence that the following documents have been recorded.
- A. Plat.
 - B. A Declaration of Covenants in a form approved by the City's Attorney. The Declaration of Covenants shall include the following provisions:
 - 1. Require the Homeowner Association to be responsible for the Owner's obligations as contained in the appropriate Conservation or Open Space Easements.

2. Require the Homeowner Association to maintain and operate the waste water treatment system/drain field.
 3. Provide that, in the event of a failure by the Homeowner Association to satisfy the obligations defined in Section 4.07B and its subdivisions of this Development Agreement, as determined by the City's Consulting Engineer, the City may undertake such obligations and assess all costs incurred to the Homeowner Association; and in such event, the Developer for itself and for the Homeowner Association hereby waives the requirements otherwise imposed by MS 429.
 4. Provide that any provisions in the Covenants relating to the obligations defined in Section 4.07B and its subdivisions of this Development Agreement may not be repealed or amended without consent of the City.
- C. Homeowner Association Articles of Incorporation.
 - D. A Conservation Easement(s) from the land owner to the City and the Minnesota Land Trust, attached and incorporated as herein *Exhibit D* and *Exhibit E*, and covering Outlots B, C, E, F and N, Sanctuary.
 - E. The public trailway easement attached and incorporated herein as *Exhibit F*.
 - F. The public trail/driveway/utility easement over the South 30 feet of Outlot B, Sanctuary of Lake Elmo.
- 4.08 Public Use Dedication. The Developer's public use dedication requirement for Sanctuary of Lake Elmo is \$392,000.00 and shall consist of the following:
- A. a payment in the amount of \$215,238;
 - B. the dedication or conveyance of the public trail easement;
 - C. the construction of the public trailway per plans approved by the City Engineer at a cost to the Developer of \$31,072 (this mathematical formula: 11,270 lineal feet minus 8,680 lineal feet equals 2,590 lineal feet times \$8.80 per lineal foot).
 - D. conveyance of fee title to the City for Outlot D (credit \$128,000); and

- E. grading and seeding of Outlot D per plans approved by the City Superintendent of Public Works and the City Engineer (credit \$17,690).

4.09 Inspection. The City shall provide the services of a Resident Project Representative (and assistants as agreed) at the site to provide more continuous observation of the Contractor(s) work. The Resident Project Representative's dealings in matters pertaining to the on-site work shall in general, be only with The City and the Developer, and dealings with contractors shall only be through or with full knowledge of the Developer. Through the observations of the work in progress and field checks of materials and equipment by the Resident Project Representative shall endeavor to provide further protection for the City against defects and deficiencies in the work of the Contractor; but the furnishing of such resident Project representation will not make City responsible for construction means, methods, techniques, sequences or procedures or for safety precautions or programs, or for the Contractor's failure to perform his work in accordance with the Contract Documents. The developer shall pay the City the sum of \$45,000.00 for the City inspection services.

The City shall be provided a minimum of 24 hours notice prior to the commencement of underground pipe laying; and prior to subgrade, gravel base, and bituminous surface construction. Developer's failure to comply with the terms of this section shall permit the City Engineer to issue a stop work order which may result in rejection of the work and which shall obligate the Developer to take all reasonable steps, as directed by the City's Engineer, to insure that the improvements are constructed and inspected pursuant to the terms of this Agreement; and shall further result in the assessment of a penalty in an amount equal to 1%, per occurrence, of the amount of security required in Section 4.03 of this Agreement.

- 4.10 Prior Land Occupancy. No Certificate of Occupancy shall be issued for any homes until the first course of a public street is completed and approved by the City Engineer. If homes are occupied prior to completion of street improvements and acceptance by the City, Developer shall provide all maintenance necessary for such streets including snowplowing, until final acceptance by the City.
- 4.11 Future Lots. Outlots G, H, I, J, K, L and M, Sanctuary may be utilized as future single family residential home sites upon approval of appropriate changes to the City's Comprehensive Plan and zoning ordinance. In the

interim, the Developer shall be responsible for maintenance of such Outlots.

- 4.12 Manning Avenue Improvements. As part of the development of The Sanctuary of Lake Elmo, the Developer anticipated marking certain improvements to that portion of Manning Avenue that extends southerly from State Trunk Highway 36 to the entrance of The Sanctuary of Lake Elmo (the "Manning Avenue Improvement"). The proposed Manning Avenue Improvement was designed to comply with City standards for local streets and was to be constructed by the Developer but may need to be designed to meet Minnesota Department of Transportation standards for State Aid Roads, in which event, the Manning Avenue Improvement will be constructed by the City and the cost of the Manning Avenue Improvement will increase. Pending approval of final design standards and prior to the issuance of any building permits for residential dwellings in The Sanctuary of Lake Elmo, the Developer agrees to escrow \$75,000.00 with the City for its share of the Manning Avenue Improvement. The escrow shall be placed in a restricted account. The initial deposit and any interest accrued thereon may only be used by the City to reimburse itself for up to 50 percent of the costs incurred by the City for the Manning Avenue Improvement. If the City constructs the Manning Avenue Improvement to the Minnesota Department of Transportation standards, it will not specially assess any of the property in The Sanctuary of Lake Elmo for such improvement but will rely solely on the proceeds in the escrow account and any interest accrued thereon which shall be used in full satisfaction of the Developer's obligations for the Manning Avenue Improvement. If 50 percent of the cost of a Manning Avenue Improvement constructed by the City is less than \$75,000.00 and any interest accruing thereon, the City shall remit the difference to the Developer.
- 4.13 Binding Effect. The terms and provisions of this agreement shall be binding upon and inure to the benefit of the heirs, representatives, successors and assigns of the parties hereto and shall be binding upon all future owners of all or any part of the Property. This Agreement, at the option of the City, shall be placed of record so as to give notice thereto to any subsequent purchasers and encumbrancers of all or any part of the Property and all recording fees, if any, shall be paid by the Developer.
- 4.14 Notices. Whenever in this Agreement notice is required to be given by one party to the other, such notice shall be delivered personally or shall be sent by certified mail, return receipt requested to the following addressees. Such notice shall be deemed timely given when delivered personally or when deposited in the mail in accordance with this section.

If to the City:

Mr. Martin Rafferty, City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

If to the Developer:

The Sanctuary, LLC
12415 55th Street North
Lake Elmo, MN 55042

- 4.15 Incorporation by Reference. All plans, special provisions, proposals, specifications and contracts for the improvements furnished and let pursuant to this Agreement shall be and hereby are made a part of this Agreement by reference as if fully set out herein.
- 4.16 Default. The occurrence of any of the following shall be considered an "event of default" in the terms and conditions contained in this Agreement:
- A. Failure of the Developer to comply with any of the terms and conditions contained in this Agreement.
 - B. The failure of the Developer to comply with any applicable ordinance or statute with respect to the development of the Property.
- 4.17 Remedies. Upon the occurrence of any event of default, the City, in addition to any other remedy which may be available to it, shall be permitted to do any of the following:
- A. City may make advances or take other steps to cure the default, and, where necessary, enter the Property for that purpose. The Developer shall pay all sums so advanced or expenses incurred by the City, upon demand, with interest from the dates of such advances or expenses at the rate of 10% per annum. No action taken by the City pursuant to this section shall be deemed to relieve the Developer from curing any such default to the extent that it is not cured by the City or from any other default hereunder. The City shall not be obligated, by virtue of the existence or exercise of this right, to perform any such act or cure any such default. The Developer shall save, indemnify, and hold harmless, including reasonable attorney fees, the City from any

liability or other damages which may be incurred as a result of the exercise of the City's rights pursuant to this section.

- B. Obtain an Order from a Court of competent jurisdiction requiring the Developer to specifically perform its obligations pursuant to the terms and provisions of this Agreement.
- C. Exercise any other remedies which may be available to it including an action for damages.
- D. Withhold the issuance of any or all building permits and/or prohibit the occupancy of all building(s) for which permits have been issued.
- E. In addition to the remedies and amounts payable as set forth herein, upon the occurrence of an event of default, the Developer shall pay to the City all fees and expenses, including reasonable attorney, engineering and consulting fees, incurred by the City as a result of the event of default, whether or not a lawsuit or other action is formally taken.

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed as of the date and year first above written.

CITY OF LAKE ELMO

ATTEST:

Dean Johnston, Mayor

Martin Rafferty, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this ___ day of _____, 2006, before me, a notary public within and for said county, personally appeared Dean Johnston and Martin Rafferty, to me known to be respectively the Mayor and City Administrator of the City of Lake Elmo, and they executed the foregoing instrument and acknowledged that they executed the same by authority of and on behalf of City of Lake Elmo.


Notary Public

<p>Lake Elmo City Council February 21, 2006</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p><u>No.</u> 9B</p>
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Agenda Item: Letter of Credit Escrow Reduction – Sanctuary of Lake Elmo

Background Information for February 21, 2006:

The developers have completed all of the underground pipe work on the subject project – inspected by the City, but completed entirely at the developer’s risk. They now are requesting a reduction of Development Agreement security to reflect the value of the completed work. The City Engineer has certified a new development security requirement of \$1,538,750 as 125% of the work remaining by the developer. The grading and erosion control inspection and security is handled separately (and very effectively) by the Browns Creek Watershed District. The City Engineer’s February 17, 2006 Memo in this regard is attached.

<p><u>Action items:</u></p> <p>Motion to approve reduction of the required development security for the Sanctuary of Lake Elmo to \$1,538,750, as recommended by the City Engineer to reflect the value of improvements completed to date.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>
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<p><u>Attachments:</u></p> <p>1. City Engineer’s Memo of February 17, 2006</p>	<p><u>Time Allocated:</u></p>
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MEMORANDUM

To: Chuck Dillerud
Copies To: Todd Erickson, P. E.

From: Thomas D. Prew, P.E.
Date: February 17, 2006

Reference: Escrow Reduction #1
Sanctuary
City of Lake Elmo, Minnesota
Project No. 13267.000
Routing: _____

The developer has completed much of the pipe work and has placed the initial paving on one section of the road. A temporary paved surface was placed on Manning as well. The drainfield has not yet been started.

Brown's Creek Watershed District holds the letter of credit on the grading portion of this project.

I would recommend that escrow be reduced to the amounts listed below:

Item	Original Amount	Work Remaining
Site Grading/ Turf Establishment	\$0.00	\$0.00
Storm Sewer	\$285,209.00	\$20,000.00
Sanitary Sewer	\$132,468.00	\$10,000.00
Drainfield	\$775,000.00	\$775,000.00
Watermain	\$510,339.00	\$15,000.00
Streets	\$488,948.00	\$300,000.00
Street Signs	\$1,000.00	\$1,000.00
Landscaping	\$110,000.00	\$110,000.00
Subtotal	\$2,302,964.00	\$1,231,000.00
125% Security	\$2,878,705.00	\$1,538,750.00